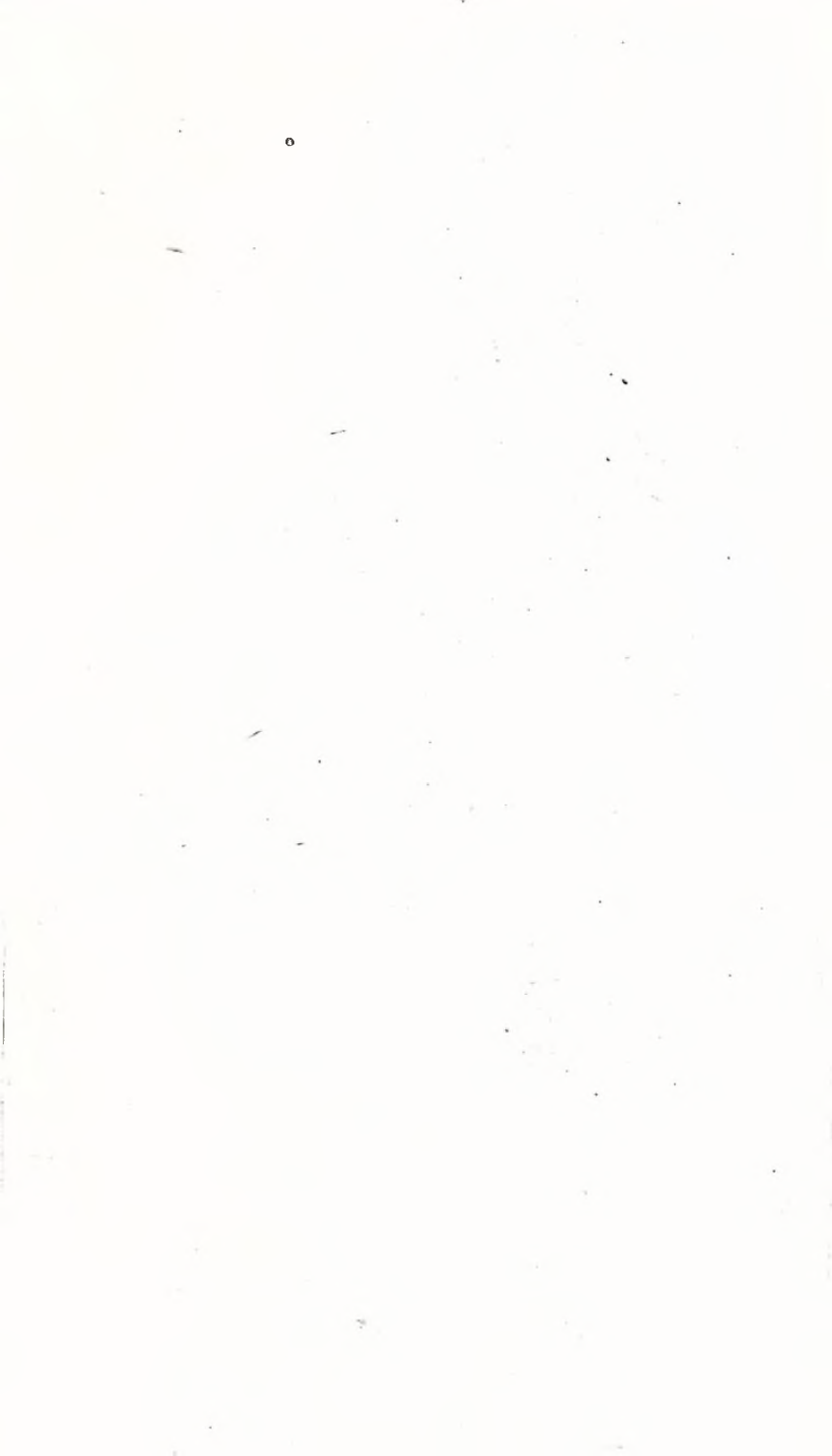


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# Debates in the Legislative Council of Nigeria

Monday 4th March, 1940

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Pursuant to notice the Honourable the Members of the Legislative Council met in the Council Chamber, Lagos, at 10 a.m. on Monday, the 4th of March, 1940.

## PRESENT.

### OFFICIAL MEMBERS.

- The Governor,  
His Excellency Sir Bernard Bourdillon, G.C.M.G., K.B.E.
- The Chief Secretary to the Government,  
The Honourable C. C. Woolley, C.M.G., O.B.E., M.C.
- The Chief Commissioner, Northern Provinces,  
His Honour T. S. Adams, C.M.G.
- The Chief Commissioner, Western Provinces,  
His Honour G. C. Whiteley, C.M.G.
- The Chief Commissioner, Eastern Provinces,  
His Honour G. G. Shute, C.M.G.
- The Attorney-General,  
The Honourable H. C. F. Cox, K.C.
- The Financial Secretary,  
The Honourable H. L. Bayles, C.M.G.
- The Commandant,  
Brigadier the Honourable G. R. Smallwood, M.C.
- The Director of Medical Services,  
The Honourable Sir Rupert Briercliffe, Kt., C.M.G.,  
O.B.E.
- The Director of Education,  
The Honourable E. G. Morris, O.B.E.
- The Director of Marine,  
Commander the Honourable A. V. P. Ivey, R.D., R.N.R.
- The Comptroller of Customs,  
The Honourable A. E. V. Barton, C.B.E.

- The Deputy Chief Secretary,  
The Honourable T. Hoskyns-Abrahall.
- The Senior Resident, Plateau Province,  
The Honourable E. S. Pembleton.
- The Senior Resident, Oyo Province,  
The Honourable H. F. M. White.
- The Senior Resident, Niger Province,  
The Honourable P. G. Harris
- The Resident, Benue Province,  
The Honourable D. M. H. Beck, M.C.
- The Resident, Owerri Province,  
The Honourable F. B. Carr.
- The Resident, Katsina Province,  
The Honourable R. L. Payne.
- The Acting General Manager of the Railway,  
The Honourable C. E. Rooke.
- The Director of Public Works,  
The Honourable S. J. W. Gooch.
- The Director of Agriculture,  
Captain the Honourable J. R. Mackie.
- The Honourable S. R. Marlow,  
Deputy Financial Secretary,  
(Extraordinary Member).

## UNOFFICIAL MEMBERS.

- The Member for Shipping,  
The Honourable H. S. Feggetter.
- The Member for the Egba Division,  
The Honourable A. Alakija, C.B.E.
- The Member for the Colony Division,  
Dr. the Honourable H. Carr, D.C.L., O.B.E., I.S.O.
- The Member for the Ibo Division,  
The Honourable B. O.-E. Amobi.
- The Member for the Rivers Division,  
The Honourable S. B. Rhodes.
- The Member for the Warri Division,  
The Honourable Asifo Egbe.
- The Member for the Oyo Division,  
The Honourable N. D. Oyerinde.
- The Banking Member,  
The Honourable D. D. Gibb.

- The Commercial Member for Lagos,  
Lieutenant-Colonel the Honourable R. M. Williams.
- The Member for Calabar,  
The Reverend and Honourable O. Efiang.
- The Member for the Ibibio Division,  
The Honourable N. Essien.
- The Member for the Ijebu Division,  
Dr. the Honourable N. T. Olusoga.
- The Third Lagos Member,  
The Honourable O. Alakija.
- The First Lagos Member,  
The Honourable H. S. A. Thomas.
- The Mining Member,  
Lieutenant-Colonel the Honourable H. H. W. Boyce,  
M.C.
- The Commercial Member for Kano,  
The Honourable W. T. G. Gates.

#### ABSENT.

##### OFFICIAL MEMBERS.

- The Senior Resident, Cameroons Province,  
The Honourable A. E. F. Murray.
- The Senior Resident, Kano Province,  
The Honourable J. R. Patterson, C.M.G.
- The Secretary, Northern Provinces,  
The Honourable A. E. V. Walwyn.
- The Resident, Ogoja Province,  
The Honourable K. V. Hanitsch.
- The Resident, Benin Province,  
Captain the Honourable N. C. Denton.
- Captain the Honourable A. W. N. de Normann,  
Commissioner of Lands and Surveyor-General.

##### UNOFFICIAL MEMBERS.

- The Commercial Member for Port Harcourt,  
The Honourable P. H. Davey.
- The Commercial Member for Calabar,  
The Honourable L. A. McCormack.
- The Second Lagos Member,  
Dr. the Honourable K. A. Abayomi, M.B.

**PRAYERS.**

His Excellency the Governor opened the proceedings of the Council with prayers.

**ADDRESS BY HIS EXCELLENCY THE GOVERNOR.**

HONOURABLE MEMBERS,

I fear that, in so far as the annual estimates of revenue and expenditure are concerned, this meeting of the Council will be shorn of much of its usual interest, both to yourselves and to the general public. Only three months ago the Government found it necessary to adopt the unusual expedient of introducing fresh taxation towards the end of the financial year instead of at the beginning, and the adoption of this course necessitated a full exposition of the financial policy which the Government proposed to adopt during the war. The unanimity with which you accepted that policy and the sacrifices which it involved, and the subsequent clear evidence of the support which the general public gave to your acceptance thereof, will be among the most heartening memories that I shall carry away from Nigeria when I finally leave it.

Since I addressed you on that occasion there has been a major development of the greatest importance, which is bound to have a profound effect upon the future of Nigeria. I will deal with this later in my address. In the meantime, as regards the estimates now before you, there is little that I need add to what I said to you last December. That little is, fortunately and somewhat unexpectedly, on the bright side. I hope that you will pardon me if I introduce these small rays of sunshine by a very brief recapitulation. Last year, when I addressed you on this occasion, I did so in an atmosphere of falling prices and diminishing trade, and for several months after my address these conditions showed every sign of becoming worse rather than better. As early as July it became apparent that our estimates of revenue had been over optimistic, and by that month the originally anticipated deficit of £165,000 looked like being nearly half a million. The outbreak of hostilities on September 3rd, 1939, changed the whole economic scene, and in December, as I told you at the time, the Government had every reason to believe that the deficit would amount to over £900,000. Since then the position, as regards both the current and the coming year, has been materially improved by the very generous decision of His Majesty's Government to relieve us, for the time being at any rate, of practically the whole of the extra burden of recurrent military expenditure necessitated by the war. This decision will save the Nigerian Treasury about £120,000 in the current year, and as a result of this, of a very welcome recovery in Customs receipts in the last two months, and of a slight reduction in our estimate of expenditure for the year, the total deficit for 1939-40 is now estimated at £550,000, which will leave our surplus balances at the end of this month at a figure of nearly £1,100,000.

Turning to the prospects for next year, I told you in December that I saw no prospect of making our expenditure and revenue balance, unless we materially reduced the extent of our services, both social and developmental. It will therefore, I hope, come as a pleasant surprise to you to find that the Government is laying before you a balanced budget which does not involve any reduction of services. This pleasant surprise has been made possible, partly by the generosity of His Majesty's Government in respect of military expenditure, which will relieve us of additional expenditure of over a quarter of a million next year, and partly by a decision that the Native Administrations should contribute to the Government a sum of £220,000 a year for the next three years out of their reserve funds.

This decision, the justice of which the Native Authorities themselves have acknowledged without demur, is of some importance, and requires explanation. The Native Administrations, as you know, derive the bulk of their revenue from the share of the direct taxes which is allotted to them by the Governor under the Native Revenue Ordinance. Now direct taxes are a fairly stable item of revenue, in sharp contrast to the indirect taxes which provide the main volume of the revenue which the Central Government retains for expenditure on central services. The result is that, even in hard times, the Native Administrations are able to maintain their services unimpaired without making any inroads upon their surplus balances. It is scarcely necessary for me to tell you that this is far from being the case with the Central Government. Apart from this, Native Administration reserves fall very little short of their normal annual expenditure, whereas the Central Government only aims at maintaining its balances at an amount equalling about half its normal expenditure. In these circumstances I felt not only that the Government was fully entitled to call upon the Native Administrations to come to its assistance, but that to continue to indent upon our own surplus balances without making any call upon those which the Native Administrations have been able to maintain must result in the presentation to this Council and to the Secretary of State of a very misleading picture of the strength of the total reserves which the Nigerian Government has at its disposal.

And so, Honourable Members, we are presenting you with a balanced budget. But he would be a rash man who would venture to forecast the trend of trade and economic conditions in the next twelve months to the extent of prophesying that our revenue and our expenditure will in fact balance each other. The adverse effects of the war on trade are obvious to everyone—the higher prices of imported goods have reduced the volume of our imports and seriously reduced customs receipts; higher costs have increased our expenditure, and we have had to incur considerable expense on emergency services necessitated by the war. On the other hand the prices being paid for our produce are materially in excess of

those of the preceding season. Although we have much that is adverse to contend with we can nevertheless see some encouraging signs. Any general clearing of the economic horizon is out of the question. But whereas, last year, the clouds of depression showed no break, at the moment some gleams of light are apparent. They may vanish and be replaced by the former gloom. But I am not without hope that they may remain, and even increase in size.

I will not weary you with the details of next year's budget which is presented to you for approval at this session. The details are before you in the Estimates, and they are explained, with Mr. Bayles' habitual clarity and precision, in the accompanying memorandum. I will therefore confine my remarks to the general aspect of those Estimates.

On the Revenue side, as you all know, our main source of income is from Import and Export duties. In considering receipts from the former we have had to take into account a number of adverse factors. There is in the first place the general increase in the cost of imported goods, which must inevitably reduce the volume of our trade; there is also the fact that our imports from Central European countries have practically ceased owing to the war. At first sight it would appear that our needs from such countries could be supplied from Empire sources but unfortunately this is not entirely the case since the corresponding goods supplied from such sources are generally speaking of a higher and more expensive quality and beyond the modest resources of the people of Nigeria. Moreover in order to conserve our supplies of foreign currency it has been necessary to introduce severe restrictions on imports from all non-sterling countries. When I tell you that in 1938 no less than twenty-eight per cent of our import trade was from foreign sources you will appreciate how serious the reduction may be. The import licensing system was not introduced until the 1st of January this year so that we have not yet begun to feel its effect. Then there is the shipping position; so far, apart from a dislocation of shipping at the beginning of the war when the convoy system was being introduced, Nigeria has been lucky; ships have arrived fairly regularly and few of us have been unable to obtain our usual requirements. We must however realise that in West Africa we have hardly yet begun to feel the effects of the war and when it enters on a grimmer phase we must be prepared to go short. It is evident that the shipping position is a vital factor in our trade. With a reduced volume of shipping our imports would be reduced accordingly, although of course it is the export trade which would suffer most for the reason that the spaces required for our exports of raw materials is infinitely greater than that required for our imports of manufactured and finished goods.

Export duties, assuming no serious deterioration in the shipping position, should produce a greater yield next year than in the current year. The new export duties on groundnuts and

rubber imposed at the last meeting of this Council will come into full operation, and so will the increased export duty on bananas which I imposed under the Emergency Legislation in January last. Thus although we must expect a decrease in import duties in spite of the increases in the Customs tariff approved by this Council in December last this will be to some extent offset by the increased yield from the new and increased export duties. Taking all these points into consideration and bearing in mind that our trade was dislocated for a period of two months after the outbreak of war I have come to the conclusion that we can expect in 1940-41 in the yield of Customs duties a slight increase over the revised estimate for the current year.

Among other sources of Revenue, that from Mining should show an increase owing to the higher price of tin and the increased quota. Direct taxes should also give a better yield as a result of better produce prices. Revenue under the Companies Income Tax Ordinance should increase for the same reasons.

A revised Income Tax Ordinance and a revised Native Revenue Ordinance will be laid before you for your consideration at this meeting. I am very grateful to the two Committees responsible for the principles embodied in the Ordinances. They did their work expeditiously and well, and were unanimous in their recommendations. These Ordinances are not expected to produce extra revenue, except in so far as the new Native Revenue Ordinance may ensure the more adequate assessment of natives with incomes of £200 and over. The Income Tax Ordinance is designed to distribute more equitably the existing burden which the law lays upon non-natives, and the Native Revenue Ordinance now includes all natives, in response to the desire clearly expressed by members of this Council last December to the effect that natives in the Colony and in the Protectorate should be taxed on similar lines. I need add nothing to the very clear statements of Objects and Reasons which accompany the two Bills. But I should like to take this opportunity of informing the Council that the Northern Provinces Emirs, who, like myself, pay no direct tax, are generously sending to me, every month, five per cent of their salary, which I am paying into the general revenues. Their contributions will amount to about £3,000 per annum.

Turning now to expenditure, Honourable Members will recollect that on several previous occasions I have informed them that the expenditure estimates have already been cut to a level beyond which any further reduction must result in curtailment of services, which it is the declared policy of this Government to avoid. For about two years now, not only when the estimates were being framed, but at distressingly frequent intervals throughout the year, the Government has found it necessary to call upon Heads of Departments to cut down their expenditure without curtailing the services for which they are responsible.

Consequently, although some reductions have been made in the Estimates for next year, they are not, and cannot be, very extensive, and they are largely offset by higher prices and by inevitable increases in emergency and other services necessitated by the outbreak of the war.

Nevertheless, the Estimates show a decrease compared with those for the current year of £60,000, and this result has been achieved in spite of an increase of nearly £70,000 for military services, of £28,000 for increased refunds of mining royalties, and of £30,000 for increased cost of ocean passages, and no reductions have been made in the contributions to the Sinking Fund, or to the several Renewal Funds, although the contribution to the Supplementary Sinking Fund remains, as in last year, at a token figure of £100.

I think Honourable Members will agree with me that to have succeeded in reducing expenditure to this extent without any reduction of services is a notable achievement.

I will now turn to my customary review of the activities of the Government during the year that is drawing to a close.

## AGRICULTURE.

The ordinary work of the Department had been somewhat handicapped since the outbreak of the war by the necessity of recruiting the services of five officers to assist the Custodian of Enemy Property in the maintenance and management of German-owned plantations in the Cameroons. These valuable properties are being maintained and their produce made available for the use of the British Government; they employ a labour force of some 25,000, which would have been thrown out of work had it not been possible for the Custodian of Enemy Property to make arrangements to maintain the plantations. In spite of considerable difficulties, regular shipments of bananas to England are being maintained.

Notwithstanding this shortage of staff, the ordinary work of the Department goes on, and steady progress is being made in such matters as research on the maintenance of soil fertility, the introduction of animal husbandry in both Northern and Southern Provinces, the breeding of suitable cattle, and palm planting and breeding. Our application for assistance from the Colonial Development Fund in connection with oil palm research has been sympathetically received, and certain minor modifications in the scheme which were suggested by the Colonial Development Fund Advisory Committee are now being considered. In this connection, I should like to take this opportunity of mentioning the very generous gift to the Government by the United Africa Company of a "Pioneer" mechanical press and of 100 hand presses for distribution at the discretion of the Government.

Local prejudices against the use of mechanical presses are very difficult to overcome, but I have no doubt that it will be possible to make a very good use of these generous gifts.

The outbreak of the war, while causing no change in the policy of the Department, necessitated an increase in effort in connection with the production of local foodstuffs with a view to making Nigeria self-supporting. It also caused the Government to consider the extent to which the West African Colonies as a whole could be made self-supporting, and we are in communication with the Governments of the Gold Coast and Sierra Leone on this subject. The possibilities of increasing the local production of such commodities as rice, sugar, flour, vegetables, fruit, and cooking fats are being rapidly investigated, and appropriate steps have already been taken where possible. The possibility of providing a local substitute for imported sacks is also being considered, and there is every prospect that a considerable measure of success will be achieved. The Government is also considering ways and means by which capital can be provided to assist Africans in processing their own crops, and generally in taking a greater share in the economic development of their own country.

Although the immediate stimulus to activity in these various directions has been provided by the war, the Department is chiefly concerned with those measures which will be of permanent value rather than with those which, while they may produce small immediate achievements, might have to be abandoned as soon as peaceful conditions are restored.

As Honourable Members will notice, provision has been made in the Estimates for the appointment of a Marketing Officer. The Officer selected for this post is Mr. E. McL. Watson, M.B.E., formerly Chief Inspector of Produce, and it is the intention of the Government that in the first instance he should concentrate on the problems arising out of marketing local produce, for if Nigeria is to become more self-supporting an efficient system of distribution is as important as efficient production.

While the war provides a stimulus to the increase of local production, it does not at the same time provide the funds which are urgently needed for research and other purposes if the country's production is to be materially increased. The recent White Paper on Colonial Development to which I shall refer later in this address, indicates, however, that funds will henceforth be available, and there is no doubt, I think, that Nigeria can now look forward to a steady, progressive, economic expansion. In view of this encouraging prospect, it would not, I think, be out of place if I were to remind you that the economic policy of the Government runs parallel with its political and administrative policy. The latter aims at governing the African through the medium of his own indigenous institutions and so educating him gradually to take a larger and larger share in the management of his own

political affairs. Similarly, the economic policy of the Government aims at developing the resources of the country through the medium of the people of the country themselves. While it is not unlikely that economic development may bring with it the establishment of subsidiary industries which will provide good wages for a certain class of the population of the country, there is no intention whatever of turning the people of Nigeria from a race of farmers into a race of labourers. The peasant proprietor is the backbone of Nigeria, and I hope he will always remain so.

### CO-OPERATION.

The past fourteen months have seen appreciable Co-operative development, despite the fact that war conditions have caused important changes in the marketing methods of the Co-operative cocoa sales organisations. About 115 Co-operative cocoa sales Societies and Unions now operate in Nigeria, excluding the numerous village fermentaries of the Cameroons Province which combine to form the Kumba and Mamfe Co-operative Marketing Unions.

In the Ibibio areas of the Calabar Province a new type of village Co-operative thrift and credit society, based on indigenous loan clubs, has sprung up and is spreading rapidly. Some thirty-five of these societies are now in operation or are being organised.

Conspicuous development of Salary Earners' Co-operative thrift and loan societies has also occurred. About thirty of these societies are now operating throughout Nigeria, most of them consisting of Government or Native Administration servants, and many more are in prospect. They enable members to save regularly from four to five per cent of their monthly salaries and to borrow against their savings for necessary purposes, thus obviating the need to resort to money-lenders. I heartily recommend these societies to all the salary-earning classes, not only as a means of avoiding the evils of indebtedness, but also as an agency for securing them more comfort and more culture in their years of retirement.

In February, 1939, I was invited by the Ibadan Co-operative Cocoa Marketing Union to present the certificate on the occasion of their registration under the Co-operative Societies' Ordinance. I was glad to take that opportunity of confirming, to a large and representative gathering of cocoa farmers, the policy of whole-hearted support of the Co-operative movement which this Government continues to follow.

In summary I can say that the young Co-operative movement in this country has made encouraging progress and, although subject to occasional convulsions, gives promise of developing into a healthy child.

## EDUCATION.

Perhaps the most important event in connection with education during the year was the discussion at the Governors' Conference in August on the subject of higher education in British West Africa. The Conference recorded unanimous agreement that the establishment of a West African University was an ideal at which they should aim. They considered that it might be some time before this ideal could be achieved, but they agreed that in the meantime such steps as might be taken to expand the scope of higher education in the respective institutions should always be compatible with that ultimate object. The Conference recorded various recommendations as to the subjects that should be studied at Yaba, at Achimota and Fourah Bay respectively, and they recommended to the Secretary of State the early appointment of a Commission to examine the details of a co-ordinated scheme of higher educational development in West Africa.

The Conference realised the importance, pending the establishment of University courses in West Africa itself, of providing higher education of a type which would not only provide the qualifications required for the various Government services in West Africa, but would at the same time be a suitable preparation for the attainment in England or elsewhere of higher qualifications not yet attainable locally.

In the meantime the Higher College at Yaba continues to do excellent work, but lack of support from the public is retarding the pace of its advance. The tendency of parents to force into minor posts youths who are quite capable of benefiting by further training for more responsible work is delaying progress and slowing down the rate at which the policy of Government to replace European by African personnel can be brought into effect.

While, as I have indicated, the importance of higher education is fully realised, the lack of facilities for elementary education in Nigeria is still the most urgent of our educational problems. Progress is, however, being made, and the number of children at school has risen by well over fifty per cent in the last four years. This satisfactory result is mainly due to the work of the Churches, whose members have made considerable financial sacrifices in order to establish new schools. If and when additional funds can be provided by the Central Government or Native Administrations, this rate of expansion will be greatly accelerated.

The rapid changes in the social life of the people, the spread of literacy, and economic factors necessitate a reorientation of educational policy, a reorientation, that is, not so much in the mind of the Government as in that of the people themselves. The school must no longer be regarded as a cramming institution for

aspirants to clerical employment, but rather as a training ground where the pupils will learn to fit themselves for the normal life and vocations of the community.

The agricultural education centres both at Ibadan and Umuhia are doing splendid work in training teachers in rural development. There is no lack of applicants for these courses, and the keenness and enthusiasm of those who have completed their training is most marked. Evidence of the valuable work which they can accomplish is to be seen in the many excellent school farms which have been established.

There is evidence of a growing demand for technical education, and I hope that the new Colonial Development Scheme will enable us to make considerable strides in this important direction. In the meantime much can be accomplished with the facilities already existing in the well-equipped workshops of the Railway, the Marine and the Public Works Departments. The Director of Education has put forward a scheme under which the Native Administrations are invited to offer apprenticeship contracts to youths anxious to become tradesmen. In connection with this scheme, the Education Department will organise evening continuation classes at centres where Native Administration apprentices are in training.

The Government scholarship scheme has now been placed on a proper footing. It provides for the annual award of two or more scholarships to study at British Universities or other institutions providing facilities for advanced education which are not available in Nigeria. Two scholarships had already been awarded when I addressed you last year, and reports indicate that the progress of the holders of these two scholarships is very satisfactory. Two further scholarships were awarded in August last, but the departure of the scholars was delayed by the outbreak of the war. Arrangements have, however, been made for the holders to proceed to the United Kingdom at an early date. I have just approved the award of two more scholarships, one to an officer in the Customs Department and the second to a teacher in the Government College, and it is hoped that the holders of these will also proceed to England at an early date.

The main object of these scholarships is, of course, to facilitate the attainment by Nigerians of qualifications which will fit them for superior posts in the Government service, and in this connection it would not perhaps be irrelevant for me to invite the attention of Honourable Members to the fact that since the 1st January, 1939, two Africans have been appointed to Magistrates' posts, four to the post of Medical Officer, and one to the post of Executive Engineer. Provision is included in the estimates before you for an African Tax Officer on a salary of £300 to £575, and the Lagos Town Council have created a new post of Assistant Secretary on £400 to £540 per annum, which will be filled by an African.

## FORESTRY.

Nigeria has been fortunate in obtaining the services as Chief Conservator of Forests of Mr. J. N. Oliphant, C.M.G., M.B.E., lately Director of Imperial Forestry Institute. Mr. Oliphant assumed duties in August last and has already submitted proposals for the development of a local African saw-milling industry on the lines advocated in the Report of Major Chipp, to whose visit to Nigeria I referred in my address last March. He has also devoted himself to the problem of providing an adequate supply of trained African staff for the Department, the need for which has become increasingly urgent.

With this object in view, Mr. Oliphant has recently advised the immediate establishment of a Forestry school for senior African staff, to be located in Ibadan. Both in the case of the saw-milling industry and of the training school I have submitted applications to the Secretary of State for assistance from the Colonial Development Fund, and I have received his assurance that he will support those applications.

In this connection I might also mention that I contemplate making a further application at an early date for assistance towards the establishment of a Veterinary school to be conducted on similar lines to the Agricultural and Forestry schools.

Considerable advance has been made in our knowledge of Nigerian timbers. A rapid survey of the strength properties of some 100 timbers is being made, which will lead to the fuller utilisation of our forest resources. The wide use of timber in Nigeria depends on effective preservative treatment, and research into new preservative methods of treatment is yielding useful results. Particular attention has been given to box shooks, the consumption of which in Nigeria is large, and which until recently have all been imported.

After many delays, an experimental mile of railway sleepers has been initiated. Wooden sleepers of ten important Nigerian timbers are being manufactured and will be ready for laying during the present year.

## LABOUR.

The question of labour becomes ever more important and is one of particular personal interest to the Secretary of State. His Labour Adviser, Major Orde Brown, has recently spent two months in Nigeria, in the course of which he carried out an extensive tour of the country, visiting plantations, timber areas, tin mines, gold-fields, and the Government Colliery at Enugu. He had interviews with all important employers of labour, whether Government or commercial, as well as with representatives of Trade Unions and Workers' Councils. He will report his conclusions and

recommendations in due course to the Secretary of State, and there can be no doubt whatever that he will recommend the institution of a proper Labour Department.

In the meantime the post of Inspector of Labour was created last March and Mr. Croasdale was seconded thereto from the Administrative Service. The duties of his office will embrace matters relating to cost of living, arbitration of disputes, the development of a responsible and healthy trade union movement, inspection of mines, plantations and factories, workmen's compensation, rates and method of payment of labour, and so on.

Four Trades Unions have been registered under the Trades Union Ordinance passed in December, 1938. A Bill has been drafted to introduce a scheme for workmen's compensation in the case of accident or death; it is now being examined by the Secretary of State and by the more important employers of labour and will be presented for consideration as soon as possible. Questions of insurance facilities are involved.

As Honourable Members are aware, an Administrative Officer was sent to Fernando Po last year to investigate labour conditions on the island and to evolve, in collaboration with the Spanish authorities, measures which would ensure the welfare of Nigerian labourers. His report was published as Sessional Paper No. 38 of 1939, and he brought back with him a draft agreement which has been under consideration. Subsequently, however, this Government accepted without modification the provisions of the International Convention Governing the Employment of Labour under written contract, to which the Spanish Government has not adhered, and the agreement will have to be re-drafted in order to conform precisely with those provisions.

As a willing and contented labour force is vital to the economic development of the island, it is not anticipated that there will be any difficulty in reaching a satisfactory agreement which should speedily put an end to the present system of illegal recruitment and ensure full protection and proper treatment of all Nigerians employed in the Spanish dependency.

## LANDS.

Sir Mervyn Tew, former Puisne Judge of Nigeria, and later Chief Justice of Sierra Leone, was engaged last year to undertake an investigation of the problem of land tenure in Lagos. His inquiry was exhaustive in character, and representatives of all interested parties or communities were given an opportunity of presenting their case. His report was received at the end of July, and its recommendations are now under examination by a special committee appointed to advise as to which of them can be adopted, and how and in what order they should be carried out.

## MARINE AND PORT.

Throughout the year the work of the Marine Department has been badly hampered by the shortage of Executive Marine Officers. The shortage became increasingly serious owing to the permanent invaliding of four officers and to the appointment of two others to posts in Hong Kong and Burma respectively. The difficulty of obtaining fresh recruits in wartime is naturally very great.

The ordinary work of the Department continued, however, at full strength, except in so far as the undertaking of certain war measures has involved the laying up of one of the two larger dredgers. During the fine weather season the *Robert Hughes* carried out experimental dredging on the Forcados Bar, and a similar test on the Escravos River Bar. The small amount of dredging over the Escravos River Bar made no practical difference to the depth of the channel but proved satisfactorily that dredging operations can easily be carried out, and although the advised draught over this Bar is one foot less than that for Forcados, the possibilities both of maintenance and improvement are very much greater. When circumstances permit, it is hoped to deepen the channel, and if this operation is successful, the Escravos entrance will be used in place of the perilous passage over the Forcados Bar.

Conditions for navigation both inside and outside the entrance works at Lagos have shown little change during the year, but erosion on the eastern side of the entrance has again been marked. A number of improvements and additions have been undertaken in the Customs Wharf area with the object of increasing the general efficiency of the port.

Serious defects have developed on the Lagos abutment of Carter Bridge, and these are being rectified by work which is now in hand.

Upon the retirement of the Director of Transport it became necessary, as a temporary measure, to allow the traffic section of the Port Department to revert to Railway control. The whole question of Port control is, however, now receiving the consideration of the Government.

## MEDICAL.

Excluding a sum of £16,270 in respect of the supply of water and electricity, provision for which was previously made under the Public Works Recurrent Head, the estimates of expenditure for the Medical Services of the country are £408,980, or £8,947 less than last year, and £104,631 less than two years ago. Without materially reducing the medical facilities which are available for the population, it would be impossible to decrease further the expenditure of the Medical Department. The estimates for the

Sleeping Sickness Service which are shown under a separate head from those for the Medical Services stand at £48,810. Included in this estimate is £16,510 contributed by the Colonial Development Fund.

Only two new appointments are to be made in the coming year: a Laboratory Superintendent and a Technical Assistant. They are required at the Yaba Laboratories in connection with the large scale production of lymph for vaccination against smallpox. The preparation of this lymph in Nigeria should within a year obviate the necessity of the purchase of lymph from England and lead to a saving of from £4,000 to £5,000 annually.

For the first time for four years it has been, for financial reasons, impossible to provide for the appointment of more African Medical Officers, the number of whom remains at eighteen. But the Assistant Medical Officers trained at Yaba are proving of great use and their number has increased from five to thirteen during the past twelve months, while several more are expected to qualify before the end of 1940.

The other British West African Colonies are showing an interest in the Nigeria School of Medicine, and one or two of them are preparing to accept its diploma for registration. On the invitation of Government, the General Medical Council recently sent a representative, Colonel Sir Richard Needham, to visit the school and to enquire into the state of medical education in Nigeria. Sir Richard Needham's report is awaited with interest, since it should help to shape future policy with regard to medical education in British West Africa, and his visit may possibly lead to recognition of the local course of instruction in medicine by British examining bodies.

The war has had its effect in depleting the staff of the Medical Department. The Territorial Field Ambulance which has been raised and officered by the Department was mobilised at the beginning of 1940 and is now in the Northern Provinces. A number of medical officers have had to be withdrawn from their normal duties for service with the Field Ambulance and as Regimental Medical Officers, while several other European members of the Department and a fairly large number of nurses and dispensary attendants have enlisted.

The health of the country during the past twelve months has been generally good, and there has been no recurrence of the serious epidemics of cerebro-spinal fever which decimated the population of some of the Northern Provinces in 1937 and 1938.

Very encouraging progress has been reported in the control of sleeping sickness, for which, thanks to the assistance of the Colonial Development Fund, ample funds have been available. In the main sleeping sickness belt of Nigeria, that is, in parts of

Katsina, Kano, Zaria, Plateau and Bauchi Provinces, the incidence of the disease has been reduced in recent years from an average of 8.1 per cent to 0.9 per cent. This means that there are now far fewer patients to be treated in the area and that much less money will be spent on the costly drugs required for treatment. Badly infected areas in the Ilorin and Benue Provinces are now being tackled and when they are brought under control the worst parts of Nigeria will have been dealt with, and expenditure on treatment can be much reduced.

Most of the grant from the Colonial Development Fund is being used in establishing a tsetse-free corridor in the Zaria Province. By moving 3,600 people into the centre of the corridor the density of the population is being increased from thirty-three to seventy-two per square mile, and altogether some 12,340 persons will live in this part of the tsetse-free area. The initial clearing of streams has been done, the sites of the new villages laid out, and the first model village, Takalafia, has been completed. The people in districts adjacent to the corridor are being protected by communal clearing campaigns, and the control service has also started large-scale protective clearings in the southern district of Katsina Province where about 250,000 people need to be protected.

#### NIGERIAN RAILWAY.

The final deficit on the year's working in 1938-39 amounted to £473,000, which was financed by appropriating the whole of the Reserve Fund of £300,000, and by carrying forward the remainder as a debit balance in the accounts.

In the current year a further deficit amounting to about £450,000 is likely to be incurred after the payment of interest charges and the renewals contribution in full. We shall, therefore, on the 31st of this month, be faced with the necessity of finding a sum of over £600,000 to liquidate this deficit. Owing to the depleted state of our surplus balances, I was unable to entertain any proposal that assistance should be granted from Government funds, and I have made certain proposals to the Secretary of State for the financing of this deficit from Railway reserves.

The whole question of the Railway finances is a cause of great concern to the Government, as it is obvious that deficits on the present scale cannot be allowed to continue. The Government is accordingly subjecting the whole financial structure of the Railway to a rigorous examination, with the idea of framing proposals which will place those finances on a self-supporting basis. With this end in view, the whole rate structure is under consideration.

Closely connected with the question of the rate structure is that of safeguarding the Railway from unfair and uneconomic competition. As I told you last year, this exceedingly difficult question has been receiving the active attention of a sub-Committee

of the Transport Board. They had put forward certain proposals, the adoption of which was being considered by the Government. In the meantime, with the advent of the war came the necessity for a rigid restriction of the use of petrol. This restriction is affording valuable experience to the Government which should be of material assistance to them in framing a scheme which, while allowing road transport to play its legitimate part in the development of the country, will prevent it from cutting the throat of the Railway by unfair competition. It is not improbable that the result of the examination of Railway finances will reveal a necessity for increasing the present subsidy to the Railway, which amounts in effect to some £220,000 per annum. The Government will, however, take all necessary steps to explore the possibility of securing major reductions in expenditure and of increasing receipts by stimulating the production of export products in undeveloped areas.

This comprehensive examination of the Railway finances will take time, and it may well be necessary for the Government to enlist expert assistance from outside Nigeria, but I wish to assure the Council that the Government is fully alive to the seriousness of the position and proposes to take active steps to remedy it.

The Railway Estimates which have been laid before you show a further estimated deficit of approximately £390,000. These estimates are, of course, based on existing conditions, and I sincerely hope that it will be possible to complete our examination of the Railway finances and alter those conditions before the end of the coming year.

## POLICE.

During the year, a change in the system of internal administration of the Force took place. Two Assistant Commissioners, one at Kaduna and one at Enugu, now administer the Police in the Northern and Eastern Provinces respectively, under the general direction of the Commissioner, Police Headquarters in Lagos. The Police in the Colony, the Western Provinces, the Cameroons, and in the Frontier Preventive services, continue to be administered from headquarters. Every endeavour is being made to promote and maintain closer co-operation between the various Native Administration Police Forces and the Nigeria Police. Courses of instruction have been organised for the personnel of the Native Administration Forces, and classes have been held for them both at the training depot, Kaduna, and the training school, Enugu. The Native Administration authorities have readily co-operated in this scheme, and steady improvement in their forces can be anticipated.

Crime generally has been kept well in check, and there has been no outbreak of a serious nature during the year. A series of armed raids in the Yoruba country was stopped by the arrest

and conviction of most of the raiders. Attention has been specially directed to the task of making the roads safer for users of motor vehicles, and a higher standard of road worthiness of commercial vehicles has resulted from frequent inspections by trained personnel under European supervision. But the offence of overloading passenger vehicles continues to be a serious menace to public safety.

### PROVINCIAL ADMINISTRATION.

The year up to the outbreak of war was uneventful and, financial difficulties notwithstanding, revealed steady progress in all directions. Since then it has been chiefly notable for the wholehearted display of loyalty by the Native Authorities as spokesmen for the people under their charge, and there have been no serious disturbances during the year.

As in the previous year, I personally opened both the Conference of Chiefs in the Northern Provinces, and the Conference of Yoruba Chiefs. The former was held at Kaduna, and the latter at Ibadan, both in May. I have a very great belief in the value of these Conferences and I therefore rejected a suggestion that for reasons of economy no Yoruba Chiefs' Conference should be held this year. It is quite true that the three conferences which have been held so far have involved a considerable amount of expense, but this is a matter the regulation of which lies in the hands of the Chiefs themselves and of their people, and I hope that the necessity for economy in wartime will enable them to realise that these conferences need not be occasions for ostentation and display. I hope that the Chiefs will be able very largely to reduce the number of retainers whom they bring with them to the conference, and thus materially lessen the expense which these conferences at present cause both to themselves and to their hosts.

Progress in the development of Native Administration in the Colony continues unabated, and nine Native Administrations have now been established: only four areas remain under the direct control of Administrative Officers. The village Councils have assumed responsibility for tax collection, which in most areas has been completed in record time. They have also shown an active desire to make rules under the Native Authority Ordinance for the better ordering of their economic life.

I was able to carry out a short but fairly complete tour of the Colony districts last April. It was the first time for many years that a Governor had toured the Colony, and the evidence which I gleaned of the effects of the new system of administration upon the life of the people, was most encouraging. In spite of quarrels and differences of opinion as to the form which the new Native Administrations should take, the fact that they were being entrusted with the management of their own affairs had infused

new life in the people to a most extraordinary extent. They were beginning everywhere to take a real interest in their own progress and to effect for themselves improvements in their surroundings, upon which it had never previously occurred to them to embark. As one small Native Administration said to me in picturesque, if somewhat unusual, language—"Our doubts and fears will henceforth be buried in the sable heart of the dirt of centuries"!

As Honourable Members must realise, the war has added very considerably to the work of the Administration, particularly the Secretariat. Nor has there been any compensating diminution in the Government's ordinary activities, its policy being to maintain existing services to the fullest extent possible, having regard to the financial situation. Although some forty Administrative Officers were released for Military service on the outbreak of war, the additional burden which it has involved has been carried without any increase in staff. This would have been impossible but for the invaluable assistance rendered by voluntary workers, both men and women, European and African alike, and I should like here to pay a warm tribute to the work they have done and are still doing without remuneration of any kind.

#### PUBLIC WORKS DEPARTMENT.

It was necessary during the year, as an economic measure, to curtail by over £20,000 an extraordinary works programme which was already £100,000 less than for the previous year. Two major road works were closed down, and the commencement of other works deferred. The temporary European staff was reduced from twenty-two to seven, and the staff of the Department has been further depleted by the calling up of thirteen Officers for service with the Nigeria Regiment.

The Electricity schemes at Calabar and Warri have been brought into operation, and work has been started on the Ibadan scheme and tenders placed for plant in connection with the second extension to the Ijora power station.

The Water supply scheme for Zaria has been completed and is in operation.

The Mamfe-Bamenda road has been finished and is now open to traffic.

Provincial landing grounds have been opened at Jos, Benin and Enugu, and a ground at Yola is under construction.

I had hoped to be able to take advantage of a flight which Lord Hailey was making to Enugu, to travel from Lagos to Enugu and back by aeroplane myself. Slight indisposition, unfortunately, prevented me, but the Chief Secretary took the trip in my place. And so at long last Enugu is within less than three hours from Lagos. Several of the Honourable Members of this Council have

themselves taken advantage of this more expeditious mode of travel and have travelled from Enugu to Lagos by air and are going back by the same method. The result is a considerable saving both in expense to the Government and in time to themselves.

### TRANSPORT DIRECTORATE.

Honourable Members will observe that the Transport Directorate no longer finds a place in the Estimates. Last year I was at some pains to defend the existence of this post, for the creation of which I was personally responsible. This year I have to tell you that the post has been abolished.

As I told you on the first occasion upon which I had the pleasure of addressing this Council, I came out to Nigeria impressed with the necessity for taking more adequate steps than those which had been taken in other territories with which I was familiar, for the proper co-ordination of transport services. Unfortunately, as I now believe, I found ready to my hand a proposal to combine the Railway and the Marine and Port Departments under one executive head, and instead of starting afresh with my own ideas, I attempted to graft them on to those which I found already existing. That was a mistake. It was, I am now convinced, the combination of executive and advisory duties which has led to the failure of the Transport Directorate to achieve the full results that I expected from it.

Results, and very useful results have been achieved, but the machine has creaked and groaned, and the results have not been in proportion to the labour expended. For that no blame attaches to Mr. Bulkeley, who worked hard to make the best of what I am now convinced was an ill-designed office. There was not, in my opinion, any necessity for, or any advantage to be gained from, the subordination of the three Departments which I have mentioned, to a common Head; and even if there had been, the duties of that Head could not, by reason both of their volume and of their nature, be properly combined with those of the Government's Chief Adviser on transport policy. I am, I hope, always willing to admit when I have made a mistake, and I have accepted the unanimous advice of the Transport Advisory Board and abolished the post of Director of Transport. But the Board realises, as clearly as I still do, the urgent necessity for co-ordination, and it has advised me that it should itself continue to exist, under the presidency of the Chief Secretary. The Board also advised me that their functions should be extended to include the consideration of questions of economic development. I have accepted that advice, and the Board will be reconstituted under the new title of Economic and Transport Advisory Board. The Chief Secretary will be the Chairman, and the domestic economy of the Secretariat has been reorganised so as to provide for a new schedule which will deal solely with economic and transport questions. The Principal

Assistant Secretary in charge of this schedule will be a member of the Board and will be given facilities for extensive touring in order to study economic and transport problems on the spot. An Assistant Secretary in the same schedule will be the Secretary of the Board.

That is the organisation which it is now proposed to substitute for the existing Transport Directorate. The Local Area Committees will remain, but it is at present proposed that their functions will be to advise upon transport questions only. In view of the greatly extended facilities for economic development which will be afforded by the new Colonial Development Scheme, to which I shall refer later, it is not improbable that this organisation will need to be strengthened, but no specific proposals to this end are yet being considered.

### WAR MEASURES.

These may be classed under three heads:

First, the dissemination of war information; secondly, measures for rationing and price restriction; and thirdly measures in connection with the marketing of our produce.

As regards the first, on the outbreak of war an Information Officer was appointed for the purpose of distributing to the public, through the Press and by other means, authentic information on the progress of the war. His work has included broadcast talks in Lagos, distribution of authoritative articles to the Press, and the circulation in both English and the vernacular of pamphlets from the Ministry of Information and the text of important speeches.

Residents and District Officers in the provinces have also rendered very valuable services in this connection and made all possible arrangements to keep the people informed of the course of events. I should like also to take this opportunity of expressing my gratitude to Unofficial Members of this Council and to other prominent Africans who have willingly and effectively helped in this important work.

As regards rationing and price control, there has up to the present been no rationing of foodstuffs. A project for rationing butter by means of a card system was abandoned as being unnecessary and impracticable; it was replaced by a voluntary system of registration of customers, which is working satisfactorily.

The Ministry of Food in the United Kingdom has set up a scheme designed to ensure the equitable distribution of surplus foodstuffs among Colonial dependencies. But we can produce practically all that we need ourselves, and our demands on the United Kingdom will be kept as small as possible. Petrol has had

to be restrictively rationed. The war consumption of petroleum products by the Navy and the Air Force is, of course, enormous, but the necessity for rigid control arises not so much from a shortage of supply as from the urgent need to conserve the foreign exchange which is involved in the purchase of supplies from America. It is the duty of everyone to avoid the unnecessary use of petrol, and even at considerable inconvenience to themselves to make the fullest use of the railway and of water transport which is operated by Nigerian coal. The Government fully realises that the motor transport industry has been badly hit, and acknowledges and appreciates their readiness to accept sacrifices. There has been some unevenness in the application of control measures, but this is being gradually ironed out.

As regards control of prices, I explained to you last December the reasons for the rise in the prices of imported goods. The price of imported foodstuffs has been controlled since the beginning of the war, but the rise of prices of other merchandise gave the public an uneasy feeling that importers were turning the war to their own profit, and although the Government had little reason to believe that this was the case, a machinery for the investigation of genuine complaints has now been set up and thoroughly advertised in the Press.

As regards measures to control the marketing of our local produce, in my address last December I referred to the generous action of His Majesty's Government in arranging to purchase the whole of our cocoa crop at a price higher than that of the previous season, and to the arrangements then being completed for the introduction of the Cocoa Control Scheme. Since that time the whole of the Nigerian main crop has been marketed at prices fixed at all buying stations. The scheme has worked with remarkable smoothness and has given general satisfaction. In spite of the fact that it is now almost certain that His Majesty's Government will be left with an unsold surplus of cocoa at the end of the season, and may therefore incur a considerable loss, they are honouring their obligation to purchase the whole output of Nigerian cocoa by making arrangements to buy the light crop. There will be a moratorium on cocoa sales and purchases for a period which will be announced shortly, and subsequently purchases of light crop will be begun at prices which will be fixed.

As I stated in my address to Council in December last, the effect of the introduction of the scheme was to increase the ex-scale price by £2 10s. a ton over that for the previous season.

The groundnut scheme is also working very satisfactorily, particularly from the point of view of the producer, although unfortunately the crop has suffered severely in some parts of the country from the "rosette" disease, and the output is consequently not as large as had been expected. In this connection I should like to mention certain action which was taken last year by

the United Africa Company and Messrs. John Holt, the two firms who buy the crop in the Benue River area. With the object of encouraging the sowing of groundnuts in this area, they guaranteed a price of a halfpenny a pound, or £4 13s. 4d. per ton for this year's crop throughout the whole of the year. At the time when the guarantee was given, the price was very much lower and there appeared no prospect of its rising. There was, therefore, a possibility that the firms, by giving this guarantee, might be involved in a very considerable loss. Fortunately for them, the price rose above the guaranteed price and they, as well as the producer, have benefited from the increased crop which the guarantee produced.

Unfortunately however, when they communicated to the Government the list of buying stations to which the guarantee should apply, they included Azare and Potiskum, which are both well outside the Benue River area. This mistake was challenged by the Government at the time, but was confirmed by the representative of the United Africa Company. This season's price at both of these places is considerably below the guaranteed price, and the firms concerned have therefore been involved in a not inconsiderable loss. They have, however, loyally carried out their guarantee, although it was given by mistake.

In the case of palm oil and kernels, there has been no regular scheme as in the case of cocoa and groundnuts. The greater part of the crop has been bought by His Majesty's Government at prices which, though not high, are considerably in excess of last year's prices. It now appears that His Majesty's Government do not require the whole crop and are willing to allow exports to other countries. The extent to which such exports are permissible is not quite clear, and I am still in communication with the Secretary of State on the subject.

In the first six months of the war no less than £25,000 has been contributed to the Nigerian War Relief Fund. The expedient of having one central fund, instead of allowing promiscuous collection for individual charities, has proved most successful. Allocations from the fund have been made to the British Red Cross and St John's Ambulance Fund, the Polish Relief Fund, St. Dunstan's, King George's Fund for Sailors and also for the relief of suffering in Finland.

#### **WEST AFRICAN GOVERNORS' CONFERENCE.**

Last August the first Conference of West African Governors was held in Lagos. A short account of the proceedings was published in the Press at the time, and I am not going to make any detailed reference to the conference, but I should just like to say that we were all agreed that the interchange of views, formal and informal, which took place was of the greatest value, and that the experiment was in every respect a success.

The other Governors paid Nigeria the compliment of suggesting that wherever the conference be held, the Governor of Nigeria should always be the President.

And now, Honourable Members, having completed a somewhat sketchy review of the main activities of Government during the past twelve months, I will turn to a development of the utmost importance, to which I referred at the beginning of this address. I refer, of course, to the remarkable advance in Colonial Development Policy which was described in the White Paper issued about ten days ago; copies of that White Paper are not yet available locally, but a summary of its contents was communicated to the local Press, and you are no doubt, all of you, familiar with the main lines of the new scheme.

In my address to you last December I told you that in a despatch which I sent to the Secretary of State last April I had expressed the opinion that the time had now arrived when the development of this country would be seriously retarded unless it received some considerable assistance from outside, and had said that in my opinion it was the duty of the British Government to give this country more material assistance than that which could be obtained from the Colonial Development Fund. I told you that my despatch was receiving the earnest and sympathetic consideration of the Secretary of State, and that I had been hopeful for great results for Nigeria; I added that those hopes must obviously be laid aside for the time being. I was right in having those hopes: I was wrong in saying that they must be laid aside.

Some of you no doubt listened in to the Secretary of State's Empire broadcast on the subject, but for the benefit of those who did not, I should like to repeat the substance of what he said in regard to the three outstanding points of the scheme.

The first point is that the amount which the British Parliament will be asked to make available by way of financial assistance to the Colonies has been enormously increased. During the past ten years a sum of approximately £17 million has been provided—about £12 million by way of Grants-in-Aid, and something more than £5 million through the medium of the Colonial Development Fund. It is now proposed during the next ten years to make available sums which may amount to £55,000,000, or even more, should this appear necessary.

The next important point is that the scope of the objects for which assistance can be given has been widely extended. Hitherto Grants-in-Aid have only been given for the purpose of enabling pauper Colonies to balance their budgets, while the scope of the Colonial Development Fund was strictly limited. The emphasis was throughout on material development; other objects of no less importance, such as education, were outside the scope of the Fund. The new assistance will be available not only to assist material development, but also to meet expenditure on the social services.

The third point is to my mind by far the most important. Although this new scheme is a logical development of the doctrine of trusteeship, and although there is nothing new in the recognition of the principle that His Majesty's Government is under an obligation to give financial assistance to the poorer Colonies, there has, up to now, always been at the back of policy of Colonial Development what I may call the Doctrine of Individual Self-sufficiency. It has always been regarded as the first duty of a Colony to balance its own budget. Where that has been impossible, assistance has been freely given, but the duty has remained. Such assistance towards development as has been given through the Colonial Development Fund has been almost entirely of a capital nature, and it has been recognised that assistance to the launching of new schemes would only be given if the maintenance of the scheme, once launched, was within the present or prospective financial capacity of the Colony concerned. This doctrine of individual self-sufficiency is now dead, and I venture to assert that history will regard its death as one of the most important landmarks in the whole story of the development of the Colonial Empire.

What this scheme may mean to Nigeria it is impossible to estimate, but it will certainly mean the early realisation of many dreams the fulfilment of which had previously appeared almost out of sight. We cannot, of course, expect immediate and spectacular results. Preparation of our plans will take time, and it is, I fear, unquestionable that war conditions will hinder not only the progress, but even the inception of many of them. But we can now look forward both to the development of the material resources of this country and to the expansion of those services which cater for the health, happiness and welfare of its population, not, as before, with vague and sometimes rather despairing hopes, but with a feeling of confident assurance.

The Government will, of course, start upon the task of preparing its plans at once; some of them are under preparation already. I need hardly say that we shall be delighted to receive suggestions from unofficial members of this Council, both African and European. I am not, at this stage, going to give you a list of the projects we are considering or intend to consider, but I should like to take this opportunity of assuring you that among them one of the earliest to be prepared will be a scheme for the much accelerated relief of slum conditions in Lagos.

One of the most striking things in connection with the scheme is the unanimous approval with which not only the scheme itself, but the decision not to allow the war to delay its initiation, has been acclaimed by the British daily newspapers. Striking evidence indeed that it is not only the British Government, but also the British people, who are determined to do their duty as trustees of the welfare of the populations of the Colonial Empire!

The motion standing on the Order Paper in the name of the Honourable Member for the Egba Division assures me that I have correctly anticipated your wishes in sending a telegram to the Secretary of State expressing the gratitude of both the Government and the people of this country.

#### CONFIRMATION OF MINUTES.

The Minutes of the meeting held on the 7th December, 1939, having been printed and circulated to the Honourable Members, were taken as read and confirmed.

#### OATHS.

Brigadier the Honourable G. R. Smallwood, M.C., Commandant, Nigeria Regiment, the Honourable Asifo Egbe, Member for the Warri Division, the Honourable N. D. Oyerinde, Member for the Oyo Division, the Honourable W. T. G. Gates, Commercial Member for Kano, the Honourable S. R. Marlow, Deputy Financial Secretary (Extraordinary Member), took the Oath as Members of the Council.

#### PAPERS LAID.

The Honourable the Chief Secretary to the Government laid the following papers on the table:—

Sessional Paper No. 1 of 1940, Annual Report on the Southern Provinces of Nigeria for the year 1938.

Sessional Paper No. 2 of 1940, Report on the Accounts and Finances for the year 1938-39.

Draft Estimates, 1940-41 with Memorandum.

Draft Railway Estimates, 1940-41.

Report of the Finance Committee for the period from December, 1939, to February, 1940.

Subsidiary Legislation made since the last meeting of the Council.

Statement of Policy on Colonial Development and Welfare. (Cmd. 6175).

Certificate of Urgency in respect of the following Bills:—

The 1940-41 Appropriation Ordinance, 1940.

The Land Registration (Amendment) Ordinance, 1940.

Certificate of Urgency in respect of the following Resolution and Order:—

Resolution and Order under section 3 of the Tobacco and Cigarettes Excise Duties Ordinance, 1933 (No. 23 of 1933).

## QUESTIONS.

**The Member for Calabar (The Rev. & Hon. O. Efiang):**

1. (Question No. 1 of the 5th of December, 1939). (g) Whether the site now occupied by the Elder Dempster Lines offices and workshops in Calabar is part of the land granted to Government by the Deed of the 29th of December, 1902, referred to above?

(h) If the answer to (g) is in the affirmative to ask whether Government in subletting the land has fulfilled to the letter all the conditions of the Deed?

(i) If the answer to (g) is in the negative to ask by what Deed or authority is Government enjoying the right to control, and collect the rents from, that piece of land occupied by Elder Dempster Lines offices and workshops?

(j) To ask for the name of the company or person to which the land which is the subject of this question was first leased, whose consent was obtained, the annual rental paid and also the total amount of rent collected by Government from the original date it was leased up to the present?

(k) To ask whether the consent of all the Duke Town families was obtained before the said piece of land was leased by Government before, during or since 1914, and whether such consent was indicated by the signatures of the heads or representatives of all the families concerned as was the case when the original Deed was signed in 1902?

(l) Whether by virtue of the fact that Government is no more using the said piece of land for "public purposes" but has leased it to a private firm in return for payment, will Government consider the advisability of delivering the land to the Grantors and paying to them all rents collected therefrom without further delay and to ask what reasons there are if the answer is in the negative?

*Answer:—*

**The Hon. the Chief Secretary to the Government:**

(g) The location of the parcel of land to which the deed dated 29th December, 1902, refers, as determined by the Board referred to in part (f) of the question is such that a portion of this parcel is overlapped by land held by Messrs. Elder Dempster under two leases from the Crown granted in 1914 and 1919 respectively.

(h) to (k) When the leases were granted to Messrs. Elder Dempster Lines it was thought that the lands leased fell within the boundaries of the area demised by King Duke Ephraim IX by a deed of lease dated 10th August, 1895, to the Crown for so long as it "thinks fit" in consideration of a rental of £25 per annum. This deed contains no covenant restricting the use of the land to public purposes.

In 1921 there was certain correspondence between a solicitor acting for Prince Basse Duke Ephraim IX and the Resident, Calabar Province, from which it is clear that at that time the Government was under the impression that the land covered by the

deed dated 29th December, 1902, was situated considerably to the south of the lands leased to Messrs. Elder Dempster Lines and there is nothing to indicate that the grantees (or their successors in title) under the deeds of 10th August, 1895, and 29th December, 1902, themselves knew the boundaries of the respective areas.

But there is a further complication. In 1921 Messrs. African and Eastern Trade Corporation alleged that a portion, of the land which the Government had leased to Messrs. Elder Dempster Lines consisted of land which they had handed over to the Government on the understanding that it would not be leased to a commercial firm. Messrs. African and Eastern Trade Corporation claimed to derive their title to the land through Messrs. Miller Brothers who had acquired their interest from King Duke IX by virtue of a deed dated 10th November, 1890. There is no plan attached to this deed but the description of the land is not inconsistent with its being located as claimed by Messrs. African and Eastern Trade Corporation. In 1923 an arrangement was arrived at between the Government and Messrs. African and Eastern Trade Corporation that the latter would not press any objection so long as Messrs. Elder Dempster Lines are in occupation but that if the Government were to lease the land to a concern dealing with merchandise they would take appropriate action.

The Government has received from Messrs. Elder Dempster Lines (or their predecessors in title) a sum of between five and six thousand pounds in rent.

(l) From the information given in the consolidated answer to parts (h) to (k) of this question it will be clear that it is impossible to say more than that the Government will consider the position in all its aspects.

**The Member for the Ibibio Division (The Hon. Nyong Essien) :**

2. (Question No. 2 of the 7th of December, 1939). (a) Is it a fact that nurses run continual risks from infectious diseases? If so,

(b) Would Government consider nurses by regulating the hours of their duty under conditions similar to those of Government clerks, and by granting them (the nurses) equal privileges?

(c) If not, why not?

(d) What is the comparative scale of salaries for nurses, technical attendants and dispensers?

(e) Has any provision been made for a chief nurse post, or prize post? If such a provision has been made,

(f) How many nurses are holding that office at present?

(g) What is the scale of salary attached thereto?

(h) What is the regular period for nurses to remain in the service to get their appointments confirmed?

(i) Whether Government would consider the desirability of granting to nurses the same period of three years for confirmation of their appointments, which clerks are privileged?

Answer:—

**The Hon. the Financial Secretary:**

(a) It is a fact that the nature of their duties subjects nurses to the risk of infectious diseases.

(b) It is not possible to give nurses the same duty hours as clerks.

(c) In large hospitals such as those in Lagos, Port Harcourt and Ibadan the hours of duty of the nursing staff are regulated and duty rosters are maintained and, as far as possible, followed. In small hospitals exact regulation cannot be arranged and the duty hours of the nurses vary from day to day according to the number and nature of the cases to be nursed.

| (d) Nurses    | Technical Assistants | Dispensers    |
|---------------|----------------------|---------------|
| Senior        | —                    | Senior        |
| £190-10 220   |                      | £240-12-300   |
| 1st Class     | 1st Class            | 1st Class     |
| £140-10-180   | £140-10-220          | £140-10-220   |
| 2nd Class     | 2nd Class            | 2nd Class     |
| £80-8-128     | £80-8-128            | £80-8-128     |
| 3rd Class     | 3rd Class            | 3rd Class     |
| £30; £36-6-72 | £30; £36-6-72        | £42; £42-6-72 |

(e) No. Sir; the essential and over-riding consideration in determining the fixed establishments of Government Departments is the need of the public service.

(f) and (g). Do not arise, in view of (e).

(h) Nurses on the pensionable establishment are eligible for confirmation at the end of the usual probationary period of three years, subject to efficiency.

(i) See the answer to (h) above.

**The Member for the Ibibio Division (The Hon. Nyong Essien):**

3. (Question No. 3 of the 7th of December, 1939). (a) To ask the Honourable the Director of Education—

(i) When was the Government School at Ikot Ekan in the Uyo District established?

(ii) Is it not considered that the school buildings are in a bad condition?

(b) Whether Government would be pleased to consider the need and desirability of improving the buildings of the Government School premises in the Ibibio Division? If so,

(c) When? If not,

(d) Why not?

Answer:—

**The Hon. the Director of Education:**

(a) (i) In September, 1907.

(ii) No. Sir. The main school buildings are in fairly good condition. A new dormitory of bush type is being erected with the united help of Chiefs, villagers and pupils. Teachers' houses have been recently repaired and were in

a thoroughly habitable condition when the school was last visited by the Senior Education Officer on the 21st of September last. This excepts one house which was recently burned down.

(b) No, Sir.

(c) Does not arise.

(d) The main school buildings of all Government schools in the Ibibio Division are of a permanent type and in fairly good repair.

**The Member for the Ijebu Division (Dr., the Hon. N. T. Olusoga):**

4. (*Question No. 5 of the 7th of December, 1939*). (a) Is it a fact that 100 cocoa bearing trees and 256 kolanut trees belonging to farmers of Ishara in the Ode Court Area in Ijebu Remo Division of Ijebu Province were deliberately cut down and destroyed by six agents of one Gbasemo of Ishara, without any legal authority or any order of the Court, and that representations from the aggrieved parties were made to the Resident, Ijebu Province? If so, to ask whether an investigation has been made into the complaint and if no investigation has been made to ask for a statement of what Government intends to do in the matter?

(b) Also to ask if Government is aware that many farmers who have settled and worked in Isoso-Iyankan farm of Ishara town for over fifty years have been and are still being disturbed from carrying on their normal farm work from which they derive their livelihood and pay tribute tax to the Native Administration revenue, despite the fact that farm rent is collected from them, and to ask if Government is prepared to allow this unsatisfactory conditions of things in Ishara Town to continue?

*Reply not yet ready.*

**The Member for Calabar (The Rev. & Hon. O. Efiang):**

5. (*Question No. 7 of the 7th of December, 1939*). (a) To ask whether Government is aware of the fact:—

- (i) That several Interpreters do about 70% of clerical work apart from their ordinary interpreters' duties?
- (ii) That on several occasions Second Class Qualified Interpreters of all grades have taken over duties from clerks in charge of offices when the latter are on leave?
- (iii) That several Second Class Qualified Interpreters have been kept perpetually on a salary of £88 per annum, yet doing over 70% of clerical duties, simply because they cannot speak a second language as provided in past General Order 613?

(b) To ask Government to be pleased to give such Second Class Qualified Interpreters consideration upon mergence into clerical service, their lack in the second language having been supplied by their ability to do 70% of clerical duties?

(c) To ask whether Government is also aware of the fact:—

- (i) That 75% of the questions in the Interpreters' Examination are based on general education and intelligence?

(ii) That a Qualified Interpreter qualifies in the educational part of the test (Parts A, B, C) once for all and he only sits Part D the next year to qualify only for the second language?

(d) Is it a fact that only Interpreters who have qualified in the second language are given the privilege to enjoy full benefits of clerical service?

If so, to ask whether it is because the favoured class of "Qualified Interpreters" has succeeded in the second language and the other has not, even though educationally they may be equal or the other may be superior though has not obtained a second language?

(e) In the circumstances will Government consider the advisability of granting Second Class Qualified Interpreters mergence or conversion into Clerical Service, if they have served as much for eight years with good record and in such a case they may not be required to pass Middle VI Examination which is the present standard required to enter Government Service, as this standard was not the criterion when they were originally employed and their increment be not impeded?

(f) Whether Government is aware of the fact:—

- (i) That there are clerks in the Service who originally joined up from the status of Native Court Clerks, Unqualified Interpreters and Office Messengers who, upon the introduction of the past Clerical Entrance Examination have not been asked to qualify for same before receiving their regular increment and promotion?
- (ii) That as far back as 1932, when the past Clerical Entrance Examination was abolished some clerks have been employed without even such standard of education as required of the present Qualified Interpreters seeking conversion into the Clerical Service?
- (iii) That upon the introduction of Middle Class VI, these Qualified Interpreters have not been asked to qualify for regular increment?

Answer:—

*The Hon. the Financial Secretary:*

(a) (i) and (ii) Interpreters have in the past performed a substantial amount of clerical duties and this has been one of the reasons for merging Interpreters in the Clerical Service.

(iii) The retention of Interpreters on the minimum salary of the second grade (£88 or £80 according to date of appointment) until they qualify in second language is in accordance with the conditions which they accepted on their engagement in Government Service. It may be noted that under those conditions candidates on passing the initial Interpreters' Examination were appointed to the second grade of the establishment of Interpreters from any point of the scale for Unqualified Interpreters (£36-6-66) or from outside the Service. They thus possessed a distinct advantage over members

of the Clerical Service who could not gain admission to the second grade except after reaching the maximum of the scale of Third-class Clerks (£36-6-78 or £72, according to date of appointment).

(b) No concession can be made to any of those who have elected to remain on the conditions previously in force for Interpreters, that is to say, they will be in the same position as if the establishment of Interpreters had not been merged in the Clerical Service. As regards those who have elected for Clerical Service conditions, their progress will be governed by those conditions provided their educational standard is not below Class IV Middle. Any who may have been confirmed will also be eligible to draw the usual increments, subject only to the prescribed fidelity certificate. If however they do not possess the minimum educational qualifications and have not been confirmed they must remain *in statu quo* indefinitely, even though they may have elected for Clerical Service conditions.

(c) The initial Interpreters' Examination under the old conditions was divided into four parts, *viz.*—

(a) General knowledge, consisting of papers in Reading; Writing and Composition; and Arithmetic.

(b) Court Procedure, Legal Terms, etc.

(c) Translation.

(d) Interpretation, generally.

Candidates who passed this initial examination had to take parts (c) and (d) in each subsequent examination in an additional language. It is therefore not the case, as the Honourable Member suggests, that seventy-five per cent of the questions in the initial Interpreters' Examination were based on general education and intelligence.

(d) As already indicated under (b), to enable an Interpreter engaged under the former conditions to enjoy the full benefits of the Clerical Service he must either have been confirmed or, if not confirmed, he must have elected, within the time limit, for the benefits of the Clerical Service, and possess the minimum educational qualifications in force for the Clerical Service at the date the absorption of Interpreters took effect, *viz.*, the 1st of April, 1939.

(e) The answer is in the negative, subject to the exceptions already noted.

(f) (i) and (ii) Up to about eighteen years ago the conditions for admission to the Clerical Service were not exacting and such conditions as existed were not always rigidly observed. This was however unavoidable, as the demand for candidates of the requisite standard for the Clerical Service was in excess of the supply and the best use had to be made of such material as was available at the time. Government cannot agree however that on the abolition of the Junior Clerical Service Examination in 1932 it became the practice to engage candidates of a lower standard of education than that required to pass the purely scholastic portion of the Interpreters' Examination as indicated in (c) above. It was stipulated at the time that the educational standard of candidates

for the Clerical Service must not be below Class III Middle and those who had been engaged without passing the Junior Clerical Service Examination were required to undergo a departmental test before confirmation. If therefore the words "standard of education required of the present Qualified Interpreters seeking conversion into the Clerical Service" refer to the scholastic portion of the Interpreters' Examination it must be stated emphatically that it was not superior to the standard of a Class III Middle certificate.

- (iii) It is not clear what information the Honourable Member wishes to elicit by this question but it may be repeated that no conditions have been imposed on Interpreters which were not in force when they entered the Service.

**The Member for Calabar (The Rev. & Hon. O. Efiog):**

6. (Question No. 8 of the 7th of December, 1939). (a) Is it a fact that Sub-Inspectors of Sanitation are not given transport fare when proceeding on leave and that they have no pay during the tenure of their leave?

(b) Is it a fact that some of the 2nd Class Inspectors of Sanitation who have served for seventeen to twenty-four years have no prospect of promotion, even when recommended for same?

(c) Is the Government in possession of their petition of the 15th June, 1937, and if so, what steps have been taken to remedy their grievances?

. Answer:—

**The Hon. the Financial Secretary:**

(a) No, Sir. Sub-Inspectors of Sanitation are classified with other employees drawing salaries of less than £88 a year and are now allowed free transport when proceeding on, and returning from, leave; and they draw full pay during the period of their authorised leave.

(b) It is assumed that the Honourable Member is referring to men holding the non-pensionable posts of Sub-Inspectors of Sanitation at rates not exceeding £72 a year. The designation was introduced some thirteen years ago on the reorganisation of the African Sanitary Inspecting Staff, when a scheme was instituted for the systematic training of a superior type of African Sanitary Inspectors. The men relegated to the posts of Sub-Inspectors of Sanitation did not possess either the qualifications or the education required for the graded staff but were retained in consideration of previous faithful service and of the fact that men with the superior qualifications could not all be obtained at once. They are gradually being replaced by a better type of candidates, and the posts will ultimately disappear altogether. The Director of Medical Services is unaware of the recommendations which the Honourable Member suggests have been made for the advancement of certain Sub-Inspectors of Sanitation to the graded staff but in any case it is considered that they are unfit for such advancement and are adequately remunerated by their present emoluments.

(c) No petition of the 15th of June, 1937, has been received. A number of Sub-Inspectors of Sanitation employed in the Southern Provinces submitted a petition in April, 1937, to the Director of Medical Services and they were informed in reply that owing to their lack of general educational qualifications it was not possible to recommend them for promotion to the grades of the pensionable establishment.

**The Member for Calabar (The Rev. & Hon. O. Efiang):**

7. (*Question No. 9 of the 7th of December, 1939*). Is it a fact that the majority of the elders of Afikpo in the Ogoja Province have petitioned the Government to the effect that one Interpreter and the Court Scribe of their district have become a real menace to the growth of the Native Administration and happiness of the people? If so what has Government done to remove the source of this grave discontent and unrest, which might lead to serious development?

*Answer:—*

**The Hon. the Chief Secretary to the Government:**

No Sir. Petitions containing allegations against a Court Clerk and an Interpreter were received by His Honour the Chief Commissioner, Eastern Provinces, and by the Resident, Ogoja Province, from certain elders of the Afikpo Clan. In consequence the Resident recently held a meeting of the full Clan Council at which all the families in the clan were represented. At that meeting the petitioners were given an opportunity of stating their case in detail but they were unable to substantiate their complaints and it was made clear by a show of hands that the majority of the clan representatives were opposed to the attitude taken up by the petitioners. In these circumstances it is not proposed to take any action in the matter.

**The Third Lagos Member (The Hon. O. Alakija):**

8. (a) To ask for the number of African Mine Owners in the Tin Minesfield of Nigeria from the year 1929 to 1938, and the number at present?

(b) Is the allegation true that it is the policy of the Mines Department to exclude Africans from owning Tin Mining Leases? If the answer is in the affirmative, what are the reasons or reason for such a policy?

(c) It is also the policy of the Mines Department to advocate the replacement of African Miners of many years experience who may be placed in charge of Mining Camps by Europeans even though the latter do not possess as good an experience as the former?

(d) Have Prospecting Rights been granted by the Mines Department to Europeans who could hardly sign their names? If so, will the Mines Department consider the grant of Prospecting Rights to Africans with practical experience even though they are not well educated?

(e) How many applications for Prospecting Rights were received by the Mines Department in the last five years:—

(i) from European ladies, and

(ii) from African ladies.

How many were entertained in each case?

*Answer:—*

**The Hon. the Chief Secretary to the Government:**

(a) From 1929 to 1938 there were three African Mine-owners operating on the Tin-fields. At present there is one.

(b) No, Sir.

(c) No, Sir.

(d) No, Sir.

(e) (i) Of three applications by European ladies, two have been granted.

(ii) A preliminary inquiry was made in December, 1939, on behalf of one African lady. The enquirer was informed that for the purpose quoted a Prospecting Right was not necessary.

**The Third Lagos Member (The Hon. O. Alakija):**

9. (a) Is it a fact that in the Northern Provinces of Nigeria, Europeans generally can buy any quantity of spirituous liquor by merely signing a permit, and that in the case of Africans, permit to buy a limited quantity must be on medical grounds only—*i.e.*, that a medical certificate must first be obtained to support such permit?

(b) If the answer to the above is in the affirmative, whether the Government would now consider the advisability of affording some relaxation of this restriction on the purchase of spirits by Africans?

*Answer:—*

**The Hon. the Chief Secretary to the Government:**

(a) The position is as follows:—

(i) No liquor of any kind may be supplied to anyone in the Northern Provinces (a Prohibited Area) unless he is in possession of a permit signed by an Administrative Officer.

(ii) No native (as defined in section 3C of the Interpretation Ordinance, 1939 (No. 27 of 1939)) may purchase spirits in the Northern Provinces except for *bona fide* medical purposes.

The Honourable Member is referred to the Liquor Ordinance (Cap. 131) and the Regulations made under section 65 thereof.

(b) The question of affording some relaxation of these restrictions in favour of non-indigenous natives in the Northern Provinces is at present under consideration, but Government is bound by Article 4 of the Convention of St. Germain-en-Laye not to permit the purchase of spirits by indigenous natives in this area.

**The Third Lagos Member (The Hon. O. Alakija):**

10. (a) To ask whether the experiment made some four years ago by appointing a member of the African staff of the Traffic Department of the Nigerian Railway to the post of Traffic Inspector has proved a success?

(b) If so, to ask whether the Honourable the General Manager of the Railway will kindly consider the question of affording to other capable and tried members of the African staff of the same Department opportunities of trial in similar higher appointments?

*Answer:—*

**The Hon. the Chief Secretary to the Government:**

(a) Yes, the experiment has been successful.

(b) In accordance with the declared policy of Government, which has been repeated on several occasions, consideration will be given to Africans of the same Department, as and when suitable vacancies arise and competent men are available.

**The Third Lagos Member (The Hon. O. Alakija):**

11. Would it not be more economical to the Nigerian Railway to have one Railway Station in the centre of the present two Railway Stations (Kaduna North and South) to serve Kaduna the Capital of the Northern Provinces instead of two Railway Stations within a distance of about four or five miles to each other as at present?

*Answer:—*

**The Hon. the Acting General Manager of the Railway:**

No, Sir. Railway traffic requirements justify the retention of the two existing stations.

**The Third Lagos Member (The Hon. O. Alakija):**

12. In view of the fact that the Ticket Collector in the Bauchi Light Railway with his boxes occupying practically half of the space in the Second Class Compartment and the other half space is hardly sufficient for two passengers, whether the General Manager of the Railway would enlarge or improve Second Class Coach?

*Answer:—*

**The Hon. the Acting General Manager of the Railway:**

No, Sir. Second-class accommodation on the Bauchi Light Railway, consisting of one compartment with seating accommodation for six adult persons, is considered ample. The average number of second-class passengers carried per diem in December, 1939, was 1.69. The Travelling Ticket Collector usually occupies one seat, if it is available.

**The Third Lagos Member (The Hon. O. Alakija):**

13. When most commercial centres in the Northern Provinces such as Kano, Zaria and Jos have one Post Office each at a point accessible to the populace, would it not also be more economical to have one Post Office at Kaduna, a non-commercial centre as compared to those mentioned above in a central place between Kaduna Junction and Kaduna North instead of two Post Offices each of which is about two miles distance to where the inhabitants of Kaduna reside and so make these social services more amenable to, and profitable both to the general public and the Government itself?

*Answer:—*

**The Hon. the Chief Secretary to the Government:**

The Post Offices at Kaduna Junction and Kaduna North are admirably situated for dealing with the bulk of the postal traffic in the Kaduna area. Government has however offered to establish a Postal Agency at a point which would be convenient to the general public, but up to the present no suitable Agent has been found.

**The Third Lagos Member (The Hon. O. Alakija):**

14. Is it a fact that transport allowances are granted to Post Office staff in consideration of their having to travel a long way from their homes to their work? If so would the Railway Authorities graciously consider the grant of similar allowances to those of their staff who work at Kaduna Junction but who have to reside in Kaduna Town because no quarters are provided for them at the former place?

*Answer:—*

**The Hon. the Acting General Manager of the Railway:**

Bicycle allowance at the rate of 5s. per month is granted to some thirty members of the Posts and Telegraphs Department on account of the special nature of their duties, whereby they are required to perform night duty at Kaduna Junction Station on account of the cross-post Post Office at that Station. The circumstances under which Railway Staff are employed at Kaduna Junction are altogether different and it is not proposed to grant similar allowances to them.

**The Third Lagos Member (The Hon. O. Alakija):**

15. (a) How many Inspectors and Sub-Inspectors of Police are posted to the Northern Provinces, and what are their stations?

(b) Is it the policy of the Police Department not to post this class of Peace Officers to the Northern Provinces?

(c) If the answer is in the affirmative, what are the reasons for such a policy?

(d) If the answer is in the negative, what would account for the paucity of the number of this class of Peace Officers in the Northern Provinces?

*Answer:—*

**The Hon. the Chief Secretary to the Government:**

(a) One Sub-Inspector of Police is stationed at Kano.

(b) No, Sir.

(c) Does not arise.

(d) His Honour the Chief Commissioner, Northern Provinces, has expressed the view that whilst there is no immediate need for Inspectors of Police in the Northern Provinces such officers might be usefully employed at Kano and Minna. One Inspector accordingly has been posted to Kano, and when another is available he will be posted to Minna.

**The Third Lagos Member (The Hon. O. Alakija):**

16. (a) Is it a fact that in the Northern Provinces, Interpreters in the Judicial Department or attached to judicial work in the Administrative Department are in most cases semi-educated persons who could only speak pidgin English. Further, to ask how many Qualified Interpreters are there functioning in the Judicial Department in the Northern Provinces, and what are their stations?

(b) If there are many semi-educated Interpreters in the Judicial Department or attached to judicial work in the Administrative Service in the Northern Provinces, whether the Government would graciously consider the advisability of discontinuing such practices in view of the great value attached to accurate interpretation in the Law Courts?

*Answer:—*

**The Hon. the Financial Secretary:**

(a) The answer to the first part of (a) is in the negative. As the Honourable Member is no doubt aware, the former separate establishment of Interpreters was merged in the Clerical Service with effect from the 1st of April, 1939, subject to the preservation of certain personal rights. The main duties of interpretation in the Northern Provinces are thus carried out by clerks of the Judicial Department or the Provincial Administration and in the High Court, on a few occasions, by casual interpreters employed at daily rates. The Government has been assured that the duties of interpreting in the High Court are carried out with efficiency.

A third-class clerk of the Judicial Department who speaks Hausa and Ibo is attached to the Court of the Magistrate, Northern Area, Jos, and another third-class clerk of the same Department who speaks Yoruba, Hausa, Tiv and Ibo has been seconded to the Court of the Magistrate, Limited Powers, Kano.

(b) Does not arise.

**The Third Lagos Member (The Hon. O. Alakija):**

17. (a) Whether, in the Native Town of Jos composed of mixed population who are all not natives of the area (non-pagan tribes), a Mixed Court as functioning in Kano, Minna, Makurdi, etc., and for which the populace of Jos at one time petitioned the Government through the Resident of the Plateau Province, would not give greater satisfaction than the present Alkali's Court?

(b) Whether the Government in the Northern Provinces will regard with favour to give preference to the tribal institutions of the pagans in the Plateau Province and other pagan areas in the Northern Provinces to function under the direct guidance of an Administrative Officer instead of the present practice of interposing a District Head alien to such pagans as described by Sir Donald Cameron in paragraph 4, page 3, of *The Principles of Native Administration and their application*?

*Reply not yet ready.*

**The Member for the Ibibio Division (The Hon. Nyong Essien) :**

18. (*Question No. 35 of the 4th of December, 1939*). (a) To ask whether Government is aware of an agreement made between representatives of the firm formerly known as the African Association on the one part, and the chiefs of Ibuno on the other part, by which agreement the former pledged to pay annually to the latter a certain sum of money and a certain percentage of goods imported in respect of and for using the latter's river and land for the purpose of trade? If not,

(b) Whether Government would be pleased to trace and verify such an instrument?

*Answer:—*

**The Hon. the Chief Secretary to the Government :**

(a) Yes Sir, it is believed that some such document once existed since what purports to be a copy of it has been produced and bears the mark of twenty-one Chiefs of Ibuno but no signature on behalf of the African Association Limited.

(b) It is understood that the original of the document, which was dated the 8th of March, 1882, was kept by a Mr. John Harford, one of the witnesses to the marks of the Chiefs, but it is not thought that any good purpose would be served in attempting to trace it.

**The Member for Calabar (The Rev. & Hon. O. Efiang) :**

19. (a) To ask the Honourable the Director of Education for an indication of the number of candidates from Queen's College, Lagos, who took the Cambridge Junior and the School Certificate Examinations in each of the last five years ended December, 1939?

(b) How many of the candidates were successful, and how many failed, in each of the above years?

*Reply not yet ready.*

**The Member for Calabar (The Rev. & Hon. O. Efiang) :**

20. (a) What is the total expenditure on Personal Emoluments, Allowances, Passage on furlough and on local leave, Equipment, etc., in connection with the maintenance of the Housecraft Department of Queen's College, Lagos, in each of the last three years ended December, 1939? And

(b) What, if any, is the total amount realised and paid into the revenue from the sale of articles produced by the Housecraft Department of Queen's College, Lagos?

(c) Has Housecraft ever been offered as a subject in the Cambridge Local Examinations by the students of Queen's College, Lagos? If so,

(d) When? And

(e) How many candidates have taken the subject? If not, and in view of the admitted importance of the subject,

(f) To ask whether the question of the subject being offered in the Cambridge Local Examinations will not be considered by the Education Department?

*Reply not yet ready.*

**The Member for Calabar (The Rev. & Hon. O. Efiang):**

21. To ask whether Government will not consider the desirability of including the teaching of Biology, Chemistry and Physics in the curriculum of Queen's College, Lagos, for the benefit of students of the higher classes who may proceed to the Yaba School of Pharmacy for training as Dispensers and Chemists and Druggists?

*Answer:—*

**The Hon. the Director of Education:**

Arrangements are already under consideration for special classes in Science at King's College for potential School Certificate candidates from Queen's College.

**The Member for Calabar (The Rev. & Hon. O. Efiang):**

22. (a) To ask the Honourable the Director of Education at what regular intervals is each of the following Government Education Institutions, namely, (i) Yaba Higher College, (ii) Kaduna Higher College, (iii) King's College, Lagos, (iv) Ibadan Government College, (v) Umuahia Government College and (vi) Queen's College, Lagos, inspected?

(b) When was the last inspection made in each case?

(c) Who were the experts in the particular subjects who made the inspection? And

(d) Will the last inspection report of each be laid upon the table of the House?

*Reply not yet ready.*

**The Member for Calabar (The Rev. & Hon. O. Efiang):**

23. (a) To ask the Honourable the Director of Education how the standard of instruction given at the Yaba Higher College compares with that given at (i) the best Secondary Schools in England, and (ii) good University Colleges in England?

(b) At what stage in their Secondary School career do pupils in the best Secondary Schools in England take the Intermediate or the Higher School Certificate Examination?

(c) At what stage in their career are the Yaba Higher College students sufficiently trained to be able to pass the Intermediate or the Higher School Certificate, should they choose to take it?

(d) Whether the following subjects are taught at the Yaba Higher College:—(i) Physics, (ii) Agricultural Science, (iii) Commercial Law, (iv) Inorganic Chemistry, (v) Geography, (vi) Education, (vii) Botany, and (viii) Zoology? If so,

(e) Who are the Instructors in those subjects and what special qualifications such as Honours Degree in the subject they teach do those Instructors hold prior to accepting their appointments in Nigeria?

(f) Has the Yaba Higher College a Syllabus Committee or Committees? If so,

(g) Who are the members of the Syllabus Committee or Committees?

(h) What amount was spent by the Government in each of the last three calendar years ended December, 1939, on the purchase of new books for the Yaba Higher College Library?

*Reply not yet ready.*

**The Member for Calabar (The Rev. & Hon. O. Efiang):**

24. (a) To ask whether the Yaba Higher College and Kaduna Higher College have a Board or Boards of Examiners in connection with their respective Diploma Examinations? If so,

(b) Who are the members of the Board or Boards of Examiners?

(c) How many successful candidates and how many failures had each of those Higher Colleges at their last Diploma Examinations in 1939, and what marks did each of the candidates obtain in each of the papers?

*Reply not yet ready.*

**The Member for Calabar (The Rev. & Hon. O. Efiang):**

25. (a) To ask the Honourable the Director of Education for the total expenditure in each of the calendar years 1938 and 1939, on Personal Emoluments, Allowances, Furlough and Local Leave Passages, etc., respectively, in connection with the European staff of Government Educational Institutions and their wives under the existing arrangements for long vacations, whereby they all proceed home on furlough annually and close down those institutions meanwhile?

(b) What would have been the difference in expenditure had the European members of the staff of each of those institutions taken their leaves when normally due after a full tour?

*Reply not yet ready.*

**The Member for the Ibo Division (The Hon. B. O.-E. Amobi):**

26. (a) To ask whether it is correct that a Circular Letter 67/1-168 of the 12th of March, 1934, from the Nigerian Railway, was addressed to the following persons:—

The Assistant Director of Education, Enugu and Kaduna.

The Superintendent of Education, Port Harcourt.

The Right Reverend Bishop Gelsthorpe, Port Harcourt.

The Reverend W. Norcross, Methodist Mission, Port Harcourt.

The Reverend Father O'Connor, Roman Catholic Mission, Port Harcourt.

The Reverend Dawes, Church Missionary Society, Enugu.

(b) Whether it is also true that the said Circular Letter 67/1-168 of the 12th of March, 1934, outlined the following scheme as a guide for intending apprentices:—

(i) Each apprentice is expected to serve for a period of five years—first year as a labourer, second year as a trolley boy, 3rd year as labourer, fourth and fifth years as headman.

(ii) That after the fifth year the best man will be promoted to the post of Overseer or a Ganger.

- (c) How many boys were engaged under the above conditions?
- (d) How many of those employed completed their terms of five years?
- (e) Was there any test at the end of the first five years? If there was, how many boys were promoted to the post of Overseer or Ganger?
- (f) If none were promoted, why not?
- (g) Why are apprentices known as African Foreman Platelayers not placed on the same footing as other apprentices with the same qualifications working in other sections under the Nigerian Railway?

*Answer:—*

**The Hon. the Financial Secretary:**

(a) Yes, Sir. A letter was so addressed by the Acting Senior Engineer, Eastern District.

(b) (i) Yes.

(ii) It was presumed that after his fifth year a willing apprentice would be fitted for promotion to the grade of Overseer, subject of course to the existence of vacancies. This has proved to be an incorrect presumption.

(c) Sixty-two of whom one subsequently died and one resigned.

(d) Fifty-three up to date.

(e) There is no written test. Suitability for promotion through the grade of apprentice to the posts of Headmen and Overseers is judged by the Section Engineers' reports. Of the sixty-two apprentices mentioned under (c) the following have been advanced as shown:—

|                  |     |     |   |                |     |     |    |
|------------------|-----|-----|---|----------------|-----|-----|----|
| Ganger           | ... | ... | 1 | Headmen        | ... | ... | 25 |
| Overseers        | ... | ... | 3 | Acting Headmen | ... | ... | 8  |
| Acting Overseers | ... | ... | 4 |                |     |     |    |

The term "Acting" means that they have been tried in that position. Twelve with five years' service and seven with less than five years' service are still serving as apprentices.

(f) Does not arise.

(g) Apprentices known as apprentice African Foreman Platelayer perform entirely different work from apprentices who are trained to become mechanics, etc., and the nature of their work is not the same. The former would more correctly be described as Permanent Way Apprentices and this will be done in future.

**The Member for the Ibo Division (The Hon. B. O.-E. Amobi):**

27. (a) To ask the Government whether it is a fact that a number of Africans sat to Government Special Class IV Middle Examination held in November, 1938? If so,

(b) (i) How many candidates sat?

(ii) How many were successful?

(iii) How many of the successful candidates have been placed in permanent appointments?

(c) If the answer to question (b) (iii) above is in the negative, to ask for an explanation as to why the successful candidates have not been placed in permanent appointments?

*Answer:—*

**The Hon. the Financial Secretary:**

(a) Yes, Sir.

(b) (i) 195.

(ii) 38.

(iii) and (c) The information asked for necessitates detailed inquiry which cannot be completed in the time available before this meeting. It will be supplied later.

**The Member for the Ibo Division (The Hon. B. O.-E. Amobi):**

28. To ask the Honourable the Chief Secretary to the Government:—

(a) What is the total number of Africans working either as Clerks, Accountants, Book-keepers, or Storekeepers, under the various trading firms operating in Nigeria?

(b) What are the conditions of their employment?

(c) What steps have the Government taken or contemplate taking to ensure that these employees of the firms are employed under fair conditions of employment?

*Reply not yet ready.*

**The Member for the Ibibio Division (The Hon. Nyong Essien):**

29. (Question No. 26 of the 4th of December, 1939). (a) What material interest has Government taken in the educational ventures of the indigenous African, such as, the National Institute at Calabar, the People's Institute at Ogbomosho, the Aggrey Memorial College at Aro-Chuku?

*Answer:—*

**The Hon. the Chief Secretary to the Government:**

During the last five years the following grants-in-aid have been paid to educational ventures of indigenous Africans in the Calabar Province:—

|                                                           | £     | s. | d. |
|-----------------------------------------------------------|-------|----|----|
| (1) Christ Church School (African Church)                 | 3,063 | 1  | 0  |
| (2) Henshaw Town School (Non-denominational)              | 1,001 | 0  | 0  |
| (3) Aggrey Memorial School (Non-denominational)           | 1,345 | 0  | 0  |
| (4) Ishnett School (United African Congregational Church) | 45    | 0  | 0  |

Neither the National Institute at Calabar (opened in November, 1938) nor the Peoples' Institute at Ogbomosho are in receipt of a grant-in-aid but are inspected from time to time by the supervisory staff of the Department.

**The Member for the Oyo Division (The Hon. N. D. Oyerinde):**

30. (a) To ask the Honourable the Director of Public Works whether the Government have approved the construction of a road from

(i) Shaki to Ilesha, and

(ii) Ikoyi to Igbeti?

(b) If so, when will the construction start?

*Answer:—*

**The Hon. the Director of Public Works:**

(a) No, Sir.

(b) Does not arise.

**The Member for the Oyo Division (The Hon. N. D. Oyerinde):**

31. (a) To ask the Honourable the Director of Education whether it is a fact that the Ibadan Grammar School Grant has been reduced?

(b) If so, by how much per cent has it been reduced?

(c) What are the reasons for the reduction of the grant?

(d) What was the classification of the School in (i) 1937, and (ii) 1938?

(e) Is it a fact that the School was not inspected in 1938?

(f) If so, why was the School not inspected?

(g) Upon what ground was the 1938 classification based?

(h) Is it a fact that the usual time of the inspection of the School was between the months of September and October, of each year?

(i) Why was the time of the inspection of the School changed to April in 1939, when the fate of the School depended upon that inspection?

*Reply not yet ready.*

**The Member for the Rivers Division (The Hon. S. B. Rhodes):**

32. (a) In view of the fact that on the 11th day of January, 1940, two blank Receipt Books were tendered with cash to the Treasury at Enugu for stamping and refused by the said Treasury saying that adhesive stamps should be used, and within a week the same Receipt Books were accepted by the Treasury at Port Harcourt and stamped and cash collected, will Government please explain whether there are different instructions issued to the various Treasury Centres?

(b) If not, why this refusal by the Enugu Treasury to stamp the said Receipt Books and the ready acceptance by the Port Harcourt Treasury?

*Answer:—*

**The Hon. the Financial Secretary:**

(a) No, Sir.

(b) The officer who was at that date performing the duties of Commissioner of Stamp Duties at Enugu was in error in not stamping the receipts. The correct procedure has been explained to him.

**The Member for the Rivers Division (The Hon. S. B. Rhodes):**

33. (a) Is Government aware that monies deposited with Government by unpaid Bailiffs as securities, yield no interest whereas monies deposited as securities by persons employed by trading firms yield interest?

(b) If the answer is in the affirmative, will Government consider the advisability of placing all such securities on fixed deposit in one of the local banks and all interest accruing therefrom placed to the credit of the said Bailiff concerned?

(c) Will it not be more advantageous for Government to receive the fees and all Bailiffs be taken on the staff as paid Bailiffs?

(d) Is there any special reason or reasons why paid Bailiffs are attached to Degema and Port Harcourt, whereas an unpaid Bailiff to Aba?

*Reply not yet ready.*

**The Member for the Rivers Division (The Hon. S. B. Rhodes):**

34. What is the total number of persons convicted in the Court of the Magistrate, Full Powers, of the Calabar Magisterial Area, during the period 3rd of October, 1938, to the 15th of February, 1940, who have appealed from their convictions:—

(a) To the Judge of the High Court of the Calabar Judicial Division?

(b) To the Judge of the High Court of the Aba Judicial Division?

(c) (i) The total number of persons whose convictions have been upheld on appeal?

(ii) The total number of persons whose convictions have been quashed by the Court as a result of this appeal.

*Answer:—*

**The Hon. the Chief Secretary to the Government:**

(a) ... .. 37

(b) ... .. 13

(c) (i) ... .. 39

(ii) ... .. 9

Appeals pending at Aba 2

**The Member for the Rivers Division (The Hon. S. B. Rhodes):**

35. (a) Is it the case that the sale of certain Enemy Properties at Port Harcourt were not made known to the Firms of Messrs John Holt and Company (Liverpool), Limited, Compagnie Francaise de L'Afrique Occidentale, and Societe Commerciale de L'Ouest Africain? If so, will Government state the reasons why?

(b) Is it the case that due to the private sale made by the Custodian of Enemy Property, a quantity of Vesta Sewing Machines costing about £7 each, were all privately sold to one firm for £3 each?

(c) Is it also the case that the Agent of Societe Commerciale de L'Ouest Africain, Port Harcourt, offered to the Custodian of Enemy Property, the sum of £4 per keg of gun-powder and that such offer was not accepted but that the gun-powder were subsequently sold at £3 10s. per keg, to someone else?

(d) Is it also the case that about a dozen new Radios were privately sold by the Custodian of Enemy Property to a firm for £2 each, and some of these very Radios have been re-sold by the purchasing firm to the public for £10 each?

(e) What has happened to the various (German make) Cameras which it is understood were exhibited for sale by one of the Enemy Shops at Port Harcourt two days before the declaration of the war?

(f) If the sale of the above Sewing Machines, Radios and Cameras were made public by the Custodian of Enemy Property, will Government say by what method were they advertised?

(g) How many times was stock taken of Enemy Properties at Port Harcourt by the Custodian of Enemy Property? If more than once, what happened to the previous Stock Sheets?

*Answer:—*

**The Hon. the Financial Secretary:**

(a) It is not stated what "certain" properties are referred to, but the Agent for the Custodian requested the Secretary of the Port Harcourt Chamber of Commerce in writing to inform the members of the Chamber that he was prepared to consider offers from the firms for the purchase of all or any of the goods belonging to enemy trading establishments in Port Harcourt, and facilities were offered for the inspection of these goods. The firms mentioned are members of the Chamber of Commerce.

(b) The Sewing Machines referred to had been in stock for years, were shop-soiled and some of those examined were damaged. Their cost price was £3 7s. 6d. for the small type and £6 12s. for the larger but this value had been substantially written down. They were sold wholesale to a dealer, *en bloc* and at purchaser's risk, for £3 each which, in the circumstances, was a fair price.

(c) No, Sir. The Societe Commerciale de L'Ouest Africain have at no time offered to buy any gunpowder.

(d) No, Sir. All radio sets were offered for retail sale at a valuation. A number of damaged sets which were unfit for sale and would not work were sold for spare parts at the price quoted.

(e) All cameras were taken over by the Custodian and have been sold either locally or in Lagos.

(f) No advertisement was made of the sale of sewing machines as it was decided to dispose of them wholesale and as stated in (a) above offers were invited from the Chamber of Commerce. The radio sets were useless for public sale and could only be sold to the trade. The cameras were offered for sale publicly in the retail shops.

(g) Stock was taken twice. The first was a provisional stock-taking by Government officers at the outbreak of war. The second was a detailed inventory and valuation. The stock sheets are in the hands of the Agent of the Custodian.

**The Member for the Ijebu Division (Dr., the Hon. N. T. Olusoga):**

36. Is it the case that the two Bales of Epe representing the two sections of the community have not been receiving their former salaries of £3 each monthly, since the introduction of Native Administration System? If so will Government consider the advisability of restoring these stipends under the new system?

*Answer:—*

**The Hon. the Chief Secretary to the Government:**

Of the two "Bales" at Epe, the "Lagos Bale" (who died on the 19th February last) and the "Ijebu Bale", only the latter was in receipt of a stipend (amounting to £2 10s. 0d. per month) when the system of Native Administration was introduced into the Colony on the 1st of April, 1938; payment of this stipend ceased on that date.

This "Bale" is now a member of the Native Authority for the Epe Area. Provision is made in the Native Administration estimates (£170 in the current financial year) for the payment of members, who are free to divide the amount available amongst themselves as they think fit.

This new arrangement was introduced after prolonged consultations with representatives of all sections of the people of Epe, who by a majority approved of it, and Government is not prepared to consider the restoration of a fixed stipend for the "Bale".

**The First Lagos Member (The Hon. H. S. A. Thomas):**

37. (a) Has any person been selected to succeed late Adejuwon as the Olojudo of Iddo in the Ekiti Division?

(b) If so, what is the name of the selected candidate?

(c) How many persons claimed to be eligible for appointment to the chieftaincy?

(d) Was Adewa one of them?

(e) Is it a fact that Adewa petitioned Government praying that an independent Committee may be appointed to investigate his claim?

(f) Had Adewa ever held the position of Olojudo of Iddo?

(g) If so, what were the circumstances under which he gave up his appointment?

(h) Was any promise made or hope held out to Adewa by Government in 1916 that he would succeed Adejuwon as the Olojudo?

(i) Will Government be graciously pleased to grant Adewa's prayer?

*Reply not yet ready.*

**The First Lagos Member (The Hon. H. S. A. Thomas):**

38. (a) Referring to General Order 184 (1939 Edition): To ask whether members of the Technical Staff of the Railway Printing Press who had held permanent posts carrying the scale of £48-6-£78 for more than three years before the introduction of the revised

salaries scheme on the 1st of April, 1936, may be allowed to enjoy the same privilege as clerks by proceeding direct to the salary of £88 on obtaining promotion to posts carrying the scale of £80-8-128?

(b) If not, why not?

*Answer:—*

**The Hon. the Financial Secretary:**

As reference to General Order 184 will show, its application is restricted to Second-class Clerks on the former long scale of £42-6-78; £88-8-128 who had been confirmed in their appointments before the present salary scheme for the clerical staff came into effect on the 1st of April, 1936.

Grades II and III of the Technical staff of the Railway Press were previously two separate grades with salary scales of £88-8-128 and £48-6-78 respectively, and promotion from the lower grade was dependent on the existence of vacancies in the higher grade.

On the revision of salaries of the African Technical Staff throughout the Service, with effect from the 1st of April, 1936, and the application to the Railway Press of the standard scale of £36-6-72; £80-8-128, etc., advancement from the third to the second grade was no longer dependent on vacancies. There is, however, no justification for paying third grade staff who are advanced after the introduction of this new condition any salary which is higher than the minimum of the present approved scale for the second grade.

**The Member for the Ijebu Division (Dr., the Hon. N. T. Olusoga):**

39. (a) To ask if the attention of Government has been drawn to the series of Articles which appeared in the "Nigerian Eastern Mail" and signed by one Phillip Awonka, under dates of June 3, 10, 17, 24, and July 1, 1939?

(b) If so, to ask if Government has checked up the accuracy or otherwise of what was written by this correspondent in regard to food and its preparation for the consumption of prisoners and also in regard to complaints by prisoners to Prison Visiting Committee?

(c) Also whether Government would consider several other suggestions made by the same correspondent, purely on their own merits and to see if as a reform the adoption of some of them would be beneficial to those directly concerned?

*Reply not yet ready.*

**The Member for the Ijebu Division (Dr., the Hon. N. T. Olusoga):**

40. (a) To ask if the attention of Government has been drawn to a publication which appeared in the "Nigerian Daily Times" for the 30th of December, 1939, under the heading "Youngman reported shot dead—Curious Happenings at Ife"?

(b) If so, what action, if any, has Government taken to bring the perpetrators to book?

(c) If no prosecution has taken place, to ask for the reason why, in view of the information contained in the publication to which reference is made?

*Answer:—*

**His Honour the Chief Commissioner, Western Provinces:**

- (a) Yes, Sir.  
 (b) Arrests have been made and the matter is *sub-judice*.  
 (c) Does not arise.

**The Member for the Ijebu Division (Dr., the Hon. N. T. Olusoga):**

41. (a) To ask Government for a statement, whether it is true that any Member of this Honourable Council can absent himself from meetings for a period of more than twelve calendar months, and if so, under what circumstance?

(b) Is it correct that the Legislative Council Ordinance which stipulates that consecutive absence from meetings on the part of any member for a period of one year will automatically render the seat of such a member vacant has been amended, and if so, when, and will Government give full particulars of such an amendment?

*Answer:—*

**The Hon. the Chief Secretary to the Government:**

(a) Nominated Official and Unofficial Members of Legislative Council may, with the permission of the Governor, absent themselves from meetings covering a period of more than twelve calendar months.

(b) No, Sir. The clause of section XVIII of the Nigeria (Legislative Council) Order-in-Council, 1922, which the Honourable Member has in mind, applies to Elected Members and reads as follows:—

“ An Elected Member of the Council may, with the permission of the Governor, be absent from the sittings of the Council or from Nigeria for a period or periods not exceeding twelve calendar months at any one time; but if any Elected Member shall for any reason be so absent for more than twelve consecutive calendar months, or shall be absent, except on the ground of illness, from the sittings of the Council for a period of two calendar months during the session of the Council without the leave of the Governor, his seat in the Council shall thereupon become vacant.”

**The Member for the Ijebu Division (Dr., the Hon. N. T. Olusoga):**

42. In view of several absences from Council Meetings on the part of some of the European Unofficial Members which the Minutes of this Honourable Council reveal for some years past, to ask whether Government will not reconsider the unsatisfactory position created by these absences and see to it that, only those who have the time to attend and are keenly interested in the deliberations of this Council are appointed as members.

*Answer:—*

**The Hon. the Chief Secretary to the Government:**

The question of absentee members has already been engaging the attention of Government and will not be lost sight of when further vacancies occur among Nominated Unofficial Members of Council and when the Nigeria (Legislative Council) Order-in-Council is next under revision.

**The Member for the Ijebu Division (Dr., the Hon. N. T. Olusoga):**

43. (a) In view of several articles which have appeared in the "Nigerian Daily Times" especially that for the 20th of January, and 1st of February, 1940, by correspondents who signed themselves "Interested" and "A. B." respectively, and which can be taken as representative of public opinion in the matter; also in view of certain correspondence reported to have been exchanged between Government and the Motor Union since the last sitting of Council, in which further and more detailed representations have been made, to ask whether Government is now prepared to make another statement regarding its attitude towards the claims of the Road Transport for direct representation in this Honourable Council? And

(b) If Government is now willing to consider the matter, to ask how soon can action be expected to be taken to give effect to the request made?

Answer:—

**The Hon. the Chief Secretary to the Government:**

(a) and (b) Government is not satisfied that direct representation of the Nigerian Motor Transport Union is warranted at the present time but the request will be borne in mind for further consideration when in due course the whole question of revision of the constitution of the Council comes under review.

**The Member for the Ijebu Division (Dr., the Hon. N. T. Olusoga):**

44. (a) To ask Government to state how many firms have been registered under the Cocoa Control Scheme as

(i) "Larger Exporters", stating their names?

(ii) "Smaller Exporters", stating names?

(b) What tonnage was shown by (i) and (ii) as representing their total shipment in the case of (i) for the last three seasons, and (ii) for the last season?

(c) What is the original estimate made by Government of this Country's Main Crop Cocoa for 1939-40, at the beginning of the Control?

(d) How was this tonnage distributed among the "larger" and "smaller" exporters, showing the quotas given to each firm against its name?

(e) Was the original estimate of the total crop found later to be correct: if not, what was the subsequent estimate?

(f) Was the second allocation of quotas made to both the "larger" and "smaller" shippers as was done in the first case?

(g) Please show to whom the second allocation was made showing the tonnage distributed against each firm's name?

(h) If the second allocation does not include the "smaller" shippers, to ask Government the reason for this discrimination?

(i) To ask Government how many firms have been appointed as Agents for Government under the Cocoa Control Scheme, their names, and at what remuneration, if any?

(j) Also under similar schemes for Groundnuts, Palm Oil and Palm Kernels, to ask Government to name their Agents, and the remuneration agreed to be paid in each case?

Answer:—

**The Hon. the Chief Secretary to the Government:**

(a) The Larger Exporters (Group A shippers) are:

United Africa Company, Limited  
 G. B. Ollivant, Limited  
 John Holt and Company, Limited  
 Compagnie Francaise de l'Afrique Occidentale  
 Paterson Zochonis and Company, Limited  
 Société Commerciale de l'Ouest Africain  
 Cocoa Manufacturers, Limited  
 Union Trading Company, Limited  
 C. Zard and Company, Limited  
 Co-operative Wholesale Society  
 London Africa and Overseas, Limited

The Smaller Exporters (Group B shippers) are:—

Anglo-Nigerian Trade Corporation  
 United Development Trading Company  
 Flionis Brothers  
 W. E. Griffiths and Company, Limited  
 C. S. Mandrides  
 African Industrial Shipping and Importing Company  
 Odutola Brothers  
 Nigerian Produce Farmers Association  
 S. Thomopulos.

(b) Shipments shown by Group A shippers during the past three seasons were:—

| Shipper                                      | 1936-37 |       | 1937-38 |       | 1938-39 |       |
|----------------------------------------------|---------|-------|---------|-------|---------|-------|
|                                              | Tons    | %     | Tons    | %     | Tons    | %     |
| United Africa Co., Ltd.                      | 35,202  | 37.35 | 27,734  | 31.75 | 37,842  | 33.23 |
| G. B. Ollivant, Limited                      | 9,167   | 9.73  | 8,266   | 9.46  | 9,649   | 8.48  |
| John Holt & Co., Ltd.                        | 10,970  | 11.64 | 7,901   | 9.05  | 12,996  | 11.41 |
| Compagnie Francaise de l'Afrique Occidentale | 3,519   | 3.73  | 3,902   | 4.47  | 4,216   | 3.70  |
| Societe Commerciale de l'Ouest Africain      | 179     | .19   | 1,375   | 1.57  | 2,086   | 1.83  |
| Paterson Zochonis & Co., Ltd.                | 5,673   | 6.02  | 6,825   | 7.81  | 6,270   | 5.51  |
| Union Trading Co., Ltd.                      | 2,128   | 2.26  | 2,089   | 2.39  | 3,140   | 2.76  |
| Cocoa Manufacturers, Ltd.                    | 11,248  | 11.94 | 8,530   | 9.77  | 12,284  | 10.79 |
| C. Zard and Company, Ltd.                    | 2,310   | 2.45  | 3,538   | 4.05  | 4,878   | 4.28  |
| Co-operative Wholesale Society               | 742     | .79   | 998     | 1.14  | 383     | .34   |
| London Africa & Overseas, Ltd.               | —       | —     | 1,413   | 1.62  | 2,367   | 2.08  |

Shipments effected by Group B shippers during the 1938-39 season were:—

|                                                             |           |
|-------------------------------------------------------------|-----------|
| Anglo-Nigerian Trade Corporation ...                        | 300 tons. |
| United Development Trading Company ...                      | 548 „     |
| Flionis Brothers ... ..                                     | 375 „     |
| W. E. Griffiths and Company, Limited ...                    | 13 „      |
| C. S. Mandrides ... ..                                      | 25 „      |
| African Industrial Shipping and Importing<br>Company ... .. | 50 „      |
| Odutola Brothers ... ..                                     | 250 „     |
| Nigerian Produce Farmers Association ...                    | 25 „      |
| S. Thomopulos ... ..                                        | 505 „     |

(c) 90,000-100,000 tons.

(d) The general basis of quota distribution was the tonnage exported in previous years plus a proportionate share of German exports. It was noted however that shipments of the smaller exporters had been rising and had reached a peak in 1938-39: consequently in order to give them the most favourable treatment possible quotas of smaller shippers were based on their 1938-39 performance. Quotas of Group A shippers were based on the average performance in three seasons 1936-39. In allotting quotas it was decided to guarantee the quotas of smaller shippers irrespective of the size of the crop: they were accordingly given tonnage quotas in excess of their exports in 1938-39, while the quotas of Group A shippers were expressed as percentages of the total crop less the guaranteed tonnage of Group B shippers. The quotas allotted were:—

| Group A.                                                      | Percentage of total<br>tonnage handled by<br>Group A shippers. |
|---------------------------------------------------------------|----------------------------------------------------------------|
| United Africa Company, Limited ...                            | 36.84                                                          |
| G. B. Ollivant, Limited ... ..                                | 9.62                                                           |
| John Holt and Company, Limited ...                            | 12.60                                                          |
| Compagnie Française de l'Afrique<br>Occidentale ... ..        | 4.41                                                           |
| Paterson Zochonis and Company, Limited                        | 6.51                                                           |
| Société Commerciale de l'Ouest Africain ...                   | 2.01                                                           |
| Cocoa Manufacturers, Limited ...                              | 12.92                                                          |
| Union Trading Company, Limited ...                            | 3.02                                                           |
| C. Zard and Company, Limited ... ..                           | 5.57                                                           |
| Co-operative Wholesale Society ... ..                         | .91                                                            |
| London Africa and Overseas, Limited ...                       | 2.46                                                           |
| <i>Group B.</i>                                               | <i>Tons.</i>                                                   |
| Anglo-Nigerian Trade Corporation ...                          | 326                                                            |
| United Development Trading Company ...                        | 596                                                            |
| Flionis Brothers ... ..                                       | 408                                                            |
| W. E. Griffiths and Company, Limited ...                      | 14                                                             |
| C. S. Mandrides ... ..                                        | 28                                                             |
| African Industrial Shipping and Import-<br>ing Company ... .. | 54                                                             |
| Odutola Brothers ... ..                                       | 270                                                            |
| Nigerian Produce Farmers Association ...                      | 28                                                             |
| S. Thomopulos ... ..                                          | 776                                                            |

(e) The original estimate of the crop was approximately correct but will probably prove to have been on the low side.

(f) No second allocation of quotas was made. Group B shippers were allotted tonnage quotas at the beginning of the season and Group A shippers were granted quotas expressed as percentages of the remainder of the crop after deducting the Group B tonnage.

(g) and (n) Do not arise.

(i) Twenty. The shippers named in (a) above.

In considering rates of remuneration it should be borne in mind that Group A shippers are not only buying agents in West Africa but also the selling agents for the Ministry of Food. The remuneration of Group A shippers is four and a half per cent on all sales proceeds credited to the Ministry of Food: in the case of stocks unsold on 30th September, 1940, they will receive one per cent.

Group B shippers receive two and a half per cent of the local buying price plus the schedule of marketing expenses on handing over to Group A shippers locally. Group A shippers receive five shillings per ton of such cocoa.

(j) His Majesty's Government is not, as in the case of cocoa, purchasing the whole output of vegetable oils, oil seeds and nuts with a view to resale on the open market, but is only purchasing such quantities as are required for the use of the Allies. No agents, therefore, have been appointed for their purchase in West Africa.

*The Member for Calabar (The Rev. & Hon. O. Efiang):*

45. (a) How many African Officials are holding European Appointments in the Northern Provinces Establishment? And

(b) To give the name of each Department in the Southern Provinces Establishment where Africans are holding European Appointments and the number thereof, respectively?

*Answer:—*

*The Hon. the Financial Secretary:*

As the service is not now organised in separate establishments according to groups of Provinces, it is not possible to give the information in the form asked for by the Honourable Member. Below is a list of African officials at present occupying posts formerly held by Europeans:

| Department         | Title of post        | Salary scale                     | No. of holders |
|--------------------|----------------------|----------------------------------|----------------|
| Accountant-General | Senior Accountant    | £600-30-720.                     | 1              |
|                    | Assistant Accountant | £315, £330 £350-25-600-30-720.   | 1              |
|                    |                      | £320-20-400-25-575.              | 3              |
| Customs            | Collector of Customs | £320-20-400-25-600-30-720.       | 2              |
| Education          | Education Officer    | "                                | 1              |
|                    | Lecturer             | "                                | 1              |
| Judicial           | Police Magistrate    | £400-25-450; £500-25-600-30-720. | 2              |
|                    | Magistrate           | "                                | 1              |

| Department                                    | Title of post                        | Salary scale                                                           | No. of holders |
|-----------------------------------------------|--------------------------------------|------------------------------------------------------------------------|----------------|
| Land and Survey .. ..                         | Surveyor .. ..                       | <i>New scale :</i><br>£320-20-400; £425-25-600.                        | 1              |
| Legal .. ..                                   | Crown Counsel .. ..                  | <i>Old scale :</i><br>£325-25-600.<br>£400-25-450; £500-25-600-30-720. | 1              |
| Marine .. ..                                  | Storekeeper .. ..                    | £320-20-400-25-575.                                                    | 1              |
| Medical .. ..                                 | Specialist .. ..                     | £1,000.                                                                | 1              |
|                                               | Medical Officer .. ..                | £400-25-450; £500-25-600-30-720.                                       | 18             |
| Posts and Telegraphs .. ..                    | Assistant Surveyor                   | £320-20-400-25-575.                                                    | 2              |
|                                               | Assistant Accountant                 | " "                                                                    | 2              |
| Provincial Administration, Northern Provinces | Assistant Secretary                  | £320-20-400; £425-25-600; £630-30-720.                                 | 1              |
| Public Works .. ..                            | Executive Engineer, Grade IV.        | £320-20-400-25-600.                                                    | 1              |
| Secretariat, Nigerian .. ..                   | Senior Assistant Secretary.          | £900.                                                                  | 1              |
|                                               | Assistant Secretary                  | £320-20-400; £425-25-600; £630-30-720.                                 | 2              |
|                                               | Office Assistant .. ..               | £320-20-400-25-475.                                                    | 1              |
| Lagos Town Council .. ..                      | Medical Officer of Health.           | £1,000 plus £50 House allowance                                        | 1              |
|                                               | Assistant Medical Officer of Health. | £500, £500, £500-25-600-30-720.                                        | 1              |
|                                               | Accountant .. ..                     | £400-20-500.                                                           | 1              |
|                                               | Assistant Secretary                  | £400-20-540                                                            | 1              |
|                                               | Town Warden .. ..                    | " "                                                                    | 1              |
| Nigerian Railway .. ..                        | Traffic Inspector                    | £315-15-400.                                                           | 1              |
|                                               | Assistant Accountant                 | £320-20-400-25-575.                                                    | 4              |

*The Member for Calabar (The Rev. & Hon. O. Efiang):*

46. (a) Referring to Government Notice No. 1148 in *Gazette* No. 59 of the 14th September, 1939, inviting applications to fill a vacancy in the Geological Survey Department, to ask whether the vacancy has yet been filled and if not, the reason for the delay?

(b) If the answer to (a) is in the affirmative, to ask how many applications were received and by whom the vacancy was filled?

*Answer:—*

*The Hon. the Chief Secretary to the Government:*

(a) and (b) The vacancy for a First-class Clerk in the Geological Survey Department has been filled by the promotion of Mr. D. M. H. Slessor, Second-class Clerk, Provincial Administration, Northern Provinces, with effect from the 1st of March, 1940. Fifty applications were received.

*The Member for Calabar (The Rev. & Hon. O. Efiang):*

47. (a) Referring to the Printed (Approved) Nigerian Estimates 1939-40, Page 78, Item 11, to ask how many Office Assistants (Northern Provinces) have retired during the current financial year? And

(b) Whether the vacancy or vacancies have been filled?

(c) If the answer is in the negative, to ask for the reason or reasons which led to that decision?

*Reply not yet ready.*

**The Member for Calabar (The Rev. & Hon. O. Efiang):**

48. (a) Is the Government aware of the fact that Sub-Inspectors in the Posts and Telegraphs Department are not allowed to draw Acting Allowance when they relieve European and African Inspectors as provided for by the Financial Secretary's Circular?

(b) If true, will Government please take the necessary step and make a redress by paying such allowance to Sub-Inspectors who have served in this capacity since the introduction of this Circular?

(c) Is it a fact that clerks in other departments draw this allowance?

*Answer:—*

**The Hon. the Financial Secretary:**

(a) It is not the case that acting allowance has been withheld from Sub-Inspectors in the Posts and Telegraphs Department if the conditions laid down for the payment of the allowance are fulfilled.

(b) Does not arise.

(c) Acting allowance is paid to the African staff in all Departments when the prescribed conditions are fulfilled.

**The Member for Calabar (The Rev. & Hon. O. Efiang):**

49. (a) To ask the Honourable the Director of Medical Services of Nigeria whether there was held Promotion Examination in October, 1938, for Nurses, and in June, 1939?

(b) If the answer is in the affirmative, to ask how many Second Class Nurses sat and how many of them succeeded? How many Third Class Nurses sat and how many succeeded?

(c) (i) How many of the successful Second Class Nurses were actually promoted?

(ii) How many of the successful Third Class Nurses were promoted?

(d) If no promotion was made in the case of Third Class Nurses who succeeded in any of the above examinations, will the Director of Medical Services please give the reason why?

*Reply not yet ready.*

**The Member for Calabar (The Rev. & Hon. O. Efiang):**

50. (a) Is it a fact that the people of Afikpo had made representation to the Resident of the Ogoja Province, reporting the corruption in bribery which is abundantly practised by their Court Scribe, such as obtaining bribes (i) before allowing the people to be appointed Court Sitting Members, and (ii) before issuing summonses to plaintiffs?

(b) If so, what steps have been taken to remedy this awful state of affairs?

(c) Is it a fact also that each Ezi (or compound) in Afikpo is entitled to contribute one Court Sitting Member?

(d) Is it a fact that a certain compound in Ndibe (in Afikpo) is allowed more than six members to represent them as Court Members contrary to laid down policy?

(e) If so, why?

*Reply not yet ready.*

**The Member for the Egba Division (The Hon. A. Alakija, C.B.E.):**

51. (a) What are the reasons for the Export Quota Scheme on palm oil and other West African produce?

(b) Does the Government agree that this Quota Scheme is not beneficial to the small shippers or producers?

(c) If so, what is the reason for this sacrifice?

(d) If not, would the Government explain in what way it is beneficial to them?

(e) Why should not shippers and/or producers be free to ship their produce in any quantity they like to any buyer or buyers in Great Britain who are willing to buy them?

(f) Is Government prepared to make a statement which will satisfy the general public that this Quota Scheme is not designed to check the small shippers and producers thereby compelling them to sell their produce locally to the big firms and restricting them from the open market?

(g) If not, why not?

(h) Is it not a fact that if shipment of produce were not restricted the competitive spirit will enable the producers to produce more and get as near as possible a maximum price for their produce?

*Answer:—*

**The Hon. the Chief Secretary to the Government:**

(a), (b), (c) and (d) At the outbreak of the war it was thought that the whole output of vegetable oils, oil seeds and nuts from West Africa would be required for the use of the Allies. The position has now changed and, for the present at any rate, although all available groundnuts are required for this purpose, only a portion of the rest is so required, the remainder being available for sale to neutral countries. The neutral market, however, is only a limited one. Before the war the principal purchaser of these commodities outside the United Kingdom and France was Germany, who is particularly short of oils and fats (in 1939 thirty per cent of West African palm kernels were sent to Germany) and exports of these commodities to a market already limited have to be strictly controlled in order to ensure that they do not reach Germany even indirectly through neutral countries. A further limiting factor is that the shipping space available for these exports is at present restricted.

Having regard to all these factors it is clear that Nigeria's exports of vegetable oils, oil seeds and nuts will probably have to be made to a market where the supply will exceed the demand, a condition in which unrestricted competition can only result in a severe depression of prices. By controlling the quantities exported, however, it is hoped that the worst effects of such depressed prices may be avoided and the only fair way of doing this is to confine the export trade to those concerns which have been engaged in it during recent years and to apportion the trade among them on the basis of the share of it which each has enjoyed in the past—that is to say, by allocating quotas to exporters and by not allowing those who have not recently exported to do so now, which would introduce an incalculable element into an already difficult situation.

It is admitted that such a system would not be ideal in normal circumstances, but it is the best that can be devised to meet existing war conditions. It has the merit of ensuring that the best prices possible in the circumstances will be paid to the producers and although it may result in disappointment to those who had hoped to enter the export trade for the first time it does preserve a fair share of the available trade to those already in it—especially to the small concerns.

(e) As far as Great Britain is concerned the sole buyer of all vegetable oils, oil seeds and nuts is the Ministry of Food and with one buyer only in the market the quota system provides the most certain means of assuring a fair share of the market to all sellers.

(f) and (g) See (a), (b), (c) and (d). Government is not in a position to make a fuller statement since the details of the system are still under discussion, but a full statement will be made and will be published in the *Gazette* and in the Press as soon as these details have been settled.

(h) According to the information at present available to the Government the answer is in the negative.

*The Member for the Egba Division (The Hon. A. Alakija, C.B.E.):*

52. (a) What arrangements are being made for the owners of land at Okigwi and Afikpo areas on which prospecting for petrol is carried on?

(b) How much per week or per month are the labourers earning from the Prospecting Company?

(c) Is it a fact that large quantities of packages of material extracted from the soil are being shipped abroad by the Prospecting Company?

(d) If so, what are contained in these packages and what is their value?

(e) What export duty, if any, was paid on these packages?

(f) If none, why?

(g) Is it a fact that concession for oil prospecting has been granted to a certain Company for the whole of Nigeria?

(h) If so, is this not a monopoly which shuts out a future enterprise in this respect?

*Answer:—*

**The Hon. the Chief Secretary to the Government:**

(a) The Honourable Member's attention is invited to the reply given to Question No. 6 at the meeting of Council held on the 6th of March, 1939. The terms of the licence issued jointly to the D'Arcy Exploration Company, Limited, provide for the payment of compensation for the disturbance of surface rights and for the payment of such compensation, as the Governor may direct, for the exercise of the rights, powers and liberties conferred by the licence.

(b) It is understood that labourers are receiving an average wage of 6d. per day. The lowest rate paid is 4d. per diem and some £300 is expended monthly in wages.

(c) and (d) Samples of borings and surface rocks of no commercial value are being exported by the Prospecting Company for analysis. Samples of all cores are retained by the Geological Survey Department under the terms of the licence.

(e) None, Sir.

(f) No export duty is chargeable and none is justifiable.

(g) A licence has been granted exclusively to the two associated companies for the whole of Nigeria, excepting the Cameroons under Mandate.

(h) The licence, which was granted on terms approved by the Secretary of State for the Colonies, is valid for a period of two years only. The grant of such a licence does not shut out future enterprise. Without such a licence no Company would risk the very considerable capital that is involved in these exploration proceedings and the potential oil resources of the country would remain unexplored.

**The Member for the Egba Division (The Hon. A. Alakija, C.B.E.):**

53. (a) Would the Honourable the Director of Education consider the advisability of establishing a Secondary School for the Ngwas instead of the three Native Administration Elementary Schools which are now contemplated?

(b) If not, will the honourable gentleman state his reason?

(c) What is the highest class in these proposed Native Administration schools?

*Reply not yet ready.*

**The Member for the Egba Division (The Hon. A. Alakija, C.B.E.):**

54. (a) What are the reasons for charging such a low figure as 1s. 6d. per ton Export Duty on tin?

(b) Will not the revenue of the country be benefited if an appropriate Export Duty is collected on tin?

*Answer:—*

**The Hon. the Financial Secretary:**

(a) The export duty on tin is really more of the nature of a cess than of a true export duty. It was imposed for the specific purpose of collecting from the tin producers their share of the annual contribution to the International Tin Research and Development Scheme.

(b) Tin already makes a substantial contribution to the revenue, but, in accordance with the usual practice in the case of minerals, this contribution is made by way of royalty and not by way of export duty. The Royalty is *ad valorem*, and steeply graded. If the price of tin is under £180 per ton, the royalty is only 2%, whereas if tin price is £300 per ton or more, the royalty is 10%.

**The Member for the Egba Division (The Hon. A. Alakija, C.B.E.):**

55. (a) What was the cause of the damage to Carter Bridge?  
 (b) Was the cause due to unforeseen circumstances or defective workmanship or bad engineering?  
 (c) What is the estimated cost of the necessary repairs?

*Answer:—*

**The Hon. the Chief Secretary to the Government:**

(a) Government is advised that the damage is due to the presence of water below the foundations of the Lagos abutment of the bridge, which was gradually dragging out the filling and leaving dangerous cavities below the roadway.

(b) Unforeseen circumstances.

(c) £1,450, of which £500 will be spent during the current financial year, and £950 during the year 1940-41.

**The Member for the Ibibio Division (The Hon. Nyong Essien):**

56. (a) To ask the Honourable the Director of Medical Services whether the kind of beds used by the students of the Higher College at Yaba, the height of which is about seven (7) inches at the head part and the foot part measures about five (5) inches from the floor, was recommended and approved of by medical science?

(b) If so, what is the Sanitary Authority recommending and approving the use of such beds there?

(c) If not, whether such kind of wooden beds is not a defect in that institution and the use of the same injurious to the health of the boarders?

(d) Whether such kind of beds has been so recommended and so used in any other of the British Colleges?

(e) If the reply is in the affirmative, where?

(f) If the reply is in the negative, what was it that caused introduction of such into Nigeria for the use of Nigerian students?

(g) Whether the authorities concerned and responsible will, please, consider the expediency and desirability of furnishing the College with beds suitable to that institution?

(h) If not, why not?

*Reply not yet ready.*

**The Member for the Ibibio Division (The Hon. Nyong Essien):**

57. To ask the Honourable the Director of Education:—

(a) Is it a fact that owing to war conditions certain members of the Yaba Higher College staff arrived late last October?

(b) Whether, during September and October, 1939, a European acted for the Principal and an African for the House Tutor of the College?

(c) What was the Principal's Duty Pay for that period, and what percentage of it did the Acting Principal receive?

(d) Was the House Tutor entitled to, and receiving Duty Pay?

(e) What proportion of the Duty Pay did the African Master get during the period he acted for the House Tutor of that College?

(f) Is it a fact that there appears to be a shortage of staff of the Higher College, Yaba, owing to the transfer of one of the members of the staff and to the impending leave due to another?

(g) Is it a fact also that owing to that shortage of staff a certain European has been detailed to lecture in English to the students, particularly those who are taking their Diploma this year? If reply is in the affirmative.

(h) What are the qualifications entitling the lecturer to that important and responsible office?

(i) What is the scale of salary to which the lecturer is entitled to receive for that duty?

(j) Is it a fact that the same man is attached for the same purpose to the faculty of Commerce in that College? If so.

(k) What are his emoluments and qualifications?

(l) Is Government aware of the Editorial of the *West African Pilot* issue of Tuesday the 1st of August, 1939, in connection with staffing of the Yaba Higher College?

(m) What steps are being taken by Government to act on those suggestions?

(n) Whether Government will state the reason for retaining the services of the newly appointed lecturer on the staff of that College?

(o) If not, why not?

(p) Whether Government will, please, consider the desirability, and agree, that all the lecturers on the staff of that College are University Graduates?

(q) If not, why not?

(r) Will Government kindly make a statement of the general educational policy of the Nigerian Government?

(s) Whether Government will, please, consider the desirability of increasing the present educational vote to £500,000?

*Reply not yet ready.*

**The Member for the Ibibio Division (The Hon. Nyong Essien) :**

58. (a) To ask the Honourable the Director of Education to state the duties and responsibilities of the Travelling Teacher as compared with those of the Superintendent of Education?

(b) Is the office of the Travelling Teacher redundant in the education system of Nigeria, in view of the existence of the office of the Superintendent of Education?

(c) If reply to (b) is in the negative, how does the Travelling Teacher benefit the native educationally?

(d) If reply to (b) is in the affirmative, will Government kindly consider the desirability of amalgamating the two offices?

(e) Is it a fact that the Travelling Teacher's office is that part of Education Department in Nigeria, which exists for the benefit of the few at the expense of the many, and is also an impediment and detrimental to educational advancement of Nigerians?

(f) If reply to (e) is in the negative, where, in education system in Britain, France and America, does "Travelling Teacher's Office" obtain?

(g) What is (i) its origin, (ii) its purpose, (iii) its aim and (iv) its object?

(h) If reply to (e) above is in the affirmative, will Government, please, see to immediate abolition of that office?

(i) If not, why not?

(j) Of the two Education Officers, namely, the Superintendent of Education and the Travelling Teacher, who is "Inspector of Schools" in Nigeria?

(k) Whether, in view of existing fall of Government Revenue, Government will kindly consider to substitute the office of the Travelling Teacher for that of the Superintendent of Education, and appoint capable Africans to fill the same?

(l) If not, why not?

*Reply not yet ready.*

**The Member for the Ibibio Division (The Hon. Nyong Essien):**

59. (a) Is it a fact that the bench of the West African Court of Appeal in Nigeria has often been occupied by three Judges of Nigerian Courts instead of by the Judges from the three West African Colonies, to wit: Sierra Leone, Gold Coast and Nigeria, according to the Constitution of that Court?

(b) If so, how often did that happen in Nigeria and when?

(c) How often has that policy been adopted on the Gold Coast and at Sierra Leone and when?

(d) By what authority was the practice adopted?

(e) In view of the term "West African Court of Appeal", does not the practice suggest or introduce irregularity?

(f) Whether, in the interest of justice, and for maintenance of harmony and good order throughout the British "West African" Colonies concerned, Government will, please, consider the expediency and desirability of furnishing the bench of the "West African" Court of Appeal with the Judges from the three "West African Colonies" concerned rather than with local Judges only?

(g) If not, why not?

*Reply not yet ready.*

**The Member for the Ibibio Division (The Hon. Nyong Essien):**

60. (a) What is the gross total amount of Personal Emoluments paid in each department for the financial year 1937-38, and 1938-39 to (i) Europeans and (ii) Africans?

(b) Will Government, please, state whether the cost of all Government European residential buildings in Nigeria were met by expenditure from public funds?

(c) What was that cost?

(d) What is the value of return therefrom?

(e) Are rents and rates being paid for those buildings?

(f) If paid, how are they estimated and how much did they come to in each of the last three years 1937-39?

(g) If not paid, will Government, please, consider payment of rents and rates by occupants of those quarters, in view of the existing financial stringency?

(h) If not, why not?

(i) Is it a fact that European Government officials pay their own rents in the West Indies?

(j) What is the value of assessment of African Staff Quarters throughout Nigeria?

(k) What is the total amount of (i) rents and (ii) electric light dues collected from African staff in Nigeria for the financial years 1937-38, and 1938-39?

(l) What is the total amount of (i) rents and (ii) electric light dues collected from European Staff in Nigeria for the financial years 1937-38, and 1938-39?

*Reply not yet ready.*

**The Member for the Ibibio Division (The Hon. Nyong Essien):**

61. (a) How many Cadets have been appointed to Nigeria during the periods 1937-38, and 1938-39?

(b) What is the office filled by each of them?

(c) What is the amount of the emoluments of each of these Cadets?

(d) Whether, in view of the financial state of Nigeria at present, Government will be graciously pleased to refrain from further appointments of European Cadets into Nigeria until better times?

(e) If not, why not?

*Reply not yet ready.*

**The Member for the Ibibio Division (The Hon. Nyong Essien):**

62. Why are Local Treasury Assistants receiving salaries so low as the rate paid to Chief Clerks?

*Reply not yet ready.*

**The Member for the Ibibio Division (The Hon. Nyong Essien):**

63. (a) What are the detailed and specific functions of the Forestry Department?

(b) What benefits does Nigeria derive from its existence?

(c) How far has use been made of African Personnel for specialised training in that department and what steps are being taken in that direction?

*Reply not yet ready.*

**The Member for the Ibibio Division (The Hon. Nyong Essien) :**

64. (a) Is the system of advertising vacancies and filling them in some cases by departmental transfers satisfactory and will Government consider the desirability of reverting to the old system?

(b) If not, why not?

*Reply not yet ready.*

**The Member for the Ibibio Division (The Hon. Nyong Essien) :**

65. (a) How many Government (i) 3rd Class Nurses, (ii) 2nd Class Nurses, (iii) 1st Class Nurses and (iv) Senior Nurses are there in Nigeria?

(b) What is the rate of salaries paid to each of the classes.

(c) What is the intention of Government towards the old 2nd Class Nurses who have been reverted to 3rd Class Nurses after the revision of salaries in April, 1936?

(d) Is it a fact that some of those Nurses have served the Government for the past ten to twenty years with good records but without promotion?

*Reply not yet ready.*

**The Member for the Ibibio Division (The Hon. Nyong Essien) :**

66. To ask the Honourable the Director of Public Works:—

(a) Whether Government will consider the desirability of enforcing the application of Government approved scales for Public Works Department Overseers in the Uyo Division?

(b) If not, why not?

(c) Will Government, please, consider the desirability of establishing regular increments along the approved scales for Overseers and Assistant Overseers in Nigeria (including Uyo Division), rather than leave matters to the discretion of the District Engineers.

(d) If not, why not?

(e) Will Government agree to the grant of bicycle and motor cycle allowances to Overseers and Assistant Overseers in Uyo Division Public Works Department in accordance with General Orders, in view of the fact that Road Overseers in that Division supervise roads the distances of which necessitate the use of bicycles or motor cycles?

(f) How many Overseers in Uyo Division were granted increase of wages as from the 1st of April, 1936?

(g) What amount to each was the increment so granted?

(h) How many of the Overseers received the same?

(i) If no increment was granted, for what reason or reasons was it not granted?

(j) With a purpose that the Overseers in the Uyo Division might not be barred out from prospect, will Government, please, create the following posts, to wit: (i) Head Overseers and (ii) Road Foremen?

(k) If not, why not?

(l) Has a prospective Public Works Department Road Overseer to pass through a course of training during which time he receives a maximum salary of £3 5s. 0d. per month, as per authorised scale? If so will Government kindly explain why, after such a person is promoted a Road Overseer, his salary falls below the maximum salary of an Overseer-in-training, namely, £3 5s. 0d.?

(m) Whether Government will consider the expediency and desirability of re-introducing the supply of khaki trousers, jackets, and officer's regulation helmets to Road Overseers as had been the case of late, in view of Public Works Department Overseers in some divisions being literate youths and a higher qualification being required of prospective Road Overseers?

(n) If not, why not?

(o) Will the Honourable the Director of Public Works consider the introduction into the Public Works Department of departmental examination to determine, in the best way possible, which of the Public Works Department Overseers ought to be permanent?

(p) If not, why not?

*Reply not yet ready.*

### MOTIONS.

On the motion of the Honourable the Member for the Egba Division, seconded by the Honourable the Third Lagos Member, the following Motion was adopted unanimously:—

**The Member for the Egba Division (The Hon. A. Alaktija, C.B.E.):**

Sir, I rise to submit for the consideration of the House the motion which is standing in my name, namely:

- “ Be it resolved: (1) That this House welcomes the generous  
 “ gesture of the Imperial Government whose recently  
 “ announced policy for the apportionment of a sum of  
 “ over £50 million to be spent for development and  
 “ research in the Colonial Empire has made such  
 “ universally favourable impression in this country.  
 “ (2) That this House appreciates this provision  
 “ and all the more because it is made at a time of  
 “ national stress.  
 “ (3) That Nigeria, which owing to lack of capital  
 “ for development of its resources has suffered consider-  
 “ able handicap in the past, and therefore stands very  
 “ urgently in need of such assistance as the Imperial  
 “ Government has now provided, is specially grateful  
 “ for this gigantic Imperial endeavour.

“(4) That opportunity be taken of this occasion to refer with satisfaction to His Excellency’s Address to this House on December 4th, 1939, in which were disclosed the attempts that were made to bring Nigeria’s needs in this respect to the notice of the Imperial Government.

“(5) That this Council observes with special satisfaction that the new policy of His Majesty’s Government will involve no derogation from the rights and privileges of local legislatures, and that receipt of assistance for approved purposes will not involve a system of financial control which hitherto has been associated with receipts of grants-in-aid.”

On the 4th December, 1939, when Your Excellency spoke in this Council and said among other things that “we are in fact in a vicious circle; we cannot develop this country without spending more money on our developmental services, and we cannot get that money until the country develops. Having reached that conclusion, I thought it my duty to put my point of view before the Secretary of State, and I did so in a despatch which I sent to him last April, in which I stated my opinion that the time had now arrived when the development of this country would be seriously retarded unless it received some considerable assistance from outside, and I said that in my opinion it was the duty of the British Government to give this country more material assistance than that which could be obtained from the Colonial Development Fund. That despatch of mine was receiving the earnest and sympathetic consideration of the Secretary of State, and I was hopeful of great results for Nigeria. Those hopes are now—I would not say dead—but they must obviously be laid aside for the time being. Now, I think you will agree with me that it is our bounden duty to put off, if possible for the duration of the war, and if not, as long as possible, the day on which Nigeria will call upon the British taxpayer for financial assistance.”

No one, not even the greatest optimist, could dare to hope that at that time Great Britain would be able to find the time to consider Your Excellency’s appeal, still less to formulate a scheme, so soon in the day, in aid of colonial development, with a grant of over £50,000,000 to replace the Colonial Development Fund. It is therefore, Sir, with profound gratitude to the British Government and with sincere thanks to Your Excellency that Nigeria received the news about a fortnight ago of this generous gesture and very beneficent gift from the Imperial Government to her Colonies, and to use their own words from the paper which was laid on the table this morning, called the Statement of Policy, at page 4: “This assistance will be available not only for schemes involving capital expenditure necessary for colonial development in the widest sense but also for helping to meet recurrent

expenditure in the Colonies on certain services such as agriculture, education, health and housing. In planning expenditure from this new source the Government will enlist the help of a Colonial Development and Welfare Advisory Committee, which will be composed partly of official and partly of unofficial members."

Now, Your Excellency, I know very well that this generous gesture has created great public interest throughout the Colonies under the Empire. But speaking for Nigeria, I have no hesitation in saying that with the exception of the abolition of slave trade, this scheme is regarded as the greatest announcement of colonial policy which Great Britain has ever made for our benefit. It is indeed, a clear proof, not only of the unswerving fidelity of Great Britain to the principle of truth, freedom and justice, but also, especially at this time of great national stress, of her readiness at all times and at all costs to shoulder her responsibilities.

Now, Sir, no one in Nigeria to-day would hesitate to admit that our existing and potential resources are very much undeveloped, and as Your Excellency aptly describes the position, they cannot be developed without our spending a large sum of money, and we cannot spend a large sum of money unless the resources are fully developed. This is what Your Excellency referred to as a vicious circle, and now that it has pleased the Imperial Government to remove us from this vicious circle and set our feet on the straight road to our economic emancipation, let us all be prepared to take a full advantage of this golden opportunity and do all that lies in our power to show that we are worthy of the confidence reposed in us by the mother country, and that we deserve the sacrifice of the British taxpayers.

There may be, perhaps, Your Excellency, some disgruntled people, and we find them in every part of the world, who perhaps cannot or will not or do not appreciate this gigantic and far-reaching imperial policy, or perhaps there may be a few who, although capable of appreciation, are prone to find fault or have already begun to speculate on some difficulties which may be involved in this scheme. Let me at once, if there exist any in Nigeria, remind them that no human institution is perfect, but that every endeavour will continue to be made by us in Nigeria in order to render our Nigerian administration efficient; and that it is also by their own co-operation and that it is by their co-operation and goodwill that Nigeria would be able to do much to realize the ideal of our great Empire and take her proper place among the family of nations under the Union Jack.

I know Your Excellency would not like me to say anything which might seem to emphasize the good work that you are doing for us: yet, Sir, no one would deny that it is your due that we should take advantage of this opportunity to let you know that we are alert to the fruitful services you are rendering to Nigeria and the Nigerians, and that we are not wanting in gratitude.

I would also like, if I may, to take this opportunity of asking Your Excellency to convey the thanks of this House and of the whole of Nigeria to the Imperial Government through the Right Honourable the Secretary of State for the Colonies for this magnanimous act which is characteristic of Great Britain's true trusteeship and her maintenance of the righteousness of British administration. It is, therefore, Your Excellency, with a deep feeling of joy and loyalty that I stand here this morning to move the motion standing in my name.

*The Third Lagos Member (The Hon. O. Alakija):*

Your Excellency, I rise to second the motion which has just been proposed by the Honourable and learned Member for the Egba Division. I approve of it in its entirety—all that he has said—and as His Excellency has just remarked in his speech that part of the money would be devoted to slum clearance in Lagos, may I also express the hope that a great portion of it will be utilised for the advancement of learning in this country, so that the cloud of ignorance and darkness may be dispelled once and for all in Nigeria.

Your Excellency, this is all I wish to say.

*The First Lagos Member (The Hon. H. S. A. Thomas):*

Your Excellency, I rise to support the motion that has been very ably moved by the Honourable Member for the Egba Division and seconded by the Honourable the Third Lagos Member. A generous gesture of this sort would at any time have created a favourable impression, but it has created a much greater impression than it would otherwise have done, because of the time and the circumstances in which it was made. Great Britain is at present faced with war, she needed all the money she could get, and she is making every sacrifice in men and money; that she could at this time have thought of setting on her feet, so to speak, her Colonies, shows how much interest she has in the backward peoples of the Empire, and her keen desire to help them at all costs. For this we are very grateful and will ever remain so.

As has been hinted, there are some people who are sceptical about this gift; and one or two of such people have said to me that we should not be too glad, as a good deal will depend on the application of the grant. The suggestion is that the European will benefit more than the African, but I think that the assurance given by Your Excellency this morning that one of the earliest schemes to be prepared in connection with the utilisation of this grant will be that for the clearance of slum areas in Lagos, should convince those who hold such an opinion that the intention of the grant is to benefit the indigenous people of the country, and that Your Excellency is prepared to see that it is properly applied.

Another point to which I would draw attention at this stage is the fact that Your Excellency is inviting suggestions from unofficial members of this Council for the purpose of drawing up schemes beneficial to this country. I do hope that in this task we shall receive from members of the public reasonable suggestions, and that when we lay those suggestions before Your Excellency, they will receive full and sympathetic consideration.

*The Member for the Rivers Division (The Hon. S. B. Rhodes):*

Your Excellency, it was only yesterday that a copy of this resolution was handed me, I find it difficult to sit down and not express some words showing how grateful we are for this generous gift. When I heard it over the radio, I really did not believe my ears, that at this time when money is so much required by Great Britain, Great Britain can afford to sacrifice £5,000,000 every year for the next ten years for the development of the Colonies.

Further, Sir, I want to say that when war broke out and it was announced that Your Excellency was not going to the Sudan or your departure was deferred, I had a selfish feeling about me, as I thought it was time you went to the Sudan, and also it was time you left Nigeria; as having studied Your Excellency's official career, I discovered that you did your undergraduate course in the Indian Office Service, that you graduated in the Colonial Office Service, and that you were going to do your post-graduate service in the Foreign Office, I thought to myself that after finishing that, you will be qualified to become a specialist and one of these days we may have you as Secretary of State for the Colonies. Then, at that time, everything that you may require for the benefit of Nigeria now that you cannot get, we will be able to get! (Applause). That was the selfish feeling I had, when I was told Your Excellency's going was deferred. However, it has been proved that even though you have not gone you have been able to achieve what others could not achieve, and I should also like, in supporting this resolution, not to forget to mention the Honourable the Chief Secretary borrowing the official word for I know which we were told last year at a certain Colonial dinner in London. I have reason to believe that he also played a part in Jamaica when acting as Governor in bringing forward to the Home Government the necessity for assisting the development of the various Colonies.

The other day a certain gentleman said to me that after listening over the radio to the expression of gratitude from the various Colonies, he wondered how much Nigeria would get out of the £5,000,000, but I said "You trust our Governor: he is chiefly responsible for this thing. I think he will get about seventy-five per cent!"

Now Sir, it has been said in the scriptures that "Greater love hath no man than to lay down his life for his brother." Here we see the British Government laying down their lives every day from

the 3rd of September for our protection, and apart from that, they are also making monetary sacrifices for our advancement. However much a person may be ungrateful, and I am speaking of my race, he ought to be able to see that we can have no better benefactor than the British Government.

*The Member for the Ibo Division (The Hon. B. O.-E. Amobi) :*

Your Excellency, I rise to support the motion so ably moved by the Honourable Member for the Egba Division. When the news was broached to us it was welcomed with great joy, for £5,000,000 a year for ten years to be given to all the Colonies was a big sacrifice. Those of us who have been able to read through the papers find that the present hostility is costing Great Britain £6,000,000 a day, and I believe that by the end of this month, and on to April and as far as July when we have a real summer, I expect the war will be costing Great Britain almost £9,000,000 a day. For Great Britain to find way to give out £5,000,000 a year, makes us feel that we are being remembered. At any rate, Your Excellency, I must borrow from the words of the Gospel "When thou art converted, strengthen thy brethren." When Nigeria would have had its share, the Easterners should be remembered. The Eastern Provinces at the moment require a lot of improvement, so that when Nigeria gets its share, the Eastern Provinces should be remembered, particularly the Onitsha Province.

Your Excellency, on behalf of all Ibo speaking people I support the motion.

*The Member for the Ijebu Division (Dr. the Hon. N. T. Olusoga) .*

Your Excellency, I rise to support the motion, and while doing so I should like the House to remember the Provinces, the Provinces that are contributing very much in supporting the Central Government. I have heard that part of the money will be utilised to clear the slums in Lagos: we also have slums, and we ask to be remembered, Your Excellency, when the time comes to spend the money.

*The Member for the Ibibio Division (The Hon. Nyong Essien) :*

Your Excellency. I rise to support the motion which has been so ably moved. The generous gift which the mother Government has made to us has made me to realise the more that it is the policy of the British Government to stretch a helping hand always to those of her dependencies that appeal to her for help, especially, when such an appeal is made at the proper time. I have realised also that Your Excellency, having succeeded in getting for us this gift, has proved to us that you are the right man in the right place; and that your qualification in the science and the art of colonisation is beyond every doubt. I appreciate your efforts and congratulate you for your success in the establishment of such a fund in Nigeria at this time when the country is so much in need of money.

In view of your vision and achievement for the future prosperity of Nigeria, it is evident that you are the man upon whom devolves the duty of equitable distribution of this gift; and, inasmuch as you have solicited our advice and suggestions to you in the distribution, we shall contribute our quota towards the same. I beg Your Excellency's pardon for my throwing in this bit of my suggestion at this time, premature though it may seem, that this money should be distributed not only to meet the needs of the Government, but much more to meet the needs of the indigenous groups, both in the Colony and in the Provinces generally.

I thank Your Excellency for your services.

*The Member for Calabar (The Rev. & Hon. O. Efong):*

Your Excellency, it gives me the greatest pleasure to associate myself in supporting the motion that has been so admirably proposed to you and through you to the Imperial Government, expressing our gratitude for the noble sacrifice that the Imperial Government has been called upon, in the strictest sense of duty, to perform at this time for the development and the welfare of the Colonies. I feel that we shall do our best to respond to this great sacrifice, and kindness. Again, I feel at a time like this not to say much, for to be silent is really eloquent. I rather feel that when the time comes we shall supply the requisite suggestions for the administration and application of this money.

I thank Your Excellency.

*The Member for the Oyo Division (The Hon. N. D. Oyerinde):*

Your Excellency, I must add my agreement and hearty support to the resolution made by the Honourable Member for the Egba Division. Some time ago, Your Excellency made a discovery. You have shown Nigeria to herself. Before, we were in the habit of thinking that we were a wealthy people, and a wealthy country, but when Your Excellency enunciated that Nigeria was a poor country, we went back with a great surprise and since then we have been thinking of the resources we have, our material possessions, and thus we have come to find out we did not possess as much as we thought at first we possessed. But, Sir, you were not satisfied with only enunciating these great facts of our poverty: you made efforts to convince the Imperial Government that Nigeria must be assisted and helped to develop along the right lines, and through your efforts, Sir, while we are trying to carry on the Government of Nigeria without running into debt, and while we try, Sir, to balance the Budget, you made another announcement which was of vital importance to Nigeria, and that is that the British Government had decided to purchase our cocoa. How would it be if our farmers were left at this time in the hands of the firms. We were once left in the hands of the firms, and we found we were not satisfied, but it is now a great relief that the British Government has decided to purchase our cocoa. If there was any

profit, the Government were prepared to share the profit with Nigeria, but if there was any loss, the loss would be borne by the Home Government! What a great gesture of love of a parent Government to a Colony! And then came the announcement of this other great gesture of care and planning on the part of the Home Government to develop the Colonies by the outlay of such a huge sum of money—£5,000,000 every year—and at the time when the Home Government is bearing a heavy burden; to know that the British Government and the British people gladly and willingly face their duty to the Colonies by deciding to spend £5,000,000 every year for ten years to develop their Dependencies must fill us with deep sense of gratitude and loyalty.

In rising, I speak for the Colony and for the Protectorate, and I thank Your Excellency for the efforts that you have made to put our needs before the Home Government. While we know that part of this money will be spent in clearing the slums of Lagos, we know too, that Your Excellency is thinking of the Protectorate and the development of native industry, industry in this country where we would be able to employ a number of our boys and our girls, those at present who have no employment. So, Sir, in supporting His excellent motion, I say thank you Sir!

*The Hon. the Chief Secretary to the Government:*

Sir, I need hardly say how warmly the Government and my official colleagues desire to associate themselves with the terms of this resolution, which has been so ably moved by the Honourable Member for the Egba Division, and so well and truly supported by those members who have spoken, and equal strongly supported, I know, by members who have not spoken.

To look at it from one aspect, even though we have had the news for a very short time, I have noticed personally a very much happier look on the faces of several Heads of Departments with whom I have had to discuss matters and who now see some real hope that their existing services can be put on a satisfactory basis and that there is a real chance of some of their dreams for promoting the happiness and the welfare of the people coming true; and I think that the Financial Secretary, broad-shouldered as he is in times of financial adversity, would readily confess that he felt some years younger when he heard of this magnificent gesture by His Majesty's Government.

I am very glad, Sir, that the Honourable Member for the Egba Division has lost no time in moving this resolution, placing as it does on permanent record the appreciation of the Council of this welcome gesture of His Majesty's Government, and I am glad because probably in a few weeks' time the Secretary of State will have to go into the House of Commons and make proposals, in effect, to the already heavily burdened British taxpayers that they should provide the Colonies with a sum which eventually will

aggregate some £55,000,000. He will be able to go in with the feeling that he has the solid backing of every Colonial Legislature. as I am sure he will have, and of the 60,000,000 people which comprise the population of the Colonial Empire. It will, I believe, be both encouraging and gratifying to him to know that the whole Colonial Empire has the same feeling about this new policy.

As Your Excellency has said, under the new policy the doctrine of individual self-sufficiency goes by the board, and a Dependency will not in future necessarily only get the services which it can afford, but it will get some services which it cannot afford but which it urgently needs and which it deserves. The Honourable Member in his resolution has made reference to the efforts of His Excellency the Governor to persuade the Secretary of State to introduce some new policy of this kind. We know how great his efforts have been, and I am sure that it gives all of us very great pleasure to see his efforts reflected in no small measure in the announcement of policy which His Majesty's Government has made.

Now, Sir, it will take a considerable time for this new policy to have any effect, but I can assure Honourable Members that the Government is losing no time at all in crystallising its own ideas and framing its own proposals as to the best means of spending whatever grants we may get. His Excellency referred in his Address to certain proposals which we have recently put forward for grants from the existing Colonial Development Fund, which will continue to be in existence until the new fund is available; apart from recent applications we have made there are still some further applications going forward.

It is not, Sir, only the amount of money which His Majesty's Government is providing for the Colonies that we appreciate, it is also the spirit in which it is being given. If Honourable Members will turn to the last page of the Statement of Policy which I lay on the table this morning, they will read this: "From London there will be assistance and guidance, but no spirit of dictation. The new policy of development will involve no derogation from the rights and privileges of local legislatures, upon whom rests a large measure of responsibility for the improvement of conditions in their several territories and upon whose co-operation the Government count with confidence. The fact that a Colony receives assistance under the policy will not entail upon it the system of financial control which is now associated with the receipt of grants-in-aid."

Now, that does to me indicate a real spirit on the part of His Majesty's Government to assist the Colonies, to co-operate with them and with the legislatures of those Colonies in every possible way. As long as we have that spirit I have no doubt myself that this fund will be of the greatest value to all of us.

Well, Sir, we have a very busy session before us, and I do not want to delay the House any longer, but I would say again, on behalf of the Government and my official colleagues that I have the greatest pleasure in giving every warm support to the resolution moved by the Honourable Member for Egba.

Motion carried unanimously.

***His Excellency:***

It will give me, of course, very great pleasure to convey the terms of this motion and the cordial support it received, to the Secretary of State. I hope that in a very little over a fortnight's time I shall myself be discussing this scheme with the Secretary of State.

The Honourable the Chief Secretary has stated that the Heads of Departments are going about with bright smiles, and their mouths open for what may drop into them. I also shall go to the Secretary of State and show the real, practical appreciation of this country for this generous gift by opening *my* mouth as wide as possible!

***The Hon. the Financial Secretary:***

Your Excellency, I beg to move "that the Report of the Finance Committee (Part I), which was laid on the table to-day, be adopted." This Resolution is to give the approval of this Council to the Supplementary Estimates which have been authorised by the Finance Committee since the last meeting of the Council.

***The Member for the Egba Division (The Hon. A. Alakija, C.B.E.):***

I beg to second.

***The Hon. the Financial Secretary:***

Your Excellency, I beg to move "that the Report of the Finance Committee (Part II) which was laid on the table to-day, be adopted." This is to give the authority of this Council to *ex-gratia* awards approved by Finance Committee.

***The Member for the Egba Division (The Hon. A. Alakija, C.B.E.):***

I beg to second.

***The Hon. the Financial Secretary:***

Your Excellency, I beg to move "that the Report of the Finance Committee (Part III) which was laid on the table to-day, be adopted." That covers miscellaneous items not involving additional expenditure, but possible commitments for the future.

*The Member for the Egba Division (The Hon. A. Alakija, C.B.E.):*

I beg to second.

*The Hon. the Comptroller of Customs:*

Sir, I beg to ask that the motion down in my name should be deferred until a later stage of the sitting.

*The Hon. the Financial Secretary:*

I beg to second.

*The Hon. the Financial Secretary:*

Your Excellency, I beg to move that a Bill entitled "The 1940-41 Appropriation Ordinance, 1940" be read a first time.

In the first place I wish to express regret that owing to the abnormal circumstances now obtaining it has not been possible to issue the printed estimates as early as usual. The war is, of course, responsible for this. It has handicapped us in three ways. In the first place the calling up of a number of officers and the secondment of others for special duties left us particularly short-handed just at the time when the mass of detailed work inseparable from the preparation of the Estimates should have been taken in hand. In the second place, the general dislocation of trade resulting from the outbreak of hostilities has meant that we have had to revise our estimates of revenue again and again; and thirdly our expenditure on military and defence measures has also had to be revised more than once, and even one small change in the figures in one item may lead to an enormous mass of consequential alteration in the Estimates as a whole. And, of course, the later the change the greater the adjustment that has to be made.

I am sure that Honourable Members fully appreciate the difficulties that have had to be met, but I venture to give this brief explanation of the circumstances and I hope, too, that the Memorandum and the Summary Statements that were issued a fortnight ago will have enabled members to obtain a fairly clear picture of the Budget for 1940-41.

In the initial stages the Budget was indeed a depressing one, indicating as it did a prospective deficit of nearly £½ million. Nor was this all. The outlook had been going from bad to worse; it could not be said that we had yet touched bedrock. Expenditure had been cut to what was considered a minimum; our balances were rapidly nearing the point at which they would be no more than sufficient to provide the amount necessary for working capital. It was quite evident that increased taxation would be necessary, but there seemed little hope that even the increased taxation would suffice to bridge the gap.

I am glad to say that the picture which I am now able to present to Council is a much more cheering one. The increases in taxation were dealt with at the December meeting, and therefore it is unnecessary for me to say anything more on that subject, but I can say that with one exception, to which I shall refer later, this Budget provides for no more increased taxes. I have no plums to present to the taxpayer, but neither have I to call on him to shoulder any additional burdens, with the exception of that one small item. And I may mention here that the measures which were introduced and passed by this Council in December are estimated to produce approximately £300,000 in the coming year.

The second factor which has had a very material effect on our Budget has been the very generous assistance by His Majesty's Government towards our expenditure on military and defence measures. As Honourable Members are doubtless aware, the net result of that assistance is that Nigeria bears the cost of her own purely local arrangements and in addition makes a lump sum contribution to His Majesty's Government, which is fixed at twenty-five per cent over the budgeted provision for the current year. Even with this very generous assistance the burden on Nigeria is still a heavy one. Allowing for indirect expenditure and for loss of personnel, I should put it somewhere in the neighbourhood of £½ million, but it is very much less than the figure that we feared we should have to meet a few months ago.

Finally, I come to the item which has enabled us to present a balanced Budget, that is the contributions from Native Administrations, and I hasten to say that I am fully alive to the fact that this is not recurrent revenue, that it is in fact a draft on Nigeria's reserves just as much as if it were being taken from our own surplus balances. But the important point is that the Native Administration reserves are Nigeria's reserves, and that the Native Administrations being in a position to help towards the common need have done so wholeheartedly, and I would add that the contributions are accepted on the very clear understanding that Government accepts an obligation to replenish the Native Administration reserves as soon as its own finances permit it to do so.

Turning to a general description of the Budget, I think there is little I can add to the memorandum. The Estimates have been prepared in the shadow of war, the shadow of uncertainty and, I might add, of destruction. We have done our best to provide for probabilities, but we realise to the full that Nigeria is largely dependent on the world situation, and that a change in that world situation must inevitably affect our finances.

Taking into consideration all the factors known at the moment, I can say that our Estimates of revenue are conservative estimates. We have taken to heart the bitter lessons of the last two years

and, whilst, as I say, the possibility of a major change cannot be overlooked. I have no hesitation in saying that the figures are safe ones.

Before I turn to the details of the Budget, I would like to refer briefly to two matters which are essential features of our wartime economy. The first is Import Control. With the whole of the British Empire mobilised towards the needs of war we cannot expect to be able to import our normal requirements. We have got to restrict the quantity, but we have also to ensure that wherever possible we obtain them from sterling sources. To meet this situation a system of Import Control has been instituted. I will not attempt to explain the details—Honourable Members will be able to obtain information in Finance Committee and my honourable friend the Comptroller of Customs will give them all the information they require. I will just mention it at this stage, because the control of imports may, in fact probably will, reduce our imports next year, and therefore our Customs revenue. This factor has been borne in mind in preparing the estimates of revenue, but the whole system is still only in the early stages and, whilst bearing it in mind in the light of the existing situation, there is always the possibility that the effects may be greater than we have foreseen.

The second matter is foreign exchange, which, of course, is closely allied to import control. I won't attempt a discourse on what is almost a technical matter. I will merely say that His Majesty's Government requires all the foreign exchange that is available in order to finance their wartime purchases. We must therefore restrict our imports from non-sterling countries, and this may again have an appreciable effect on our Customs revenue.

One more point—Your Excellency mentioned in December that we in Nigeria could help His Majesty's Government by placing at their disposal our savings. Now some of those savings no doubt have been taken by Government by way of increased taxation. On the other hand, control of imports automatically reduces the purchases of the consumer and, from enquiries that I have received, there is no doubt that members of the community are anxious to put their savings into Defence Bonds, Savings Certificates, or a new War Loan. I mention it here in order to be able to assure members that the Government is anxious to meet this desire and is instituting enquiries as to the possibility of giving local facilities for such investment.

Turning to the details of the Estimates, again I think there is little that I need say. The Revenue shows a general contraction inevitable from the existing situation, with the exception that in the case of certain "commercial" departments a slight expansion is anticipated. I have already covered the ground in regard to

the Customs prospects, but this head includes also Excise, and here a slight increase is contemplated. The increased duty is intended in the first place to safeguard the Customs Revenue, since it has become evident that the locally manufactured cigarette is proving an effective competitor to the imported article, and secondly it is intended that the increase should approximate to those increases in general Customs duties which were passed by this Government in December. When the Excise duty on locally made cigarettes was imposed a year ago I gave an assurance that the rate should not necessitate an increase in price to the consumer, and despite doubts expressed on the other side of the House, I am glad to be able to say that that assurance has been borne out. But I can give no such assurance in this case. I hope that some of the duty will be borne by the manufacturer, but the consumer of locally manufactured cigarettes cannot hope to escape the burden altogether.

Coming to income tax, I will not attempt to describe that very complicated measure, since the whole issue will be dealt with by my honourable friend the Deputy Financial Secretary. In connection with the Bill before the Council, I would merely say that the proposals of Government do not aim at an increase in the tax. The intention is to obtain approximately the same revenue as would have been secured under the existing income tax and surtax law, but it is an attempt to spread the burden on a more scientific, and, it is hoped, a more equitable basis.

The Companies tax is still in the experimental stage, and the return to be expected for the current year is necessarily less than the original estimate, but there will be a substantial carry-over to next year, and the figure in the Estimates for next year is, I am confident, a safe one.

I will conclude my review of the Revenue position by a brief reference to currency. As members are doubtless aware, the last two years have involved the very heavy cost of the new issue. The change-over is now practically complete, and I think we can with reason hope that next year we may receive some revenue from that source, although I should not feel justified in putting the figure higher than £25,000 at the moment. And I would like to mention that although I cannot say that the practice of counterfeit has been entirely stamped out, there has been a very noticeable diminution in activity.

When I turn to expenditure I must repeat that the limit of pruning has been reached, that if any substantial reductions in expenditure are to be achieved it can only be by cutting off branches of the tree of expenditure, but it is the declared policy of the Government to avoid the curtailment of services and, that being the case, these Estimates are in fact little more than a continuation of those for the current year. But I would like to refer to one

aspect which is, I know, ever-present in the minds of my honourable friends on both sides of the House, and that is the increased opportunity available to Africans. I would invite particular attention to the creation of a new post in the Audit Department, another new post in the Inland Revenue Department, and to increased opportunities to technical staff in the Agricultural and Public Works Departments.

I would like also to refer to an item which has only just been brought to the notice of members—it will be referred to them in Finance Committee—and that is the proposed institution of a butter factory. The importance of developing the local production of foodstuffs and thus reducing our dependence on imports from overseas calls for no argument from me. I would merely say that care will be taken to ensure that the selling price shall cover the full costs and that the first opportunity will be taken to hand over the undertaking to private enterprise.

Finally, there is the railway deficit. If I left that out, I might well be accused of omitting what is one of the major concerns of Nigeria's finances. The ground has, however, been fully covered by Your Excellency, and I need only say that the importance of providing for that heavy deficit is fully realised.

For the moment, Sir, my task is done. The preparation of these Estimates has been an anxious and an arduous task, and I confess to a feeling of relief that I can now call on my honourable friends on the opposite side of the House to share with me the responsibility for the Budget for 1940-41.

***The Hon. the Deputy Chief Secretary:***

Your Excellency, I beg to second.

***The Hon. the Deputy Financial Secretary:***

Your Excellency, I beg to move the suspension of Standing Rule and Order No. 33 and subject to approval of that motion to propose that the first reading of the Income Tax Bill standing in my name on the Order of the Day be deferred and the Bill be referred to a Select Committee, to consider in particular the application of the Bill and the rates of tax and deductions from chargeable income.

My reasons for this motion are as follows:—The report of the Select Committee appointed to consider the Companies Income Tax Bill which was passed at the meeting of Council in July last, contained a recommendation that an early opportunity should be taken to consolidate all the Income Tax Laws into one comprehensive Ordinance, so as to make their very complicated provisions more readily understandable both to the public and to the Authorities. The Select Committee went on to recommend that the new Bill should be published sufficiently early to give the public ample time to examine its provisions.

The work of consolidation proved considerable, especially as an income Surtax has since been imposed and in consequence the opportunity was taken to incorporate provisions for deductions from chargeable income; and because of pressure of other war time work and legislation it was not possible to publish the Bill as early as was intended.

In the short time which has elapsed since the publication of the Bill, however, a number of suggestions and constructive criticisms has been received, both from official and unofficial sources, particularly on the subject of the application of the Bill and the rates of tax and deductions. Both these aspects of the subject affect equally the Native Direct Taxation Ordinance standing in the name of the Honourable the Chief Secretary to the Government.

Dealing first with the application of the Bills, there is no doubt, I feel sure Honourable Members will agree, that the vast majority of the population are far from ready for the application of Income Tax on modern scientific basis, and the taxes which they pay are taxes on the fruits of the soil rather than on income. It is equally certain that those persons to whom Income Tax does or should apply should have the benefits of modern methods of application of the tax as well as being required to shoulder its obligations.

The problem is how and where to draw the line between these two systems of taxation; and it is far from being a simple problem. In the draft Bill differentiation has been made as between natives and non-natives, following existing taxation legislation. Differentiation on racial grounds is not the only possible method however, and I have in mind that it could be done according to the amount of income, *i.e.*, persons with incomes above a certain level could be made subject to Income Tax according to the terms of the Bill or as they may be modified, and those with incomes below that level taxed under the Direct Taxation Ordinance, under which the rates of tax would be fixed, for reasons I will explain in a moment, by Executive Order, according to existing practice throughout the Protectorate, such rates to be fixed having regard to the fact that deductions from chargeable income are not allowed under that Ordinance.

If such a method were to be recommended by the Select Committee it would be necessary to decide at what amount of income the dividing line should be set; this is not so simple as might at first sight appear, but I have in mind that it might be put at £400 per annum gross income; this would do for a start at any rate, it could without difficulty be changed in the light of experience.

Turning now to the question of rates of tax and deductions. From representations received it has been made abundantly clear that it is impracticable to impose at once standard rates on lower

incomes throughout the many provinces of the Protectorate, as the Schedule to the draft Direct Taxation Bill seeks to do, and there is no doubt that it will be far preferable to continue the existing methods of assessment according to Executive Order, the rates varying according to locality, dependent on tradition and custom, and on such important factors as the crops produced, the fertility of the soil and the density of the population.

As regards the rates of Income Tax as published, I should like to take this opportunity to explain that those rates are based on existing rates plus surtax, but steeply upgraded on higher incomes. A further adjustment of the rates was then made in order to compensate for allowances, with the result that the tax payable by married persons without children is approximately the same as at present, on lower and medium incomes, but that for bachelors the amount is substantially higher so as to offset the lower tax for married persons with children. Some criticisms of these rates have appeared in the press recently, emphasising the lower rates for married persons with children particularly for those who would enjoy the maximum deductions, but omitting to point out the considerably higher rates for bachelors. I have no hesitation in saying that any European in this country who has an income around £500 per annum and who has a wife and several children to support in England, is a comparatively poor man, and far less able to pay tax than an African on the same salary, who judged by his own local standards would be regarded as comparatively wealthy. The Press criticism also omitted to say that the Income Tax Bill would tax the income of all persons to whom it applies, not excluding women and the wives of taxpayers. Although the Bill confers substantial concessions it also involves obligations.

I feel that I should point out these aspects of the matter so that Honourable Members when they come to consider the Bill in the Select Committee will be under no misapprehension concerning them, but I hasten to add that I say this in no spirit of antagonism to the Press, whose constructive criticism has been looked for and welcomed, and I should be glad to interview representatives of the Press, to explain any parts of the Bill, and to receive as well as give advice.

May I say finally Sir—and perhaps I am attempting to usurp the privilege of the Honourable the Attorney-General—that the officials whose business it is to draft laws make no claim to omniscience or infallibility; they know too well, for their training teaches them, that the draft Bills must go through the fire of searching criticism and it is in this Council that they are hammered into final shape.

With this explanation, Sir, I beg to move the suspension of Standing Rules and Orders No. 33 and that the Bill be referred to a Select Committee as previously stated, and in doing so I

suggest for Your Excellency's approval that the Select Committee should comprise all Unofficial Members of Council, the Honourable the Chief Secretary to the Government, Their Honours the Chief Commissioners, the Honourable the Attorney-General and the Honourable the Comptroller of Customs.

**His Excellency:**

Does not the Honourable Member wish to include the Native Direct Taxation Ordinance?

**The Hon. the Deputy Financial Secretary:**

Yes Sir, if I may.

**His Excellency:**

The question is that Standing Rule and Order No. 33 be suspended and that the Income Tax and the Native Direct Taxation Bills be referred to a Select Committee before the first reading.

(*Motion adopted*).

**His Excellency:**

The Select Committee will be composed of the mover of the motion, all the Unofficial Members of Council, the Honourable the Chief Secretary, the Chief Commissioners of the Northern, Eastern and Western Provinces, the Attorney-General and the Comptroller of Customs.

THE NATIVE COURTS (AMENDMENT) ORDINANCE, 1940.

**The Hon. the Attorney-General:**

Your Excellency, I rise to move the first reading of the first Bill standing in my name, namely "An Ordinance to amend the Native Courts Ordinance, 1933."

This is a short Bill, Sir, and its object is two-fold. First of all it is to enable Native Courts to sit in Divisions as we say when speaking of superior courts. Secondly, it will enable Native Courts to review their orders relating to the welfare and guardianship of children. As the law stands at present, the Native Courts function through a quorum and once that quorum is sitting the Court is functioning. If we compare that with the Supreme Court or the West African Court of Appeal, we find that the latter Courts can sit at different times and in different places, that is the Court sitting in Divisions presided over by different individuals. In the present case what we want to do is to enable Native Courts, comprised of large numbers of members of which only, say, three or four are necessary to constitute a court, to sit in different places at the same time. In other words, we can actually have two or three courts sitting at the same time; that is, in a court of twelve members of which a quorum is four we can have all the members sitting at the same time in three divisions of four each.

The second amendment Sir, is the addition of a new section which provides for matters relating to the guardianship and welfare of children. As the law stands at present it may become necessary for certain decisions to be re-opened and it is felt that where children are concerned circumstances may arise which will show the advisability of the court varying an order which it had previously made and therefore the new section 10A will enable the court to vary its orders relating to children even when the present statutory period provided for altering such orders may have elapsed.

The amendment contained in clause 4 is consequential on the amendment in clause 3. At present it will be impossible to do what we are aiming at unless we also alter sub-section (5) of section 25.

Your Excellency: I beg to move.

**The Hon. the Deputy Chief Secretary:**

Your Excellency: I beg to second.

*Bill read a first time.*

THE TRADING WITH THE ENEMY (AMENDMENT) ORDINANCE, 1940.

**The Hon. the Attorney-General:**

Your Excellency: I rise to move the first reading of the second Bill standing in my name entitled "An Ordinance to amend the Trading with the Enemy Ordinance, 1939".

This amending Bill, Sir, is intended to bring our Trading with the Enemy Ordinance into line with that existing in other colonies. When the local Ordinance was put through, certain modifications were made in the model upon which it was based with a view to adapting it to conditions in Nigeria and such changes were made as were visualised to be necessary. It has since been pointed out, however, that in matters of this sort where the whole Empire is working on the same principles it is advisable that our laws should if possible be exactly the same as those in other colonies and should operate in the same way. The object of this Bill is simply to make certain amendments in the existing Ordinance to bring it into line with other Colonial legislation.

The amendments in clause 2 are purely local. The High Court of the Protectorate in the Ordinance was described as the "Protectorate Court." The opportunity has now been taken of describing the court by its proper statutory designation.

The amendment in clause 3 is an insertion to section 9 of a sub-section (6), which had been omitted but which was covered by the existing local section 16. We propose to put into section 9 of the principal Ordinance—sub-section (6) by this clause and at

the same time repeal section 16 by clause 7 of the Bill necessitating the consequential re-numbering of the three subsequent sections of the Ordinance.

In clause 4 Honourable Members will see that the words "with hard labour" are deleted from five places in the Ordinance. The object of that is to remove the mandatory provision in the Ordinance and to enable the court to impose a punishment of imprisonment with or without hard labour according to the powers given to the court under the Interpretation Ordinance. In other words where the existing law provides for a punishment of imprisonment with hard labour, this amendment will make it optional for the court to inflict punishment with or without hard labour.

The amendment in clause 5 is closely related to the amendment proposed in clause 3 and refers to one of the provisions no longer necessary; the third amendment in clause 5 will substitute the word "four" for the word "six." It is considered that the alternative punishment of six months imprisonment is on the wrong scale and that it should be four months. This will be proportionate to the amount of fine that could be imposed.

Your Excellency: I beg to move.

**The Hon. the Deputy Chief Secretary:**

Your Excellency: I beg to second.

*Bill read a first time.*

**His Excellency:**

Before proceeding with the other Bills I understand that the Resolution and Order which was deferred can now be taken by the Comptroller of Customs.

#### RESOLUTIONS.

RESOLUTION AND ORDER UNDER SECTION 3 OF THE TOBACCO AND CIGARETTES EXCISE DUTIES ORDINANCE, 1933 (No. 23 OF 1933).

**The Hon. the Comptroller of Customs:**

Your Excellency: the motion standing in my name requires a slight alteration in the first line of paragraph 3, substituting the word "are" for "is".

The Honourable the Financial Secretary has explained generally the reasons for this increase in excise duty. Perhaps I may add to his explanation some figures. The rate of customs duty is thirteen times as high as the rate of excise duty. The proposal is to double the rate of excise duty which will still be less than one-sixth of the rate of customs duty.

In the year 1939 the increase in the sale of locally made cigarettes amounted to about sixty million cigarettes more than in the year 1938 and in the same period the decrease in the quantity of

imported cigarettes used was approximately the same. The loss to Revenue caused by this supplanting of imported cigarettes by locally manufactured cigarettes was in the neighbourhood of £75,000 and even with the increased tax, the loss will still be considerable. The present tax distinguishes between three kinds of cigarettes, only one of which has found a market; that is the kind which contains between ten per cent and fifty-five per cent of Nigerian tobacco. It is the rate on this kind that has been doubled but the new rate applies to all kinds without distinction. The reason is that the present method of distinction between imported tobacco and locally manufactured tobacco is open to objection on the grounds of certain International Agreements. However, experience has shown that it is no longer necessary to maintain any distinction. Manufacturers can be relied upon in their own interests not to use more than ninety per cent of imported tobacco while sufficient inducement to use the Nigerian leaf will always be found in its lower cost.

I have the honour, Sir, to move the resolution standing in my name, subject to the slight amendment already mentioned.

**The Hon. the Financial Secretary:**

Your Excellency, I beg to second.

*The Resolution was adopted.*

## BILLS

*(First Reading—continued.)*

**His Excellency:**

It is proposed to add the name of the Comptroller of Customs to the list of members of the Select Committee to consider the Income Tax and the Native Direct Taxation Bills.

THE CRIMINAL CODE (AMENDMENT) ORDINANCE, 1940.

**The Hon. the Attorney-General:**

Your Excellency, I rise, Sir, to move the first reading of a Bill entitled "An Ordinance to amend the Criminal Code Ordinance." This Bill contains three provisions, two of which are entirely new to our criminal law but which events in past years have shown to be necessary.

The first will make it an offence for anyone to give to the Police false information in respect of matters when such person is aware it is false at the time of the giving of the information. Honourable Members will appreciate that it is possible for unscrupulous people to go and lodge complaints with the Police informing them that a certain man has, or has not, committed a particular offence or is suspected of doing this or that thing. Such information may

lead the Police to make enquiries about the person about whom information is given and after a lot of trouble they may find that the information is entirely unfounded. Now, it is quite possible that in the course of the police making its enquiries the member of the public against whom the enquiries were directed might have suffered considerable inconvenience through the false information given by the informant. In England that is a misdemeanour under Common Law and is dealt with as such. We have not got those particular provisions in Nigeria for dealing with that kind of offence. It has been shown to be necessary, on account of the frequent occasions on which such reports have been investigated and found to be false, to introduce this legislation into our Statute Book. In order to protect innocent members of the public from unscrupulous prosecutors and not discourage well meaning persons from giving to the police information they believe to be genuine, provision has been added that a prosecution for this kind of offence can only be brought against any person with the approval of a superior police officer. That is a safeguard which, Honourable Members will agree with me, is necessary in the interest of people giving information believing it to be true but such information turning out subsequently to be incorrect.

The second amendment, Sir, is one relating to the making of false statements in connexion with procuring passports. That would be a public mischief in England but it is an offence unknown in Nigeria and we have therefore got to provide for it. There have been many cases where false statements have been made and where the Authorities have been powerless to prevent them.

The third amendment, Sir, will be bringing our law of infanticide into line with the most recent legislation on the subject in England. Our present section is based on sub-section (1) of section 1 of the Infanticide Act, 1922, and it is proposed to substitute a section based on the Infanticide Act of 1938. The difference between the two is that in the previous case, the defence of infanticide only arose where a woman had not recovered from the effect of having given birth to a child; whereas the existing section goes further and allows a limit of one year to the mother of a newly born child as it is possible in certain cases, she may be mentally deranged, but not by reason of not having fully recovered from the effect of child birth, but by still being within the lactation period. Our law is therefore being altered to bring this branch of our Criminal Law into line with the most modern legislation on the subject in England.

It will be necessary, if this section goes through, Sir, to amend our Criminal Procedure Ordinance because at the present moment the Criminal Procedure Ordinance refers to the provisions of the old Infanticide Act and that amendment is provided for in the provisions of the Criminal Procedure Bill the next on the Order of the Day. Your Excellency, I beg to move.

**The Hon. the Deputy Chief Secretary:**

I beg to second.

*Bill read a first time.*

THE CRIMINAL PROCEDURE (AMENDMENT) ORDINANCE, 1940.

**The Hon. the Attorney-General:**

Your Excellency: I rise to move the first reading of a Bill entitled "An Ordinance to amend the Criminal Procedure Ordinance." When speaking on the Criminal Code Amendment Bill, which has just been read a first time, I explained the necessity for this amendment and therefore I propose to say nothing further. I therefore move that the Bill be read a first time.

**The Hon. the Deputy Chief Secretary:**

I beg to second.

*Bill read a first time.*

THE MOTOR TRAFFIC (AMENDMENT) ORDINANCE, 1940.

**The Hon. the Attorney-General:**

Your Excellency: I rise to move the first reading of a Bill entitled "An Ordinance to amend the Motor Traffic Ordinance, 1927." This Bill will amend the section under which regulations are made with regard to motor vehicles and the object of the amendment is to enable proper control to be exercised over public transport vehicles chiefly and commercial vehicles generally.

There is no provision under the regulation-making section authorising the appointment of examiners of commercial vehicles or the payment of fees to examiners and their duties; or for providing that vehicles must be examined at regular intervals. As the law stands it is possible that a vehicle which was licensed and passed as fit for the roads, during the currency of the licence may become unfit and there is no provision for having regular inspection of such vehicles. The amendment to the regulation-making section will empower the Governor in Council to make the necessary regulations. The object of the Bill is to safeguard the travelling public and other users of the road against dangerous vehicles.

Your Excellency. I beg to move.

**The Hon. the Deputy Chief Secretary:**

I beg to second.

*Bill read a first time.*

## THE PRISONS (AMENDMENT) ORDINANCE, 1940.

**The Hon. the Attorney-General:**

Your Excellency, I rise to move, Sir, the first reading of a Bill entitled "An Ordinance to amend the Prisons Ordinance." This is a very brief Bill but I must explain its objects in more words than the Bill itself contains. It is intended, Sir, that certain persons maintained in Government prisons can when necessary be transferred to prisons approved of by Your Excellency but maintained by Native Administrations and also the other way round. In the recent amendment that was made by Ordinance No. 10 of 1939 the phrase used was—

"The Governor may, if he shall think proper, by an order under his hand direct that any prisoner in safe custody in a prison established under the Native Authority Ordinance shall be transferred to and placed in safe custody in any prison within the meaning of this Ordinance and may in like manner direct that any prisoner in safe custody in any prison within the meaning of this Ordinance shall be transferred to and placed in safe custody in any prison established under the Native Authority Ordinance."

The offending words are "prison established under the Native Authority Ordinance." Prisons are not established under the Native Authority Ordinance although they are maintained by Native Authorities and the purpose of this Ordinance is simply to correct the phraseology used in that amendment to the present Ordinance. Instead of the words "established under the Native Authority Ordinance" the words "maintained by a Native Authority" should be substituted. I may mention that there is a Bill being considered dealing with the establishment and maintenance of prisons by Native Administrations but it is not ready for the meeting of the Council. Your Excellency, I beg to move.

**The Hon. the Deputy Chief Secretary:**

I beg to second.

*Bill read a first time.*

## THE VACCINATION (AMENDMENT) ORDINANCE, 1940.

**The Hon. the Attorney-General:**

Your Excellency, I rise to move the first reading of a Bill entitled "An Ordinance to amend the Vaccination Ordinance." Honourable Members will see that there are two amendments proposed. One re-enacts section 13 of the principal Ordinance which contains the definition of "successful." The present definition, Sir, goes back many years and reads as follows:—

"The expression 'successful' in this Ordinance shall be understood to mean vaccination efficient to protect against smallpox. The area of the marks of a successful

“ vaccination taken together must be not less than half a square inch, and any marks of previous vaccination of less area than half a square inch shall not be accepted as evidence of successful vaccination.”

Well, Sir, that is not the practice to-day, and I understand that for a vaccination to be successful you can tell it by observing the actual scars. Therefore the amendment now proposed is to enable a public vaccinator, by looking at the vaccination marks, to say that the vaccination is successful. It means that a Medical Officer can say that a vaccination is successful without having to measure the scar. I should add that all Medical Officers are public vaccinators and in addition all such other persons as are approved by Your Excellency.

The amendment to section 10 means that the reference to other persons who assist public vaccinators will be removed. It is proposed that persons assisting as vaccinators will be appointed as public vaccinators in order to bring them within the ambit of the law. In clause 2 (b) and clause 2 (c) reference is made to “ other persons ”; now the words “ every public vaccinator ” will be used and not “ and any person acting.” Your Excellency, I beg to move.

**The Hon. the Director of Medical Services :**

I beg to second.

*Bill read a first time.*

DOGS (AMENDMENT) ORDINANCE, 1940.

**The Hon. the Attorney-General :**

Your Excellency: I rise, Sir, to move the first reading of a Bill entitled “ An Ordinance to amend the Dogs Ordinance.”

As the Dogs Ordinance is drafted, the provisions relating to licences [His Excellency: I think there is more in this Bill than meets the eye.] Well, Sir, I will try to explain that. The present law provides that the provisions relating to licences and badges shall apply to the whole of the Colony but those provisions can be applied to the Protectorate by Order in Council. That has been done in different places but it is now proposed that those licensing provisions in the Dogs Ordinance should apply automatically to the Township of Lagos but that the rest of the Colony outside the Township should be in the same position as the Protectorate to which the provisions can only be applied by an Order in Council. That is the whole object of the Bill. Your Excellency, I beg to move.

**The Hon. the Deputy Chief Secretary :**

I beg to second.

*Bill read a first time.*

## THE LAND REGISTRATION (AMENDMENT) ORDINANCE, 1940.

**The Hon. the Attorney-General:**

Your Excellency: I rise, Sir, to move the first reading of the last Bill standing in my name which is "An Ordinance to amend the Land Registration Ordinance, 1924," in respect of which a Certificate of Urgency has been authorised by Your Excellency. Honourable Members will appreciate that for any document to be registered in a Registry, it is essential for the signatories to such document to have it authenticated before some responsible person and the law provides in every country who could be the persons. But the officers mentioned in the law are, what I may call, civil officials; they are Judges, Magistrates or Justices of the Peace who are ordinarily Administrative Officers. In foreign countries the officer is a British Consul or a British Consular representative therein. But existing circumstances have brought to our notice the fact that when men are on active service it is impossible for them to get in touch with these civil officials I have referred to. It has been impossible for men serving in France to get their signatures attested with the object of getting some documents registered in Nigeria. Your Excellency has agreed that we should try to do our best in this regard to make life easier for those who bear our burdens in these difficult times. It is therefore provided in the Bill that an instrument executed out of Nigeria by a person serving in the armed forces of the Crown on actual naval or military service may be registered if it has been executed in the presence of the officer commanding the ship or other unit in which the person executing the instrument is serving, or any other officer not below the rank of Lieutenant-Commander in the Royal Navy, of Major in the Army, or of Squadron Leader in the Royal Air Force. Sir, I beg to move.

**The Hon. the Deputy Chief Secretary:**

I beg to second.

*Bill read a first time.*

**The Hon. the Attorney-General:**

Your Excellency, I beg to give notice that I shall be moving the second and third reading of the Bills standing in my name at a later stage.

**His Excellency:**

In order to allow Honourable Members time to consider the Draft Estimates Council will now adjourn till Wednesday.

# Debates in the Legislative Council of Nigeria

Wednesday, 6th March, 1940

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Pursuant to notice the Honourable the Members of the Legislative Council met in the Council Chamber, Lagos, at 10 a.m. on Wednesday, the 6th of March, 1940.

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## PRESENT.

### OFFICIAL MEMBERS.

- The Governor,  
His Excellency Sir Bernard Bourdillon, G.C.M.G., K.B.E.
- The Chief Secretary to the Government,  
The Honourable C. C. Woolley, C.M.G., O.B.E., M.C.
- The Chief Commissioner, Northern Provinces,  
His Honour T. S. Adams, C.M.G.
- The Chief Commissioner, Western Provinces,  
His Honour G. C. Whiteley, C.M.G.
- The Chief Commissioner, Eastern Provinces,  
His Honour G. G. Shute, C.M.G.
- The Attorney-General,  
The Honourable H. C. F. Cox, K.C.
- The Financial Secretary,  
The Honourable H. L. Bayles, C.M.G.
- The Commandant,  
Brigadier the Honourable G. R. Smallwood, M.C.
- The Director of Medical Services,  
The Honourable Sir Rupert Briercliffe, Kt., C.M.G.  
O.B.E.
- The Director of Education,  
The Honourable E. G. Morris, O.B.E.
- The Director of Marine,  
Commander the Honourable A. V. P. Ivey, R.D., R.N.R.
- The Comptroller of Customs,  
The Honourable A. E. V. Barton, C.B.E.

- The Deputy Chief Secretary,  
The Honourable T. Hoskyns-Abrahall.
- The Senior Resident, Plateau Province,  
The Honourable E. S. Pembleton.
- The Senior Resident, Oyo Province,  
The Honourable H. F. M. White.
- The Senior Resident, Niger Province,  
The Honourable P. G. Harris.
- The Resident, Benue Province,  
The Honourable D. M. H. Beck, M.C.
- The Resident, Owerri Province,  
The Honourable F. B. Carr.
- The Resident, Katsina Province,  
The Honourable R. L. Payne.
- The Acting General Manager of the Railway,  
The Honourable C. E. Rooke.
- The Director of Public Works,  
The Honourable S. J. W. Gooch.
- The Director of Agriculture,  
Captain the Honourable J. R. Mackie.
- The Honourable S. R. Marlow,  
Deputy Financial Secretary,  
(Extraordinary Member).

## UNOFFICIAL MEMBERS.

- The Member for Shipping,  
The Honourable H. S. Feggetter.
- The Member for the Egba Division,  
The Honourable A. Alakija, C.B.E.
- The Member for the Colony Division.  
Dr. the Honourable H. Carr, D.C.L., O.B.E., I.S.O.
- The Member for the Ibo Division,  
The Honourable B. O.-E. Amobi.
- The Member for the Rivers Division,  
The Honourable S. B. Rhodes.
- The Member for the Warri Division,  
The Honourable Asifo Egbe.
- The Member for the Oyo Division,  
The Honourable N. D. Oyerinde.
- The Banking Member,  
The Honourable D. D. Gibb.

- The Commercial Member for Lagos,  
Lieutenant-Colonel the Honourable R. M. Williams.
- The Member for Calabar,  
The Reverend and Honourable O. Efiogbe.
- The Member for the Ibibio Division,  
The Honourable N. Essien.
- The Member for the Ijebu Division,  
Dr. the Honourable N. T. Olusoga.
- The Third Lagos Member,  
The Honourable O. Alakija.
- The First Lagos Member,  
The Honourable H. S. A. Thomas.
- The Mining Member,  
Lieutenant-Colonel the Honourable H. H. W. Boyes,  
M.C.
- The Commercial Member for Kano,  
The Honourable W. T. G. Gates.

#### ABSENT.

#### OFFICIAL MEMBERS.

- The Senior Resident, Cameroons Province,  
The Honourable A. E. F. Murray.
- The Senior Resident, Kano Province,  
The Honourable J. R. Patterson, C.M.G.
- The Secretary, Northern Provinces,  
The Honourable A. E. V. Walwyn.
- The Resident, Ogoja Province,  
The Honourable K. V. Hanitsch.
- The Resident, Benin Province,  
Captain the Honourable N. C. Denton.
- Captain the Honourable A. W. N. de Normann,  
Commissioner of Lands and Surveyor-General.

#### UNOFFICIAL MEMBERS.

- The Commercial Member for Port Harcourt,  
The Honourable P. H. Davey.
- The Commercial Member for Calabar,  
The Honourable L. A. McCormack.
- The Second Lagos Member,  
Dr. the Honourable K. A. Abayomi, M.D.

## PRAYERS.

His Excellency the Governor opened the proceedings of the Council with prayers.

## CONFIRMATION OF MINUTES.

The Minutes of the meeting held on the 4th March, 1940, having been printed and circulated to the Honourable Members, were taken as read and confirmed.

## QUESTIONS.

*The Member for the Ijebu Division (Dr. the Hon. N. T. Olusoga):*

1. (*Question No. 4 of the 4th of March, 1940*). (a) Is it a fact that 100 cocoa bearing trees and 256 kolanut trees belonging to farmers of Ishara in the Ode Court Area in Ijebu Remo Division of Ijebu Province were deliberately cut down and destroyed by six agents of one Gbasemo of Ishara, without any legal authority or any order of the Court, and that representations from the aggrieved parties were made to the Resident, Ijebu Province? If so, to ask whether an investigation has been made into the complaint and if no investigation has been made to ask for a statement of what Government intends to do in the matter?

(b) Also to ask if Government is aware that many farmers who have settled and worked in Isoso-Iyankan farm of Ishara town for over fifty years have been and are still being disturbed from carrying on their normal farm work from which they derive their livelihood and pay tribute tax to the Native Administration revenue, despite the fact that farm rent is collected from them, and to ask if Government is prepared to allow this unsatisfactory conditions of things in Ishara Town to continue?

*Answer:—*

*His Honour the Chief Commissioner, Western Provinces:*

(a) It is a fact that a number of kola trees planted in an area known as Iyankan were cut down, on the instructions of the persons owning the land, in June, 1939, and that representations were made to the Resident, Ijebu Province. The matter was investigated and the owners of the land sought to justify their action on the grounds that the kola trees had been planted in opposition to their wishes and in defiance of Native Law and Custom, and that the tenants had not obeyed a judgment of the Ode Native Court delivered in 1933 ordering one of them to quit and to remove all cocoa and kola trees planted by him. A settlement of the dispute is at present in process of negotiation.

(b) The ownership of the farmland in question is vested in the Iyankan family and a decision to this effect, given in the Ode Remo Court in 1937, was confirmed on appeal in the Land Appeal Court of Shagamu, by the Ijebu Judicial Council, by the District Officer, by the Resident and by the Chief Commissioner. The present dispute is the result of the Isoso tenants' failure to arrive at an

agreement with their landlords in regard to rent and the question of the planting of economic trees. If such trees are planted without the consent of the owners it constitutes a violation of one of the fundamental principles of native land tenure. Provided both parties to the dispute approach the issue in a conciliatory spirit it should be possible to achieve a settlement which, however, must be based on recognition of Iyankan ownership.

*The Third Lagos Member (The Hon. O. Alakija):*

2. (Question No. 17 of the 4th of March, 1940). (a) To ask whether in view of the very mixed population of different tribes and creeds which now inhabits the Native Town of Jos, a Mixed Court such as is now functioning in Kano, Minna, Makurdi, etc., and for which the people have already petitioned would not give them greater satisfaction than the present Alkali's Court?

(b) Whether the Chief Commissioner, Northern Provinces, will allow the Pagans in the Plateau Province, as well as those in other areas of the Northern Provinces, to be administered through their own tribal institutions under the guidance of an Administrative Officer rather than that the present practice should continue and administering them through alien District Headmen?

*Answer:—*

*His Honour the Chief Commissioner, Northern Provinces:*

(a) The Honourable Member's attention is invited to the reply to Question No. 34 at the meeting of the Legislative Council on the 21st of September, 1936. The position remains as then described, except that in 1937 in reply to a further petition, signed by certain members of the Jos Town Unofficial Advisory Council, that Council was requested to formulate, for consideration, concrete proposals regarding the constitution of such a Mixed Court. The Council's recommendations have not yet been received, but it is understood that the matter is under consideration.

(b) The Honourable Member appears to have been misinformed in regard to the administration of the pagan peoples in the Plateau Province; the practice to which he refers does not exist. In certain other areas of the Northern Provinces however the non-moslem population made submission to their Fulani conquerors during the Nineteenth Century and thereafter formed an integral part of the Emirates concerned; the District Headman is an essential link of the organisation then set up. The primary consideration governing his retention in a predominantly pagan area is, that the people themselves do not desire a change. It is the intention that this practice shall cease when the pagan communities themselves desire a change and can evolve some form of administrative machinery which will be capable of dealing directly with the Emir.

*The Member for Calabar (The Rev. & Hon. O. Efieng):*

3. (Question No. 19 of the 4th of March, 1940). (a) To ask the Honourable the Director of Education for an indication of the

number of candidates from Queen's College, Lagos, who took the Cambridge Junior and the School Certificate Examinations in each of the last five years ended December, 1939?

(b) How many of the candidates were successful, and how many failed, in each of the above years?

Answer:—

**The Hon. the Director of Education:**

| (a)  | Cambridge Junior. |    | School Certificate. |
|------|-------------------|----|---------------------|
| 1935 | ...               | 8  | —                   |
| 1936 | ...               | 9  | 4                   |
| 1937 | ...               | 12 | 2                   |
| 1938 | ...               | 11 | 2                   |
| 1939 | ...               | 11 | 3                   |

| (b)  | Passed.                |    | Failed.                |    |
|------|------------------------|----|------------------------|----|
| 1935 | ...                    | 8  | —                      | —  |
| 1936 | ...                    | 6  | 3                      | 3  |
| 1937 | ...                    | 11 | 1                      | *2 |
| 1938 | ...                    | 11 | —                      | 2  |
| 1939 | Results not yet known. |    | Results not yet known. |    |

\*Granted exemption from London Matriculation.

**The Member for Calabar (The Rev. & Hon. O. Efiang):**

4. (Question No. 20 of the 4th of March, 1940). (a) What is the total expenditure on Personal Emoluments, Allowances, Passage on furlough and on local leave, Equipment, etc., in connection with the maintenance of the Housecraft Department of Queen's College, Lagos, in each of the last three years ended December, 1939? And

(b) What, if any, is the total amount realised and paid into the revenue from the sale of articles produced by the Housecraft Department of Queen's College, Lagos?

(c) Has Housecraft ever been offered as a subject in the Cambridge Local Examinations by the students of Queen's College, Lagos? If so,

(d) When? And

(e) How many candidates have taken the subject? If not, and in view of the admitted importance of the subject,

(f) To ask whether the question of the subject being offered in the Cambridge Local Examinations will not be considered by the Education Department?

Answer:—

**The Hon. the Director of Education:**

(a) Nil. Middle Classes I, II and IV take Housecraft subjects and all girls take Needlework, but there is no Housecraft Department at Queen's College.

(b) Nil. No articles are sold at Queen's College. All girls pay a fee for school materials and keep the needlework or craft work which they make.

(c) No.

(d) Does not arise.

(e) Does not arise.

(f) Arrangements are being made for candidates from Queen's College who wish to do so to offer housecraft as a subject in the School Certificate Examination in December, 1941.

**The Member for Calabar (The Rev. & Hon. O. Efiang):**

5. (Question No. 22 of the 4th of March, 1940). (a) To ask the Honourable the Director of Education at what regular intervals is each of the following Government Education Institutions, namely, (i) Yaba Higher College, (ii) Kaduna Higher College, (iii) King's College, Lagos, (iv) Ibadan Government College, (v) Umuahia Government College and (vi) Queen's College, Lagos, inspected?

(b) When was the last inspection made in each case?

(c) Who were the experts in the particular subjects who made the inspection? And

(d) Will the last inspection report of each be laid upon the table of the House?

*Reply not yet ready.*

**The Member for Calabar (The Rev. & Hon. O. Efiang):**

6. (Question No. 23 of the 4th of March, 1940). (a) To ask the Honourable the Director of Education how the standard of instruction given at the Yaba Higher College compares with that given at (i) the best Secondary Schools in England, and (ii) good University Colleges in England?

(b) At what stage in their Secondary School career do pupils in the best Secondary Schools in England take the Intermediate or the Higher School Certificate Examination?

(c) At what stage in their career are the Yaba Higher College students sufficiently trained to be able to pass the Intermediate or the Higher School Certificate, should they choose to take it?

(d) Whether the following subjects are taught at the Yaba Higher College:—(i) Physics, (ii) Agricultural Science, (iii) Commercial Law, (iv) Inorganic Chemistry, (v) Geography, (vi) Education, (vii) Botany, and (viii) Zoology? If so,

(e) Who are the Instructors in those subjects and what special qualifications such as Honours Degree in the subject they teach do those Instructors hold prior to accepting their appointments in Nigeria?

(f) Has the Yaba Higher College a Syllabus Committee or Committees? If so,

(g) Who are the members of the Syllabus Committee or Committees?

(h) What amount was spent by the Government in each of the last three calendar years ended December, 1939, on the purchase of new books for the Yaba Higher College Library?

*Reply not yet ready.*

**The Member for Calabar (The Rev. & Hon. O. Efiang):**

7. (Question No. 24 of the 4th of March, 1940). (a) To ask whether the Yaba Higher College and Kaduna Higher College have a Board or Boards of Examiners in connection with their respective Diploma Examinations? If so,

(b) Who are the members of the Board or Boards of Examiners?

(c) How many successful candidates and how many failures had each of those Higher Colleges at their last Diploma Examinations in 1939, and what marks did each of the candidates obtain in each of the papers?

*Reply not yet ready.*

**The Member for Calabar (The Rev. & Hon. O. Efiang):**

8. (Question No. 25 of the 4th of March, 1940). (a) To ask the Honourable the Director of Education for the total expenditure in each of the calendar years 1938 and 1939, on Personal Emoluments, Allowances, Furlough and Local Leave Passages, etc., respectively, in connection with the European staff of Government Educational Institutions and their wives under the existing arrangements for long vacations, whereby they all proceed home on furlough annually and close down those institutions meanwhile?

(b) What would have been the difference in expenditure had the European members of the staff of each of those institutions taken their leaves when normally due after a full tour?

*Reply not yet ready.*

**The Member for the Ibo Division (The Hon. B. O.-E. Amobi):**

9. (Question No. 27 of the 4th of March, 1940). (b) (iii) How many of the successful candidates have been placed in permanent appointments?

(c) If the answer to question (b) (iii) above is in the negative, to ask for an explanation as to why the successful candidates have not been placed in permanent appointments?

*Reply not yet ready.*

**The Member for the Ibo Division (The Hon. B. O.-E. Amobi):**

10. (Question No. 28 of the 4th of March, 1940). To ask the Honourable the Chief Secretary to the Government:—

(a) What is the total number of Africans working either as Clerks, Accountants, Book-keepers, or Storekeepers, under the various trading firms operating in Nigeria?

(b) What are the conditions of their employment?

(c) What steps have the Government taken or contemplate taking to ensure that these employees of the firms are employed under fair conditions of employment?

*Reply not yet ready.*

**The Member for the Oyo Division (The Hon. N. D. Oyerinde):**

11. (Question No. 31 of the 4th of March, 1940). (a) To ask the Honourable the Director of Education whether it is a fact that the Ibadan Grammar School Grant has been reduced?

(b) If so, by how much per cent has it been reduced?

(c) What are the reasons for the reduction of the grant?

(d) What was the classification of the School in (i) 1937, and (ii) 1938?

(e) Is it a fact that the School was not inspected in 1938?

(f) If so, why was the School not inspected?

(g) Upon what ground was the 1938 classification based?

(h) Is it a fact that the usual time of the inspection of the School was between the months of September and October, of each year?

(i) Why was the time of the inspection of the School changed to April in 1939, when the fate of the School depended upon that inspection?

*Reply not yet ready.*

**The Member for the Rivers Division (The Hon. S. B. Rhodes):**

12. (Question No. 33 of the 4th of March, 1940). (a) Is Government aware that monies deposited with Government by unpaid Bailiffs as securities, yield no interest whereas monies deposited as securities by persons employed by trading firms yield interest?

(b) If the answer is in the affirmative, will Government consider the advisability of placing all such securities on fixed deposit in one of the local banks and all interest accruing therefrom placed to the credit of the said Bailiff concerned?

(c) Will it not be more advantageous for Government to receive the fees and all Bailiffs be taken on the staff as paid Bailiffs?

(d) Is there any special reason or reasons why paid Bailiffs are attached to Degema and Port Harcourt, whereas an unpaid Bailiff to Aba?

*Reply not yet ready.*

**The First Lagos Member (The Hon. H. S. A. Thomas):**

13. (Question No. 37 of the 4th of March, 1940). (a) Has any person been selected to succeed late Adejuwon as the Olojudo of Iddo in the Ekiti Division?

(b) If so, what is the name of the selected candidate?

(c) How many persons claimed to be eligible for appointment to the chieftaincy?

(d) Was Adewa one of them?

(e) Is it a fact that Adewa petitioned Government praying that an independent Committee may be appointed to investigate his claim?

- (f) Had Adewa ever held the position of Olojudo of Iddo?
- (g) If so, what were the circumstances under which he gave up his appointment?
- (h) Was any promise made or hope held out to Adewa by Government in 1916 that he would succeed Adejuwon as the Olojudo?
- (i) Will Government be graciously pleased to grant Adewa's prayer?

*Reply not yet ready.*

**The Member for the Ijebu Division (Dr. the Hon. N. T. Olusoga):**

14. (Question No. 39 of the 4th of March, 1940). (a) To ask if the attention of Government has been drawn to the series of Articles which appeared in the "Nigerian Eastern Mail" and signed by one Phillip Awonka, under dates of June 3, 10, 17, 24, and July 1, 1939?

(b) If so, to ask if Government has checked up the accuracy or otherwise of what was written by this correspondent in regard to food and its preparation for the consumption of prisoners and also in regard to complaints by prisoners to Prison Visiting Committee?

(c) Also whether Government would consider several other suggestions made by the same correspondent, purely on their own merits and to see if as a reform the adoption of some of them would be beneficial to those directly concerned?

*Answer:—*

**The Hon. the Chief Secretary to the Government:**

(a) Yes, Sir.

(b) The complaints and criticisms were investigated by the Director of Prisons in person and found to be groundless.

(c) Any constructive and practical suggestions for the reform of prisoners or the improvement of prison conditions will always be given full consideration by Government. The articles in question, have in fact, been examined in detail by the Director of Prisons but most of the criticisms which they contain are founded on inaccurate statements of fact, and it is not considered that they include any suggestions of practical value.

**The Member for Calabar (The Rev. & Hon. O. Efiang):**

15. (Question No. 47 of the 4th of March, 1940). (a) Referring to the Printed (Approved) Nigerian Estimates, 1939-40, Page 78, Item 11, to ask how many Office Assistants (Northern Provinces) have retired during the current financial year? And

(b) Whether the vacancy or vacancies have been filled?

(c) If the answer is in the negative, to ask for the reason or reasons which led to that decision?

*Reply not yet ready.*

**The Member for Calabar (The Rev. & Hon. O. Efiang):**

16. (Question No. 49 of the 4th of March, 1940). (a) To ask the Honourable the Director of Medical Services of Nigeria whether there was held Promotion Examination in October, 1938, for Nurses, and in June, 1939?

(b) If the answer is in the affirmative, to ask how many Second Class Nurses sat and how many of them succeeded? How many Third Class Nurses sat and how many succeeded?

(c) (i) How many of the successful Second Class Nurses were actually promoted?

(ii) How many of the successful Third Class Nurses were promoted?

(d) If no promotion was made in the case of Third Class Nurses who succeeded in any of the above examinations, will the Director of Medical Services please give the reason why?

Answer:—

**The Hon. the Director of Medical Services:**

(a) Yes, Sir.

OCTOBER, 1938.

(b) 65 Second-class Nurses sat; 40 succeeded.

172 Third-class „ „ 145 „

JUNE, 1939.

No examination for Second-class Nurses.

172 Third-class Nurses sat; 104 succeeded.

(c) (i) 25 Second-class Nurses have been promoted.

(ii) The promotions for Third-class Nurses have not yet been approved, but it is probable that about 130 will be promoted as from October, 1938, and later dates up to the end of this financial year.

Others who passed the examination will be promoted when due, provided they are in other respects fully qualified.

The delay in promoting those Third-class Nurses who passed in October, 1938, has been due mainly to the necessity for examining their claims in other respects and the financial effect of the promotions.

It should be borne in mind that promotions are not governed by the results of examinations alone. In all cases the work and conduct of these Nurses must be certified to have been satisfactory. In addition, as regards Second-class Nurses, there must be vacancies in the next higher grade, and as regards Third-class Nurses they must have attained the maximum salary of their grade and drawn that salary for at least one year.

**The Member for Calabar (The Rev. & Hon. O. Efiang):**

17. (Question No. 50 of the 4th of March, 1940). (a) Is it a fact that the people of Afikpo had made representation to the Resident of the Ogoja Province, reporting the corruption in bribery which is abundantly practised by their Court Scribe, such as obtaining bribes (i) before allowing the people to be appointed Court Sitting Members, and (ii) before issuing summonses to plaintiffs?

(b) If so, what steps have been taken to remedy this awful state of affairs?

(c) Is it a fact also that each Ezi (or compound) in Afikpo is entitled to contribute one Court Sitting Member?

(d) Is it a fact that a certain compound in Ndibe (in Afikpo) is allowed more than six members to represent them as Court Members contrary to laid down policy?

(e) If so, why?

*Reply not yet ready.*

**The Member for the Egba Division (The Hon. A. Alakija, C.B.E.):**

18. (Question No. 53 of the 4th of March, 1940). (a) Would the Honourable the Director of Education consider the advisability of establishing a Secondary School for the Ngwas instead of the three Native Administration Elementary Schools which are now contemplated?

(b) If not, will the honourable gentleman state his reason?

(c) What is the highest class in these proposed Native Administration schools?

*Reply not yet ready.*

**The Member for the Ibibio Division (The Hon. Nyong Essien):**

19. (Question No. 56 of the 4th of March, 1940). (a) To ask the Honourable the Director of Medical Services whether the kind of beds used by the students of the Higher College at Yaba, the height of which is about seven (7) inches at the head part and the foot part measures about five (5) inches from the floor, was recommended and approved of by medical science?

(b) If so, what is the Sanitary Authority recommending and approving the use of such beds there?

(c) If not, whether such kind of wooden beds is not a defect in that institution and the use of the same injurious to the health of the boarders?

(d) Whether such kind of beds has been so recommended and so used in any other of the British Colleges?

(e) If the reply is in the affirmative, where?

(f) If the reply is in the negative, what was it that caused introduction of such into Nigeria for the use of Nigerian students?

(g) Whether the authorities concerned and responsible will, please, consider the expediency and desirability of furnishing the College with beds suitable to that institution?

(h) If not, why not?

*Reply not yet ready.*

*The Member for the Ibibio Division (The Hon. Nyong Essien) :*

20. (Question No. 57 of the 4th of March, 1940). To ask the Honourable the Director of Education:—

(a) Is it a fact that owing to war conditions certain members of the Yaba Higher College staff arrived late last October?

(b) Whether, during September and October, 1939, a European acted for the Principal and an African for the House Tutor of the College?

(c) What was the Principal's Duty Pay for that period, and what percentage of it did the Acting Principal receive?

(d) Was the House Tutor entitled to, and receiving Duty Pay?

(e) What proportion of the Duty Pay did the African Master get during the period he acted for the House Tutor of that College?

(f) Is it a fact that there appears to be a shortage of staff of the Higher College, Yaba, owing to the transfer of one of the members of the staff and to the impending leave due to another?

(g) Is it a fact also that owing to that shortage of staff a certain European has been detailed to lecture in English to the students, particularly those who are taking their Diploma this year? If reply is in the affirmative.

(h) What are the qualifications entitling the lecturer to that important and responsible office?

(i) What is the scale of salary to which the lecturer is entitled to receive for that duty?

(j) Is it a fact that the same man is attached for the same purpose to the faculty of Commerce in that College? If so.

(k) What are his emoluments and qualifications?

(l) Is Government aware of the Editorial of the *West African Pilot* issue of Tuesday the 1st of August, 1939, in connection with staffing of the Yaba Higher College?

(m) What steps are being taken by Government to act on those suggestions?

(n) Whether Government will state the reason for retaining the services of the newly appointed lecturer on the staff of that College?

(o) If not, why not?

(p) Whether Government will, please, consider the desirability, and agree, that all the lecturers on the staff of that College are University Graduates?

(q) If not, why not?

(r) Will Government kindly make a statement of the general educational policy of the Nigerian Government?

(s) Whether Government will, please, consider the desirability of increasing the present educational vote to £500,000?

*Reply not yet ready.*

**The Member for the Ibibio Division (The Hon. Nyong Essien) :**

21. (Question No. 58 of the 4th of March, 1940). (a) To ask the Honourable the Director of Education to state the duties and responsibilities of the Travelling Teacher as compared with those of the Superintendent of Education?

(b) Is the office of the Travelling Teacher redundant in the education system of Nigeria, in view of the existence of the office of the Superintendent of Education?

(c) If reply to (b) is in the negative, how does the Travelling Teacher benefit the native educationally?

(d) If reply to (b) is in the affirmative, will Government kindly consider the desirability of amalgamating the two offices?

(e) Is it a fact that the Travelling Teacher's office is that part of Education Department in Nigeria, which exists for the benefit of the few at the expense of the many, and is also an impediment and detrimental to educational advancement of Nigerians?

(f) If reply to (e) is in the negative, where, in education system in Britain, France and America, does "Travelling Teacher's Office" obtain?

(g) What is (i) its origin, (ii) its purpose, (iii) its aim and (iv) its object?

(h) If reply to (e) above is in the affirmative, will Government, please, see to immediate abolition of that office?

(i) If not, why not?

(j) Of the two Education Officers, namely, the Superintendent of Education and the Travelling Teacher, who is "Inspector of Schools" in Nigeria?

(k) Whether, in view of existing fall of Government Revenue, Government will kindly consider to substitute the office of the Travelling Teacher for that of the Superintendent of Education, and appoint capable Africans to fill the same?

(l) If not, why not?

*Reply not yet ready.*

**The Member for the Ibibio Division (The Hon. Nyong Essien) :**

22. (Question No. 59 of the 4th of March, 1940). (a) Is it a fact that the bench of the West African Court of Appeal in Nigeria has often been occupied by three Judges of Nigerian Courts instead of by the Judges from the three West African Colonies, to wit: Sierra Leone, Gold Coast and Nigeria, according to the Constitution of that Court?

(b) If so, how often did that happen in Nigeria and when?

(c) How often has that policy been adopted on the Gold Coast and at Sierra Leone and when?

(d) By what authority was the practice adopted?

(e) In view of the term " West African Court of Appeal ", does not the practice suggest or introduce irregularity?

(f) Whether, in the interest of justice, and for maintenance of harmony and good order throughout the British " West African " Colonies concerned, Government will, please, consider the expediency and desirability of furnishing the bench of the " West African " Court of Appeal with the Judges from the three " West African Colonies " concerned rather than with local Judges only?

(g) If not, why not?

Answer:—

**The Hon. the Chief Secretary to the Government:**

(a) to (e) By virtue of Article 5 of the West African Court of Appeal Orders in Council 1928-35 Consolidated, all Judges of the Supreme Courts of the West African Colonies and the Judges of the High Court of the Protectorate of Nigeria are Members of the West African Court of Appeal and by Rule 4 of the West African Court of Appeal Rules, 1937, the constitution of each individual Court is decided by the President. Under Rule 5 West African Court of Appeal Rules, 1937, sessions shall in each year be regularly held in Nigeria in April and October; in the Gold Coast in May and November, and in Sierra Leone in March and (if necessary) in October, and the Court where practicable is constituted by the three Chief Justices or the most senior of the Puisne Judges; the volume of work however is such that additional sittings are held about six times a year in the Gold Coast and Nigeria. The constitution of the Court is in the discretion of the President. It would seldom be practicable for the Court to be constituted otherwise than by local Judges. The Court could not be so constituted in Sierra Leone since the number of Judges in that Colony is only two and a quorum of three is required.

(f) The suggestion is impracticable for the reasons given above.

(g) Does not arise.

**The Member for the Ibibio Division (The Hon. Nyong Essien):**

23. (Question No. 60 of the 4th of March, 1940). (a) What is the gross total amount of Personal Emoluments paid in each department for the financial year 1937-38, and 1938-39 to (i) Europeans and (ii) Africans?

(b) Will Government, please, state whether the cost of all Government European residential buildings in Nigeria were met by expenditure from public funds?

(c) What was that cost?

(d) What is the value of return therefrom?

(e) Are rents and rates being paid for those buildings?

(f) If paid, how are they estimated and how much did they come to in each of the last three years 1937-39?

(g) If not paid, will Government, please, consider payment of rents and rates by occupants of those quarters, in view of the existing financial stringency?

(h) If not, why not?

(i) Is it a fact that European Government officials pay their own rents in the West Indies?

(j) What is the value of assessment of African Staff Quarters throughout Nigeria?

(k) What is the total amount of (i) rents and (ii) electric light dues collected from African staff in Nigeria for the financial years 1937-38, and 1938-39?

(l) What is the total amount of (i) rents and (ii) electric light dues collected from European staff in Nigeria for the financial years 1937-38, and 1938-39?

*Answer.—*

**The Hon. the Financial Secretary:**

(a) The Honourable Member is referred to the printed Estimates for the years in question. Actual expenditure necessarily differs slightly from the original estimate but the difference is not material and would not warrant the enormous amount of work and expense required to analyse actual figures.

(b) It is not understood what information the Honourable Member is wishing to obtain. There is no source from which Government European residential buildings can be provided other than public funds.

(c) The Honourable Member is referred to the annual reports on the finances of Nigeria.

(d) As the buildings in question have been erected for public purposes no question of return arises.

(e) and (f) As regards rents the Honourable Member is referred to the answer to (d). With regard to rates, the question only arises in Lagos and the Honourable Member is referred to the item of expenditure appearing in the Estimates under the Head Miscellaneous and in particular to paragraph 151 of the Memorandum on the Estimate for 1938-39.

(g) The answer is in the negative.

(h) The present arrangements are part of the ordinary conditions of service and Government is not prepared to make a change which would be a breach of contractual obligations.

(i) Government is not able to say what the precise position is at the present time in the various dependencies comprising the West Indies but understands that where Government quarters exist rent is paid in some cases but not in others.

(j) It is not understood exactly what is intended by the phrase "value of assessment". The approximate value of African residential buildings owned by Government is slightly under £500,000.

(k) (i) For 1937-38 rents paid by the African staff amounted to £7,561; for 1938-39 the figure was £7,736.

(ii) Electricity charges to African staff are precisely the same as those to other consumers whether African or European. It would be quite out of the question to attempt to analyse receipts as suggested.

(l) (i) Nil.

(ii) The Honourable Member is referred to the answer to k (ii).

**The Member for the Ibibio Division (The Hon. Nyong Essien):**

24. (Question No. 61 of the 4th of March, 1940). (a) How many Cadets have been appointed to Nigeria during the periods 1937-38, and 1938-39?

(b) What is the office filled by each of them?

(c) What is the amount of the emoluments of each of these Cadets?

(d) Whether, in view of the financial state of Nigeria at present, Government will be graciously pleased to refrain from further appointments of European Cadets into Nigeria until better times?

(e) If not, why not?

Answer:—

**The Hon. the Chief Secretary to the Government:**

|             |     |     |    |
|-------------|-----|-----|----|
| (a) 1937-38 | ... | ... | 35 |
| 1938-39     | ... | ... | 31 |

(b) The office of Acting Assistant District Officer.

(c) £400 a year.

(d) No, Sir.

(e) The number of Administrative Officers who have died, retired, been invalided, or been transferred to other Colonies or to other departments in Nigeria during the same period as that referred to in part (a) of the question is:—

|         |     |     |    |
|---------|-----|-----|----|
| 1937-38 | ... | ... | 16 |
| 1938-39 | ... | ... | 17 |

From this it may be seen that the net increase in numbers in the Administrative Establishment during the past two years is thirty-three. In spite of this increase there is a serious shortage of Administrative Staff.

The authorised staff is 427 compared with 471 in the year 1931. The actual number of Administrative Officers to-day is 415. Of the latter number, however, twelve officers are seconded to other Colonies or to the Colonial Office, five are seconded for Co-operative Work, and fourteen are engaged on special duties. In addition, thirty-eight Administrative Officers have been released for service with the armed forces. This leaves only 347 officers available for normal administrative duties.

The area of Nigeria is over 370,000 square miles and the population exceeds 20,000,000.

**The Member for the Ibibio Division (The Hon. Nyong Essien) :**

25. (Question No. 62 of the 4th of March, 1940). Why are Local Treasury Assistants receiving salaries so low as the rate paid to Chief Clerks?

*Answer:—*

**The Hon. the Financial Secretary :**

Because the scale is considered adequate.

**The Member for the Ibibio Division (The Hon. Nyong Essien) :**

26. (Question No. 63 of the 4th of March, 1940). (a) What are the detailed and specific functions of the Forestry Department?

(b) What benefits does Nigeria derive from its existence?

(c) How far has use been made of African Personnel for specialised training in that department and what steps are being taken in that direction?

*Reply not yet ready.*

**The Member for the Ibibio Division (The Hon. Nyong Essien) :**

27. (Question No. 64 of the 4th of March, 1940). (a) Is the system of advertising vacancies and filling them in some cases by departmental transfers satisfactory and will Government consider the desirability of reverting to the old system?

(b) If not, why not?

*Answer:—*

**The Hon. the Chief Secretary to the Government :**

(a) and (b) The system has so far been working satisfactorily. It may however be noted that it has been in force for just two and a half years and it must still be regarded as being to a certain extent experimental. Government is satisfied that it is a definite improvement on the previous system and that discontinuance would not be in the best interests of the Clerical Service.

**The Member for the Ibibio Division (The Hon. Nyong Essien) :**

28. (Question No. 65 of the 4th of March, 1940). (a) How many Government (i) 3rd Class Nurses, (ii) 2nd Class Nurses, (iii) 1st Class Nurses and (iv) Senior Nurses are there in Nigeria?

(b) What is the rate of salaries paid to each of the classes?

(c) What is the intention of Government towards the old 2nd Class Nurses who have been reverted to 3rd Class Nurses after the revision of salaries in April, 1936?

(d) Is it a fact that some of those Nurses have served the Government for the past ten to twenty years with good records but without promotion?

*Reply not yet ready.*

**The Member for the Ibibio Division (The Hon. Nyong Essien):**

29. (Question No. 66 of the 4th of March, 1940). To ask the Honourable the Director of Public Works:—

(a) Whether Government will consider the desirability of enforcing the application of Government approved scales for Public Works Department Overseers in the Uyo Division?

(b) If not, why not?

(c) Will Government, please, consider the desirability of establishing regular increments along the approved scales for Overseers and Assistant Overseers in Nigeria (including Uyo Division), rather than leave matters to the discretion of the District Engineers?

(d) If not, why not?

(e) Will Government agree to the grant of bicycle and motor cycle allowances to Overseers and Assistant Overseers in Uyo Division Public Works Department in accordance with General Orders, in view of the fact that Road Overseers in that Division supervise roads the distances of which necessitate the use of bicycles or motor cycles?

(f) How many Overseers in Uyo Division were granted increase of wages as from the 1st of April, 1936?

(g) What amount to each was the increment so granted?

(h) How many of the Overseers received the same?

(i) If no increment was granted, for what reason or reasons was it not granted?

(j) With a purpose that the Overseers in the Uyo Division might not be barred out from prospect, will Government, please, create the following posts, to wit: (i) Head Overseers and (ii) Road Foremen?

(k) If not, why not?

(l) Has a prospective Public Works Department Road Overseer to pass through a course of training during which time he receives a maximum salary of £3 5s. 0d. per month, as per authorised scale? If so will Government kindly explain why, after such a person is promoted a Road Overseer, his salary falls below the maximum salary of an Overseer-in-training, namely, £3 5s. 0d.?

(m) Whether Government will consider the expediency and desirability of re-introducing the supply of khaki trousers, jackets, and officer's regulation helmets to Road Overseers as had been the case of late, in view of Public Works Department Overseers in some divisions being literate youths and a higher qualification being required of prospective Road Overseers?

(n) If not, why not?

(o) Will the Honourable the Director of Public Works consider the introduction into the Public Works Department of departmental examination to determine, in the best way possible, which of the Public Works Department Overseers ought to be permanent?

(p) If not, why not?

*Reply not yet ready.*

## MOTION.

*The Member for the Rivers Division (The Hon. S. B. Rhodes):*

Your Excellency: I rise, Sir, to move the motion standing against my name and which reads as follows:—

“ That in the opinion of this House the Newspaper Ordinance, Chapter 149 of the Laws of Nigeria, should be reconsidered.”

I should have added, Your Excellency, the words “ with particular reference to section 3, sub-section 2.”

That is the only section I wish to deal with. This is the reading of it as the law now stands:—

“ No person shall print or publish or cause to be printed or published any newspaper unless the proprietor, printer and publisher shall each have previously:—

“ “ Given and executed and registered in the office of  
“ “ the Chief Secretary to the Government a bond  
“ “ in the form in the Schedule in the sum of two  
“ “ hundred and fifty pounds with one or more  
“ “ sureties as may be required and approved by  
“ “ the Attorney-General.” ”

This section, Your Excellency, I am asking should be amended to read:—

“ That a monetary deposit in place of a bond should be accepted by the Attorney-General.”

The reason is that, as it stands now, a stranger may arrive in Nigeria and may wish to embark on a newspaper enterprise. He knows nobody who can sign a bond for him, even if he has two hundred and fifty pounds in the Bank. He cannot go to the Attorney-General and say—“ Here is two hundred and fifty pounds deposit: I wish to start a newspaper.” Moreover, there is nothing to prevent the Law Officers of the Crown or the Attorney-General from refusing bondsmen continuously so as to cripple a newspaper industry. I am not suggesting that it has been done, but there is nothing to prevent such a thing being done as the law stands at present.

What I am saying is that if a bondsman is produced and the Attorney-General says “ I do not like the face of that man ” and the surety is refused on that score, that newspaper will never be started in Nigeria. I suggest, Sir, that an amending clause be inserted whereby the proprietor of a newspaper will be able to deposit a sum of money in the alternative.

***The Member for the Egba Division (The Hon. A. Alakija, C.B.E.):***

Your Excellency: I rise, Sir, to second the motion and at the same time, to add that, when this motion shall have passed the House, the Law Officers of the Crown should see that not any scally-wag who has got the sum of two hundred and fifty pounds should be permitted to carry on the work of a newspaper proprietor.

***The Commercial Member for Lagos (The Hon. R. M. Williams):***

Your Excellency: I rise to support the motion and to say, further, that it is not necessary for the provision of a surety to be made. A deposit of the sum of two hundred and fifty pounds is sufficient guarantee to Government. We should abolish the practice of providing sureties altogether and ask for a monetary deposit of two hundred and fifty pounds without alternative.

***The Member for the Ibibio Division (The Hon. Nyong Essien):***

Your Excellency: I rise to support the motion. I would like to call Your Excellency's attention to the saying of Lord Erskine who says "In proportion as the press has been free, the English Government has been secure."

I think, Sir, that in a community where British laws are made the freedom of the press is one of the things that should invite the most important attention of the Government, because the press is the fourth estate of the realm and, in a country like this, Sir, it is not only the speeches made by men that can put things right, but the newspaper can do and has done a good deal, a long way, to educate the people; and so in whatever community freedom is extended to, the people own press and the interest of that community can never be at stake. Whosoever owns a press and keeps on libelling people the law always approaches and overtakes that man. So, Sir, I support the motion.

***The Member for the Ijebu Division (Dr. the Hon. N. T. Olusoga):***

Your Excellency: I rise, Sir, in support of the motion of the Honourable the Member for the Rivers Division, subject to the observation made by the Honourable the Member for the Egba Division.

***The Hon. the Attorney-General:***

Your Excellency: From the motion of the Honourable the Member for the Rivers Division, I understand he wishes to abolish the provision requiring a bond only and to authorise instead the deposit of cash security. Government is prepared to accept the suggestion for an amendment of the law, but there is one point, Sir, I wish to make. Honourable Members who support this motion have suggested that we should have a cash deposit only

and as an alternative to a bond. The amendment required will have to come before the House in the form of a legislation. I think it would be wise to adopt the motion. The necessity for a cash deposit or other security arises in order to meet the cost of any successful action brought against any newspaper proprietor. The security is made so as to ensure that there will be money available to meet the cost of any damages awarded against a newspaper proprietor, and also that there is something against which judgment can be executed. It does not affect Government in any way. Government gets nothing out of it. It simply means that if there are damages awarded against a newspaper, it will enable the judgment to be satisfied up to £250.

I find it very difficult, Sir, in dealing with bonds for newspapers in the provinces. I have to write to the provinces, if it is a provincial newspaper, to get information about the sureties suggested as bondsmen, their local standing and other things about them. In some cases, if the occasion arises and it is necessary to fall upon the securities we find that there is in fact no security at all.

I feel, Sir, that if the Council would express an opinion that a cash deposit—instead of a bond is more convenient and practicable—I think it will be better. It will simplify the whole question and relieve me of the responsibility of saying “I do not like this man’s face or whatever it is a surety thinks I really mean when I refuse to accept him as a surety”.

#### *His Excellency:*

I will not put the question which is not before the House. The question before the House is merely the motion moved by the Honourable the Member for the Rivers Division that Chapter 149 of the Laws should be reconsidered. The Honourable Member has given an indication of the direction in which it should be reconsidered and Government is prepared to accept the Honourable Member’s motion. In due course, Government will prepare a draft amending Ordinance in accordance with the expression of opinion by Honourable Members. It is for the House then to consider whether any further amendment should be made or not. The motion is accepted.

#### BILLS.

#### *(Second Reading).*

THE 1940-41 APPROPRIATION ORDINANCE, 1940.

#### *The Hon. the Financial Secretary:*

Your Excellency: I beg to move that a Bill entitled “An Ordinance to appropriate the sum of nine million, forty-eight thousand, one hundred and thirty-nine pounds to the service of the year ending on the thirty-first day of March, one thousand nine hundred and forty-one” be read a second time.

Subject to Your Excellency's permission, I would like to make a very brief statement in amplification of the remarks I made yesterday. This brief statement refers simply to the Railway deficit and I am now in possession of some additional information which enables me to supplement what I said then. As Honourable Members will doubtless realise the proposal for financing the Railway deficit from Railway Reserves means in effect the withdrawal of certain sums from the Railway Renewals Fund and the position in regard to that Fund will, doubtless, be of interest to Honourable Members. When some four years ago we made what I may call a fresh start with Railway Finances endeavouring to separate them from those of the Government; the Renewals Fund stood at £225,000. Since then there have been regular contributions made and there has also been a certain amount of expenditure from the Fund. Taking the whole of the deficit up to the 31st of March, 1941, from the cash resources of the Renewals Fund, the position will be that on the 31st of March, 1941, the Renewals Fund will still have a balance of one and a quarter million pounds, that is to say, approximately one million pounds more than it had four years ago.

Another point I wish to make, Sir, is that the Renewals Fund has been closely examined and it has been established that there is no doubt that the cash resources of the Fund will enable it to meet all renewal expenditure for a period of at least ten years; I say ten years because I do not think it is possible to formulate a detailed programme of expenditure for a longer period. Sir, I beg to move.

*The Hon. the Deputy Chief Secretary:*

I beg to second.

*The Member for the Egba Division (The Hon. A. Alakija, C.B.E.):*

Your Excellency: The usual practice at this Council Meeting on the occasion of the Budget is for Members to debate generally on the Estimates, but this time, Your Excellency will pardon me for saying that we should dispense with formalities and have a straight heart to heart talk.

It is a common saying in the Yoruba country that when brothers of one family confer behind locked doors, if they came out smiling, they had not been speaking the truth one to the other. But if they came out with frowns on their faces, one or some of them had been giving a straight talk. The latter, Sir, is going to be my attitude this morning.

We have now the Estimates before us and Your Excellency has told us that we have been able to balance our Budget. Now whether we should congratulate ourselves and say that we have truly balanced the Budget I don't know. It seems that it did not matter so long the Budget is balanced whether by robbing the

birds' nests or by passing our hats round the Native Administrations North and South or by asking the Native Administrations generally for a loan without stating whether we are going to pay them any interest, and if we are going to pay them interest, without telling them at what rate. Anyhow, we are lucky and we must congratulate ourselves that the Native Administrations have been generous enough to grant the loans that we require. Furthermore, we are also blessed by the generosity of the Imperial Government in granting us a substantial sum for Colonial Development and Research so that, as Your Excellency said, we are all joyfully looking forward with broad smiles to our fortune. That is good in itself.

The question which I wish to ask now is whether, on account of the incidents to which I have referred, we should abandon all economy. If we are not to abandon economy, but to be more rigid in our economic campaign when preparing the Estimates, I must ask Your Excellency to appoint a Commission of Inquiry, or if it is not a Commission of Inquiry, to appoint some expert unofficial members to assist the officials in the preparation of the Estimates so that means can be found by which a greater reduction can be made in our expenditure. I am not going into the details of the draft Estimates as a lot of time will be required if we were to probe deeply into all the items of expenditure, but I must stress the point that there is room for more cuts. I feel sure that all the officials who are really interested in the prosperity of Nigeria will be prepared to make sacrifices, more than they have ever made, as the Emirs of the Northern Provinces who have followed Your Excellency's good example have done. I am sure there will be many more Heads of Departments in this country who will be willing to find a way of cutting down expenditure from the top.

**His Excellency:**

I should like to interrupt the Honourable Member and to point out that the sacrifices which I and the Emirs are making voluntarily are being extracted from other persons; it is not fair to ask that they should make further sacrifices. If voluntary payments were to be made by officials I see no reason why they should not be made by private persons as well.

**The Member for the Egba Division (The Hon. A. Alakija, C.B.E.):**

Your Excellency: In dealing further with the Estimates I will deal with the Railway at the same time. The Railway has been badly hit and I do not know, with the exception of the time that produce was booming, of any time that the Railway has not been badly hit. The remedy, in my opinion, does not lie in the attempt which is being made to reduce motor transport. As I know the country very well, no amount of disabilities placed in the way of motor transport will help the Railway because the Railway cannot feed all the places which motor transport is feeding in this country.

If further control of motor industry is imposed there will be no difference in the Railway deficit. What I think will help the situation is that the Railway, to succeed, should and must be run on commercial lines. If the Railway is run on commercial lines it should not be difficult for it to make money, even at this time of great slump.

The Railway is a Government Railway and this Government must be prepared to meet the deficit which the Railway suffers without disturbing the taxpayers who are running motor transport for the benefit of the public and to enable them to pay their taxes. Your Excellency, let me at once say in all seriousness that this attempt to cripple the motor industry is submitted to by the people because they wish to do nothing which would embarrass the Government at this time of war, but I warn the House that at no other time would the country tolerate this unfair restriction. That brings me to a point, Your Excellency, in connection with a question which I have put to the Council at this meeting, and that is the Quota System.

I have read the answer of the Honourable the Chief Secretary to the Government and I would like this House to know that every word I utter this morning on this subject has the backing of the general public. I have taken opinions in several quarters and, as a matter of fact, without soliciting them people have come to me in large numbers with the complaint that small shippers are not receiving fair treatment under the system.

Your Excellency, in your remarks, in one of the addresses said that—

“ Unremunerative prices were responsible for the fall in  
the volume as well as in the value of exports.”

I am quoting from one of Your Excellency's speeches; but I have been told that while this is so, the quota will also be responsible for a further fall in the revenue if we do not look out.

I have seen the quotas as arranged. Let us assume that the system itself is necessary at this time, what do we find? The Honourable the Member for the Ijebu Division has put a question—I refer to Question No. 44 on page 25. This indicates to what extent this matter is agitating the minds of the general public. I have a paper which was placed before me here. This paper was signed by Mr. G. F. T. Colby and in that paper the estimated amount of quota was 52,500 tons. At that time, out of the 52,500 tons, only 2,500 tons were allotted to small shippers. Later on, the 52,500 tons were increased to 80,000, but there is nothing added to the tonnage allotted to the small shippers. I understand that these 80,000 tons are likely to be increased, according to the answer to the question of the Honourable the Member for the Ijebu Division, to 90,000-100,000 and the small shippers' figure still stands at 2,500.

Sir, I now come to Departments of Government. I know, Sir, that the time is not ripe yet for any African to become a Head of Department, but I am sure that the day will not be far distant when we shall have an African of undoubted ability and integrity sitting in the front bench and that will be the time that Nigeria will be realising her dreams and ideals.

There is no doubt the time will come—and that time will not be far distant—when we shall see an African sitting on the Government Bench opposite the unofficial bench. I am sure, Your Excellency, that if you find a suitable man, you will put him there, unless there is an imperial duress or policy preventing you from so doing. We have—and I do not hesitate to say so—among the Heads of Departments, a large majority who are very willing to encourage African aspirations. Those days have gone when there were Heads of Departments who would keep the African down.

I am very pleased indeed to see the provisions made in some departments for senior positions to be occupied by Africans. There was a time, as I said before, when it was impossible for the African to get to the top of the ladder, even though he was well qualified. I knew of one gentleman when I was a young man—who, through his ability in his class of work, got to the post of Deputy Director of Education when he was compelled to go to the Administrative Service of Government just at the time he was getting near the top of the ladder of his own office. However, to-day, things should be different.

I am asking Your Excellency to assist us whilst you are here. We are not saying this as a mere lip talk. We know how kind and sympathetic you are with the African. I urge that if there be any Head of Department who has not made the necessary provision in his own office for the Africans it is time that he should be told to do so; so that things may go right with everybody and confidence restored.

I wish now to deal with the Administrative Department with particular reference to the Commissioner of the Colony. I am very glad indeed that in the Colony Office to-day things are going on very well indeed. The feud which had been going on for several years in Lagos has now been settled. The Department has succeeded in bringing together the two opposing camps. The work was started by one Administrative Officer and handed over to another. From Captain Hawkesworth to Captain Emberton and then we have Mr. Dods—who is responsible for the final reconciliation of the two factions of Chiefs in Lagos, which are now working in harmony for peace in the country. May I say that as things are now going on smoothly the time will not be long—as soon as we can afford the money—when Government will endeavour to re-establish the House in such a state as will make a recurrence of what has passed in Lagos impossible.

Another point I shall deal with is the Education Department. Now that we have money for development Government will consider the question of our girls' education by continuing the work which has been suggested sometime ago in regard to the Queen's College. Our girls' education has suffered greatly in the past. As the Queen's College is non-denominational and admits girls not only from Lagos but from all over Nigeria, Government will do its best to see that the Queen's College may be placed on the lines which we suggested sometime ago by having that College established at Yaba.

The other offices which I wish to refer to are the Legal and Judicial Departments. My honourable friend the Attorney-General would allow me to say that the savings which he has put down—I notice in the Estimates—will not be savings at all. I think if a person is considered suitable for permanent work he should be engaged. If we have a man engaged on permanent service he gives all his time to the country. We should know where we are. It is no use appointing temporary men to act in permanent posts. I think if there is anybody competent he should be engaged permanently. There is hardly any saving at all if we have to keep on men temporarily now and again. If we want to appoint an African or a West Indian I think he should be appointed permanently straight away.

In the Judicial Department we notice with great satisfaction the appointment of African Magistrates. We are all looking forward to the time when an African Judge will be appointed in this country. I have been told by an honourable friend of mine, unofficially of course, that it is not a good policy to appoint an African Barrister as a Judge in the country where he has been practising. I was also told that the case of Mr. Justice Graham-Paul was the result of the obduracy of His Excellency Sir Donald Cameron. Whether that was so or not, Mr. Graham-Paul has been a success and I say as a senior member of the practising bar that we do not require a better Judge than Mr. Graham-Paul in Nigeria. He has accumulated a wonderful wealth of experience in his practice and has brought this to bear on his work as a Judge. In England, Judges are appointed after they have practised for years in the country in which they live. The argument of my honourable friend appeared to me plausible and I did not then argue with him any further. I merely said on that occasion that if some Africans have been appointed as Magistrates and they are doing very well, I see no reason why Africans who are suitable should not be appointed as Judges. In India it is being done and whether it is a good policy or not, I wish to say that my learned friend has not succeeded in convincing me as far as I am concerned that it is not good for Nigeria.

Now, Sir, I will speak of another Department and that is the Medical Department. It is a Department which I always touch upon every year on account of the good work which that Department is doing. Your Excellency said in your address that

“ For the first time for four years it has been, for financial reasons, impossible to provide for the appointment of more African Medical Officers, the number of whom remains at eighteen . . . . . ”

We have heard that medical science has been established in the country to-day, that epidemics no longer exist and that the health of the people has been very good. Now, Sir, whatever may be the Government policy on this matter, if Government collect revenue for the purpose of education and health of the people of this country, and, of all the medical officers in the country and those that are being appointed and are still coming into Nigeria, only eighteen Africans are going to be employed as medical officers, then there is something wrong with Nigeria and I do not consider that we are having our just dues.

Sir, if we have to find the money to engage more African doctors, then it would be money well spent and I shall have the whole country at my back if I suggest even increased taxation for the purpose because it is a wise policy to appoint more Africans as medical officers. They are the doctors who are really attending to their own people in Lagos and in the districts outside Lagos. Those who have been to the Lagos African Hospital—Your Excellency wants to go there on one morning—will be able to tell the number of patients who are clamouring for more doctors. Your Excellency, I cannot understand why the policy of appointing only eighteen African medical officers should have been enunciated.

***His Excellency:***

I may correct the Honourable Member. It is not a question of policy at all.

***The Member for the Egba Division (The Hon. A. Alakija, C.B.E.):***

It is then a question of economy, Your Excellency. It strikes me, nevertheless, that only eighteen African doctors—in fact we have only seventeen in the service and four House Surgeons or Probationers—are employed out of the large army of medical officers. I am asking Your Excellency that these four House Surgeons should be absorbed in the service. It is the general wish of the people of this country to see more Africans appointed as medical officers, but when we are told that the services of these young doctors who are working as House Surgeons are to be dispensed with because there is room for only eighteen out of the numerous medical officers in the service then we feel that we are not wanted. I am, therefore, asking Your Excellency and the

Director of Medical Services to think seriously of the matter. If then it is in the interest of the public that these appointments be increased, I am sure not one unofficial member will fail to cast his vote for supplementary provision for additions to the appointment of African medical officers. If even we have to face a new taxation Bill, Your Excellency, I am sure we shall face it as we have done in the past, willingly and gladly too. But in this connection I wish to say that as soon as the public finances return to normal, Government will loose no time to relieve the country of the burden of such taxation.

In regard to imported foodstuff, Your Excellency, things seem to be hard. We have to buy things here very dearly, and I hope Government will no longer impose any further increase of duty, as all the stock in shops will go up in price. I hope some means will be found to check abuse when new duties are imposed; the merchants should be asked to declare their stocks of imported foodstuff. When duty on imported food is reduced everything the merchant has got in his stock is sold at the ruling price without giving the buyer the corresponding reduction. Not even when a new consignment arrives. Here for instance we buy whisky for sixteen shillings a bottle, and I understand the same whisky can be bought for eight shillings on the Gold Coast. Surely, we do not impose eight shillings duty on the Nigerian whisky; something must be wrong somewhere. I am sure the Honourable the Member for Shipping does not impose extra cost of freight on whisky between Lagos and Accra to justify the excess of eight shillings, so that in Nigeria, as I say, Your Excellency, we feel that there is something wrong and we look forward to Your Excellency to help us solve our problems.

We have been six months at war. This Council began the seventh. The war has been going on for six months and men have been engaged in the Navy, the Air Force and the Army. We in this country can now sleep more peacefully than at the beginning of the war when we had thought that within two weeks of the war, the German submarines would have appeared in the Lagos lagoon to bombard and destroy our people. We have no conception of what is going on to-day beyond what we hear over the Radio and what the newspapers tell us. Your Excellency will pardon me when I say that I disagree with the suggestion that it is too cold for our soldiers to go and fight in Europe. I can assure Your Excellency that we are quite prepared to go there, despite the cold and fight if needs be. There are European soldiers in this country who (although the sun was so strong in Zaria, according to a report, that the railway lines were twisted) are living in Zaria. On account of our duty to the Empire we are quite prepared.

In the message which Your Excellency will take to the Secretary of State—I know that we have no voice in this matter—Your Excellency will tell him that we do not like to see the heartless

Germans, who are scuttling and destroying their ships, taken to nice hospitals or hotels in England, well fed and clothed and then given the football to kick. We do not say that England should neglect helpless and drowning German sailors whose ships were sunk in action, but if they are so despicable as to scuttle their own ships in the belief that English ships would save them from sinking and take them to England for a holiday, then let them swim for their lives, because these very Germans are engaged on killing our own unarmed men. We Africans cannot understand that point of view so that if you took this message to the Secretary of State and the Prime Minister tried our remedy we are sure that the Germans will soon come to their senses and will not look forward to any holiday in England any longer by scuttling their ships.

I cannot conclude my talk without some expression of gratitude to Your Excellency for the part you have played since the outbreak of war. You have kindly referred to the part played by the leaders of the country. I wish particularly to refer to the part also played by you and Lady Bourdillon. Among other things you have organised the Nigeria War Relief Fund and contributions have been made very generously to that fund. A part of that fund has been applied not only to the British Red Cross Fund, but also to the Polish Relief Fund, the Finland Relief Fund and Saint Dunstan's Fund, and the fund is still mounting up. We thank you very much indeed. I also like our thanks extended to Lady Bourdillon for her kind help to you and to Nigeria. We wish you both "Bon Voyage" when you depart from these shores and a happy time in England. Of course, there cannot be a very happy holiday at this time, but we wish you both rest and a speedy return to us. When you come back to Nigeria—and we want you back here in time, particularly at this critical time for Nigeria—your health would have been better during the intervening period to enable you to continue to pilot our destiny.

(Applause.)

*The Member for the Rivers Division (The Hon. S. B. Rhodes):*

Your Excellency, it would appear as though Honourable Members are loathe to speak this morning so I am going to follow up the Honourable the Member for the Egba Division.

I would like first of all to deal with the question of taxation and that is to say, Your Excellency, as I have often said in this House that although nobody likes being taxed yet we cannot help but pay when the necessity arises. A few days ago I received a registered letter from England and a cheque was enclosed sent me as the dividend for a certain small investment that I had made. I noticed that from the amount I expected 7s. 6d. in the pound had been deducted as Income Tax: that staggered my calculations and I was set back, but this is war time and we must face these things.

Now Sir, I am glad to see, Your Excellency, that the post of Director of Transport has been wiped off the Estimates. Two years ago in this House I was daring and bold enough as to challenge the post but did not receive good response; but Your Excellency has since considered the matter and the post is gone. But Your Excellency said in your address: "Honourable Members will observe that the Transport Directorate no longer finds a place in the Estimates. Last year I was at some pains to defend the existence of this post, for the creation of which I was personally responsible. This year I have to tell you that the post has been abolished."

Well, Sir, it is very modest of Your Excellency to say that but I thought that the post was inherited and that you found it when you arrived here. (His Excellency: No.) I thought it was created during the time of Your Excellency's predecessor.

With regard to the question of prisoners' rations I am loathe to say anything because the attitude of Government is to be ready and willing always to be satisfied over this question. At the last Budget Session practically every Unofficial Member felt that the rates of prisoners rations were too high. It is true that there are one or two prisons where supplies cannot be easily got, for instance, Enugu, Port Harcourt and perhaps Calabar, but, Your Excellency, I fail to see why prisoners at Onitsha should be fed at four pence per head. Onitsha is one of the cheapest place in this God given earth and I say I see no reason why Government should allow four pence per head for prisoners in a place like Onitsha. I say it and I can go with the Director of Prisons to prove that what I say is true and it is also true of one or two other places I know in the provinces.

Now, Sir, at the last session I made a remark that I would not at any time support any move to do away with the payment of passages of wives of European officials and I still say that but what I say further, Your Excellency, is this: that this generous Government that we have who not only pay the passages of wives of officials but also grant local leave to the officials; who also grant local leave with free Government transport to West Indians in the Railway of from three to six weeks every year to any place in Nigeria which is not included in their ordinary leave of from eighteen to twenty-five weeks, this generous Government will not allow a native of Nigeria free transport on government Railway or vessels to visit any place in Nigeria on leave. A man born in Lagos is employed in Lagos; he deals with files about all parts of Nigeria, but when he takes his leave Government will only pay his fare to the place of his birth. Government will not pay his passage to Agege. What the Government says in effect is that if you are a native of Agege you must go to Agege. They give West Indians local leave of three to six weeks to travel round the country and at the end of their tour Government again pay their

passages to their homes. I find it difficult to reconcile the situation. I was hoping that when the General Orders were being amended provision would have been made whereby Heads of Departments could recommend certain African officials on leave to be given free transport to travel and know the country whenever they find it necessary to do so. For instance, take the clerks in the Secretariat; they deal with files about places like Enugu and Native Administrations. There is no Native Administration in Lagos; then why should not these men be given free transport on leave if they wish to visit the Native Administrations of Ife, Kano or Enugu? I am asking Your Excellency to consider this question.

Your Excellency made a remark in your speech, Sir, to which I wish to refer. You said, dealing with education :

“ In the meantime the Higher College at Yaba continued to do excellent work, but lack of support from the public is retarding the pace of its advance. The tendency of parents to force into minor posts youths who are quite capable of benefiting by further training for more responsible work is delaying progress and slowing down the rate at which the policy of Government to replace European by African personnel can be brought into effect.”

Well, Sir, that is quite true. I thought over this passage in Your Excellency's speech and I came to this conclusion that the average parent is not wealthy. It is as much as he can do to send his child to a Secondary School. At the age of nineteen or twenty after that boy has got to middle four the parents think they have done their best for the boy and can do nothing more. What are the future prospects before that boy? That is what I am going to discuss. That boy if he is fortunate enters the Government at twenty and the remuneration he gets is £3 per month. If he is lucky it will take him twenty-five years to get to the maximum of a First Class Clerk which is £220 per annum. The result is that the parents are anxious to remove their boy from school as quickly as possible as they are anxious that he should start to get his £36 per annum so that by the time he is forty-five he could have got to his £220 per annum. It is only a few who go beyond £220 per annum and for that matter I should like to refer to the Postal Department who have the majority of their clerks in the department on £220. Go to the Education Department as also the Treasury. I know in Aba the Headmaster of the Government School and his next three assistants are all on the same grade if not drawing the same salary. And what is the implication when it is taken into consideration that the average African in Nigeria is not very wealthy? If Government can give a little more inducement by taking away this promotion bar and make an efficiency bar, that might of itself induce parents to keep their children longer in school and make a little more sacrifice for their children. On the other hand Government should extend the scale

and make a long grade to £300 as in the case of Europeans and let the men know that they are working up to £300 per annum and that it is only the above average man that can earn above £300 per annum. Say you want certain qualifications and if a boy gets those qualifications he has something to look up to, then parents will make sacrifices. As it stands at present, Your Excellency, the average African parent in Nigeria knows that having spent most of what he gets on his son's education, the boy gets only £3 a month.

Another point I wish to bring before this House—I do not know who is representing the Board of Trade in Nigeria—is that it has been brought to my notice that the Elder Dempster vessel *Calabar* plying between Lagos, Port Harcourt and Calabar carry very many deck passengers and it is doubtful whether there are provisions made for accidents, such as the provision of life belts and life boats since these vessels carry about one to two hundred deck passengers. It is possible that there may be rafts provided for these deck passengers to be used at any time of disaster. I have travelled in the *Calabar* and had a boat drill but not the deckers.

Another point I wish to bring to the notice of this House is in connexion with the provinces. That is that I am advising Government to go slowly as to how they accept every new proposition put forward by Anthropologists. About five years ago, Sir, an officer was seconded specially to prepare an Intelligence Report; that officer went round the Nawa clan and compiled the Intelligence Report and as far as I know that officer is the first European Administrative Officer that I have come across that every native of Nawa I have discussed his report with agrees that it is correct. Now just recently another subject has been raised about exogamous units. At present we have our Village Council, Group Council and Clan Council and they are working well. I do hope a suggestion is not being made to get a further report. Well Sir, I do not think that the natives will understand the Government if after every three, four or five years a new system is introduced. They are quite satisfied with the present one. If it is changed it might create a mistrust in some parts and I feel that Government should leave it as it is.

There is another point, Sir, and that is a point which deals with the Honourable the Chief Commissioner of the Northern Provinces. There has been a lot of agitation in the Press about the Sabon-Gari question. To approach this question I must approach it historically. When the British Government first came to Southern Nigeria there were no Africans available as clerks. They had to import from Sierra Leone, the Gold Coast and Lagos. Then as we all know Southern Nigeria was governed by itself. About 1900, when Northern Nigeria was formed, clerks were recruited from Sierra Leone, the Gold Coast, Onitsha and Asaba. These people

went up the North; they lived there for years; they settled there and they became a force to be reckoned with in the North. The word "Sabon Gari" means a new town. That town was created for these people who would not mix with the Hausas. Now, Your Excellency, within the last two years we have been hearing a lot about this question. Your Excellency, I fail to see why, if all these years these people have been given a town for their own and are under the Central Government, they should now be put with the Hausas. Your Excellency, it is not a good feeling. I would not like to be there. I do not like the idea of treating the people in this way after they have been taken away from their homes. They have been there; they have settled there and are quite happy. To-day there is a war in Europe; what is the origin of that war? Self-determination, minority questions. That is what happened in Czechoslovakia. Now, Sir, I am saying that in Nigeria we should not create an atmosphere of dissatisfaction; the people do not want the change and it should not be forced on them.

Another point, Sir, deals with the Rivers Division—that is the question of the House Rule Ordinance which has been abolished. I must at once say that I quite appreciate this fact, that both the Resident of the Calabar Province and the Resident of the Owerri Province are trying their best to devise ways and means whereby they could meet the present Chiefs half way. What happened is that in olden days these Chiefs were the old traders and middlemen between the European merchant and the interior man. They invested their moneys mostly in slaves, and the more slaves you got, the wealthier you were. This went on for a long time; then, after a time, the British Government said—No more slavery, we are going to abolish slavery, everybody is emancipated.

That was very good, but most of them remained as independent men, not under a Chief, yet under a Chief. That is the position to-day in the Rivers Division. You get every man who was a member of the house saying to his Head, Oh you are no more my master. I am free. But he still occupies the land long belonging to his master's house and he would render no service. I know as a fact that, if a Chief wants to go from Bonny to Port Harcourt in his canoe, he has to pay the very members of his house to take him there.

I have discussed this matter with one or two Residents, and we feel it is a very difficult problem but I hope that the wiser heads of the Government will be able to devise a way out of this.

I would like to remind Your Excellency that about three years ago you made a promise when I tabled a Resolution about the Native Courts Ordinance of 1933 that you will consider it. Well, I do not know whether Your Excellency has been so busy that perhaps it has escaped your memory, because I still see that we are having amendments to that already complicated Ordinance.

The next point I wish to direct Government's attention to is Customs Warehouses. I do not know whether high officials in Nigeria have ever had cause to transact business in these warehouses, but I should like the Honourable the Chief Secretary to take a walk to one of these warehouses here on a hot day, about 11 or 12 o'clock, and see the condition under which Customs clerks carry on their duties in them—I was going to say it is as hot as hell, but I have never been there!—That applies also to Calabar and other places. I am suggesting that Government should take a leaf off the trading firms, because from my observations wherever the trading firms have a corrugated building, they always have a little ceiling over where their clerks work. That is one up for the trading firms, and I am suggesting that Government should copy it.

The next point, Sir, is the question of the supply of petrol. We all quite appreciate that at this time we must economise, but I am suggesting that Government should be a bit more considerate to owners of lorries. In certain parts of the country the food supply is always transported from one place to the other, as I said a while ago. Take Port Harcourt they have their supplies from Onitsha. Now I know of a case of a transport owner of a lorry who has paid £32 for his licence. He is only allowed ten cases of petrol a month which means three trips for the month, how is he going to make enough money to live and upkeep his lorry? He has already taken out his licence. I appreciate this fact, that owners of private cars who could use the Government railway should be deprived of a large quantity of petrol just for the sake of pleasure, but where it is a necessity more consideration should be given, otherwise it will be creating two sets of dissatisfactions; you will have the dissatisfaction of the lorry owners, and there are many of them; they are saying, we have paid to the Government money for our licence, and we cannot get petrol to run our transport. That is one dissatisfaction. You have the dissatisfaction of the local community; they are saying, Government is depriving us of having our local supplies, how are we going to live? So I would rather see, Sir, that private car owners are curtailed, and supplies to lorry owners are increased.

The Honourable the Member for the Egba Division touched on a point, the question of employment of African Medical officers. Your Excellency, I entirely agree, and it was a sort of a shock when I opened the estimates and discovered that only provision for one African Medical Officer had been made. This is the very Department which, last year, created a post for an African Specialist, at a salary of £1,000. We were all of the opinion that we would see an African Senior Medical Officer in this year's Estimates, but to our surprise we find in the Estimates provision for only one African Medical Officer. Well, Sir, if the Government's policy is, from what I understand, that Africans will be

educated at Yaba as Assistant Medical Officers, and after a time scholarships might be awarded to those men to go to England and take a degree, well, why is it men who have actually qualified on no scholarship and have come out are not appointed Medical Officers, unless, of course, the Department may have reasons? But I am submitting, Sir, that it should not be for economic reasons.

Now I would just like to touch on the question of this grant from the Colonial Office, or perhaps I had better say from the British taxpayer. Of course Your Excellency has said that you are going to invite opinions and suggestions as to how this money is to be spent, but as it has been the practice that we in the provinces seem to be left out of everything, I might as well make my suggestion here, now. I would like, if possible, to see a portion of this money earmarked as a grant-in-aid to boys who will be leaving school and who wish to enter into agriculture in its proper sense. There has been a lot of preaching about "back to the soil" agriculture, and I have felt to myself that if John, who has a brother James, leaves the Ibo country, John is sent to a Mission School, from there he goes to Grammar School, and he takes his School Leaving Certificate, while James remains in the village planting his yams. After he has taken his School Certificate, he goes back to James and wants to take up agriculture. how can he manage? John is coming with his School Certificate, but without a penny. Now, I am submitting to the Government that if we are going to be sincere about "back to the soil" then a portion of this money should be earmarked as a grant-in-aid. When a boy leaves school the Government will say, we are advancing so much. If he wants to buy machinery—advance him about £50, and let him start paying it off after five years, if you like at a rate of interest. This is the suggestion which I am going to make. As I said before, I may not be here when other suggestions are made. I must also congratulate Your Excellency in that by hook or by crook you have been able to balance the budget. That also is a congratulation.

*The Member for Mining (Major the Hon. H. H. W. Boyes, M.C.):*

Your Excellency, efforts have been made in speeches by yourself and by Honourable Members to persuade us that the continued increase in taxation is due to war, or war effort, but we are not convinced. The country was living beyond its means before the war broke out, and it is the pre-war we have got to look at. Last December we asked the Honourable the Financial Secretary if he could give us a note of some of the economies effected by Government. He promised to give us these: all that I have received are certain allowances—travelling allowances, and so on—have been cut down; the galaxy of officials have been maintained, but surely have not been able to carry out their functions properly as they have not been granted travelling allowances and so on, and then

when the Honourable the Financial Secretary suggested to Heads of Departments that their estimates be cut down by three per cent—I really think the figure of twenty-five per cent would have been better. There are still new appointments being made; we still see increases of salary going on. The country cannot afford it.

If this had been a business proposition, it would have broken up long ago; there would have been a committee of inquiry, Directors on the mat and so on. It is all very well to have an official majority of ayes for increasing taxation; the little difference extra taxation makes to them is nothing compared with what it would have been if the emoluments had been cut or even something more drastic than that, but here it is the commercial people who are to be stung; increased imports, increased railway freights, and we do not know where it is going to end, and we do not see a corresponding effort on the part of the Government to effect economies on their side. I am afraid persistent increase of taxation like this will certainly act as a deterrent of new capital coming to this country. People will not have the confidence to put capital into this country when they are not going to be allowed to get even a respectable return on their money.

It may be said that it was great foresight on the part of this Government, on the part of the Imperial Government, to retain these departments intact as they have been done, as of course the grant was coming along. Well whether this Government knew that, or the Imperial Government knew that, I do not know, and that certainly of course is an answer to an accusation of extravagance in that line, and I say that if the verdict was "not proven" I should say, do not do it again. But Sir, I ask you to consider whether it would not be a good thing to have a Commission appointed, chiefly of business men, to look thoroughly into the financial expenditure of this country, especially before Government commences to spend some of this magnificent grant which has been given by the Imperial Government. Let this Government put its house in order first, before it starts on further expenditure. There will be fears that Government may break out into such extravagance as to possibly suggest another Secretariat, or something like that, and it would give the country a great deal more confidence I think if we knew there was to be a Commission first, but I congratulate you, Sir, if I may, on having been able to retain your staff so that you can make use of that grant.

*The First Lagos Member (The Hon. H. S. A. Thomas):*

Your Excellency, I must, first of all, give expression to the great disadvantage under which we are all placed as a result of the delay in supplying to us copies of the Estimates. They were only supplied to many of us on the evening of Friday and though we were supposed to have yesterday off to study more of the Estimates, we were called upon in the afternoon to transact business here. I

quite appreciate the difficulties which the officers of Government have to face in preparing the Estimates, but, all the same, I think arrangements could have been made, perhaps by postponing the session for a week, so that we may have more time in which to study the Estimates. This disadvantage will, I hope, not prevent us, Sir, from going into the Estimates in great detail and in considering matters of principle as we should, otherwise, have been able to do.

This morning, Your Excellency, I propose, first of all, to draw attention to the fact that we have not much cause for congratulation over the balancing of the Budget that is laid before us. We have not fully provided for a lot of officers who are on military duty, and we have only provided for a portion of the expenditure under the Military vote; the rest being borne by the Imperial Government.

I have read very carefully the review by the Honourable the Financial Secretary of the financial position. I quite realise the difficulties and uncertainties with which he had to grapple, but still I must say that I feel that the Revenue Estimates are a bit too high. Last year, many of the members remarked about the Revenue Estimates being too high, we went into Committee and we compromised somewhat; but in the end we find that we were about £200,000 too high in our Estimates, the revised estimates for this year having come down to £5,900,000 approximately. Now, we are told that next year, with all the uncertainties and doubts before us, we are to expect £6,100,000 *i.e.* barring the amount of over £215,000 we are appropriating from the Native Administrations. I feel that a cautious estimate is particularly necessary at this time and I do not consider that our estimation of revenue is cautious. One or two items particularly struck me: one is the increase of £16,000 or more expected from the Colliery. I am afraid I am not convinced by the reasons given for this increase and I hope the matter will be looked into when we get to the Committee stage. Customs and Excise is another item which I think ought to be looked into and revised. This year, we have a revised estimate of £2,453,000, but now we are providing for £2,583,000. I am not certain that the difference of £80,000 which we expect is not an over-estimate, but as I have said this is not the place for the House to go into that: this should be done when we get to the Finance Committee when the Comptroller will have every opportunity of saying something about it.

Now, Your Excellency, it is with great reluctance I bring forward at this time when every penny is wanted, a point which I feel would involve, perhaps, something of reduction in revenue. I am referring to "Possession fee." A lot of people have come to me from time to time to represent the position resulting from their having to pay "Possession fee." The amount is now £1 and small landlords find it very difficult when desirous of ejecting

tenants who have defaulted for some time to find money to pay this fee of £1. Sometimes, before they are able to find the amount of £1, rent had further accumulated and the tenant had gone away with it. The small landlord has to meet his tax, he has also to meet his rates and I am suggesting that Government should consider the question of reducing, say by fifty per cent, this amount.

Now, turning to Native Administrations. From Your Excellency's Address, I am led to think that the Secretary of State has been told that we have more resources than are shewn in our Estimates. Whilst, on the one hand, we would like to feel that we are justified in regarding the Native Administration reserves as part of our balances; on the other hand, we are told that what we took therefrom was a loan. It seems very confusing, and I hope the position will be made clear in the course of the debate by the Honourable the Financial Secretary.

Now, before I come to expenditure, a lot has been said about agriculture and in Your Excellency's address we are told that it is not the intention of Government to turn the peasants into "a race of labourers." I hope this will never happen, but this much I want to say, it would be impossible for a whole community to be farmers; there must be traders and there must be middlemen; and I desire to point out that the position of Native or African traders has been very bad for a long time. I am afraid I am treading on very dangerous grounds, but, I think, there has been a general feeling that the trading methods of European firms leave the African trader or middleman very little margin on which to live. They do not believe in "Live and let live" and, for years, the Government have done little or nothing to help the African, and so to the ordinary man-in-the-street, it appears the Government were so much interested in these big combines that the Government are powerless to help the African. In fact, one man actually told me "you cannot get anything done, there is the combine in England and if any proposal is put forward by the Government here, the big firms are there to tell the Secretary of State not to heed the Government": Whether this is the case or not, I am not able to say, but one thing I do say and, that is, the position has been such that the people look up to the Government to do something to remedy the situation and the impression is that the Government itself is powerless.

Now, turning to Departments, Your Excellency, I again welcome the announcement that it is still the intention of this Government to implement its policy with regard to advancing Africans to superior posts and I do hope that this policy will be pursued more vigorously in the future than it had been in the past.

I think what the African wants is a good deal of encouragement which he does not get. In many cases, men who are considered as inefficient and are 'written down,' have, with sympathy and

encouragement, made good and risen to high posts while those who had condemned them were surprised to find that they had something in them. What we really find is that you want to shew greater sympathy and tact in dealing with the African. In some cases, the standards required are very much beyond him and he is being driven, with little or no encouragement, to attain those standards. I think under such a condition, discouragement must set in and then he cannot give of his best.

Now, in the Education Department, I observe with some disappointment that the post of an Education Officer previously held by an African is, probably as a result of economy measure, held in abeyance. I should think that if Government is prepared to implement its policy and intends to give Africans every encouragement, such a post, involving an expenditure of only £400, should not be held back. Here, again, I have to call attention to the matter of grants-in-aid to schools. Of course, Your Excellency has spoken of what you hope to be able to do in this matter, but I feel I should state that the people of this country are now very hard hit, have little or no money practically and so cannot contribute their fair share to the churches who have to find a good deal of the money necessary to run these schools. It is, as a result, necessary that Government should take immediate steps not only of supplementing the resources of the Missions but also of seeing to it that teachers are better and regularly paid. At present, the Mission teachers are far from being well paid and when, with the meagre salary that they get, increments are held up for two or three years, one can readily understand why a large number of them are leaving the profession.

Now, we should remember that these teachers are trained men, that we spend a lot of money in maintaining the Training Colleges, and that, in order to retain them, it is very necessary that we should give them every encouragement. At present, the outlook is not encouraging. Another thing is that teachers have nothing to look up to on their retirement. I hear it had been passed by the Board of Education that a Superannuation Scheme be introduced for teachers but not for some time past has anything been done. It seems very necessary that they are assured, after they had given of their best, of something to live on. People must be discouraged if they find that they must go on teaching in their old age. I hope Government will take up these questions and see that something is done to improve matters all round and so secure contentment and satisfaction.

Now, I come to Scholarships for students in British Universities. I do not know why it is that Government could not give the full amount required. I observe that men who gain these scholarships are required to pay part of their expenses. Offering scholarships on these terms naturally debar from taking advantage of these scholarships good boys who have not the means of supplementing

the amount of the scholarships and whose parents are not in a position to help them to pay part of the expenses, but who are good in all respects. I think that in a country like this fully paid scholarships should be offered.

I must say that it is gratifying that Government has provided a higher appointment for an African in the Inland Revenue Department.

With regard to the Medical Services Department, I agree with the observations made by the Honourable Member for the Egba Division, and trust Government will give them due consideration.

There is another point I want to bring forward, and that is with regard to Sanitary Inspectors. I find with regard to second and third class Sanitary Inspectors that 100 of them are provided for, but there are only nine senior posts to which they can hope to aspire. This is discouraging to a class of officials who have been doing their best to deserve advancement. Many of these officials have passed the Royal Sanitary Institute Examination and had hoped, I think with some justification, that having passed such a difficult examination some remuneration should come their way. I may be told that this should depend on the needs of the Department. I quite agree, but it appears to me that Government gives very little recognition to an official passing an external examination even when such examination bears on his work. I heard, the other day, of a case of a young man who had striven and passed locally the London Arts degree with honours in English. Such a young man deserves every encouragement and I should have thought that the Railway Management would have tried him in its administrative branch, but he is allowed to remain in the Accounts Department where the prospects he can look forward to give comparatively little encouragement.

With regard to the Police Department, at a meeting of the Finance Committee last Budget Session, the question of getting lighter material for Police uniform was discussed, and a promise was made that the matter would be considered. It appears no conclusion has been reached. It seems very funny that whilst we are teaching boys in school that they should get themselves clad as lightly as possible because of the climate and that very heavy stuff does not make for good health, we should continue to provide for some of their fathers very heavy stuff as Police uniform. I may say, in this connection, that under the former Southern Nigeria Government, the Police had two kinds of uniform; one made of light material to be used from November right up to June or so; but, as an economy measure, during the last war, the uniform of light material was discontinued and, since then, has not been used. The only explanation given for the continued supply of the heavy stuff was that "the health of the men has been excellent."

Another point to which I would again draw attention is the question of 'policing' Lagos Township. I was particularly pleased to read that this matter was referred to at a certain meeting of the Lagos Chiefs with the Commissioner of the Colony. The Honourable the Member for the Colony Division and the Honourable the Member for the Egba Division stressed the importance of the matter during the last session, but, up to now, nothing has been done. I will relate my experience one evening: one boy smashed another boy's head and it took me almost half-an-hour to get a policeman on the scene. I telephoned and was told that a policeman was coming on a bicycle immediately. After an interval, I telephoned the second time and, some minutes afterwards, telephoned again when I was told a policeman had left. In the old days, it was possible to find a policeman in every important street, but now, this is not possible. People shout for a policeman but none appears. I quite appreciate the fact that crime has decreased: this it is claimed is due to the patrol system, but, as a layman, I should say that it is due more to the greater certainty of detection which has resulted from the increased efficiency of the Criminal Investigation Department. I think that when it is known that you cannot get off with it when you commit a crime, people are less disposed to crime and that exercises some check. I do not think that the credit is due to the patrol system. I, therefore, urge—though this is a bad time to urge for more expenditure, yet I think the question of the protection of the public is deserving of every attention, and I therefore urge that this matter should receive earnest consideration.

Now, I come to the Provincial Administration Department. Some twenty years ago, shortly after the Great War, a rule disappeared from the Colonial Regulations and this rule was the only one which I thought had debarred appointment of Africans to certain higher posts. The rule is to the effect that 'connection with a Colony by birth or family ties will generally be held to render a candidate ineligible for the highest judicial or fiduciary appointments.' When that rule disappeared, I thought the whole of the Government Service would be open without any qualification, excepting that of merit, to the African, but it is disappointing in the extreme to find that in the Administrative Service of Nigeria, the colour bar still exists. I have read the reasons given for this policy and, it seems to me, that they are unconvincing. We all know that not only in Lagos, but in all interior countries where there is an educated man, the Chief goes of his own freewill to consult him and takes his advice, but we are told that if that man becomes an Administrative Officer, the same Chief would resent his advice. This is not a matter for dispute and I hope the policy will receive reconsideration.

The Northern Provinces have come in for a good deal of criticisms lately. They have always had the reputation of being unfriendly to the educated African and even to some Europeans.

I remember, some years ago, a European Barrister went to the North and wanted to reside in a certain area, but the British Resident felt his very presence might be very disturbing to him and wrote to the Governor-General about it. Subsequently, certain correspondence appeared in the local papers to the effect that the Native Authorities concerned should be told that if they ordered the European Barrister to leave the area, the Government would be prepared to support their action. I hope such things do not happen to-day; but the impression they had created has been very difficult to erase. Well, Africans in higher appointments have not got on very well in the Northern Provinces. After the great fight to get Africans advanced to posts held by Europeans, the North was able to offer, I think, five posts of Office Assistants. Now, in next year's estimates, there are only two of these posts. I am afraid this is not a desirable way in which to effect economy, and I am asking that this matter should receive consideration of Government with a view to finding out from amongst the African staff of the Provincial Administration in the North, efficient and deserving men who could be advanced to these higher posts.

I welcome very heartily the change which is to take place as a result of Government bringing on to monthly pay several daily-paid Africans. I think it is a step in the right direction. In some cases these men have worked for many years with no hope of ever getting anything beyond their pay; when they do not work they get nothing; on public holidays, although they are willing to work, they get nothing; but now that they are to be put on monthly pay basis, their position would be much better. But there is something I would like to say on this matter.

What is the principle laid down by Government in regard to the initial salary the men should receive on conversion from daily to monthly pay? In the case of the Railway, the pay of the men for a year excluding Sundays and Public Holidays was reckoned and was then scaled by an increment or two lower to get the initial salary to be paid. It is said that this is according to the principle laid down in General Orders that when a man on temporary appointment is given a permanent post he should start with less pay. Recently, a case in the Electrical Department has come to my hearing. An employee who had served for some ten years and was getting 4s. 9d. a day asked to be given a permanent non-pensionable post. He was then given and passed a certain test after which he was offered a salary of £36 a year, the man refused it naturally and the result is he was shunted on to a job under a Native Administration where it is likely he will be sent away.

My point is, I want the Government to lay down a uniform way of determining the initial salary payable to men converted from daily to monthly pay. At present, I have no knowledge that such uniform method exists.

There are one or two matters of minor importance which may likely result in some trouble in future which I like to bring to notice. Before 1932 when an African Staff Salaries Revision Committee was appointed, there were apparently almost as many scales as there were technical posts. To set this right, certain standard scales were fixed by the Committee appointed in 1932, but now, I find that these scales are not being observed. For example in the Secretariat, there is the scale for a lady-clerk of £40-5-60-8-100. I do not know whether this lady is doing quite as responsible work as the other clerks; if she is, I do not see why she should not be given the same scale of salary. There was no separate scale laid down for a lady-clerk in the Sessional Paper and the scale now fixed for a lady-clerk appears to me to be very low compared with that for other clerks of the same grade. Now, you find the scale starting with £40, a higher minimum, and then proceeding by lower increment of £5 to £60 then by increment of £8 to a lower maximum of £100. With such a precedent, there is the possibility of there coming into being again almost as many scales as there are technical posts.

I find also that in the Accountant-General's Office, a post for a permanent non-pensionable clerk at the salary of £130 has been brought on the Estimates. In these days when hundreds of boys, on leaving school, get no work to do and when parents who had spent a lot of money on their children's education find it very difficult to get them employment, it is hardly fair that Government should employ men, who had retired from the service with good pensions, in positions which could be occupied by young clerks. It may be true that these youths are inexperienced, but it should be possible, after a short period of training, to get them to perform the duties satisfactorily.

I have already taken much of Your Excellency's time, but I should say that it is with much gratification I observe that the Audit Department have, after many years, found it possible to provide a higher appointment for an African. I think it was a mistake that no asterisk was shown against the post as I could not believe it was intended that the appointment should be non-pensionable.

***The Hon. the Financial Secretary:***

A point of explanation, Sir, it is a mistake.

***The First Lagos Member (The Hon. H. S. A. Thomas):***

Now, in the Printing Department, it has been brought to my notice that many of the Book-binding Assistants have been on the same salary for some ten years. I hope, now that they have an extended scale, this fact may be taken into consideration when fixing the point of the extended scale at which they should begin to draw salary.

I thank Your Excellency for your patience in listening to me.

**The Member for the Warri Division (The Hon. A. Egbe):**

Your Excellency, I have listened very carefully to the excellent speech delivered last Monday by Your Excellency in this Honourable House.

There is a passage in that speech which I particularly welcome—it is this:—

“ The outbreak of the war while causing no change in the policy of the Department, necessitated an increase in effort in connection with the production of local foodstuffs with a view to making Nigeria self-supporting. It also caused the Government to consider the extent to which the West African Colonies as a whole could be made self-supporting, and we are in communication with the Governments of the Gold Coast and Sierra-Leone on this subject. The possibilities of increasing the local production of such commodities as rice, sugar, flour, vegetables, fruit and cooking fats are being rapidly investigated and appropriate steps have already been taken where possible. The possibility of providing a local substitute for imported sacks is also being considered and there is every prospect that a considerable measure of success will be achieved. The Government is also considering ways and means by which capital can be provided to assist Africans in processing their own crops and generally in taking a greater share in the economic development of their own country.”

Representing as I do the peoples in the Warri Division, I cannot help but think in terms of palm oil and palm kernels. And at the present time there is not an iota of doubt that the poor prices for produce which has prevailed for some time past and is still prevailing now is having a serious effect on the lives of the people and it is making it increasingly difficult for them to meet their tax obligations.

In support of this statement I will quote from an excellent and true report made by our Resident Major R. L. Bowen, M.C. in the Annual Report on the Southern Provinces of Nigeria, 1938.

“ The steady fall in the level of produce prices which commenced in the middle of 1937 was unfortunately continued into 1938 until a low price of about £3 per ton was reached in June which later rose to around £4 10s. a ton. This price has been maintained with slight fluctuations for the remainder of the year.”

The maintenance of Native Administrations is only possible on the ability of the natives to pay their taxes and if Government is indifferent to the prices that the natives obtain for their oil and kernels prices will sink lower and lower. I would suggest for the urgent consideration of the Government the stabilisation of produce prices and the establishment of a produce prices pool so that prices for oil and kernels may become stabilised. As Government is receiving a good sum of money from the Imperial Government I offer this as my contribution to the suggestions asked for that a

portion of Nigeria's share be utilised to help in stabilising produce prices. The time may come when the peoples may be unable to pay their taxes and consequently the maintenance of Native Administrations will become an impossibility.

Once again I have to draw the attention of Government to the establishment of a secondary school in the Warri Province to serve the needs of the Warri and the adjacent Provinces. Last year I made the same appeal and my friend the Honourable the Director of Education admitted the need but he said he had not the funds to establish such a secondary school. Now I hope the Director of Education will see his way clear to put such a scheme into immediate operation as owing to the scarcity of money my peoples are finding it increasingly difficult to pay the expenses of their children in attending schools outside the Province.

Not very long ago an African Magistrate was appointed and very soon afterwards it was made known that he was to be sent out to the Provinces to act. We all know that the African Magistrate appointed and serving in the Colony is a success. At the time the appointment was made many people were sceptical especially when no African Magistrate has ever before acted in the Provinces. But I am glad and happy to say before this Honourable House that the appointment has proved a great and unqualified success due no doubt to the personality, tact and skill of the African Magistrate concerned.

*The Member for Calabar (The Rev. & Hon. O. Efiang):*

Your Excellency, I want to say a word on this all-paramount question of finance. It is a well known fact in this House that the Government of Nigeria can ill afford to provide sufficient money to carry out the vital and essential services in connection with it. The fact that in its embarrassment it has time and again to bring about taxation bills speaks volumes of the deplorable condition of our finances. The people of Nigeria have been paying poll tax, income tax, increased income tax, and then surtax, in order to combat the situation. We have passed also Companies' tax, Excise Duties, and just recently the Government has had recourse to reserves from the Native Administrations in order to meet the Budget. One does not know exactly what the next step will be. I must ventilate the feelings of the people when I say that they are grumbling and complaining because of the many ways, too many ways, by which they are called upon to pay taxes, direct or indirect. The high prices of imported goods, the customs duties, all combined have militated against the buying power of the people of Nigeria. I think it is just here that the Government in their efforts unwittingly frustrate their own end by introducing too many taxes in the land. The people cannot meet these different taxes; the result is obvious—the whole land is steering direct to bankruptcy. The firms cannot sell their goods because the buying

power of the people is being lessened. The people of Nigeria feel that something should be done very seriously to economise in different directions. Last time when we met here, suggestions were made about the Government not allowing passages for wives of officials. I want to say that Africans as well as Europeans—I mean Europeans outside Government offices—are of the opinion that this measure should be adopted, even if temporarily until the clouds are lifted. Again, the period of tours is too short. There is room in that also for economy; we feel that two years, with improved sanitation and other amenities will not subject them to any injury. It will rather be a source of economy, because they will have the consolation that their sacrifice is helping the good work of the Government, and I want to say that Europeans in other spheres of work in Nigeria have been enduring periods longer than two years, and that has in no way impaired their services nor their health.

Your Excellency, we have just received the good news of the development fund for the welfare of the Colonies. I note with special concern the feeling of complacency and gratification that ran through the House when we met here on Monday; our joy was as boundless as our gratitude, but I think we must not rest on our oars, because after all we do not know our share in this amount. After all, Nigeria should aim at getting at least a Reserve Fund of £10,000,000.

I want to make a suggestion with regard to the way and means by which this money should be expended. I say this in accordance with His Excellency's inviting suggestions, and as I may not be able to do so at a later time, I think I should do so now. We have heard that part of this money will be devoted to the clearance of slums in Lagos township. We want to call the attention of the Government to the vaster area of Nigeria occupied by the Provinces. I want to emphasise the fact that time and again we have been greatly crippled and handicapped because of our distance from the Heads of Departments and from the Colony. I seize this opportunity of suggesting that capital works, like road-making, should receive serious consideration when this money is in hand. I want to say further that education in Nigeria should receive serious attention in this score. Deputations have been sent to His Excellency from the Board of Education. The Federal Union of Teachers of Nigeria also made several requests, and we know that the Missionaries have taxed themselves to the maximum capacity in supporting and promoting education in Nigeria—the primary duty of the Government. Some of us who have been in education conferences are in a position to say that the Missions are well-nigh the verge of bankruptcy, and therefore it is time for a little respite to be meted out to these enduring people.

I want also to say that this money should be devoted to the development of natural resources and industries. We must congratulate Your Excellency for mentioning some of these things

which should have been done in your admirable speech. There is one I would particularly refer to, that is paper industry. If a group of people will be able to subscribe a certain amount of money, let us say £500 or £1,000, I think it will be an excellent investment if 100 per cent of the same amount is given to help on the industry. I am in a position to say that this industry will be an excellent paying concern. Nigeria will be able to supply all the Departments with paper, supply Nigeria with paper, and supply the whole of the West Coast of Africa with paper and it is obvious that in this way our finances would be better established.

I want to refer to the Medical Department. Most of what I wanted to say has been said by my predecessors, but I want to say that promotion has been too much kept back in this Department in the rank of Third-class nurses. In October of 1938 hundreds of Third-class nurses sat for promotion examination and 145 succeeded. Your Excellency, up to the present not one of these successful candidates has been promoted. That is part of the answer to one of my questions. In 1939 172 sat, and 104 succeeded, and there has been no promotion similarly. You can understand, Your Excellency, the cause of dissatisfaction that this position of things would bring among this class of people.

The position of Sub-Inspectors of Sanitation wants investigation and help, otherwise I think this Department has been doing excellent work. I appreciate very much the work that is done throughout Nigeria by this Department. The deficiencies have been pointed out, and I do not wish to dwell long on that.

I want to speak about the Education Department. I have already hinted that this Department is greatly handicapped because of the amount of vote it has from the Government. I would strongly urge that it is the will of the people, it is the constant promise of this House that when money is available this department will be looked into in the light of giving it more impetus by way of financing it to carry on its good work.

The position of the non-Government teachers with regard to prospects has already been pointed out. We know that that will mean the best brains will drift to clerical services where they have better prospects, and it is really very discouraging when the teachers look upon those who have passed through them, assuming better treatment and holding more lucrative posts in the country and they should be pushed to the walls when they are old enough to leave the school room.

I want to say a word about the Police Department. This department is doing very good work. I visited the training depot for Police at Enugu and I was very much satisfied with the work that is going on there. I want to call attention to the dilapidated condition of the Police Station at Uyo and Aro Chuku. This is a very unsatisfactory thing.

Your Excellency, the last subject to which I would like to engage the attention and the sympathetic consideration of this House, is the question of Native Administration. I received inspiration after the interview with Lord Hailey on this subject. This is a problem that touches us in the Provinces very much. It is a problem which requires serious study, serious investigation. It will be discovered that there is much dissatisfaction on this score. The natural rulers have completely lost their status, their native powers and rights, when in early days of contact Government introduced direct rule pure and unsullied. The native institutions, customary laws, were abolished, and their customs disregarded, the relationship between the native rulers and their subjects was ignored. No step whatsoever was taken at that transition period to cement the right relation between the native rulers and their subjects, with the result that there arose a circumstance which bred perpetual enmity, misunderstanding and great difficulties between the two factions. I do not wish to encroach upon the time, because I think His Excellency having taken up his helmet would like to go but I feel I would like to say that the position of things was so bad that the native rulers, having lost completely their status, they were in a very sad position. Their subjects, who were hard-working before the days of the abolition of those institutions, continued to acquire wealth; they learned to despise their former overlords and masters and then, as I said, a worse condition than slavery arose when there was no obedience to order, no respect to the native rulers. As the Honourable the Member for the Rivers Division has said, a committee should be appointed to investigate this matter, and I think I should conclude by saying that we shall be able to offer ourselves, to give the requisite assistance and suggestions in order to build native administration upon its proper basis.

In the book "African Survey" written by Lord Hailey, there is a passage which says that indirect rule to be genuine should only involve changes in the practice, through native institutions, rather than in the structure of the political organisations; but when the Government introduced indirect rule through Native Administrations, the people in the Provinces were called upon to reassemble their people, from family councils and house councils for the purpose of taxation, and they have tried to do this. This is a very difficult thing to do, and they have succeeded in a measure, feeling that the good old days were returning, their status, their powers, would be resuscitated. That they were going to be remunerated for collecting the taxes. When taxes were really collected they realised the delusion of the whole situation. In my area when the Native Administration was first inaugurated they had in mind that the good old days were returning, and so the rulers decided that Native Administration should not have anyone lower than the rank of the aristocrats or the free born. That brought some conflict in our district. I am glad that the political and administrative officers in our area combated the situation with

great success. As I said, this is a question of great magnitude and I would offer myself to help if Government is willing to look into the whole problem with greater seriousness and sympathy. We stand to supply the requisite materials for the reconstruction of Native Administrations in the Provinces.

I thank Your Excellency.

*The House adjourned.*

*The Third Lagos Member (The Hon. O. Alaktija):*

Your Excellency: In rising to make my observation on the motion for the second reading of the Appropriation Bill, I should like to take this opportunity of congratulating the Honourable the Financial Secretary on the preparation of this budget. It was said this morning by the Honourable the Member for the Egba Division that he has balanced the budget by hook and crook, but the budget has been balanced at any rate. We are all pleased that this has been done and that the Financial Secretary has put before this House a balanced budget; but whatever, Your Excellency, that may mean, I am not in a position to say. We have been taught that when it is said that the budget is balanced the liability which we are called upon to face would not in any way exceed the assets. It is already a true saying that there should be savings by people in every respect. If a man has a sum of ten pounds in his hand he is not expected to spend fifteen pounds. If he does that, it would mean that he would have to resort to loan.

From the speeches that I have heard and from Your Excellency's Address I have gathered that certain sums of money were given by the Native Administrations to Government. Whether in the nature of a loan or a gift it is not possible at the present moment to say, but I understand further that in the near future when the finances of the Central Government are in a proper condition consideration would be given to the refunding of these sums of money which were taken from the Native Administrations.

Your Excellency, in your able address, have referred to the sums of money which could be expected from Nigeria arising from the import and export duties, income tax—and I think other direct taxes—but it is not possible, although I am not an expert in finance, to budget correctly on these things and the yield during the financial year. Talking of the import duty, we do not know what might happen within the next few months. Things might go on very well and the amount budgetted for might be realised. It is best to be on the safe side to consider the possibility of these two things. The revenue from import duty might be or might not be realised, but so far as direct taxation is concerned that can be easily realised. Every able-bodied man who has sufficient income will be called upon to pay and, in any event, he will have to pay.

Now, against this, Your Excellency, a large sum of money has to be spent by way of expenditure and in that connection we have seriously to consider whether it would be very wise on the part of the Central Government to embark—when I say embark—it is the same thing as last year—to embark upon this expenditure without thinking seriously whether reductions should be made in some departments. Now, in Your Excellency's Address—if Your Excellency will permit me—I am referring to page 5 of Your Excellency's Address delivered on Monday:

“ Turning now to expenditure, Honourable Members will recollect that on several previous occasions I have informed them that the expenditure estimates have already been cut to a level beyond which it is the declared policy of this Government to avoid. For about two years now, not only when the estimates were being framed, but at distressingly frequent intervals throughout the year, the Government has found it necessary to call upon Heads of Departments to cut down their expenditure without curtailing the services for which they are responsible. Consequently, although some reductions have been made in the Estimates for next year, they are not, and cannot be, very extensive, and they are largely offset by higher prices and by inevitable increases in emergency and other services necessitated by the outbreak of the war.”

If Your Excellency will permit me, I say that if any speech was ever delivered in this House which commands the admiration of the Honourable Members, it is the speech of the Honourable the Mining Member. He has suggested that a Commission should be appointed to go into this expenditure to find ways and means of revising the expenditure.

I remember last year I had occasion to listen to the speech of the Honourable the Commercial Member for Lagos when he was strongly advocating, in view of the expenditure which the country had to face, the replacement of Europeans by Africans. He was not saying that the Europeans should be sent away forthwith, but what he was suggesting was that young Africans should be given the opportunity for training so that in future they might be able to take the place of Europeans who have to retire on attaining the age limit and have to go away in any event. If this is done there should be a considerable saving of expenditure. He had advocated this not only in 1938. I refer also to the Legislative Council Debates for 1939 where the very same thing was being advocated and is still being advocated every year. I hope Government will take heed of the advice which has been tendered by the Honourable the Commercial Member for Lagos.

I do not know, Sir, whether Heads of Departments have not been able to recommend subordinate Africans in their departments to fill vacancies—I mean European vacancies—if they do care to.

Or, is it because they are not very anxious to see that the principle enunciated from time to time not only by the successive Governors of this country, but even by the Secretary of State for the Colonies, is implemented?

With Your Excellency's permission, I should like to refer to a book which was written by Sir Frederick Lugard (Now Lord Lugard) when he was Governor-General of Nigeria,—I am referring to the *Dual Mandate in British Tropical Africa*—in discussing the question of giving opportunities to Africans to take their place in the Civil Service of the country to which they belong. I am referring to page 87 and with Your Excellency's permission, I would just like to read out what I have got in this book.

“ Addressing the Legislative Council in January, 1921, the  
“ Governor of the Gold Coast said that he hoped to see fifty  
“ per cent of the present European staff in the technical  
“ departments replaced by natives, and announced the  
“ appointment of committee to elaborate the organisation of  
“ a native Civil Service. In Nigeria a native of exceptional  
“ ability has long held the second highest post in the  
“ Education Department in the south, and frequently acted  
“ as its head, and was appointed by me to the highest executive  
“ post under the Administrator of the Colony. Four hold  
“ appointments as medical officers. In the Gold Coast the  
“ principal medical officer was at one time a native. That  
“ there are but few Africans in the higher branches of the  
“ Civil Service is in part due to the fact that few are well  
“ qualified by force of character and educational attainments,  
“ and in part to the fact that unofficial activities offer prospects  
“ of more lucrative employment to the really capable. Few  
“ adopt the profession of engineering, and it is obvious that  
“ difficulties are likely to arise if a young African engineer  
“ is placed in charge of British platelayers, artisans, and  
“ skilled foremen, but the Survey Department offers more  
“ scope. The subordinate clerical service is entirely manned  
“ by natives, as also the subordinate posts in the railway,  
“ engineering, medical, printing, survey, and other technical  
“ departments. In Nigeria it is roughly estimated that not  
“ less than 4,500 posts in the clerical and 2,500 in the  
“ technical departments are so held, with an aggregate of not  
“ less than £50,000 per annum in salaries. Outside the  
“ Government service half the unofficial members of the  
“ Legislative Council of the Colony and of the Town Council  
“ of Lagos are natives, and they are represented also in the  
“ Nigerian Council. Efforts have been made to enlist the  
“ active participation of African gentlemen on the advisory  
“ boards of the various townships, on school committees, and  
“ similar organisations, both in the Colony and in the  
“ protectorate.

“ While, therefore, as we have seen, the educated native  
 “ has not proved himself able to govern communities of which  
 “ he is in no way representative, it is, on the other hand, most  
 “ desirable that natives who have the necessary qualifications  
 “ of character and education should be afforded every  
 “ opportunity of participating in the government of the  
 “ community to which they belong, whether as civil servants  
 “ or as unofficial members of municipal boards and councils,  
 “ even if at first their standards of attainment fall below those  
 “ of the British staff, for it is only by the exercise of actual  
 “ responsibility that efficiency can eventually be attained, and  
 “ that a tradition of public service can be created. As Lord  
 “ Milner, speaking at Oxford, observed: ‘ We may even to  
 “ ‘ some extent have to sacrifice efficiency of administration in  
 “ ‘ order to promote contentment, though we cannot as honest  
 “ ‘ trustees afford to sacrifice it too much.’ ”

These, Sir, were written by Lord Lugard. If I am also permitted, I would like to refer to a portion of the speech delivered by the then Secretary of State for the Colonies, Mr. Winston Churchill in June, 1921. He is reported to have said:—

“ . . . . there is only one ideal that the British Empire can  
 “ set before itself, and that is that there should be no barrier  
 “ of race, colour, or creed which should prevent any man by  
 “ merit from reaching any station if he is fitted for it.”

These, Sir, are the principles which have been enunciated from time to time, from the time of Sir Hugh Clifford. I must say this, Your Excellency, that you have done your best in advancing the Africans.

In Your Excellency's Address, reference was made to the Africans who have been appointed as Police Magistrates. I think two have been appointed, and four medical officers. My complaint is this, if I am permitted to express it, that there are other Africans who are qualified and quite capable and who should be absorbed in the Service.

We take the case of the Administrative Department on which, I think, I had occasion to speak last year. There are 365 posts and only four Africans are holding posts in the Administrative Department from 1921 up to the present day. In the Judicial Department, I think we have three African Magistrates against thirteen Magistrates in the Department. In the Medical Department, there are eighteen African Medical Officers as against seventy-eight who are Europeans, not taking into account the administrative side of the Medical Service, and I think four or five super appointments. Now, we take the Education Department. We have only two Africans who are holding the post of Education Officers as against a battalion of European Education Officers. Now, one has retired and, for economy measure, no one has been appointed to fill the post. It is most surprising—I will be very

much surprised—to be told that there are not capable Africans to fill this post in the Education Department to-day. We have graduates from British Universities among the Africans in the Service. One is now a first grade Schoolmaster and there is one who is a Second Class Clerk in the Nigerian Secretariat. They are capable of holding the post of Superintendent of Education. On the Gold Coast there is an African graduate holding the post of Deputy Director of Education. In Nigeria I think three or four capable Africans might have been engaged; they do not expect to have the same salary as the Europeans but they can fill posts in the Education Department if the Director of Education will employ them, instead of deleting the only post of an African Education Officer on the retirement of the holder from the Service last year.

Your Excellency, I hope to proceed with each department. All what has been said this morning by the Honourable Member for the Egba Division on the appointment of Judges I confirm. The Honourable Member referred to a remark made by an honourable friend that it is not a good policy to appoint the African Barristers of this Colony as Judges in the very same Colony in which they have been practising and that the instance of Mr. Graham Paul who was appointed by Sir Donald Cameron was an exception. I must say that I am not convinced at all. If it is the case of the Colonial Office Regulation published some years ago, I think in 1921, that the natives should not hold superior offices in the Colonial Service, I must say that that regulation no longer exists, because Mr. Bannerman on the Gold Coast and Mr. Macarthy have been appointed as Puisne Judges in that Colony. Mr. Bannerman practised in Nigeria before going back to the Gold Coast and Mr. Macarthy also had some practice in Nigeria. I do not know whether the attention of my honourable friend has ever been called to that regulation which has been revoked by the Secretary of State.

Coming now to the Estimates, I think I said the same thing last year and I must ask Your Excellency's indulgence if I have to refer to the same thing I said last year at the Budget session. I wish to refer to page 60 of the Estimates; under Pensions and Gratuities we have the sum of £555,000. Every one will admit that this is a large sum of money and if the appointments of Europeans have continued the result would be that Nigeria, as a very poor country, will not be able to afford this money. What will happen? The result will be a petition for the winding-up of the Government, if that is possible, for no money will be found, and thus Government will find itself in a Bankruptcy Court. If the appointments of Cadets—European Cadets—had continued I do not know what would happen. But for the generous assistance of the Imperial Government, I wonder within five years if we would

not have to call for a wholesale retrenchment of staff or find other means for the purpose of carrying on the service of this country. So much for the Pension Vote.

Coming now to Prisons, Your Excellency. There was an article in the *Nigerian Daily Times* about the withdrawal of caps from convicted prisoners. An explanation was put forward at the time that the wearing of caps did not matter much; that there are some labourers who have no caps on their heads during the discharge of their duties. From time immemorial it has not been the rule to see prisoners in the street, bareheaded, carrying pails under the burning sun without any protection whatever. There is a vote under "Prisons" here. I do not know whether that can be utilised to provide caps. The caps would cost only one penny each. At page 72, under "Prisons", Head 31, Item 12, Clothing and Bedding, a sum of three thousand pounds is budgeted for for clothing and bedding. I think under this Head some consideration should be given to the prisoners by providing them with caps.

Now, Sir, on page 21 of the Estimates, under the Public Works Department, Current Repairs and Maintenance of Quarters and Public Buildings, the tremendous amount of £151,000 is provided for and one begins to wonder what is the value of these buildings to necessitate the sum of £151,000 to repair. These are all matters of details, Your Excellency, but when the Bill is referred to the Committee of the whole House, I shall deal further with this point.

I come now to the Medical Department. In Your Excellency's Address, at page 13, Your Excellency said—

" For the first time for four years it has been, for financial reasons, impossible to provide for the appointment of more African Medical Officers, the number of whom remains at eighteen. But the Assistant Medical Officers trained at Yaba are proving of great use and their number has increased from five to thirteen during the past twelve months, while several more are expected to qualify before the end of 1940."

Now, Sir, under the Medical Department Service, apart from the Administrative, there are sixty-nine medical officers, quite apart from the Senior Medical Officers, who were appointed before the eighteen African medical officers—even may I say seventeen—because there is one vacancy still. Your Excellency will appreciate this, that if we have more African Medical Officers there will be much saving. There will be no allowances such as are now enjoyed by the European Medical Officers. Take for instance, on appointment, they (the Europeans) are entitled to some allowance in coming to Nigeria and when they come here they are provided with free quarters, and given free passages for themselves their wives and even for their children.

I may say that in respect of the sixty-nine European Medical Officers establishment, if nine are African Medical Officers, and the European establishment is sixty, there will be much saving. At present, there are about thirty or forty young men who are pursuing their studies in England and who, on the completion of their courses, will come out, seeking admission into the Nigerian Medical Service. Now that the Yaba products have come to stay, they will have no passports. Unless you pass through the Yaba College—and that will be your own means of salvation—you cannot get into the Government Service. I submit that Government is discouraging young men to proceed to England to qualify for professions, and even when they do return, no encouragement is given to these young men; they are not afforded opportunities for entering into the Government Service.

Quite recently, about a few weeks ago, there was a hue and cry when it was being suggested that those medical practitioners who have been serving apprenticeships will have to go away for financial reasons and that the medical students and products of Yaba College would have to take their places. I am submitting these points for the consideration of Your Excellency. I am well aware that Your Excellency has done your best to further the interests of Africans, but I am sure that you cannot do much without the support and co-operation of the other Heads of Departments, for it is not possible for Your Excellency to go into all the details. If an African is recommended for appointment to a superior post, I am sure Your Excellency will be quite ready and willing to consider him, but unless the Heads of Departments do so, I know that Your Excellency will not be in a position to do anything. I was quite surprised to hear this morning that but for the obduracy of Sir Donald Cameron Mr. Justice Graham-Paul would not have been appointed as a Judge.

Your Excellency, I think I better leave the question of the Estimates for the time being, but I express the hope that the time may not be far distant when all the principles enunciated by successive Governors and also confirmed by the Right Honourable the Secretary of State for the Colonies would be implemented by you and that young Africans would no longer be like flowers born to blush unseen and waste their sweetness in the desert air, but would come forward to take their places. I am not suggesting that the time has come that the Africans should be appointed as Heads of Departments, but I think that in the fullness of time, given the opportunity, I am sure they will show what stuff they are made of and perhaps the then Governor would consider them capable of being advanced to positions worthy of their character, worthy of their intelligence and worthy of their educational attainments.

The other point I would like to refer to is the question of the transfer to the Native Administration of certain areas which hitherto had enjoyed what might be described as extra-territorial

rights in the North. They are known as Sabon Garis. Your Excellency would remember—I think it was last December—that I asked a question in this House. It was answered by the Honourable the Chief Secretary to the Government. I think, Sir, it is on page 8 of the Questions in the Supplement. Your Excellency knows very well that there has been a good deal of agitation in the Press about this proposed transfer. That question has been answered and recorded on page 8 of the Minutes of the Council on December 4th, 1939. It is question No. 13:—

“(a) To ask whether the attention of the Government has been directed to the Editorial of the *West African Pilot* of the 2nd of September, 1939, headed ‘An Objectionable Policy’ alleging that the Chief Commissioner of the Northern Provinces contemplates bringing the Non-Native Settlements commonly known as ‘Sabon-Gari’ in places like Kaduna, Zaria and Kano under the jurisdiction of the Native Administration of the above localities?

“(b) Is it a fact that these Native Settlements commonly known as ‘Sabon-Gari’ were founded within the precincts of the township where such native foreigners as were not ordinarily subject to the jurisdiction of the Native Authority were to be allowed to reside?

“(c) Is it a fact that the population statistics at Sabon-Gari, Kano, compiled in connexion with the 1938-1939 Tax Assessment reveal among other things the following figures?

“Other Natives of Nigeria ... .. 4,737

“Non-Natives of Nigeria (including Gold Coast,  
“Sierra Leone, Dahomey and Fernando-Po) 842

“(d) Is it a fact that most of the valuable properties at all these ‘Sabon-Garis’ are owned by non-natives of Northern Provinces?

“(e) Is it a fact that ninety per cent of the inhabitants of these ‘Sabon-Garis’ are not natives within the meaning of the Native Authority Ordinance, No. 43 of 1933, section (2)?

“(f) If so, will the Government be graciously pleased not to give effect to such recommendations (if any) as may be made. (*West African Pilot* of the 2nd of September, 1939, refers).”

#### ANSWER

The Honourable the Chief Secretary to the Government:—

“(a) Yes, Sir. Government is aware of the Editorial in question which is incorrect in ascribing this policy to the Chief Commissioner, Northern Provinces. It was urged by Sir Hugh Clifford in 1925 and formally approved by Government in 1928. This approval was re-affirmed by His Excellency in 1937.

“(b) Yes, Sir. But the position has now altered and the very large majority of the inhabitants is composed of those who are ordinarily subject to the jurisdiction of a Native Authority.

“(c) Yes, Sir. They also reveal an indigenous Hausa population of 2,040.

“(d) No, Sir.

“(e) No, Sir.

“(f) Does not therefore arise.

“The proposals which are now being implemented are in accordance with Government’s policy of entrusting to Native Authorities the work of administration increasingly as they show themselves capable of it. It is obvious that Kano and Zaria Native Authorities have shown themselves fit to administer these small towns. Concurrently with the implementation of this policy the Native Authorities give greater local control, where it is possible, and the effect of the change will be to enable Africans, both the Native Authorities and those in the town, to be responsible for their own affairs instead of being in the direct control of a European Officer.

“Informal councils, composed of chosen representatives of the various sections of the community already exist, but it is intended to place these on a more formal basis to enable them to exercise a more direct control of their own affairs. As regards the Courts a ‘Mixed Court’, from which appeal lies and will continue to lie to the Magistrate’s Court, has for several years been in existence in Kano Sabon-Gari and has functioned successfully. It is not desired nor intended to force under the jurisdiction of the Native Courts those who are not accustomed to it nor ordinarily so subject. The ‘Mixed Court’, composed of members selected from the various tribes represented in the Sabon-Gari will continue to function, but those who so wish will continue to enjoy complete liberty to take their cases direct to the Magistrate’s Court. In general, there has been of recent years noticeably close and cordial co-operation between the Sabon-Gari community and the Emirs. The present proposals will make that co-operation more effective. It will be remembered that the inhabitants of the Sabon-Gari in Kano already enjoy the amenities of electric light and a potable water supply provided by the Native Administration and closer connection with that administration cannot fail to operate to the benefit of the Sabon-Gari.”

That was the reply given by the Honourable the Chief Secretary to the Government to the question which I have asked.

Now, Your Excellency, talking about the population of that place, who are the indigenous natives referred to by the Government? It will be very interesting to know the plot holders at Sabon-Gari who are not indigenous natives and with Your Excellency's permission I should like to make it known that many plot holders at Sabon-Gari—I am directing my attention to Kano—there are 440 plot holders who are native foreigners at Kano and 136 plot holders who are natives but their buildings are let out to the foreign natives. It is true that the Native Administration provides potable water, but they are collecting water rate on the tenement basis and, of course, the cost of electric light is being borne by the Township Rates.

There is a Mixed Court at Kano which the native foreigners have access to, but when that place is transferred to the Native Administration, what guarantee would there be that they cannot be compelled to go to the Native Courts. I think the Honourable the Chief Secretary to the Government, as spokesman for the Government, would permit me to make a simple submission which is this—that there should be a legislative enactment that the native foreigners should not be amenable to Native Courts in order to allay the fears of those native foreigners who are resident at Sabon-Gari. They are all British subjects and not natives of the place, and as such, they are entitled to all the privileges of British subjects.

At the time that Government wanted clerks in the North, Sabon-Gari was reserved for those who came from the Gold Coast, Sierra Leone and some parts of Nigeria to settle there; for that reason alone, they should not now be directed to go not only under the Native Administration but also to the Native Courts. It has always been the proud boast of an English man that he carries with him wherever he goes the common Law of England. When the Provincial Courts Ordinance was enacted, there was a special provision made in the Ordinance that Europeans should not be amenable to the Courts. It is not the case that they should settle their matters in special courts, but a sub-clause was inserted that they would not be amenable to these courts either in criminal or civil matters.

I am objecting to the transfer not because there has been a lot of agitation in the Press. My only objection is this—that in this case in order to protect the native foreigners there should be a legislative enactment that they should not be amenable to the Emirs' Court and the native court. I am quite certain that this will meet the objection of the people who now say that they do not want to be transferred to the jurisdiction of the Native Court.

Now, Sir, as I have said, it would be a very great relief to these people, and I am quite sure that once this step is taken and the people are assured that under no circumstances would they be taken to the Native Court, I think their fears will be allayed. I have

searched through the various enactments of the Native Courts recently and I came across a section under the Native Courts Ordinance that a man who is not already subject to the jurisdiction of the Native Courts can claim the right that he should not be tried by that court and can apply for trial by the Supreme Court. The proposed policy would create a lot of difficulties, Your Excellency. For instance, an illiterate man who becomes an offender would have been tried and sent to gaol before he could be aware of the fact that he could claim the right not to be tried by the Native Court.

There is another point which has been referred to this morning and that is the question of the Quota Restriction. I am not a pessimist, Sir, and I do not know what would happen; but what people would say is this, that should there be any restriction of export to the United Kingdom—I am not talking about cocoa which is being bought by the Imperial Government as one of the war measures—I am speaking about palm kernels, palm oil and groundnuts. The point is this: advantage is being taken by the big exporting firms in this country to suppress the small traders from carrying on their legitimate business. I do not think there will be any harm to export to other countries, but I was told that we could only export our produce to the United Kingdom and to nowhere else. This quota system would give the small traders an opportunity of a petition to Government, because there are some of them who have been carrying on their trade before the war. Now, Government fix the price to be paid to the producers and then ask that proper proof shall be produced to show that their produce is going to the United Kingdom. What will be the effect on the small shippers? It means that the small shippers will have nothing more to do and the producers, whether the price is fixed or not, would not be much better off than before.

I have only suggested this, Your Excellency, in view of what these poor small shippers have been saying that the restriction has thrown them out of their legitimate business. I am asking, Your Excellency, to consider the prayer of these people, so that they may have their liberty in carrying on their business. After all said and done, they have to pay customs duties, income tax and so on. Where will they have money to enable them to pay their own tax if the quota restriction is not removed, I do not know. It was said this morning that about two thousand tons have already been reserved for these small shippers, leaving eighty thousand tons reserved for the big shippers. They consider this most unfair.

Reference has been made this morning to the rise in the price of commodities in this country. It is very unfortunate that people should not be in a position to control their prices in connection with their own produce, as the Europeans control the price of imported goods. In the case of African produce, the buyers tell them that they are going to pay so much because their purchasing price is

fixed. The producers are faced with difficulty but they have no opportunity of going to another market. The African has suffered. The whole system of control is unsatisfactory; at any rate it should have been left to be dealt with by a man who knows about business.

We have been told that as a war measure, cocoa price is fixed at sixteen pounds, ten shillings per ton. What will be their profit? When the cocoa gets to England, it may not be a question of sixteen pounds, ten shillings only; but what of freight and a little percentage? What is his reward for the labour or for the trouble taken in shipping the cocoa, but people think that the price which has been offered by Government was too low but as war measures, they were obliged to accept the price as it is.

I have concluded the little observation I have made, but before taking my seat, I should like to say this, Your Excellency, that as things are at present moment, it will be an encouraging sign for the community at large to see that steps are being taken effect reduction in expenditure of the Government. During the great war in England when it was being suggested by a Member of Parliament that Government was indulging in an extravagant manner in expenditures, there was a commission appointed to go into all the details of Government expenditure and, as a result of the commission, great savings were made. This is another time, Sir. The war is now on and God only knows how soon this war will end. This is one of the reasons why I associate myself with the remarks of the Honourable the Mining Member that there should be a commission appointed to enquire into this matter, and that when this commission is appointed, with the assistance of the Heads of Departments, a good deal of savings may be effected, and then the finance of the country will be so adjusted that there will be no fear in the future that the Budget cannot be balanced.

So far as the Railway Administration is concerned, some years ago, we had a commission appointed—the Hammond Commission—to enquire into the Railway expenditure. If the railway is a private concern and it is essential that dividend should be declared by the Directors, they will know how to manage their affairs, but as it is a Government concern, Government must not be extravagant, and that is the reason why I say that if the Government Railway is indeed the property of a private concern, it would never be run on expensive lines and steps would have been taken to send away redundant members of the staff and not the carpenters, artisans and fitters earning only 1s. or 2s. 6d. a day. Start from the head of the whole concern and see that it is run profitably, so as to bring dividend into the pockets of those who are responsible. That is one of the reasons, as I have said, which made me to support the remarks made by the Mining Member that there should be a commission appointed, not only for the Railway, but for the Central Government too, so that the country may believe that the Govern-

ment is being carried on not in an extravagant manner as the people are inclined to think at present, but with due consideration not only for efficiency, but also for economy.

Finally, Your Excellency, I feel I should like to add to the tributes paid to Your Excellency by the previous speakers. It is true, as I have said, the Government have left undone those things which they ought to have done, and they have done those things which they ought not to have done. As Your Excellency said in your address, two African Police Magistrates and four medical officers have been appointed, but I say, without any fear of contradiction, that Your Excellency does not have the co-operation of your colleagues. If Your Excellency had received that encouragement from them, there should not have been so few Africans appointed to fill higher posts in the Government Service. Rightly or wrongly, Your Excellency has got to get the advice of your Heads of Departments in matters appertaining to some important appointments and that, according to the policy of the Government, Your Excellency has got to be guided by the advice given to Your Excellency, unless when Your Excellency considers that such advice is quite unreasonable.

I feel and not only myself, but others do feel that the fault does not lie at the door of Your Excellency, but at the door of Your Excellency's advisers.

When you depart from these shores, we wish you an excellent voyage and a pleasant time in your country and safe return back to us with renewed strength and energy to carry on the good work which you have been doing for the advancement of Nigeria.

(Hear, hear and applause).

*The Commercial Member for Lagos (The Hon. R. M. Williams):*

Your Excellency, the gloomy prospects with which we were looking forward to this Budget meeting this year have been somewhat changed by the recent announcement by the Secretary of State of the subsidy which it is proposed to grant to the Colonies, and for that I think Nigeria and the other Colonies as well have largely Your Excellency to thank, and may I congratulate you on the success which has attended your efforts.

The abolition of the principle of economic self-sufficiency is all very well, but it seems to me that it imposes on us, as well as on other Colonies, a duty to work steadily for a return of that state of economic self-sufficiency. We cannot go on for ever expecting to balance our Budgets and to be kept going by subsidies from the Imperial Government: that is to accept the status of a pauper, and I do not think that any self-respecting Colony can do other than set before it as its aim a return to the state of economic self-sufficiency which has now been abandoned.

The Budget this year has been balanced. Unkind remarks have been made as to the way in which it has been balanced; I am not going to add to them—I am not going to say that it is balanced or unbalanced. He would be a very able man who could estimate revenue with any certainty this year, even two or three months ahead. I feel the Honourable the Financial Secretary has done his best, but I think there are weak points in his estimate of revenue, which, however, he may have already considered, and I should like to know that he has. The Honourable the First Lagos Member said that he thought the revenue from Customs duties was over-estimated; I am not sure that he regarded his own prediction very seriously, because he went on to suggest new expenditure in almost every spending department. But I am inclined to agree with him. There has been during the past few months a recovery in import duties owing to some extent to the transfer of very considerable stocks which are normally held in England to the Coast, so that the Coast is at the moment in some material cases carrying well over its usual stock, stock which would normally be at this time in the warehouses of Manchester or Liverpool. I do not know whether the Financial Secretary has given sufficient weight to that. There is also the danger that the twenty-five per cent which was added to our specific duties at the last meeting of Council may be insufficient to maintain the return of duties on imports at its former figure. Perhaps, however, it may.

The Financial Secretary has assumed that we are fairly safe to have produce prices through the year at about the present level. I do not want to be unnecessarily pessimistic, but I would warn him that there is some danger that the prices for oil products may go down. The world at the moment has far more oil and oil seeds than it wants. So far the Ministry of Food at Home have been taking all the West African oil products. They have treated West Africa very much better than they treated India. There is, of course, a very sound reason for that—there is less restriction on shipping in moving produce from West Africa to England than moving Indian products. But there West Africa has been unusually well treated, and there may be protests from India, and we may find that the amount which the Ministry of Food wishes to take from West Africa may go down. I may say already that shippers of West African products are being urged to dispose of their surplus to other countries, and that is a very difficult matter, because the whole of the rest of the world is equally full of unwanted oil products.

There is a third possible weakness: there is no reserve in the Budget for the possible depreciation of our investments, surplus balances. We know that at the moment there has been no fall, in fact a rise in War Loans at Home, but if the Imperial Government is going to finance this war by loans for another year, I think it would be a very bold man who would be prepared to say we are not going to be faced with a serious depreciation in our

investments by the end of the next financial year. That consideration also applies to the expected £25,000 from the Currency Board. The Currency Board has its own investments; I am not sure how the investments of the Currency Board are managed, but I should be inclined to fear that they may suffer a depreciation which would render the prospects of that £25,000 somewhat slight. I think the Accountant-General is a Currency Commissioner; I hope we shall have an opportunity of hearing him in Committee.

The Honourable the Mining Member has expressed his opinion that sufficient has not been done in the interests of economy. I am not going to say that I think twenty-five per cent should have been cut off the Estimates of each Department, but I think the methods by which economy is carried out should be overhauled. I do not think to put a percentage of three per cent before the Heads of Departments and say, cut your estimates down by that amount, is the right way to go about it. I am inclined to think that the suggestion not of a Commission, but of possibly a small Government Committee to overhaul the duties of the staff, would do a great deal of good. I should say that they ought to enquire into the duties of every single member holding a responsible position in the Government staff, and ask first, Is the work he is doing necessary; second, Is it necessary that it should be done by him; and third, Is the salary that he is being paid for that work an adequate remuneration, or too much?

I have a fair amount to do with a good number of Government departments during the course of the year, and I see a good deal of their work. I have come to the conclusion that a great deal of the work that I see is unnecessary. Last year in speaking at the Budget Session, I accused the Residents of becoming Post Offices, and I particularly mentioned the treatment of leases, small short-term leases of very little value, and suggested that the whole procedure of handling those leases was cumbersome. Now one of the Chief Commissioners replied, saying that arrangements had already been made to remedy that position. Well, what has happened. So far as I can see, the only change that has been made is that instead of these leases piling into the Secretariat, they are now going to the Lands Department, but the procedure is still unchanged. In fact there seem to me indications that it has become even more cumbersome. One lease that passed through my hands the other day, a tiny lease—£2 or 25s. a month or something of that sort—was accompanied by the request that instead of the former four copies of the application which were sent in, we should now send five, and that in place of the former eight plans we should send nine. I have a serious impression that an extra plan is still going to the Secretariat, probably for their information. Now, is not it possible to draw up some form at least on these small leases, which need not go further than the District Officer. It is the District Officer who is the man who is exercising all the discretion that is exercised.

If it is considered that more protection is necessary, then incorporate a clause in the lease giving the Residents power to terminate the lease without reason, say at three months' notice, or one month's notice. Surely procedure of that sort is going to cut down work.

We hear everywhere of the burden of the checking of cash in Native Administrations by District Officers. Is that necessary? It is not the work that we bring men out for and pay them anything up to £1,000 a year. An even worse case appeared when a Resident complained that he spent the whole of one morning burning tax receipts with his own hands. Is that necessary?

I am quite sure that a Committee, whether instituted by Government itself or with any outsiders on it, whichever way it was appointed, would do very good work in asking those questions of every man—Is the job necessary? Are you the man that ought to be doing it? And are we paying you £1,000 a year to burn tax receipts?

To get to rather larger issues, I do not think there is sufficient attention being paid to some of the larger organisations. The one I particularly have in mind is the Port Department. I have seen a good deal of the work in that Department, and the conclusion I have come to is that the whole Department is entirely unnecessary. The work of the Department consists in looking after the moles, looking after the dredging and Lagos Harbour maintenance, the wharves, and Carter Bridge. I think that covers every part of its work. The dredging is obligingly handed over to the Marine to do anyhow. The maintenance of the Apapa wharves is being handed back to the Railway. There seems to be no reason whatever why the Customs wharf could not be maintained by the Engineers of the Marine Department, or possibly by the Railway. Nothing will convince me that the maintenance of Carter Bridge cannot be undertaken by the Public Works Department; and that means the maintenance of the moles is the only function left. The moles are maintained by quarrying, and the stone is brought down to Lagos by train. The Port Department then maintains a whole fleet of lighters and launches and a whole ship-building yard over at Apapa solely for the purpose of maintaining those lighters and launches which convey the stone to the breakwaters. In his report this year you will find that the Port Engineer says he could have done the quarrying work at a cheaper rate by contract, but he preferred to do it in order to keep his staff together. That is unnecessary expenditure for the sole purpose of maintaining a staff. Then, it seems obvious that the lighters and tugs are unnecessary. It never appears to have occurred to the Port Authorities that there is for about six months of the year a very large fleet of lighters lying in Lagos doing nothing, owned by various shipping companies here. Surely it would be very much cheaper to sell the existing lighters, to get rid of that ship-building yard, and invite tenders from the

present lighter owners for the transport of the stone. That reduces the work of the Port Engineer to distributing the stone over the moles. I think that could be done by an engineer on a fairly moderate salary attached to the Marine Department.

There has been a great deal said about the treatment of Africans in Government service during this meeting, and I was very glad to have the support of the Third Lagos Member to the suggestion I made last year that a special grade in the service should be constituted, to which Africans of ability could be appointed at an early age.

Nothing has given me more disappointment than to listen at meeting after meeting in this Council to members on this side of the House automatically girding, at the emoluments of the European service, and at the same time equally automatically urging increases in the pay of the Africans in Government service. I think it is high time that there was a little plain speaking on the subject. I do not think I can be accused of ever wanting to put obstacles in the way of promotion of Africans to fill European posts. Wherever there is a suitable African I will urge that he be appointed, but I will never say that Europeans in Government service at the present moment are overpaid. They are not. Your European staff is recruited mostly from young men coming down from the Universities at Home. Their prospects here are roughly, on the average, a salary which will go up to about £1,000 a year in the Administrative Service; in some of the other services, considerably less. If we say that the prospects are a maximum salary of £1,000 a year, retiring at fifty-five with a pension of something under £500, we are not understating the position.

The cost of living out here, the probability of having to keep a wife and family at home, make that amount of money in England worth considerably less than it is here, and taking into account the fact that when they retire at fifty-five they have to all intents and purposes no possible prospect of obtaining employment at home, I should say that to offer a youngster coming down from University a job out here on those terms, is about equivalent to offering him an average salary of £600 a year over his working life in England.

Now those prospects are, shall we say, rather better than those of a municipal Secondary Schoolmaster, probably rather worse than those of a Housemaster in a big Public School. They are about half what the Manager of a Department in a large business firm would expect to get; they are about twice what the Manager of a chain store would get, or a Station Master of a medium sized station. That gives you the scale at which you are paying these men.

Now in all questions of salary you must meet your market and I doubt very much whether you are meeting it at the present moment; you are certainly not paying your staff over it. If it were not for the fact that a great many of the European staff come out, some possibly from a sense of romantic adventure—which is

quickly disappointed—some from the sense of vocation, which is going to be damped very quickly by having to burn tax receipts, I am sure that if it were not for that you would not be getting the staff that you are. I think the country has every reason to congratulate itself on the staff it is recruiting to what I consider a very cheap service.

In the same way you have got to meet your market for the African staff, but there is no excuse for doing anything else than meeting its market. Your African staff are engaged almost entirely in unskilled clerical labour, labour which in England would receive a remuneration of £3 to £4 a week. Here your African clerk rises almost automatically to a maximum of £300, and I should say, gets as an average throughout his term of service, somewhere near £200. Now your £3 a week clerk at home is getting shall we say half the salary of the Manager of a chain store or a Station Master, about half the salary of a Master Carpenter, about three-quarters the salary of a Bus Driver, and a little more, perhaps half as much again, than the salary of an agricultural labourer, who has other compensations.

Now the same man here gets at £200 a year about twice the salary of the Manager of a store here; he gets I think about twice the salary of a Station Master; he gets six times the salary of a Bus Driver, twice as much as the average engine driver, twelve times as much as the labourer in Lagos, and twenty times as much as the labourer up-country.

We heard yesterday that the average salary of the African professional man in Lagos is something under £300 a year. That means that the average salary of the clerk is two-thirds the average of the doctor or the barrister. The effect of this very high scale of salaries is manifesting itself in all directions. You get an enormous rush of boys to enter Government service; there is a clamour for the particular type of education which ends in an examination which admits the boy to Government service. As a result, you cannot get Yaba filled; the boys do not want to go to Yaba; they would much rather take an ordinary clerkship going to £300 a year without any exertion. That, to my mind, is one of the greatest obstacles to Yaba. There is no incentive.

One of the Honourable Members on this side accused the bigger firms of stifling the African trader. One of the reasons why there are no African traders is that the intelligent boys will not go into trade; they prefer to look for jobs in Government service, and, of course, there is a huge list of unemployment. I have applications for work by the thousand during the course of the year. During the whole of the last year I never had one application in writing for a job as an apprentice to be trained as a skilled fitter or engineer or occupations of that sort, and yet we had quite a number of those jobs going, and only one application—personally by the father of the boy, who himself was employed as a clerk with me. That is the situation as it is at the present moment,

and that is why there are no minor industries springing up in Lagos. You cannot get a decent carpenter, there is not an African contractor you can rely on, you get no support for any African industry. And the root of it is, I am sure, the high rate of pay for unskilled clerical labour in Government service. I think that must come down, but at the same time there must go with it the institution of a special grade who will be appointed with the express object of training them for higher posts in Government service, to which they can be appointed at an early age. It is no use to take an old gentleman of fifty or so and ask him to undertake work of a responsible nature if he has been a clerk all his life.

There have been several remarks on the position of the trade of Nigeria during the war, and I should like to express my thanks and appreciation to the various controllers who have been appointed. They are men who have had little or no previous experience for what they have been called upon to do; they have done it, I think almost without exception, admirably, tactfully, and with a desire to assist rather than obstruct. In particular I should like to mention the Cocoa Controller; but he is only one. I very much appreciate the work that these men have done, and I hope they can say also that we have met them in a spirit of patriotism—that we are anxious that the control should function efficiently—and that there have been no attempts to try and slip things past the controllers.

There is, however, one rather serious point at which I think they have gone astray. In the Gazette of the 25th January there were published the Regulations made under the Emergency Powers Defence Act, by which a price control system was set up. Now in these regulations there is one which deals with the burden of proof of an accusation against sellers. This is important; I should like Honourable Members this side to pay very careful attention—in any proceedings against a person in Regulation 8 the burden of proof that the price at which goods were sold or attempted to be sold, did not exceed the permitted price authorised by these regulations, shall be on the person who sold.

That means that if anybody likes to go and lay information that some wretched storekeeper has asked too much for an article, the burden of proof not that the price is unreasonable, but that he asked it at all, is upon the accused. This is a manifest travesty of justice and a complete reversal of what I would have thought an elementary principle that a man is not considered to be guilty until he is proved so. There was a similar case some time ago, where I was told that the British practice was followed. That was in different circumstances, and the point was not really so important, but here I have the exact wording of the corresponding clause: in the British Price of Goods Act, 1939.

“ Clause 9: On the prosecution of a person for a contravention of any of the provisions of section 1 of the Act when the sale of or agreement or offer to sell the goods in question

and the price at which it was made have been proved then if it is also proved that the price exceeds the basic price for those goods, etc., it shall lie on that person to prove that the price did not exceed the permitted price."

The question of proving that the offer was made lies on the person making the accusation, not on the person against whom the accusation was made. I can only assume that that regulation slipped through in a moment of inadvertence, and that it will be corrected as soon as possible.

The various controls here, as I say, are working smoothly, but there is still a good deal of confusion about the way the controls at home are working, and I suggest, if possible, that Government here should do what it can to advise the controlling authorities at home of the facts of the position in Nigeria, and try and keep them from asking for the impossible. I will give an example of what happens: If anybody wants to sell any produce from Nigeria to America say, the procedure is this: the produce is first bought in West Africa, then the office in West Africa wires to London to its Principals there; the office in London then scouts round and looks for buyers, but it must not talk any business with these buyers because it has no authority; it has to find out whether it is likely that they will buy. But the other fellow says, why should I buy your stuff, I have no guarantee that you are going to be allowed to sell it; so there is a complete deadlock, each manoeuvring round and round and wondering whether they can do anything at all.

Well, the man at home, he cannot apply for a licence at home; having found his buyer he must then wire out to Nigeria to ask the Government of Nigeria if it is all right to sell to this fellow, and the Government of Nigeria does not know that, so the Government of Nigeria then wires to the Colonial Office at home saying, here is a firm that wants to sell to Tom Jones in Chicago, is he all right? Then the Colonial Office, having got this inquiry from the Government of Nigeria, then goes round to the Ministry of Food, and the Ministry of Economic Warfare; the Ministry of Food has to say it is all right, and the Ministry of Economic Warfare has to say it is all right, and then after a lot of argument between themselves they say the licence can be issued. So these two then go to the Colonial Office, and say they do not mind. The Colonial Office then have another Conference between themselves then wire to the Governor and the Governor personally issues the licence here. Then the people who are trying to do the business find the man who they were making the sale to has gone and bought elsewhere and they have to start all over again. These are the conditions under which business is being carried on now.

I think the Government at home could learn a lot from our local controllers.

The position has been changed for the future by this promise of a subsidy by the Imperial Government. We are no doubt going to have all my honourable friends on the other side opening their mouths wider and wider and each of them competing for a share of what Nigeria can get. Well, I hope there will be a period of questioning, a period of heart-searching, and a period of reconsideration of fundamental principles, before the man that shouts loudest gets the biggest share. We saw something of that in the Transport Board. We must have a balanced consideration, and we must invite questions. An interesting suggestion was put to me last week by a visitor to Nigeria—we have all assumed, I think, that the proposals put forward by the Railway for extending motor services through the north-east of the country and developing groundnuts in that direction are almost automatically sound. The question that was put to me was, Are you sure that is right? Are you sure the right future for that country is not a pastoral future? Are you sure that by planting groundnuts you are not going to assist the process of desiccation? The answer may be, No, the right thing is to plant groundnuts but the question has been asked by an outsider whose opinion is entitled to consideration, and that is the type of question that we must go on asking.

There are two other Departments that I should like to ask questions about—the Education Department and the Medical Department. The Education Department spends a large sum of money, but it spends it in a rather concentrated sphere. We educate about 200,000 children in Nigeria every year. I am not sure what the school population is, but I suppose somewhere about 4,000,000, so that about one in twenty is receiving some education—the rest, nothing. Is it the best thing to do to go on constructing higher colleges, grammar schools, educating boys to this same clerical test examination standard, or is it better to distribute that money in smaller schools over a wide area, with the object of seeing that the farmer, the producer of the country, is given just enough education to profit by instruction. A question at once that strikes anybody is that, Is the North getting its fair share of this money. There are 20,000 people being educated in the North, and 180,000 in the South. Are we automatically accepting the position of giving a small number of pupils secondary education, rather than a large number that elementary education which is enough to enable them to profit by the instruction which can be given.

The Honourable Member for the Rivers Division quoted the case of a school where he said the Headmaster and four other masters were each on the top of their scale—£220 a year. It seems to me that if all that money can be concentrated in one school, something is wrong.

The Medical Department have a somewhat similar problem. Are they going to spend their money on doctors, fully qualified doctors in the main centres, or are they going to spend it on either

sanitation services or possibly on men with a Yaba College public health qualification which would then spread the money over a much wider area of the country. One of the things I feel that I can most sincerely congratulate the Honourable the Director of Medical Services on, is his report on the progress of the Sleeping Sickness campaign. Here we have the expenditure of a large sum of money definitely directed to a particular end in a concentrated effort, and the results which he reports are most gratifying. I should never have expected them. Is that the right way to tackle the whole problem of the country? It may be. It is one of the questions that I should like to see asked.

I was very much gratified when Honourable Members on this side urged the use of the subsidy money for the revenue-producing departments of the country. If we are not to accept that pauper status of which I spoke we must work for the increasing of the revenue of the country, not in expanding its expensive public services; the revenue-producing departments have possibly a greater claim than the public health departments and so on. What the proportion is, is a matter for consideration.

One other thing I should like to look at before sitting down, and that is these income tax bills. I must say that I have rarely seen a greater confession of weakness than we had yesterday here. The Financial Secretary has, after a lengthy period of gestation, laid a couple of eggs. Then he seems to have held a private epiphany before the meeting of Council to which the Chief Commissioners came to view the infant. His Honour of the North appears to have taken one look and said "Addled." His Honour of the East says "I think so." His Honour of the West—"I am not sure but they have a nasty smell." So the Deputy Financial Secretary was sent away to lay them again, and he has called in a Board of midwives on this side of the House, to see that he has a happy delivery!

Well, it seems just a little queer. What do we know about income tax in this country? Next to nothing. Is it worth it to have Bills brought forward like this which are full of weaknesses, which we have not the machinery to operate, and which have thrown an apple of discord into this country, which is going to cause endless trouble. Would it not be better to say to the Home Country now you are giving us this subsidy we can run a current account with you, credit us in it with the £120,000 a year which we were to get out of you through the Companies Income Tax. Is not there a great deal to be said for that.

Individual income tax is, as I have always said, almost impossible to collect fairly, is the money we are getting for it worth all the fuss there is going to be?

*The Member for the Ibibio Division (The Hon. Nyong Essien):*

Your Excellency, I rise to contribute my opinion to the subject for discussion before this House. Permit me, Sir, to refer Your Excellency, to your Address of last Session. On page 1 of that

Address, Your Excellency quoted the Prime Minister as follows: " ' It is the evil things,' said Mr. Chamberlain, ' it is the evil things that we shall be fighting against—brute force, bad faith, injustice, oppression and persecution, and against them *I am certain that right will prevail.*' "

I have, in connection with that, to refer Your Excellency to your Address of the last Budget Session (March, 1939) page 265 of the Debates, when Your Excellency said, " Nigeria is not England."

In addition to that, Sir, I would like to refer you again to His Majesty's reply to the Commons' Address of sympathy. Amongst other things His Majesty said: " You will be assured the first step of my life will be to maintain the liberties of my people and *to promote the welfare of all classes of my subjects.*" His late Majesty, when he was about to resign this life, asked the question: *Is it well with the Empire?* and with that spirit of anxiety he passed to his rest—and may he rest in peace.

With this, Your Excellency, I can visualise Your Excellency's spirit when I read through your Address for this Session. Your Address will not be judged by its volume, but, it is better judged by the facts it contains. It is said that straw shows best which way the wind blows. Evidently, the nature of the facts contained in your Address determines its import. What you say here, Sir, shows that the administration is a success, and I am in sympathy with Your Excellency that the administration under Your Excellency's regime is a success in the interest of a certain section of the Dependency.

Let us take into consideration the question of His Majesty: " *Is it well with the Empire?*" In view of your Address, and in view of the budget, is it well with Nigeria? I answer that question in the affirmative, that it is well with Nigeria, and I also answer it in the negative, that it is *not* well with Nigeria. It is well with Nigeria in this respect, that the official section of this country is healthy, prosperous and satisfied. It is well, Sir, with the administration on the side of the Government but it is not well on the side of the governed. Looking the estimate of every department, all European members of the staff are well off. Having in view the monthly receipts of their fat salaries and allowances, they cannot dispute that it is well with Nigeria.

In the opening of the Session when all the officials appeared in their uniforms, official satisfaction pervaded the atmosphere. But the spirit of the native community has been groaning under the weight of difficulties and despair.

White drill and khaki uniforms are the emblems of right and justice, harmony and peace, prosperity and happiness. But the native community is not allowed to enjoy such amenities in their own country. Notwithstanding, the native inhabitants of Nigeria

do not despair, because, sooner or later, "right will prevail." We are consoled by the principle of British administration that the liberties of His Majesty's people must be maintained and the welfare of all classes of His subjects promoted. It is therefore worthy of note that in Nigeria Your Excellency represents His Majesty the King who has laid down that principle for adoption and practice. Apparently, the King can do no wrong. Therefore, it must be well with Nigeria, *generally*. There is no reason why we should not prosper, even though it may take time. Yet I feel, Sir, that although nature's law is faithful in its operation, it is in Your Excellency's hand to hasten the advancement, the prosperity, and the happiness of the indigenous elements.

Much has been said by my predecessors, as to how Your Excellency should administer Nigeria so that she may achieve her object as a nation and get her noble ambition materialised. It is my sense of obligation and of responsibility, that prompts me to rise and have the honour of thus addressing you. As I was listening to my honourable friends, I did not feel that I should speak because their speeches were full of life, full of interest, full of suggestions that would make this Government a success on both sides, a success tomorrow if not to-day. May I therefore draw Your Excellency's attention to the unnecessary delay, perhaps not intentionally and purposefully made in the distribution of the Estimates; the time between the distribution and the study of the same was comparatively short. Therefore the time which should be given for the study of the Estimates should not be less than thirty clear days. Whenever the interest of this Dependency is taken into consideration, the interest of the native should precede in order of importance. Native groups form a majority of the tax payers of this country and their taxes, direct and indirect, make up the major portion of the revenue. Therefore, their interest is paramount and should prevail. It is that which is represented by the unofficial side of this Honourable House.

May I, Sir, refer Your Excellency again to the Development Fund which the Imperial Government has been good enough to give, through Your Excellency's unfailing efforts. Up till this time when this privilege has been granted to us, I have never heard that the Central Government at any other time had ever sent money to the Colonies for their development. Were there such a consideration in the past, our condition to-day would be better than it is now. We have reason to be grateful and loyal as we are. The policy of "Give and take" now taught us by the Central Government is a sure evidence of the fact that our salvation is nearer now than before. The Central Government has raised loans from Native Administration, not only during the war, but before the formation of the Administration's Councils. These loans must have carried weighty impressions in the mind of the Central Government. We are grateful for that remembrance and consideration.

I beg to invite Your Excellency's attention to the poorness of the condition of my division, and of the provinces as a whole. There we have no water supply, no electric lights, very few schools with inadequate education, very few roads are open to villages. In view of all our needs, we should like to suggest to Your Excellency that when distributing that subsidy sufficient amount be given to us in the provinces. With that share a start on mass and industrial education can be made. In the Ibibio country to-day, there are over 400 boys of sixth standard pass, who are financially unable to further their education either at home or abroad. When His Honour the Chief Commissioner for the Eastern Provinces visited us about a few weeks ago, my district lodged before him as one of their grievances, that their children, who have passed Standard 6, can go nowhere else to further their education—all other schools having been closed against them. This is a matter of a very serious moment to us, in view of the fact that one of the primary duties of a Government is to "educate the people." The whole area has been infected with "little learning" which is very dangerous to a rising nation. As a rule, Sir, we wish to drink deep the spring of higher and deeper education so as to avoid the intoxication of smattering knowledge. Therefore, we have entrusted our destiny into Your Excellency's hands. This is a time of seriousness, a time when we have to embrace this privilege of expressing not only our grievances but our needs, and it is a time when Your Excellency is to give to us a listening ear and to think, judge, and decide, and then take steps to redress our grievances and supply those needs.

Our Government is now passing through fiery trials, burning experiences of unqualified nature for the first time in history. As such every British Administrator has to make a halt, to look, to think, to decide and then to act, because our success in this war depends upon the condition of our house: we must put our house in order. Britain with our provinces and our colonies constitute our house. This is the time when we have to take into deep consideration the interest of the *whole* Dependency. In Nigeria, it is our own interest that we have to consider; it is our house in Nigeria, Sir, that we have to put in order. To put our house in order, we have got to look within and around us. Going through page 14 of your Address, under Medical, Your Excellency read, "The health of the country during the past twelve months has been generally good." But Lord Hailey in his book, *An African Survey*, page 1140,—says: "Leprosy is believed to be propagated by repeated contagion, and its spread would thus be favoured by condition of African life, in which families live crowded together in comparatively small huts; the infection of families by everyday contact is said to be frequent."

As to the health of Nigeria, Your Excellency, in the reports made some years ago to the present day, leprosy is spreading over the country. In my province we have got a native name for it.

The Honourable the Chief Commissioner for the Eastern Provinces (His Honour G. G. Shute, C.M.G.) understands the vernacular. The name we give to leprosy discloses the hatefulness of that disease and the fact that the native realises that any person who suffers from it should not live within the reach of any healthy person. The name is "Se Akama Dia Ikpon." That is, whatever you have, keep it for yourself alone—your clothes, wear them alone; your house live in it alone, whatever you have, enjoy it alone. Another name is "Akpa", which means "Destroyer". The third name is "Mkpoho" which means "Cutter" or "Pruner." These names carry with them the native idea of leprosy.

Your Excellency, the question is, what has the Government here done by way of legislation to get lepers separated from healthy environments? Can we say we cannot do that simply because if they are compelled to leave their homes, they will conceal the disease? Not a child in the house would be willing to conceal his parent when his parent suffers from leprosy. Therefore, there can be no case of concealment.—That is what I know of my province. What is sauce for the goose is sauce for the gander. That applies equally to other provinces.

As a Government if we leave lepers amongst healthy people, within the period of a few years leprosy will spread its infection over the whole place. But as Lord Hailey suggested, native communities should not be neglected to the mercy of that fatal disease. Healthy people may succeed passing the other way, but in view of the fact that three-quarters of the people of Nigeria are illiterates, ignorant, and consequently careless, is their life not in jeopardy to our eyes and knowledge? This is an inevitable anticipation that if Your Excellency lives here for some longer time, you will experience a lepers' riot: that is, the lepers having realised that there is a Government to give them help, but the Government failed, the lepers will contact every passer-by, race and position notwithstanding, unless sufficient help be given them.

I know of a family of seven in which the parent suffered, and by contact five children suffered and died. To-day only one girl survives. Therefore, I am appealing to Your Excellency's sympathy for a legislation to compel lepers to leave the villages, and the Government to make sufficient provision to keep them. We can do it, because another of the primary duties of the Government is to protect the health, the lives and the property of the people.

It is in our hands as a Government to contribute to the roll of the world's miracles by way of stamping and crushing out leprosy from the land.

Thank you, Sir.

*House adjourned till 10 a.m. Thursday.*



# Debates in the Legislative Council of Nigeria

Thursday 7th March, 1940

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Pursuant to notice the Honourable the Members of the Legislative Council met in the Council Chamber, Lagos, at 10 a.m. on Thursday, the 7th of March, 1940.

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## PRESENT.

### OFFICIAL MEMBERS.

- The Governor,  
His Excellency Sir Bernard Bourdillon, G.C.M.G., K.B.E.
- The Chief Secretary to the Government,  
The Honourable C. C. Woolley, C.M.G., O.B.E., M.C.
- The Chief Commissioner, Northern Provinces,  
His Honour T. S. Adams, C.M.G.
- The Chief Commissioner, Western Provinces,  
His Honour G. C. Whiteley, C.M.G.
- The Chief Commissioner, Eastern Provinces,  
His Honour G. G. Shute, C.M.G.
- The Attorney-General,  
The Honourable H. C. F. Cox, K.C.
- The Financial Secretary,  
The Honourable H. L. Bayles, C.M.G.
- The Director of Medical Services,  
The Honourable Sir Rupert Briercliffe, Kt., C.M.G.,  
O.B.E.
- The Director of Education,  
The Honourable E. G. Morris, O.B.E.
- The Director of Marine,  
Commander the Honourable A. V. P. Ivey, R.D., R.N.R.
- The Comptroller of Customs,  
The Honourable A. E. V. Barton, C.B.E.
- The Deputy Chief Secretary,  
The Honourable T. Hoskyns-Abraham.

- The Senior Resident, Plateau Province,  
The Honourable E. S. Pembleton.
- The Senior Resident, Oyo Province,  
The Honourable H. F. M. White.
- The Senior Resident, Niger Province,  
The Honourable P. G. Harris.
- The Resident, Benue Province,  
The Honourable D. M. H. Beck, M.C.
- The Resident, Owerri Province,  
The Honourable F. B. Carr.
- The Resident, Katsina Province,  
The Honourable R. L. Payne.
- The Acting General Manager of the Railway,  
The Honourable C. E. Rooke.
- The Director of Public Works,  
The Honourable S. J. W. Gooch.
- The Director of Agriculture,  
Captain the Honourable J. R. Mackie.
- Captain the Honourable A. W. N. de Normann,  
Commissioner of Lands and Surveyor-General.
- The Honourable S. R. Marlow,  
Deputy Financial Secretary,  
(Extraordinary Member).

## UNOFFICIAL MEMBERS.

- The Member for Shipping,  
The Honourable H. S. Feggetter.
- The Member for the Egba Division,  
The Honourable A. Alakija, C.B.E.
- The Member for the Colony Division,  
Dr. the Honourable H. Carr, D.C.L., O.B.E., I.S.O.
- The Member for the Ibo Division,  
The Honourable B. O.-E. Amobi.
- The Member for the Rivers Division,  
The Honourable S. B. Rhodes.
- The Member for the Warri Division,  
The Honourable Asifo Egbe.
- The Member for the Oyo Division,  
The Honourable N. D. Oyerinde.
- The Banking Member,  
The Honourable D. D. Gibb.

- The Commercial Member for Lagos,  
Lieutenant-Colonel the Honourable R. M. Williams.
- The Member for Calabar,  
The Reverend and Honourable O. Efiang.
- The Member for the Ibibio Division,  
The Honourable N. Essien.
- The Member for the Ijebu Division,  
Dr. the Honourable N. T. Olusoga.
- The Third Lagos Member,  
The Honourable O. Alakija.
- The First Lagos Member,  
The Honourable H. S. A. Thomas.
- The Mining Member,  
Lieutenant-Colonel the Honourable H. H. W. Boyes,  
M.C.
- The Commercial Member for Kano,  
The Honourable W. T. G. Gates.

## ABSENT.

## OFFICIAL MEMBERS.

- The Commandant,  
Brigadier the Honourable G. R. Smallwood, M.C.
- The Senior Resident, Cameroons Province,  
The Honourable A. E. F. Murray.
- The Senior Resident, Kano Province,  
The Honourable J. R. Patterson, C.M.G.
- The Secretary, Northern Provinces,  
The Honourable A. E. V. Walwyn.
- The Resident, Ogoja Province,  
The Honourable K. V. Hanitsch.
- The Resident, Benin Province,  
Captain the Honourable N. C. Denton.

## UNOFFICIAL MEMBERS.

- The Commercial Member for Port Harcourt,  
The Honourable P. H. Davey.
- The Commercial Member for Calabar,  
The Honourable L. A. McCormack.
- The Second Lagos Member,  
Dr. the Honourable K. A. Abayomi, M.D.

## PRAYERS.

His Excellency the Governor opened the proceedings of the Council with prayers.

## CONFIRMATION OF MINUTES.

The Minutes of the meeting held on the 6th March, 1940, having been printed and circulated to the Honourable Members, were taken as read and, after amendment to line 8 of the report on the Motion on the Newspaper Ordinance, were confirmed.

## QUESTIONS.

*The Member for Calabar (The Rev. & Hon. O. Efiang):*

1. (*Question No. 5 of the 6th of March, 1940*). (a) To ask the Honourable the Director of Education at what regular intervals is each of the following Government Education Institutions, namely, (i) Yaba Higher College, (ii) Kaduna Higher College, (iii) King's College, Lagos, (iv) Ibadan Government College, (v) Umuahia Government College and (vi) Queen's College, Lagos, inspected?

(b) When was the last inspection made in each case?

(c) Who were the experts in the particular subjects who made the inspection? And

(d) Will the last inspection report of each be laid upon the table of the House?

*Reply not yet ready.*

*The Member for Calabar (The Rev. & Hon. O. Efiang):*

2. (*Question No. 6 of the 6th of March, 1940*). (a) To ask the Honourable the Director of Education how the standard of instruction given at the Yaba Higher College compares with that given at (i) the best Secondary Schools in England, and (ii) good University Colleges in England?

(b) At what stage in their Secondary School career do pupils in the best Secondary Schools in England take the Intermediate or the Higher School Certificate Examination?

(c) At what stage in their career are the Yaba Higher College students sufficiently trained to be able to pass the Intermediate or the Higher School Certificate, should they choose to take it?

(d) Whether the following subjects are taught at the Yaba Higher College:—(i) Physics, (ii) Agricultural Science, (iii) Commercial Law, (iv) Inorganic Chemistry, (v) Geography, (vi) Education, (vii) Botany, and (viii) Zoology? If so,

(e) Who are the Instructors in those subjects and what special qualifications such as Honours Degree in the subject they teach do those Instructors hold prior to accepting their appointments in Nigeria?

(f) Has the Yaba Higher College a Syllabus Committee or Committees? If so,

(g) Who are the members of the Syllabus Committee or Committees?

(h) What amount was spent by the Government in each of the last three calendar years ended December, 1939, on the purchase of new books for the Yaba Higher College Library?

*Reply not yet ready.*

**The Member for Calabar (The Rev. & Hon. O. Efiang):**

3. (Question No. 7 of the 6th of March, 1940). (a) To ask whether the Yaba Higher College and Kaduna Higher College have a Board or Boards of Examiners in connection with their respective Diploma Examinations? If so,

(b) Who are the members of the Board or Boards of Examiners?

(c) How many successful candidates and how many failures had each of those Higher Colleges at their last Diploma Examinations in 1939, and what marks did each of the candidates obtain in each of the papers?

*Reply not yet ready.*

**The Member for Calabar (The Rev. & Hon. O. Efiang):**

4. (Question No. 8 of the 6th of March, 1940). (a) To ask the Honourable the Director of Education for the total expenditure in each of the calendar years 1938 and 1939, on Personal Emoluments, Allowances, Furlough and Local Leave Passages, etc., respectively, in connection with the European staff of Government Educational Institutions and their wives under the existing arrangements for long vacations, whereby they all proceed home on furlough annually and close down those institutions meanwhile?

(b) What would have been the difference in expenditure had the European members of the staff of each of those institutions taken their leaves when normally due after a full tour?

*Reply not yet ready.*

**The Member for the Ibo Division (The Hon. B. O.-E. Amobi):**

5. (Question No. 9 of the 6th of March, 1940). (b) (iii) How many of the successful candidates have been placed in permanent appointments?

(c) If the answer to question (b) (iii) above is in the negative, to ask for an explanation as to why the successful candidates have not been placed in permanent appointments?

*Reply not yet ready.*

**The Member for the Ibo Division (The Hon. B. O.-E. Amobi):**

6. (Question No. 10 of the 6th of March, 1940). To ask the Honourable the Chief Secretary to the Government:—

(a) What is the total number of Africans working either as Clerks, Accountants, Book-keepers, or Storekeepers, under the various trading firms operating in Nigeria?

(b) What are the conditions of their employment?

(c) What steps have the Government taken or contemplate taking to ensure that these employees of the firms are employed under fair conditions of employment?

*Reply not yet ready.*

**The Member for the Oyo Division (The Hon. N. D. Oyerinde):**

7. (Question No. 11 of the 6th of March, 1940). (a) To ask the Honourable the Director of Education whether it is a fact that the Ibadan Grammar School Grant has been reduced?

(b) If so, by how much per cent has it been reduced?

(c) What are the reasons for the reduction of the grant?

(d) What was the classification of the School in (i) 1937, and (ii) 1938?

(e) Is it a fact that the School was not inspected in 1938?

(f) If so, why was the School not inspected?

(g) Upon what ground was the 1938 classification based?

(h) Is it a fact that the usual time of the inspection of the School was between the months of September and October, of each year?

(i) Why was the time of the inspection of the School changed to April in 1939, when the fate of the School depended upon that inspection?

*Reply not yet ready.*

**The Member for the Rivers Division (The Hon. S. B. Rhodes):**

8. (Question No. 12 of the 6th of March, 1940). (a) Is Government aware that monies deposited with Government by unpaid Bailiffs as securities, yield no interest whereas monies deposited as securities by persons employed by trading firms yield interest?

(b) If the answer is in the affirmative, will Government consider the advisability of placing all such securities on fixed deposit in one of the local banks and all interest accruing therefrom placed to the credit of the said Bailiff concerned?

(c) Will it not be more advantageous for Government to receive the fees and all Bailiffs be taken on the staff as paid Bailiffs?

(d) Is there any special reason or reasons why paid Bailiffs are attached to Degema and Port Harcourt, whereas an unpaid Bailiff to Aba?

*Reply not yet ready.*

**The First Lagos Member (The Hon. H. S. A. Thomas):**

9. (Question No. 13 of the 6th of March, 1940). (a) Has any person been selected to succeed late Adejuwon as the Olojudo of Iddo in the Ekiti Division?

(b) If so, what is the name of the selected candidate?

(c) How many persons claimed to be eligible for appointment to the chieftaincy?

(d) Was Adewa one of them?

(e) Is it a fact that Adewa petitioned Government praying that an independent Committee may be appointed to investigate his claim?

(f) Had Adewa ever held the position of Olojudo of Iddo?

(g) If so, what were the circumstances under which he gave up his appointment?

(h) Was any promise made or hope held out to Adewa by Government in 1916 that he would succeed Adejuwon as the Olojudo?

(i) Will Government be graciously pleased to grant Adewa's prayer?

**His Honour the Chief Commissioner, Western Provinces :***Answer :—*

(a) Yes.

(b) Thomas Adeyemi.

(c) Four.

(d) Yes, Sir.

(e) Yes, Sir.

(f) Yes, Sir; from October to November, 1915.

(g) Upon protests made by the Iddo sub-chiefs it was found that Adejuwon was the correct person to succeed by Native Law and Custom to the title of Olojudo.

(h) Government is not aware of any such promise.

(i) After the most careful enquiries Government is satisfied that Thomas Adeyemi is the correct person to succeed to the title of Olojudo and is not prepared to order a further investigation.

**The Member for Calabar (The Rev. & Hon. O. Efiang) :**

10. (Question No. 15 of the 6th of March, 1940). (a) Referring to the Printed (Approved) Nigerian Estimates 1939-40, Page 78, Item 11, to ask how many Office Assistants (Northern Provinces) have retired during the current financial year? And

(b) Whether the vacancy or vacancies have been filled?

(c) If the answer is in the negative, to ask for the reason or reasons which led to that decision?

*Reply not yet ready.***The Member for Calabar (The Rev. & Hon. O. Efiang) :**

11. (Question No. 17 of the 6th of March, 1940). (a) Is it a fact that the people of Afikpo had made representation to the Resident of the Ogoja Province, reporting the corruption in bribery which is abundantly practised by their Court Scribe, such as obtaining bribes (i) before allowing the people to be appointed Court Sitting Members, and (ii) before issuing summonses to plaintiffs?

(b) If so, what steps have been taken to remedy this awful state of affairs?

(c) Is it a fact also that each Ezi (or compound) in Afikpo is entitled to contribute one Court Sitting Member?

(d) Is it a fact that a certain compound in Ndibe (in Afikpo) is allowed more than six members to represent them as Court Members contrary to laid down policy?

(e) If so, why?

*Answer :—***The Hon. the Chief Secretary to the Government :**

(a) (i) and (ii) Yes, Sir. Representations have been made by certain elders of the Afikpo Clan, but the allegations have in no way been substantiated. The attention of the Honourable Member is also invited to the reply to Question No. 7 of the 4th of March.

(b) Does not therefore arise.

(c) Yes, Sir.

(d) No, Sir. Each compound takes its turn to supply one representative selected from those persons qualified to sit.

(e) Does not therefore arise.

*The Member for the Egba Division (The Hon. A. Alakija, C.B.E.):*

12. (Question No. 18 of the 6th of March, 1940). (a) Would the Honourable the Director of Education consider the advisability of establishing a Secondary School for the Ngwas instead of the three Native Administration Elementary Schools which are now contemplated?

(b) If not, will the honourable gentleman state his reason?

(c) What is the highest class in these proposed Native Administration schools?

*Reply not yet ready.*

*The Member for the Ibibio Division (The Hon. Nyong Essien):*

13. (Question No. 19 of the 6th of March, 1940). (a) To ask the Honourable the Director of Medical Services whether the kind of beds used by the students of the Higher College at Yaba, the height of which is about seven (7) inches at the head part and the foot part measures about five (5) inches from the floor, was recommended and approved of by medical science?

(b) If so, what is the Sanitary Authority recommending and approving the use of such beds there?

(c) If not, whether such kind of wooden beds is not a defect in that institution and the use of the same injurious to the health of the boarders?

(d) Whether such kind of beds has been so recommended and so used in any other of the British Colleges?

(e) If the reply is in the affirmative, where?

(f) If the reply is in the negative, what was it that caused introduction of such into Nigeria for the use of Nigerian students?

(g) Whether the authorities concerned and responsible will, please, consider the expediency and desirability of furnishing the College with beds suitable to that institution?

(h) If not, why not?

*Reply not yet ready.*

*The Member for the Ibibio Division (The Hon. Nyong Essien):*

14. (Question No. 20 of the 6th of March, 1940). To ask the Honourable the Director of Education:—

(a) Is it a fact that owing to war conditions certain members of the Yaba Higher College staff arrived late last October?

(b) Whether, during September and October, 1939, a European acted for the Principal and an African for the House Tutor of the College?

(c) What was the Principal's Duty Pay for that period, and what percentage of it did the Acting Principal receive?

(d) Was the House Tutor entitled to, and receiving Duty Pay?

(e) What proportion of the Duty Pay did the African Master get during the period he acted for the House Tutor of that College?

(f) Is it a fact that there appears to be a shortage of staff of the Higher College, Yaba, owing to the transfer of one of the members of the staff and to the impending leave due to another?

(g) Is it a fact also that owing to that shortage of staff a certain European has been detailed to lecture in English to the students, particularly those who are taking their Diploma this year? If reply is in the affirmative,

(h) What are the qualifications entitling the lecturer to that important and responsible office?

(i) What is the scale of salary to which the lecturer is entitled to receive for that duty?

(j) Is it a fact that the same man is attached for the same purpose to the faculty of Commerce in that College? If so,

(k) What are his emoluments and qualifications?

(l) Is Government aware of the Editorial of the *West African Pilot* issue of Tuesday the 1st of August, 1939, in connection with staffing of the Yaba Higher College?

(m) What steps are being taken by Government to act on those suggestions?

(n) Whether Government will state the reason for retaining the services of the newly appointed lecturer on the staff of that College?

(o) If not, why not?

(p) Whether Government will, please, consider the desirability, and agree, that all the lecturers on the staff of that College are University Graduates?

(q) If not, why not?

(r) Will Government kindly make a statement of the general educational policy of the Nigerian Government?

(s) Whether Government will, please, consider the desirability of increasing the present educational vote to £500,000?

*Reply not yet ready.*

**The Member for the Ibibio Division (The Hon. Nyong Essien):**

15. (Question No. 21 of the 6th of March, 1940). (a) To ask the Honourable the Director of Education to state the duties and responsibilities of the Travelling Teacher as compared with those of the Superintendent of Education?

(b) Is the office of the Travelling Teacher redundant in the education system of Nigeria, in view of the existence of the office of the Superintendent of Education?

(c) If reply to (b) is in the negative, how does the Travelling Teacher benefit the native educationally?

(d) If reply to (b) is in the affirmative, will Government kindly consider the desirability of amalgamating the two offices?

(e) Is it a fact that the Travelling Teacher's office is that part of Education Department in Nigeria, which exists for the benefit of the few at the expense of the many, and is also an impediment and detrimental to educational advancement of Nigerians?

(f) If reply to (e) is in the negative, where, in education system in Britain, France and America, does "Travelling Teacher's Office" obtain?

(g) What is (i) its origin, (ii) its purpose, (iii) its aim and (iv) its object?

(h) If reply to (e) above is in the affirmative, will Government, please, see to immediate abolition of that office?

(i) If not, why not?

(j) Of the two Education Officers, namely, the Superintendent of Education and the Travelling Teacher, who is "Inspector of Schools" in Nigeria?

(k) Whether, in view of existing fall of Government Revenue, Government will kindly consider to substitute the office of the Travelling Teacher for that of the Superintendent of Education, and appoint capable Africans to fill the same?

(l) If not, why not?

*Reply not yet ready.*

**The Member for the Ibibio Division (The Hon. Nyong Essien):**

16. (Question No. 26 of the 6th of March, 1940). (a) What are the detailed and specific functions of the Forestry Department?

(b) What benefits does Nigeria derive from its existence?

(c) How far has use been made of African Personnel for specialised training in that department and what steps are being taken in that direction?

*Reply not yet ready.*

**The Member for the Ibibio Division (The Hon. Nyong Essien):**

17. (Question No. 28 of the 6th of March, 1940). (a) How many Government (i) 3rd Class Nurses, (ii) 2nd Class Nurses, (iii) 1st Class Nurses and (iv) Senior Nurses are there in Nigeria?

(b) What is the rate of salaries paid to each of the classes?

(c) What is the intention of Government towards the old 2nd Class Nurses who have been reverted to 3rd Class Nurses after the revision of salaries in April, 1936?

(d) Is it a fact that some of those Nurses have served the Government for the past ten to twenty years with good records but without promotion?

*Reply not yet ready.*

**The Member for the Ibibio Division (The Hon. Nyong Essien):**

18. (Question No. 29 of the 6th of March, 1940). To ask the Honourable the Director of Public Works:—

(a) Whether Government will consider the desirability of enforcing the application of Government approved scales for Public Works Department Overseers in the Uyo Division?

(b) If not, why not?

(c) Will Government, please, consider the desirability of establishing regular increments along the approved scales for Overseers and Assistant Overseers in Nigeria (including Uyo Division), rather than leave matters to the discretion of the District Engineers?

(d) If not, why not?

(e) Will Government agree to the grant of bicycle and motor cycle allowances to Overseers and Assistant Overseers in Uyo Division Public Works Department in accordance with General Orders, in view of the fact that Road Overseers in that Division supervise roads the distances of which necessitate the use of bicycles or motor cycles?

(f) How many Overseers in Uyo Division were granted increase of wages as from the 1st of April, 1936?

(g) What amount to each was the increment so granted?

(h) How many of the Overseers received the same?

(i) If no increment was granted, for what reason or reasons was it not granted?

(j) With a purpose that the Overseers in the Uyo Division might not be barred out from prospect, will Government, please, create the following posts, to wit: (i) Head Overseers and (ii) Road Foremen?

(k) If not, why not?

(l) Has a prospective Public Works Department Road Overseer to pass through a course of training during which time he receives a maximum salary of £3 5s. 0d. per month, as per authorised scale? If so will Government kindly explain why, after such a person is promoted a Road Overseer, his salary falls below the maximum salary of an Overseer-in-training, namely, £3 5s. 0d.?

(m) Whether Government will consider the expediency and desirability of re-introducing the supply of khaki trousers, jackets, and officer's regulation helmets to Road Overseers as had been the case of late, in view of Public Works Department Overseers in some divisions being literate youths and a higher qualification being required of prospective Road Overseers?

(n) If not, why not?

(o) Will the Honourable the Director of Public Works consider the introduction into the Public Works Department of departmental examination to determine, in the best way possible, which of the Public Works Department Overseers ought to be permanent?

(p) If not, why not?

*Reply not yet ready.*

***The Hon. the Attorney-General:***

Your Excellency, there is one minor amendment required on the last page—page 19 of the minute paper—under the particulars of the motion by the Honourable the Member for the Rivers Division in the fifth line from the bottom. The word "a" should be inserted between the word "give" and "bond."

*(The amendment was adopted).*

***The Member for the Ibibio Division (The Hon. Nyong Essien):***

Your Excellency, the powerful speeches delivered in this House yesterday by my honourable friends have impressed Your Excellency a great deal and I want to appeal to Your Excellency

to listen patiently to what I have to say this morning. I am submitting that Your Excellency may follow the facts which I have to place before you, because after all this House is meant not so much for display of forensic eloquence nor delivery of mere orations, as for presentation of facts.

I left off yesterday, Sir, on the subject of leprosy. I said much on it, but there is one more fact which I have to submit to you. On page 24 of the "Annual Report on the Social and Economic Progress of the people of Nigeria, 1933", it is thus stated: "In all there are seventeen main treatment centres and the average population of these (Lepers) was 3,561." That is those who voluntarily committed themselves for treatment. What of the number lying outside without treatment? I feel Sir, that something must be done to preserve the health of the people. Otherwise in a few years' time the whole place will fall a victim into the hands of leprosy.

The next point I wish to place before you, Sir, is about taxation. We all have got to assist in payment of the tax, although it is a very hard experience owing to our inability to earn money. The nation needs taxation and where there is no taxation that nation falls through in all its schemes. Nevertheless, it follows that where more taxation is levied on the people, the revenue must fall. Even if that levy be indirect taxation the more will the revenue fall when the prices of goods are raised above the financial ability of the people; the people being unable to buy from the firms, the firms cannot import more goods and the inevitable result is there is no duty to be paid: therefore, the revenue must fall. Although, Sir, it may be argued that Europeans have contributed more to Income Tax than the natives do, yet I am submitting to Your Excellency that almost all the money in the purse of Europeans comes from the public revenue and that money from the revenue is largely contributed by the natives. Where the natives are poor there is no money for the revenue and the purse of Europeans remains empty. So consideration should be given in levying tax to the rise in the price of goods so that the people might be placed on a position to contribute more to the revenue in view of the fact that without revenue the country is ruined. As for the Bill which is before the House—The Income Tax Ordinance . . . .

#### ***His Excellency:***

I beg to call the attention of the Honourable Member to the fact that the Bill before the House now is the Appropriation Ordinance.

#### ***The Member for the Ibibio Division (The Hon. Nyong Essien):***

I beg Your Excellency's pardon. The Bill is not before the House, Sir, but it was suggested that the Income Tax Bill should be discussed in this meeting of the Council and has been referred

to a Select Committee. What I have to say to Your Excellency is that wherever the legislature blunders by discrimination of the inhabitants of the country, especially where European and African elements are concerned, there must arise some trouble.

**His Excellency:**

I wish again to call the attention of the Honourable Member to the fact that the Income Tax Bill is not before the House at the moment.

**The Member for the Ibibio Division (The Hon. Nyong Essien):**

I beg Your Excellency's pardon. My next point is about the Prisons. My honourable friends yesterday referred to what was published in the papers about prisoners going about bare-headed in the street. In one of my questions I was quite satisfied, Sir, with the reply that was given when I asked if provision could be made for the education of prisoners, due to the fact that the seat of crime is in the mind and the moment criminality is out of the mind of a prisoner he will be out of the grips of prison. It has been provided elsewhere and I submit, Sir, that there is sufficient reason why such provisions should be made in all the central prisons, so as to afford every prisoner the opportunity of receiving education. I appeal to Your Excellency to make provision for more sympathetic treatment of prisoners, for after all they are human beings; it is said "we all like sheep have gone astray": there is no human being who is above committing an offence. If in a place like England there are people committing offences and are committed to prison—England which is the seat of education and the seat of civilisation—if offences are still being committed there and the offenders sent to prison, how much more in a place like Nigeria; and if sympathy is given to prisoners in England then I think we here are entitled to more sympathy because *Nigeria is not England* and our minds are not as enlightened as the minds of those in England.

Your Address mentioned the fall in trade, when speaking of the means of livelihood of the people of Nigeria. The present times have plunged the native inhabitants of this country into very difficult experiences, and I would not do justice to this House, I would not do justice to my people, if I do not mention the petition which has been made by the Ibibio Farmers Association on a resolution which was passed by that Association; and it is gratifying to note, Sir, that the Honourable the Chief Commissioner, Eastern Provinces, had met the Ibibio Union sometime early in January and had discussed this question. I feel very much, Sir, for my people and I appeal to Your Excellency's sympathy and consideration for them when they said in that resolution that they do not require the help of Government and therefore refuse to sell their produce on that condition. A para-

graph in that resolution, Sir, reads, "The Ibibio farmers refuse to sell produce to Government at any price." That may be considered a mistake, but every effect has got a cause. We would not at all confront the British Government with such a resolution in view of our loyalty to the Government. What has caused that, Sir, is hard times. What has caused that, Sir, is hunger. A hungry man is an angry man. The people's anxiety for life is at its height. And what offence cannot a starving man commit? He can be disloyal; he can steal; he can assault and murder any one who opposes and obstructs him. Starvation is insanity, in a way. Therefore, I appeal, Sir, for Your Excellency's sympathy with my people regarding that resolution; and review for a while the reasons which plunged them into the making of such a resolution. I know, Sir, that whoever touches British trade touches British people because trade is life blood in the veins of the British nation; so that the man who challenges British trade challenges Britain's anger. I am sure Your Excellency now realises what the position is. We would not have sent this resolution had we not known that the British Government has been having dealings with the outside world with the exception of enemy countries. We wish to trade with America which is not an enemy country and we appeal to you to open trade for us with America. I do not think we are wrong in doing that. That is one of the reasons why we sent in that resolution. As such are we not justified? I put it to Your Excellency that something just and equitable should be done for us in our trade. If Government has taken over the control of the price of produce I think it equitable that Government should also take over the control of the prices of imported goods. I submit that all imported goods be bought over and retailed by Government, as Government has done in the case of produce, for the purpose of keeping up life in Great Britain as well as in the colonies and the provinces.

My next point, Sir, is education. In Your Excellency's address we received consolation in that education, or, what I should term *official education*, has been successful in this country. It is a fact Sir, that the Government has produced more than sufficient number of clerks. Some of the youths who have received clerical education, *i.e.*, education which teaches them to be clerks, are going about the country and have got nothing to do. Offices are full; schools are full, and there is nothing else for them to do. Is it true that there is nothing to do in Nigeria other than teaching and the clerical services? Your Excellency knows that everything in Africa spells money. In England there is nothing in nature that cannot produce money, and what is the cause? What is the effect? It is because of the kind of education that has been given them, the real education that leaves no stone unturned, that gives the people of England the power and the

ability to control nature and force her to open all avenues of prosperity to them. Wherever our youths may go and whatever they may do here in Nigeria it is evident that unless they "clerk" they cannot earn their livelihood; unless they teach they cannot live. If they come out as engineers and are not employed by Government they cannot get employment. That, Your Excellency, is an evidence of the results of the kind of education that we are getting out here. Finally, education has got its time. Now is our time and turn to get that kind of education which will bring us to nationhood. We do not need retrained education through the medium of dictation or dictatorship. Let the Government please, see to it that we are demanding the education that obtains in Britain and in America; we want the education that obtains in all recognised parts of the world; and it is in Your Excellency's hands to give us that education. Your Excellency is more than able to give us that education. To prove that such kind of education is what we want I refer Your Excellency to Governor Clifford's remarks on pages 186-7 of *Africa: Slave or Free?* a portion of which reads thus:—

" . . . . . to press forward the following educational programme and to assist so far as possible its application, including primary education accessible to all children of school-going age. Training Colleges for teachers, Agricultural Colleges with experimental farms for the training of instructors and inspectors. An African college whose educational standard should be broad enough and high enough to secure recognition by the professional authorities in Europe and America."

A training college for each of the provinces and increase in the emoluments of the teachers will not be a bad step to take. I understand recently that teachers have sent a delegation to Your Excellency for financial aid. Their application should be considered, otherwise the families of those teachers will starve. Teaching profession requires good health and neatness. Without sufficient means, it is difficult for teachers to succeed in their duties. Therefore we need considerable increase in the emoluments of teachers. Finally we need a college, an Agricultural College, analogous to that which is provided in Trinidad. Nigeria has got more than sufficient money for the scheme, if the revenue is equitably handled. That answers one of my questions on education, which I asked as to whether the certificates obtained by teachers in Nigeria have gained universal recognition of educational authorities in Britain. The answer was "No Sir". If our certificates and the standard of education given to us has fallen short of securing universal recognition, where are we and how long, Your Excellency, are our children going to remain in this

state of little learning which is a most dangerous thing. It is our right to direct and dictate the education of our children. Dr Fraser, speaking on the same subject, made the following statement:—

“ If the way is beset with difficulties when the English direct the education of their own children, much more do difficulties confront them when they direct the education of Indians, but Indians are fellow-Aryan with them, members of the same stock. *When they go still further afield and direct the education of the African, the situation is extremely complicated.*

“ Admittedly it is no easy work to educate the children of one's own race. The man who believes it simple is usually either a fanatic or of very narrow outlook. *It may be a simple problem to a dictator or a politician. It is a matter of profound thought to Plato.*

“ *The complete control of education in Africa by foreign Governments is the greatest handicap to educational advance. The African peoples are eager and enthusiastic for education, the system is cautious and cold. Districts and the needs of different tribes and tongues vary, the “ Department ” is uniform. Schools require the human touch, the inspector becomes, as a rule, an officer snowed under by files and reports. The African would be generous to education, the Government is stingy. Education needs much sympathetic thinking and adaptation, the real “ Director ” is some secretariat Pooh-Bah who regards “ Education ” as one of the minor matters which interrupt his main work . . . . .*

“ *Education cannot be given by one race to another except in so far as it subordinates itself to that other and sees their needs and how to meet them through their eyes . . .*

“ We cannot in our lonely superiority do much else. We do not know their back-ground, still less can we make the adjustments between ours and theirs. *It is the toad that knows where the harrow goes. We have not the necessary experience. They live in the midst of adjustments and mal-adjustments. They know where things are wrong. We do not. It was Lord Acton who said the poor should make the laws, not the rich, because they most quickly felt the effect of bad laws. So the African, not the European, should have the greater voice in the direction of educational policy in Africa.*

“ . . . . . The aim of any true teacher must first be the development of his pupils . . . . . In the case of the European this is only possible if his teaching companions are Africans, and not his inferiors but his equals in consideration and counsel. *After all, the African pays the piper. It is his*

*taxes that pay European salaries. He ought, even from that point of view, to have a large share in calling the tune, and in directing our educational administration.*

“The European thinks of the future of educated Africans in terms of European employment. *The Africans think of opportunities as wide as the interests of the whole country.* Naturally the European is pessimistic as to the future. The products of a country's educational system can never be fully provided with work by its Government, even if that Government be augmented by an alien population. A Government which set out to be the main source of employment for the products of its schools and colleges would either have to create a bureaucracy beyond the dreams of Lloyd George in war time, or *secretly limit education. It is the latter solution that usually commends itself to foreign Governments.*”

**His Excellency:**

I suggest that the Honourable Member has sufficiently elaborated his point.

**The Member for the Ibibio Division (The Hon. Nyong Essien):**

I beg Your Excellency's pardon and submit that I am laying the foundation for the future education of this country for Your Excellency's consideration, and await Your Excellency's permission to proceed.

**His Excellency:**

I was only suggesting that the Honourable Member has sufficiently elaborated his point.

**The Member for the Ibibio Division (The Hon. Nyong Essien):**

In closing on that subject I appeal to you, Sir, that we want our homes to be founded on nothing but education. We have no prophets, no vision, because we have no education. It is education that produces prophets; it is education that brings a vision. Where there is no vision the people perish.

Under that subject, Sir, there are appeals from the schools at Ibesikpo Clan, under the Lutheran Mission of America and Ndon Ebom, Uruan Clan, under the Roman Catholic Mission. They have been applying for some time for assistance and the Education Authorities have admitted their qualification for assistance; but the excuse always given in the case of the Lutheran Mission, is that the grant which is being given now is being distributed to the Missions which have been on the spot longer than the new ones. That means the gospel and policy of “First come first serve.” Is that justice, Sir? In the case of the Roman Catholic Schools at Ndon Ebom, Uruan Clan, Uyo District, the die was cast and

there is nothing to prevent the crossing of the Rubicon. I have here correspondence with me, Sir, written from those schools to the Education Authorities and the latter's replies acknowledging the qualifications of those schools for grants-in-aid. Therefore I am submitting to Your Excellency that something should be done for those schools under the Lutheran and the Roman Catholic Missions.

My next point, Sir, is about Native Administrations. Native Administrations have gained recognition in our midst and I do not know whether I can support the recommendations that have been made as to the success of that system of the native government. Pardon me, Sir, for saying this: that when "Indirect Rule" was introduced we had not at the time the privilege of standing in this House to present our views. The first impression that was given to us was "self-government". We had to receive suggestions and instructions from the high quarters. We worshipped fear at that time and received a form of Government shown to us as a Native Administration. The term "Native Administration" in so far as that system is concerned, had a mystic meaning at the time of its inception. Our definition of "Native Administration" as it now appears to us is *Tax Collection Administration* and not "Native" administration in the sense of the word "Native". It is a credit to those who organised it, because it has succeeded so far to acquaint us with the payment of taxes, which is the outstanding object and accomplishment of that administration.

I have to thank Your Excellency for inviting suggestions as to the proper building up of that Government. I embrace the privilege and take the advantage to say this: that a house divided against itself cannot succeed. Two parallel lines can never meet. If native administration is given to us, then we need the pure *native* administration in the true sense of the word "native." A question might be put to me as to what is the defect or what is the error I find with that administration. Of course experiment always proves the quality of a thing. We have experimented with "Indirect Rule" system. We do not claim that it should not have been organised but we rather feel that Your Excellency and Your predecessors have been accustomed to the working of that system which, having undergone a trial, has failed. Experience has shown that it should be reorganised on "native" lines. In the first place its weakness is this, that according to the native system of Government our people swore allegiance and acknowledged and recognised one particular person as their head, and that is natural in our country. But in this system of administration it is rather the reverse. We are made to swear allegiance to an organised body known as "Native Administration Council". That was not and is not our system of government. The officials who dealt with the present system knew that what they termed

" Native Authority " comprises many, if not all, of those persons who are not born to rule; by that I do not mean aristocracy by birth, I mean those who do not understand the science and art of government and who therefore cannot rule. The Council thus becomes a bundle of confusion instead of being an organisation of good order and of peace. In consequence the nation becomes confused, ignorant and poor. It is natural in our tradition that wherever there is a family there is a head; and in every village there is a head: evidently, there must be a head in every district and a head in every division. It has been repeatedly said that Ibibio tradition does not show that one man had ever ruled the Ibibio people. There I think we are going out of the natural and proper order of events. If the Ibibio as a people had got no head; if their tradition shows that they had got no head, such a proposition cannot be true. Ibibios had and must have got a head, in as much as there is a head of a family and of a village, it stands to reason that there must be a head of a district and a head of the whole people, to whom they submitted and obeyed: otherwise, in so far as government is concerned, our system would be anarchy and chaos, instead of a recognised form of government which we had before and during the migration; and the Imperial Government could not have met us with any form of government which would have created in their mind the idea of " Native " Administration. The Imperial Government would not, as it did formerly, have recognised our sovereigns as " Kings " and " Queens ". I submit to Your Excellency that the organisation of the present Native Administration should be looked into, so that we may be able to serve our country and our government with the proper spirit and not by compulsion, force and oppression. Native Administration should be overhauled by consulting natives who understand their history, and not those who court favours by reporting others, particularly, those whom the traitors know are their superiors and by setting innocent and loyal citizens at logger-heads with the Powers-That-Be. In short I know Your Excellency's ability; I know Your Excellency's attainments in the science and art of government and I know that Your Excellency will appreciate and consider our suggestions and submissions about the Native Administration. There are men who can give you the history of the Ibibios and if the Native Administration is to come as a government it should be " native " pure and simple and not an *imposed* system of administration.

Your Excellency, another point which I wish to place before you is about religious bodies in Nigeria—the Missions. The Mission taken as a whole has played a very great part in the development of Nigeria. If there is any body of Europeans that has helped Nigeria the Mission is one, but as the day rolls on and as light comes to us and men are becoming intelligent, Your Excellency, there is much to be desired in the relationship between Missions and natives, especially the educated native.

**His Excellency:**

The Honourable Member will no doubt in due course indicate how his remarks are related to the subject of Estimates before the House.

**The Member for the Ibibio Division (The Hon. Nyong Essien):**

I refer lastly, Sir, to the consideration which has been had for Nigeria by the firms by the gift of the presses which have been referred to by Your Excellency in your address. I think those who have done that have done a favour to us and I suggest to Your Excellency that the distribution of those presses should be considered in a proper, just and equitable manner and that when those presses are distributed Your Excellency may remember the provinces; even though they might not be sufficient to go round all the provinces yet those important ones should be remembered, because these presses being present, they serve as souvenirs to make us remember the favour done to us by European firms, being a means to an end.

I do not want to bore Your Excellency any longer. I know that Your Excellency will come back to us with health. We cannot afford losing you. Your Excellency's personality and how you deal with everyone of us with patience and your tact in the government of this Dependency endear you to our hearts; and we hope Sir, that going home even if it happens that you could not come back because duty may call you elsewhere, we pray for your blessing and success and that we may get someone who will administer Nigeria and be as sympathetic with our weaknesses as Your Excellency is.

Thank you, Sir.

**The Member for the Ijebu Division (Dr. the Hon. N. T. Olusoga):**

Your Excellency, while rising to support the Bill before the House entitled the 1940-41 Appropriation Ordinance, 1940, I ask that Your Excellency will grant me indulgence to make certain remarks on the Estimates for the year and on some other points. Your Excellency, a few weeks ago it was announced in the provinces and in our province as well that Government has been given a part of the reserves of the Native Administrations. I must confess to Your Excellency that I was surprised and I am still surprised when it is remembered that a portion of the tax collected by the Native Administrations goes into the coffers of the Government, that is some twenty-five to thirty-three per cent—I am open to correction—and now we see the Government falling on a portion of the reserves of the Native Administrations while the Native Administrations themselves have so many things to do. We, in our own province, have been refused to take a part of the reserves and now that the Government is short of money they have fallen on

our own reserves. Perhaps without falling on those reserves it will be impossible for the Honourable the Financial Secretary to balance his budget. It has been asked yesterday whether it was a gift or a loan; and if a gift why then is the Honourable the Financial Secretary holding forward a promise of restoration to the deserving Native Administrations as soon as Government's financial position permits. If a loan, then at what interest. It is the Government that involved itself in that position and I feel it is not right to make the Native Administrations the scape-goat. I am speaking the mind of my own people although sanction has already been obtained. I am not asking that that portion of the reserves asked for by Government should not be given but still representation must be made in the proper place and this is the place. While not objecting I am asking Your Excellency to consider, when the time comes for the Fund that has been graciously given the Colonies to be distributed, the needs of our province. As I said three days ago we have many more things to do—works like laying the Araromi-Ijebu Ode road and the Ishara-Ibadan road and the waterworks in Iperu on which Government has spent the sum of £400 and lastly abandoned the work. If there is any place requiring waterworks in Nigeria that place is Iperu. We have waterworks in Ijebu Ode. We appeal to Your Excellency that consideration should be given to the fact that the reserves which we have in mind to fall upon have been absorbed in the budget for the Central Government.

Your Excellency will permit me to go back to a question asked by me to which an answer was given yesterday 6th March—question 7. I will not read the question but I will read the answer given to the question:—"It is a fact that.....".

**His Excellency:**

I think all Honourable Members have copies of the minute and they can refer to them.

**The Member for the Ijebu Division (Dr. the Hon. N. T. Olusoga):**

What I want to bring out is that in 1933 it was ordered that people should leave their farms; some trees were eighteen years old and it was impossible to remove such old trees and consequently the people left them in the farms.

**His Excellency:**

I am afraid the question the Honourable Member refers to is an individual dispute and is not relevant to the Estimates of Nigeria.

**The Member for the Ijebu Division (Dr. the Hon. N. T. Olusoga):**

Your Excellency, I will now refer to question 44 if Your Excellency does not mind to which the Honourable the Member for the Egba Division referred yesterday. I have a document here in connexion with what I wish to refer to. I do not wish to make

a long speech on that but just to make an addition to that from paragraph I of the document in my hand. "There is one further point which should be made clear. Group B shippers will also be permitted to fulfil any outstanding overseas contracts by direct shipment. When these are completed they will not make any further shipments." Some of these shippers were not allowed after finishing their contracts to undertake further contracts and they had to hand over what they had got to the big firms and the big firms take about five shillings in every ton received from the small shippers and after finishing their contracts they are not allowed to repeat them. That is the point I wish to bring out Your Excellency.

With Your Excellency's permission when it was decided that Government should buy cocoa we were very glad. But later, when it was announced by Government that the price to be paid will be £16 10s. per ton for the whole season we were not only surprised but very much disappointed. This is the more so, when it was known that purchasers were paying as much as £18 per ton at Ibadan, which was then £19 Lagos. I cannot help saying that the price of £16 10s. was a distress price to farmers, who cannot be expected to receive anything as this amount from which transport charges must be deducted, and it is possible that in many produce centres some farmers would consider themselves lucky if they receive even £12 10s. per ton for their cocoa.

To illustrate the unfairness of this price, with Your Excellency's indulgence, I refer to page 71 of the Supplement to the *West African Review* for January this year; there is an article under the heading "Cocoa Farmers will receive better prices" the relevant portion on page 71 reads as follows:—

"In the case of Nigerian cocoa, the purchase price is fixed at 16s. 6d. per cwt., equal to 19s. 6d. f.o.b. Nigeria or 23s. c.i.f. London whereas to-day's price for Nigerian cocoa is 31s. c.i.f.

Where will this difference in price finally end? If the profit is to remain with the Government and thereby relieve the tax-payer and if the West African producer is satisfied with the course, all well and good, but it will be something of an innovation to see a Government body making profit by trade. Experience has shown that such profits are lost in overhead expenses and extensive staffs."

Now I am not for a moment accusing the Government of making profit, but what I want to point out is that the price as offered in London according to the Review which I have just quoted should have given us a better margin here. The price instead of being £16 10s. should have been about £24 10s. or £25 per ton, a very substantial difference.

Before I close there is a department to which I would like to express my appreciation of the work it is doing and that is the Criminal Investigation Department. A few months ago we had been having trouble with our Nigeria Police. Some of them not only undertook to corrupt our boys but actually used them in their corrupt practices and took them about. But it came to an end. The Criminal Investigation Department have been busy and have tried to punish those responsible for these offences. I extend my congratulations to them and appreciate their work.

Another subject with which I dealt last time was about injections. The practice of giving injections by unauthorised persons still continues. I am not blaming the Medical Department for this but I think the Department to be blamed is the Post Office or Customs. Every packet going to a medical practitioner is scrutinised while every packet going to the ordinary man in the street is not scrutinised and I have discovered that that is the source of materials for these people who are giving illegal injections. Your Excellency I will be very much pleased if steps will be taken with the two departments concerned to see that every packet intended for anyone other than a medical practitioner should be examined because there is leakage somewhere because people not being medical men are not suspected and their parcels pass through the post office and customs. I have no more to add. Your Excellency.

***The Member for the Colony Division (Dr. the Hon. Henry Carr, O.B.E., I.S.O., D.C.L.):***

Your Excellency: I rise, Sir, to make a confession of faith, and, in doing so, I am speaking not only on my own behalf but on behalf of my fellow-countrymen of the British Dependencies, of all the peoples for the well-being of whom His Majesty's Government are trustees. We have been brought up in the faith, in the reasoned belief, that the British Empire is the greatest secular agency for the promotion of goodness and happiness hitherto known to mankind. We are confirmed in this faith by the noble proposal of the British nation to create the new Colonial Development Fund from which increased help will be given for developing the resources of the colonies and advancing the welfare of the peoples in them. It is proposed that there is to be available for such help a sum of £5,000,000 a year for ten years and a further sum of £500,000 a year for research. This proposal must be most gratefully welcomed as an additional instance of the recognition of the principle of trusteeship, and also because attention is to be paid specially to health, education, labour problems and social welfare. This action of the British nation is in consonance with the British tradition. It reminds us once more of the fact that the British nation has always played a most effective part in the Liberation War of Humanity. The nation played such a part in the Great War twenty-five years ago, and the part she is playing

in the present war is of the same significance. We cannot also help recalling at this juncture the British anti-slavery crusade which was an outstanding development of a general humanitarian movement. We cannot fail to bring to mind the unparalleled effort of the nation which culminated in the emancipation of British slaves a hundred years ago. When this great nation decided that slavery should no longer be the relation of the black man to the white man. The British Parliament voted £20,000,000 to the white men who were proprietors of slaves, not only as compensation for loss of property or infringement on privilege or encroachment on vested interest, but in order that these men should give decision of the conscience of the nation and co-operate in the extinction of slavery. The emancipation of British slaves was more than a triumph of the humanitarian leaders of the British nation; it was a British triumph of world-wide importance in the conflict between humanity and savagery; it was a great victory in the reconciliation of the white man with the black man; it was a great victory in the liberation war of humanity.

It appears that it is the rule that when we want to do a good thing in this unintelligible world a thousand evil things will be present to frustrate our effort. The emancipation of the slaves is not an exception to this rule, for as a consequence of the success of the movement not a few of the ex-slaves suffered many privations and were a prey to diseases and death. They were unwilling to accept their ex-masters, because of their experiences when they were slaves. They wandered about until they perished. But effective organisation under the British Government in alliance with time's healing power has clearly demonstrated that great blessings flow from the emancipation.

The complications of good and evil such as those in the process and development of the emancipation movement, appear in the movement for developing the resources of the Dependencies and for the amelioration of the conditions of the native inhabitants. But before referring to the indications of these complications, I want to remark that it is obvious that the proposal to give help to the Colonies from the new Colonial Development Fund has been prompted by the crying needs of the Colonies, and that we are under a deep debt of gratitude to Your Excellency for the careful patience with which you have studied the financial position of this Colony in relation to our needs as well as for the convincing manner in which you have presented our case for help to the Right Honourable Secretary of State. The change which has taken place during the last fifty years in the financial position of the natives of this country and in the general economic conditions is most striking. Before this period there was to be found in the country an appreciable number of successful and prosperous native traders and merchants, but there is now a great change in the relationship of the European commercial firms and the native traders and merchants, and this has by no means been to the

advantage of the latter. The signs of the change were seen since the Great War or a little before that event. After the war there was a serious decline in prices and, as we all know, the fluctuations in the price of produce have a serious effect on revenue and make it difficult to secure a progressive development of the public services. The prosperity of natives, which depends on the produce market, has also accordingly greatly declined; for instead of there being a number of European firms competing with each other in buying West African products and in selling imported goods to native producers, it is found that competition is practically eliminated among the European firms, as they agree or combine to sell imported goods and buy local products at an agreed price. The native trader and producer are thus at the mercy of the European firms, for the natives are quite unable to protect their interests. It has been truthfully said that the movement of society is from status to contract and then to regulated contract,—that is contract regulated by the Government,—in conditions in which free contract is either impracticable or impossible. If the present commercial relationship between the native traders and merchants, on the one side, and, on the other side, the European firms be allowed to continue without regulation, commercial relations will be reduced to exploitation of native labour. The Government has intervened by regulating the output of tin, sugar and other commodities in the production of which British capital is invested. The need of securing economic prices for such commodities is urged in England and has received attention. It will only be equitable if the like consideration and intervention by regulated contract are applied to the existing trade conditions in this country. It would be a great consolation to natives to know that the exploitation of their labour is due to the greed of the individual white man and not because the interest of natives is not protected and the welfare of natives is not promoted by the British Government. The injustice which the natives suffer at the hands of a type of white man who has come in relation with them under the aegis of the British Government is to them a grievous harm, but they realise that in his misdeeds the individual of this class acts contrary to the British tradition and contrary to “the ancient and imbued integrity” of the British people. The natives are reticent about the injustice which they suffer in this way, they are inarticulate, they are helpless to vindicate their cause because they know that the story they would have to tell of the despicable character of such an individual could scarcely be believed by any true Englishman. But it happens that the conduct of this class of white man has recently been brought to the knowledge of Europeans in a book published not long ago by an Englishman who was formerly in the Political and Administrative Department of this Colony. I want, however, before quoting his remarks, to make it perfectly clear that, though the natives have suffered grievous harm at the hands of certain white men, this sad

experience of theirs has not in any respect impaired their loyalty to the British Government. Their loyalty is true loyalty; it is a willing and dis-interested attitude of mind manifesting itself in their practical devotion to the British Government; it is inspired by their inexpressible gratitude for the humanitarianism of the British people and their admiration and affection for them. Our devotion to the British Government is entire and undisturbed by unexpected or transient disappointment, for it is not calculating and does not depend upon the expectation of gain or reward. It is like honesty; for though it is a true saying that honesty is the best policy, nevertheless if a man is honest as a matter of policy he is not honest. In like manner loyalty merely for the purpose of gain or reward, loyalty that cannot withstand disappointment or suffering, is not true loyalty. Whatever the people of this country may be thinking or feeling it is certain that nothing can separate them from their love of the British people and that no one shall be able to persuade them to consent to be transferred from the British Government to the government of any other European power.

The author of the book to which I have referred served for over twenty years in the Political and Administrative Department of this Colony. He came into close contact with the natives of the country and had every opportunity to make a careful study of their character. With Your Excellency's permission I shall now proceed to quote two or three relevant passages from different parts of the book. The first passage is taken from page 205 in which the author writes:—

“The criminal instinct among the Yorubas is not highly developed, and, where it exists, is seldom vicious or deeply rooted. . . . . The home servants of Europeans may nowadays help themselves to cigarettes or pick up a shilling left on the dressing table, but the majority of them are still imbued with the old tradition that a thief is a despicable person.”

Elsewhere (page 208) the author writes:—

“Crime in Nigeria is not confined to black men, and, human nature being what it is, we cannot suppose that it ever will be. A certain head of a department told me that he went out to tea in England to the house of a friend of his. A young wife was at the party, who was entertaining her listeners with stories of her husband, who had just returned from the Coast. She was unaware that another guest also hailed from that region.

“My husband”, she said in her innocent wifely enthusiasm, “is an engineer on railway construction out there. He must be a very clever man, because though his salary is only six hundred pounds a year, after his first twelve months he brought back with him thousands of pounds.” (Laughter).

The whole or nearly the whole of his salary the "very clever" engineer must have spent in the upkeep of himself and his wife, and the "thousands of pounds" which he took back home with him from the Coast must have been either the money of the Government or that of the natives. In any case it is the natives who by their labour have to help to make good these "thousands of pounds" and who are thereby impoverished. But as our author observes:—

"The British population of Nigeria is the native's only criterion of Great Britain. If second-rate or self-seeking white people are selected as representatives of British Government and commerce they will do a lot of harm in an invisible and perhaps unconscious manner."

Our author not only tells us what he was told about the "very clever" engineer but records his personal experience of the class of white man whose conduct he severely condemns. At one time he had to take money at the end of the month to pay workmen engaged on a large public work in a place somewhat distant from his station. The names of the workmen and their rates of pay were supplied to him by the white foreman in charge of the work, and the amount to be paid was £300 in all. After doling out the cash to each workman in person, he found that there was still £60 left on the tray when the file of men ceased. The white foreman thereupon explained that a gang of workmen in a remote place had yet to come, and this statement was confirmed by the black headman. The Political Officer, our author, waited for the arrival of the gang until dark was coming on, but they never appeared, and he had to leave for his station as he had to cycle for miles in a district where it was not safe to be alone in the hours of darkness. As he was anxious to get away, the foreman undertook to pay the absent gang on their arrival, and to send the receipted voucher to the officer in the following morning. The officer agreed, but was soon convinced of his error, and in his book he excused himself with the reflection: "I could not conceive in those days that a white man would steal, especially with the connivance of his (black) headman." However, he was more careful when he went to pay the workmen at the end of the following month. A gang of men was again reported to be far away engaged in felling an enormous tree, and the money for paying these men was again found left on the tray. But on this occasion the officer rejected the proposal that the foreman should pay them on their arrival. He instructed the foreman to send them to his station in the following morning for their pay. This arrangement was not very pleasing to the foreman, for when the instruction was given to him his "face turned a sickly grey", and thereat the officer felt that his suspicions well-grounded. The gang did not appear at the officer's station in the following morning.

I have so far not come across any book written by a member or an ex-member of a European firm operating in this country in which reference is made to the morality of trade and the conduct of any of their white employees in this respect in his relationship with the natives, but reports of such conduct are current, and one of them which appears to be trivial is significant and not lacking in an element of humour. An agent of one of the firms, it is reported, was once entertaining some of his friends during business hours in his quarters on the first floor of the building. He ordered a clerk in the store on the ground floor to send up to him two quart bottles of champagne and to put the cost in the breakage account. The clerk promptly opened a case of champagne, took out three quart bottles, sent up two to his boss and put the cost of the three bottles in the breakage account. Now, the question of the greatest importance is what is the reaction of the natives of the country to the conduct of this class of whiteman who have come here to teach and guide the natives and set the standard of conduct?

***The Commercial Member for Lagos (The Hon. R. M. Williams):***

On a point of order, Sir, may I ask whether the Honourable Member has the right to make those references without proof during the debate on the second reading of the Appropriation Bill?

***His Excellency:***

The Honourable Member may make his point.

***The Member for the Colony Division (Dr. the Hon. Henry Carr, O.B.E., I.S.O., D.C.L.):***

With the help for the Colonies from the new Colonial Development Fund it is proposed that attention is to be paid particularly to health, education, labour problems and social improvements. Large public works in connexion with the development of the resources of the Colonies will thus be projected, and it is in operating undertakings of this character that some white men conduct themselves in a manner derogatory to themselves and producing a debasing effect on the black men employed to work under them. It is therefore not surprising that there has been a steady deterioration of the standard of morals and manners of certain classes of the native community in the last forty or fifty years, during which period large public works have been undertaken by Government in the erection of official and residential buildings, in railway construction and road construction, in forestry, and transportation and commercial services. During this period also supervened the confused state of affairs attendant on the Great War and the ruthless retrenchment of the personnel of the Government Service which followed on the subsequent trade depression. Unemployment was rife; everywhere in the towns and districts were signs of poverty and misery, criminality

increased and never before were there on so large a scale cases of burglary, banditry, brigandage, corruption and robbery with violence. About five years ago we congratulated the Government that it was able to balance the budget and save the country from financial bankruptcy. This is true; but it is also true that at the same time the economic conditions of the country grew worse and the people have since been plunged into moral bankruptcy. In any matter many of them do not now ask whether what they have done is right or wrong; what they ask is whether or not there is sufficient evidence to convict them in a court of law. On a large and important section of the people such has been the disastrous effect of the misdeeds of some of those who are placed in charge of undertakings designed by the British Government and the British people for the purpose of developing the resources of the country and promoting the welfare of its inhabitants.

But there is another side to the picture. The men of high rank in the Government Service who have had a weighty and impressive experience of life and the younger men in the Administrative Department who are recruited from the British Universities have invariably set a high standard of conduct for the imitation of natives. In considering what they have done for us and what they have been to us I have often been reminded of a conversation I had more than forty years ago with a gentleman and a scholar who honoured me with his friendship. He had been a Fellow and Tutor of his college at Oxford, and at the time I had the privilege of being his guest he was the Principal of an important training college in London. One fine summer afternoon both of us had a long walk from Chelsea Station to Wimbledon Common, and there we sat on the grass discoursing on various topics. I remarked that I was astonished to see the large number of English youths who go up to the universities and are content to take an ordinary degree, as it means that at the end of their course they have done hardly anything more in their studies than they did at school when they left to enter the university. My friend observed that what I said was quite true, but that I missed the significance of the situation. The majority of English youths, he continued, go up to the university to enjoy, as it were, an interesting and congenial society before entering on the business of life, and to make friends who might afterwards be useful to them; but it is at the university, he added, they are afforded the opportunity of coming in contact with men of high qualities of mind and soul and of catching a glimpse of the strenuous intellectual life and the life of excellent seriousness. He went on further to say that though on leaving the university, the majority of the English youths have neither the wisdom of the philosopher nor the tenderness of the saint, the impression produced on them by the contacts they have made there is very great; for if in later years they turn out to be rascals their rascality is different from that of other people. What has thus been said

with charming humour will be admitted to be the truth by all those who have in the ordinary course come in relation with the university men in the Government Service. It therefore offers the most hopeful augury that steps are being taken to recruit none but university men for the Administrative Departments of the Colonies. The influence of this superior class of officials will undoubtedly have the effect of counteracting the bad example of the type to be found in the main in the technical and commercial departments. Man everywhere is conditioned by his environment, and right and wrong are apt to confuse their outlines with some men when they are thousands of miles from their home and from the pressure of the application of the force of the public opinion of their own people. To help this manner of men to get and keep a good character it would appear necessary to arrange for a better organisation and a constant and lively supervision of the undertakings which they operate, such an arrangement will not only be in the interest of the men themselves, but it is also calculated to be a means of preventing misery, discontent and racial antagonism on the part of natives.

Of the different services which particularly deserve help from the new Colonial Development Fund I may be allowed, Sir, to bring forward the urgent claims of one—the administration of public education. During the last six years there has practically been no increase of the amount of the grant-in-aid paid to the assisted schools comprising the large majority of the children attending the more advanced elementary schools and the secondary schools of the colony. The progress of school education depends, in the main, on the ability and efficiency of the teachers, and the teachers in these assisted schools have received no increase of salary during the last six years, though they are decidedly underpaid when their scales of salary are compared with those of men of similar qualifications in other walks of life. Many of the senior teachers who are bread-winners of families find it so hard to maintain a decent standard of living that they are deserting the schools for employment in Government offices, and they do not hesitate to accept a lower salary than what they receive as teachers because their prospects of attaining financial competence in Government employment is ensured. The natives of this country, Sir, have full confidence that if we are able to put fully and clearly before Your Excellency the claims of the schools and the teachers for further financial aid from the Government you will lose no time in seeing that the needful grant is made. The Board of Education has recently passed a resolution containing a full statement of the case under consideration, and has earnestly appealed therefore for an additional annual grant of £50,000. We all know that when we would obtain a little from the Government it is often useful to ask for a great deal. But the times change and this is ancient knowledge. We are now learning that the Government, or rather, what in this case comes to the same thing,

the Governor, gives willingly with both hands to a deserving cause, and building upon our confidence in the new learning, we cherish the hope that not only will an additional grant of £50,000 be provided for Education, but that after Your Excellency shall have had time to investigate the situation, a grant of not less than £100,000 will be provided for this public service of paramount importance.

The pressure of circumstances, Sir, is directing attention with insistence to the necessity for promoting mass education in this country. Unless the people have an adequate education they will not be able to protect themselves against those who are exploiting their labour and despoiling them of their possessions. Apart from this consideration it should not be forgotten that the education of the people is the key to their political advancement. I have good reasons to believe that the question of mass education is receiving the serious attention of the Honourable Director of Education, and I sincerely trust that the opportunity afforded by the help from the new Colonial Development Fund will enable him to carry out his schemes without delay. But while I emphasise the importance of mass education, I would like to make it clear that I am not suggesting that our activities in the region of secondary and higher education should in any way be restricted. It is from the men who are trained in the secondary schools and colleges that we shall get the teachers and supervisors who will raise the standard of the popular education of the country. The sound education of the people is an effect of the education of those who have passed through the secondary schools and colleges, and unless these are properly educated the whole country will suffer.

There is, Sir, a popular feeling which has already spread, perhaps, farther than most of us think, that the expenditure of Government in the education of the people is too small, that it is smaller than the country deserves, and that, proportionately, it is smaller than in the sister colonies. It is often said that the Government can find the money for expensive official residences and for the amenities enjoyed by European officials, and yet under the block-grant system the comparatively small amount of grant made in aid of the schools has been practically the same for the last six years, in spite of the large increase of school children and of teachers and of the increasing cost of living. The people also feel that too large a proportion of the revenue is being expended for administrative purposes in comparison with the benefits bestowed on themselves. They point to official residences and other official comforts and say it is by the help of their labour has the revenue been collected out of which these things are provided; but because of their poverty they must be condemned to live in huts and mean buildings and in insanitary conditions; it does not bring attachment nor does it prevent estrangement for such opinions to be held by the people of the country. Everything should be done by Government to disarm the people's suspicions

and to impress them with its sense of justice and equity. There is no doubt, as we can well judge from the fact of the creation of the new Development Fund, that new ideas are stirring in England, that day by day these new ideas gain in power and that almost every one of them is the friend of His Majesty's black subjects and not their enemy. But it is the spirit which they are made of who are called to be ministers of the new ideas in British Dependencies, and not the machinery which they employ, that will procure for the ideas a wide and fruitful application among the people. What will attach the people and prevent the growth of a sense of resentment and estrangement is the spirit of sympathy, kindness, justice and fair play.

The war which is now being waged against Germany is unquestionably a Liberation War of Humanity. The allies are fighting for the maintenance of freedom, justice and peace in the world, and when they achieve a glorious victory there will come a period of transformation in which mankind will look back with undying gratitude to all those who have laboured and suffered and sacrificed their lives, and with confidence for the future progress of the world. The development of Anglo-French co-operation, the Anglo-French unity, which has been effected by the war is of the most profound significance to the natives of the British Dependencies. In this unity of action and unity of spirit the French will give of their sympathetic and social virtues to the strong sense and sturdy morality of the English. There could be no better mixture than these excellent qualities of the English with French qualities added and infused, and if this new development of the English character should find in the British Dependencies a genial atmosphere, the natives would again set forth with joy and gladness their recognition of what has been truly described as *the ancient and inbred integrity, piety, good nature and good humour of the English people.*

***The Member for the Ibo Division (The Hon. B. O.-E. Amobi):***

Your Excellency, the Estimates are now before us. Let us assume for a moment that the Nigerian Government is a trading company; let us assume for a moment that the official and the unofficial members are shareholders; let us assume that your immediate lieutenants are the Directors and Your Excellency is the Chairman. May I ask whether we can congratulate ourselves on an estimate of this nature when we turn round and find that the revenue is one thousand pounds and we spend six thousand five hundred pounds? I say "No"; none of us would be willing to accept or to pass such an estimate. But the question is this, Your Excellency, to borrow from the words of the Gospel wherein it is clearly stated "Come now and let us reason together," said the Lord of Hosts." It is for us to reason together now and to find out a remedy for this state of affairs.

The Estimates have been presented—the Budget as it were—has been balanced, but must we continue to accept and pass estimates of this nature when the expenditure exceeds the revenue? I think, Your Excellency, that you should reason most carefully as to how to cut down our expenses without affecting the efficiency of the Service. If I am allowed to make a suggestion, I would ask that at this time of economy we should cut down our Duty Pay, Seniority Allowance, Mileage Allowance, and a few more things. At the same time, Your Excellency, I fail to understand how we could continue to ask for a lot of things to be done when we know that there is no money to carry on the work. It is all well and good asking that Africans should be given European Appointments: it is well and good asking that some Europeans should be sent away so as to give room to some competent Africans; it is well and good asking that Universities should be built here and there. But where is the money?

Your Excellency: I am very much in sympathy with these Estimates. I am very much afraid that the yield from the Customs Revenue would not bring what it is estimated to bring, according to the Estimates. Take for instance, the imported cigarettes. I have seen most Europeans smoking "Bicycle Cigarettes" that they dared not smoke seven months ago. The cigarette is sold at tenpence half-penny a tin, simply because the imported cigarette has gone up to three shillings or so a tin. On the other hand, Your Excellency, ask the trading firms "How many tins of cigarettes of good quality have they been able to sell during the month to enable them to import more cigarettes?" Ask the firms "How many bottles of whisky have they sold to enable them to import more whisky?" Ask them "How many cases of tobacco have they sold to enable them to import more to assist the Customs Department to raise the duty we expect?" I was told by a friend of mine that since the increase of duty and surtax he was only able to sell nine bottles of whisky. You have put up your price and you have got to suffer for it. It affects the Europeans more, because they cannot do away with whisky. I am quite content with my "Tombo". That is the position, Your Excellency.

Now, we have been saying that Africans should be elevated. One was recently elevated. If you will look at the Audit Department, Head 6—Audit—you will find, Your Excellency, that in this particular case, Peter has been robbed to pay Paul. Originally that Department used to maintain two Chief Clerks and four Assistant Chief Clerks. Now in order to make room for an Examiner a post of Chief Clerk was knocked off and one post of Assistant Chief Clerk was also knocked off. I feel, Sir, that with that reduction the efficiency of the service will suffer. There are eighteen first class clerks who are looking forward to be promoted to the post of Assistant Chief Clerk and three Assistant Chief Clerks who are hoping to get promotion to the post of Chief Clerk.

Here now, we have only one Examiner, one Chief Clerk, and three Assistant Chief Clerks. I think, Your Excellency, that that has actually killed the efficiency of the service.

Your Excellency, under the various Heads—Education, Agriculture, Forestry, Medical, Public Works and so on—I have already touched the question of Education—it is true that we need education, especially in the Eastern Provinces—but I ask when the bag is empty how can we find the money? What about our educated children? Thousands and thousands of them are leaving school this year. Many have left school in 1937, 1938, 1939 and will leave in 1940 and will also continue to leave school. I wish our Government should do something to accommodate all the children. What I would suggest, Your Excellency, is (1) Where there is money, the children should be educated. (2) That the children should be educated to take interest in their native industry. We have any amount of sugar cane in the country. In the Hausaland there is any amount of butter. I was content to have bought four pounds for myself for two shillings and sixpence. I brought the butter down, but I was not able to prepare it in the way I would enjoy it. I only used it as ordinary fat. Well, if these boys are trained to take interest in their own native industry, they would be able to turn sugar cane into sugar and the butter into real butter. That would make us a self-supporting people. I ask, "How many native bags could have been made locally without importing bags from Europe?" There is no reason why the trading companies should not buy our native bags if they are made to order.

Your Excellency, on the other hand we have been talking a lot about our produce—palm oil and palm kernels finding their way to Europe. I say there is a remedy to it and the remedy is that we should encourage inland trade. Encourage inland trade by getting in touch with the Northern people. Send all our palm oil in tins; they are short of palm oil. They sell us groundnuts. We should send them palm oil. They have no cocoa. We can send this in bags up there. These things require encouragement. The Railway should run sufficiently to carry our bananas to Kaduna without delay in transit. They should transport them in frigidaire so that by the time they get to Kaduna and Kano they cannot go rotten.

Again, Your Excellency, there is room for the fishing industry. At the moment we have seen bales of stockfish coming all the way from Norway. How many tons of palm kernels have gone to Norway? I feel that we should not encourage trade in their stockfish from the dirty trick they played the other day over *Altmark*. Our people should be shown how to cure fish. After all, we cannot cure fishes on the Norway system. We should know how to smoke fish, so that by the time they arrive in Lagos they will be in perfect condition. We talk of Onitsha as a matter

of fact being the cheapest place on the eastern side. But we depend entirely on the Northern people. We see people coming down every day with fish, groundnut oil, beans, rice, gari, egusi and so on after they have made their sale in the open market and then bought up our tons of palm oil. I feel, Sir, that if some of the railway wagons were built in a more scientific manner, instead of sending down livestock from the North, they could be slaughtered and put in a frigidaire and delivery taken at the other end. I feel, Sir, that apart from sending our produce to England, worrying for licences and so on; if we could only cultivate our inland trade, the country would live.

Your Excellency, I have always said that I for one do not understand the method of running the Railway. We hear each time "Railway Deficit" and something must be done to remedy this. It does not lie in preventing motors running to Abeokuta or Ibadan, in the hope that that would save the situation. I feel, Sir, that if you get a man to travel as third class passenger on this Nigerian Railway—you will never get him to travel on that train any more, because the accommodation is most uncomfortable.

Your Excellency, I must not go without touching the Native Administrations. I am very much interested in these Native Administrations and burden has been brought to bear on some of the members of the Native Administration and that burden is a burden which I feel Government should look into. The tax collectors in the Ibo land are exposed to a lot of dangers. If they collect vigorously their people will turn round and say that the collectors are worrying them. If they fail to collect in time, you try them and according to the Ordinance, you sentence them. I have seen one or two people go to gaol for one month. When they come out of prison, what will be their position? Are these people properly paid to be charged for neglect of duty? I say "No", Sir. If I am only to depend on a ten per cent dash at the risk of my life; at the risk of my property; at the risk of going to gaol. I think, Your Excellency, that these tax collectors should be properly remunerated, so that if they fail to do their duty, they should be brought before the law and tried. I say, now, that if I am paid two hundred pounds a year for collecting tax of seven hundred pounds, I will do all my best, fight tooth and nail, so that there may be no chance for the high officials to complain that I have not done my duty. But if I have got to collect now in the hope of getting only five per cent which the people do not allow me to take, and if I say I must avoid my people this time and sit quietly, I will get into trouble with Government. What is my position? I feel, Your Excellency, that this matter should be given due consideration with a view to helping the collectors.

Your Excellency, I really feel that this is not the time, as a matter of fact, to kick and to box, but this is the time when we should reason together, that is, the official members on this side

and the unofficial members on that side must reason as to how to remedy this state of affairs. Let us not be selfish, but be prepared to do a bit so that in the end we should have plenty.

Your Excellency, I feel I must touch the Forestry Department. This is a very important Department. I do not know, but I have read in one of the Sessional Papers sometime ago of Mr Oliphant who is now the Director or the Chief Conservator of Forests. I am not sure whether that gentleman is the very man who came to report on the condition of forests in this country. If he is the gentleman, I welcome him.

We have at the moment any amount of timber sufficient to keep the country going without even having to apply for imported timber. We have a saw-mill at Ijora; there is also a private company which owns a saw-mill at Sapele, but I feel, Sir, that the Forestry Department should give us a helping hand. We at the moment have to pay for licence when we want to fell Iroko tree. We pay for canoe licence, but I am told that each time you go into river the water police will come and tell you "We want to paint your canoe" and you have got to pay some money.

I would very much like to see the Forestry Department carrying on some experimental work in the Protectorate, so that we can feed ourselves locally.

Your Excellency, I think I have touched those points which I feel are vital, but one thing I must ask and that is—I do not think that the war will permit it now—the importation of Cadets every now and again. Now that we have educated chiefs in the country who take keen interest in the work of the Native Administrations, there is no reason why they should not be trained to be able to carry out the executive side of the work satisfactorily and look up to the Administrative Officers only as their advisers. If that is done, I am sure you will really relieve the Administrative Officers of any amount of extra duties.

Your Excellency, I feel I must touch the Printing Department. That department is a busy department. I fail to understand why our Estimates only reached our hands on Saturday, the very day that I arrived in the country. That shows that the Printing Staff were overburdened with work. If that department should carry on efficiently, there is no reason why we should not give it help by employing more Africans so that within a short time they will be able to become competent printers and be able to give a ready hand.

Your Excellency, the Medical Department has done its share and I must really congratulate that department for the importation of a medicine called "M. & B. 693". Many people have died of Pneumonia some years past and quite recently that

medicine has saved any amount of lives. I remember talking to a friend a few weeks ago. We were travelling in a lorry. He caught cold and was suffering severely. I had a few tablets of that medicine in my pocket; by the time we got to Benin the man was nearly half dead. He was breathing helplessly. I gave him two tablets and he was cured. I told a doctor there and then what that wonderful medicine had done. So, I congratulate that department and hope that they will continue to order the medicine in a large quantity and see that all the hospitals in the Provinces are properly equipped with them.

Your Excellency, I have done my little share. I must now wish you farewell and safe flying and speedy return to us. I feel, Sir, that a man going on leave at this critical moment will not enjoy a very good leave, in view of blackouts, motor accidents here and there, shortage of food and everything. I thank Your Excellency, and we all wish you a splendid holiday.

#### *The Hon. the Director of Medical Services:*

Your Excellency, of the observations made by Honourable Members about the Medical Department—that made by the Honourable the Commercial Member for Lagos is, I think by far the most important. He touched on a matter of policy which is likely to bring about great changes in a few years in the methods used to improve the health of this country. I understood him to ask if it is intended to train and recruit doctors chiefly for hospital work, or whether greater attention will be given to getting those with public health training, and he instanced the sleeping sickness campaign as a piece of very successful work.

Now, Sir, it is really a question of whether the Medical Department is to devote itself in future years mainly to medical relief as it does at present, that is to maintaining and staffing hospitals and dispensaries, or whether its future activities should be directed principally to mass attacks on mass diseases as has been so successfully done in the case of sleeping sickness. Medical relief, of course, is very popular with the people, and we all know what frequent requests there are for new hospitals and new dispensaries. The hospital and dispensary work obviously cannot be given up, but in reality it does very little to bring about a permanent improvement in the health of the people, and I think that intelligent public opinion as well as medical opinion now realises that the best policy for raising the level of the health of the country is to concentrate on getting rid of serious endemic diseases.

Sleeping sickness is one of them, and the Honourable Member for the Ibibio Division spoke about leprosy—that is another serious problem in Nigeria on which I can assure him that some very brilliant work which aims at the control of leprosy is at

present being done. I admit it is being done on a very small scale, but we hope to see developments later on. Then there are other serious and crippling diseases in this country, such as yaws, and the venereal diseases, and Tuberculosis, to mention only a few. Well, to deal with these diseases by campaigns similar to the sleeping sickness campaign will do far more to promote the public health of Nigeria than to multiply hospitals and dispensaries, and I trust that it is in this direction that the Medical Department will expand in future.

But to undertake these campaigns a trained staff is necessary, and I am very glad that the Honourable the Commercial Member emphasised the necessity for this special training.

Then, Sir, a number of Honourable Members referred to the fact that the establishment of African Medical Officers, is to remain the same in next year's Estimates as it is at present. The Honourable Member for the Egba Division stated—I want to quote his words: "The Department has made up its mind not to employ more than eighteen African Medical Officers." Well, Sir, the policy of the Medical Department always has been to employ an increasing number of African Medical Officers, and that policy has not been changed. I think it is a policy of all British dependencies to employ more and more local officers, and the Honourable Member was incorrect when he suggested that the policy in Nigeria was being changed. But in a year of financial depression, when departments are instructed that no new appointments are to be made and that existing vacancies are to be left unfilled as far as possible, it was obviously impossible to ask for an increase in the establishment of Medical Officers; but I do think that most Honourable Members here appreciate the fact that no department has done more than the Medical Department to place Africans in positions of responsibility. This morning I looked up the Estimates of ten years ago, those for the year 1930-31, and then provision was made for ninety-three European Medical Officers and six African. Well, Sir, in the Draft Estimates for 1940-41 provision is for sixty-nine Europeans and eighteen Africans, so that in a decade the proportion has changed from more than fifteen to one, to less than four to one; and even more than that, Sir, because if specialists and house physicians and assistant medical officers are taken into account, the Medical Department is at present employing thirty-six medical practitioners who are Africans.

There are two other matters that were referred to. I think the Honourable the First Lagos Member spoke about the lack of prospects for sanitary inspectors. He mentioned that there are only eight first-class appointments, whereas there are 100 second and third class appointments. That is a matter which is receiving attention and which I hope when financial conditions improve will be rectified.

Then, Sir, I think it was the Honourable Member for Calabar who spoke about the delay in effecting the promotion of nurses. The matter is dealt with by a question which was printed in yesterday's proceedings, and I think the answer to that question clears up the matter fairly satisfactorily.

I should like to give an assurance to the Honourable Member for the Ibo Division that we have large stocks of M. and B. 693, and further large stocks are on order!

***The Hon. the Director of Education:***

Your Excellency, I will just deal briefly with the points raised by Honourable Members on the other side of the House. The Honourable Member for Lagos hoped that if money was available from the new Development Fund for education, that girls' education would not be overlooked. I can assure him that that will be the case.

The Honourable Member for the Rivers Division raised a point in Your Excellency's speech about the fees of the Higher College. I think if the Honourable Member will turn to page 33 of the Estimates he will see in a footnote there; twenty-nine temporary full bursaries at £50, and a further note at the bottom, £435 is refundable in arrears. I might perhaps amplify that note: the nominal fees at the Higher College are £50 per annum, but at the moment, in order to encourage entrants, Government is only charging £15 per annum for the first three years of the course. If a parent or young man has not the money to pay those fees, he can go through the College nevertheless and refund—£45—when he is in Government employment. It is not true, therefore, to say that the high cost of the Higher College is preventing parents from sending their boys there.

The Honourable Member then went on to say that he considered the service conditions for boys who left the schools were not sufficiently good. There I am afraid I cannot agree. The boy who leaves school is given £3 a month and in addition is given training in the Department to which he has been posted. I think the boy and his parents are extremely fortunate: there are a great many people in Europe who must wish that the same conditions prevailed there. If boys are not satisfied with these junior appointments let them go out for the higher appointments which they can obtain through the Higher College; that is what we want them to do.

The post of Education Officer was mentioned by two or three Honourable Members. They thought it very extraordinary that this post should be omitted from this year's Estimates and that no African should have been appointed to succeed the African who retired last year. Well, I might explain that that post is still in the Estimates and that a promising young African will I hope fill

that post. He is due back from London about July. The post is being reserved for him, but under the conditions of service he will have to serve for a probationary period on his return.

A great many Members mentioned the hardships of the teachers and the need for a Provident Fund. You, Your Excellency, have already mentioned them in your speech, and I feel sure that we have every confidence that you will help us to remedy the present state of affairs.

The Honourable the Third Member for Lagos said that Government was discouraging young men from going overseas. I cannot understand that statement; considering that it is only quite recently that full notices in the Press were given of the Government Overseas Scholarship Scheme. I think it is evident that Government is not only willing but anxious for young Africans to go overseas and obtain further qualifications.

The Honourable and gallant Commercial Member raised a question regarding training in manual work. My friend the Honourable and gallant the Director of Marine tells me that he has numerous applications for manual work and it is quite certain that if the Honourable the Commercial Member wishes to get a young man for training in that work and can promise him permanent employment, he will have no difficulty in finding him.

I agree with the Honourable Member that we must concentrate on mass education, and that any money we get should be devoted to that purpose. At the same time I cannot accept the statement that we are spending too much money on higher education. One Higher College, four Secondary Schools for boys and one for girls, and a few grants for Mission Secondary Schools is not sufficient secondary education for twenty million people?

The Honourable Member for the Ibibio Division started off by agreeing with the Honourable and gallant Commercial Member that money must be spent on mass education; he then turned round and said the most important thing was to get a secondary school for his division. Well, we do want more secondary schools. There is no doubt that in the course of time we shall get more schools, but the most important thing at the moment is to put right the present injustice which is being suffered by the teachers—that is the first call on any extra funds which we may obtain. The Missions, the Churches, and teachers have been bearing the burdens of other people, and our first task must be to relieve them of those burdens. Let us get our foundations on a proper footing and then proceed.

The Honourable Member for the Ibibio Division also mentioned the case of an American Mission School at Ibesikpo. I am afraid that that school is in the position that very many other unassisted

schools are in; they are doing extremely good work and although the Education Department is willing to give them grants, there is no money available; but when money is available they will of course receive consideration.

The Honourable Member for the Colony in his very able speech made a great point of the training of leaders. There I am sure Honourable Members will agree with him; it is that which makes the question of higher education so very important in this country. I very much admired the very practical and later amusing speech of the Honourable Member for the Ibo Division, and it was most encouraging that he should have made the point that what we want is to educate the children to develop their own country. That point will, of course be dealt with by the Honourable the Director of Agriculture, but I can assure him that the Education Department is doing its very best to co-operate with the Agricultural Department with this end in view.

I think those are the only points raised by Honourable Members. Sir. I should like to thank you on behalf of the Missions and the teachers and those other voluntary agencies which are working for education in this country, for your great effort in persuading the Secretary of State to make this magnificent grant to Nigeria.

#### *His Honour the Chief Commissioner, Western Provinces:*

Your Excellency, the Honourable Member for the Warri Division, in his speech yesterday, emphasised the importance of the connection between produce prices and rates of taxation. I should like to assure him that this importance is very fully realised, and the position is constantly kept under review by the Residents and by the Chief Commissioners.

As he is aware, the present-day produce prices show a very marked improvement on the low level which they attained during the year 1938 and which the Honourable Member quoted in his speech, so I think he will agree with me when I say I am satisfied that there is at present no reason for any downward revision in the taxation rates. I can assure him at the same time that there is no present intention of making any upward revision in the flat rate.

The Honourable Member referred to the appointment of the first African Magistrate for service in the Protectorate. That was an appointment in which I have taken a very close personal interest, and I was very glad indeed to hear a favourable opinion expressed by the Honourable Member as to the success of that appointment. From my own observations, and from information I have gathered from a variety of different sources, I can thoroughly endorse the Honourable Member's opinion as to the success of that experiment, and I may say I would gladly welcome an extension of the experiment in other parts of the Western Provinces, provided an opportunity occurs and a suitable candidate

is forthcoming. I say suitable because an African Magistrate who serves in the Protectorate must have qualifications in addition to a mere knowledge of the law. He has got to travel long distances, he has got to go into remote quarters to try his cases, he has got to live in primitive and very uncomfortable conditions, and it is not every person who is qualified in the law who is willing and able to undertake such things successfully.

Now, several members, including the Honourable Member for the Ijebu Division, have referred to the matter of contributions to the Central Government made by the Native Administrations from their reserves. Your Excellency, in your address on Monday, fully explained the position and made amply clear the justice of Government's action in this matter. It is unnecessary, therefore, for me to labour that point, nor is it necessary for me to discuss the academic question as to whether the Budget can be said to be properly balanced by reason of those contributions, but it may be of interest to the House to know that I have discussed this question with a great many, though not quite all, of the Native Authorities and Councils in the Western Provinces. They have all, I think I am right in saying, accepted the justice of this measure. There has been, I know, a certain amount of disappointment in certain quarters owing to the fact that it has been necessary to postpone certain works and schemes which the Native Administrations had set their hearts upon.

In Ijebu-Ode I know they are very anxious to have a permanent Council Chamber to replace the very temporary and non-watertight shelter which at present we have to use for our public gatherings, and I suspect on two occasions on which I have visited Ijebu-Ode it was a source of great disappointment to people that the rain-makers failed in their duty and did not produce a tornado, because I am sure they thought a good soaking would influence me to give my approval for expenditure on a permanent Council Chamber! But, generally speaking, the Native Administrations, as I say, have accepted the justice of this measure, and have readily agreed and in many cases expressed their eagerness to make the contribution. One Native Authority expressed his opinion forcibly and picturesquely. He said, "What will happen to the cow birds, if the cow disappears?"

I should like to congratulate, if I may, the Honourable the Commercial Member for Lagos, on the able and constructive speech which he made yesterday. Feelings of delicacy and other reasons prevent me from referring to one of the unusual, if refreshing views which he expressed. I would like to touch on two points, however, which he mentioned. The first was the case of the conscientious Resident. I quite agree with him on the general principle, that it is a sad waste of time and money to use the Flying Scot to do shunting work, but I think before I condemn this Resident for excess of zeal and conscientiousness, I should

like to know what the peculiar circumstances were which led him to spend his time checking the cash in the Native Treasuries and burning obsolete tax receipts himself. It may be of course, that he was short-handed, or there may be particular circumstances which necessitated his personal attention to these matters which, although of a routine nature, are yet of considerable importance.

Then there is the question of the leases. Again, I am entirely in agreement with the Honourable Member in the view that everything possible should be done to expedite the transaction of business and to cut out all unnecessary and wasteful labour. As regards the long-term leases, over twenty-one years, I am surprised to learn that an extra copy of the application form and plan is now being called for, and I will look into the matter. I certainly do not require a copy for record purposes in Ibadan. I can quite easily endorse my comments or approval on the original which goes to the Commissioner of Lands.

*The Commercial Member for Lagos (The Hon. R. M. Williams):*

On a point of explanation, I think I may have made a mistake in stating the case.

*His Honour the Chief Commissioner, Western Provinces:*

As regards the short-term leases, I confess I am not quite clear as to what the exact position is, but I promise the Honourable Member I will look into the matter and see what is required and what can be done to meet his wishes for speeding up business.

*The Hon. the Comptroller of Customs:*

Your Excellency, the first shaft which I heard coming in this direction was thrown by the Honourable Member who said that Customs warehouses were as hot as a place concerning which he lacked at present sufficient information. I was sorry to detect in his voice a shadow of a suspicion as I thought that he might become better acquainted with it at a later stage of his career. I can assure him, Sir, that I am sympathetic. I see no reason why a course of preparation should be undergone by Customs Officers.

Another member mentioned the Parcel Post. I entirely agree with him that every package coming into this country should be examined. It is the system to which I am accustomed, and if it is not carried out two things happen: things which are prohibited to be imported, dangerous things, filthy things, will come through the post in parcels, and there will be a loss of revenue which I put at not less than thirty-three per cent of the total.

Now Sir, regarding the effect of increased duties on the Estimates, I leave that entirely in the capable hands of the Financial Secretary. There are just one or two things that have

been said, about which I should like to say something. There seems to be a tendency to blame increased prices unduly on increased Customs duties. Whisky was mentioned. Well, the facts regarding whisky are that the increased Customs duties amount to one-third of the total increase in price. I am merely saying that, talking casually, I find there is a common impression that high prices are largely due to increased duties, and I wish to dispel that supposition. As regards increased prices also, I do not want to suggest that the conscience of big business is any more tender than it ought to be, but circumstances limit the possible amount of an increase, and in this particular case of whisky again, a friend of mine who has gone into the figures and on whom I can rely, tells me that there is no help for the present prices.

And then there is another point: all the Honourable Unofficial Members delicately refrained from dealing with the question raised by one Honourable Member concerning the immediate increase in price when new duties are imposed. Now Sir, no business can carry on unless it bases its prices on replacement costs. I do not think I need elaborate that, but if you have goods in stock which at the old price are worth £100 and you have to buy the same goods to replenish them and find £200, you cannot afford to keep the prices down. Then at the other end of the scale it is said when the duties go down the prices do not go down. Well, let us forget about the duties, and let us think only of when any cause makes prices fall. We had a very good example recently. There was a boom and the country was flooded with cotton goods, artificial silk goods and so on. There was a crash, and huge stocks were left on the hands of people who had bought at high prices. I know that many of those stocks were disposed of at less than half their cost.

Then, Sir, there is the matter of control. The Honourable the Commercial Member for Lagos has been good enough to throw a bouquet to Government for the handling of controls. Nevertheless the effect of controls, and particularly of the control which I have charge of—import control—is very hard on a number of people, and it is not distributed evenly. I can see some people whose businesses will almost disappear because of the controls that are exercised. I think it is necessary to say here publicly that these controls are vital, just as vital as any other part of the machinery of war. It was said by a cynic that people who are willing to die for their country are not willing to live for their country. I do not think that that applies to Nigeria. I think that the people of Nigeria will accept very willingly any sacrifices which they feel are necessary. Then who is to determine what is necessary? Surely, Sir, the only people who can determine what is necessary are the people who can see the whole picture, and who having seen and considered, decide that this or that control is necessary or unnecessary.

There is one part of the control that is exercised through control of consumption; that is petrol control, and I want to say that in my opinion the use of petrol by private car owners is, unthinkingly, I am sure, callous. I think that we ought to do what is done in England, not ask people how much petrol they want or how much they think they could do with, but say—"Your ration is five gallons a month; you must do on that." And if a figure is wanted, a figure that I can support, and about which one can reasonably say, "This quantity should be used," I should suggest that careful inquiry should be made as to the normal use of petrol of each private car owner, and I should deduct from that figure forty per cent.

*The House adjourned until 2.30.*

***His Honour the Chief Commissioner, Northern Provinces:***

Though, Sir, we give him credit for complete sincerity, and put down his mistakes to a lack of accurate information, the Honourable the Member for the Rivers Division drew so misleading a picture of the present status of the Sabon Gari and the steps which the Government has decided to take to give greater responsibility and greater representation to those communities, that it is necessary for me to deal with his speech point by point.

The Honourable Member began with a reference to Czechoslovakia, and it will be sufficient to dispose of that suggestion—it was nothing more—by pointing out that no member of this Council can see any resemblance between Field Marshal Goering and the somewhat slimmer figure of the Commandant of the Nigeria Regiment, or any similarity whatever between the Head of the Translation and Publishing Bureau in Zaria and Dr Goebbels. It is probably unnecessary for me to pursue this dissimilarity any nearer home.

From that he made the astounding statement that Nigerians and Hausas cannot mix. I have sometimes wondered what Honourable Members mean when they say Nigerians. It would seem from the speech to which I am replying that 'Nigerian' applies only to certain southern races and that one might say that the North is north, the South is south, and the two can never meet. The Honourable Member may be right—the future will show that. He may be wrong. But in one thing he is very definitely wrong: at the present day, all over the Northern Provinces, we have members of the races in Southern Nigeria living among those of the North peaceably and happily, and showing on both sides that mutual confidence which is necessary to trade and social intercourse.

The members of the Southern races who live in the Northern Provinces are not shut up in Sabon Gari as in the Middle Ages Jews were shut up in a ghetto. They come under the jurisdiction

of the Native Authorities and very very seldom does any difficulty whatever occur. So far as I have been able to judge, there are fewer complaints from those that live under those conditions than those who have to look to the local authority for their administration.

From that point he slipped down the slope of error a little further by talking about this as a minority question. What we mean by a minority question is that there are members of a race, in a minority, living under the control of another race which is in the majority, unable to make use of their own language, their own customs, having no use of their own schools, having no share or little share in either local or central administration. That is no description whatever of the communities in the Sabon Gari. They have their own customs, they have their own schools, they have their own Courts, but they have not hitherto had a really full share in the local self-government, and no share in the Native Administration. They have a couple of members on a purely advisory board which has no authority whatever. We propose that they shall have a Council of their own, a Town Council responsible for the services of the town, responsible for drawing up and submitting to the Native Authority a budget for the expenditure of their town and later on expending such money as can be allowed for those circumstances.

They will continue to have their own Court. More and more these communities are taking their disputes to their own Court rather than to the Magistrate's Court. That is only natural. It is a reasonable development. They take it to people who have an intimate knowledge of their customs and their difficulties and can with much greater ease reconcile differences than can the British Officer who has been doing it hitherto. Not only that, but they will be able to have direct access to the Emir's Council. The Emir of Kano and the Emir of Zaria have both told me that they hope that the representative of the Council of the Sabon Gari will attend meetings of the Emir's Council (particularly when the budget is to be drawn up) regularly, once a month, and on any other occasion when any matter affecting the Sabon Gari is to be discussed. It means that these communities will have, from the beginning of next month, a real body to look after their own interests, and a real share in the larger administration which must affect their own comfort, their own trade and their livelihood in every way.

And here I may refer to a criticism made by the Honourable the Third Lagos Member. He thought that possibly members of some of these communities might be forced to put their grievances, and possibly be prosecuted, before what he called a Native Court. The Court arrangements will remain exactly as they are now. There is the Alkali's Court for the Moslem community, there is the Mixed

Court for other races, and there still remains the Magistrate for such persons as wish to go to him. It is a natural development that many British subjects will take their cases to the Native Court, but we do not insist on it. There is no compulsion whatever, and to go as far as the Honourable Member asked and prohibit by legislation any British subject going before a Native Court, which he can legally do, seems to me to be depriving him of a right which he is perfectly justified in exercising if he wishes, and I have made inquiries and I find that in the Colony outside Lagos British subjects go before the Native Courts of their own free will, and I cannot see why communities in the North should be deprived of a privilege to which the Honourable Member sees no objection in the Colony.

The next point made by the Honourable Member for the Rivers Division was that by the change the communities of the Sabon Gari are going to lose their identity. It is the exact opposite: they are going to get their identity. At the present moment they are merged with two other units in an advisory council. In future, as one unit, they will have their own Council and their own means of approaching both the Emir and the Resident.

I do not think the Honourable Member realises the extent to which the Native Administrations at the present time are carrying out the services in the Sabon Gari. I do not think he realises that there is a Village Head of the Sabon Gari appointed by the Emir, and the changes—external changes—the changes that will affect the daily life of the people when the change takes place at the end of this month, will not be noticeable. It will be noticeable, however, when they feel that they can go to the Native Administration and say, You have got some reserves left, what about spending a little of them on our town? If I may say so, I think they will usually find the Emir less hard-hearted than the Financial Secretary; but there has been one difficulty, and it is a difficulty which I never anticipated and which I very much regret exists. As a result of several conversations with members of these communities, we find that there is a strong atmosphere of distrust between the different races. A member, an Ibo, said he strongly objected to a Yoruba being on the Council because he did not trust him. It appeared that both of them equally, if not more, distrusted another person who came from the Gold Coast. But surely it is the duty of the Government to provide means to reduce that distrust, and by giving them a common object and helping them to work together to make them realise that they are members of one community. When it is their duty to see that the town in which they live is healthy, is well laid out, has proper supplies of water and electricity, and when they are in a position to beautify their town,—make it a place of which they can be proud—I am sure that they will find that their differences will grow less and that they have much more in common than they thought.

Then the First Lagos member criticised the Northern Administration in that there were very few posts for Africans. Well, of course there are far more posts for Africans than there are for Europeans in the Northern Provinces, and more and more educated Africans are taking over responsible posts in the Native Administration and are bringing nearer the day when the District Head will be able to function without having a District Officer to assist him. There is where we want the educated African, but if the Honourable Member means that he considers that educated Africans from the South should be given such responsible posts, then I am afraid he will find that the Northern races will have something to say. Outside the Native Administrations we are also progressing in the direction of giving the educated African the opportunity to do his duty in the Northern Provinces. There are some five or six doctors there at present, and in two cases we agreed that as an experiment there could be an African doctor in a station where there is no other doctor. He is in sole charge of all those who need his aid and skill in that area of every race. It is an experiment, and we were a little doubtful, but I think the right men have been chosen for that experiment, and as a result I know that they are gaining the confidence, in some cases have gained the confidence, of peoples of other races; and I am extremely glad to hear that in most cases they are taking the trouble to learn Hausa, without a knowledge of which a medical officer cannot be of his full value in the Northern Provinces.

A passing suggestion was made that the Native Authorities were handing over certain of their reserves to the Central Government and receiving no interest. I am going to be so bold, Sir, as to criticize one passage in the address with which you opened this meeting of Council. In that, you said that the Native Authorities themselves have acknowledged without demur the justice of the proposal that they should give the use of these funds to the Central Administration. I think, Sir, that those words, 'without demur' are an under-statement. We informed the Emirs and their Councils of what was intended and exactly why it was necessary for this proposal to be made. They were given the opportunity to discuss it by themselves. In touring, I have seen the majority, though I have not been able to see all, the Emirs and their Councils, and so far from their merely not demurring, it was with enthusiasm that they associated themselves with the Central Government in the difficult period which the war has forced on us. What they said, and I am actually quoting the words of two of the Emirs. They said: . . . . . —Our interests are your interests, and we hand over this money to the Central Government cheerfully and enthusiastically. We should like to get it back later on, as there are several public works that we should like to carry out.

I had proposed to say something on this matter of the checking of cash in the Native Treasuries, but that has already been touched on, and I will merely say that, without some such check as that, there would unquestionably be serious mistakes arising. It must be realised that we are building up the clerical and other staffs in the Treasuries and other offices and that they themselves feel that they cannot stand on their own feet just at present.

***The Hon. the Resident, Owerri Province:***

Your Excellency, I rise to refer to two points which were raised by the Honourable Member for the Rivers Division, with particular reference to the Owerri Province. The first was a warning against taking too much notice of the edicts of anthropologists, and particularly he mentioned the use of the esogamous unit in the social structure of the Ibos. That pronouncement was made by a very eminent American anthropologist who had worked in the Owerri Province for a period of over a year, and he said that he thought that it would be very useful if we examined the possibility of using the esogamous unit in building up Native Administration.

Well, as an Administrative Officer I very much welcome any assistance and advice in that way, and particularly as the basis of Native Administration amongst Ibos is not so stable that we can afford to ignore any advice which is given to us, but I submit that the Honourable Member, need have no apprehension that very sweeping changes will be made at any time because of this pronouncement—rather I suggest that the use of the esogamous unit will be very carefully examined by Administrative Officers to see if we can fit it in usefully to the existing framework of Native Administration in accordance with the wishes of the people.

The second point is with regard to the clans in the Delta area of the Owerri Province in which there is the house-rule system. This system is based on ancient practices, which do not at present accord with modern procedure, and they have, I admit, suffered by the repeal of the House Rule Ordinance and by the enactment of the Forced Labour Ordinance. I do not think that anybody will question the necessity for the repeal or the enactment. It is now, I suggest, the duty of the house heads to get together and to endeavour to evolve a system suitable to present-day needs. To this end I have had many conferences with the house heads and I think they are now discussing the matter with their people, and I trust will evolve a system satisfactory to themselves and to their people.

***The Hon. the Acting General Manager of the Railway:***

Your Excellency, Honourable Members—I must crave indulgence for rather more frequent reference to notes than I believe is customary, as I have but taken over a short time.

I first want to congratulate the Honourable Members opposite on their sincerity and their outspoken candour—(at times, possibly, their length—) and particularly in their criticism on the Railway. The Honourable the Third Lagos Member, after expressing with engaging humility the fact that he was not a businessman (not commercial) forthwith gave us a remedy for the Railway's deficit by being made commercial. I suggest that the logic is contentious, for it postulates what is not a fact—that is, that a Company Railway must necessarily not pay dividends. That is not fact. Out of thirty railways, foreign and colonial, some twenty-two show no yield at all, but about eight show a small yield. Even so substantial an undertaking as the London Passenger Transport Board fell short in its "C" Debentures. I suggest that there is nothing unusual even for a Company Railway to have a shortfall. I use the word "shortfall" in the sense of passing its dividends, or ever being short of paying its prior charges, *not* "deficit", which would mean that there is a shortfall between working expenditure and provision of renewals, against Revenue, which has not been the case of the Nigerian Railway. It has not fallen short of working expenditure and renewals.

I suggest that it is imperative to regard fact as it is, and not as one wishes it to be, even if it disappoints hope and contradicts theory. There is an essential difference between a Private Company Railway and a State Railway. The State comes into the field of private enterprise and transport because the private investor finds the possibility of remuneration of his capital so remote that he is not attracted thereto. The State has therefore to undertake it. Granted even that the private investor is prepared to take a little risk, he will not undertake the risk of large development; that is essentially the function of the State Railway. I would like to remind Honourable Members of His Excellency's clear statement in 1936 that the control of the Government over Railway policy would be exactly as before, but there need be no ground for apprehension, in their desire to prove themselves solvent the Railway management would be allowed, or indeed would attempt, to pursue a narrow policy of making the Railway pay at all costs. Time and again it has been expressly stated that the State Railway is an instrument for development. I suggest that in regarding the deficit, *that* major consideration should be borne in mind.

There is an implication in the references that the management was spending too much. I wish to say at once they are not trying to contend that anything is incapable of improvement; we are always ready to receive any constructive suggestions that will reduce expenditure and improve services, but I would like to invite the attention of Honourable Members to the fact that an Annual Report is published, in which is clearly shown a unit figure called Operating Ratio. I put it to Honourable Members that they have

but to find some similar journal or Annual Report of the period and they will find that the operating ratio of this railway stands in favourable comparison to any other. It is not so much the fact that expenditure is up, so much the fact that tonnage density of traffic volume is down, and so receipts are down, and as your fixed charges are somewhere in the neighbourhood of 66% you cannot cut your cloth to suit your traffic.

Turning to the question of the volume or density of traffic—that again is controlled, or revenue is controlled, by the charges you can make for them. The history of the rate structure or traffic and charges in this Railway goes back as far as 1912, when two railways, neither of which paid, were joined together, and together with that, the average and maximum charges or the rates structures of those two railways, instead of being superimposed one on top of another, were joined together, amalgamated and reduced. Subsequent to that, the war surcharges were put on and those rates were increased up to 1921, from which time there has been steady reduction—reduction after reduction—for one reason or another, quite apart from the fact that in the first instance the original system of charges postulated that 400 miles of transport, by river—or shall we put it, that 400 miles of rail transport would be as cheap as 400 miles of water-borne transport. The railway has in every sense been a developmental instrument in that its charges have been low and they have been reduced and reduced and reduced.

A reference has been made in His Excellency's speech to the examination of these charges, and I am glad to be able to say that the examination is now complete, and I would like to add in conclusion to charges that we welcome expert assistance. We welcome criticism—constructive criticism—and we are always ready to have it.

The Honourable the Commercial Member referred to Bornu and he questioned in regard to developmental rates from Bornu, questioning whether it would be entirely beneficial to concentrate on groundnuts. I wish to assure the Honourable Member that as far as any proposition the railway puts up as a result of the death of economic self sufficiency, the new colonial policy, there will be no Gaddarene rush down the hills to Bornu.

In regard to the African staff, I would like to repeat what my General Manager has said before, that we are pursuing a policy of putting an African in where we can find a suitable African to put in, and I would like to give members some figures. In 1930-31 we had 490 Europeans; we have now 326, which is a reduction of 164. African employees have increased from 3,511 to 5,975. The salaried Africans number 1,952-1,991. That policy of putting Africans in where we can find suitable Africans to fill

a job is being pursued, but as one Honourable Member said, it would be unfair to put a man in too early, before he was ready, for a job that was too big for him, and then condemn him and say he was unfitted.

Another member mentioned road transport, that petrol rationing was being used in order to bolster up the Railway. I want to make it quite clear that we the Railway have had very little to do with it. As I understand it,—I have had practically nothing to do with restriction of petrol—as I understand it, the restriction of petrol is to conserve American exchange, and obviously the answer is why buy stuff from abroad, using your money, when you can keep that exchange by burning Nigerian coal.

*His Honour the Chief Commissioner, Eastern Provinces:*

Your Excellency, there has been in the course of the debate comparatively little criticism, and not a great deal of comment on provincial administration matters in so far as they affect the Eastern Provinces.

I will deal as briefly as I can with a few of the more important points which have emerged. Much has been said about the attachment of part of the Native Administration reserves, a point of the very greatest importance to us all. I have had, as yet, no opportunity since the outbreak of war of paying in this Council a deserved tribute to the loyalty and the patriotism of the Native Authorities and the people of the Eastern Provinces. That loyalty was abundantly proved in the early days of the war by the host of messages which were addressed by them to the Government expressing their loyalty and devotion to Government and the Throne. But they have done more than express their sympathies in that way. They have proved by the prompt and full collection of tax from the greater part of the Eastern Provinces that they desired to give us all assistance in their power, and although there may have been, as the Honourable Member for the Ibo Division pointed out, some local difficulties in collection of tax, yet I can say that in many of the more difficult areas tax has been better collected than ever before. I would make special mention of the difficult station of Calabar, where tax collection has formerly been a nightmare, but this year it was completed almost in full so early as Christmas. And finally, the Native Authorities of the Eastern Provinces have shown, in their acceptance of our attachment of half their reserves, a response which I could not possibly have expected.

In the course of the past two or three months I have been able to explain to upwards of twenty of our Native Authorities and Clan Councils the reasons for our demand and to set out as clearly as I could the circumstances in which it is made. In no single instance did I receive any protest against this demand, and in many places

I have received a most fervent response. I should like to mention two instances. In the old town of Opobo, somewhat inaccessible, the House Heads in Council heard my explanation patiently, and when I asked them to consider, to consult their people and let me have their reply in a month's time, their spokesman got up and said: "Sir, there is no reason for consultation. For the past weeks we have been debating among ourselves how can we best help Government. Now here is the way, and we will gladly comply with the demand." (Applause).

In another instance, one of many, a very small Native Authority whose Native Administration can with difficulty balance its budget, when sending its reply to the District Officer, said: "We give half our reserves with pleasure, in the hope that it may help the Government, and we make no demand for its return at any future date." (Applause).

In their speeches various Honourable Members referred to an apparently widespread desire for a faster form of development than we are prepared to concede at present. The Honourable Member for the Rivers Division referred to the repeal of the House Heads Ordinance, and the curtailment of the position of House Heads. The Honourable Member for Calabar said that their ancient glories had been torn from them, and that whereas there used to be a king in Calabar, there was a king no longer. Well, Sir, the form of government in those areas in which the House system prevails went through its period of re-organisation just as any other part of the Calabar and Owerri Provinces. We made the most careful enquiries, and we attempted to base the reorganised system on the wishes of the people. In Calabar, for example, we were able to bring the House Heads into close touch with the leaders of their emancipated House members and to construct a Council which we believe to be fully representative of the thoughts and aspirations of the people of Calabar. Should at any time the people of Calabar approach us and say that they desire to alter their constitution in any way, or should they express a wish to appoint for themselves a permanent President, whatever his title may be, of their Council, we shall be happy to meet them so soon as we are sure that the people themselves genuinely desire it. In the meantime, as the Honourable Member for the Rivers Division has said, I will not put my faith unduly in anthropologists and we shall proceed slowly, and only after consultation with the people, in any reforms which we may think it necessary to make.

The Honourable Member for Calabar gave the impression that there was a good deal of grumbling and dissatisfaction at Calabar not only on this account, but also in connection with the increased prices of merchandise and the low price of produce. So far as the imports of merchandise are concerned, it will be a satisfaction for

him to know that Government has set up machinery which will enable any individual who considers himself unjustly treated, to represent that grievance, and, if justified, to see to its redress.

The Honourable and gallant the Commercial Member for Lagos raised certain points touching our administration, some of which have already been dealt with by Their Honours the Chief Commissioners. A year ago it fell to me to reply to his remarks on the subject of leases, and I then said, as he observed, that the delegation of powers in short-term leases, or leases affecting property of inconsiderable amount, should make for fewer delays. I believe that to have been the case. Certainly I can say that I have been relieved of a great volume of work, inasmuch as the correspondence short-circuits me and goes direct to the Commissioner of Lands. If delay does occur, I suggest once more that it may be in connection with the provision of survey plans and the need for registration; but I would remind the Honourable Member that in any ordinary case immediate occupation is granted so soon as the Resident is satisfied that there is no reason to deny it.

With regard to the counting of Native Administration cash by Administrative Officers, I would emphasize the remarks made by His Honour the Chief Commissioner of the Northern Provinces. The Honourable Member will remember that we are dealing with a population largely illiterate, that we have a responsibility for the good development of their Native Administrations, that we cannot leave that responsibility to a handful of schoolboy clerks who are fresh from school, and I think the District Officers themselves would be reluctant to leave to others less fitted to bear them the essential checks that are now carried out. I may say in this connection, Sir, that you recently approved the cutting out of a Native Court return which involves the submission of thousands and thousands of sheets of paper comprising the criminal cases month by month of all the Native Courts. I have reason to believe that that will spare District Officers a very great deal of work and will also facilitate the work of Residents. But I will add that no sooner had I informed the Residents than I was bitterly attacked by a minority of two, who told me that this was the one return necessary for the proper working of the Native Court. I hope I have been able to persuade them that they will be able to supervise in another manner.

As to income tax, as the Honourable Member said I do not consider the time ripe for the application of a scientific income tax in the Eastern Provinces, and I am happy that conditions should remain unchanged for the present; but I should not like it to be thought that I am completely and smugly satisfied with the application of a poll tax to some millions of persons whose incomes vary between £10 and £50. Although the time may not be ripe for immediate change, yet I am doing all in my power to see that

poll tax shall gradually give place, with the active assistance of the Native Authorities, to a more scientific grading of the tax, so that it is divided equitably between the poor and the richer classes. and I am happy to say that in some few cases the Native Authorities themselves have in fact put into effect a distributary system by means of which the poorer pay less and the richer a little more.

I turn now to a question which has been agitating our minds in the Eastern Provinces to a very great extent—the Resolution of the Ibibio farmers. After what I said about loyalty in the Eastern Provinces, it may have surprised Honourable Members to read a Resolution published in the Press by a number of leading citizens of the Ibibio country. I know that they are men of substance and character, leading members of our Native Authorities, men on whom we rely to mould and guide public opinion, and it came as a great shock to me to hear that they said that in certain circumstances they were not prepared to sell their produce to His Majesty's Government. I made a tour of the area, and I was able to satisfy myself very soon that the Resolution did not in fact convey their meaning. They only desired the right, if circumstances permitted, to sell a portion of their produce in their own way; they did not mean to say that if they were not allowed to do this they would stage a hold up against the British Government, and I would like to inform the House that since those discussions, I have received a letter from the Secretary of the Ibibio Union in which they dissociate themselves from that Resolution in so far as it appeared to constitute any disloyalty to the Nigerian Government or His Majesty's Government.

The questions which the Ibibio farmers have raised have been referred to Government and are, to my knowledge, receiving sympathetic consideration.

The Honourable Member for the Ibibio Division referred to the cost of the Ibesikpo High School, and I share his regret that it has not yet qualified for a grant, but Your Excellency has recently torn up an old ruling to the effect that Native Administrations were in no circumstances to give assistance to Mission Schools. Where a reasonable case occurs, the Native Authority, with your permission and at their own request, are now allowed to give assistance, and I would suggest that the matter be raised before the Native Authority of the Ibesikpo Clan with a view to assistance being given to that deserving school.

In the course of his speech, the same Honourable Member may perhaps unwittingly have given rise to a false impression with regard to the administration of the prisons, at least in the Eastern Provinces. As I understood him, he appealed for more sympathetic treatment of prisoners, with special reference to their education. It may be that those who did not hear his exact words may form the

conclusion that our prisoners are not being sympathetically treated. If any here present did form that conclusion, I should like to combat it most vigorously. I see a great many of our prisons in the course of my tours, and I say with confidence that the inmates of His Majesty's prisons in the Eastern Provinces receive most considerate treatment and are guided by the most enlightened policy that I have seen in operation in any prison service. The Director of Prisons himself has instituted a number of reforms recently in the convict prisons. A prisoner is allowed, subject to the regulations, access to books; any long-sentence prisoner who evinces a desire to study a trade is given every encouragement, and, further, the Director has even gone so far as to inaugurate a series of evening classes for young prisoners between the ages of eighteen and twenty-two, where they are, perhaps, given a better education than they have ever seen before. I feel sure the Honourable Member did not wish to convey the impression that our prisoners are not being treated with enlightened consideration.

The Honourable Member again referred to the possibility of the evolution of a head Chief of the Ibibio Tribe. Well, Sir, in Ibibio as elsewhere in the Eastern Provinces, the present system is based on the wishes of the people, and I have no reason whatever to suppose that the Ibibios, who number half a million at the present day, have the smallest desire to see a head Chief emerge from obscurity, nor do I think they will recognise any one person in that capacity. We know that there are the family Heads, and they give us good service, especially in the matter of tax collection. We know that there are village Heads, sometimes dual in their character, and we are at pains to see that they and their representatives are members of the Clan Councils. It happens often that there may be one man of character or standing, fitted by tradition to occupy the post of Clan Head, and in such case we recognise him as the President of the Native Authority. But if the Honourable Member desires to persuade me that we could create with a stroke of the pen District Head Chiefs, or a Tribal Head Chief, then I must beg leave to differ with him; but any movement in that direction which the people themselves put forward, will receive careful and sympathetic consideration.

In conclusion, Sir, I would deal briefly with the interesting speech made by the Honourable the Member for the Ibo Division. He spoke of tax collection and gave us to understand that a tax collector's lot was indeed not a happy lot. It is true, Sir, that the collection of tax in the Onitsha Division has for some reason always presented great difficulties, but I should like to think those difficulties are gradually disappearing. I had the pleasure the other day of attending a joint meeting of three clans in the neighbourhood of Onitsha where the Honourable Member himself was the spokesman—and a very good spokesman he was too—and

we considered proposals for the federation of these three groups and the setting up of certain common institutions such as a common Native Authority and Treasury. I believe, Sir, that the steps which we are taking, and which have the full support of the people, will lead to the development of a somewhat different public spirit to that which now prevails.

I think that within a measurable time the tax collector may be regarded still as a public enemy, but not as public enemy No. 1, and I feel sure that as the people come more and more to recognise the blessings that only tax can give them, they will view the annual visit of the tax collector with less disfavour. It may be that we shall have to revise our methods of tax collection in the Onitsha Division; it may be that the people themselves will evolve some better system, but I should like to place it on record that so far as tax collection throughout the Eastern Provinces is concerned, I am well satisfied with the existing methods, and I am satisfied that in the greater part of the country the difficulties quoted by the Honourable Member do not occur.

I should like to instance the case of the very large and thickly populated Owerri Division which, in response to the appeals of its Union at home and its branches abroad, paid up the entire divisional quota, I think I am right in saying, within the short space of one month, and without assistance from the District Officer. I hope I may be able to congratulate the inhabitants of the Onitsha Division in a year or two on the same happy results.

***The Hon. the Chief Secretary to the Government:***

Sir, most of the criticisms made by Honourable Unofficial Members have been, I think, answered by the Honourable Official Members who have already spoken, and I suggest that in most cases they have been answered convincingly and that they have to some extent at least cleared the air. There are certain other questions which have not been dealt with, which can better be dealt with, I think, by the Honourable the Financial Secretary when he replies to the motion.

But there remain some other criticisms on which I should like to make a few comments. A number of members in the course of their remarks have charged the Government with being over-optimistic in its revenue estimates. Well, pessimism is always the safest form of prophecy—if you turn out to be right you can say, I told you so; if you are wrong, people are so happy that they forget that you ever were a pessimist. But it is a matter of opinion, of course, and I think I can leave it to the Honourable the Financial Secretary to justify his estimate, if, indeed, Honourable Members have not already been convinced by paragraph 13 of his Memorandum on the Estimates, which some Honourable Members, I

suggest have not read very carefully. In that paragraph you will find what the Government took into consideration and what they did not, why there was uncertainty, and why the position could not possibly be gauged accurately. The Financial Secretary mentioned there the question of shipping. We have been extremely fortunate up to the present, but we never know that we are not going to be short of shipping and if that occurs it is bound to affect the revenue from import duties and so on. He also mentioned there the question of imports, the rising prices of imported goods, and so on, which certainly affect the purchasing capacity of the people, and he finally mentioned the control of imports from foreign countries which we were bound to exercise for the successful prosecution of the war. All these things are bound to affect the Customs Revenue Estimates, and no one can say to what extent they will, because no one knows exactly what is going to happen in the future, but all those matters have been taken into consideration, and as the Financial Secretary said, he has framed the Estimates, on a very conservative basis.

There have been a few criticisms about the prisons, Sir, one at least of which has, I think, been effectively countered by His Honour the Chief Commissioner for the Eastern Provinces. Another criticism was the question of prisoners wearing caps. I think it was the Honourable the Third Lagos Member who brought it up and it has been the subject of controversy in the Press. The principal argument against withdrawing the caps was that it affected the prisoners' health. Well, before the Director of Prisons ever took that step—which he did purely as an economy measure—he consulted the Medical Authorities and he had their assurance that it will have no effect whatsoever on the health of the prisoners. But if by chance there were a case where it might affect a prisoner, then the Director of Prisons will make sure that a cap is provided.

Now I do not think anyone can deny that ninety per cent of the prisoners in our prisons never wore caps in their lives before they went to prison. It is not customary; the remainder may have done, but I suggest that as often as not, it was as much for ornament as anything else. Another argument has been put forward, that it is rather degrading to deprive these prisoners of their caps. I suggest that it is not, and that a prisoner looks less like a convict without the type of cap he has been wearing, than he does with one. As I have said, Sir, if there is any case in which the withdrawal of caps is likely to affect the health of the prisoner, then the Director of Prisons will see that caps are provided.

The criticism was raised, I think by the Honourable Member for the Rivers Division, as to the high cost of rations at Onitsha prison. He stated that the present contract price was 4d a day, and that he was sure, from personal knowledge, that rations could

be obtained for a less sum than that. He suggested that 3d or 3½d would be quite sufficient. Well, I have asked the Director of Prisons to look into that matter and see if the contract price cannot possibly be reduced. I can assure the Honourable Member for the Rivers Division that the Government and the Director of Prisons are as anxious as he is that we should get rations as cheaply as possible. The trouble very often is that when you get a cheap contractor who will do it much under the ordinary price, you find that after a few months he defaults and you are left high and dry, and then you have the greatest difficulty in arranging for a new contract. That aspect of the matter must be taken into consideration.

The Director of Education, in the course of his remarks, I think, replied to most of the criticisms in regard to education, but there was one point which he omitted to mention, and it was that raised by the Honourable the First Lagos Member, in which he said that he objected to scholarships being given for less than the maximum value. He rather implied, I think, that people who could themselves put up some of the money had a better chance of getting the scholarship than those who could not. Well, I am Chairman of the Scholarship Committee, and I can assure him that such is far from being the case, in fact it is the reverse. We have only a limited sum, as Honourable Members know, with which to provide scholarships, and if we have people who can assist and pay part of the expense themselves, it means that the money goes very much further and provides for a larger number of scholars; I can assure the Honourable Member that in deciding whether or not a man should have a scholarship, the question whether he can contribute or whether he cannot, is not taken into consideration.

Now, Sir, I should like to say a few words about the various Produce Control Schemes of which there has been a certain amount of criticism. There were two main charges, as far as I could gather from Honourable Members: the first one was the Government's indifference to the price paid to the producer, and the second one was that in effect the small shippers were not getting a fair deal. I think those were the two main criticisms. Now, as regards the first one it is extremely disappointing to me, to hear it as it will be to any officer of the Government who has had anything to do with these control schemes, indeed I am surprised to hear that there should be an impression abroad that the interests of the producer have not been adequately considered, and that the Government has been indifferent in the matter. The fact is that the prime concern of the Government in dealing with and considering all these produce schemes is to see that the producer gets the maximum possible price. If Honourable Members would consult any of the firms who are interested in these schemes and ask them how exacting the Government had been in enquiring into every

penny of cost in marketing this produce and so on, I am sure that they would tell you that they could not have a harder and stricter overseer than the Government has been with them. We have not only closely examined local transport differentials, to the utmost detail but also examined cost of freight and all other charges, right up to the time when the produce is sold in the United Kingdom. It has been done with the utmost care and it has taken us months and months to come to a satisfactory settlement with the firms, and it is only now that we are beginning to be really satisfied that the producer in Nigeria is getting the absolute maximum price that he can get, bearing in mind the price which can be obtained for these products abroad. So, Sir, I do not think that that charge has any justification. As I have said, the prime concern of the Government in considering these schemes and whether they should be accepted, was to see that the producer got the maximum possible price, and I think, Sir, I am correct in saying that the producer, generally speaking, is very satisfied with the result. I am quite sure it is the case in so far as cocoa is concerned, where the price is so much higher than it was last year, and it is certainly the case as far as groundnuts are concerned in the Northern Provinces. If it were not for the cocoa scheme, I have no doubt myself that our cocoa industry at this present moment would be in a very serious position indeed.

The scheme is briefly this: that His Majesty's Government has guaranteed a price which will give a fair return to the producer. They have agreed that if under this scheme—and they are purchasing all the cocoa—there is any profit made on it by His Majesty's Government, that profit shall come back to this Government. They have told us further that if—and I may say it appears likely—there is any loss on this scheme, then His Majesty's Government, and not Nigeria, will bear that loss. They have further stipulated that the producer shall get a guaranteed minimum price which is fair and reasonable. I do not think we could get a fairer scheme than that, or one more advantageous to Nigeria.

In so far as groundnuts are concerned, it is practically the same position, except that in this case there is no likelihood of a loss being sustained. But I am satisfied that the producer is getting, generally speaking, the best possible price, that it is a reasonable price, and he is far happier now than he has been for the last year or two.

Now turning to the scheme for palm kernels and palm oil. Here we are up against a rather more difficult position. Originally His Majesty's Government thought that they would wish to take the entire palm oil and palm kernel production of Nigeria, and the scheme was initiated on that supposition. They now find that it will be impossible for them to take the whole of our palm produce

and it is likely that some will be released for sale to neutral countries,—how much, we do not know—but His Majesty's Government, I think, will maintain the right to take the whole of our produce if they require it, and I am quite sure that we will be only too glad to let them have it. Now here again, in so far as the palm produce is taken by His Majesty's Government a minimum price has been fixed; the differentials—that is the cost of marketing and so on, freight, insurance—have all been examined exhaustively, and we have fixed the price for palm oil products in Lagos, which is the maximum that can be expected bearing in mind the price that can be obtained abroad for our produce.

There has been a wish expressed that people should be free to export to whom they like and where they like, and there is a feeling in the minds of a good many producers and local organisations that if they were allowed that freedom they could get very much more for their produce than they are actually getting under the control schemes. Well, the Honourable the Commercial Member for Lagos has made reference, and a very apt one, to this aspect of the matter in his remarks yesterday as to the position of the oil markets in the world. He told us that there is great difficulty, and likely to be great difficulty, in obtaining sufficient markets to dispose of our produce abroad. My information, from an entirely independent source, is very much the same, and it was for that reason I welcomed most heartily the suggestion of the Member for the Ibo Division that we should do more to try and develop the sale of our palm products within Nigeria, and not depend entirely on the export market. There are certain points in the scheme which have not yet been cleared up, and in regard to which Your Excellency is at present in correspondence with the Secretary of State. But we hope that those points will be satisfactorily settled at a very early date.

I might add just one more point about palm oil produce, and it is to draw the attention of Honourable Members to the fact that in 1938 and previous years we exported practically 100,000 tons of our palm oil kernels to Germany and to other continental countries and remind them that that market is no longer open to us, and we have to find markets for this quantity elsewhere. Similarly, that market is not open to other oil-producing countries and they have to find markets elsewhere, and as the Honourable the Commercial Member has said, the chief difficulty of those who are trying to sell this produce at the moment is to find a market at all. It is a regrettable position, but it is one which I suggest we must face, and must be patient until times return to normal.

I would like next, Sir, to refer to a suggestion made on the unofficial side of the House, that the Government should agree to the appointment of a commission of inquiry to look into its expenditure. The attack was opened by the Honourable the

Mining Member, who suggested, I think, a commission of businessmen; the Honourable the Commercial Member suggested that provided that the inquiry was conducted in the right way, it may be possible for members of the Government to do it, and he suggested the way in which it should be done. Now I am not going to say that Government will agree to such an inquiry being held, nor that it will not agree, but I will say this, that as soon as the Government is satisfied that any material advantage can be gained from such an inquiry, it will forthwith institute it. Honourable Members, in asking for this inquiry, have not, I suggest, adduced sufficient reasons for such an inquiry. I listened very attentively to such suggestions as were made and I have made a note of them; but, I am not convinced at present that an inquiry will produce the effect which they hope it will. But the Government will give the suggestions very serious consideration, and as I say, if satisfied that any material advantage is likely to be gained from such an inquiry, then it will be instituted.

But let us consider for a moment where we are going to effect this retrenchment. Listening to the remarks of Honourable Members in this Council, it seemed to me that while they suggested that some thousands of pounds might be saved and could be saved if the Government only set about it, they were much more eloquent in making suggestions which would probably cost hundreds of thousands of pounds in increased expenditure. Take our social services. Is there any Honourable Member in this House who will suggest for a moment that the present social services provided by the Government are adequate for the needs of the country; will anyone say that our education facilities are adequate, that our agricultural services are adequate, that our medical services are adequate, or our veterinary and forestry services? There are still large tracts of country in Nigeria where the people have never seen a medical officer or an agricultural or a veterinary officer. They have never had a school, they have no dispensary and no hospital—and this state of affairs applies to a very large part of the population of Nigeria. Surely no one will argue that as far as the social services are concerned, there is any hope whatsoever for any material reduction.

The Honourable the Mining Member suggested, I think, an arbitrary cut of twenty-five per cent. He said that about a year ago he had asked the Financial Secretary if he could produce a statement showing what economies had been effected by the Government, and that the only thing he had got out of the Government was a statement to the effect that travelling allowances had been reduced somewhat. Well, Sir, I would like to attract the attention of the Honourable Member to the Estimates themselves and to the footnotes in the Estimates. If he will examine the footnotes he will see the number of vacancies which have been left unfilled, and he will see very considerable reductions. I would point to

one instance—the number of public works temporary European engineers has been reduced from twenty-two to seven; and there is hardly a page on the Estimates where you will find that there is not some appreciable reduction in staff. Another Honourable Member said that no Africans are being appointed, but the European posts continue to be filled. I think it was the Honourable the Third Lagos Member. Now, Sir, that is not a true statement of fact; no vacancies have been filled. All vacancies have been unfilled, and they *are* to be left unfilled. But that is not all, Sir: the work of the Government and the work of the various departments has not decreased, and there are many other factors to be taken into consideration before talking about reductions of staff. I would remind Honourable Members that the Government has at present released between 120 to 130 officers from the various departments for military service and it is endeavouring to carry on without those officers. The release of these officers is a very serious drain on a Government staff, which before their release had been reduced almost to the absolute minimum.

Criticisms have been made, of the Government's action in getting out additional cadets for the Service. Now this point was raised last year, and I then pointed out that in 1931 the strength of the Administrative Service was 471: to-day it is 427—or forty-four less than it was ten years ago. Now I do not think that anyone will deny that the activities of the Government and the duties and responsibilities of the Administrative Service have increased since that date, but taking that reduced number of 427 we have no less than twelve officers seconded to other Governments who are responsible for their pay while so seconded. We have also had to find additional officers for the Co-operative Department, expansion of which has been urged by Honourable Members on both sides of the House; and we have had to find two officers for the newly created Labour Department; the Service has also been called upon to provide officers for the various Control Schemes that have been introduced, for the Censorship Scheme, for the Information Bureau, and many other purposes arising out of the war.

Having regard to the financial situation, the Government decided on the outbreak of war that it could not possibly afford to increase its staff, despite all these increased demands and up to the present they have all been met without one single addition to the staff—a creditable achievement I suggest.

The Honourable the Member for Lagos paid a very well deserved tribute to the officers of the various Control Schemes. His tribute would have been complete if he had added that all this additional work had been done without any increase in staff.

There is another direction, Sir, in which economy is taking place, and that is in connection with office reorganisation. Honourable Members may know that an officer of the Secretariat, while he was in England a year or so ago undertook a special course on Office Reorganisation and he has now been seconded for special duty in this connection. That officer I can safely say has already saved the Government several hundreds of pounds annually although he has only been at work a few months. One of his first attempts was to overhaul the Government Gazette. As you know, now it is much smaller than it was before. The result of this has been a saving of £180 per annum on paper also. The Annual Reports of all the various departments have been recast in a similar fashion, or will be, and there will be very considerable annual savings there. The officer in question is now engaged in a very close and detailed examination of the organisation in various departments. The Honourable the Commercial Member suggested that someone in the Government should go round and tackle every officer to find out exactly what he is doing and why he is doing it. Well this officer to whom I am referring is at present engaged on that task, and it has already met with some success in effecting staff economies.

One of the suggestions put forward where the Government might save a considerable amount of money, and it is well worth examining, was that of the Honourable the Commercial Member, when he referred to the present organisation of the Port. Well, that whole question is at the moment under the active consideration of the Government and it will lose no time in coming to an early decision, I hope that in the result there will be a considerable saving in cost, without in any way affecting the efficient running of the Port.

One Honourable Member made a suggestion that certain of the emoluments of public servants might be reduced in view of the present financial situation and shortage of money, but I would ask him to consider whether that would be fair. I suggest that it is not fair to penalise the Government officer both ways. He bears his share like all other members of the community, in any increased taxation that may be imposed, and in fact in certain cases it is the Government officer who bears the brunt of that tax—I refer for example to the income tax. I feel quite sure that if an analysis were made of the income tax returns paid, you would find that the bulk of it came from Government servants in Nigeria.

The Honourable the Third Lagos Member made reference to the Government's policy in regard to Africanisation. He quoted Lord Lugard, he quoted Lord Milner, and he quoted various utterances of past Governors in Nigeria setting out what the policy should be. The quotations he made, I think, set out very clearly the

principles applicable when we are considering this question of Africanisation. The Government's policy is now, as it was then, to Africanise the services as rapidly as it can, and the Honourable Member need have no fears that there is any reluctance either on the part of the Government or any of the departments of Government to carry out this policy of Africanisation to the fullest possible extent. I think the Honourable Member appreciated himself that this was the policy of Government, but he complained that that policy was being translated into action in a rather slow manner—and I confess that it is. I must admit that Africanisation has not gone on so rapidly as the Government would like to see it, but it is necessarily a slow process. To equip Africans to take over European posts takes a considerable time; it is only a few years since we started the Yaba College; it is hardly a year or two since we started an Agricultural School in Ibadan; we are just about to start a Forestry Training School to be run on similar lines, and I hope at no distant date we shall also have a Veterinary School also run on the same lines, from which we shall in course of time be able to obtain assistant veterinary officers who can replace a number of Europeans now working in that Department—that is the aim and object of the school, to train Africans so that in due course they can take the place of some of the European staff.

I am very glad to hear the remarks made by the Honourable Member for the Ibo Division on the subject of internal marketing. It is a matter to which the Government attaches vital importance, and as Your Excellency has already said, we have already made a start by appointing a special officer as Marketing Officer to study these problems and to get the organisation going. The Honourable Member rightly urged that the possibility of a fish-curing industry should be explored particularly as we are no longer able to obtain fish from Scandinavia. Well, that matter is also under the active consideration of the Government, and I hope that something will materialize at no distant date.

There is just one remark I should like to make in connection with observations of Honourable Members in connection with the new Colonial Development Fund. The Honourable the Commercial Member said in effect that the fact that we are not self-sufficient, or that we are not likely to be self-sufficient is a matter on which we could pride ourselves and I quite agree with him. I hope that whatever we get from this fund will, in effect, help us not only to become self-sufficient, but more than self-sufficient. I think that we have felt our insufficiency very keenly lately for more reasons than one and in particular that owing to financial stringency we have been unable to assist His Majesty's Government as much as we would wish in the prosecution of the

war. As I mentioned the other day the Government is losing no time in framing schemes and proposals for utilising the money that we hope to get in the best interests of the people of Nigeria.

Well, Sir, I think it will be agreed that the debate on the budget has not been unproductive: it certainly has not as far as I am concerned, and I have listened with great interest to very useful criticism made by Honourable Members. I can assure them that all their criticisms will be given the earnest consideration of the Government, and that as far as practicable and desirable their suggestions will be adopted.

### *His Excellency:*

Before I call upon the Honourable the Financial Secretary for his reply, I should like just to say one or two words about references that Honourable Members have been kind enough to make to myself during the course of their speeches.

The Honourable and Learned Member for the Egba Division made a very gratifying reference to the services my wife and I have been able to do in this country, for which I am exceedingly grateful. Other members have referred to the part that I have played in connection with the launching of the new Colonial Development and Welfare Scheme. I hope that they won't give me too much credit for this. It is quite true that I did address the Secretary of State on the subject quite forcibly, and I think, in fact I am confident, that I gave him some ammunition that was very useful to him in his assault on the Chancellor of the Exchequer, but I do not think that I can claim to have done more than give a good hearty kick to a ball that had already started rolling in the right direction.

The Honourable and Learned Member for the Egba Division repeated the suggestion which was made at the last meeting of the Council that because I had found it desirable to make a voluntary contribution to the revenue, other Government servants might do the same. That is not really a very fair suggestion, as I think the Honourable Member now realises. My voluntary contribution is in lieu of the statutory contribution to the revenue which is made by other members of the community, European and African alike. If other officials were to start to make voluntary contributions, I should have to make a further contribution to equal those, and so we should reach the stage of paying all our salaries to the Government.

The Honourable the Third Lagos Member made a suggestion which I fear I cannot accept, that while my own intentions were always blameless, I was sometimes hampered in their execution by the attitude of my Heads of Departments. I remember when I was Chief Secretary of Ceylon, I complained to the Governor that

when the Government did anything popular the newspapers praised the Governor, but when the Government did anything unpopular, they blamed the Chief Secretary. I do not want that sort of thing to be done in Nigeria, and in spite of the Honourable Member's very kind efforts to absolve me from all blame, I am afraid that I must accept a full share of responsibility for the shortcomings of the Government.

I will now call upon the Honourable the Financial Secretary.

*The Hon. the Financial Secretary:*

Your Excellency, I have listened with great interest to the speeches on the second reading of the Appropriation Bill, and like my honourable friend the Chief Secretary, I can assure members that the criticism will be taken to heart. Most of it has been welcome, constructive criticism, and I listened with particular interest to the speech of my honourable friend the Commercial Member for Lagos, with whom on occasions I have not hesitated to disagree in the past; but I feel that speeches like that—and there were several others—are really helpful to Government.

I think the points made by Honourable Members have been dealt with in the replies from this side of the House, and I am left with little more than the general aspect of the Budget in regard to revenue, and perhaps the general criticism that Government is inclined to spend too much. Taking the latter point first, I noticed that the criticism was apparently coupled with an invitation to spend more, because on every occasion or very nearly every occasion on which it was stated that Government should economize, Government was also urged to create additional posts, to promote people to higher appointments, grant additional facilities to Africans, and so on. Well, I do not pretend to be a magician, and if we find difficulty in obtaining funds for the services for which we do provide, we certainly cannot provide additional funds to give those added facilities.

The Honourable Member who represents the Mining community suggests that Government should have made it a twenty-five per cent reduction. I assume the Honourable Member did not intend to suggest that we cut our fixed charges, public debt charges and so on by twenty-five per cent; but even leaving those out of account, it sounds a very nice, simple way to effect economies of probably more than half a million pounds. But I submit, Sir, that a Budget cannot be prepared on that basis. If we turn to the Head with which the Honourable Member is primarily concerned, we will see that out of expenditure in the neighbourhood of £12,000, staff accounts for more than £9,000. Now, if we are going to cut that vote by twenty-five per cent, I think it will be obvious that it will be a physical impossibility to maintain that staff. You cannot cut the whole amount from the various

incidental votes. Furthermore, I do not think that the Mining Community has expressed the view that the staff is excessive. But that is only an instance; I merely mention, Sir, that it sounds so easy to make a twenty-five per cent cut, but that is not constructive criticism that will help to present a sound Budget. The Honourable Member also suggested that taxation in this country was liable to frighten capital away. I do not deny, Sir, that in the light of our latest impositions of taxation the rate is fairly high. It is a good deal higher than a few years ago. I do not think it is high in relation to other countries in the British Empire, but if my honourable friend can show that taxes imposed are such as to render it impossible for capital to earn a reasonable return, then I shall be prepared to consider the possibility of submitting to Your Excellency recommendations for amending the taxes.

Another criticism, a fairly general criticism, was that the Revenue Estimates were perhaps framed too high. Well, there I think I cannot do better than quote my honourable friend the Commercial Member for Lagos when he said "No man on earth can forecast what our Revenue will be for the coming year". All I maintain is that in the light of the known facts we have produced an Estimate which is a reasonable one. We have allowed for all the factors of which we are aware. We realise that there may be major changes in the world situation; we are fully aware that any one of those major changes may have a disastrous effect on our Revenue. There is also the possibility that a major change might affect our Revenue in the right way, but I am satisfied, Sir, in the light of the information that is available, that the Estimates are reasonable, and, taken as a whole, on the safe side.

I would like to quote one particular criticism.

The Honourable the First Lagos Member said: "Last year all the members here remarked that the Revenue had been over-estimated. We went to Committee and we compromised somewhat, but in the end we found that we were about £200,000 too high in our Estimates." If, Sir, I am correct in understanding that to mean that Finance Committee last year reduced the Estimate originally put to Council by £200,000, it is not a correct statement of fact. The report of the Finance Committee . . . . .

***The First Lagos Member (The Hon. H. S. A. Thomas):***

May I offer a word of explanation here, Your Excellency. I am sorry my notes disappeared mysteriously, and my facts are not so collected as I should like, but my main purpose is to show that the Estimate we now put forward is £200,000 above the revised Estimates 1939-40, and that is, so far as I understand, not in the sense of proportion.

**The Hon. the Financial Secretary:**

I am glad, Your Excellency, to hear that, because I do not think that that was the impression that the Honourable Member's original remarks would have given, but taking it as it is now—it is correct that the total Estimate for the coming year is in excess of the Revised Estimate for the current year. It is not, as suggested, £200,000 in excess, but £80,000 in excess. Bearing in mind that the Estimates for next year include a full year's receipts from the increased Customs dues, whilst the revised Estimate for this year includes only four months, that it also includes £20,000 in respect of excise duty, I am prepared to take my stand on the figures as they appear in the printed Estimates.

I think, Sir, the only other comment I need make is to add to that well worn theme about Africanisation of staff. It is unnecessary for me to repeat how desirous we all are of giving increased opportunities to Africans, but I would like to say that the difficulty, the greatest difficulty that I have experienced is to find the right men. No one could be more anxious than I (though I have no doubt others are equally anxious), to appoint Africans to positions of responsibility. Repeatedly we try to find the men, and repeatedly we find difficulties. I do not say that there are not some men, but I do say that they are not plentiful. Given the men, we shall be able to find quite a number of jobs for them.

Now, Sir, I think there is nothing more that I have to answer. Honourable Members on this side have dealt with all the points raised by unofficial members, and in a few minutes I shall be moving that the Estimates be referred to Finance Committee, when we shall get down to a less formal atmosphere, but I think perhaps a little more strenuous one, when we come to examine the details, and I would only say there, Sir, that just as Government has welcomed criticism on matters of principle, so I shall welcome suggestions on matters of detail.

*Bill read a second time and referred to the Standing Committee on Finance.*

*House adjourned.*



# Debates in the Legislative Council of Nigeria

Friday, 15th March, 1940

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Pursuant to notice the Honourable the Members of the Legislative Council met in the Council Chamber, Lagos, at 10 a.m. on Friday, the 15th of March, 1940.

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## PRESENT.

### OFFICIAL MEMBERS.

- The Officer Administering the Government,  
His Excellency C. C. Woolley, C.M.G., O.B.E., M.C.
- The Acting Chief Secretary to the Government,  
The Honourable T. Hoskyns-Abrahall.
- The Chief Commissioner, Northern Provinces,  
His Honour T. S. Adams, C.M.G.
- The Chief Commissioner, Western Provinces,  
His Honour G. C. Whiteley, C.M.G.
- The Chief Commissioner, Eastern Provinces,  
His Honour G. G. Shute, C.M.G.
- The Attorney-General,  
The Honourable H. C. F. Cox, K.C.
- The Financial Secretary,  
The Honourable H. L. Bayles, C.M.G.
- The Director of Medical Services,  
The Honourable Sir Rupert Briercliffe, Kt., C.M.G.,  
O.B.E.
- The Director of Education,  
The Honourable E. G. Morris, O.B.E.
- The Director of Marine,  
Commander the Honourable A. V. P. Ivey, R.D., R.N.R.
- The Comptroller of Customs,  
The Honourable A. E. V. Bartou, C.B.E.
- The Acting Deputy Chief Secretary,  
The Honourable J. J. Emberton, M.C.

- The Acting General Manager of the Railway,  
The Honourable C. E. Rooke.
- The Director of Public Works,  
The Honourable S. J. W. Gooch.
- The Director of Agriculture,  
Captain the Honourable J. R. Mackie.
- Captain the Honourable A. W. N. de Normann,  
Commissioner of Lands and Surveyor-General.
- The Honourable S. R. Marlow,  
Deputy Financial Secretary,  
(Extraordinary Member).

## UNOFFICIAL MEMBERS.

- The Member for Shipping,  
The Honourable H. S. Feggetter.
- The Member for the Egba Division,  
The Honourable A. Alakija, C.B.E.
- The Member for the Colony Division,  
Dr. the Honourable H. Carr, D.C.L., O.B.E., I.S.O.
- The Member for the Ibo Division,  
The Honourable B. O.-E. Amobi.
- The Member for the Rivers Division,  
The Honourable S. B. Rhodes.
- The Member for the Warri Division,  
The Honourable Asifo Egbe.
- The Member for the Oyo Division,  
The Honourable N. D. Oyerinde.
- The Banking Member,  
The Honourable D. D. Gibb.
- The Commercial Member for Lagos,  
Lieutenant-Colonel the Honourable R. M. Williams.
- The Member for Calabar,  
The Reverend and Honourable O. Efiang.
- The Member for the Ibibio Division,  
The Honourable N. Essien.
- The Member for the Ijebu Division,  
Dr. the Honourable N. T. Olusoga.
- The Third Lagos Member,  
The Honourable O. Alakija.

- The First Lagos Member,  
The Honourable H. S. A. Thomas.
- The Mining Member,  
Lieutenant-Colonel the Honourable H. H. W. Boyer,  
M.C.
- The Commercial Member for Kano,  
The Honourable W. T. G. Gates.

## ABSENT.

## OFFICIAL MEMBERS.

- The Commandant,  
Brigadier the Honourable G. R. Smallwood, M.C.
- The Senior Resident, Cameroons Province,  
The Honourable A. E. F. Murray.
- The Senior Resident, Kano Province,  
The Honourable J. R. Patterson, C.M.G.
- The Senior Resident, Plateau Province,  
The Honourable E. S. Pembleton.
- The Senior Resident, Oyo Province,  
The Honourable H. F. M. White.
- The Senior Resident, Niger Province,  
The Honourable P. G. Harris.
- The Secretary, Northern Provinces,  
The Honourable A. E. V. Walwyn.
- The Resident, Benue Province,  
The Honourable D. M. H. Beck, M.C.
- The Resident, Owerri Province,  
The Honourable F. B. Carr.
- The Resident, Katsina Province,  
The Honourable R. L. Payne.
- The Resident, Ogoja Province,  
The Honourable K. V. Hanitsch.
- The Resident, Benin Province,  
Captain the Honourable N. C. Denton.

## UNOFFICIAL MEMBERS.

- The Commercial Member for Port Harcourt,  
The Honourable P. H. Davey.
- The Commercial Member for Calabar,  
The Honourable L. A. McCormack.
- The Second Lagos Member,  
Dr. the Honourable K. A. Abayomi, M.D.

**PRAYERS.**

His Excellency the Officer Administering the Government opened the proceedings of the Council with prayers.

**CONFIRMATION OF MINUTES.**

The Minutes of the meeting held on the 7th of March, 1940, having been printed and circulated to the Honourable Members, were taken as read and confirmed.

**OATH.**

The Honourable J. J. Emberton, M.C., Acting Deputy Chief Secretary, took the Oath as a Member of the Council.

**PAPERS LAID.**

The Honourable the Financial Secretary, Chairman of the Select Committee appointed to consider the Draft Estimates, laid the following paper on the table:—

Report of the Finance Committee of the Legislative Council on the Draft Estimates of Revenue and Expenditure for 1940-41.

The Honourable the Deputy Financial Secretary, Chairman of the Select Committee appointed to consider a Bill entitled "The Income Tax Ordinance, 1940", and also a Bill entitled "The Native Direct Taxation Ordinance, 1940", laid the following paper on the table:—

Report of the Select Committee of the Legislative Council appointed to consider and report on two Bills entitled "The Income Tax Ordinance, 1940", and "The Native Direct Taxation Ordinance, 1940".

**NOTICE OF QUESTIONS AND MOTIONS.****RESOLUTIONS.**

On the motion of the Honourable the Financial Secretary, seconded by the Honourable the Member for the Egba Division, the following Resolution was adopted unanimously:—

"Be it resolved: That the Report of the Finance Committee of the Legislative Council on the Draft Estimates of Revenue and Expenditure for 1940-41, which was laid on the table to-day, be adopted."

On the motion of the Honourable the Deputy Financial Secretary, seconded by the Honourable the Member for the Egba Division, the following Resolution was adopted unanimously:—

"Be it resolved: That the Report of the Select Committee of the Legislative Council appointed to consider and report on two Bills entitled "The Income Tax Ordinance, 1940", and "The Native Direct Taxation Ordinance, 1940", which was laid on the table to-day, be adopted."

**The Hon. the Financial Secretary:**

Your Excellency, I beg to lay on the table the Report of the Finance Committee of the Legislative Council on the Draft Estimates of Revenue and Expenditure for 1940-41, and in doing so, Sir, may I call attention to a clerical error which unfortunately slipped through in the third line of page 2. The word "anomalies" should read "discrepancies".

I also lay on the table revised schedules 1 and 2 of the Appropriation Bill.

**The Hon. the Deputy Financial Secretary:**

Your Excellency, I beg to lay on the table of the House the Report of the Select Committee of the Legislative Council appointed to consider and report on two Bills entitled "The Income Tax Ordinance, 1940", and "The Native Direct Taxation Ordinance, 1940", copies of which have been placed on the table before each Member of the House.

**QUESTIONS.****The Member for Calabar (The Rev. & Hon. O. Efiang):**

1. (Question No. 1 of the 7th of March, 1940). (a) To ask the Honourable the Director of Education whether the following institutions are regularly inspected and if so at what intervals:—

(i) Yaba Higher College, (ii) Kaduna College, (iii) King's College, Lagos, (iv) Ibadan Government College, (v) Umuahia Government College, (vi) Queen's College, Lagos.

(b) When was the last inspection made in each case?

(c) By whom were the inspections conducted?

(d) Will the inspection report of each be laid before this Council?

Answer:—

**The Hon. the Director of Education:**

(a) Neither the Higher College nor Kaduna College has yet been formally inspected, but the Higher College was visited by members of the Achimota Inspection Board in November, 1938. The remaining institutions mentioned by the Honourable Member are inspected from time to time as circumstances render such action desirable and practicable.

(b) (iii) May, 1932. (iv) July, 1933. (v) March-April, 1933. (vi) January, 1933.

(c) The Director of Education, the Assistant Director of Education, Southern Provinces, the Chief Inspector of Education and the Lady Superintendent of Education.

(d) No, Sir; it is not considered that any useful purpose would be served by publishing these or future reports of this nature. The working of these institutions is reported on fully in the Annual Report of the Education Department for each year which is laid before the Council.

*The Member for Calabar (The Rev. & Hon. O. Efiang):*

2. (Question No. 2 of the 7th of March, 1940). (a) To ask the Honourable the Director of Education how the standard of instruction given at the Yaba Higher College compares with that given at (i) the best Secondary Schools in England, and (ii) good University Colleges in England?

(b) At what stage in their Secondary School career do pupils in the best Secondary Schools in England take the Intermediate or the Higher School Certificate Examination?

(c) At what stage in their career are the Yaba Higher College students sufficiently trained to be able to pass the Intermediate or the Higher School Certificate, should they choose to take it?

(d) Whether the following subjects are taught at the Yaba Higher College:—(i) Physics, (ii) Agricultural Science, (iii) Commercial Law, (iv) Inorganic Chemistry, (v) Geography, (vi) Education, (vii) Botany, and (viii) Zoology? If so,

(e) What special qualifications such as Honours Degrees in the subject they teach did the instructors on these subjects hold prior to accepting their appointments in Nigeria?

(f) Has the Yaba Higher College a Syllabus Committee or Committees? If so,

(g) Who are the members of the Syllabus Committee or Committees?

(h) What amount was spent by the Government in each of the last three calendar years ended December, 1939, on the purchase of new books for the Yaba Higher College Library?

*Answer:—*

*The Hon. the Director of Education:*

(a) The standard aimed at at present is, broadly speaking, that of the Intermediate stage of a University course. It is therefore not possible to compare it with that of either a secondary school or a University College.

(b) The Intermediate Examination is not a school examination, and is not normally taken by pupils in English secondary schools. The Higher School Certificate is taken usually two years after the School Certificate.

(c) Students are not prepared for these examinations at the Higher College. Some students could sit these examinations after two and a half years but they are not encouraged to do so until they have taken their diploma.

(d) (i) Yes.

(ii) No, but agricultural students proceed to a two years course at Moor Plantation after leaving the Higher College.

(iii) Yes, the elements of Commercial Law.

(iv) Yes.

(v) Yes, the Geography of West Africa.

(vi) Yes.

(vii) Yes.

- (e) (1) M.A. Hons. Oxon. Maths.  
 (2) Not taught at Higher College.  
 (3) A.C.I.S.  
 (4) B.Sc. Hons. Edin., Ph.D., A.I.C., F.C.S., F.R.S. (Edin.).  
 (5) B.A., Trinity College, Dublin.  
 (6) B.A. Hons. Oxon. Diploma in Education, London.  
 (7) B.Sc. Hons. Glasgow.  
 (8) Do. Do.

(f) No. Syllabuses have been framed in consultation with the departments concerned, and submitted to the Heads of Departments for approval.

(g) Does not arise.

|     | 1937-38.     | 1938-39.    | 1939-40.      |
|-----|--------------|-------------|---------------|
| (h) | £93 10s. 2d. | £79 8s. 7d. | £104 14s. 8d. |

**The Member for Calabar (The Rev. & Hon. O. Efiang):**

3. (Question No. 3 of the 7th of March, 1940). (a) To ask whether the Yaba Higher College and Kaduna Higher College have a Board or Boards of Examiners in connection with their respective Diploma Examinations? If so,

(b) Who are the members of the Board or Boards of Examiners?

(c) How many successful candidates and how many failures had each of those Colleges at their last Diploma Examinations in 1939, and what marks did each of the candidates obtain in each of the papers?

Answer:—

**The Hon. the Director of Education:**

(a) No, Sir. Papers for the Yaba Higher College diploma are set and corrected by the departments concerned. No diploma is awarded at Kaduna College.

(b) Does not arise.

(c) Yaba.—Ten successful candidates, two failures.

Kaduna.—As already stated, there is no diploma examination. It is not considered to be in the public interest to publish detailed mark sheets.

**The Member for Calabar (The Rev. & Hon. O. Efiang):**

4. (Question No. 4 of the 7th of March, 1940). (a) To ask the Honourable the Director of Education for the total expenditure in each of the calendar years 1938 and 1939, on Personal Emoluments, Allowances, Furlough and Local Leave Passages, etc., respectively, in connection with the European staff of Government Educational Institutions and their wives under the existing arrangements for long vacations, whereby they all proceed home on furlough annually and close down those institutions meanwhile?

(b) What would have been the difference in expenditure had the European members of the staff of each of those institutions taken their leaves when normally due after a full tour?

*Reply not yet ready.*

**The Member for the Ibo Division (The Hon. B. O.-E. Amobi):**

5. (Question No. 5 of the 7th of March, 1940). (b) (iii) How many of the successful candidates have been placed in permanent appointments?

(c) If the answer to question (b) (iii) above is in the negative, to ask for an explanation as to why the successful candidates have not been placed in permanent appointments?

*Reply not yet ready.*

**The Member for the Ibo Division (The Hon. B. O.-E. Amobi):**

6. (Question No. 6 of the 7th of March, 1940). To ask the Honourable the Chief Secretary to the Government—

(a) What is the total number of Africans working either as Clerks, Accountants, Book-keepers, or Storekeepers, under the various trading firms operating in Nigeria?

(b) What are the conditions of their employment?

(c) What steps have the Government taken or contemplate taking to ensure that these employees of the firms are employed under fair conditions of employment?

*Reply not yet ready.*

**The Member for the Oyo Division (The Hon. N. D. Oyerinde):**

7. (Question No. 7 of the 7th of March, 1940). (a) To ask the Honourable the Director of Education whether it is a fact that the Ibadan Grammar School Grant has been reduced?

(b) If so, by how much per cent has it been reduced?

(c) What are the reasons for the reduction of the grant?

(d) What was the classification of the School in (i) 1937, and (ii) 1938?

(e) Is it a fact that the School was not inspected in 1938?

(f) If so, why was the School not inspected?

(g) Upon what ground was the 1938 classification based?

(h) Is it a fact that the usual time of the inspection of the School was between the months of September and October, of each year?

(i) Why was the time of the inspection of the School changed to April in 1939, when the fate of the School depended upon that inspection?

*Reply not yet ready.*

**The Member for the Rivers Division (The Hon. S. B. Rhodes):**

8. (Question No. 8 of the 7th of March, 1940). (a) Is Government aware that monies deposited with Government by unpaid Bailiffs as securities, yield no interest whereas monies deposited as securities by persons employed by trading firms yield interest?

(b) If the answer is in the affirmative, will Government consider the advisability of placing all such securities on fixed deposit in one of the local banks and all interest accruing therefrom placed to the credit of the said Bailiff concerned?

(c) Will it not be more advantageous for Government to receive the fees and all Bailiffs be taken on the staff as paid Bailiffs?

(d) Is there any special reason or reasons why paid Bailiffs are attached to Degema and Port Harcourt, whereas an unpaid Bailiff to Aba?

*Reply not yet ready.*

**The Member for Calabar (The Rev. & Hon. O. Efiog):**

9. (Question No. 10 of the 7th of March, 1940). (a) Referring to the Printed (Approved) Nigerian Estimates 1939-40, Page 78, Item 11, to ask how many Office Assistants (Northern Provinces) have retired during the current financial year? And

(b) Whether the vacancy or vacancies have been filled?

(c) If the answer is in the negative, to ask for the reason or reasons which led to that decision?

*Answer:—*

**The Hon. the Chief Secretary to the Government:**

It would be well perhaps to preface the reply to this question by observing that the approved salary scale for Office Assistants in the Provincial Administration of the Northern Provinces, which was fixed when the posts were created in 1922, is the same as that for Chief Clerks, *viz.*, £310-15-400. The scale rising to £475 on which Africans in other departments have been appointed to the post of Office Assistant has never been applied to them. No posts of Office Assistant have existed in the Provincial Administration of the Southern Provinces.

(a) Two.

(b) In accordance with a decision taken over a year ago these two posts have been replaced by two additional Assistant Chief Clerkships on the scale £240-12-300 and appointments to the latter have been made.

(c) A review of the Clerical Staff of the Provincial Administration (including the Provincial Secretariats) undertaken in 1938 showed that the Southern Provinces were at a considerable disadvantage in regard to the provision of posts in the highest grade, *viz.*, £310-15-400, there being only one in the Southern Provinces as against five in the Northern Provinces. It was then decided to increase the number in the Southern Provinces to four and to reduce that in the Northern Provinces to three as vacancies occurred.

**The Member for the Egba Division (The Hon. A. Alakija, C.B.E.):**

10. (Question No. 12 of the 7th of March, 1940). (a) Would the Honourable the Director of Education consider the advisability of establishing a Secondary School for the Ngwas instead of the three Native Administration Elementary Schools which are now contemplated?

(b) If not, will the honourable gentleman state his reason?

(c) What is the highest class in these proposed Native Administration schools?

*Reply not yet ready.*

**The Member for the Ibibio Division (The Hon. Nyong Essien):**

11. (Question No. 13 of the 7th of March, 1940). (a) To ask the Honourable the Director of Medical Services whether the kind of beds used by the students of the Higher College at Yaba, the height of which is about seven (7) inches at the head part and the foot part measures about five (5) inches from the floor, was recommended and approved of by medical science?

(b) If so, what is the Sanitary Authority recommending and approving the use of such beds there?

(c) If not, whether such kind of wooden beds is not a defect in that institution and the use of the same injurious to the health of the boarders?

(d) Whether such kind of beds has been so recommended and so used in any other of the British Colleges?

(e) If the reply is in the affirmative, where?

(f) If the reply is in the negative, what was it that caused introduction of such into Nigeria for the use of Nigerian students?

(g) Whether the authorities concerned and responsible will, please, consider the expediency and desirability of furnishing the College with metal bedsteads suitable for such an institution.

(h) If not, why not?

*Answer:—*

**The Hon. the Director of Medical Services:**

(a) Yes, Sir.

(b) This type of bed was recommended by the Deputy Director of Health Services, Nigeria. He suggested metal ends but this involved expenditure which has been avoided by providing suitable wooden ones.

(c) See replies to (a) and (b).

(d) It is not known. No standard bed is supplied in other British colleges.

(e) Does not arise.

(f) Considerations of hygiene and comfort.

(g) No change is contemplated.

(h) Because the present arrangements are suitable.

**The Member for the Ibibio Division (The Hon. Nyong Essien):**

12. (Question No. 14 of the 7th of March, 1940). To ask the Honourable the Director of Education:—

(a) Is it a fact that owing to war conditions certain members of the Yaba Higher College staff arrived late last October?

(b) Whether, during September and October, 1939, a European acted for the Principal and an African for the House Tutor of the College?

(c) What was the Principal's Duty Pay for that period, and what percentage of it did the Acting Principal receive?

(d) Was the House Tutor entitled to, and receiving Duty Pay?

(e) What proportion of the Duty Pay did the African Master get during the period he acted for the House Tutor of that College?

(f) Is it a fact that there appears to be a shortage of staff of the Higher College, Yaba, owing to the transfer of one of the members of the staff and to the impending leave due to another?

(g) Is it a fact also that owing to that shortage of staff a certain European has been detailed to lecture in English to the students, particularly those who are taking their Diploma this year? If reply is in the affirmative,

(h) What are the qualifications entitling the lecturer to that important and responsible office?

(i) What is the scale of salary to which the lecturer is entitled to receive for that duty?

(j) Is it a fact that the same man is attached for the same purpose to the faculty of Commerce in that College? If so,

(k) What are his emoluments and qualifications?

(l) Is Government aware of the Editorial of the *West African Pilot* issue of Tuesday the 1st of August, 1939, in connection with staffing of the Yaba Higher College?

(m) What steps are being taken by Government to act on those suggestions?

(n) Whether Government will state the reason for retaining the services of the newly appointed lecturer on the staff of that College?

(o) If not, why not?

(p) Whether Government will, please, consider the desirability, and agree, that all the lecturers on the staff of that College are University Graduates?

(q) If not, why not?

(r) Will Government kindly make a statement of the general educational policy of the Nigerian Government?

(s) Whether Government will, please, consider the desirability of increasing the present educational vote to £500,000?

*Reply not yet ready.*

*The Member for the Ibibio Division (The Hon. Nyong Essien) :*

13. (*Question No. 15 of the 7th of March, 1940.*) (a) To ask the Honourable the Director of Education to state the duties and responsibilities of the Travelling Teacher as compared with those of the Superintendent of Education?

(b) Is the office of the Travelling Teacher redundant in the education system of Nigeria, in view of the existence of the office of the Superintendent of Education?

(c) If reply to (b) is in the negative, how does the Travelling Teacher benefit the native educationally?

(d) If reply to (b) is in the affirmative, will Government kindly consider the desirability of amalgamating the two offices?

(e) Is it a fact that the Travelling Teacher's office is that part of Education Department in Nigeria, which exists for the benefit of the few at the expense of the many, and is also an impediment and detrimental to educational advancement of Nigerians?

(f) If reply to (e) is in the negative, where, in education system in Britain, France and America, does "Travelling Teacher's Office" obtain?

(g) What is (i) its origin, (ii) its purpose, (iii) its aim and (iv) its object?

(h) If reply to (e) above is in the affirmative, will Government, please, see to immediate abolition of that office?

(i) If not, why not?

(j) Of the two Education Officers, namely, the Superintendent of Education and the Travelling Teacher, who is "Inspector of Schools" in Nigeria?

(k) Whether, in view of existing fall of Government Revenue, Government will kindly consider to substitute the office of the Travelling Teacher for that of the Superintendent of Education, and appoint capable Africans to fill the same?

(l) If not, why not?

*Reply not yet ready.*

**The Member for the Ibibio Division (The Hon. Nyong Essien):**

14. (Question No. 16 of the 7th of March, 1940). (a) What are the detailed and specific functions of the Forestry Department?

(b) What benefits does Nigeria derive from its existence?

(c) How far has use been made of African Personnel for specialised training in that department and what steps are being taken in that direction?

*Reply not yet ready.*

**The Member for the Ibibio Division (The Hon. Nyong Essien):**

15. (Question No. 17 of the 7th of March, 1940). (a) How many Government (i) 3rd Class Nurses, (ii) 2nd Class Nurses, (iii) 1st Class Nurses and (iv) Senior Nurses are there in Nigeria?

(b) What is the rate of salaries paid to each of the classes?

(c) What is the intention of Government towards the old 2nd Class Nurses who have been reverted to 3rd Class Nurses after the revision of salaries in April, 1936?

(d) Is it a fact that some of those Nurses have served the Government for the past ten to twenty years with good records but without promotion?

*Answer:—*

**The Hon. the Director of Medical Services:**

|                 |                      |              |               |
|-----------------|----------------------|--------------|---------------|
| (a) and (b) (i) | 400 3rd Class Nurses | Salary Scale | £30, £36-6-72 |
| (ii)            | 47 2nd .. ..         | .. ..        | £80-8-128     |
| (iii)           | 50 1st .. ..         | .. ..        | £140-10-180   |
| (iv)            | 10 Senior .. ..      | .. ..        | £190-10-220   |

(c) It is the intention of Government that the former 2nd class nurses (who were on the scale of £36-6-66), now regraded as 3rd class nurses, should be promoted to the new 2nd class grade in the

normal manner: that is to say when they have been on the maximum salary for 3rd class nurses for one year and are in other respects fully qualified for promotion. In this connection attention is drawn to the answer supplied to Question No. 49 asked by the Member for Calabar.

(d) 11 First-class Nurses, 14 Second-class Nurses and 60 Third-class Nurses have served for over ten years without promotion. Promotion to the grades of Senior Nurse and First-class Nurse is dependent on vacancies, which when they occur are filled only after the claims of each nurse eligible for promotion in the next lower grade have been carefully considered.

Promotion to the grade of Second-class Nurse is not dependent on vacancies. The majority of Third-class Nurses with over ten years service are among those whose names have already been submitted to Government for promotion.

**The Member for the Ibibio Division (The Hon. Nyong Essien):**

16. (Question No. 18 of the 7th of March, 1940). To ask the Honourable the Director of Public Works:—

(a) Whether Government will consider the desirability of enforcing the application of Government approved scales for Public Works Department Overseers in the Uyo Division?

(b) If not, why not?

(c) Will Government, please, consider the desirability of establishing regular increments along the approved scales for Overseers and Assistant Overseers in Nigeria (including Uyo Division), rather than leave matters to the discretion of the District Engineers?

(d) If not, why not?

(e) Will Government agree to the grant of bicycle and motor cycle allowances to Overseers and Assistant Overseers in Uyo Division Public Works Department in accordance with General Orders, in view of the fact that Road Overseers in that Division supervise roads the distances of which necessitate the use of bicycles or motor cycles?

(f) How many Overseers in Uyo Division were granted increase of wages as from the 1st of April, 1936?

(g) What amount to each was the increment so granted?

(h) How many of the Overseers received the same?

(i) If no increment was granted, for what reason or reasons was it not granted?

(j) With a purpose that the Overseers in the Uyo Division might not be barred out from prospect, will Government, please, create the following posts, to wit: (i) Head Overseers and (ii) Road Foremen?

(k) If not, why not?

(l) Has a prospective Public Works Department Road Overseer to pass through a course of training during which time he receives a maximum salary of £3 5s. 0d. per month, as per authorised scale? If so will Government kindly explain why, after such a person is promoted a Road Overseer, his salary falls below the maximum salary of an Overseer-in-training, namely, £3 5s 0d?

(m) Whether Government will consider the expediency and desirability of re-introducing the supply of khaki trousers, jackets, and officer's regulation helmets to Road Overseers as had been the case of late, in view of Public Works Department Overseers in some divisions being literate youths and a higher qualification being required of prospective Road Overseers?

(n) If not, why not?

(o) Will the Honourable the Director of Public Works consider the introduction into the Public Works Department of departmental examination to determine, in the best way possible, which of the Public Works Department Overseers ought to be permanent?

(p) If not, why not?

*Reply not yet ready.*

### RESOLUTIONS.

*The Hon. the Financial Secretary:*

Your Excellency, I beg to move:—

“ That the Report of the Finance Committee of the Legislative Council on the Draft Estimates of Revenue and Expenditure for 1940-41, which was laid on the table to-day, be adopted.”

This Report, Sir, is rather more lengthy than is usually the case for the Report on the Annual Estimates. That does not mean that the Committee have necessarily done a greater amount of examination of the Estimates, because in the past they have always examined them with great thoroughness. It is the result of our having had one day extra in which to prepare the Report. It has the advantage that the Report itself goes into greater detail than is usual, and it has the still greater advantage that there is nothing for me to explain. The Report shows that the Committee went into the Estimates in great detail, as they always do, and the Report is unanimous, and there is nothing for me to add thereto.

*The Member for the Egba Division (The Hon. A. Alakija, C.B.E.):*

Your Excellency, I have great pleasure in seconding the motion. I would like to record our thanks to the Honourable the Financial Secretary, this time not because he is able to convince us that the Budget is balanced with great difficulties, but on account of his usual persuasive manner, tact and patience which enabled him to withstand the volleys of criticisms and questions which the unofficial members have fired against him.

You will see, Your Excellency, from the Report itself, that we lay emphasis on one important thing namely: in paragraph 9. We carefully emphasise that Government is not at present living within its means and advise against any feeling of complacency. Apart from this, we made certain recommendations contained in the following paragraph:

“ 11. The Committee noted with much concern that many Heads of Departments consider that they have few

Africans under them who are capable of being advanced to higher positions. They feel that in a great measure this is due to the fact that members of the African clerical service are kept for many years on work of minor importance and have no opportunity of proving their capacity for more responsible work until near the end of their careers when age frequently unfits them for higher positions. They urge that Government should give early consideration to means of training Africans suitable for advancement to superior posts and of distinguishing such men from those suited only to routine employment at an earlier stage than is at present the case."

Lastly in regard to the Railway Estimates at paragraph 15, the Committee also examined the Estimates of expenditure of Nigerian Railways and we recommend that efforts to achieve economy should be vigilantly maintained.

Before I sit down, Your Excellency, I do not know if I may be permitted at this stage to say that it is difficult for us to associate ourselves with the attacks which have been made recently by a section of the Press against the Honourable the Director of Medical Services. Those attacks might have arisen from the debate which we made in this House. Our criticisms however went no further than saying that the Medical Department should endeavour to appoint more Africans in the service. At the Committee stage the Director of Medical Services informed us that while some years ago the ratio was about twenty-two Europeans to one African, to-day he is able to say to us that the ratio is about four to one, that for every four Europeans, one African is employed. We feel nevertheless that there is room for further improvement. We do not know however where the report came from, that notices have been served generally on the young medical officers in the Medical Department. As far as I am aware, there is nothing of the kind. The Sessional paper and the Agreement under which House Physicians are employed are quite clear, and I do not know that the Director of Medical Services has done anything contradictory to the terms of the agreement under which the House Physicians were engaged. I would like to say this publicly, because, in our opinion, the attacks on the Director of Medical Services are unjustifiable.

*The Resolution was adopted.*

### **His Excellency:**

Before we pass on to the next item, I can assure Honourable Members that the particular paragraph in the Finance Committee's Report to which the Honourable Member for the Egba Division referred, will receive the very close consideration of Government, and I think I can say that the Government's view of the matter is precisely that of the Finance Committee.

*The Hon. the Deputy Financial Secretary:*

Your Excellency, I beg to move the resolution standing in my name: That the Report of the Select Committee of the Legislative Council appointed to consider and report on two Bills entitled "The Income Tax Ordinance, 1940" and "The Native Direct Taxation Ordinance, 1940" be adopted.

Copies of the Report are with each Honourable Member of Council, and it will be noted that the Select Committee has presented two revised Bills in substitution for the two Bills which were referred to it, and at a later stage I shall ask the leave of Council to withdraw the original Bills. It will be noted also that the Report of the Select Committee is unanimous, except that certain recommendations concerning the Income Tax Bill are made on a majority vote of the Committee. A few days ago, when moving that these two Bills should be referred to a Select Committee, I took the opportunity of explaining at some length why the consolidation of the taxation laws of Nigeria had been undertaken. There is no need for me to repeat those reasons now, but I must refer to some general principles governing both Bills. It was my original intention, on moving the first reading of the Income Tax Bill, to give an outline of the history of direct taxation in Nigeria, starting from the Northern Provinces Proclamation of 1906 which is substantially the same as the Native Revenue Ordinance on the Statute Book to-day; but it is no longer necessary for me to do so as the whole subject has been fully examined in committee and in Council during the last few days.

It is important, however, that I should state precisely what are the spheres of application of our present direct taxation laws. There are five principal Ordinances, and they fall into two groups. The first group comprises the Native Revenue Ordinance, and the Native Direct Taxation Colony Ordinance. The second group comprises the Non-Natives Income Tax (Protectorate) Ordinance, the Colony Taxation Ordinance, and the Companies Income Tax Ordinance. The first group deals entirely with the taxation of Natives, the second group with non-Natives and Companies, with the important exception that in the second group is included the taxation of the population of Lagos as a whole. The Bills as originally submitted to Council sought to remove that exception and to bring the people of Lagos under the direct taxation system instead of the income taxation system. This proposed change did not find favour with representative African public opinion, and I think with a good deal of reason, for it can well be held to be a backward step to apply any other form of taxation to a community which has always been subject to income tax, even though in a modified form—so much so, that the Government welcomes this recommendation from the Select Committee that the people of

Lagos should continue to be included within the framework of the income tax system, and the revised Bill, which will shortly be submitted to Council, includes provisions to this effect.

There is another broad aspect of the whole question of direct taxation to which I should refer, Sir, and that is that the Direct Taxation Bill as originally prepared in draft sought to standardise the rates of taxation, particularly on the higher incomes, for all Natives throughout the Protectorate. In the light of representations received and on reconsideration of that proposal, there is no doubt that as a proposal it goes too far, and that it would be premature at once to attempt to standardise rates of direct taxation throughout Nigeria. The Select Committee has recommended that that attempt should not be made, and you will find that the Bill, which will be proposed in Council shortly remains substantially as it was before any change was contemplated.

These are the two principal changes in the draft Bills which the Report of the Select Committee seeks to effect, namely to abandon the attempt to standardise rates of taxation throughout the Protectorate, and to leave the people of Lagos within the framework of the income tax system.

I will not now attempt to cover any of the details which are contained in the Select Committee's Report, because I shall have to go over the same ground again when moving the first reading of the Income Tax Bill, but what I do wish to emphasise, Sir, at this stage, is the exhaustive examination which these Bills have received, in their preparation and presentation to Council. Earlier in the year, two Committees were appointed to consider certain suggested improvements of our Income Tax laws, particularly as regards allowances from chargeable income and since then the draft Bills have been examined and revised in Select Committee.

I should like to take the opportunity, Sir, of conveying the thanks of Government to the members of those Committees for their services which were so willingly rendered, for the valuable advice received, for the patience of members throughout some very long sittings of the Select Committee, and to the helpful attitude adopted, particularly by the unofficial members of the Council which characterised all our deliberations throughout the examination of this very complicated subject. It was indeed an honour and a pleasure, Sir, to preside over those Committees, and with this brief introduction of the Select Committee's Report, Sir, I beg to move its adoption.

*The Member for the Egba Division (The Hon. A. Alakija, C.B.E.):*

Your Excellency, in seconding the motion, I would like to say that I have had the privilege of serving with the Honourable the Deputy Financial Secretary on some of these Committees, and such

was his enthusiasm to deal fairly in piloting these Bills that I begin to regard the two Bills as what I would call the Marlow Income Tax and Direct Taxation Bills. I would like to place on record the acknowledgment of the unofficial members of the Select Committee of the amount of good work that the Honourable the Deputy Financial Secretary has put into these Bills, and the marvellous manner in which he has solved all the questions asked and the criticisms and suggestions made, especially during the sitting of the Select Committee. I do not want to predict what will happen when the Bill comes to be discussed before the House, but if there is anything to be said against it after what he has done, I should be very much surprised indeed. I can only repeat what I have said before that when things become normal, the Government will not hesitate to relieve the country of the burden of this taxation.

I beg to second the motion.

*The motion was adopted.*

***The Hon. the Deputy Financial Secretary:***

Your Excellency, I beg to move that the Bills entitled "The Income Tax Ordinance, 1940," and "The Native Direct Taxation Ordinance, 1940," as originally introduced be withdrawn. I make this proposal because at a later stage I shall move the first reading of Bills which have now been presented to Council.

***His Excellency:***

They have been withdrawn. I understand that the Bills as recommended by the Select Committee are introduced.

*The motion is carried, and the two Bills are withdrawn.*

*Council in Committee to consider the Appropriation Bill.*

***The Hon. the Financial Secretary:***

Your Excellency, I beg to move that the Revised Schedule which has been laid on the table to-day be substituted for the one in the Bill.

*Motion carried.*

*Clause 2.*

***The Hon. the Financial Secretary:***

Your Excellency, I beg to move that the figures "£47,380" be deleted and there be substituted therefor "£52,802", with a consequential amendment in the marginal note.

*Second Schedule and Fourth Schedule.*

*The Hon. the Financial Secretary:*

Your Excellency, I beg to move that the second second Schedule be substituted for the one in the Bill.

*Motion carried.*

*Clause 3.*

*The Hon. the Financial Secretary:*

Your Excellency, I beg to move that the figures "£591,799" be deleted and there be substituted therefor "£691,999", with a consequential amendment in the marginal note.

*Motion carried.*

*Clause 4.*

*The Hon. the Financial Secretary:*

Your Excellency, I beg to move that the figures "£48,138" be deleted and there be substituted therefor "£58,859", with a consequential amendment in the marginal note.

*Clause 5.*

*Title.*

*The Hon. the Financial Secretary:*

Your Excellency, I beg to move that the figures "£48,138" be deleted and there be substituted therefor "£58,859".

*Motion carried.*

*Council resumed.*

*The Hon. the Financial Secretary:*

Your Excellency, I have to report that this Bill has passed the Committee stage, with alterations as indicated in the paper laid on the table, and I move that it be read a third time and passed.

*Motion carried.*

*Bill read a third time and passed.*

*The Hon. the Attorney-General:*

Your Excellency, I rise to move the second reading of the Bill entitled "An Ordinance to amend the Native Courts Ordinance." I have already spoken on this Bill, so I do not propose to speak on it again. At the Committee stage there will be one small amendment that I have to move.

**The Hon. the Commissioner of the Colony:**

I beg to second.

*Motion carried.*

*Council in Committee.*

*Clause 2.*

**The Hon. the Attorney-General:**

Your Excellency, I mentioned just now that I would have to move an amendment. I beg to move that the words “ , with the approval of the Resident,” be inserted after the word “ and ” in the third line. The object of this amendment, Sir, is to enable the Residents to guide some of these Native Courts in the holding of these sessions until such time as they are able to stand on their own feet.

*Motion carried.*

*Clause 2 as amended.*

*Clause 3.*

*Clause 4.*

*Title.*

*Council resumed.*

**The Hon. the Attorney-General:**

Your Excellency, I beg to report the Bill with one amendment. I beg to move that this Bill as amended be now read a third time and passed.

*Bill read a third time and passed.*

**The Hon. the Attorney-General:**

Your Excellency, I beg to move the second Bill standing in my name, namely, “ An Ordinance to amend the Trading with the Enemy Ordinance, 1939,” be now read a second time. I have already spoken on this Bill, Sir.

*Bill read a second time and passed.*

*Council in Committee.*

*Enactment.*

*Clauses 1 to 4.*

*Clauses 5 to 7.*

*Title.*

*Council resumed.*

**The Hon. the Attorney-General:**

Your Excellency, I beg to move that the Bill be now read a third time and passed.

*Bill read a third time and passed.*

**The Hon. the Attorney-General:**

Your Excellency, I beg to move that the third Bill standing in my name, namely, "An Ordinance to amend the Criminal Code Ordinance," be now read a second time.

*Bill read a second time and passed.*

*Council in Committee.*

*Enactment.*

*Clause 1.*

*Clauses 2 to 4.*

*Title.*

*Council resumed.*

**The Hon. the Attorney-General:**

Your Excellency, I beg to report the Bill from Committee without amendment, but I do not at this stage ask that this Bill be read a third time and be passed, because there is another Bill before the Council which is interdependent with this, and until that Bill be passed I will not ask that this Bill be passed. I only at this stage report the Bill from Committee without amendment.

**His Excellency:**

We will take the third reading at a later stage.

**The Hon. the Attorney-General:**

Your Excellency, I beg to move the second reading of the next Bill standing in my name, namely: "An Ordinance to amend the Criminal Procedure Ordinance."

*Bill read a second time and passed.*

*Council in Committee.*

*Enactment.*

*Clauses 1 and 2.*

*Title.*

*Council resumed.*

**The Hon. the Attorney-General:**

Your Excellency, I beg to report the Bill from Committee without amendment. I beg to move that the Bill be now read a third time and passed.

*Bill read a third time and passed.*

**The Hon. the Attorney-General:**

Your Excellency, I beg to move at this stage that the previous Bill, the Bill entitled "An Ordinance to amend the Criminal Code Ordinance" be now read a third time and passed.

*Bill read a third time and passed.*

**The Hon. the Attorney-General:**

Your Excellency, I beg to move the second reading of the Bill entitled "An Ordinance to amend the Motor Traffic Ordinance, 1927".

*Bill read a second time and passed.*

*Council in Committee.*

*Clause 2.*

**The Commercial Member for Lagos (The Hon. R. M. Williams):**

There is one small point, Sir, in clause 2 that may have escaped attention. You are asking for powers to cancel or suspend any licence issued in respect of vehicles in a dangerous condition. Now that dangerous condition may be due to no fault of the owner. It may be an accident which has reduced the vehicle to that condition. Should not some provision be provided for the refund of the unexpired portion of the period for which the licence has been given?

Supposing a licence is taken out on the 1st January, and a crash occurs on the 2nd January, and the car is repaired as well as can possibly be done. Then some authority comes along and says, we will cancel your licence. Surely the fees should be refunded in a case like that.

**The Hon. the Attorney-General:**

Your Excellency, if we pursue the Honourable Member's argument a little further we can say that if a lorry is not repaired at all, the money should be refunded. In other words, that lorry has had an accident and is not fit for the road. It has nothing to do with refunding the fees; until that lorry has been repaired it cannot go on the road. If the lorry had been destroyed by fire it would be unfit for the road and there would be no question of refunding the licence.

**His Excellency:**

I doubt whether the Government could go as far as the Honourable Member wishes. If the Government were responsible for cancelling the licence for a serviceable vehicle that would be different.

**The Commercial Member for Lagos (The Hon. R. M. Williams):**

I will be quite satisfied if the Attorney-General will look into the matter.

**The Hon. the Attorney-General:**

There are regulations where the Government has taken a hand in preventing vehicles running, in those cases the licence fee is to be refunded. Here, where there is an accident, the withdrawing of the licence has nothing to do with Government.

**The Member for the Egba Division (The Hon. A. Alakija, C.B.E.):**

Another hitch if power is given to cancel licences may be that a vehicle will be in good condition, examined, and travels up-country. Coming back something has gone wrong with the brakes or something of that sort. It is examined; at once the licence may be cancelled. Cannot provision be made that the vehicles be examined quarterly or as the case may be, at a station appointed where all the vehicle owners go and get their licences for the quarter, or by the month?

**The Hon. the Attorney-General:**

Your Excellency, that suggestion is covered in the previous provision. Paragraph (y) provides for the compulsory examination at any time and the place and manner of such examination. It will be possible to provide for these quarterly examinations if they are found necessary under paragraph (y) which is wide and elastic; it is possible to do what the Honourable Member wishes.

**His Excellency:**

Does that meet the point of the Honourable Member?

Clause 2.

**The Member for the Ibo Division (The Hon. B. O.-E. Amobi):**

Part of clause 2—The payment of fees, the amount of the fees to be paid is not specified in the Bill.

**His Excellency:**

What is the amount of fees that shall be payable,

**The Hon. the Attorney-General:**

These are simple heads under which regulations can be made. The details will be specified in the regulations themselves. The fees will be fixed by the Governor in Council after considering what the work is, the type of vehicle, etc., etc.

**The Hon. the Financial Secretary:**

I would perhaps add to that that the fees would not be imposed as a revenue measure, but to cover expenditure. I think the Honourable Member feels that this might leave a loophole for the Government to impose taxation by regulation. That is not the intention. The fees would merely be to cover actual expenses.

*Clause 2.*

*Title.*

**The Hon. the Attorney-General:**

Your Excellency, I beg to report the Bill from Committee without amendment, and to move that it be now read a third time and passed.

*Bill read a third time and passed.*

**The Hon. the Attorney-General:**

Your Excellency, I beg to move that the Bill entitled "An Ordinance to amend the Prisons Ordinance" be read a second time.

*Bill read a second time and passed.*

*Council in Committee.*

*Enactment.*

*Clauses 1 and 2.*

*Title.*

*Council resumed.*

**The Hon. the Attorney-General:**

Your Excellency, I beg to move that the Bill entitled "An Ordinance to amend the Prisons Ordinance" be read a third time and passed.

*Bill read a third time and passed.*

**The Hon. the Attorney-General:**

Your Excellency, I beg to move that a Bill entitled "An Ordinance to amend the Vaccination Ordinance" be read a second time.

*Bill read a second time and passed.*

*Council in Committee.*

*Enactment.*

*Clauses 1 to 3.*

*Title.*

**The Hon. the Attorney-General:**

Your Excellency, I beg to report the Bill from Committee without amendment. I beg to move that the Bill entitled "An Ordinance to amend the Vaccination Ordinance," be read a third time and passed.

*Bill read a third time and passed.*

**The Hon. the Attorney-General:**

I beg to move that a Bill entitled "An Ordinance to amend the Dogs Ordinance" be read a second time.

*Bill read a second time and passed.*

*Council in Committee.*

*Enactment.*

*Clauses 1 and 2.*

*Title.*

*Council resumed.*

**The Hon. the Attorney-General:**

Your Excellency, I beg to report the Bill from Committee without amendment. I beg to move that the Bill entitled "An Ordinance to amend the Dogs Ordinance" be now read a third time and passed.

*Bill read a third time and passed.*

**The Hon. the Attorney-General:**

Your Excellency, I beg to move that a Bill entitled "An Ordinance to amend the Land Registration Ordinance, 1924" be read a second time.

*Bill read a second time and passed.*

*Council in Committee.*

*Enactment.*

*Clauses 1 and 2.*

*Title.*

*Council resumed.*

**The Hon. the Attorney-General:**

Your Excellency, I beg to report the Bill from Committee without amendment. I beg to move that "An Ordinance to amend the Land Registration Ordinance, 1924" be read a third time and passed.

*Bill read a third time and passed.*

**The Hon. the Attorney-General:**

Your Excellency, I beg to move the suspension of Standing Rules and Orders 15 and 34 so that the two Bills respectively entitled an Ordinance to impose a Tax upon Incomes and to regulate the collection thereof and an Ordinance to regulate the levying and collection of a direct tax in Nigeria, both of which formed part of the report of the Select Committee considering the Income Tax Bills and which report has been adopted by this Council, may be proceeded with and carried through all their stages at this meeting without further notice. Your Excellency, if the Council approves of that course I will ask you, Sir, to sign certificates of urgency in respect of those two Bills so that they can actually be proceeded with.

**The Hon. the Financial Secretary:**

I beg to second.

*Council agreed.*

*Certificates of Urgency signed by His Excellency.*

**The Hon. the Attorney-General:**

Your Excellency, I beg to lay on the table Certificates of Urgency in respect of a Bill entitled "An Ordinance to impose a tax upon incomes and to regulate the collection thereof" and a Bill entitled "An Ordinance to regulate the levying and collection of a direct tax in Nigeria."

**His Excellency:**

Those certificates, Honourable Members understand, are necessary in order that we should take the Bills through their stages and take the first reading, but it is in accordance with the recommendations of the Select Committee.

**The Hon. the Deputy Financial Secretary:**

Your Excellency, I beg to move that a Bill entitled "An Ordinance to impose a tax on incomes and to regulate the collection thereof" be read a first time.

Before proceeding to deal with the details of the Bill, Sir, I would like to give an assurance to Council that so far as the general application of direct taxation in Nigeria is concerned, this Bill does no more than consolidate existing legislation. It contains a number of new provisions, particularly with relation to allowances from chargeable income, which I shall explain in due course. It is based on a model Ordinance which has been adopted for general application throughout the Colonial Empire; it incorporates a number of improvements which have been taken from the income tax legislation of other Colonies and it will lead to a considerable simplification of our taxation laws, both for the general public who wish to refer to the Ordinance, to ascertain its provisions, and to the authorities who have to administer it. I cannot better illustrate this than by asking members to look at the second schedule of the Bill, where they will find the names of thirteen Ordinances which will be repealed by its enactment.

The general principles underlying this Bill, Sir, have been expounded, first, in connection with the reference of the original Bills to the Select Committee, and in moving the adoption of the Select Committee Report, and I now propose therefore to proceed at once to deal with details of the Bill itself. I put first in order of priority the revised rates of tax; although they appear in the schedule at the end of the Bill, I propose to deal with them first.

The basis on which the first schedule of the Bill has been prepared is that of the existing standard rate of income tax plus the surtax which was imposed in December last, subject to the further modification that, whereas the surtax was at rates rising from one to four per cent, on incomes not exceeding £3,000 with a rate of eleven per cent on higher incomes, in the new schedule of rates there is an even gradation of rates of tax rising according to the amount of income, with the effect that at the level of £3,000 a year, the rate becomes 2s 6d in the £, the same as that for companies. The rates of tax in the schedule are still further upgraded on higher incomes with the object of ensuring that very high incomes, such as those arising from wartime profits, shall contribute an appropriate share to the revenue.

It will be found on reference to the schedule that incomes above the level of £10,000 a year will be charged with tax at the rate of 10s in the £. It is improbable that there are many people in Nigeria with incomes of that magnitude, but on the other hand it is possible there are some and it is proper that they should bear their full share of taxation.

In order that members may get a clear idea of the effect of this schedule, which is not easy to understand at first sight, I will give one or two examples.

My first example—a person with an income of £120 a year, corresponding roughly with the maximum salary of a lower grade clerk: a year ago the tax was £1 10s and the surtax did not apply to incomes below £200. According to the new schedule, his tax is still £1 10s. Thus there is no rise in tax at this level.

On £220, a year ago the tax was £3; with the surtax it became £3 4s. Under the new rate of tax it will again be £3: at this point there is a slight reduction, but thereafter in the scale the rates begin to rise progressively steeper. An income of £350 a year, such as is enjoyed in the Government service by a Chief Clerk, a year ago paid £4 10s; when the surtax was imposed the tax was increased to £6, and it now becomes £6 5s. I should add Sir, that in making these comparisons I am ignoring deductions from chargeable income.

On income of £500 the old rate was £6; the surtax turned it into £10. It will now be £11 5s.

On £1,000 a year, a year ago the tax was £13; the surtax increased it to £30, and the new rate will be £37.

On £2,000 a year it was £28; it became £85, and now becomes £120. Honourable Members will observe that the rates rise progressively steeply on higher incomes.

On £3,000 a year the old rate was £43. The surtax increased it to £140, and it now becomes £220—nearly twice as much.

At £5,000 a year the old rate of tax was £73; the surtax increased it to £250. It now becomes £470—more than as much as six times it was before the surtax was imposed.

With the adoption of these high rates of tax it becomes a matter of primary importance that there should be certain family and other allowances from chargeable income so that the burden of taxation shall be regulated according to the ability of individuals to pay. I will in a few moments deal with that aspect of the question when we come to the clauses relating to deductions from chargeable incomes.

Turning now to the text of the Bill, the first part deals with administration. At present the Tax Authority under the Colony Taxation Ordinance is the Financial Secretary, and the actual collection and assessment is delegated to the Tax Officer in Lagos. For non-natives throughout the Protectorate, Divisional Officers are commissioners for income tax, and they assess and collect the tax of non-natives throughout Nigeria. Under the new consolidated Ordinance, all these functions will be co-ordinated and the records centralised in the Lagos Tax Office.

As regards European Government Officials, all of them throughout Nigeria will be assessed from the Tax Office in Lagos, thus relieving Divisional Officers of a great deal of routine work in connection with income tax. Similarly all European employees

of Banks and the principal commercial houses will be assessed from Lagos, where there are centralised records of the rates of emoluments and the addresses of all such persons throughout the country. This will lead to a considerable simplification of assessment and will also tighten up the process of collection, as there is no doubt that under the existing system persons moving about the country from place to place might escape taxation, not necessarily by design, but because contact with them was not established. That loophole in our taxation system will, I hope, be closed with a closer administration of the Income Tax law centralised in the Lagos Tax Office.

The next part of the Bill with which I wish to deal and which includes a number of new measures, is that which relates to exemptions from tax. In explaining the Bill in detail in this way, I will not refer to those clauses which are merely a re-enactment of existing provisions but will deal only with new provisions. The new provisions for exemption are, first, that any individual who is subject to direct taxation under the Direct Taxation Ordinance will be exempt from the provisions of this Bill in so far as his income is derived outside Lagos. This is a very important exemption, in that its inclusion has enabled the Bill to be prepared without any general limit as to its application. There is no need to define to whom this Bill applies, for it applies to everybody who derives an income in or from Nigeria, but the income of certain persons is exempt, particularly those who are subject to direct taxation administered by the Chief Commissioners.

The next new exemption is that Townships, Native Authorities, and Government institutions shall be exempt from taxation unconditionally. Hitherto this exemption has applied only in so far as commercial activities are concerned.

Co-operative Societies are to be exempt. The interest which individuals receive from their deposits in the Post Office Savings Bank will be exempt. Persons who are not resident in Nigeria, whose income is below £50 will be exempt, with the object of saving the time and trouble of collecting a few shillings from persons who are away from Nigeria.

Another new and important exemption relates to the income of women. As I shall explain later, with the application of income tax to the people of Lagos as a whole, it follows that the income of women will become subject to tax, but it is not proposed that the existing law which requires adult male persons in Lagos to pay a tax of 5s shall be applied to women, and this exemption is included so that there shall be no tax imposed on the income of women where the income is £50 or less. So much for the exemptions.

I will now refer briefly to the subject of deductions for outgoings, under clause 10. There are two new provisions under this clause, first, for contributions to the Widows' and Orphans' Pension

Scheme, and secondly for contributions to approved Provident Funds or pensions schemes; the word approved here means approved by the Commissioner, and in practice the Commissioner will lay down certain conditions which such approved funds will be required to fulfil.

The next new provisions in the Bill are those relating to family allowances, clause 15. So long as the rate of tax which was imposed under our laws was no more than a nominal rate, it was not considered necessary or desirable to have deductions from chargeable income, but now the rate is substantially increased, it is just that the rate of tax should be regulated according to the ability of persons to pay, and this can best be done by means of deductions for wives and children. It includes provision for a deduction of £200 from chargeable income for a wife, subject to certain limitations to which I will refer later. It is also allowed that where an individual has been divorced and pays alimony by an order of court, that also shall be allowable as a deduction, provided that no more than £200 is allowed for any individual under this clause.

The next allowances relate to children. The standard rate of deduction from chargeable income to be allowed for children in Nigeria is £25, but provision is made that where the child is not in Nigeria, the allowance may be up to a maximum of £100, where the Commissioner is satisfied that a higher amount than £25 is expended on the maintenance and education of such child. The clause imposes a limit that no individual shall receive deductions in respect of more than three children.

The next clause relating to deductions is that for insurance premiums. There is provision that a person may have deducted from his income the amount of his insurance premiums, provided that amount does not exceed a stated proportion of his income.

The deductions which are allowed in these three clauses 15, 16 and 17 are subject to some general limitations, which are provided in two different sections. Under clause 19 certain conditions are imposed as regards persons who are not resident in Nigeria, and it is provided that where such a person is not a British subject or a British protected person he shall not enjoy the benefit of those deductions. Further, if he is a British subject or a British protected person, the deductions allowed shall bear relation to the person's gross income from whatever source. This clause in the Bill is rather difficult to understand at a first reading, and I will endeavour in as few words as I can, to make its meaning clearer.

Take the case of a non-resident person who receives a pension from Nigeria of £400 a year and who is married; he would ordinarily be entitled to a deduction of £200, leaving a chargeable income of £200, but it is possible that such a person also receives a pension from another Colony, or receives income from another source. This section provides that in calculating the allowance

to be made from his chargeable income his gross income shall be taken into account. If, for instance, in the case I quoted, the individual also received £400 from another Colony, making his total £800, then, the Nigerian income represents one-half of his total income, and this section provides that the deduction shall not serve to reduce his tax below half what it would have been had his total income been provided from Nigeria. I may say that this is standard practice elsewhere; it applies in the United Kingdom, and the terms of this clause are similar to that in the Income Tax law of the Colony of Trinidad.

I think Honourable Members will agree with me that it is reasonable in calculating the deductions allowable to a person not resident in Nigeria, where he is free to obtain income which is not otherwise subject to Nigerian income tax, we should take into account his gross income. Now as regards persons resident in Nigeria, a different limitation is imposed. When the original Income Tax Bill was first submitted to Council, it did not contain provision for family allowances for Africans. They were to be treated under the Direct Taxation law, and it was explained in the Objects and Reasons to the Bill as first published that there were many difficulties in attempting to apply allowances at standard rates to people of a very widely differing standard of living. To take an extreme example, if a person has an income of £1,000 a year, it would be reasonable to say that he should have a reduction of £200 for his wife. It is not equally reasonable to say that a person whose income is £200 should have a deduction of £200 for his wife, as this would imply that his entire income was devoted to the maintenance of his wife. This presented a real difficulty when it was decided to apply the Income Tax Bill to the population of Lagos as a whole, and it was necessary to have some over-riding clause which would limit the application of these deductions, and this has been done in the proviso to clause 22 where it is provided that where the rate of tax which would be paid by a person works out at less than the existing rate of 3d in the £ on his chargeable income, the deductions allowed in clauses 15, 16 and 17, shall not operate, and that he shall pay a tax at the rate of 3d in the £ on his gross income.

Now this is a fair provision; no one, I submit would claim that the rate of tax before the surtax was imposed was unduly high or that it imposed any hardship. The rate was approximately  $1\frac{1}{2}$  per cent, or slightly more than this rate of 3d in the £, and it is proper that those persons upon whom the burden of the surtax falls most heavily should get the most benefit from the reductions. Furthermore Government could not see with equanimity its revenue from taxation reduced below what it was before the surtax was put up. Every person subject to income tax at present is paying at a rate of approximately  $1\frac{1}{2}$  per cent, and this proviso will ensure that no one shall pay at less than that rate, notwithstanding the allowances which are provided for.

The next important new clause is that relating to the imposition of a minimum flat rate of 5s for adult males in Lagos. This is new to the Income Tax Bill, taken from the Colony Taxation Ordinance and it does no more than re-enact an existing provision. It is a self-contained clause, which contains its own exemptions, provision for assessment, collection of tax, appeals and penalties. The next clause, No. 22, imposes general application of the income tax according to the schedule, and it is at this stage that I wish to refer, Sir, to the fact that income tax will now be extended to the income of women. It is a principle of income tax throughout this Bill that it is the income and not the person which is subject to tax, and it is reasonable that two people earning the same income, whether man or woman, should pay the same tax on that income. Such is not the position to-day in Lagos under the Colony Taxation Ordinance, for women are totally exempt from income tax under the existing law, so that we have to-day the anomalous position that a lady doctor who is a European pays income tax while one who is an African does not; a European school mistress pays income tax while an African woman employed by the Education Department does not pay income tax. In future, subject to the limit that below £50 women should not be subject to tax, the income tax law of Nigeria will provide that women shall be subject to tax on equality with men.

At this stage, Sir, I would like to profit by the example given by some of the unofficial members a few days ago by making a quotation from records of previous debates in Council on this subject. I do so in order to bring out the point that this question of taxation of women is not brought before Council without adequate warning and consideration. It was, in fact, discussed at the time when income tax was first started in Lagos. I am quoting, Sir, from the debates of Council for August, 1927, when the Income Tax Colony Ordinance was enacted. My Honourable Friend the Member for the Colony Division will remember these debates well, because on that occasion I remember he spoke very forcibly indeed. The Honourable the Attorney-General, at that time Mr Howard, when moving the first reading of the Bill, concluded with the following remarks:—

“ It is a very controversial question whether this Bill should not have embraced within its scope both males and females, but finally the chivalrous instincts of the Members of the Committee prevailed, although I must say, speaking personally, I should like to have seen females included within the scope of the Bill. Another thing that prevailed with the Committee was this: that possibly the task of the Administrator would be simplified by the exclusion of females from the provisions of this Bill; also it was thought it might work some hardship on what are known as marketing women of which there are a large proportion trading in a small way

in Lagos: and also in view of the fact that as none of those deductions are being allowed which are generally allowed in the case of families, it was thought preferable to exclude women from the operation of the Bill I may say, however, that women can always be included at some future time, and I say also that they certainly will be included if possibly some ingenious persons find their wives useful instruments for making over to them part of their profits, and so avoiding paying the income tax leviable under this Ordinance."

The Honourable the Secretary of Native Affairs, in seconding the first reading of the Bill, added the following:—

"There was also the question, to which the Honourable the Attorney-General has referred, namely the exemption of women. In some parts of the Protectorate women do pay tax themselves, in other parts it is assumed that the head of the compound, when paying the taxes assessed on him, will naturally recoup himself from the members of his family, be they male or female. When we came to consider the question in the Committee, the Members of the Committee approached it from various angles. Some of us, not of course the Honourable Attorney-General, were no doubt prompted by motives of gallantry; all of us were influenced by the difficulty of dealing with the elusive feminine character. We felt that there were numerous difficulties, particularly with regard to the marketing women, in assessing the profits of a wife's trading separately from those of her husband. The difficulties are going to be very great and, to start with at least, we could not burden the Administrator with the additional job of taxing the ladies of Lagos, but I trust they will not think they are going to get off for ever and ever."

As I said, Sir, I have read these extracts so as to remind Council that this is a matter which has received consideration before, and to show that it was foreseen that the time would come, when with the adoption of income tax principles, and with the granting of family allowances and deductions from income, it would be necessary to include the income of women in the scope of income tax.

The next clause, Sir, arising from this subject, is that referring to the incomes of married women. Under clause 20 it is laid down that the income of a wife should be added to that of her husband for purposes of taxation. This is standard practice and it is proper that the joint income of husband and wife should be assessed together for purposes of taxation.

The next new provision with which I wish to deal is that relating to the deduction of tax at the source from dividends and mortgage and debenture interest. These provisions are included in clauses 24 and 35. The clause merely repeats what is in the Companies

Income Tax Bill at present, but a proviso has now been added which will empower the Commissioner in special cases to require a company to deduct at source, from dividends or mortgage and debenture interest, tax at a rate greater than 2s 6d in the £. This clause would be brought into operation, only in very exceptional cases. When I say that it can only operate in so far as incomes of persons whose incomes are above £5,000, a year are concerned I think Honourable Members will appreciate that it is a special precautionary clause, so that the Commissioner, if he has reason to believe that interest money is leaving Nigeria and that it will be difficult to collect the proper rate of tax from that income, can require the company to deduct at the full rate due before the payment to the shareholder is made.

The next new provision relates to what are described as incapacitated persons. Under our existing Income Tax law a person who is below the age of sixteen years is not subject to tax, but such exemption obviously should not apply in the case of a minor who is in receipt of an income in his own right, and there is provision here for such person to be taxed through a trustee or guardian. This also applies to lunatics and other incapacitated persons whom you will find described under the definition in clause 2 of the Bill.

The next new provision, is that in clause 34 which relates to dissolved companies. It is on precisely the same lines as the preceding section, which relates to deceased persons and it provides that when a company is winding up business the rate of tax to be assessed in respect of its profits for the current year can be taken into consideration.

Under clause 46 relating to Appeals, provision is included for preserving the Board of Appeal which was constituted under the Colony Taxation Ordinance, so that a person who disagrees with his assessment has alternative channels of appeal. He may appeal either to the Judge of the Supreme Court, or to the Board of Commissioners. This is included in the recommendation of the Select Committee, as it was felt that this very valuable provision should be continued, providing as it does a much cheaper means of appeal than to the Supreme Court. As drafted, the alternative means an appeal is open both to individuals and companies. In that respect it is new, so far as companies are concerned. Under the Colony taxation, individuals may appeal; there is no such provision under the Company Taxation Bill. When we come to the Committee stage, I intend to raise the question whether that alternative should be allowed to companies.

The next new provision, Sir, relates to the payment of tax by instalments and will be found under clause 53. The tax will be payable by two equal instalments, the first to be paid within forty-two days of the date of service of notice of assessment, and the second instalment within six months of that date. So far as

companies are concerned, this is a new provision entirely, but it is given to individuals in the Surtax Ordinance which was passed in December last to pay their tax by two instalments. Provision is also made that tax may be deducted at the source from the emoluments and pensions of public officers, and the general intention of this clause is that the payment of tax may be spread widely throughout the year of assessment. In actual practice, taking into consideration the time which must elapse in the process of rendering returns of income and assessment, generally speaking tax will be paid in two instalments, probably in the months of July and January of each financial year, so that persons and companies will not suffer the hardship of being called upon to pay a very much increased rate of tax suddenly, as might have been feared would be the case when the increased rates of tax were first announced.

Clause 54 gives special power to the Commissioner to assess and collect tax at short notice in special circumstances, such as when he has reason to believe a person is about to leave Nigeria, and tax may not otherwise be paid. He may call upon him forthwith to give a return on his income. This clause also includes power for the Commissioner to accept security for the payment of tax in such circumstances.

Clause 55, 1 (a) is new so far as individuals are concerned, though a similar provision exists in the Companies Income Tax Ordinance. An individual who fails to pay his tax within the forty-two days of date of service of notice of assessment allowed shall have added to his tax a sum equal to five per cent of the amount due. This is in substitution for the existing provision in the Colony Taxation Ordinance, where power is given to the court to increase the amount up to double the amount of tax, when a person has failed to pay his tax. It is possible that some persons may choose to have another month in which to pay their tax and be prepared to pay a surcharge of five per cent on their tax. None the less, interest will be added automatically when a person has failed to make payment within the prescribed forty-two days.

The second part of clause 55 repeats the provision from the Colony Taxation Ordinance which makes it an offence against the Ordinance to fail to pay tax without lawful justification, but as you will see, that clause of the Bill will not be called into force until a further demand has been made on the person after the failure to pay within the forty-two days. He is then to be given another month's notice before further proceedings can be taken.

Clauses 56 to 62 re-enact the existing penalty clauses of our taxation laws; they are not new. It will be observed that clause 63 gives the Governor power to remit taxation when he considers it just and equitable to do so. Power is also given in that clause for the Governor to remit the penalty which is imposed

in clause 55. That is to say, that where the Governor is satisfied there were reasons beyond the person's control why he was unable to pay his tax within forty-two days, remission of the penalty may be allowed.

That concludes, Sir, my exposition of the new provisions in the Bill. In conclusion I would like to add a note of warning that although I am quite satisfied that this is a very good Bill, that it completely re-enacts all our existing provisions and is founded on standard practice elsewhere, it does not represent the last word in income taxation. As Honourable Members know, all fiscal measures, and particularly income taxation, must continually be revised to keep abreast of developments, and the process, almost the annual process, of tightening up the provision and machinery for the assessment and collection of tax must go on, and it would be unsound and an illusion to suppose that this Bill, comprehensive though it is, will not in its turn, and probably very shortly, require further amendment and improvement in the light of experience of its application. I have no doubt that the necessity for improvements will be brought to light quite soon. Indeed, I have in mind, and I have heard for some time, that some revision may be desirable as regards the application of the income tax law to newly formed companies, to persons arriving in and leaving Nigeria, and as regards the year of account for trade losses, so as to bring our practice in Nigeria more closely into line with what is standard practice in the United Kingdom. At present, as you know, a person when he first comes to Nigeria, in the first year pays no income tax at all, because he had no income in the preceding year, and similarly when he leaves Nigeria he is not due to pay tax for his final year until the beginning of the year after he has left, and that leads to difficulty in collection from persons who have left Nigeria. It would be a comparatively simple matter to rearrange the Ordinance so that a person coming to Nigeria or a company starting in business in any year could pay on an agreed amount of income for the first year, and similarly when he left Nigeria or when the company was wound up, he would pay according to the period in which he was in Nigeria in his final year. On this subject, I may say, Sir, that this Government has just received through its agents in London a number of helpful suggestions, particularly in this respect from the Head Office of the United Africa Company. At the present moment their assessment for taxation is being considered in consultation between the Head Office for the company and the Crown Agents, and the company has made a number of very practical and useful suggestions which are receiving consideration. I saw them yesterday for the first time, I should like to say how gratifying it was to find this helpful spirit of co-operation from the principal commercial firm in Nigeria.

In this connection, I should like to stress that it is the duty of the individual just as much as it is the duty of the officials responsible for the administration of this Ordinance to co-operate and together produce a fair basis on which income tax can be assessed. This Bill preserves throughout the balance of equity between the person subject to tax and the Government as the trustee of taxpayers as a whole.

And, Your Excellency, with that assurance, I beg to move that the Income Tax Bill, 1940, be read a first time.

*The Hon. the Commissioner of the Colony:*

I beg to second.

*The Hon. the Deputy Financial Secretary:*

Your Excellency, I beg to move that the Bill entitled the Income Tax Bill, 1940, be read a second time.

*The Hon. the Commissioner of the Colony:*

I beg to second.

*The Member for the Rivers Division (The Hon. S. B. Rhodes):*

Your Excellency, I rise to support this Bill, and I would like to say how thankful the public of the Colony of Lagos would be that the Government has listened to the prayers of several people who have written in the Press and who have sent petitions to the Government. To appreciate the work the Select Committee did under the Chairmanship of the Honourable the Deputy Financial Secretary, I think it would be necessary if it is possible to publish the report that has been laid on the table this morning, so that the country will know and appreciate the amount of deductions to which they are entitled, and also the tax to be collected on the various incomes derived from Nigeria. I will only repeat what I have said before, that whilst we are quite willing to face this income tax, which I think is a better provision than the former I have no doubt that steps will be taken by Government to relieve us of this Ordinance immediately this country's finance can right itself.

I beg to support.

*Council in Committee.*

*Enactment.*

*Clauses 1 to 4.*

*Clauses 5 to 7.*

*Clause 8.*

**The Hon. the Attorney-General:**

Your Excellency, there are two items, and Honourable Members will remember one of them was put in in the Select Committee under a certain amount of pressure—and that is paragraph 8 (d), and it appears rather as though the word “ derived ” in the third line is hardly sufficient to meet all that the Committee and the Honourable the Chairman had in mind at the time we were discussing it. If we look at the sixth line in clause 5, we will there see the words: “ on the income of any person accruing in, derived from, or received in Nigeria ” and the question I think, Sir, is whether or not paragraph (d) of clause 8 should not have those same words—“ in so far as such income is accrued in, derived from, or received in the Protectorate or in the Colony elsewhere than the township of Lagos.” This is a matter to which my attention has just been drawn and after ventilation of the matter I would like to move that amendment.

I therefore beg to move, Sir, that paragraph (d) of clause 8 be amended by deleting the word “ derived ” in the third line and substituting the words: “ accrued in, derived from, or received ”.

**The Hon. the Deputy Financial Secretary:**

Before that amendment is put up, Sir, I have just heard it for the first time, I would like to consider what this clause is intended to benefit. Now, take the case of an individual who lives in Ibadan: he is subject to direct taxation and that person may have several house properties in Lagos, and he derives income from the rates of that property. Will not Ibadan . . . . . He is not subject to tax in respect of that income, but under this Income Tax Bill he would be required to pay income tax on the income derived from Lagos. Well now, he may not receive it in Lagos; it is only the fact that the income was actually derived here which made us include that provision in the Bill, and I am not certain that if we put the . . . . . in we will not introduce complication.

**The Hon. the Attorney-General:**

No, Your Excellency, the phrase used is “ accrued in ” which I think would meet the point, “ derived from ” which I think also would meet the point, or “ received in.” The “ or ” is alternative, so I think it would meet the case where the money was received in Ibadan. He may have interests in companies which pay their dividend in Lagos. It is a wide thing; I put it up for consideration, but it seems to me that if we make the clause wider we will get a wider scope.

**The Hon. the Deputy Financial Secretary:**

With that explanation I second the motion.

**The Hon. the Financial Secretary:**

If I heard the Attorney-General correct, he said "is accrued in." I suggest the word "accrues" is better.

**His Excellency:**

The amendment is moved that the word "derived" in clause 8 (d) be deleted and the following words substituted: "accrues in, is derived from, or received".

**The Hon. the Attorney-General:**

Your Excellency, there is one other minor one also in the same clause, that I have not had a chance to discuss with the Chairman—that is paragraph (g), "The income of any local authority, native authority or Government institution." Now the object of that paragraph, which was inserted while we were in Committee, is that the income of local authorities like the Lagos Town Council should be exempted, Sir, and there is, further, this difficulty, that under the Interpretation Ordinance, 1939, the "local authority" is the local authority of any township. Many Government officers are appointed as local authority, and under this will they be exempt as regards their personal salaries?

Well, Sir, apparently the applause means that I should not proceed with the amendment, but I think we ought to insert after the word "local authority" the words, in brackets "not being an individual." The clause would then read: "the income of any local authority (not being an individual)." I do not know whether that would meet the Chairman's views. It would clear the air, and I therefore beg to move that paragraph (g) of clause 8 be amended by inserting the words, in parenthesis "not being an individual".

**The Hon. the Financial Secretary:**

Sir, does not the same criticism . . . . .

**The Commercial Member for Lagos (The Hon. R. M. Williams):**

Are you sure that will include all you want? Your individual is at the same time an individual and a local authority.

**The Hon. the Attorney-General:**

Well, every local authority, not being an individual, is excepted.

**The Commercial Member for Lagos (The Hon. R. M. Williams):**

The local authority is an individual: he is with two incomes; one is private income and one is income as a local authority.

**The Hon. the Attorney-General:**

No, he has no income as a local authority, not the person; it is a body, it is a corporate body that has the income.

**The Commercial Member for Lagos (The Hon. R. M. Williams):**

But where you have an individual who is declared to be a body, surely the income of the office is the income of an individual for the time being.

**The Hon. the Attorney-General:**

No, Sir, you cannot say that the income of the office is the income of the individual. It does however apparently occur in the income of local authorities, because there you have individuals as well.

**The Hon. the Deputy Financial Secretary:**

May I ask the Honourable Member if the proviso to clause 8 meets the case . . . . .

**The Hon. the Attorney-General:**

Well, No, Sir. I do not think that it does. What we want is to make sure the individual cannot himself be exempted in respect of his own salary.

**His Excellency:**

It is not clear to me that any amendment is necessary. If you made the demand on Mr Jones or Mr Smith although he happened to be a local authority he would have to pay.

**The Hon. the Attorney-General:**

Well, I am prepared to leave it at that and if we do have difficulty we can bring it back to the Council. Your Excellency, I think it would perhaps be better to leave it as it is, and then if we find there are difficulties, we can always come back to the Council with a clause that we have had time to think about. We have had no time to think about this.

**His Excellency:**

I think it would be wiser to let the clause stand, and if necessary we will bring in an amending Bill.

**The Member for Mining (Lt.-Col. the Hon. H. H. W. Boyes, M.C.):**

Your Excellency, I suggest the words "as such" to be put in immediately after. Would that cover it?

**The Hon. the Attorney-General:**

That might make it clearer, but I think it would be better to leave it alone for the time being.

**His Excellency:**

It will not mean that anybody can escape tax in this way. If we find there is a difficulty, we can get it removed at the next Council meeting in July. He will still have to pay, so he need not waste his time trying to get out of it.

I will put the question, That clause . . . . .

**The Hon. the Deputy Financial Secretary:**

Before that question is put, Sir, I would like to refer to the question of paragraph (d). It is proposed to substitute the words "accrues in, derived from or received." I am afraid that might serve to relieve a person from taxation who happened to be subject to taxation under the Direct Taxation Ordinance, who, say, lived part of the time of the year in the Protectorate and part in Lagos.

**The Hon. the Attorney-General:**

Your Excellency, this matter has been sprung on us rather suddenly, and income tax legislation is the most complicated form of legislation. I think perhaps it might be wiser if I had said nothing, and I therefore suggest, Sir, that it should be left as it is, and that we should have a chance to consider it at leisure. We do not wish to put in three or four words now which would have an effect different from what we really intend.

**The Hon. the Comptroller of Customs:**

Your Excellency, might I suggest that the amendment that would meet the case would be "any income subject to tax under the Direct Taxation Ordinance".

**His Excellency:**

Well, I would prefer to give the Honourable the Attorney-General and the Chairman of the Select Committee time to consider these points.

**The Member for the Rivers Division (The Hon. S. B. Rhodes):**

Your Excellency, that is the chief reason, I believe, why all Bills should not be read a second time the first day. There would have been the opportunity of discussing all these matters. We have sat over these Bills for days and days and we are faced now with a new amendment which was never brought before the Committee.

**His Excellency:**

In other words the Honourable Member objects to these amendments being made at this stage of the Bill. There is something in what the Honourable Member says. Well, I will put the question. That clause 8 do stand part of the Bill?

*Carried.*

The amendments, therefore, previously proposed, fall to the ground.

*Clause 9.*

*Clause 10, 11, 12, 13, 14, 15, 16, 17, 18.*

*Clause 19.*

**The Commercial Member for Lagos (The Hon. R. M. Williams):**

Your Excellency: I move that clause 19 be deleted. We had a long discussion about this in the Select Committee and I know that I shall not carry this amendment, but I should like to stress again the reasons for my objections.

Clause 19 imposes on Government the duty, in my opinion, to see that the returns made to it are in a reasonable measure correct. It is asking for returns which it stands no chance whatever of checking. You are asking a certain group of people who retire from Nigeria to declare what their income is in certain circumstances from all sources. Well, the Honourable the Deputy Financial Secretary gave as an example a man who was getting a double pension—I suppose he did this to give a touch of artistic verisimilitude to an otherwise bald and unconvincing narrative. But the double pensioner is not a typical case. The typical case is every single man on your pensions list who has gone home drawing a pension from here, with a small amount of savings which he has invested somewhere. You ask him to declare what the total amounts of his investments are. Well, you have no means of checking those investments in 99 per cent of the cases. You are putting the honest man at a disadvantage. You know that human nature being as it is, people are not going to bother to declare small investments and raise a tremendous argument when they know perfectly well that they cannot be checked.

I oppose the clause on the grounds of the impossibility of carrying it fairly into effect.

**His Excellency:**

Does the Honourable the Deputy Financial Secretary wish to say anything on the deletion of clause 19 as suggested by the Honourable the Commercial Member for Lagos?

**The Hon. the Deputy Financial Secretary:**

Your Excellency: I should like to say this, Sir, that the Honourable Member's suggestion will not remove the inequality. This clause was adapted from the Ordinance of a Colony where it has been in operation for some time—I may say since 1935—and I cannot accept the suggestion of the Honourable Member that it is impracticable for it to operate in the light of experience obtaining elsewhere where it is in operation.

**The Member for the Rivers Division (The Hon. S. B. Rhodes):**

On a point of order, Sir, there is no seconder to the Honourable Member's proposal.

**His Excellency:**

May I refer the Honourable Member to clause 36 of the Standing Rule and Order which does not require anyone to second an amendment to any clause when the Council is in Committee. Does any other Honourable Member wish to speak?

I will put the question. The question is that clause 19 as originally passed by the Select Committee should stand part of the Bill. Those in favour say "Aye", those against say "No". The "Ayes" have it.

*Clause 22.*

**The Hon. the Comptroller of Customs:**

Your Excellency: The report of the Select Committee contains a subscription signed by me, protesting against the inequality of the operation of this clause. I realise that there is no opportunity now to consider all it involves, but I merely point out these inequalities and ask that Government's attention be paid to them as we have them in the subscription to the report.

**The Hon. the Attorney-General:**

Your Excellency: There is another point arising out of clause 22 and that is the Schedule, Sir. We should take that first.

**His Excellency:**

I think the Honourable Member could be assured that Government will consider the representations that have been made in the interest of the service. I think before clause 22 is put, we must take the details in the Schedule, because when once the clause is passed, the Schedule is automatically passed along with it.

**The Hon. the Attorney-General:**

Your Excellency: I beg to move that the first Schedule stand part of the Bill.

*Clause 46.*

**The Hon. the Deputy Financial Secretary:**

Your Excellency: In referring to this clause when moving the first reading, I pointed out that an alternative right of appeal of the individual already exists as between Court and Court. Under the Companies' Income Tax Law, a company has right to appeal beyond the Supreme Court, but there is no provision in that law for the constitution of a Board. The wording of sub-section (1) of this clause says:—

“ Any person who, being aggrieved by an assessment  
 “ made upon him, has failed to agree with the Commissioner  
 “ in the manner provided in sub-section (4) of the preceding  
 “ section may appeal against the assessment to the Supreme  
 “ Court . . . . . ”

In the definition section of the Bill, “ Person ” includes “ Company.” The effect of that section is that a company has right to appeal to the Court or to the Board. It will be more in agreement with the Colony Taxation Ordinance which says—

“ An individual aggrieved may appeal to the Court ”.

I think there is no objection to leaving the word “ person ” and giving a company an alternative right of appeal to the Board. I feel I should like to raise that point, but cannot agree that the alternative right of appeal should be limited to individuals and not extended to companies. My own suggestion is that it should be left so that a company can have the alternative right of appeal. That is the point I wish to emphasise.

**His Excellency:**

Does any other Honourable Member wish to speak on that point?

**The Hon. the Deputy Financial Secretary:**

I wish to bring this further point before the Council. In further explanation, Sir, I should like to say that when an individual appeals to the Board, the decision of the Board is final, and he cannot proceed to the Supreme Court or the High Court. I do not wish to move any amendment. I think the alternative right of appeal is quite satisfactory, but it is possible that some Honourable Members may wish to speak.

**The Commercial Member for Lagos (The Hon. R. M. Williams):**

There is just one other point. I think there should be no obstacle to appealing beyond the Nigerian Courts, and therefore the provision in section (j) in this Bill is unnecessary.

**The Member for the Egba Division (The Hon. A. Alakija, C.B.E.):**

Your Excellency: It is laid down that the decision of the Court should be final. That, Sir, applies to an appeal to a Judge, but an appellaut can, if he wishes, insist on a case being stated, which

will take his case to the West African Court of Appeal before three Judges to whom the case stated goes from the Supreme Court. In that respect, I say, an appeal can certainly be taken at the wish of the appellant to the West African Court of Appeal. I do not know what the exact position will be if an appellant wishes to go further. Unless it can be perfectly clear, I think the clause should be deleted and I should move its deletion. It is very important in matters of this sort in which large sums of money may be involved that the right of appeal of an individual should not be fettered in any Income Tax Ordinance.

***The Hon. the Attorney-General:***

I think what the Honourable Member means is that there should be a right of appeal even to the Privy Council. Before an appeal can go before the Privy Council a sum of over four hundred pounds must be involved. I am not at this moment prepared to say that we should accept the amendment.

***The Member for the Egba Division (The Hon. A. Alakija, C.B.E.):***

I think what we should do now is to re-enact the section as it stands. That is the law to-day under the Companies' Taxation Ordinance, 1939.

***The Hon. the Attorney-General:***

Your Excellency: It will go the West African Court of Appeal when the case is beyond the Supreme Court. That is the law at present.

***The Member for the Egba Division (The Hon. A. Alakija, C.B.E.):***

If that is the law at present, Your Excellency, I agree with the Honourable the Commercial Member for Lagos that the clause be deleted, so that anyone can appeal to the West African Court of Appeal and to the Privy Council if a certain sum is involved. I have always said in this House that where the question of appeal is involved, we should not fetter the right of appeal of a subject. The Judge may refuse to state a case.

***The Hon. the Attorney-General:***

Where the amount is over fifty pounds, an individual can appeal to the West African Court of Appeal; and where it is four hundred pounds then he goes to the Privy Council.

***The Member for the Egba Division (The Hon. A. Alakija, C.B.E.):***

I have always said here that in the British Colonies every British subject has a right of appeal. This law affects all classes of people, both European and African. I see no reason why the decision of the Judge should be final.

**The Hon. the Attorney-General:**

Your Excellency: I see no objection, as it is only in matters involving an amount of four hundred pounds and over that an appeal can go to the Privy Council. I think that can only mean the deletion of sub-section (j).

My Honourable and learned friend, the Member for the Egba Division will agree with me that no judge can refuse to state a case, and the clause says in the proviso—" . . . . . shall, on " the application of the appellant or the Commissioner, state a " case on a question of law ".

He is mistaken there, Sir; but I see no reason why the decision of the judge should be final. If we remove sub-section (j) it should suffice.

**His Excellency:**

There is something to be said in favour of the amendment. It may involve thousands of pounds or more.

**The Commercial Member for Lagos (The Hon. R. M. Williams):**

If we remove sub-section (j) there can be no question about it, Sir. I move the deletion of clause (j).

**The Hon. the Attorney-General:**

If the Honourable Member wishes I will second that.

**His Excellency:**

I will put the question that clause (j) be deleted and that clause (k) be re-lettered (j).

**The Hon. the Attorney-General:**

Your Excellency: There is just one point arising out of that, and that is the proviso to (j). I do not know whether my Honourable friend wishes clause (j) to be deleted, because the proviso goes with it, and therefore my Honourable friend loses the right of appeal and the right of a case stated. If it is to be deleted, then the proviso will have to go with it.

**His Excellency:**

Well, I will put the question that clause 46 as amended do stand part of the Bill.

The Bill having passed through Committee with one amendment, the Council resumed, and on the motion of the Honourable the Deputy Financial Secretary, seconded by the Honourable the Attorney-General, the Bill entitled " An Ordinance to impose a tax upon incomes and to regulate the collection thereof ", was read a third time and passed.

AN ORDINANCE TO REGULATE THE LEVYING AND COLLECTION OF  
DIRECT TAXES FROM NATIVES IN NIGERIA.

*The* **Hon. the Attorney-General:**

Your Excellency: I rise, Sir, to move the first reading of a Bill entitled "An Ordinance to regulate the Levying and Collection of Direct Taxes from Natives in Nigeria."

This Bill is a companion of the very voluminous Bill which has just been passed. I think I need not delay the Council by going into its merits or demerits. This Bill applies, in effect, to all natives in Nigeria, except those in the township of Lagos.

As a companion of the Income Tax Bill that has just been passed, it is, Sir, a modernised version of the old Native Revenue Ordinance which, as the Deputy Financial Secretary has said, goes back in almost its present form, to 1906. As a matter of fact, I have seen it goes even as far back as 1904.

The principles of these Bills are the same as the existing law in the Protectorate, and since 1917 we have found it necessary to change the method of collection so as to prevent delays in the matter of assessment, bringing into sections dealing with assessment the provisions relating to incomes. In other words, Sir, the Bill before the Council is simply to supplement the Bill which has just been passed and is a modernised form of the Native Revenue Ordinance, Chapter 47.

I beg, Sir, to move.

**His Honour the Chief Commissioner, Northern Provinces:**

I beg to second.

**His Excellency:**

Does any Honourable Member wish to speak on this Bill.

(Second Reading.)

**The Hon. the Attorney-General:**

Your Excellency: I beg to move that the Bill entitled "An Ordinance to regulate the Levying and Collection of Taxes from Natives in Nigeria" be read a second time.

**The Hon. the Deputy Financial Secretary:**

I beg to second.

The Bill having passed through Committee without amendment, the Council resumed, and on the motion of the Honourable the Attorney-General, seconded by the Honourable the Deputy Financial Secretary, the Bill was read a third time and passed.

**His Excellency:**

There being no other business, the Council will now adjourn *sine die*.

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# Debates in the Legislative Council of Nigeria

Tuesday, 3rd September, 1940

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Pursuant to notice the Honourable the Members of the Legislative Council met in the Council Chamber, Lagos, at 10 a.m. on Tuesday, the 3rd of September, 1940.

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## PRESENT.

### OFFICIAL MEMBERS.

- The Governor,  
His Excellency Sir Bernard Bourdillon, G.C.M.G., K.B.E.
- The Chief Secretary to the Government,  
The Honourable C. C. Woolley, C.M.G., O.B.E., M.C.
- The Chief Commissioner, Northern Provinces,  
His Honour T. S. Adams, C.M.G.
- The Chief Commissioner, Western Provinces,  
His Honour G. C. Whiteley, C.M.G.
- The Attorney-General,  
The Honourable H. C. F. Cox, K.C.
- The Acting Financial Secretary,  
The Honourable S. R. Marlow.
- The Acting Director of Medical Services,  
Dr. the Honourable G. B. Walker.
- The Acting Director of Education,  
The Honourable C. R. Butler.
- The Director of Marine,  
Commander the Honourable A. V. P. Ivey, R.D., B.N.R.
- The Comptroller of Customs,  
The Honourable A. E. V. Barton, C.B.E.
- The Deputy Chief Secretary,  
The Honourable T. Hoskyns-Abrahall.
- The Senior Resident, Oyo Province,  
The Honourable H. F. M. White.
- The Resident, Onitsha Province,  
The Honourable D. P. J. O'Connor, M.C.

- The General Manager of the Railway,  
The Honourable J. H. McEwen.
- The Director of Public Works,  
The Honourable S. J. W. Gooch.
- The Director of Agriculture,  
Captain the Honourable J. R. Mackie.
- Captain the Honourable A. W. N. de Normann,  
Commissioner of Lands and Surveyor-General.

## UNOFFICIAL MEMBERS.

- The Member for Shipping,  
The Honourable H. S. Feggetter.
- The Member for the Egba Division,  
The Honourable A. Alakija.
- The Member for the Colony Division,  
Dr. the Honourable H. Carr, D.C.L., O.B.E., I.S.O.
- The Member for the Ibo Division,  
The Honourable B. O.-E. Amobi.
- The Member for the Rivers Division,  
The Honourable S. B. Rhodes.
- The Member for the Warri Division,  
The Honourable Asifo Egbe.
- The Member for the Oyo Division,  
The Honourable N. D. Oyerinde.
- The Commercial Member for Lagos,  
Lieutenant-Colonel the Honourable R. M. Williams.
- The Member for Calabar,  
The Reverend and Honourable O. Efiang.
- The Member for the Ibibio Division,  
The Honourable Nyong Essien.
- The Member for the Ijebu Division,  
Dr. the Honourable N. T. Olusoga.
- The First Lagos Member,  
The Honourable H. S. A. Thomas.
- The Mining Member,  
Lieutenant-Colonel the Honourable H. H. W. Boyes,  
M.C.
- The Commercial Member for Kano,  
The Honourable W. T. G. Gates.
- The Banking Member (Provisional),  
The Honourable K. M. Oliver, M.C.

## ABSENT.

## OFFICIAL MEMBERS.

- The Chief Commissioner, Eastern Provinces,  
His Honour G. G. Shute, C.M.G.
- The Commandant, Nigeria Regiment,  
Brigadier the Honourable H. U. Richards.
- The Senior Resident, Plateau Province,  
The Honourable E. S. Pembleton.
- The Senior Resident, Cameroons Province,  
The Honourable A. E. F. Murray.
- The Secretary, Northern Provinces,  
The Honourable A. E. V. Watwyn.
- The Senior Resident, Owerri Province,  
The Honourable F. B. Carr.
- The Resident, Benue Province,  
The Honourable D. M. H. Beck, M.C.
- The Resident, Katsina Province,  
The Honourable R. L. Payne.
- The Resident, Zaria Province,  
The Honourable F. M. Noad.
- The Resident, Calabar Province,  
Major the Honourable H. P. James.
- The Resident, Ondo Province,  
Major the Honourable J. Wann.

## UNOFFICIAL MEMBERS.

- The Commercial Member for Port Harcourt,  
The Honourable P. H. Davey.
- The Commercial Member for Calabar,  
The Honourable L. A. McCormack.
- The Second Lagos Member,  
Dr the Honourable K. A. Abayomi, M.D.
- The Third Lagos Member,  
The Honourable O. Afakija.

## PRAYERS.

His Excellency the Governor opened the proceedings of the Council with prayers.

## CONFIRMATION OF MINUTES.

The minutes of the meeting held on the 15th of March, 1940, having been printed and circulated to the Honourable Members were taken as read and confirmed.

## OATHS.

Dr. the Honourable G. B. Walker, Acting Director of Medical Services; the Honourable C. R. Butler, Acting Director of Education; the Resident, Onitsha Province, the Honourable D. P. J. O'Connor, M.C.; the Honourable K. M. Oliver, M.C., Banking Member (Provisional), took the Oath as members of the Council.

## PAPERS LAID.

The Honourable the Chief Secretary to the Government laid the following papers on the table:—

- Sessional Paper No. 3 of 1940, Annual Report on the Government Railway for the Financial Year 1938-39.
- Sessional Paper No. 4 of 1940, Report on the Medical Services for the year 1938.
- Sessional Paper No. 5 of 1940, Annual Report on the Veterinary Department for the year 1938.
- Sessional Paper No. 6 of 1940, Annual Report on the Agricultural Department for the year 1938.
- Sessional Paper No. 8 of 1940, Report of the Director of Colonial Audit for 1938. Supplementary to No. 13 of 1939.
- Sessional Paper No. 9 of 1940, Northern, Western and Eastern Provinces Native Treasuries Estimates, 1940-41.
- Sessional Paper No. 10 of 1940, Annual Report on the Department of Chemistry (late Analyst Department) for the year 1939.
- Sessional Paper No. 11 of 1940, Annual Report on the Printing Department (with Central Stationery Depot) for the year 1939.
- Sessional Paper No. 12 of 1940, Annual Report on the Geological Survey Department for the year 1939.
- Sessional Paper No. 14 of 1940, Annual Report on the Police Department for the year 1939.
- Sessional Paper No. 15 of 1940, Annual Report on the Colliery Department for the year 1939.
- Subsidiary Legislation made since the last meeting of the Council.
- Report of the Finance Committee for the period from March, 1940, to July, 1940.
- Review of the Financial Position.
- Certificate of Urgency in respect of a Resolution and Order under section 12 of the Customs Tariff Ordinance, 1924 (No. 20 of 1924).
- Certificates of Urgency in respect of the following Bills:—
  - An Ordinance to amend the Customs Ordinance, 1924.
  - An Ordinance to amend the Customs Tariff Ordinance, 1924.
  - An Ordinance to amend the Income Tax Ordinance, 1940.

### NOTICE OF QUESTIONS AND MOTIONS.

The Honourable the Acting Financial Secretary gave notice of his intention to move the suspension of Standing Rule and Order No. 29 (1) to enable a Resolution and Order under section 12 of the Customs Tariff Ordinance, 1924 (No. 20 of 1924) to be introduced without notice.

### QUESTIONS.

#### *The Member for Calabar (The Rev. & Hon. O. Efiang):*

1. (*Question No. 4 of the 15th of March, 1940*). (a) To ask the Honourable the Director of Education for the total expenditure in each of the calendar years 1938 and 1939, on Personal Emoluments, Allowances, Furlough and Local Leave Passages, etc., respectively, in connection with the European staff of Government Educational Institutions and their wives under the existing arrangements for long vacations, whereby they all proceed home on furlough annually and close down those institutions meanwhile?

(b) What would have been the difference in expenditure had the European members of the staff of each of those institutions taken their leaves when normally due after a full tour?

*Reply not yet ready.*

#### *The Member for the Ibo Division (The Hon. B. O.-E. Amobi):*

2. (*Question No. 5 of the 15th of March, 1940*). (b) (iii) How many of the successful candidates have been placed in permanent appointments?

(c) If the answer to question (b) (iii) above is in the negative, to ask for an explanation as to why the successful candidates have not been placed in permanent appointments?

*Reply not yet ready.*

#### *The Member for the Ibo Division (The Hon. B. O.-E. Amobi):*

3. (*Question No. 6 of the 15th of March, 1940*). To ask the Honourable the Chief Secretary to the Government—

(a) What is the total number of Africans working either as Clerks, Accountants, Book-keepers, or Storekeepers, under the various trading firms operating in Nigeria?

(b) What are the conditions of their employment?

(c) What steps have the Government taken or contemplate taking to ensure that these employees of the firms are employed under fair conditions of employment?

*Answer:—*

#### *The Hon. the Chief Secretary to the Government:*

(a) and (b) The information sought by the Honourable Member is not available.

(c) The Government will consider what action might appropriately be taken if satisfied that its intervention is justified.

#### *The Member for the Oyo Division (The Hon. N. D. Oyerinde):*

4. (*Question No. 7 of the 15th of March, 1940*). (a) To ask the Honourable the Director of Education whether it is a fact that the Ibadan Grammar School Grant has been reduced?

- (b) If so, by how much per cent has it been reduced?
- (c) What are the reasons for the reduction of the grant?
- (d) What was the classification of the School in (i) 1937, and (ii) 1938?
- (e) Is it a fact that the School was not inspected in 1938?
- (f) If so, why was the School not inspected?
- (g) Upon what ground was the 1938 classification based?
- (h) Is it a fact that the usual time of the inspection of the School was between the months of September and October, of each year?
- (i) Why was the time of the inspection of the School changed to April in 1939, when the fate of the School depended upon that inspection?

*Answer:—*

**The Hon. the Director of Education:**

- (a) Yes, Sir.
- (b) 50%.
- (c) Inefficiency and failure to improve.
- (d) (i) D. (ii) D.
- (e) No formal inspection was carried out in 1938, but an Education Officer spent seven days in the school endeavouring to help the Headmaster and Staff.
- (f) See (e).
- (g) Insufficient improvement had been made to justify reclassification.
- (h) No, Sir: inspections are carried out when staff are available.
- (i) See (h).

**The Member for the Rivers Division (The Hon. S. B. Rhodes):**

5. (Question No. 8 of the 15th of March, 1940). (a) Is Government aware that monies deposited with Government by unpaid Bailiffs as securities, yield no interest whereas monies deposited as securities by persons employed by trading firms yield interest?
- (b) If the answer is in the affirmative, will Government consider the advisability of placing all such securities on fixed deposit in one of the local banks and all interest accruing therefrom placed to the credit of the said Bailiff concerned?
- (c) Will it not be more advantageous for Government to receive the fees and all Bailiffs be taken on the staff as paid Bailiffs?
- (d) Is there any special reason or reasons why paid Bailiffs are attached to Degema and Port Harcourt, whereas an unpaid Bailiff to Aba?

*Reply not yet ready.*

**The Member for the Egba Division (The Hon. A. Alakija, C.B.E.):**

6. (Question No. 10 of the 15th of March, 1940). (a) Would the Honourable the Director of Education consider the advisability of establishing a Secondary School for the Ngwas instead of the three Native Administration Elementary Schools which are now contemplated?

(b) If not, will the honourable gentleman state his reason?

(c) What is the highest class in these proposed Native Administration schools?

*Answer:—*

**The Hon. the Director of Education:**

(a) Not at present.

(b) The establishment of a secondary school cannot be considered until sufficient elementary schools to feed it have been established, and until there is a sufficient number of pupils who have attained the standard necessary for admission to a secondary school.

(c) If the normal procedure is followed, they will aim, in the first instance, at attaining full elementary status up to and including Standard IV; this will take six years.

**The Member for the Ibibio Division (The Hon. Nyong Essien):**

7. (Question No. 12 of the 15th of March, 1940). To ask the Honourable the Director of Education:—

(a) Is it a fact that owing to war conditions certain members of the Yaba Higher College staff arrived late last October?

(b) Whether, during September and October, 1939, a European acted for the Principal and an African for the House Tutor of the College?

(c) What was the Principal's Duty Pay for that period, and what percentage of it did the Acting Principal receive?

(d) Was the House Tutor entitled to, and receiving Duty Pay?

(e) What proportion of the Duty Pay did the African Master get during the period he acted for the House Tutor of that College?

(f) Is it a fact that there appears to be a shortage of staff of the Higher College, Yaba, owing to the transfer of one of the members of the staff and to the impending leave due to another?

(g) Is it a fact also that owing to that shortage of staff a certain European has been detailed to lecture in English to the students, particularly those who are taking their Diploma this year? If reply is in the affirmative,

(h) What are the qualifications entitling the lecturer to that important and responsible office?

(i) What is the scale of salary to which the lecturer is entitled to receive for that duty?

(j) Is it a fact that the same man is attached for the same purpose to the faculty of Commerce in that College? If so,

(k) What are his emoluments and qualifications?

(l) Is Government aware of the Editorial of the *West African Pilot* issue of Tuesday the 1st of August, 1939, in connection with staffing of the Yaba Higher College?

(m) What steps are being taken by Government to act on those suggestions?

(n) Whether Government will state the reason for retaining the services of the newly appointed lecturer on the staff of that College?

(o) If not, why not?

(p) Whether Government will, please, consider the desirability, and agree, that all the lecturers on the staff of that College are University Graduates?

(q) If not, why not?

(r) Will Government kindly make a statement of the general educational policy of the Nigerian Government?

(s) Whether Government will, please, consider the desirability of increasing the present educational vote to £500,000?

*Reply not yet ready.*

**The Member for the Ibibio Division (The Hon. Nyong Essien):**

8. (*Question No. 13 of the 15th of March, 1940*). (a) To ask the Honourable the Director of Education to state the duties and responsibilities of the Travelling Teacher as compared with those of the Superintendent of Education?

(b) Is the office of the Travelling Teacher redundant in the education system of Nigeria, in view of the existence of the office of the Superintendent of Education?

(c) If reply to (b) is in the negative, how does the Travelling Teacher benefit the native educationally?

(d) If reply to (b) is in the affirmative, will Government kindly consider the desirability of amalgamating the two offices?

(e) Is it a fact that the Travelling Teacher's office is that part of Education Department in Nigeria, which exists for the benefit of the few at the expense of the many, and is also an impediment and detrimental to educational advancement of Nigerians?

(f) If reply to (e) is in the negative, where, in education system in Britain, France and America, does "Travelling Teacher's Office" obtain?

(g) What is (i) its origin, (ii) its purpose, (iii) its aim and (iv) its object?

(h) If reply to (e) above is in the affirmative, will Government please, see to immediate abolition of that office?

(i) If not, why not?

(j) Of the two Education Officers, namely, the Superintendent of Education and the Travelling Teacher who is "Inspector of Schools" in Nigeria?

(k) Whether, in view of existing fall of Government Revenue, Government will kindly consider to substitute the office of the Travelling Teacher for that of the Superintendent of Education, and appoint capable Africans to fill the same?

(l) If not, why not?

*Answer:—*

**The Hon. the Director of Education:**

(a) The Travelling Teacher is mainly concerned with the unassisted elementary schools; he is expected to stay two or three days at each school in order to assist and advise the manager in matters of organisation, and to improve the technique of the staff. Education Officers are responsible for the general oversight of the educational work in the areas under their control; they advise Residents generally on educational matters; and submit detailed schemes for educational development in their areas; they are also responsible for the registration of teachers and the conduct of examinations and for the rendering of all returns required by the Secretary of State and by the Government. So far as inspection of schools is concerned, their activities are for the most part confined to Government, Native Administration and Assisted Schools.

(b) No.

(c) By working for the improvement of the school and of the teachers.

(d) No. The duties of the two officers are not the same.

(e) No.

(f) In parts of the United States of America much of the travelling teachers work is done by Jeanes teachers. In Great Britain and other countries there is a far higher percentage of trained teachers in the schools, and there is less need to supplement the work of the inspectors.

(g) (i) The system came into being in order to raise the standard of the schools.

(ii) To improve the organisation of the schools and the technique of the teachers.

(iii) As in (ii) above.

(iv) As in (ii) above.

(h) Does not arise.

(i) The Travelling Teachers are doing excellent work, and must be an integral part of the educational system for some years.

(j) Both Education Officers and Travelling Teachers inspect schools.

(k) and (l) The substitution proposed is not practicable. When suitably qualified Africans are available they are so employed, and this policy will be continued.

**The Member for the Ibibio Division (The Hon. Nyong Essien):**

9. (*Question No. 14 of the 15th of March, 1940*). (a) What are the detailed and specific functions of the Forestry Department?

(b) What benefits does Nigeria derive from its existence?

(c) How far has use been made of African Personnel for specialised training in that department and what steps are being taken in that direction.

Answer:—

**The Hon. the Acting Chief Secretary to the Government:**

(a) The functions of the Forestry Department are (i) to protect and maintain forests of such extent and distribution as will safeguard the country against deterioration of its soil and climate, and (ii) to develop the output of produce from the forests thus maintained in the interests of the rural population.

(b) The answer is implicit in the reply to (a).

(c) The present strength of the African Forest Staff (excluding clerical establishment) is 755 of whom 251 are in Government and 504 in Native Administration Service. Hitherto these employees have received their training locally, but it is hoped shortly to set up a central Forest School at Ibadan for the training in Forestry of African Staff for Nigeria and other West African Colonies.

**The Member for the Ibibio Division (The Hon. Nyong Essien):**

10. (Question No. 16 of the 15th of March, 1940). To ask the Honourable the Director of Public Works:—

(a) Whether Government will consider the desirability of enforcing the application of Government approved scales for Public Works Department Overseers in the Uyo Division?

(b) If not, why not?

(c) Will Government, please, consider the desirability of establishing regular increments along the approved scales for Overseers and Assistant Overseers in Nigeria (including Uyo Division), rather than leave matters to the discretion of the District Engineers?

(d) If not, why not?

(e) Will Government agree to the grant of bicycle and motor cycle allowances to Overseers and Assistant Overseers in Uyo Division Public Works Department in accordance with General Orders, in view of the fact that Road Overseers in that Division supervise roads the distances of which necessitate the use of bicycles or motor cycles?

(f) How many Overseers in Uyo Division were granted increase of wages as from the 1st of April, 1936?

(g) What amount to each was the increment so granted?

(h) How many of the Overseers received the same?

(i) If no increment was granted, for what reason or reasons was it not granted?

(j) With a purpose that the Overseers in the Uyo Division might not be barred out from prospect, will Government, please, create the following posts, to wit: (i) Head Overseers and (ii) Road Foremen?

(k) If not, why not?

(l) Has a prospective Public Works Department Road Overseer to pass through a course of training during which time he receives a maximum salary of £3 5s. 0d. per month, as per authorised

scale? If so will Government kindly explain why, after such a person is promoted a Road Overseer, his salary falls below the maximum salary of an Overseer-in-training, namely, £3 5s. 0d.?

(m) Whether Government will consider the expediency and desirability of re-introducing the supply of khaki trousers, jackets, and officer's regulation helmets to Road Overseers as had been the case of late, in view of Public Works Department Overseers in some divisions being literate youths and a higher qualification being required of prospective Road Overseers?

(n) If not, why not?

(o) Will the Honourable the Director of Public Works consider the introduction into the Public Works Department of departmental examination to determine, in the best way possible, which of the Public Works Department Overseers ought to be permanent?

(p) If not, why not?

*Answer :—*

**The Hon. the Director of Public Works :**

(a) and (b) As stated in (a) (i) of the reply to Question No. 33 of the December, 1939, Session, the rates are already within the scales approved by Government.

(c) and (d) Consideration is being given to institution of incremental scales, but it is not considered desirable that increments should necessarily be annual.

(e) Motor cycle and bicycle allowances are payable where the use of such vehicles is necessary.

(f) Overseers 4.  
Assistant Overseers 3.

(g) 2s. 1d., 2s. 5d., 3s. 7d., 9s., 15s. 6d., 9s., 6s. 6d. per month.

(h) 4 Overseers out of a total of 10.  
3 Assistant Overseers out of a total of 10.

(i) A Road Overseer's work is the criterion of his ability and increments are awarded accordingly.

(j) and (k) Provision has been made in 1940-41 Estimates for the Establishment of a Grade of Head Overseers and Road-Foremen.

(l) The rates of pay laid down by Government are to suit varying conditions in different parts of Nigeria, and an overseer in training may become an Overseer before reaching his maximum of £3 5s. 0d. per month, in which case he will enter the new grade at a salary not lower than that which he was previously receiving. The rates in the Uyo District are Overseers-in-Training £1 10s. 0d. per month; Assistant Overseers £1 10s. 0d. to £2 0s. 0d.

(m) and (n) The question of the most suitable clothing to be supplied is under consideration.

(o) A Road Overseer's daily work is a criterion of his ability and it is considered that an examination is not suitable for this type of appointment.

**The Member for the Warri Division (The Hon. A. Egbe):**

11. (a) Is it a fact that tenants occupying plots in the Roberts Road and Warri-Sapele Road areas in the Warri Township whose leases have expired for some considerable number of years have not had their leases renewed by Government?

(b) Is it not the fact that Government is still accepting from these tenants rent at the same rate that they were paying before on their expired leases?

(c) Is the Government aware that these tenants have spent considerable sums of money in buying building materials to erect substantial houses on their plots as soon as their leases were renewed?

(d) Is it not the fact that these tenants have signified their acceptance to Government of the proposed revised economic rent?

*Reply not yet ready.*

**The Member for the Warri Division (The Hon. A. Egbe):**

12. (a) Will the Government give the number of applications for new plots (i) in Alder's Town, (ii) Maple Swamp and (iii) the Agbassa Okere Road areas?

(b) How many of these applications have been approved?

(c) Has Government received deposits from these applicants? If so, in how many cases?

(d) Will there be discrimination in subleasing these plots? If so, Why?

(e) What is causing this considerable delay which is holding up progress in the Warri Township and is causing a great deal of inconvenience to the people of the Warri Township?

*Reply not yet ready.*

**The Member for the Warri Division (The Hon. A. Egbe):**

13. (a) Is Government aware that there are hardly any good roads in Alder's Town and that they become impassable during the rainy season? If so,

(b) Will Government take steps to have these roads metalled?

*Answer:—*

**His Honour the Chief Commissioner, Western Provinces:**

(a) Government is aware that many of the roads in Alder's Town are earth roads and that in the rainy season they suffer some damage. They are, however, kept in as good condition as circumstances permit.

(b) The roads in Warri Township, which includes Alder's Town, are being tar-macadamised as opportunity occurs and funds permit.

**The Member for the Warri Division (The Hon. A. Egbe):**

14. When will the scheme for Secondary Class in the Warri Government School operate? If the date is yet far remote will Government give reason or reasons for eliminating the Infant Class

and Elementary Class I from the school whilst the Department still maintains the same number of staff as when these classes were not cut off?

*Answer:—*

**The Hon. the Director of Education:**

The question of increasing facilities for secondary education will be given full consideration when the time comes to make application for a grant from the fund which His Majesty's Government propose to make available for assistance to Colonial Governments.

In deciding the location of new secondary schools the Department must be guided by the needs of the people as a whole and not by the interests of any particular locality. Every care will be taken, however, to distribute facilities as widely and as equitably as possible.

The reasons for the elimination of the two infant classes were:—

- (a) In order to enable higher classes to be duplicated.
- (b) The possibility of adding Middle Classes III and IV at a later date.

The Honourable Member's contention that the number of teachers is still the same is not correct. The staff position is as under:—

|       |    |           |                               |
|-------|----|-----------|-------------------------------|
| 1936. | 17 | Teachers. |                               |
| 1937. | 16 | "         |                               |
| 1938. | 16 | "         | (Infant Class I eliminated).  |
| 1939. | 13 | "         | (Infant Class II eliminated). |

**The Member for the Warri Division (The Hon. A. Egbe):**

15. In view of the small number of pump wells in Warri Township and the poor quality of water from these wells, is it not time that Government should make provision for the supply of more and better water?

*Answer:—*

**His Honour the Chief Commissioner, Western Provinces:**

There are twelve public wells at Warri in addition to numerous private wells, and the number is not considered to be inadequate. The quality of the water in some of the wells, however, is poor and a trial bore is being sunk by the Public Works Department in an attempt to discover a better supply.

**The Member for the Warri Division (The Hon. A. Egbe):**

16. In view of the swampy nature of the Maple Swamp Area which makes it a breeding place for mosquitoes, is it not high time that proper drainage should be constructed on the streets along the clerks' quarters and the surrounding places properly reclaimed?

*Answer:—*

**His Honour the Chief Commissioner, Western Provinces:**

A proper Township scheme for the drainage and reclamation of this area is desirable but is financially impracticable at the present time.

**The Member for the Warri Division (The Hon. A. Egbe):**

17. (a) Will Government state the area of the piece of land in Jesse given out to a certain person at Sapele, for agricultural purposes by the Oba of Benin, prior to the transfer of Jesse from the Benin Province?

(b) Was the area surveyed and demarcated and did the agreement regarding the lease conform with the rules of the Native Lands Acquisition Ordinance?

(c) Is Government aware that the said person is still extending his plantation more and more, and is encroaching on Jesse peoples' land?

(d) As the Jesse Native Administration now pays an annual rent of £50 to the Benin Native Administration, will Government consider the advisability of making the Jesse Native Authority the grantors of the lease and of crediting the funds of the Jesse Native Administration with the rent accruing therefrom?

*Answer:—*

**His Honour the Chief Commissioner, Western Provinces:**

(a) Approximately 100 acres.

(b) The area was surveyed and demarcated. The agreement was not made under the Native Lands Acquisition Ordinance as both parties to the agreement were natives of Nigeria and therefore that Ordinance did not apply to the agreement.

(c) It has recently been brought to Government's notice that the person in question is encroaching on land outside the leased area. The matter is being investigated.

(d) One of the conditions under which the Jesse lands were transferred was that the rent on this lease should continue to be paid to the Benin Native Administration.

**The Member for Calabar (The Rev. & Hon. O. Efiang):**

18. (a) To ask the Government whether it is a fact that about 1926, Obon Adam Ephraim Duke, as Obon of Calabar, was deposed or suspended by the Government?

(b) If so, to ask Government whether his deposition or suspension was the result of a conviction in a legally constituted court and if so on what charges he was convicted?

(c) If not, to ask whether he was asked to answer any charge and if so how his guilt was determined?

(d) Whether Government took any steps to ascertain the opinion of the Obon's people before his deposition or suspension or after that action had been taken to acquaint his people of the circumstances which decided his removal from office?

(e) Will Government state the period of the Obon's suspension and whether any conditions were given him to fulfil before his restoration or reinstatement was possible?

(f) Whether any steps were taken to provide a substitute during the interregnum?

*Reply not yet ready.*

**The Member for Calabar (The Rev. & Hon. O. Efiang):**

19. Will the Honourable the Director of Medical Services please state:—

(a) How many chief sanitary inspectors there are in Nigeria at the moment?

(b) If none, why?

(c) How many chief nurses are in the Government service now?

(d) How many female senior nurses there are at present?

*Reply not yet ready.*

**The First Lagos Member (The Hon. H. S. A. Thomas):**

20. How many Native Administration treasuries are there in the Owerri division and what were the respective dates of their establishment?

*Reply not yet ready.*

**The First Lagos Member (The Hon. H. S. A. Thomas):**

21. (a) Is it a fact that the following four clan groups or groups of areas in the Owerri division, viz:—

(i) Agbaja, Ahiara, Ekwereazu, Ezimhitte and Ovororo:

(ii) Isu and Ikeduru:

(iii) Ngor and Okpala:

(iv) Umuapu, Awarra and Ohoba,

have by common agreement preferred requests that separate federated treasuries be established to serve their respective clan groups or groups of areas?

(b) When were the requests received?

(c) Have the requests been granted?

(d) Is it proposed to grant these requests?

(e) If so, when?

(f) If not, why not?

*Reply not yet ready.*

**The First Lagos Member (The Hon. H. S. A. Thomas):**

22. (a) Is there a divisional native treasury functioning in the Owerri division?

(b) If so, to ask:—

(i) Which areas are served by this treasury?

(ii) Are accredited representatives of these areas consulted as a rule, when the annual estimates are being compiled?

(iii) When and where did the consultation of these representatives over the draft annual estimates for 1940-41, take place?

*Reply not yet ready.*

**The First Lagos Member (The Hon. H. S. A. Thomas):**

23. (a) Are Native Administration officials who have not the advantage of contributing to a provident fund eligible for any retiring allowance or gratuity as the case may be, on retirement due to old age or sickness and on retrenchment?

(b) In case of the death of such Native Administration officials, is there any provision for payment to their legal personal representatives of a gratuity of their estates or for the support of their dependants?

(c) What rules govern payment in all the above cases?

(d) How do these rules compare with those applicable to similar employees in the Government service?

(e) What is the compulsory retirement age for Native Administration officials?

*Reply not yet ready.*

**The First Lagos Member (The Hon. H. S. A. Thomas):**

24. (a) How many female in-patients and out-patients were treated in the Owerri African Hospital during the years 1938 and 1939 respectively?

(b) How many female nurses were posted to this hospital during the aforesaid periods?

(c) If none, to ask whether early favourable consideration may be given to the question of posting a number of female nurses to this hospital?

*Reply not yet ready.*

**The First Lagos Member (The Hon. H. S. A. Thomas):**

25. (a) What are the respective numbers of rest houses built in the Owerri division at the expense of the Native Administration during the years 1937, 1938 and 1939?

(b) Of what structures and types are they?

(c) What is the total expenditure incurred on these rest houses during each of these years?

(d) For whose use were these rest houses built?

(e) Was the consent of the native authorities obtained?

(f) Whether in view of the great need for social services in the Owerri division and the fact that Government receives half-share of the gross tax collected in the division, Government will kindly consider the refund of the total expenditure from the Native Administration funds in respect of these rest houses?

*Reply not yet ready.*

**The First Lagos Member (The Hon. H. S. A. Thomas):**

26. (a) What opportunities are provided by Government for higher education locally of boys who passed the Middle Class IV examination in the Owerri Government Middle School?

(b) Is it a fact that representations have been made by the Owerri Native Administration Clan Councils to His Excellency the Governor and to His Honour the Chief Commissioner, Eastern Provinces, praying that the Owerri Government Middle School be raised to the status of a Class VI Middle school?

(c) If so, to ask how soon the Government proposes to grant this prayer, in view of the increasing demand for higher education throughout Nigeria, and the fact that Owerri is one of the most populous areas in Southern Nigeria?

*Reply not yet ready.*

**The First Lagos Member (The Hon. H. S. A. Thomas):**

27. (a) What are the circumstances which led to the arrest and detention by the police at Tiko, in the Cameroons under British mandate, of one Ben Abalu, a motor lorry owner, in the month of June, 1939?

(b) Is it a fact that after his arrest, Ben Abalu was refused bail by the police and kept in custody for eight days?

(c) How soon after his arrest was Abalu brought before a magistrate and what was the reason for the delay, if any?

(d) What were the charges preferred against Abalu, when was he tried, and what were the findings of the magistrate?

(e) Is it a fact that Abalu's motor lorry was detained by the police for four days after his arrest and was used by the police to transport Abalu and other people from Tiko to Victoria on the 18th of June, 1939?

(f) Was Abalu paid anything as compensation for the detention and use of his motor lorry by the police?

(g) If not, why not?

*Reply not yet ready.*

**RESOLUTIONS.**

**The Hon. the Chief Secretary to the Government:**

Sir, I feel sure that the desire of the House is that before we proceed with ordinary business as set out in the order of the day I should refer to the death, since we last met in this Chamber, of the Honourable Mr Bayles Financial Secretary to this Government; and I beg to move, Sir, that this Council records the deep regret with which it learned of the death of the Honourable Henry Lawrence Bayles, c.m.g., Financial Secretary to the Government, and desires that an expression of its sympathy be conveyed to Mrs Bayles and her family.

Mr Bayles entered the Colonial Service in 1909, that is to say thirty-one years ago, and he had a long and honourable record of service of which anyone might rightly be proud. His valuable services, as Honourable Members will recollect, were recognised by His Majesty the King in 1938 by the conferment on him of the Companionship of the Order of St Michael and St George.

Mr Bayles arrived in this dependency in 1936, with a ripe experience gained after long service in various parts of East Africa and in the West Indies. He came here, as you will remember, at a time when a slump which had started in 1931 I believe, was coming to an end and at a time when our resources had been very seriously depleted. Now, with true instinct I think he saw and realised that although we had then just recovered from one slump, without doubt we should get another, and it was only a matter of time before it came. Mr Bayles knew only too well the ups and downs of an agricultural country like Nigeria and not long after his arrival he set himself the task of conserving Nigeria's resources and restoring both our reserves and our surplus balances. He completed that task successfully, and the wisdom of it, and the debt we owe to him is perhaps better realised to-day than at the time he did it. I hesitate to think what our present position, bad as it is, would have been had Mr Bayles not taken that wise precaution when he did. As Honourable Members are only too well aware, during the last twelve to eighteen months we have been the victims of another slump, as well as a war, and it had been Mr Bayles's, shall I say unenviable task, to have to stand on the floor of this House time and again and recommend new measures of taxation and various steps for rigid economy. Apart from that unenviable task, he had to scrutinise, watch very closely and check expenditure of every Department in the land; he had to set his face against very desirable projects recommended both in this Council and by various Heads of Departments, solely on the grounds of lack of funds.

Now, his task was not a pleasant one, nor was his role a popular one, but I think you will all agree with me that he did what he conceived to be his duty faithfully and fearlessly. He did it in what he believed to be the best interests of Nigeria, the country which he was serving, and he did it well. With his passing we have lost a wise counsellor, an esteemed colleague and a personal friend, and we hasten to extend again to Mrs Bayles and her family our very deep and sincere sympathy in the irreparable loss which they have sustained.

*The Member for the Egba Division (The Hon. A. Alakija, C.B.E.)*

Your Excellency, I rise to second this resolution, and in doing so I desire on behalf of the Honourable the Unofficial Members to pay our warmest tribute of appreciation of Mr Bayles's official and courteous services and to join in the expression of sympathy which this House will convey to Mrs Bayles and her family.

After Mr Bayles had served in various departments of Government for thirty-one years, he came to us here about four years ago and during the period of his service in Nigeria Mr Bayles succeeded in gaining the admiration and the esteem of his colleagues in the service and of those associated with him in this Legislative Council. By his death we have lost the services of a

member who exercised great courtesy, foresight and vision, in the discharge of his duties and the heavy responsibilities placed upon him. We deeply regret his loss, for he was a conscientious, polite, and hard worker. In fact, Sir, he was a great man. We cannot all be great, but we can at least as loyal citizens of our great Empire do our duty and certainly we can all play the game. If then, we are inspired by the example of the Honourable Henry Lawrence Bayles, especially at this crisis when the world is staggering under the shock of Germany's mad adventure, the tribute paid this morning to his memory will not be in vain.

***His Excellency:***

The Government of Nigeria have lost in Mr Bayles an officer of great ability and of exceptional devotion to duty. Whenever there was work to be done, and there was always plenty of it, he refused to take any account of his own personal convenience or of the state of his health, and on more than one occasion I have had to issue a positive order to him before he would leave his office and take a rest, of which he was obviously very much in need. I cannot help feeling that this devotion to duty and refusal to spare himself must have considerably weakened his powers of resistance and contributed to his untimely death.

I would ask Honourable Members to signify their approval of this motion by rising in their places and standing for a moment in silence.

***The Hon. the Acting Financial Secretary:***

Your Excellency, I beg to move that the report of the Finance Committee, Part I, which was laid on the table to-day be adopted. This is a formal resolution and covers all additional provision which has been sanctioned by Finance Committee since the last meeting of this Council and is now submitted to Council for its approval. I beg to move.

*Resolution adopted.*

***The Hon. the Acting Financial Secretary:***

I beg to move that the report of the Finance Committee which was laid on the table to-day be adopted. This also, Sir, is a formal resolution covering those matters approved by Finance Committee not requiring additional financial provision. They cover such items as gratuities, compassionate grants, and reliefs from Customs duties. All these items have received the approval of Finance Committee and I now commend them to Council for approval.

***The Member for the Egba Division (The Hon. A. Alakija, C.B.E.)***

I beg to second.

*Resolution adopted.*

## SUSPENSION OF STANDING RULES AND ORDERS.

*The Hon. the Acting Financial Secretary:*

I beg to move, Sir, the suspension of Standing Orders to enable me to introduce a Resolution and Order under the Customs Tariff Ordinance which does not appear in the Order of the Day.

*Resolution adopted.*

## RESOLUTION.

*The Hon. the Acting Financial Secretary:*

I beg to move a resolution under the Customs Tariff Ordinance, 1924, the effect of which will be to raise the duties on many items throughout the whole range of the Customs Tariff. It also serves to introduce three amendments to the Exemptions Schedule and one minor verbal amendment to the Export Duties Schedule not affecting the rate of export duties. In my review of the financial position, which has been laid on the table to-day, I have explained the necessity for increased revenue measures. That review refers only to the results of the closing of last year's account and to the present financial position.

It is necessary now for me to go back a little and outline a brief picture of Nigeria's finances in relation to the war effort, and particularly as regards the assistance rendered to us by the Imperial Government. In that short time of comparative prosperity in 1936 and 1937 Nigeria was able by a cautious financial policy to conserve its reserves and resources. Since that time we have suffered two very lean years of declining markets and prices, which hit us doubly hard because we had embarked on a programme of works and development which could not be curtailed immediately, with the result that the outbreak of war found us with our surplus balances seriously depleted and liquidated to bear the additional war expenditure and at the same time maintain essential social services. The timely decision of His Majesty's Government at that time to bear the full cost of military expenditure over and above our normal defence provision plus a wartime increase of twenty-five per cent came, therefore, as a great relief to us, and the purchase of the bulk of our staple products at controlled prices by the Ministry of Food is vital to our very economic existence to-day, when more than half of our normal markets are firmly closed against us. It is obvious, therefore, to what great extent we are dependent on the bounty of His Majesty's Government now, and it is our clear duty to endeavour to become as self-supporting as possible so as to impose the minimum burden on the Mother Country at this critical time. As I have said, in that brief period of comparative plenty by following a cautious financial policy we were able to build up reserves; surplus balances were considerably increased; a reserve fund of half a million pounds was set aside; renewals funds were started which now total over £1,000,000, and the supplementary sinking fund was considerably increased and now

stands at a total of £1,300,000. Since then our surplus balances have unavoidably been very seriously depleted, but I am glad to be able to say that Nigeria, fortified by these considerable reserves, and with the assistance of contributions from Native Administrations, should be able to carry on unaided if necessary for several years without further financial aid, provided we exercise the strictest economy and endeavour to maintain our budgets at, or as near as possible to, equilibrium.

It is therefore essential, now that we know there will be a shortfall of customs revenue this year, that we should take immediate steps to maintain the revenue, and this Resolution and Order, together with a proposal to increase the rate of income tax on the chargeable income of the companies, are the two measures which are being submitted to Council for approval in order to maintain the revenue. It is not my intention to explain this Resolution and Order in detail; that I will leave to my honourable friend the Comptroller of Customs who will second this resolution. I will just say that it is estimated that the yield from the additional duties will be in a full year approximately £250,000 and for the remainder of the current financial year, they are expected to yield £140,000. It might be argued that both these measures lack originality, that, to quote from the *London Times* in a similar connection very recently, they confine themselves to a few more turns of the old familiar screws. This, no doubt, is true, but there are few opportunities in a colony such as Nigeria for spectacular forms of raising revenue and on examination of these proposals in detail it will be found that their incidence is spread so that it may be borne by the whole community according to their ability to pay. The increases are simple to understand, easy to collect with existing machinery and without additional cost, and difficult to evade; factors which are in accordance with well-tried and established principles of taxation.

Finally, Sir, I submit that this measure itself does not impose a sacrifice. That sacrifice is already imposed, and is willingly borne by the Government, commerce and peoples of this country in their determination to contribute their utmost to the successful prosecution of the war. What this measure does do is to share that sacrifice equitably over all the community.

It is usual, Sir, when an amendment of the Customs Tariff forms a part of the annual budget, for a proposal of this magnitude to be referred to the standing committee on finance for consideration. On other occasions when measures of increased duties have been introduced as a supplementary measure in the course of the year, they have been dealt with by being referred to a committee of the whole Council on the Resolution and Order. After this resolution has been seconded I shall propose, Sir, that it stand referred either to the standing finance committee or to a committee of the whole Council, as Your Excellency may direct.

Your Excellency, I beg to move the Resolution and Order.

*The Hon. the Comptroller of Customs:*

Your Excellency, in seconding this resolution I would first like to explain certain classifications of the various articles which it contains, giving different reasons and different explanations for the increase of duty or the extent of the increase. The first class to which I wish to refer is "Luxury and semi-luxury or unessential goods." Only yesterday there was an appeal through the B.B.C. for greater and greater economy in order, the speaker said, that we may save more to devote to the most essential purposes. In the course of various previous broadcasts, specific items have been mentioned; tea has appeared on three or four occasions as an example of what we can well cut down without any great harm. A sore point possibly in Nigeria will be the suggestion that whisky is a thing that we can very well cut down. Whisky, as everybody knows, is made from grain and there is no more essential war material than grain.

The second head is goods which are at present liable to low specific duties. When we fix a duty of 3d per lb. or 1s a gallon, we forget entirely its relation to the cost of the goods. It would come as a surprise to most people to know that the present duty on corrugated iron sheets is equivalent to three per cent *ad valorem*, which means not that you pay £3 out of every £100 of the retail price to the Government; but £3 out of about every £140 is all the Government gets out of corrugated iron sheets at present. Well that figures on the list of goods the duties on which it is sought to increase and in that connection I want to mention another class of goods, goods capable of local production. I have not seen in any country in which I have served such a dreadful disregard of the possibilities of the country as exists in Nigeria. The war, fortunately, has opened our eyes to that and a great deal has been done, and I hope a great deal more will be done, but it is not very clear to me, reverting to corrugated iron sheets, why such extensive use should be made of them. Shingles, wood, all sorts of building materials are here provided by nature, and we select the most hideous building material that man has yet devised to put on our roofs.

At the last meeting of the Council certain goods used by mining companies and others which had previously been on the free list were charged duty at ten per cent *ad valorem*. It is felt that at the present time there is no reason for distinguishing between the duties on such materials and the duties on goods used by the private consumer.

And then another reason for increasing duties in certain cases is to restrict consumption, that is, goods which have to come from foreign countries, involving the use of foreign exchange which can be used to much better purpose if we can manage to do without some of these goods. Now it follows that if we are to have restriction of imports, and that is inevitable in any case, the

increases in duties must be fairly steep in some cases, and I am now going to take in detail this Resolution and Order and explain precisely what changes are involved.

Paragraph (2) of the Resolution and Order merely removes a redundant provision relating to medicines. Everything covered by that particular item is covered by other items in the schedule of exemptions. There is no change in the duty charges arising in paragraph (2) of the resolution. Paragraph (3) adds to the aircraft exemption,—and aircraft engines, tools and equipment which in his absolute discretion the Comptroller shall admit as necessary and intended exclusively for the repair and maintenance of any such aircraft. I need hardly say that the expansion of aviation in Nigeria is not carried out at a profit.

Paragraph (4) corrects a mistake in the existing first schedule to the Customs Duties Ordinance. There in the relative item methylated spirits is made an exception to the duties charged on other spirits, but the result of making it an exception is to make it, or should have been to make it subject to the *ad valorem* rates of duty. The intention was to put it on the free list and that intention is carried in paragraph (4) of this resolution.

Paragraph (5) merely corrects a printing error in the previous Resolution and Order No. 1 of 1937.

Item 1, the increase is 5d a gallon.

Item 2, the increase is 10s per article. I must explain that these increases are like the duties themselves, subject to a surtax of twenty-five per cent.

Item 3, beer: increase of duty 1s 6d a gallon, that is of course 3d a reputed quart bottle.

Apparel, there is no change.

Item 5, arms and ammunition, no change, until sub-item 4, where rifles are increased by £1 7s 6d per rifle with an alternative *ad valorem* duty of 16 $\frac{2}{3}$  per cent. Sub-item 5 of item 5 remains unaltered, except for cartridges exceeding twenty-two calibre, the increase on which is 2s 6d. The only other part of item 5 which is changed is an increase of 10d per lb. on gun powder.

Item 7, there is no change except that later on when we come to the general *ad valorem* rate of duty which hitherto has been fifteen per cent, the proposal is that it should in future be 16 $\frac{2}{3}$  per cent, so that there is an increase of 1 $\frac{2}{3}$  per cent, and that applies to all fifteen per cent duties.

Item 6 unchanged.

Item 8 unchanged.

Item 9, an increase of 2d a lb.

Item 10, cement, an increase of 2d per 100 lb., bringing the duty to the same, or very nearly the same, *ad valorem* equivalent as goods liable to duty *ad valorem*.

Cinematograph films 4d a 100 feet.

Clocks and watches: there is just the 1 $\frac{3}{4}$  per cent under the *ad valorem*.

Item 14, the words "knoyle yarn" have been omitted. There is no such thing as cotton knoyle yarn. The intention was at any rate that noyle yarn should be liable to *ad valorem* duty and that is the effect of omitting the words "and noyle" from this item. Cotton piece goods, dyed, coloured and printed cotton piece goods are increased by  $\frac{1}{4}$ d a square yard. There is no increase on bleached or grey. There is no increase on real madras, but imitation madras is fixed at the same figure as real madras, an increase of  $\frac{3}{4}$ d a square yard. There is no increase on cotton velvets.

Item 16: there is an increase of roughly  $\frac{3}{4}$ d a lb.

Item 17: Matches. There is an increase of 1s 3d a gross boxes, bringing the total duty, including the surtax, to  $\frac{1}{2}$ d a box. It may not be generally realised that some of the chief sources of our supply of matches have been cut off. Imports have fallen by fifty per cent and it is an urgent necessity that the strictest economy should be exercised in the use of matches.

Metals: corrugated iron sheets, the increase is 1s 7d and a fraction, making the proposed duty equivalent to ten per cent *ad valorem*. Iron nails, an increase of 4s 8d, bringing the total duty to 6s 8d per 100 lb. Nails also are articles which everybody ought to strive to economise in the use of; very great economies can obviously be effected in the use of nails.

Turning over the page, item 23: There is an increase of 4d a gallon on kerosene, bringing Nigeria practically into line with the practice in most other countries, not distinguishing between the duties on various light petroleum products. Also, of course, we should be able to find adequate substitutes for petroleum-burning oils in this country, at any rate to carry us through the present crisis. Lubricating oils increase 5d a gallon, all other oils are now made liable or are being, after this is approved, made liable to 1s a gallon. The present rate of duty is *ad valorem*.

There is a new item, 21, or rather a greatly revised item, "Purely luxury goods" which are to be charged 33 $\frac{1}{3}$  per cent *ad valorem* under the heading "Perfumery".

Provisions: First item, butter, cheese and table fats, increase 2d a lb., coffee, cocoa and chicory 3d; confectionary, all kinds, 18 $\frac{1}{4}$  per cent *ad valorem*; fish 2d a lb. in tins, bottles, etc., and  $\frac{3}{4}$ d a lb. if packed otherwise. No change in flour. Meat 2d a lb. in tins, etc., and no change otherwise. Fruit and nuts; fresh fruit 2d a lb., preserved fruits 1d a lb. Nuts are not changed except that there is an alternative *ad valorem* rate of duty. I should have mentioned that in several of these items, as Honourable Members will agree, there are new alternative *ad valorem* rates to the

specific rates. Other increases which I will mention are on silk and artificial silk piece goods. There is an increase of 2d a square yard on velvets and ½d a square yard on other kinds. Soap: The only change is that flake and powder soap, including scouring soap is increased by ¼d a lb., while perfume soap is transferred to the item perfumery at 33½ per cent *ad valorem*.

We now come, Sir, to the item, Brandy, Gin, Rum, Whisky. First I wish to say that it is proposed to move the distinction between whisky and gin. They will both be made liable I hope to the same rate of duty. The increase on whisky will work out at 3s 0¼d a bottle on the ordinary brands, but from information in my possession I feel that it is not necessary to increase the price by more than 2s 6d. The increase in gin which is contained in two steps, stepping up to the original duty on whisky, and then accompanying it to the heights, is 4s 9d a bottle, and I think that outside increase on the price should be 4s 6d a bottle.

I may mention that these duties, high as they are, are not as high as the duties in the United Kingdom, though they do not fall as far short of the United Kingdom duties as our income tax rates fall short of the income tax rates in the United Kingdom.

Tobacco: the question of increasing the duty on locally made cigarettes was considered, but not proceeded with because an increase on the excise duty would react unfavourably against the cheaper kinds of cigarettes made of Nigerian tobacco which we are anxious to develop. The increase on tobacco, therefore, is limited to an increase of 10d a lb. on leaf tobacco and 4s 3d a lb. on pipe tobacco. I can only think that the original framer of the duties on pipe tobacco must have been a pipe smoker, because the rate of duty on pipe tobacco is only half that on cigarettes.

Umbrellas and parasols the duty increases by 1s per article, with an alternative 16⅔ per cent whereas before it was fifteen per cent.

Wines: Sparkling wines increase by 1s 8d per gallon, still wine, ordinary kinds 4s a gallon except . . . . . which is not changed and is now at the same rate of duty as other light wines; and heavily fortified wines of the kinds hardly drunk at all increase 5s and 8s per gallon respectively.

Wood: There is no increase. Wooden logs remain at 1s a cubic foot. We had an example the other day where 1s a cubic foot worked out at about eighty per cent *ad valorem*; but box shoots and wood manufactures other than those coming under the head wooden logs, building materials, are now to be charged 16⅔ per cent *ad valorem*. Here again is a case of the previous tariff having

been from its inception misinterpreted. The tariff read: . . . . . and the words "except box shoots" instead of being read as they ought to have been read, making box shoots liable to fifteen per cent, read as if they meant box shoots were free of duty.

Packing material remains as it was.

Item 30: there is an increase there of  $1\frac{2}{3}$  per cent on the general *ad valorem* rate, and  $6\frac{2}{3}$  per cent on those articles that used to be charged duty at ten per cent *ad valorem*.

Item 31: there is no change.

I have the honour, Sir, to second the resolution.

#### ***His Excellency:***

Before Honourable Members speak on the principle of this resolution I should like them to know that I propose it should be referred not to a committee of the whole House, but to the Finance Committee. I think that makes for greater freedom of discussion and it is in accordance with the general practice of the Government, which is to endeavour to obtain a free expression of unofficial opinion on the details of a financial measure before it comes to the House for final approval.

#### ***The Hon. the Acting Financial Secretary:***

Your Excellency, I beg to move that this Resolution and Order under the Customs Tariff Ordinance, 1924, be referred to the Standing Committee of Finance.

*Resolution adopted.*

### BILLS.

THE NATIVE LIQUOR (SALE) (AMENDMENT) ORDINANCE, 1940.

#### ***The Hon. the Attorney-General:***

Your Excellency, I rise to move the first reading of the first Bill standing in my name, namely "An Ordinance to amend the Native Liquor (Sale) Ordinance."

This is a very short Bill, Sir, and is introduced to enable the issue of quarterly licences for the sale of native liquor. Under the law at present, the licences can only be issued annually or monthly, and it has been shown in actual practice that where many people are anxious to take out a licence for a quarter, they have in fact to take out three separate monthly licences. It is therefore thought advisable, to effect this amendment, with the idea of simplifying procedure for the licensees and at the same time reducing work for the officers who have to issue these various licences.

*The Hon. the Deputy Chief Secretary:*

I beg to second.

*Passed.*

THE ADMINISTRATION OF ESTATES BY CONSULAR OFFICERS  
ORDINANCE, 1940.

*The Hon. the Attorney-General:*

Your Excellency, I rise to move the first reading of the second Bill standing in my name, namely: "An Ordinance to give effect to the provisions of certain treaties of Commerce and Navigation mentioned in the Schedule hereto."

For several years past there have been commercial treaties entered into between His Majesty's Government and the Government of foreign countries, and many of those treaties have been applied to the different colonies and protectorates. The treaties, although they deal with commerce and navigation, nevertheless in many cases make provision for the dealing with estates of the citizens who are nationals or subjects of the different Governments but die in the territories of the other, and it has therefore been recommended to us that we should come into line with other dependencies and introduce legislation which will enable the estates of the nationals or subjects of different countries with which His Majesty's Government have got commercial treaties, to be wound up simply and with little difficulty if they die in Nigeria or if they die elsewhere leaving property in Nigeria. If the Honourable Members will look at the Schedule to the Bill they will find there set out eight different countries with which His Majesty's Government has treaties. The treaties are stated in the second column, the date of the treaty in the third column, and the particular article to which we are endeavouring now to give effect, in the fourth column. The Bill simply provides, Sir, that where a national or subject of one of these countries dies within Nigeria

or dies elsewhere leaving property in Nigeria, the Consular Officer of that country shall be entitled, if there is no one better entitled to do so, to be granted letters of administration from the Courts, and to administer the estate in the absence of anyone else. Provision is also made in the Bill by which Your Excellency will be able to add further names to the Schedule, or delete references in the Schedule, as new treaties are entered into or existing treaties lapse or are abrogated.

**The Hon. the Deputy Chief Secretary:**

I beg to second.

*Bill read a first time.*

**The Hon. the Attorney-General:**

Your Excellency, there is a third Bill standing in my name, but I have asked for permission to defer it for a time.

THE INCOME TAX (AMENDMENT) ORDINANCE, 1940.

**The Hon. the Acting Financial Secretary:**

Your Excellency, as the Customs resolution and order is to be referred to the Standing Committee on finance, I suggest that if I now move the first reading of the Ordinance to amend the Income Tax Ordinance—that Bill also can stand referred to the Finance Committee.

I beg to move that a Bill entitled an Ordinance to amend the Income Tax Ordinance, 1940, be read a first time. The effect of this Bill will be to amend section 23 of the Income Tax Ordinance raising the rate of tax on the chargeable income of companies from 2s 6d in the £ to 4s in the £. This is the second of two measures which are being submitted to Council to-day with the object of filling the breach in our revenue defences; now that we know there is to be a shortfall of customs revenue it is Nigeria's duty to take immediate steps to maintain the revenue so as to avoid if possible the need for increased assistance from the Imperial Government. This means of raising additional revenue by an increase of the rate of income tax is a simple and ready one, and I may say that the diversion of tax from the Imperial Exchequer to Nigerian revenue which will be the result, has been accepted in principle by His Majesty's Government.

The increase from 2s 6d to 4s, is reasonable, when compared with the standard rate in the United Kingdom of 8s 6d in the £. It is appropriate that those companies which, owing to high prices, particularly of minerals, are now working at a very much higher range of profit than in normal times, should contribute an additional tax to the revenue. The new rate of 4s is below half that of the United Kingdom standard rate, and there will be no complication or difficulty therefore as regards relief from double

taxation, which is provided for under section 48 of the Ordinance. This measure will have effect from the 1st of April last, and the yield is estimated to be £40,000 per annum.

It is not proposed at present to seek the approval of Council for any increase of the rate of income tax of persons other than companies, for the reasons that there have been several successive increases within the past eighteen months, and the increased indirect taxes which will be the result of the increased customs duties will undoubtedly impose an additional burden of taxation on the income tax paying class; and because the administrative machinery for the assessment and collecting of income tax needs a little longer time in which to get into its full stride. But let there be no misunderstanding of Government's intentions in this respect: if the long-range trend of revenue continues downward—and there are no signs of improvement—rather to the contrary—then undoubtedly the rate of income tax must be still further increased. Proposals to that end are already under consideration, and it is my duty to foreshadow a substantial increase in the rate of income tax on persons other than companies next year, unless prospects improve.

Your Excellency, I beg to move the first reading of an Ordinance to amend the Income Tax Ordinance, 1940.

*The Hon. the Comptroller of Customs:*

I beg to second.

*The Bill was read a first time.*

#### SUSPENSION OF STANDING RULE AND ORDER.

*The Hon. the Acting Financial Secretary:*

Your Excellency, I beg to move the suspension of Standing Order No. 34 so that the second and subsequent reading of this Bill may be taken.

*The Commercial Member for Lagos (The Hon. R. M. Williams):*

Sir, I think perhaps this is unnecessary. The Finance Committee has got a good day's work in front of it already, and to give Honourable Members a better chance of considering these proposals and speaking on the second reading of this Bill, I think I should prefer that Standing Orders should not be waived. I very much doubt if we can get rid of it to-day. The Finance Committee must start its meeting at once and continue this afternoon. There is a long list of agenda in the ordinary routine of the Finance Committee. The Financial Secretary intends members to lose their only chance of making any considered observations on the whole of the present Government. Members will lose the only opportunity for debate on the general financial policy of the Government. I should prefer that that should, of course, wait till tomorrow.

No objection was raised.

**The Hon. the Attorney-General:**

I beg to move the suspension of Standing Order 34 so that the two Bills read this day a first time may be carried through to completion without further notice.

*Passed.*

**BILLS.**

*(Second and Third Readings.)*

THE NATIVE LIQUOR (SALE) (AMENDMENT) ORDINANCE, 1940.

**The Hon. the Attorney-General:**

I beg to move the second reading of the Bill entitled "An Ordinance to amend the Native Liquor (Sale) Ordinance."

**The Hon. the Deputy Chief Secretary:**

I beg to second.

*Bill read a second time and passed.*

THE ADMINISTRATION OF ESTATES BY CONSULAR OFFICERS  
ORDINANCE, 1940.

**The Hon. the Attorney-General:**

I beg to move the second reading of a Bill entitled "An Ordinance to give effect to the provisions of certain treaties of Commerce and Navigation mentioned in the Schedule hereto."

**The Hon. the Deputy Chief Secretary:**

I beg to second.

*Bill read a second time and passed.*

**The Hon. the Attorney-General:**

I beg to report the Bill for Committee without amendment. I beg to move that the Bill be now read a third time and passed.

**The Hon. the Deputy Chief Secretary:**

I beg to second.

*Bill read a third time and passed.*

**The Hon. the Acting Financial Secretary:**

May I propose, Sir, that the Comptroller of Customs be an Extraordinary Member of the Finance Standing Committee to consider the Resolution and Order under the Customs Tariff Ordinance.

*Resolution adopted.*

**ADJOURNMENT.**

*The Council adjourned at 11.18 a.m. until 9.30 a.m. on Wednesday the 4th September, 1940.*

# Debates in the Legislative Council of Nigeria

Wednesday, 4th September, 1940

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Pursuant to notice the Honourable the Members of the Legislative Council met in the Council Chamber, Lagos, at 9.30 a.m. on Wednesday, the 4th of September, 1940.

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## PRESENT.

### OFFICIAL MEMBERS.

- The Governor,  
His Excellency Sir Bernard Bourdillon, G.C.M.G., K.B.E.
- The Chief Secretary to the Government,  
The Honourable C. C. Woolley, C.M.G., O.B.E., M.C.
- The Chief Commissioner, Northern Provinces,  
His Honour T. S. Adams, C.M.G.
- The Attorney-General,  
The Honourable H. C. F. Cox, K.C.
- The Acting Financial Secretary,  
The Honourable S. R. Marlow.
- The Acting Director of Medical Services,  
Dr. the Honourable G. B. Walker.
- The Acting Director of Education,  
The Honourable C. R. Butler.
- The Director of Marine,  
Commander the Honourable A. V. P. Ivey, R.D., R.N.R.
- The Comptroller of Customs,  
The Honourable A. E. V. Barton, C.B.E.
- The Resident, Onitsha Province,  
The Honourable D. P. J. O'Connor, M.C.
- The General Manager of the Railway,  
The Honourable J. H. McEwen.

The Director of Public Works,  
The Honourable S. J. W. Gooch.

The Director of Agriculture,  
Captain the Honourable J. R. Mackie.

Captain the Honourable A. W. N. de Normann,  
Commissioner of Lands and Surveyor-General.

#### UNOFFICIAL MEMBERS.

The Member for Shipping,  
The Honourable H. S. Feggetter.

The Member for the Egba Division,  
The Honourable A. Alakija.

The Member for the Colony Division,  
Dr. the Honourable H. Carr, D.C.L., O.B.E., I.S.O.

The Member for the Ibo Division,  
The Honourable B. O.-E. Amobi.

The Member for the Rivers Division,  
The Honourable S. B. Rhodes.

The Member for the Warri Division,  
The Honourable Asifo Egbe.

The Member for the Oyo Division,  
The Honourable N. D. Oyerinde.

The Commercial Member for Lagos,  
Lieutenant-Colonel the Honourable R. M. Williams.

The Member for Calabar,  
The Reverend and Honourable O. Efiang.

The Member for the Ibibio Division,  
The Honourable Nyong Essien.

The Member for the Ijebu Division,  
Dr. the Honourable N. T. Olusoga.

The First Lagos Member,  
The Honourable H. S. A. Thomas.

The Mining Member,  
Lieutenant-Colonel the Honourable H. H. W. Boyes,  
M.C.

The Commercial Member for Kano,  
The Honourable W. T. G. Gates.

The Banking Member (Provisional),  
The Honourable K. M. Oliver, M.C.

## ABSENT.

## OFFICIAL MEMBERS.

- The Chief Commissioner, Western Provinces,  
His Honour G. C. Whiteley, C.M.G.
- The Chief Commissioner, Eastern Provinces,  
His Honour G. G. Shute, C.M.G.
- The Commandant, Nigeria Regiment,  
Brigadier the Honourable H. U. Richards.
- The Deputy Chief Secretary,  
The Honourable T. Hoskyns-Abrahall.
- The Senior Resident, Plateau Province,  
The Honourable E. S. Pembleton.
- The Senior Resident, Cameroons Province,  
The Honourable A. E. F. Murray.
- The Secretary, Northern Provinces,  
The Honourable A. E. V. Walwyn.
- The Senior Resident, Owerri Province,  
The Honourable F. B. Carr.
- The Senior Resident, Oyo Province,  
The Honourable H. F. M. White.
- The Resident, Benue Province,  
The Honourable D. M. H. Beck, M.C.
- The Resident, Katsina Province,  
The Honourable R. L. Payne.
- The Resident, Zaria Province,  
The Honourable F. M. Noad.
- The Resident, Calabar Province,  
Major the Honourable H. P. James.
- The Resident, Ondo Province,  
Major the Honourable J. Wann.

## UNOFFICIAL MEMBERS.

- The Commercial Member for Port Harcourt,  
The Honourable P. H. Davey.
- The Commercial Member for Calabar,  
The Honourable L. A. McCormack.
- The Second Lagos Member,  
Dr. the Honourable K. A. Abayomi, M.D.
- The Third Lagos Member,  
The Honourable O. Alakija.

## PRAYERS.

His Excellency the Governor opened the proceedings of the Council with prayers.

## CONFIRMATION OF MINUTES.

The minutes of the meeting held on the 3rd of September, 1940, having been printed and circulated to the Honourable Members were taken as read and confirmed.

## PAPERS LAID.

The Honourable the Acting Financial Secretary, Chairman of the Standing Committee on Finance, laid the following paper on the table:—

Report of the Standing Committee on Finance on the Resolution and Order made under the Customs Tariff Ordinance, 1924 (No. 20 of 1924), as submitted by the Legislative Council to the Finance Committee for consideration on the 3rd September, 1940.

## QUESTIONS.

*The Member for Calabar (The Rev. & Hon. O. Efiang):*

1. (Question No. 1 of the 3rd of September, 1940). (a) To ask the Honourable the Director of Education for the total expenditure in each of the calendar years 1938 and 1939, on Personal Emoluments, Allowances, Furlough and Local Leave Passages, etc., respectively, in connection with the European staff of Government Educational Institutions and their wives under the existing arrangements for long vacations, whereby they all proceed home on furlough annually and close down those institutions meanwhile?

(b) What would have been the difference in expenditure had the European members of the staff of each of those institutions taken their leaves when normally due after a full tour?

*Reply not yet ready.*

*The Member for the Ibo Division (The Hon. B. O.-E. Amobi):*

2. (Question No. 2 of the 3rd of September, 1940). (b) (iii) How many of the successful candidates have been placed in permanent appointments?

(c) If the answer to question (b) (iii) above is in the negative, to ask for an explanation as to why the successful candidates have not been placed in permanent appointments?

*Reply not yet ready.*

*The Member for the Rivers Division (The Hon. S. B. Rhodes):*

3. (Question No. 5 of the 3rd of September, 1940). (a) Is Government aware that monies deposited with Government by unpaid Bailiffs as securities, yield no interest whereas monies deposited as securities by persons employed by trading firms yield interest?

(b) If the answer is in the affirmative, will Government consider the advisability of placing all such securities on fixed deposit in one of the local banks and all interest accruing therefrom placed to the credit of the said Bailiff concerned?

(c) Will it not be more advantageous for Government to receive the fees and all Bailiffs be taken on the staff as paid Bailiffs?

(d) Is there any special reason or reasons why paid Bailiffs are attached to Degema and Port Harcourt, whereas an unpaid Bailiff to Aba?

*Reply not yet ready.*

*The Member for the Ibibio Division (The Hon. Nyong Essien):*

4. (Question No. 7 of the 3rd of September, 1940). (a) To ask the Honourable the Director of Education:—

(a) Is it a fact that owing to war conditions certain members of the Yaba Higher College staff arrived late last October?

(b) Whether, during September and October, 1939, a European acted for the Principal and an African for the House Tutor of the College?

(c) What was the Principal's Duty Pay for that period, and what percentage of it did the Acting Principal receive?

(d) Was the House Tutor entitled to, and receiving Duty Pay?

(e) What proportion of the Duty Pay did the African Master get during the period he acted for the House Tutor of that College?

(f) Is it a fact that there appears to be a shortage of staff of the Higher College, Yaba, owing to the transfer of one of the members of the staff and to the impending leave due to another?

(g) Is it a fact also that owing to that shortage of staff a certain European has been detailed to lecture in English to the students, particularly those who are taking their Diploma this year? If reply is in the affirmative,

(h) What are the qualifications entitling the lecturer to that important and responsible office?

(i) What is the scale of salary to which the lecturer is entitled to receive for that duty?

(j) Is it a fact that the same man is attached for the same purpose to the faculty of Commerce in that College? If so,

(k) What are his emoluments and qualifications?

(l) Is Government aware of the Editorial of the *West African Pilot* issue of Tuesday the 1st of August, 1939, in connection with staffing of the Yaba Higher College?

(m) What steps are being taken by Government to act on those suggestions?

(n) Whether Government will state the reason for retaining the services of the newly appointed lecturer on the staff of that College?

(o) If not, why not?

(p) Whether Government will, please, consider the desirability, and agree, that all the lecturers on the staff of that College are University Graduates?

(q) If not, why not?

(r) Will Government kindly make a statement of the general educational policy of the Nigerian Government?

(s) Whether Government will, please, consider the desirability of increasing the present educational vote to £500,000?

*Reply not yet ready.*

**The Member for the Warri Division (The Hon. A. Egbe):**

5. (Question No. 11 of the 3rd of September, 1940). (a) Is it a fact that tenants occupying plots in the Roberts Road and Warri-Sapele Road areas in the Warri Township whose leases have expired for some considerable number of years have not had their leases renewed by Government?

(b) Is it not the fact that Government is still accepting from these tenants rent at the same rate that they were paying before on their expired leases?

(c) Is the Government aware that these tenants have spent considerable sums of money in buying building materials to erect substantial houses on their plots as soon as their leases were renewed?

(d) Is it not the fact that these tenants have signified their acceptance to Government of the proposed revised economic rent?

*Reply not yet ready.*

**The Member for the Warri Division (The Hon. A. Egbe):**

6. (Question No. 12 of the 3rd of September, 1940). (a) Will the Government give the number of applications for new plots (i) in Alder's Town, (ii) Maple Swamp and (iii) the Agbassa Okere Road areas?

(b) How many of these applications have been approved?

(c) Has Government received deposits from these applicants? If so, in how many cases?

(d) Will there be discrimination in subleasing these plots? If so, Why?

(e) What is causing this considerable delay which is holding up progress in the Warri Township and is causing a great deal of inconvenience to the people of the Warri Township?

*Reply not yet ready.*

**The Member for Calabar (The Rev. & Hon. O. Efiang):**

7. Question No. 18 of the 3rd of September, 1940). (a) To ask the Government whether it is a fact that about 1926, Obon Adam Ephraim Duke, as Obon of Calabar, was deposed or suspended by the Government?

(b) If so, to ask Government whether his deposition or suspension was the result of a conviction in a legally constituted court and if so on what charges he was convicted?

(c) If not, to ask whether he was asked to answer any charge and if so how his guilt was determined?

(d) Whether Government took any steps to ascertain the opinion of the Obon's people before his deposition or suspension or after that action had been taken to acquaint his people of the circumstances which decided his removal from office?

(e) Will Government state the period of the Obon's suspension and whether any conditions were given him to fulfil before his restoration or reinstatement was possible?

(f) Whether any steps were taken to provide a substitute during the interregnum?

*Reply not yet ready.*

**The Member for Calabar (The Rev. & Hon. O. Efiang):**

8. (Question No. 19 of the 3rd of September, 1940). Will the Honourable the Director of Medical Services please state:—

(a) How many chief sanitary inspectors there are in Nigeria at the moment?

(b) If none, why?

(c) How many chief nurses are in the Government service now?

(d) How many female senior nurses there are at present?

*Reply not yet ready.*

**The First Lagos Member (The Hon. H. S. A. Thomas):**

9. (Question No. 20 of the 3rd of September, 1940). How many Native Administration treasuries are there in the Owerri division and what were the respective dates of their establishment?

*Reply not yet ready.*

**The First Lagos Member (The Hon. H. S. A. Thomas):**

10. (Question No. 21 of the 3rd of September, 1940). (a) Is it a fact that the following four clan groups or groups of areas in the Owerri division, viz:—

(i) Agbaja, Ahiara, Ekwereazu, Ezimhitte and Ovoro:

(ii) Isu and Ikeduru:

(iii) Ngor and Okpala:

(iv) Umuapu, Awarra and Ohoba,

have by common agreement preferred requests that separate federated treasuries be established to serve their respective clan groups or groups of areas?

(b) When were the requests received?

(c) Have the requests been granted?

(d) Is it proposed to grant these requests?

(e) If so, when?

(f) If not, why not?

*Reply not yet ready.*

**The First Lagos Member (The Hon. H. S. A. Thomas):**

11. (Question No. 22 of the 3rd of September, 1940). (a) Is there a divisional native treasury functioning in the Owerri division?

(b) If so, to ask:—

- (i) Which areas are served by this treasury?
- (ii) Are accredited representatives of these areas consulted as a rule, when the annual estimates are being compiled?
- (iii) When and where did the consultation of these representatives over the draft annual estimates for 1940-41, take place?

*Reply not yet ready.*

**The First Lagos Member (The Hon. H. S. A. Thomas):**

12. (Question No. 23 of the 3rd of September, 1940). (a) Are Native Administration officials who have not the advantage of contributing to a provident fund eligible for any retiring allowance or gratuity as the case may be, on retirement due to old age or sickness and on retrenchment?

(b) In case of the death of such Native Administration officials, is there any provision for payment to their legal personal representatives of a gratuity of their estates or for the support of their dependants?

(c) What rules govern payment in all the above cases?

(d) How do these rules compare with those applicable to similar employees in the Government service?

(e) What is the compulsory retirement age for Native Administration officials?

*Reply not yet ready.*

**The First Lagos Member (The Hon. H. S. A. Thomas):**

13. (Question No. 24 of the 3rd of September, 1940). (a) How many female in-patients and out-patients were treated in the Owerri African Hospital during the years 1938 and 1939 respectively?

(b) How many female nurses were posted to this hospital during the aforesaid periods?

(c) If none, to ask whether early favourable consideration may be given to the question of posting a number of female nurses to this hospital?

*Reply not yet ready.*

**The First Lagos Member (The Hon. H. S. A. Thomas):**

14. (Question No. 25 of the 3rd of September, 1940). (a) What are the respective numbers of rest houses built in the Owerri division at the expense of the Native Administration during the years 1937, 1938 and 1939?

(b) Of what structures and types are they?

(c) What is the total expenditure incurred on these rest houses during each of these years?

(d) For whose use were these rest houses built?

(e) Was the consent of the native authorities obtained?

(f) Whether in view of the great need for social services in the Owerri division and the fact that Government receives half-share of the gross tax collected in the division, Government will kindly consider the refund of the total expenditure from the Native Administration funds in respect of these rest houses?

*Reply not yet ready.*

**The First Lagos Member (The Hon. H. S. A. Thomas):**

15. (Question No. 26 of the 3rd of September, 1940). (a) What opportunities are provided by Government for higher education locally of boys who passed the Middle Class IV examination in the Owerri Government Middle School?

(b) Is it a fact that representations have been made by the Owerri Native Administration Clan Councils to His Excellency the Governor and to His Honour the Chief Commissioner, Eastern Provinces, praying that the Owerri Government Middle School be raised to the status of a Class VI Middle school?

(c) If so, to ask how soon the Government proposes to grant this prayer, in view of the increasing demand for higher education throughout Nigeria, and the fact that Owerri is one of the most populous areas in Southern Nigeria?

*Reply not yet ready.*

**The First Lagos Member (The Hon. H. S. A. Thomas):**

16. (Question No. 27 of the 3rd of September, 1940). (a) What are the circumstances which led to the arrest and detention by the police at Tiko, in the Cameroons under British mandate, of one Ben Abalu, a motor lorry owner, in the month of June, 1939?

(b) Is it a fact that after his arrest, Ben Abalu was refused bail by the police and kept in custody for eight days?

(c) How soon after his arrest was Abalu brought before a magistrate and what was the reason for the delay, if any?

(d) What were the charges preferred against Abalu, when was he tried, and what were the findings of the magistrate?

(e) Is it a fact that Abalu's motor lorry was detained by the police for four days after his arrest and was used by the police to transport Abalu and other people from Tiko to Victoria on the 18th of June, 1939?

(f) Was Abalu paid anything as compensation for the detention and use of his motor lorry by the police?

(g) If not, why not?

*Reply not yet ready.*

## RESOLUTION.

**The Hon. the Acting Financial Secretary:**

Your Excellency, I beg to move the adoption of the report of the Finance Committee on the Resolution and Order under the Customs Tariff Ordinance, which I have laid on the table to-day and which I would like to read, as the report has been written since the Finance Committee met yesterday afternoon.

The Committee feels some doubt whether the estimated yield of £240,000 in a full year will actually be realised and suggests that if there is a shortfall and if further additional revenue should be required, the possibility should be examined of obtaining it by means of *ad valorem* export duties on a sliding scale.

Your Excellency, all the items in the Resolution and Order were carefully examined in Finance Committee, and I now report the Resolution and Order back to this Council for approval and enactment.

**The Hon. the Comptroller of Customs:**

I beg to second.

*Passed.*

## BILLS.

THE TRADES DISPUTES (ARBITRATION AND INQUIRY)  
ORDINANCE, 1940.

**The Hon. the Attorney-General:**

Your Excellency, I rise to move the first reading of the first Bill standing in my name in the Order of the Day, namely: "An Ordinance to provide for the Establishment of an Arbitration Tribunal and a Board of Inquiry in connection with Trade Disputes, and to make provision for the Settlement of such Disputes, and for the purpose of Inquiring into Economic and Industrial Conditions in Nigeria."

Your Excellency, this Bill, which is designed to provide for the settlement of industrial disputes which may arise in the future is, I believe, very important in the history of trade development, and it follows one which was passed in Trinidad two years ago. Honourable Members will see that the Bill refers first of all to the use of the word "conciliation" and that is intended to refer to the conciliation machinery—clause 3 (3)—which may exist within any trade or industry itself. It is not conciliation machinery which is set up by any outside person, and it simply means that where there is conciliation machinery in existence, that machinery must be fully exploited before any further action can be taken.

If the conciliation machinery has broken down, it will then be possible for Your Excellency, to appoint a tribunal to act as an arbitration tribunal. I may mention in passing, Sir, that where that is done, the Arbitration Ordinance will not apply to any award made by that tribunal. So far so good, Sir; that is where there is, or there has been, a definite industrial dispute followed by a breakdown of the conciliation machinery, on the other hand it is possible that trouble may have arisen or be anticipated in which case Your Excellency can appoint a Board of Inquiry which will investigate certain conditions and report to Your Excellency. On receipt of that report it is possible Your Excellency may be able to take steps to stop the industrial difficulties which may be anticipated.

You see, therefore, Sir, first of all is the intention that people should settle their own difficulties, but if they cannot do so, it is then within your discretion to appoint a tribunal to investigate and report, and also that you can, Sir, where you anticipate trouble, have a Board of Inquiry appointed to report to you for your own information.

The matter is important though the Bill is very short. The other clauses—from 9 onwards—simply refer to details. Clause 10 deals with evidence, and Honourable Members will see there that the Board is not bound by the strict laws of evidence. The Board can act on evidence other than strict legal evidence, but at the same time no person can be required to incriminate himself.

There is one other point I should mention. This is not being put on the Statute Book to enable any and everybody who thinks he has got a grouse to ask for action to be taken on it; it is a procedure to be used in cases where Your Excellency considers there is great importance attached to the questions at issue.

With those few words I beg to move the first reading.

**The Hon. the Deputy Chief Secretary:**

I beg to second.

*Bill read a first time.*

**The Hon. the Attorney-General:**

Your Excellency, I rise to move the first reading of the second Bill standing in my name, namely, "An Ordinance to amend the Customs Ordinance."

Honourable Members will see the Bill is very short; it contains only two operative clauses, the first, namely clause 2, being an amendment of Section 125 of the Customs Ordinance. That section is very brief and I will read it:—

"Where duties are imposed according to weight or measure the weight or measurement of the goods shall be ascertained according to the standard weights and measures by law established"

The standard weights and measures of Nigeria are the Imperial standard weights and measures, and therefore we have provision stating how weights and measures are to be calculated, but we have not got provision saying exactly at what stage for Customs purposes they should be so calculated and at what temperature. Variation in temperature could not make metals vary very much in bulk, but it has in some cases a very great effect on liquids. I remember in 1934—I was not a Member of the Council then, I was only a spectator—an amendment being moved to a Customs Resolution and Order, to provide that certain measurements should be taken at a temperature of 80° because that was looked upon as a reasonably normal temperature of Nigeria. This amendment now puts into the general law, a provision that in the case of liquids, such measurements shall, if the Comptroller so desires, be calculated at a temperature of 80° Fahrenheit.

As I have said, in some cases it is not necessary; in other cases it is necessary, and with this amendment it will be possible for the Comptroller to say in which cases he desires the calculation to be made.

As regards the new section 168A in clause 3 this is based on Imperial legislation and provides that Your Excellency may by order authorise the Comptroller during any periods not exceeding three months at a time to refuse to allow withdrawal for home consumption of dutiable articles other than normal requirements. I think it is perfectly clear the whole object of this section is to safeguard the revenue. If by chance one particular person happened to receive information by accident or otherwise that a duty was going to be imposed on a commodity he may defraud the revenue, not in law but in fact, by withdrawing a large quantity of that commodity; and also it is not fair to others who may not have had the opportunity of picking up the dropped word.

I mentioned that that was from the Customs Law of the United Kingdom. To be quite honest, I cannot find it though I know it to be a fact, and I have also worked under it in another Colony. but it will interest Honourable Members to know that only two days ago I ascertained that similar provisions were enacted in the Gold Coast by Ordinance No. 16 of this year.

With that explanation I beg to move the first reading.

**The Hon. the Comptroller of Customs:**

I beg to second.

*Bill read a first time.*

**The Hon. the Attorney-General:**

I rise, Sir, to move the first reading of the third Bill standing in my name: "An Ordinance to amend the Customs Tariff Ordinance, 1924."

This Bill, Sir, is almost self-explanatory. In the Customs Tariff Ordinance, 1924, certain terms are used which are not defined: in some cases they are defined in the Schedule but not in others, and by inserting the definitions in the actual Ordinance itself it will mean that there is no need to repeat them in the Schedules and everybody will know that these definitions apply to all matters which come within the four corners of the Customs Tariff Ordinance, 1924. I do not think I need refer to the details, Sir. There are several definitions existing to-day in actual fact, but they are now being put in the Ordinance for the first time by clause 2.

The new section 9A in clause 4 states in law the practice that in ascertaining which of two rates of duty is the higher, surtax must be included.

I beg to move the first reading of "An Ordinance to amend the Customs Tariff Ordinance, 1924."

*The Hon. the Comptroller of Customs:*

I beg to second.

*Bill read a first time.*

*The Hon. the Acting Financial Secretary:*

Your Excellency, I beg to move that an Ordinance entitled "An Ordinance to amend the Income Tax Ordinance, 1940," be read a second time.

*The Commercial Member for Lagos (The Hon. R. M. Williams):*

Your Excellency, I have not got very much to say about this Income Tax Ordinance, but I think you will forgive me if I take the opportunity of saying a few words on the general financial policy of Government at the present moment. On the Bill itself you are putting the income tax up 2s 6d to 4s. I should like to say what I have said before—this Companies' Income Tax is a very powerful deterrent of the development of joint stock enterprise in Nigeria, and the increase of that income tax is going to make matters worse. You are not going to get an investing public in Nigeria which has very little confidence in joint stock investment and for whom joint stock investment is probably the most suitable method of developing the country's resources, you are not going to encourage these people to invest their money in that way if they are threatened with income tax of 4s in the £. That is not the answer which is comprehended by the public of this country, and of course it does not matter subject to that 4s in the £ income tax in any case, and any conservatively managed company will have to pay income tax and will be discouraged from forming necessary reserves by the presence of that income tax.

Now, we had a long discussion yesterday on methods of raising revenue, but I was very much disappointed to hear I think not a single word of the possibilities of further economies in administration. There was a very considerable amount of criticism at the last meeting of Council on the costs of administration, and it was hoped that large economies would have been possible. No doubt, as we heard in the Finance Committee yesterday afternoon, there have been savings, through sheer inability of the departments to find time and staff to carry out their ordinary work, but I am not satisfied that sufficient is being done. Now during the last few weeks there has been sitting a committee to enquire into the future of the Port Engineer's Department. I do not want to anticipate the report of that committee which will be reached in a few days' time, but I think I may say that the conclusion it will come to is that the Port Engineer's Department has for years been entirely superfluous. It was also discovered that another department has apparently got the staff available by which it can take over the whole of the Port Engineer's Department without increasing its own expenses. Well, that is a pretty severe criticism for both those two departments, but the worst criticism of the whole lot that arises from it is, how could such a state of things have arisen? We heard yesterday from the Financial Secretary that very large economies had been made in the Railway by cutting down the staff of European employees. I hope I am not misinterpreting too much, but if this is the case, how far does that sort of thing go. What have we had a Financial Secretariat for ever since we had one? It was supposed to be a great improvement on the old Treasury; it seems to be something like this: at the beginning of the year the Financial Secretary makes an estimate of the revenue. He then tells the administration and the technical departments how much they have got to spend. About the middle of the year we find that his estimates have been hopelessly wrong. He then tells them they cannot get their money. Well, at the beginning of the year they make programmes for their work. To tell them at the middle of the year that they cannot have the money, means that valuable work is being scrapped. The fault of that is not on the departments themselves, but on the original estimates; and the estimate of the Financial Secretary's Department during the last two or three years has been bad. Surely it were better to work on a cautious basis. Three years ago I think it was, somebody said on somebody else's authority that this country ought to have reserves of £3,000,000 behind it. Well, I pointed out at the time that the danger was as soon as we got £3,000,000, it becomes the maximum reserve and not the minimum, and I asked at the time for a conservative policy for expanding social services.

What I fear is that the time is coming to pass . . . . . surely the correct policy here is to lay down programmes on a very conservative basis in the hope that you will have a little surplus

by doing so. If you have that surplus you increase your reserves to the minimum of £3,000,000, whatever the increase is; but as soon as we have got the £3,000,000, out goes all the money again.

Now I suggested at the last meeting of Council that somebody went through the whole of the civil services asking what jobs are necessary, whether there is any need for the man who is doing those jobs, and whether he is properly paid. I say that unless that policy is adopted and each individual's work is subjected to that sort of scrutiny, you will not get any really efficient economies.

As an example before us at the moment, if you look at the Minutes of yesterday's meeting you will find that in six places in that supplement the whole of the printing the questions is repeated. Surely there is a waste of money there. Is that not typical of what is going on through all the departments. My Honourable friend the Mining Member in the last meeting of Council suggested that a Commission be appointed from outside to go into the question of administration. At that time I said that I did not favour any outside committee. Well, I am rapidly changing my mind. I have no faith whatever in the Financial Secretariat carrying out the work that it ought to be doing unless there are very serious changes made from the policy of the last four years.

*The Member for Mining (Lt.-Col. the Hon. H. H. W. Boyes. M.C.):*

Your Excellency, my personal opinion on the new taxation is that it is fair, equitable, and justified to the special circumstances. I think we all appreciate the war has got to be paid for, and we have got to make our contribution towards it. On the whole, I think, I am glad the Government have not found it necessary to go further in the taxation than they actually have. I was prepared for something worse. In the case of companies with interests in the United Kingdom, this new taxation really comes off the Imperial Government because it reduces the amount paid in excess profits tax. All that money we know is not recoverable under the Companies' tax, but under special circumstances we cannot complain and after all as far as minerals are concerned we are tearing these minerals out of this country and I think it is a pity that many years ago we did not start to keep some of the money in the country which went away in taxation to the United Kingdom.

Yesterday the Honourable the Financial Secretary mentioned the high price of minerals and I think it is not out of place to mention here that the prices of minerals, both tin and gold, are high. But tin is not really so high as it looks on paper. Tin at £257 at present is not equal to £257 before the war. Until yesterday there

was some £26 which you had to deduct from that £257 because of increased freights and import duties and war insurance and so on. I am not complaining about this, Sir, but people are apt to think tin is £257; it is not, it is £230.

Gold is up very much, but I do not think you have touched that. There are one or two small companies who may have to pay the tax. It brings me to the point, Sir, that the tinfields have been working some thirty years and I would not be at all surprised if we have not just about reached the peak and we are tearing ore from the ground at a higher rate this year than ever before. All mines are wasting assets, and I know this is not a very good time to bring my suggestion to effect, but I hope Government will remember perhaps later on in better times to come and that is that you start an amortization fund out of the revenue derived from duties on minerals so that later on when the minerals are more or less exhausted you would have the interest on that fund as additional revenue. It would mean amortizing a portion. I know you want every penny at present, but later on it may be a worth while suggestion.

It depends upon the quotas, but the remaining life of the proved deposits on the tinfields is about fifteen years at the present rate of extraction, although I do not say that many more valuable deposits will not be found later on. Actually there will still be tin being worked in this country in fifty years' time. I have no doubt the company that receives the other half of the royalties have made some arrangement about amortizing gold receipts.

I should just conclude, Sir, by saying that I am quite sure it is the spirit of all mining communities to contribute their full share towards what money is required for paying for the war and paying for the victory to come.

*The Member for the Rivers Division (The Hon. S. B. Rhodes):*

Your Excellency, this Bill, from what I could gather, is not intended to raise money for war materials. Had it been so I would have said that the task was too small, because we would rather spend all that we can than have bombs dropping in Nigeria, but I see that it is in order to raise money for the carrying out of the administration. Well, I give it my support, but I do not give it my blessing, because I feel that we should examine our expenditure a little bit more and I hope that when we come here in March we shall find a lot of curtailment whereby expenditure will be reduced.

I wish to thank Your Excellency on behalf of the people of the Eastern Provinces for the consideration that has been given to them with regard to palm products and also through this House the people of the Western Provinces for the way they have accepted it. If anything this war has done to Nigeria I think it has made people to realise that we are all one country and that we should share each other's difficulties.

I listened to the Honourable the Comptroller of Customs yesterday and I was wondering if we were using shingles and wood for roofing our houses instead of this hideous material corrugated iron, where he will be getting his additional taxation from. There would not have been corrugated sheets imported into the country and that part of the revenue would have been out. I was one of those who were rather sceptical yesterday in Finance Committee as to whether we shall be able to realise the amount we are expecting. In view of the fact that there is a sort of decline in everything and we have been told—we are endeavouring to follow that—that we should live on the land and practically do away with a lot of imported goods and provisions, I do not know how this amount will be realised. The Honourable the Comptroller of Customs said the consumption of whisky on the West Coast has gone up. That may be so for a time, but I have been told by one or two people in the provinces that they have discovered that palm wine is good, and I do not know whether the time is not coming when people will be drinking palm wine instead of beer and whisky.

*The First Lagos Member (The Hon. H. S. A. Thomas):*

I think the question of the estimate of Customs revenue being too optimistic was stressed at the last Council meeting and I particularly remember saying then that there was no justification for the estimated increase of £200,000. Now, it has been found in less than six months that the revenue was overestimated and that additional taxation by increasing Customs duties should be made. I doubt whether the sum of £220,000 which the increased duties are expected to yield will be obtained. The position of things to-day renders it difficult to make any accurate estimate and there is need, as several Honourable Members have already pointed out, that we should carefully go into our expenditure to find out what further reductions can be made. Your Excellency has already done a lot to save money by appointing suitable Africans, wherever available, to superior posts, but I feel that by exploring this matter further, we can get more Africans suitable for appointment to superior posts and so make further reductions.

I realise that the efficiency of the service should not be overlooked, but yet, I believe more use can be made of local materials and more Africans tried, instead of Europeans, in some of the vacancies in the Education Department and other departments.

*The Hon. the Acting Financial Secretary:*

Your Excellency, in the course of the debate we have heard but little objection to the measure for the increase of taxation on companies, which is the matter before the House, and Honourable Members have taken the opportunity, instead, of criticising the lack of drive from the Government in achieving economies in its general expenditure. In reply to that criticism I would like to

point out, Sir, that we are now in the middle of the second year of a very strict rationing of departmental expenditure. Long before the war, owing to the poor state of trade, we had to adopt a rationing system because we had not enough revenue to meet the cost of ordinary Government services. After one year of considerable curtailment of expenditure and of falling revenue, we are now in the middle of a second year of strict economy, and I have no doubt that when next year's estimates come to be considered they will also be on a strictly rationed principle; but I do not feel that I should on this occasion be called upon to defend the general financial policy of the Government, and I should like to emphasize, Sir, that the estimates each year come up for consideration in Finance Committee and receive a very detailed examination. In fact some two or three whole days are devoted by Finance Committee to examining the estimates item by item, and if as has been suggested the responsibility for a too high level of expenditure is to fall on the Financial Secretary, I must ask Finance Committee to share that responsibility. I can say with confidence that a strict examination of all proposals for expenditure is imposed, and while it is true that opportunities for reducing expenditure and for departmental reorganisations, such as the Port Department are now being found, this is a natural result of the pressure of war conditions, and it will be our business in future to prevent expansion in those departments which we find can carry on with a lower establishment and to devote our resources to those other social services which are so badly needing expansion. In fairness to the office of Financial Secretary and the Financial Secretariat, which has been criticised, I wish to repeat that the Finance Committee must share with me and with this Council a joint responsibility for the expenditure estimates, and for this financial policy of Government as approved each year.

Another point was made that our surplus balances ought to be maintained at a minimum of £3,000,000, which figure was taken as being half a year's revenue. That is an ideal which I should like to pursue, but unfortunately we have had to dip into our reserves whether we wished to do so or not. It is impossible for Government departments which are responsible for the maintenance of essential services, at a moment's notice to curtail their expenditure. Why have reserves if they are not to be used when necessity arises?

It was suggested by the Honourable Member for Mining, that we have not taxed gold production. This is a general measure of taxation, applying to all companies trading and earning profits in Nigeria and care has in fact been taken not to single out any particular branch of commerce or trade for particular tax. Persons other than companies who derive profit from the mining of gold are already subject to income tax, on a sliding scale which rises above the company rate, on higher incomes.

Another comment which has been made, Sir, is that the proposed additional revenue is not being raised for war purposes. When moving the first reading of this Bill, I explained that import restriction has had to be imposed as a direct consequence of economic warfare which I submit is as much a part of the war as actual fighting.

**The Member for the Rivers Division (The Hon. S. B. Rhodes):**

May I interrupt Sir—I said “ war materials ”.

**The Hon. the Acting Financial Secretary:**

I accept the correction Your Excellency, but the point I wish to make is that this additional revenue is required for war purposes in no less a degree than if it were required for the purchase of war material, by being used to fill a gap in our revenue defences. I quote the historic example of the Dutchman who put his arm into the wall to stop the flood from starting to break down the dyke. We have seen that our revenue is in danger, and must take prompt steps to prevent Nigeria becoming a further charge on His Majesty's Government, at whose hands we are already being treated very generously.

Your Excellency, there has been little criticism of the proposal to increase the rate of income tax on companies; it is the readiest method of raising additional revenue, it is fair and falls on all companies alike, and I submit, Sir, that the increase of Customs duties and the increase of income tax together represent the simplest, cheapest method of raising the money which must be obtained.

Your Excellency, I beg to move that the Bill be read a second time.

*Bill read a second time.*

**The Hon. the Acting Financial Secretary:**

Your Excellency, I beg to report the Bill to amend the Income Tax Ordinance, 1940, from Committee without amendment. and now move that the Bill be read a third time and passed.

*Bill read a third time and passed.*

**The Hon. the Attorney-General:**

Your Excellency, I beg to move the suspension of Standing Rules and Orders Nos. 15 and 34 so that the Bill entitled “ An Ordinance to provide for the Establishment of an Arbitration

Tribunal and a Board of Inquiry in connection with Trade Disputes, and to make provision for the Settlement of such Disputes, and for the purpose of Inquiring into Economic and Industrial Conditions in Nigeria" may be carried through without further notice.

### BILLS

#### *The Hon. the Attorney-General:*

Your Excellency, I beg to move the second reading of a Bill entitled "An Ordinance to provide for the Establishment of an Arbitration Tribunal and a Board of Inquiry in connection with Trade Disputes, and to make provision for the Settlement of such Disputes, and for the purpose of Inquiring into Economic and Industrial Conditions in Nigeria." I do not propose to say anything further about this Bill on the second reading but there are two minor amendments which I will have to move in the Committee stage.

#### *The Member for the Egba Division (The Hon. A. Alakija, C.B.E.):*

Your Excellency, I did not know that there is a special Bill for this meeting. I would like to move that this Bill be postponed until the next Session of the Legislative Council. We must have misunderstood the Honourable the Attorney-General yesterday; when he did not read the Bill for the first time we thought that it was postponed and I know that some of the Honourable Members did not bring their copies this morning.

This Bill appears to me to be of some importance. In a country like this where there are organised business houses as against a body of people who are not organised in any shape or form, it is necessary before passing a Bill of this sort into law that we should have a clear understanding of all its provisions. For instance, I look in vain for a clause whereby the award could be enforced between the people and the employers and although it is a necessary Bill—I quite admit that—I think opportunity should be given to the country generally to study the Bill very carefully and if necessary to submit it to a Select Committee which will make suggestions before the Bill is passed into law. That is my reason for moving that this Bill be postponed.

#### *The Member for the Rivers Division (The Hon. S. B. Rhodes):*

Your Excellency, in supporting the Honourable Member for the Egba Division,—I really did not bring my copy of the Bill this morning because I misunderstood the Attorney-General yesterday. But, scurrying through it this morning I observed that there is no provision whereby witnesses could be summoned before the arbitrators. If Your Excellency looks at paragraph 3, sub-paragraph 4, it says that: . . . . .

Well, if that is so, what is there to empower the parties to summon witnesses before the arbitrators. Where witnesses refuse to appear before them they have no power to enforce them.

***The Hon. the Chief Secretary to the Government:***

Sir, the Government quite agrees with the Honourable Member for the Egba Division that this is an important piece of legislation. Personally I think it is a very necessary piece of legislation, but I entirely agree with the Honourable Member that it is not a piece of legislation that should be rushed through at short notice. The Honourable Member has suggested that the Bill might be referred to a Select Committee.

***The Member for the Egba Division (The Hon. A. Alakija, C.B.E.)***

I said, Your Excellency, that it be either postponed or referred to a Select Committee which is one and the same thing. I suggest that the second reading be not proceeded with.

***His Excellency:***

I beg the Honourable Member's pardon. It does not come to the same thing at all. If as I understand it, Honourable Members, have no objection to the principle of the Bill but only wish to criticise it in detail, then it appears to me that the most suitable procedure would be to proceed with the second reading and refer the Bill to the Select Committee, which would report to the House and to me.

***The Member for the Egba Division (The Hon. A. Alakija, C.B.E.)***

I agree with that, Your Excellency.

***The Hon. the Chief Secretary to the Government:***

Yes Sir, I understand that the Honourable Members would agree to the adoption of that course, and I may say at once that the Government will also agree to it, but I should be very sorry myself if action were taken or if this House decided to defer this Bill indefinitely. It can go through its second reading. We can refer it to a Select Committee and the report of the Select Committee can come before this Council when it next meets.

The legislation, as the Honourable the mover has pointed out, is in no way peculiar to Nigeria. It is legislation of a form that either has been or that shortly will be enacted in every dependency in the Empire. I have had some experience elsewhere of labour disputes, and I am very alive to the wisdom and the necessity of having machinery of this kind on our Statute Book in the event of labour disputes and troubles arising. I am not suggesting for a moment that they will arise or are likely to arise in the near future. I do not think they are. But we should be prepared and we should have on the Statute Book provision for machinery which can cope adequately with any disputes there may be. And we cannot expect to have no disputes of this kind for all time.

**His Excellency:**

I would be glad to know if any Honourable Member—any Unofficial Member—is opposed to this suggestion and considers that we should proceed with the Bill immediately?

No objections—the Bill was read a second time, and referred to a Select Committee.

**His Excellency:**

The composition of the Select Committee will be announced later.

THE CUSTOMS (AMENDMENT) ORDINANCE, 1940.

**The Hon. the Attorney-General:**

I beg to move the second reading of a Bill entitled "An Ordinance to amend the Customs Ordinance."

**The Hon. the Comptroller of Customs:**

I beg to second.

*Bill read a second time.*

**The Hon. the Attorney-General:**

I beg to report the Bill from Committee without amendment, Sir, and now beg to move that it be read a third time and passed.

**The Hon. the Comptroller of Customs:**

I beg to second

*Bill read a third time and passed.*

THE CUSTOMS TARIFF (AMENDMENT) ORDINANCE, 1940.

**The Hon. the Attorney-General:**

Your Excellency, I beg to move the second reading of a Bill entitled "An Ordinance to amend the Customs Tariff Ordinance, 1924".

**The Hon. the Comptroller of Customs:**

I beg to second.

*Bill read a second time.*

**The Hon. the Attorney-General:**

Your Excellency, I beg to report the Bill from Committee without amendment and now beg to move that the Bill be read a third time and passed.

*Bill read a third time and passed.*

ADJOURNMENT

*The Council adjourned at 10.32 a.m. sine die.*

# Debates in the Legislative Council of Nigeria

Monday, 13th January, 1941

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Pursuant to Notice the Honourable the Members of the  
Legislative Council met in the Council Chamber, Lagos,  
at 10 a.m. on Monday, the 13th of January, 1941

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## PRESENT

### OFFICIAL MEMBERS

- The Governor,  
His Excellency Sir Bernard Bourdillon, G.C.M.G., K.B.E.
- The Acting Chief Secretary to the Government,  
The Honourable T. Hoskyns-Abrahall.
- The Chief Commissioner, Western Provinces,  
His Honour G. C. Whiteley, C.M.G.
- The Acting Chief Commissioner, Northern Provinces,  
His Honour J. R. Patterson, C.M.G.
- The Attorney-General,  
The Honourable H. C. F. Cox, K.C.
- The Acting Financial Secretary,  
The Honourable S. R. Marlow.
- The Acting Director of Medical Services,  
Dr. the Honourable G. B. Walker.
- The Director of Education,  
The Honourable E. G. Morris.
- The Director of Marine,  
Commander the Honourable A. V. P. Ivey, R.D., R.N.R.
- The Acting Comptroller of Customs,  
The Honourable J. McLagan.
- The Acting Deputy Chief Secretary,  
The Honourable J. J. Emberton, M.C.
- The Senior Resident, Plateau Province,  
The Honourable E. S. Pembleton, C.M.G.
- The Senior Resident, Owerri Province,  
The Honourable F. B. Carr.

- The Resident, Benue Province,  
The Honourable D. M. H. Beck, M.C.
- The Resident, Calabar Province,  
Major the Honourable H. P. James.
- The General Manager of the Railway,  
The Honourable J. H. McEwen.
- The Director of Public Works,  
The Honourable S. J. W. Gooch.
- Captain the Honourable A. W. N. de Normann,  
Commissioner of Lands and Surveyor-General.
- The Honourable F. E. Stafford, O.B.E.,  
Acting Deputy Financial Secretary (Extraordinary Member).
- The Honourable G. B. Williams, M.C.,  
Commissioner of the Colony (Extraordinary Member).
- The Honourable C. H. Croasdale,  
Inspector of Labour (Extraordinary Member).

## UNOFFICIAL MEMBERS

- The Commercial Member for Port Harcourt,  
The Honourable P. H. Davey.
- The Member for the Egba Division,  
The Honourable A. Alakija, C.B.E.
- The Member for the Colony Division,  
Dr. the Honourable H. Carr, D.C.L., O.B.E., I.S.O.
- The Member for the Ibo Division,  
The Honourable B. O.-E. Amobi.
- The Member for the Rivers Division,  
The Honourable S. B. Rhodes.
- The Member for the Warri Division,  
The Honourable Asifo Egbe.
- The Member for the Oyo Division,  
The Honourable N. D. Oyerinde.
- The Banking Member,  
The Honourable D. D. Gibb.
- The Commercial Member for Calabar,  
The Honourable L. A. McCormack.
- The Member for Calabar,  
The Reverend and Honourable O. Efiog
- The Member for the Ibibio Division,  
The Honourable Nyong Essien.

- The Member for the Ijebu Division,  
Dr. the Honourable N. T. Olusoga.
- The First Lagos Member,  
The Honourable H. S. A. Thomas.
- The Mining Member,  
Lieutenant-Colonel the Honourable H. H. W. Boyes,  
M.C.
- The Commercial Member for Kano,  
The Honourable W. T. G. Gates.
- The Third Lagos Member,  
The Honourable Jibril Martin.
- The Member for Shipping (Provisional),  
The Honourable F. Edmondson.
- The Commercial Member for Lagos (Provisional),  
The Honourable E. H. L. Richardson.

## ABSENT

## OFFICIAL MEMBERS

- The Senior Resident, Cameroons Province,  
The Honourable A. E. F. Murray.
- The Senior Resident, Oyo Province,  
The Honourable H. F. M. White.
- The Resident, Kano Province,  
The Honourable R. L. Payne.
- The Secretary, Northern Provinces,  
Captain the Honourable E. W. Thompstone, M.C.
- The Resident, Onitsha Province,  
The Honourable D. P. J. O'Connor, M.C.
- The Resident, Ondo Province,  
Major the Honourable J. Wann.
- The Resident, Sokoto Province,  
The Honourable R. D. Ross.
- The Director of Agriculture,  
Captain the Honourable J. R. Mackie, C.M.G.

## UNOFFICIAL MEMBERS

- The Second Lagos Member,  
Dr. the Honourable K. A. Abayomi, M.D.

## PRAYERS

His Excellency the Governor opened the proceedings of the Council with prayers.

## CONFIRMATION OF MINUTES

The minutes of the meeting held on the 4th of September, 1940, having been printed and circulated to Honourable Members were taken as read and confirmed.

*His Excellency:*

Honourable Members, since we last met, this Council has suffered a sad loss by the death of the Third Lagos Member. Mr O. Alakija was a very well known figure in Lagos society. He had not been with us in this Council for very long, but he had been a very useful contributor to our debates. He was a man who had the courage of his convictions, and what I think is even more rare, the courage to change those convictions when it was proved to him that they were wrong. We shall miss him very much indeed.

I would ask Honourable Members to rise and stand in their places for a few moments as an indication of their respect for his memory and of their sympathy with his relations.

*The Council stood in silence for a few moments.*

*His Excellency:*

The Recording Officer has reported to me that an election took place at Lagos on the 20th of November, 1940, for the purpose of filling the vacancy caused by the death of Mr Alakija, and that the successful candidate is Mr Jibril Martin. In the name of the Council I should like to extend a welcome to the new Member.

## OATHS

The Honourable J. McLagan, Acting Comptroller of Customs; Major the Honourable H. P. James, Resident, Calabar Province; the Honourable Jibril Martin, Third Lagos Member; the Honourable F. Edmondson, Member for Shipping (Provisional); the Honourable E. H. L. Richardson, Commercial Member for Lagos (Provisional); the Honourable F. E. Stafford, O.B.E., Acting Deputy Financial Secretary (Extraordinary Member); the Honourable G. B. Williams, M.C., Commissioner of the Colony (Extraordinary Member); the Honourable C. H. Croasdale, Inspector of Labour (Extraordinary Member), took the Oath as Members of the Council.

## PAPERS LAID

The Honourable the Acting Chief Secretary to the Government laid the following papers on the table:—

Sessional Paper No. 16 of 1940, Annual Report on the Forest Administration of Nigeria for the year 1939.

Sessional Paper No. 17 of 1940, Annual Reports for the Northern, Western, Eastern Provinces, and the Colony, 1939.

Sessional Paper No. 18 of 1940, Trade Report for the year 1939.

Sessional Paper No. 19 of 1940, Annual Report on the Mines Department for the year 1939.

Sessional Paper No. 20 of 1940, Annual Report on the Education Department for the year 1938.

Sessional Paper No. 21 of 1940, Report on the Audit of the Accounts of the Nigerian Government Railway and Road Motor Services for the year ended 31st March, 1939.

Sessional Paper No. 22 of 1940, Report on the Audit of the Accounts of Nigeria for the year ended 31st March, 1939.

Sessional Paper No. 23 of 1940, Annual Report on the Veterinary Department for the year 1939.

Subsidiary Legislation made since the last meeting of the Council.

Report of the Finance Committee for the period from September to December, 1940.

Certificate of Urgency in respect of the following Bill:—

An Ordinance to make Supplementary Provision for the Service of the Colony and Protectorate of Nigeria for the year ending the thirty-first day of March. One thousand nine hundred and forty.

The Honourable the Attorney-General, Chairman of the Select Committee appointed to consider and report on a Bill entitled "An Ordinance to provide for the Establishment of an Arbitration Tribunal and a Board of Inquiry in connection with Trade Disputes, and to make provision for the Settlement of such Disputes, and for the purpose of Inquiring into Economic and Industrial conditions in Nigeria" laid the following paper on the table:—

Report of the Select Committee of the Legislative Council appointed to consider and report on a Bill entitled "An Ordinance to provide for the Establishment of an Arbitration Tribunal and a Board of Inquiry in connection with Trade Disputes, and to make provision for the Settlement of such Disputes, and for the purpose of Inquiring into Economic and Industrial conditions in Nigeria."

## QUESTIONS.

*NOTE.*—Replies to Question No. 1 (Question No. 1 of the 4th of September, 1940) by the Honourable the Member for Calabar. Questions Nos. 5 and 6 (Questions Nos. 5 and 6 of the 4th of September, 1940) by the Honourable the Member for the Warri Division, Questions Nos. 17, 19, 21, 22 and 23 by the Honourable the Member for the Ibo Division, Question No. 28 by the Honourable the First Lagos Member, and Question No. 29 by the Honourable the Member for the Warri Division, are not yet ready.

*The Member for the Ibo Division (The Hon. B. O.-E. Amobi):*

2. (Question No. 2 of the 4th of September, 1940). (b) (ii) How many of the successful candidates have been placed in permanent appointments?

(c) If the answer to question (b) (ii) above is in the negative, to ask for an explanation as to why the successful candidates have not been placed in permanent appointments?

*Answer:—*

*The Hon. the Acting Financial Secretary:*

(b) (ii) Of the thirty-eight successful candidates, twenty-seven have been given permanent Government appointments.

(c) Seven are still temporarily employed pending the occurrence of suitable vacancies in the permanent establishment. The remaining four have left Government service since the date of the examination.

*The Member for the Rivers Division (The Hon. S. B. Rhodes):*

3. (Question No. 3 of the 4th of September, 1940). (a) Is Government aware that monies deposited with Government by unpaid Bailiffs as securities, yield no interest whereas monies deposited as securities by persons employed by trading firms yield interest?

(b) If the answer is in the affirmative, will Government consider the advisability of placing all such securities on fixed deposit in one of the local banks and all interest accruing therefrom placed to the credit of the said Bailiff concerned?

(c) Will it not be more advantageous for Government to receive the fees and all Bailiffs be taken on the staff as paid Bailiffs?

(d) Is there any special reason or reasons why paid Bailiffs are attached to Degema and Port Harcourt, whereas an unpaid Bailiff to Aba?

*Answer:—*

*The Hon. the Financial Secretary:*

(a) and (b) It is confirmed that interest has not been paid on monies deposited with Government as security by unpaid bailiffs. Arrangements have now been made however for such monies to be deposited in the Post Office Savings Bank where they will earn interest at the normal rate

(c) The system of employing unpaid bailiffs who derive their remuneration from service fees was adopted after full inquiry and is working satisfactorily. There is no reason for changing it again.

(d) The bailiffs at Degema and Port Harcourt were appointed before the system referred to in (c) was approved. They will in due course be replaced by unpaid bailiffs.

*The Member for the Ibibio Division (The Hon. Nyong Essien) :*

4. (Question No. 7 of the 4th of September, 1940). (a) To ask the Honourable the Director of Education:—

(a) Is it a fact that owing to war conditions certain members of the Yaba Higher College staff arrived late last October?

(b) Whether, during September and October, 1939, a European acted for the Principal and an African for the House Tutor of the College?

(c) What was the Principal's Duty Pay for that period, and what percentage of it did the Acting Principal receive?

(d) Was the House Tutor entitled to, and receiving Duty Pay?

(e) What proportion of the Duty Pay did the African Master get during the period he acted for the House Tutor of that College?

(f) Is it a fact that there appears to be a shortage of staff of the Higher College, Yaba, owing to the transfer of one of the members of the staff and to the impending leave due to another?

(g) Is it a fact also that owing to that shortage of staff a certain European has been detailed to lecture in English to the students, particularly those who are taking their Diploma this year? If reply is in the affirmative,

(h) What are the qualifications entitling the lecturer to that important and responsible office?

(i) What is the scale of salary to which the lecturer is entitled to receive for that duty?

(j) Is it a fact that the same man is attached for the same purpose to the faculty of Commerce in that College? If so,

(k) What are his emoluments and qualifications?

(l) Is Government aware of the Editorial of the *West African Pilot* issue of Tuesday the 1st of August, 1939, in connection with staffing of the Yaba Higher College?

(m) What steps are being taken by Government to act on those suggestions?

(n) Whether Government will state the reason for retaining the services of the newly appointed lecturer on the staff of that College?

(o) If not, why not?

(p) Whether Government will, please, consider the desirability, and agree, that all the lecturers on the staff of that College are University Graduates?

(q) If not, why not?

(r) Will Government kindly make a statement of the general educational policy of the Nigerian Government?

(s) Whether Government will, please, consider the desirability of increasing the present educational vote to £500,000?

*Answer:—*

**The Hon. the Director of Education:**

(a) Yes, Sir.

(b) Yes, Sir.

(c) (i) At the rate of £220 per annum.

(ii) Nil.

(iii) The Acting Principal drew acting allowance of £17 per month under General Order 292.

(d) No. The substantive House Tutor is entitled to a charge allowance at the rate of £45 per annum.

(e) The African Tutor drew a special allowance at the rate of £2 10s. 0d. per month.

(f) No.

(g) The Lecturer in charge of the Commercial Class has taken written English in some of the senior classes.

(h) Associate of the Chartered Institute of Secretaries, Associate of the Institute of Industrial Administration, Fellow of the Royal Economic Society.

(i) £480-30-£720-40-£920.

(j) See reply to (g) above.

(k) See reply to (i) and (h) above.

(l) Yes, Sir.

(m) There is no evidence to substantiate the insinuation made against the staff in this article and no action is therefore necessary.

(n) No additional Lecturer has been appointed since April, 1935.

(o) Does not arise.

(p) It is not essential that the Lecturer in charge of the Commercial Course should be a graduate.

(q) The Commercial Course is a practical course and not a degree course.

(r) It is not possible to make a satisfactory statement of the general educational policy of Nigeria within the scope of a reply to a question. The Honourable Member's attention however is

invited to the memorandum on the Education of African Communities issued by the Colonial Office in 1935, which sets out clearly the aims of education in Africa upon which the policy in Nigeria is based.

(s) Such a proposal is impracticable.

**The Member for Calabar (The Rev. & Hon. O. Efiang):**

7. (Question No. 18 of the 4th of September, 1940). (a) To ask the Government whether it is a fact that about 1926, Obon Adam Ephraim Duke, as Obon of Calabar, was deposed or suspended by the Government?

(b) If so, to ask Government whether his deposition or suspension was the result of a conviction in a legally constituted court and if so on what charges he was convicted?

(c) If not, to ask whether he was asked to answer any charge and if so how his guilt was determined?

(d) Whether Government took any steps to ascertain the opinion of the Obon's people before his deposition or suspension or after that action had been taken to acquaint his people of the circumstances which decided his removal from office?

(e) Will Government state the period of the Obon's suspension and whether any conditions were given him to fulfil before his restoration or reinstatement was possible?

(f) Whether any steps were taken to provide a substitute during the interregnum?

*Answer:—*

**The Hon. the Chief Secretary to the Government:**

(a) Yes, Sir. The appointment of the person named as Obon of Calabar and as Native Authority was cancelled by the Governor in 1926.

(b) The cancellation of his appointment was not the result of any particular conviction but was the outcome of many acts and omissions by which he had shown himself to be incapable of performing his duties satisfactorily and unworthy of Government's continued confidence.

(c) Does not, therefore, arise.

(d) Numerous petitions and complaints from the Etuboms and others in Calabar made it evident that the person in question did not enjoy the full confidence of the people but the reason of the cancellation of his appointment is as stated at (b) above.

The decision to cancel his appointment was announced by the Resident at a meeting of the Etuboms.

(e) Does not arise.

(f) No, Sir.

**The Member for Calabar (The Rev. & Hon. O. Efiang):**

8. (Question No. 19 of the 4th of September, 1940). Will the Honourable the Director of Medical Services please state:—

(a) How many chief sanitary inspectors there are in Nigeria at the moment?

- (b) If none, why?  
 (c) How many chief nurses are in the Government service now?  
 (d) How many female senior nurses there are at present?

*Answer:—*

**The Hon. the Director of Medical Services:**

- (a) None.  
 (b) Because there is no such post in the approved establishment as recorded in the Estimates.  
 (c) No such grade has been created or is contemplated.  
 (d) None.

**The First Lagos Member (The Hon. H. S. A. Thomas):**

9. (Question No. 20 of the 4th of September, 1940). How many Native Administration treasuries are there in the Owerri division and what were the respective dates of their establishment?

*Answer:—*

**His Honour the Chief Commissioner, Eastern Provinces:**

Three. The Owerri Divisional Native Treasury was established on the 1st of April, 1928, and the Oratta and Oguta Native Treasuries on the 1st of April, 1938.

**The First Lagos Member (The Hon. H. S. A. Thomas):**

10. (Question No. 21 of the 4th of September, 1940). (a) Is it a fact that the following four clan groups or groups of areas in the Owerri division, viz:—

- (i) Agbaja, Ahiara, Ekwereazu, Ezimhitte and Ovoru;  
 (ii) Isu and Ikeduru;  
 (iii) Ngor and Okpala;  
 (iv) Umuapu, Awarra and Ohoba.

have by common agreement preferred requests that separate federated treasuries be established to serve their respective clan groups or groups of areas?

- (b) When were the requests received?  
 (c) Have the requests been granted?  
 (d) Is it proposed to grant these requests?  
 (e) If so, when?  
 (f) If not, why not?

*Answer:—*

**His Honour the Chief Commissioner, Eastern Provinces:**

(a) No, Sir. The question of establishing federated Treasuries for each of the four groups referred to has, however, been under consideration for the past two years. Geographically and ethnologically the composition of these groups is appropriate and convenient but unfortunately their components have reached no such measure of agreement as would justify the establishment of new Treasuries for them, the supervision of which moreover must, in the face of reduced administrative staff, present difficulties.

Typical of the contretemps which have delayed this project is the case of group (1) which until March this year could not even agree on a site for the proposed Treasury and has still failed to reach agreement on the composition of the Financial Committee which will be responsible for its administration. When full agreement has been reached in each case the question will receive further consideration in the light of the conditions then prevailing.

(b), (c), (d), (e) and (f), do not therefore arise.

**The First Lagos Member (The Hon. H. S. A. Thomas):**

11. (Question No. 22 of the 4th of September, 1940). (a) Is there a divisional native treasury functioning in the Owerri division?

(b) If so, to ask:—

(i) Which areas are served by this treasury?

(ii) Are accredited representatives of these areas consulted as a rule, when the annual estimates are being compiled?

(iii) When and where did the consultation of these representatives over the draft annual estimates for 1940-41, take place?

Answer:—

**His Honour the Chief Commissioner, Eastern Provinces:**

(a) Yes, Sir.

(b) (i) The Isu, Ikeduru, Agbaja, Ezinihitte, Ekwerazu, Ovoro, Ahiara, Okpala, Ngor and Ohoba Native Authority areas.

(ii) Yes, Sir.

(iii) During the months of June and July, 1939, at the Native Courts of the respective Native Authority areas.

**The First Lagos Member (The Hon. H. S. A. Thomas):**

12. (Question No. 23 of the 4th of September, 1940). (a) Are Native Administration officials who have not the advantage of contributing to a provident fund eligible for any retiring allowance or gratuity as the case may be, on retirement due to old age or sickness and on retrenchment?

(b) In case of the death of such Native Administration officials, is there any provision for payment to their legal personal representatives of a gratuity of their estates or for the support of their dependants?

(c) What rules govern payment in all the above cases?

(d) How do these rules compare with those applicable to similar employees in the Government service?

(e) What is the compulsory retirement age for Native Administration officials?

Answer:—

**The Hon. the Acting Financial Secretary:**

(a) (b) There is no scheme for the award of retiring allowances or gratuities to Native Administration officials, but the possibility of instituting a provident fund is under examination.

(c) (d) Do not arise.

(e) There is no compulsory retiring age for Native Administration officials.

**The First Lagos Member (The Hon. H. S. A. Thomas):**

13. (Question No. 21 of the 4th of September, 1940). (a) How many female in-patients and out-patients were treated in the Owerri African Hospital during the years 1938 and 1939 respectively?

(b) How many female nurses were posted to this hospital during the aforesaid periods?

(c) If none, to ask whether early favourable consideration may be given to the question of posting a number of female nurses to this hospital?

Answer:—

**The Hon. the Acting Director of Medical Services:**

(a) The numbers of female in-patients and female out-patients treated in the Owerri African Hospital during the years 1938 and 1939 were as follows:—

|      |     |     |     | Female<br>in-patients. | Female<br>out-patients. |
|------|-----|-----|-----|------------------------|-------------------------|
| 1938 | ... | ... | ... | 329                    | 7,273                   |
| 1939 | ... | ... | ... | 303                    | 8,516                   |

(b) Nil.

(c) Yes, Sir. A midwife and a female nurse who was selected by the Owerri Native Administration and completed her training in July are being posted to the Owerri African Hospital.

**The First Lagos Member (The Hon. H. S. A. Thomas):**

14. (Question No. 25 of the 4th of September, 1940). (a) What are the respective numbers of rest houses built in the Owerri division at the expense of the Native Administration during the years 1937, 1938 and 1939?

(b) Of what structures and types are they?

(c) What is the total expenditure incurred on these rest houses during each of these years?

(d) For whose use were these rest houses built?

(e) Was the consent of the native authorities obtained?

(f) Whether in view of the great need for social services in the Owerri division and the fact that Government receives half-share of the gross tax collected in the division, Government will kindly consider the refund of the total expenditure from the Native Administration funds in respect of these rest houses?

Answer:—

**His Honour the Chief Commissioner, Eastern Provinces:**

(a) 1937—None.

1938—Three.

1939—Four.

(b) The buildings erected were of a permanent type approved by the Public Works Department, having cement block walls and corrugated iron roofs and consisting in each case of two rooms and the usual offices.

(c) 1937—Nil.

1938—£630.

1939—£1,143. This figure includes the cost of servants' quarters and kitchens for three Rest Houses.

(d) For use, principally, by Government Officers travelling on Native Administration duties.

(e) Yes, Sir.

(f) No, Sir. It is an accepted principle that Native Administrations should bear the cost of providing suitable Rest House accommodation for use by visiting officers engaged in the supervision of Native Administration affairs.

**The First Lagos Member (The Hon. H. S. A. Thomas):**

15. (Question No. 26 of the 4th of September, 1940). (a) What opportunities are provided by Government for higher education locally of boys who passed the Middle Class IV examination in the Owerri Government Middle School?

(b) Is it a fact that representations have been made by the Owerri Native Administration Clan Councils to His Excellency the Governor and to His Honour the Chief Commissioner, Eastern Provinces, praying that the Owerri Government Middle School be raised to the status of a Class VI Middle school?

(c) If so, to ask how soon the Government proposes to grant this prayer, in view of the increasing demand for higher education throughout Nigeria, and the fact that Owerri is one of the most populous areas in Southern Nigeria?

Answer:—

**The Hon. the Director of Education:**

(a) The Government College at Umuahia, at present closed, is forty-five miles from Owerri, and normally provides education up to Class Middle VI. The Native Administrations provide scholarships to the College in deserving cases. Full secondary courses are also available at several Mission and private boarding schools within no great distance.

(b) Yes, Sir.

(c) Financial considerations at present render it impossible for Government to take any action in the matter.

**The First Lagos Member (The Hon. H. S. A. Thomas):**

16. (Question No. 27 of the 4th of September, 1940). (a) What are the circumstances which led to the arrest and detention by the police at Tiko, in the Cameroons under British mandate, of one Ben Abalu, a motor lorry owner, in the month of June, 1939?

(b) Is it a fact that after his arrest, Ben Abalu was refused bail by the police and kept in custody for eight days?

(c) How soon after his arrest was Abalu brought before a magistrate and what was the reason for the delay, if any?

(d) What were the charges preferred against Abalu, when was he tried, and what were the findings of the magistrate?

(e) Is it a fact that Abalu's motor lorry was detained by the police for four days after his arrest and was used by the police to transport Abalu and other people from Tiko to Victoria on the 18th of June, 1939?

(f) Was Abalu paid anything as compensation for the detention and use of his motor lorry by the police?

(g) If not, why not?

*Answer:—*

**The Hon. the Chief Secretary to the Government:**

(a) Robinson Brasswell who was arrested on the 13th of June, 1939, for being in possession of one case of petrol which had been stolen from the Government launch s.s. *Myrtle*, gave the Police information which implicated Ben Abalu and this was corroborated by one Moses Ogebale. Acting on that information the Police arrested Ben Abalu at Tiko on the 14th of June.

(b) Ben Abalu was kept in custody for eight days only because it was impossible for him to have been brought before a Magistrate earlier.

(c) Ben Abalu was detained at Tiko from the 14th to the 18th of June as no escort was available to take him to Victoria. The Magistrate at Victoria was in hospital from the time of Ben Abalu's arrival there until the 22nd of June when Ben Abalu was brought before him and bail was granted.

(d) The charge preferred against Ben Abalu was that he during the month of April, 1939, at Tiko in the Calabar Magisterial Area received one case of petrol value 19s. the property of His Majesty's Government, well knowing the same to have been stolen. The case came up for trial on the 11th of August but as the Police offered no evidence Ben Abalu was discharged.

(e) Ben Abalu's lorry was not detained by the Police. The lorry did, however, remain in the Police station compound from the date of Ben Abalu's arrest until the 18th of June when he himself drove it to Victoria thus transporting himself, his escort and Robinson Brasswell to that place.

(f) Nothing was paid to Ben Abalu for the use of his motor lorry by the Police.

(g) The lorry remained in the Police station compound between the 14th and 18th of June but it was not under detention. Ben Abalu who was the owner of the lorry made no application for its removal elsewhere. The officer who arranged the transport of Ben Abalu from Tiko to Victoria is not now in the service but it is presumed that Ben Abalu would himself wish to take his lorry with him to Victoria. Government expressed its willingness to pay to Ben Abalu the equivalent of the normal lorry fare from Tiko

to Victoria in respect of the transport of himself, his escort and Robinson Brasswell on the 18th of June, and Ben Abalu was offered and has accepted the sum of 10s. in settlement of this service.

**The Member for the Ibo Division (The Hon. B. O.-E. Amobi):**

18. (a) To ask the Honourable the Acting Chief Secretary to the Government whether he is aware of the fact that there are permanent buildings erected at Aba by Aba Native Administration and that these buildings are now occupied by clerks, in the main Government?

(b) What rents are collected from the clerks who now occupy these buildings?

(c) Are these credited to the Native Administration?

(d) If not why not?

*Answer:—*

**The Hon. the Acting Chief Secretary to the Government:**

(a) No, Sir. There are no permanent quarters at Aba which were erected by the Aba Native Administration. Certain disused Native Administration quarters of a temporary nature are, however, at present being occupied by Government clerks under an arrangement by which they are charged no rent but effect their own repairs.

(b), (c) and (d) Do not, therefore, arise.

**The Member for the Ibo Division (The Hon. B. O.-E. Amobi):**

20. To ask the Honourable the Acting Chief Secretary to the Government whether it is a fact that one Mr. Gabriel N. Elekwachi who died on the 31st August, 1934, was in the employment of the Government as a Qualified Interpreter in the Provincial Administration Department?

If so, to ask:—

(a) What was the period of his service as a Qualified Interpreter?

(b) Whether it is true that his service as a Qualified Interpreter was immediately preceded by an unbroken period of service in a civil capacity as an office messenger?

(c) What was the period of his service as an office messenger if it is true that he had served in that capacity?

(d) Whether it is not true that the office of Qualified Interpreter in the Provincial Administration is a pensionable one?

(e) What is the normal period of service of a deceased African Official who had served in a pensionable or non-pensionable post or both that is taken into account when considering an award of an *ex-gratia* or compassionate gratuity to his dependants?

(f) What was the period of service of the late Mr. Elekwachi in this connection?

- (g) Whether it is true that an application by Madam Odaku Ekwu of Owerri praying for an award of an *ex-gratia* or compassionate gratuity on behalf of herself and the other dependents of the late Mr. Elekwachi was not granted?
- (h) What were the reasons for refusing to grant the application and what are the reasons for which it could be granted?
- (i) Whether Government will not be graciously pleased to reconsider its decision in view of the fact that the dependents of the late Mr. Elekwachi are now in a sore need?

Answer:—

**The Hon. the Acting Financial Secretary:**

The reply to the main question is in the affirmative. The following are the answers to the subsidiary questions:—

(a) 7th March, 1931, to 31st August, 1934, inclusive.

(b) Yes.

(c) 5th November, 1926, to 6th March, 1931, inclusive.

(d) Yes.

(e) and (f) No minimum period of service is prescribed for the grant of an *ex-gratia* or compassionate gratuity to the dependants of an official or employee to whose estate a gratuity is not payable under the pensions law. The first and indispensable condition is that there should be clear evidence of distressed financial circumstances. If this condition is established then other considerations such as the length of service of the deceased official or employee, the number of dependants, and the prospect of their obtaining relief either by contributing to their own support or the help of family connections are taken into account.

(g) Yes.

(h) The application was refused because the main condition indicated under (e) and (f) above was not fulfilled.

(i) The Government is not prepared to reconsider the decision which was taken over five years ago after careful consideration by His Excellency in Council.

It may be added that Mr. Elekwachi did not complete the minimum period of five years' pensionable service prescribed by the pensions law for the award of a gratuity to the estate of the holder of a pensionable office. If he had fulfilled this condition his estate would have been eligible for an award of £22. The application which was made by the late Mr. Elekwachi's mother for a compassionate award showed that his dependants included eighteen wives and twenty-eight children.

**The Member for the Ibo Division (The Hon. B. O.-E. Amobi):**

24. To ask the Honourable the Acting Chief Secretary to the Government does the Government realise that a good hospital is much needed at Omoku, Ahoada and Elele for the treatment of sick people from Ogba, Egbema, Egenes and Emiegi Clans and that Omoku is central to all these clans?

*Answer :—*

**The Hon. the Acting Director of Medical Services:**

The desirability of extending medical aid to these clans is fully recognised, but there are other areas in Nigeria which, by reason of their remoteness from existing medical centres, must be regarded as having prior claims to extension of hospital services when the financial situation renders expansion possible.

**The Member for the Ibo Division (The Hon. B. O.-E. Amobi):**

25. (a) To ask the Honourable the Acting Director of Medical Services whether he has not considered that the time has come for him to put into effect paragraph (a) of his reply No. 762/296/21 of 4th July, 1939, to a petition forwarded by Vaccinators?

(b) Under what conditions were these Vaccinators employed?

*Answer :—*

**The Hon. the Acting Financial Secretary:**

(a) The proposal referred to has been considered but it was decided that the existing maximum salary of Vaccinators, *viz.*, £66, is not unreasonable for this class of employee.

(b) On a non-pensionable basis with a maximum salary of £66 per annum.

**The First Lagos Member (The Hon. H. S. A. Thomas):**

26. (i) How many vaccinators are now actually employed by the Medical Department and how many of this number have not yet attained their maximum rate of pay?

(ii) Are there any cases in which vaccinators who have not attained their maximum rate of pay have been in receipt of their present rates of pay for periods of four years or more?

(iii) If so, what is the number of such cases and the reason or reasons for the non-granting of increases?

*Answer :—*

**The Hon. the Acting Financial Secretary:**

(i) Fifty-seven, of whom sixteen have not yet attained the maximum rate of pay.

(ii) Yes.

(iii) One, who has not yet been recommended for an increase.

**The First Lagos Member (The Hon. H. S. A. Thomas):**

27. (a) What prospects of advancement have vaccinators in the Medical Department?

(b) Is it correct that, at some stations, vaccinators perform duties of Sanitary Inspectors in addition to their own, without being granted an additional remuneration?

(c) Will Government graciously consider the revision of the salary scale of vaccinators by an extension of its present maximum to £90 and thus give necessary encouragement to tried and deserving vaccinators who have remained stagnant on their present maximum pay for many years?

Answer :—

**The Hon. the Acting Financial Secretary:**

(a) None outside their cadre.

(b) Yes. It should be explained however that as vacancies occur in the ranks of vaccinators they will be filled by the appointment of additional Sanitary Inspectors on the grade £36-128.

(c) See reply to Question 25 (a).

### RESOLUTIONS

**The Hon. the Acting Financial Secretary:**

Your Excellency, I beg to move that the report of the Standing Committee on Finance, Part I, be adopted. This is a formal resolution in accordance with Standing Rules and Orders No. 57 and covers all additional provision approved in Finance Committee since the last meeting of this Council. Full details are contained in the schedules attached to the Report. They relate to the last Finance Committee, 1939-40, as well as to the current year and to railway and loan expenditure and to expenditure from renewals funds.

Honourable Members will note in the Summary of the total supplementary provision that during the last few months a total of £66,000 has been approved in addition to re-allocations and self-balancing items. This may seem a very large amount, as indeed it is, particularly at a time when the strictest economy is our watch-word; but the nature of the expenditure is indeed unavoidable, due as it is largely to war requirements, as will be illustrated if I quote a few of the principal items: Air raids precautions, extensions and defence of aerodromes amounted to some £10,000; Charter of aeroplanes for special journeys, £5,000; Medical supplies and drugs, the cost and prices of which have gone up nearly 100 per cent, required additional provision of £13,000. Reserve stocks of quinine cost £14,000; the amount voted as *ex gratia* awards to those officers who lost their kit on the *Accra*, £3,500; and a loan which has been voted to the Lagos Town Council for the extension of the cemeteries in Lagos, £9,000. Those, Sir, are the larger items contained in the Schedule.

I beg to move that the Report of the Finance Committee Part I, be adopted.

**The Member for the Egbu Division (The Hon. A. Alakija, C.B.E.):**

I beg to second.

**The Hon. the Acting Financial Secretary:**

Your Excellency, I beg to move that the Report of the Finance Committee (Part II) be adopted. This refers to matters requiring approval, not necessarily involving additional provision, such as *ex gratia* awards to employees leaving Government service, for which there is already provision in the Estimates, the waiving of customs duty on certain imports, and the granting of special allowances.

Your Excellency, I beg to move that the Report of the Finance Committee Part II, be adopted.

**The Member for the Egba Division (The Hon. A. Alakija, C.B.E.):**

I beg to second.

**The Hon. the Acting Financial Secretary:**

Your Excellency, I beg to move that the Report of the Finance Committee (Part III) be adopted. There is only one minor matter dealt with in Part III, which is fully explained in the Summary.

Your Excellency, I beg to move that the Report of the Finance Committee (Part III), be adopted.

**The Member for the Egba Division (The Hon. A. Alakija, C.B.E.):**

I beg to second.

**The Hon. the Acting Financial Secretary:**

Your Excellency, I beg to move the adoption of the two resolutions standing in my name relating to the grant of reduced pensions and gratuities to Messrs. Weir and Hanitsch. The names of these two officers are included in the schedule to the Pensions (old conditions of service) Ordinance, No. 31 of 1938, by virtue of which they are eligible only for full pension and not for reduced pension and gratuity. These officers held just prior to their retirement super-scale posts on consolidated salaries which, for purposes of computing pension, have to be reduced by fifteen per cent. This condition was imposed upon them at the time of their promotion. The terms under which their pensions are granted are therefore varied to their disadvantage, and it is fair and reasonable that a compensating advantage should be allowed to them of being permitted to receive reduced pension gratuity. It is necessary to have the approval of Council for this, and I beg to move that the resolutions be adopted.

**The Member for the Egba Division (The Hon. A. Alakija, C.B.E.):**

I beg to second.

**His Excellency:**

I understand the Honourable Member moved both resolutions?

**The Hon. the Acting Financial Secretary:**

Both resolutions, Sir.

*The Hon. the Attorney-General:*

Your Excellency, I rise to move the resolution standing in my name, namely:—

“ That the Report of the Select Committee of the Legislative  
 “ Council appointed to consider and report on a Bill  
 “ entitled ‘ An Ordinance to provide for the Establish-  
 “ ment of an Arbitration Tribunal and a Board of  
 “ Inquiry in connection with Trade Disputes, and to  
 “ make provision for the Settlement of such Disputes,  
 “ and for the purpose of Inquiring into Economic and  
 “ Industrial conditions in Nigeria ’ ”

which was laid on the table to-day be adopted.

Your Excellency, the report which has been printed shows that the Committee which was enquiring into this Bill presents, in the absence of one member who was absent from Lagos and could not attend our meeting, a unanimous report. The effect of the report is that having recommended certain minor alterations in the Bill—two of them are grammatical, Sir, and one is a date, in view of the fact that we are now in 1941 instead of 1940—the Committee recommends that clauses 10 and 11 should be materially varied. Clause 10 should be varied so as to show that any party who has submitted his case for the decision of an arbitration tribunal should be able to ask that tribunal to hear such witnesses as he may wish to summon. That I think, Sir, is reasonable. The parties having placed the determination of their dispute in the hands of an arbitration tribunal they naturally wish to put before that tribunal the material which they think the tribunal should have before coming to a decision.

The second amendment, Sir, is one which is based on that hoary annual which always turns up in this Council, and that is on the right of appearance of legal practitioners. The Committee have recommended that clause 11 of the Bill should be varied to enable Counsel to represent either party at their request before arbitration tribunals, leaving it, as the Bill was originally drafted, for boards of inquiry to decide whether or not they wish to have Counsel.

There are two entirely different functions: an arbitration tribunal works with the consent of the parties concerned, and the board of inquiry, a board which Your Excellency appoints to give you information in connection with certain matters specified by you and therefore we recommend that in investigations before arbitration tribunals either side should be represented by Counsel if they wish; but that in the case of board of inquiry it should be left to the board to decide if they wish for the assistance of Counsel.

I may mention that every single provision in the Bill is adapted from English legislation, although the Bill follows the form of the Trinidad Ordinance but in respect of the appearance of Counsel as of right Nigeria is going further than is permitted in Trinidad, Sierra Leone or, as far as I know, even in England.

Attached to the report will be found a printed copy of the Bill with the amendments inserted, and as the last item on the Order of the Day there appears the Committee stage of this Bill, the Bill having already been read a second time, it will then no doubt be most convenient for Honourable Members to criticise the amendments which have been recommended.

I now formally beg to move that the resolution standing in my name be adopted.

*The Member for the Egba Division (The Hon. A. Alakija, C.B.E.):*

Your Excellency, in seconding this motion, I would like to express the thanks of this Committee to the Chairman for the pains he had taken to explain to us certain difficulties which were not apparent on the face of the Bill. From the report Your Excellency will see that the best that we can do was done.

#### BILLS.

#### (First Readings).

#### THE TOWNSHIPS (AMENDMENT) ORDINANCE, 1941.

*The Hon. the Attorney-General:*

Your Excellency, I rise to move the first reading of the first Bill standing in my name on the Order of the Day, namely: "An Ordinance to amend the Townships Ordinance."

As the law stands at present, Sir, Your Excellency is the authority for making rules and applying them to second class townships, rules covering all those various matters which are governed by bye-laws in most municipalities. It has now been suggested that it would be to the advantage of local authorities if they themselves were empowered, subject to your covering approval, to make bye-laws for similar purposes.

That suggestion has been accepted as sound, because although one does not want to have different bye-laws operating in adjacent second-class townships where conditions are approximately the same, yet it is advantageous to stimulate the civic pride of the people on the spot so that they take a greater interest in their own township and feel that they are taking a more active part in their own local government than they do at present.

The effect of this amendment, Sir, is not to take away from Your Excellency the power to make such rules, but to extend similar powers to the local authorities of second-class townships and authorise them to make bye-laws in respect of their townships.

I beg to move.

*The Hon. the Senior Resident, Plateau Province:*

I beg to second.

.....

## THE NEWSPAPER (AMENDMENT) ORDINANCE, 1941.

*The Hon. the Attorney-General:*

Your Excellency, I rise to move the first reading of the second Bill standing in my name, namely: "An Ordinance to amend the Newspaper Ordinance."

This Bill arose out of a resolution which was moved by an Honourable Unofficial Member and seconded by another, some time ago, to the effect that the Newspaper Ordinance should be amended so as to enable a newspaper to be published if a cash deposit were to be made instead of the providing of sureties and the giving of bonds; the reason being it was quite possible that some responsible person may wish to start a newspaper but as he may not be known in this country it may be impossible for him to get anyone who is prepared to execute the necessary bonds. The Bill therefore adds further provisions to the Newspapers Ordinance, under which the sum of £250 may be deposited with the Chief Secretary instead of a bond having to be provided.

The Bill is fairly long, Sir. On the surface, all that was necessary was an amendment to the effect that in lieu of entering into a bond the sum of £250 could be deposited. But it was necessary for us to say in detail what is to happen to that £250, what it is deposited for. In other words, it was necessary for us to set out in the Ordinance provisions in respect of that £250 in cash similar to those that at present apply to bonds for the same amount. Those have all been set out in clause 2 of the Bill.

Clause 3 is a definite amendment to the existing Newspaper Ordinance and it is a very necessary amendment. It remedies one of those defects in an Ordinance that go on for years and years until something brings it to your notice and you realise that the law is not only defective but gravely defective and has been gravely defective for years.

As the law stands at present a surety is responsible in damages so long as a bond is in existence, but he may withdraw from his bond by giving notice at any moment he chooses and twenty days after the date of notice he is discharged from all liability except in respect of proceedings commenced prior to the date of discharge. Well Sir, if we are going to accept that, we may just as well say that bonds are hardly necessary at all, because it will enable a surety the moment that he sees that the paper for which he has executed the bond is getting into serious difficulties, to withdraw his bond and he is in nearly every case safe. The unfortunate man who may have been libelled or whatever the cause of action may be, would then have no redress unless he started his action within twenty days. We have therefore provided, Sir, that the bondsman is liable in respect of any action brought within two years of the date on which the cause of action arose. In other words, Sir, if a

cause of action arose, we will say, on the 1st January this year, and a bondsman withdrew at the end of this month, he would nevertheless be liable for two years as from the 1st January.

Honourable Members may ask, why two years? The reason for two years is this:—the ordinary period of limitation under which an action can generally be brought in many respects including slander is two years, and therefore the man who is acting as surety for the paper when the cause of action arose should in the ordinary course of events remain liable for at least the same period of time during which most actions could be brought and not only for twenty days.

That is the effect of clause 3, Sir.

I beg to move.

*The Hon. the Resident, Calabar Province:*

I beg to second.

#### THE PUBLIC HEALTH (AMENDMENT) ORDINANCE, 1941.

*The Hon. the Attorney-General:*

Sir, I rise to move the first reading of the third Bill standing in my name, namely: "An Ordinance to amend the Public Health Ordinance."

This, Sir, is somewhat of a companion Bill to that relating to township on which I have just spoken, the same principles apply and this will enable local authorities in second-class townships to make health rules similar to those which can be made by the Councils of first-class townships. The reasoning that I used in moving the amendment to the Townships Ordinance also applies to this Sir, and therefore I will not add anything further with reference to the principles.

There is one other amendment, Sir, and that is to make it clear by statute that Native Authorities, as distinct from Local Authorities, are also enabled to make similar rules. They have in fact been making some under authority given by Your Excellency under a Native Authority Ordinance, 1933.

Section 44, which is the first to be amended, Sir, refers to slaughter houses and the control of the slaughter of animals for sale; and section 45, which is amended by clause 3, relates to general health matters. This section relates to the health of the community generally, such as rubbish destructors, provision of proper latrines, general scavenging provisions and also the regulation of certain buildings used for certain trades. The same principles also apply in this case but we are going a little further, and the existing paragraph 5, which relates to the sanitation and

ventilation of public and private buildings, is being extended. As Honourable Members will see, the second half of clause 3 provides for the erection, construction, demolition, re-erection and construction, conversion, reconversion, also repair, sanitation and ventilation of public and private buildings. In other words, Sir, we are extending the health provisions relating to buildings in respect of which these different authorities will be able to make rules or bye-laws.

There is one other point, Sir, and that is that although these local authorities will be enabled to make these various rules, they will still require Your Excellency's approval and before that is given you will be able to ensure that the methods adopted are satisfactory and that they meet with the approval of the different public authorities as the Director of Public Works so far as construction is concerned and the Director of Medical Services with respect to health, and unfortunately, Sir, the Attorney-General in the case of drafting!

There is yet another point, Sir; there has been a request which Your Excellency has approved for the consideration of Council that there should be transferred from section 43 to section 45 of the Ordinance, the provisions of paragraphs (9) and (10). I will have to move an amendment to that effect later on, and I will explain what they are. Under paragraphs (9) and (10) Your Excellency, and only Your Excellency, has the power to make rules firstly for preventing in any place where an infectious disease exists the holding of public meetings or the performance of native customs likely to tend to the dissemination of such disease and secondly requiring the destruction of rats, mice and other vermin and parasites and rendering houses rat-proof. The request has been made, Sir, that those provisions should be transferred to the sections under which rules and bye-laws may be made by the native and local authorities. I will move an amendment to that effect in the Committee stage. It will not affect Your Excellency's overriding authority because you will also be able to make rules under section 45, Sir, instead of only under section 43. The amendment in clause 5, in the Bill, is purely consequential on the previous amendments to which I have already referred.

*The Hon. the Acting Director of Medical Services:*

I beg to second.

THE STAMP DUTIES (AMENDMENT) ORDINANCE, 1941.

*The Hon. the Attorney-General:*

Your Excellency, I rise to move the first reading of the fourth Bill standing in my name, namely: "An Ordinance to amend the Stamp Duties Ordinance, 1939."

Honourable Members who were present, Sir, will remember when this Bill was passed, in March, 1939, I then stated it was an extremely complicated and difficult matter and that it is a subject

upon which we do and would have to seek the advice of those who really knew the subject from A to Z. Since that Ordinance was passed, it has been subjected to the criticism of the Inland Revenue Department of the Board of Trade in England and they have made certain criticisms of some of the provisions of the Ordinance, criticisms which have been extremely useful to us, Sir, and which we would be foolish not to adopt as far as we possibly can. The amendments set out in this Bill are all based upon the criticisms that we have received from the people who know more about the subject than anybody else in the world and I think, Sir, the Council would be well advised to accept the amendments. I will have, I am afraid, Sir, to refer in detail to some of the principles of the Bill. It is difficult to speak on the principles of amending Ordinances because they are disjointed and therefore I will explain in detail the most important of the amendments and leave it at that till the Committee stage.

The amendment in clause 2, Sir, is an amendment to section 11 of the Ordinance. In that section of the Ordinance there are some words which are unnecessary. The section reads:

“ Except where other express provision is made, every ”

Now actually, Sir, on account of changes in the administration of stamp duties no “ other express provision ” is made in the Ordinance. Those words are therefore redundant and should come out. The section will then commence with the word “ Every ”.

Clause 19. This refers to the section which relates to the possibility of two commissioners giving an opinion upon a document as to the rate of stamp duty it should carry. The section has been criticised by the Board of Trade. It is provided in the Ordinance that no commissioner other than a law officer or Crown Counsel being appointed a commissioner may express an opinion upon documents which have already been assessed. The Board of Trade has suggested that where the commissioners are in difficulty as to the amount which should be assessed, the opinion should be received from the legal officers before the assessment is made, and therefore there is no necessity to provide for an opinion after an assessment. The amendment therefore repeals sub-section (1) and retains sub-section (2) as the section. This simply means that in future where a commissioner is doubtful he will have to obtain legal advice before he expresses his opinion as to what the correct stamp duty may be.

The amendments of section 22, contained in clause 4, refer to those provisions in the Ordinance where a period of forty-two days is given in which documents may be stamped after execution. The section as it stands to-day contains provision by which Your Excellency can by Order in Council reduce the period of forty-two days. The Board of Trade have rightly said, “ May you never find it necessary to extend the period? ” Well, Sir, I do not think

we will—but we may. Accordingly an amendment to that effect has been made by clause 4. It will make for elasticity and will avoid amendments in future if ever it is found necessary.

The amendment to section 26 in clause 5 provides for a penalty for those who commit a breach of what will now become sub-section (1) of that section.

Clause 6 relates to appraisements and there a slight difficulty arises because in England appraisements have got to be made on specially stamped paper. The paper has got to be stamped before the document is prepared. That does not apply in Nigeria Sir, and so it is proposed to alter the phraseology of the local section to provide that an appraiser must not first disclose his appraisement except in the proper form, that is to say that he must write it out, get it stamped and then he can publish the result. In other words, every appraisement must be stamped before the details of the appraisement can be made public.

Section 42 of the Ordinance has been found to be unnecessary and is therefore being repealed. Clause 8 provides three new sections relating to charter-parties. The Board of Trade pointed out that the Ordinance was silent on this subject, and as it may be necessary to provide for charter-parties it is proposed to enact provisions similar to those in England. In a few cases the rates of duty have been varied so as to bring them into line with the other rates in the Ordinance as in one or two cases we have slipped up in this respect, Sir. Honourable Members will notice that in addition to the minor changes made in clauses 9 to 12 there are also provided by clause 15 certain variations of the rates in the schedule of the Ordinance itself.

I invite the Council's special attention to clause 13. The law in England is that a receipt may be stamped on payment of a small penalty within fourteen days, on payment of a larger penalty within twenty-eight days, but it cannot be stamped under any condition after twenty-eight days. The law in Nigeria has been that a receipt may be stamped on payment of the small penalty within twenty-eight days, and that it may be stamped at any time after that on payment of the larger penalty. The clause now brings our section into line with the principles of the English legislation although it retains double the length of time available for stamping.

The effect of this section will mean that after fifty-six days it will be impossible to get a receipt stamped whether a penalty has been paid or not. That is the only departure from the existing principles of the law in Nigeria which will be found in this Bill.

The amendment to clause 14 is one, Sir, which I hope will not be much used in Nigeria, but it provides for safeguards in connection with the granting of relief from transfer duty in the case of

transfer of property as between associated companies. The original section was based on one of the Finance Acts in England which, however, has been proved to be defective, and the Board of Trade has shown us a way to amend the section so that the stamp duty will only be reduced if there is a genuine reorganisation bringing the property within the spirit as well as the letter of the exemption and not a reorganisation designed, *inter alia*, for the purpose of obtaining relief from this stamp duty.

Clause 15 deals with the various heads in the Schedule and I do not think I need refer to those except to say that all we are doing there is to clear up doubtful matters and in one or two cases to bring the incidence of the stamp duty into its proper relation or as near as possible, with the duties at present existing in the other provisions of the Ordinance. There is one detail to mention, however, and that is under the general exemption provisions certain documents are exempted from stamp duty, but there has been no provision made so far that the certificate of the Commissioner saying that those documents are exempted is itself to be exempted from the five shillings duty payable for the certificate. I do not think I need further go into the details of the amendments to be made in the Schedule.

*The Hon. the Acting Deputy Financial Secretary:*

I beg to second.

THE NIGERIAN SAVINGS CERTIFICATES ORDINANCE, 1941.

*The Hon. the Acting Deputy Financial Secretary:*

Your Excellency, I beg to move a Bill entitled "An Ordinance to authorise the raising of a loan for the purpose of the present war and the issue of Savings Certificates therefor" be read a first time.

The object of this Bill, Sir, is to give the inhabitants of Nigeria an opportunity of investing their money in a manner which, while profitable to themselves, ensures that it is promptly made available for the vital and urgent war purposes of His Majesty's Government. Your Excellency has already announced the intention of the Government to introduce Nigerian War Savings Certificates as it has regrettably been found impossible to arrange for the sale of United Kingdom Certificates in Nigeria. That decision met with warm approbation in all parts of the country, because the Savings Banks' facilities which have already been available, although mechanically adequate, did not present much appeal to the popular imagination.

The Bill itself is short. It merely gives the Government the power to raise money on the security of the Nigerian revenues by the sale of Savings Certificates. It also gives the Government the power to lend the money so obtained to His Majesty's Government. It is the intention of the Government to remit the proceeds of these certificates as speedily and as frequently as circumstances permit.

Occasion has also been taken to lay before the Council the regulations which will be made under the Ordinance so as to govern the sale and control of the certificates, and from them a general picture may be obtained of the whole scheme. The general principles are, I think Sir, well known. There is no need for me to go into any great detail. Each certificate can be purchased for 15s and in ten years at a rate of growth which is specified in the regulations will increase to 20s 6d. They can be cashed at any time after short notice, and no individual holding will be allowed to exceed 500. No income tax will be taken on the interest by which the certificates accrue in value.

The provision of these certificates, therefore, provides a gilt-edged security within the reach of practically everybody, and at the same time ensures that any savings that can possibly be made will be utilised to, what the Home savings pamphlets call "Save the way" to the victory that the Empire is striving to attain. It may not be out of place, Sir, if I remind the Council that the Chancellor of the Exchequer at home has said that finance is the fourth arm of defence, and if finance fails us, the whole prop which sustains our war efforts will collapse. The cost of prosecuting this war is gigantic and makes even heavier sacrifices necessary for all of us. I do not think I need say more beyond that, Sir, other than to commend the Bill to the careful attention of the Honourable Members, and through them to the public. If this Bill is passed it is hoped to have savings certificates on sale at all post offices and branches of the banks throughout Nigeria next month.

***The Hon. the Resident, Calabar Province:***

I beg to second.

THE LAGOS (ROADS, DRAINS AND MARKETS IMPROVEMENT)  
(AMENDMENT) LOAN ORDINANCE, 1941.

***The Hon. the Acting Financial Secretary:***

Your Excellency, I beg to move the first reading of the Bill entitled "An Ordinance to amend the Lagos (Roads, Drains and Markets Improvement) Loan Ordinance, 1938."

It is proposed at some future date to raise a loan to provide funds for the improvement of markets in Lagos and in the year 1938 an Ordinance was passed authorising this. It is now desired to make a small amendment to the schedule of that Ordinance so as to include an item of loan expenditure for stamp duty on transfers of stock, instead of including that expenditure in the cost of raising the loan as has hitherto been in practice. It will be noted the wide terms of clause 2 give authority for payments from loan funds to be made on account of the stamp duties of

transfers of any of our stocks. The reason for this is that a common fund has been created for the stamp duty on transfers of all Nigeria stocks. From this fund payments are made as and when any Nigerian stock comes on to the market. The total of that fund to-day is £67,000. It is invested at interest and shows every prospect of being a very profitable account, so that Council can be doubly assured that this measure is well advised.

Your Excellency, I beg to move.

**The Hon. the Commissioner of the Colony:**

Your Excellency, I beg to second.

THE ALIENS (AMENDMENT) ORDINANCE, 1941.

**The Hon. the Attorney-General:**

Your Excellency, the next Bill standing in my name in the Order of the Day, is "An Ordinance to amend the Aliens Restriction Ordinance." But I would ask the Council to consider the next Bill instead, that is to say—"An Ordinance to amend the Aliens Ordinance." The sequence will be better if I do that Sir.

The Aliens Ordinance was amended in 1924 to give a definition of the term 'alien' and that reads:—

"An alien means any person other than a British subject  
"or a native of any territory under His Majesty's  
"protection."

But, Sir, in the course of time that has proved to be defective because it no longer fits in with those persons who will be found to be non-alien by virtue of His Majesty's Order in Council entitled the British Protected Persons' Order, 1934. It is therefore proposed to replace the definition of 'alien' in the Ordinance by the definition which will be found in clause 2 of the Bill, and to repeal the existing definition, which at present is contained in section 9 of the Ordinance.

Honourable Members will see that the proposed new definition of 'alien' means "Any person who is not a British subject or a British Protected Person; and in the application of this Ordinance to the Cameroons under British Mandate any other person who is not a native of the Cameroons under British Mandate." In other words, Sir, we are extending to the natives of the Cameroons under British Mandate the same protection and rights as if they were non-alien, which in fact, Sir, from our point of view, they are.

**The Hon. the Acting Comptroller of Customs:**

I beg to second.

## THE ALIENS RESTRICTION (AMENDMENT) ORDINANCE, 1941.

*The Hon. the Attorney-General:*

Sir, I beg to move the first reading of the previous Bill standing in my name: "An Ordinance to amend the Aliens Restriction Ordinance".

We have here a new definition of the term 'alien' Sir, and that definition follows the definition that I have just referred to in the Bill for an Ordinance to amend the Aliens Ordinance except that it goes on and provides that natives in the Cameroons under British Mandate may be required to register under regulations made under the Aliens Restriction Ordinance, whereas they might not be if we did not take care to say that they were "aliens" within the special meaning of the Ordinance for that particular purpose. It simply enables us to exercise certain control in the Cameroons over persons belonging to the Cameroons, which at this time is very necessary.

The other amendments in the Bill are amendments which are shown to be necessary just by reading the Ordinance. The Ordinance has survived in its present form for many years, since 1914, Sir. It commences by stating in its title that it is an Ordinance to enable the Governor under certain conditions to impose restrictions on aliens by means of Orders in Council but, Sir, when we come to section 2 we find that these restrictions may be imposed not by the Governor, by Order or the Governor in Council as stated in the title but by the Governor alone and that not by order but by regulations. How that has survived all these years I do not know, but still there it is, and the other amendments in the Bill are simply to clear up these obvious mistakes. It is now proposed that the Governor in Council may make regulations and that the restrictions as to when they may be made, namely, in the time of war, imminent national danger or great emergency,—are being repealed in the title because they have already been repealed some time ago in the substantive part of the Ordinance.

*The Hon. the Senior Resident, Plateau Province:*

I beg to second.

THE CAMEROONS UNDER BRITISH MANDATE ADMINISTRATION  
(AMENDMENT) ORDINANCE, 1941.

*The Hon. the Attorney-General:*

Now, Sir, the next Bill standing in my name is: "An Ordinance to amend the Cameroons under British Mandate Administration Ordinance, 1925".

In 1925 different statutes of Nigeria were extended to the Cameroons under British Mandate (that is to say to the whole of the Cameroons Province, and to the remainder of the Cameroons under British Mandate which is administered with the Northern Provinces), by means of an Ordinance which in a schedule extended all the Ordinances of Nigeria which they thought necessary at that time to extend with or without modifications. Chapter 158, namely, the Aliens Ordinance, was extended with the following modification:—

In lieu of the definition of "Alien" added by the Aliens (Amendment) Ordinance, 1924 (No. 12 of 1924), the following definition shall be included:—

" 'Alien' means any person other than a native of the British Cameroons."

Well, Sir, we have just provided an amendment to the Aliens Ordinance of the definition of 'alien' to suit present day conditions and it is therefore necessary for us now to repeal in the Cameroons under British Mandate Administration Ordinance the modification of the old definition as applied to the Cameroons under British Mandate. That is provided for, Sir, in clause 2 (a).

Consideration has shown that certain Ordinances which were not applied to the Cameroons by the Ordinance of 1925 could with advantage have been applied, and the opportunity is now being taken of applying them. There are four Ordinances and they are set out in the Schedule. This application carries no new principle, Sir. It is obvious that these Ordinances should apply to the whole of Nigeria and not be restricted in respect of the Cameroons.

*The Hon. the Senior Resident, Owerri Province:*

I beg to second.

THE IMMIGRATION RESTRICTION (AMENDMENT) ORDINANCE, 1941.

*The Hon. the Attorney-General:*

Sir, I beg to move the first reading of a Bill: "An Ordinance to amend the Immigration Restriction Ordinance, 1939."

Here again, Sir, I am afraid I will have to explain more or less in detail what the amendments are for. The amendment in clause 2 is to extend the sources from which Your Excellency can act on information about individuals who should not be admitted to Nigeria. At present, Sir, under section 5 of the Immigration Restriction Ordinance, 1939, you can deem as an undesirable immigrant and thus make him a prohibited immigrant any person other than a native of Nigeria whom you deem from official Government records and from information officially received by the Governor from a Secretary of State, or from the Officer

Administering the Government of any British Colony or Protectorate, or from any Foreign Minister or from any Officer Administering the Government of any Foreign Colony or Protectorate. The amendment set out in clause 2 will introduce into the source from which information can be acted upon for this purpose information received from any British Diplomatic Officer or Consular Officer.

Clause 3, Sir, relieves the Master of a ship from being classed as a prohibited immigrant, if he does not comply with certain provisions of the Ordinance, because it would be extremely difficult to provide that the Master of a ship should be a prohibited immigrant and not be allowed to bring his ship here. He is to be dealt with in a different way provision for which is included in clause 9.

Section 12, Sir, which is amended by clause 4, has had to be amended, because at the time when the section was passed we proposed dealing with deportees in a different way; a method to which effect has not been given. For the same reason sections 13 and 14 have to be amended as shown in clauses 5, 6 and 7. Clause 7, however, introduces a new provision in that it will not be essential for a magistrate to convict a person who is a prohibited immigrant, he can adjourn the case instead of proceeding to conviction, and report the facts to Your Excellency for consideration by Your Excellency in Council as to whether or not you will make a deportation order. The effect of this will be that where an individual has inadvertently transgressed the immigration laws it will not be necessary for him to be convicted, he can be dealt with as if he had been convicted but he will not have the stigma of a conviction against him.

Clause 8 is new, Sir, and it gives Your Excellency general authority to prohibit the entry into Nigeria of any person not a native of Nigeria. This, I may say, Sir, has been introduced on the recommendation of the powers that be in England. Your Excellency may wish to exercise such powers under the Immigration Ordinance and not under Defence Regulations.

The amendment in clause 9 sets out certain respects in which the Master of a ship is liable and provides that he must comply with any contract that he has entered into to take an immigrant out of the country.

The last clause, 10, simply gives statutory effect to a notice by Your Excellency bringing the Ordinance in force on a specified day.

*The Hon. the Senior Resident, Plateau Province:*

Your Excellency, I beg to second.

## THE WORKMEN'S COMPENSATION ORDINANCE, 1941.

*The Hon. the Acting Chief Secretary to the Government:*

Your Excellency, I rise to move the first reading of the first Bill standing in my name, the Bill for "An Ordinance to provide for the payment of compensation to Workmen for injuries suffered in the course of their employment."

Before we proceed to a study of the Bill itself, I think it would be of interest to Members of the Council if I mentioned in the fewest possible words something of the history of the relations between employees and employers. In England up till 1880, these relations were governed entirely by Common Law, and Common Law states that an employer is liable for injuries to his workmen only in so far as the employer himself has been guilty of negligence; but even then the employer was in a position to get out of his difficulty by proving, if he could, concurrent negligence on the part of the employed. Still further, if it was proved that the workman knew the danger he was running when he undertook this work, incurred that risk voluntarily and with full knowledge of the danger, then the master could again escape liability. That worked all very well in the times before big industries, factories and so on, when, in fact, the employer worked side by side with his employees and was in closest personal touch with them. With the increase—the tremendous increase—of industrial effort and the growth of factories throughout the country, when as often happened, the employer ceased to be an individual at all but became a corporation, the employer's liability became less and less effective, and he could more easily escape paying compensation to his labour. It is really no exaggeration to say that in ninety-nine cases out of 100 where a workman was injured the employer would succeed in escaping liability.

In 1880 the Employers' Liability Act was introduced and this Act made the employer liable for the negligence of a servant resulting in injury to another servant. Before that time the employee accepted as a risk for which he was paid, the possibility of negligence of fellow servants. The Act of 1880 transferred this liability to the employer. In 1897, the first Workmen's Compensation Act was introduced, and that made employers liable to pay compensation to their employees for injuries, irrespective of the question of negligence or contributory negligence on the part of the employed, which it will be agreed was a very big step forward.

There have been various amendments to that legislation since then, ending with the Workmen's Compensation Act of 1925 which has been amended slightly since then, but that is the main Act on which cases of compensation are dealt with in England now.

That gives a general idea of how compensation to workmen gradually developed, until it has finally reached the complicated legislations which are to be found in the English law to-day.

Coming back to Nigeria: in 1930, a draft Ordinance was sent out for consideration by Colonial Governments based on the Mauritius Ordinance which was itself based in principle on the British Act of 1925 to which I have just referred. It was studied, but it was agreed that it was a good deal too complicated and it was felt that something a good deal simpler would better meet the needs of Nigeria and other tropical dependencies. The next attempt was at workmen's compensation clauses which were part of a draft Labour Ordinance which was sent home not from this colony—I think it was from Sierra Leone—and was considered by the Colonial Office and the Home Office. With a certain amount of amendment to make it more suitable for general application, this draft legislation was sent out once more for consideration by the Colonial Governments. This was very simple, but just about the time it was sent out here the Accident Offices Association, the mouthpiece of insurance companies, came forward and said that to their mind a different ordinance for every dependency was, from their point of view, unsatisfactory. It would mean that they would have to study each ordinance separately and it would lead to greater difficulty and greater cost to persons insuring. They suggested that the Colonial Office should frame a model ordinance themselves, which they should send out for consideration of the tropical governments. This was in fact done, and the model ordinance was sent out in 1933.

It was a considerable extension of the previous clauses was still as simple in form as the circumstances and the subject with which it had to deal permitted; but as you will see from this Ordinance which is based on it, it is not altogether as simple as perhaps some people could have wished. The whole idea of the Ordinance, which is based on the English Ordinance and on the Indian Acts and on other colonial ordinances such as the Straits Settlement, British Guiana, and Mauritius, is that it should be appropriate to the needs of tropical dependencies. In the modelling of this Ordinance the whole idea has been to study existing legislation and adapt it as far as possible to our needs.

An important point to note is that the Accident Offices Association when they were supplied with a copy of this model ordinance stated that they considered it afforded a reasonable basis for insurance facilities.

In 1936 a sub-committee of the Colonial Labour Committee was appointed to examine the various comments of the Colonial Governments on the draft model ordinance, and discussion lasted over some years. The bill in front of Honourable Members now is the result of those discussions.

As regards the comments, there are two main ones which I might touch on here. One was a suggestion that this Ordinance should be reviewed after two or three years of operation, but it is felt that two or three years is rather short, and that probably after five years there would be a better idea of how the Ordinance had operated. That is not hard and fast rule, and we shall have to leave it to experience to decide.

The other point is the question of compulsory insurance. A number of people held,—and argued very shrewdly on the subject,—that compulsory insurance would be a good thing; there are however various difficulties in the way. For one thing, compulsory insurance is not the law in England. The subject was studied by a Royal Commission and they gave it very careful consideration; their conclusion there was that compulsory insurance would be a mistake. The collecting of premia from small employers would result in high charges and would adversely affect the satisfactory administration of the Ordinance. If you have large numbers of small employers scattered all over the country to collect premia from all of them would involve insurance companies in a very formidable undertaking for which someone would have to pay. The sub-Committee gave it as their view that it would be a mistake at present, but that one would have to judge in the light of experience whether at some later date it might or might not be advisable.

There is a suspending clause to the Ordinance stating that it shall come into operation on the date fixed by the Governor by notice in the Gazette.

I have already mentioned that the insurance companies are satisfied that this is a reasonable basis, and I do not think that there is any need to anticipate difficulty, but obviously employers of labour must be given reasonable time in which to fix up the question of insurance. I anticipate that probably six months should be sufficient, and it is hoped that the Bill may come into operation in about six months time from now. Another point—it is unlikely that insurance companies would be willing actually to quote rates until legislation has been enacted—that is to say, had we adopted the line that we would not introduce this legislation until all the detailed questions of insurance have been cleared up. Until the legislation is enacted and the schedules of occupation made available to them, it is unlikely that insurance companies will be prepared to quote.

As regards the Bill itself, the meaning of "workmen" is defined in clause 2, sub-clause 1, and at sub-clause 2 it is stated that the Governor may by Order in Council apply this ordinance to any employment or any employment in any specified part of Nigeria.

But by paragraph (f) of the previous sub-clause, he may exclude any class of person by declaring such class by Order in Council not to be a workman.

As regards the provisos under clause 2, you will notice that there is no limit to the earnings of manual workers. £500 applies to non-manual workers. The idea is to include within the scope of the Ordinance all workers who can be described as manual workers. It is possible that there may be Europeans with earnings of more than £500 a year who would come under the definition of manual workers. It is desired to make this Ordinance apply equally to them. It was suggested that £500 a year was high and that a figure of say £150 or £200 would be more suitable. The smaller figure would exclude Europeans, and one of the important points of this Bill is that it shall apply irrespective of race. The figure in England is £350, and it is thought quite reasonable that £350 in England corresponds approximately to £500 here; furthermore, £500 has been applied in other dependencies and as far as is known has worked quite satisfactorily. There is always the proviso that classes of persons unsuitable can be excluded from the workings of the Ordinance by Order in Council.

A possible question might arise as to what is manual labour. Well, all one can say is that in case of difficulty it is for the court to decide whether any particular occupation involves manual labour so as to bring it within the scope of the ordinance. "Casual labour" again has no clear legal definition. It must be construed according to the ordinary accepted meaning of the word, that is to say, subject to chance, uncertain, occurring without design. Here again it would be a matter for the courts to decide.

An out-worker you would find in the definitions under clause 3. A tributer is also defined, but I am afraid the definition does not take us any further and there has been a great deal of difficulty in deciding what a tributer is. There is a possible definition which does not, I agree, cover the whole field; but for the benefit of Members of Council who have not come in contact with the word, tributers might be defined as "persons who are granted permission to win minerals from ground not owned or controlled by them disposing of the minerals won in accordance with the terms of the permission", and would also include persons employed by tributers.

There may be others who come into that definition, but this at any rate gives some idea of what is generally considered to be a tributer. These persons often work at very considerable distance from the centre of operations, and their supervision is consequently a matter of considerable difficulty.

Clause 4 is applicable to all workmen employed by this Government in the schedule occupations. The proviso at the end of clause 4 is in extremely formidable English, and I doubt if any

Member of the Council could read it through once, close the book, and then tell us what it means. With your Excellency's permission I will read my note on the meaning of this clause so that we can get it quite clear.

The effect of the proviso, coupled with necessary amendments which will have to be made to the European Pensions Ordinance and the non-European Pensions Ordinance, is to safeguard Government from having to pay compensation both under this Ordinance and under the special injury provisions of the Pensions Ordinance. It is not intended that normal awards of pension and gratuity under the pensions laws should be affected in any way, even if retirement or death is caused by the injury which gives rise to the claim in this Bill. Except, therefore, in the case of those officials who under this section continue to be dealt with under the Pensions Ordinance, a Government pensionable official to whom pension under this Ordinance becomes due will in future receive (a) pension and or gratuity awardable under the Pensions Ordinance exclusive of special injury addition, and (b) compensation under the workmen's Ordinance in lieu of the special injury addition just mentioned. In the case of death, the worker will receive the normal death gratuity and the dependants, as such, only the compensation due under this Ordinance.

It must be admitted that in the case of officials who continue to be eligible for benefit only under the Pensions Ordinance, certain of their dependants will still not be eligible for compensation. Also in case of those dealt with under the Workmen's Compensation, some dependants may not receive such favourable special injury compensation as they would have received under the Pensions Ordinance. There is no way of avoiding these difficulties, but it must be assumed that the amount of compensation described is fair and adequate. If not, the Ordinance itself stands condemned. I hope that is reasonably clear.

It is not intended that the above provisions should affect the Widows and Orphans or special provident fund Ordinances. In Committee I shall move a slight amendment to clause 4 by adding the words " or employed in the service of the Lagos Town Council " in the third line of the proviso between the word " Nigeria " and " before ". They are subject to the same pension rights as are the officials in the service of the Nigerian Government.

Clause 5: Employers' liability. This lays down the employers' liability to pay compensation and enumerates cases where an employer is not liable. That includes serious and wilful misconduct. There is a proviso that in cases where there is serious and permanent incapacity the court may award some compensation—either part or the whole, as it thinks fit; but that, as I say, is only in cases of serious and permanent incapacity. In the case

of death or serious permanent incapacity, the compensation is due even if the workman is acting in contravention of regulations or instructions or without instructions, always provided that the act was done in connection with the employer's trade or business. I think that explains itself.

Clauses 6 to 9 deal with the amount of compensation payable; in the case of death it is thirty months earnings or £600, whichever is less. Here I would call Council's attention to the definition of "earnings" which is not confined to "wages". Earnings include wages but include also various other additions which are to be found in the definition. In the case of death compensation is subject to reduction where there are no dependants wholly dependent on the deceased workman, and where there are no dependants at all the employer's liability is limited to medical expenses and funeral expenses not exceeding £15. Where there is a permanent total incapacity the amount of compensation is at forty-two months' earnings or £750, whichever is the less. In the case of permanent total incapacity a minimum award is £50.

Clause 8 deals with permanent partial incapacity, and in this case the Second Schedule on page 31 gives the percentage of the permanent total incapacity payable for the various kinds of partial incapacity. In the case of injuries which do not appear in the Schedule, the percentage must be judged by the loss of earning capacity resulting from such injuries.

Clause 9: In the case of temporary incapacity whether it is total or partial, compensation is on a basis of half the difference between the earnings before the accident and what the worker is capable of earning after the accident. It may be paid either as a lump sum or preferably by means of periodic payments, with provisos that it shall not be more than £12 a month and that the aggregate for periodic payments or lump sum shall not be greater than had the incapacity been permanent.

Clause 10 gives us the method of calculating earnings, which is based on the average earnings for the last twelve months. Various instructions are given as to how this is to be arrived at. In Committee I shall move an amendment to delete paragraphs (b) and (c) of sub-clause 3, which says where a workman is engaged in a contract of service, he is under an obligation to inform his employer if he proposes to take up new work. The suggestion put forward was that this is a reasonable provision. Nevertheless it is not in the English Act. The Sub-Committee themselves gave careful consideration to it, and the conclusion to which they came was that it would be unreasonable to expect a native workman to be aware of such a requirement and it would be unfair if he was to be penalised as a result of his ignorance. They went on to say that even in England, where the standard of education is so much higher, this provision is not made.

Under what is now 3 (a) members will notice the case of concurrent contracts of service—where a man has got two jobs which he is working on during the same period. If he is insured in one of his employments which is not scheduled under the workmen's compensation, it does not mean that he will not be liable to compensation as though his work had been scheduled. That is to say, in a case where one work is scheduled and the other is not, if he is injured in the work which is not scheduled, he is not prevented from receiving the awards to which he would be entitled under this Ordinance had it been scheduled.

Clauses 11 and 12 deal with persons entitled to compensation, how that compensation is to be distributed, to the workman himself, to those who are entirely dependent on him, and to those who are partially dependent on him. The dependant who dies after a workman's death but before a claim can be put in will be treated as though he has died before the workman, and no claim lies against the employer to his estate. It is for the court to decide in the case of death how compensation is to be divided between the dependants, whether invested, paid in cash or otherwise for the benefit of the dependants. In the case of the workman injured but not killed, the court has the same right to decide whether it should be paid to him direct or invested or how it should be dealt with.

Clauses 13 and 14 lay down requirements as to notice of accident and application for compensation. As regards notice of accident, this must be as soon as possible, and as regards an application for compensation, it must be within six months; if not, compensation may not be paid. But failure either to report immediately or to apply for compensation within the period stated is not an absolute bar to compensation, always provided the court is satisfied that there is a reasonable cause for failure. An employer must report the death from whatever cause of the workman to the administrative officer in charge of the district, whose action after that will be governed by administration instructions. Failure to report a death is subject to a fine not exceeding £50.

Clause 15 deals with medical examinations, lays down safeguards both for employer and employee. Sub-sections 7 to 9 are important. If incapacity is prolonged owing to the deliberate act of the workman in either failing to carry out the instructions of the medical officer or in failing to report to the medical officer at all, he will only receive compensation for a period which would be reasonable if he had received treatment from the doctor and had carried out his instructions. If from a similar neglect to report to the doctor or carry out the doctor's instructions, death results, then no compensation is payable in respect of injury.

Clause 16 is important, as here it is possible for the employer and the workman to come to an agreement in writing as to the amount of compensation to be paid. The amount must not be less

than that payable under the ordinance. There are various safeguards to protect the illiterate, generally to guard against misrepresentation and so on. The time limit is twenty-one days, and after that the workman is entitled to take proceedings to enforce his claim, but of course is not obliged to do so.

Clauses 18 and 19: Where there is a periodical payment it may be reviewed at the request of either party by the court, and the court may order it to be continued, increased, decreased, converted into a lump sum, or ended; but employers may not otherwise diminish payments save as laid down in the next clause, clause 19.

Clauses 20 to 22 deal with the jurisdiction of the court, the power of the court to submit questions of law to the Supreme Court and to appeal. You will note that no appeal may be made if amount involved is under £40 except with the permission of the court itself or with the permission of the Supreme Court.

Under clause 23 a principal contractor—he is described in the clause as the principal but it is easier to understand if we describe him as a principal contractor—is liable to pay compensation for accident to his workmen employed by a sub-contractor carrying out work on his behalf if the accident occurs in, on, or about the premises on which the principal contractor has undertaken to execute the work or which are otherwise under his control and management.

Clause 24 lays down that an injured workman may take proceedings against a stranger, that is to say, a person other than the employer, to recover damages and also against the employer to obtain compensation under this Ordinance, but he cannot pocket both the damages and the compensation. The employer may recover from the stranger who is proved to be liable, the compensation including costs which he has to pay to the workman. Proceedings independent of this Ordinance may be taken against the employer where there is personal negligence or wilful act on the part of the employer or on the part of someone else for whom he is responsible, but such action is a bar to proceedings under this Ordinance. This also applies to agreements under section 16.

Section 26 deals with the question of a company going into liquidation. If a company insured against liability under this Ordinance goes into liquidation, a workman with a claim may claim against the insurance company for any outstanding liability due to him. Insurers will pay him their liability in so far as they are liable to the company and if that does not cover the whole of the claim the workman may get the rest of the money still outstanding from the manager or receiver of the company.

Clause 27 states that the workman may not contract out of his right of full compensation under this Ordinance an exception is made in favour of the man who is already compensated for permanent incapacity whether it is partial or total; he is entitled to contract out of his right; simply for the one purpose of making it easier for him to get employment. Obviously a man who has got a permanent incapacity is more likely to get work if his new employer is not liable to any injury that might happen after offering him employment, and a man with a total permanent incapacity is presumably more liable to injury than a man who is whole in wind and limb.

Clause 28 states that compensation cannot be assigned, charged or attached or passed to another person by the operation of the law, nor may any claim be set off against it.

Clauses 29 to 31 deal with the making of rules by the Governor in Council concerning returns to be made by employers and insurers, prescribing procedure, forms and fees, providing for the transfer of funds and generally for the purpose of giving effect to the Ordinance. Clause 30 (2) provides for the making of rules of court by the Chief Justice regulating court proceedings and fees.

For the first schedule see the definition of " member of family " under clause 3 on page 5.

The second schedule, see clause 8 of page 10. Finally, we have the schedule of occupations which are covered by the Workmen's Compensation Ordinance. It may be thought that this legislation is somewhat complicated, but it is in fact, I think, as simple as it is possible for this type of legislation to be, having regard to the needs of those responsible for and affected by its operation. If it becomes too simple then all sorts of different ideas of how this or that clause may be defined come into being and the end is greater confusion than had a start been made with the somewhat more complicated legislation which we have before us.

There are, perhaps, those who think that Nigeria is not as yet ripe for this type of legislation; they will say that labour is contented and that their needs are fully and adequately protected by the Labour Code, the Minerals Ordinance, and other provisions, but Government cannot accept that view. This Bill is the result of ten years' close examination and consideration in England, in this country and in other parts of the Empire. It was considered, as I say, by a sub-committee of the Colonial Labour Committee in no less, I think, than fifteen sittings; it has also been considered by a committee appointed by Your Excellency in 1937; and the result of all this is the Bill which is before Council to-day. I am sure that Members of the Council will agree it is not for Nigeria to lag behind where legislation for the social improvement of the country is before her. Legislation on these lines has been introduced into

many other parts of the British Empire and so far as I am aware, this legislation has worked well wherever it has been introduced. Difficulties in application and administration are bound to arise, but difficulties are made to be overcome, and we must learn, in this as in other legislation, from experience. My own view is that experience will prove that this legislation is admirable both for employers of labour and for those that they employ.

I recommend the Bill whole-heartedly to the consideration of Council.

I beg to move the first reading of the Bill.

*Bill read a first time.*

THE MINERALS (AMENDMENT) ORDINANCE, 1941.

*The Hon. the Acting Chief Secretary to the Government:*

Your Excellency, I beg to give notice that it is not proposed to proceed at present with the Bill for an Ordinance to amend the Minerals Ordinance during the present session; it may be possible to incorporate it in the new draft Minerals Ordinance which is now under consideration and still enable it to come into operation, as will be necessary, at the same time as the Workmen's Compensation Bill.

The amendment in its present form does not fulfil in all respects the purpose for which it was created, so I beg to withdraw it.

THE COMPANIES (AMENDMENT) ORDINANCE, 1941.

*The Hon. the Acting Chief Secretary to the Government:*

I beg to move the first reading of the third Bill standing in my name: "An Ordinance to amend the Companies Ordinance".

We discussed just now, under Workmen's Compensation, section 26, the question of a company going into liquidation, its liabilities towards workmen. The object of this Bill is to enact legislation which will give effect to section 26 of the Workmen's Compensation Ordinance which protects the workman in this case. The amounts due to the workmen are placed on a priority list of debts.

Section 200 of the Companies Ordinance starts off: "in a winding up there shall be paid in priority to all other debts" and it goes on to specify the items, local rates et cetera, salaries and wages. This new addition comes in at the end of the list to make sure that the injured workman does get his money by having it on that priority list.

The second provision states that where the compensation is by weekly payment it shall be converted into a lump sum and paid in the same way as if it had been a lump sum in the original case.

The third amendment has got no connection whatever with Workmen's compensation. The point of it is that if a company goes into liquidation and there is no money in the till, funds may

be provided by some person or persons in order to pay the servants of the company and their workmen in order that they may have the wherewithal to live. It is considered—obviously quite rightly—that such an advance should also be placed on what is called the list of preferential payments,—the priority list in other words.

I beg to move the first reading.

*Bill read a first time.*

THE GOVERNMENT SERVANTS' PROVIDENT FUND (AMENDMENT)  
ORDINANCE, 1941.

*The Hon. the Acting Deputy Financial Secretary:*

Your Excellency, I beg to move that the Bill entitled " An Ordinance to amend the Government Servants' Provident Fund Ordinance, 1939 " be read a first time.

The Government Servants' Provident Fund has now been in operation for over a year and, as is perhaps not unusual in a scheme of such magnitude, it has been found during the operation of it that the legislation governing it contains certain defects. It is the purpose of the amendments introduced in this Bill to rectify those defects, and at the same time to improve the administration of the Fund. None of the amendments raise any question of important principle and all of them are adequately explained in the statement of Objects and Reasons. I do not think they require any further explanation from me.

Your Excellency, I beg to move.

*Bill read a first time.*

THE RAILWAY SERVANTS' PROVIDENT FUND ORDINANCE, 1941.

*The Hon. the Acting Deputy Financial Secretary:*

Your Excellency, I beg to move the first reading of the Bill entitled " An Ordinance to establish a Provident Fund for certain non-pensionable Servants of the Nigeria Government Railway ".

Although the Government Servants' Provident Fund has only recently been introduced, a similar fund has been in operation for servants of the Railway for many years. The employees of the Nigeria Railway do not enjoy to anything like the same extent the degree of pensionability enjoyed by Government servants generally. I would remind Honourable Members that the Government fund adheres as closely as possible to the terms and conditions of the model Provident Fund Ordinance, which was prepared in the Colonial Office for the guidance of Colonial Governments generally and to ensure that all provident funds throughout the Empire were

administered on the same general conditions, and according to principles which experience has shown to be efficacious. At the time the Government Servants' Provident Fund was introduced to this Council it was stated that an opportunity would be taken of bringing the Railway Provident Fund into line with that of the model ordinance. I think it is beyond dispute that all provident funds of this nature should so far as possible be aligned to one another to the fullest extent. This Bill is introduced in accordance with that undertaking.

The existing Railway Provident Fund is in some respects slightly more liberal than that of the Government Fund, and on examination is considered to be perhaps unduly liberal in two respects. It is, however, admitted that it would be unjust to attempt to deprive any existing employee of the Railway of any fraction of the benefits that he now enjoys as a member of that fund, and Honourable Members will observe the Bill makes full provision for the retention by existing employees of the Railway of the full benefits permissible to them at present; that is to say, that the revised conditions which I will deal with later only apply to newcomers. There can be, therefore, no question of any existing subscriber to the provident fund losing anything that he either has or is in sight of having.

I think Honourable Members will wish me to give some idea as to what these differences are. The first is that the rate of contribution paid by the employee and the equivalent bonus paid by the Government to the Railway Fund is  $1/12$ th of the monthly salary of the contributor. In the model ordinance and the Government Servants' Provident Fund a rate of  $1/20$ th of the monthly salary has been considered fair and adequate. There are, however, certain reasons connected with the non-pensionability of what might be called high-grade posts of the Railway staff which would make it perhaps a little harsh to introduce the rate of  $1/20$ th for such employees, and after very long consideration it has been decided that officials of the Railway whose posts would, if they were serving in the Government, render them eligible for pension benefits, will continue to contribute and enjoy bonus at the rate of  $1/12$ th. The rate of  $1/20$ th will be applied to those officials and servants of the Railway who would, if they were in Government service, be contributors to the Government Provident Fund and only receive  $1/20$ th.

I must emphasize that that decision only applies to newcomers; people now in the fund will not suffer any reduction whatever.

It has not been easy to devise a scheme which would satisfy all requirements, but it is felt that the proposal now before the Council and contained in this Bill does represent a fair and equitable solution of the problem so far as present and future employees of the Railway are concerned.

There is one privilege which will not be extended to newcomers and that is the grant in special circumstances on retirement of service gratuities to certain Railway staff in addition to their contribution and the bonus and interest paid thereon. The payment of such gratuities is foreign to the general principles of a provident fund, and it of course conflicts with what has been accepted as fair and reasonable for the Government Servants' Provident Fund, and no reason can now be seen for continuing the principle of giving benefits in addition to the statutory contribution and bonus benefits to employees.

On the other hand, entrance to provident fund benefits is now being extended to a far wider circle of Railway employees and goes much lower in the salary scale than heretofore. We now bring in all employees who if they were in Government service would contribute to the Government Servants' Provident Fund. There is also retained in the Bill an arrangement for voluntary payments into the fund, which are simple to deposit and also simple to withdraw. Such a system has been in force in the Railway Provident Fund for some long time, and it has been found to be of considerable benefit and convenience to those Railway servants who are stationed outside the range of the administration of the Post Office Savings Bank. Provision for its retention has therefore been allowed for, although such a privilege is not available to contributors to the Government Servants' Provident Fund.

The statement of Objects and Reasons gives particulars of the differences between the present and the new Railway Funds, and I think I need only mention to Honourable Members that the Bill has been drafted with the utmost care so as to reconcile to the fullest possible extent the special conditions of Railway employees and the principles of the Government Servants' Provident Fund.

Your Excellency, I beg to move.

**The Hon. the General Manager of the Railway:**

Your Excellency, I beg to second.

THE DIRECT TAXATION (AMENDMENT) ORDINANCE, 1941.

**His Honour the Chief Commissioner, Western Provinces:**

Your Excellency, I rise to move that a Bill entitled "An Ordinance to amend the Direct Taxation Ordinance, 1940", be read a first time.

As is stated in the Objects and Reasons, the Bill does not alter the incidence of tax, nor does it affect in any way the principles of the existing ordinance, nor does it introduce any new principles. The main object of the Bill is to incorporate in the law the methods and procedure which have been found in the light of experience to be the most satisfactory means of administering it, and in fact to bring the law into line with practice.

Opportunity is also taken in the Bill to remove a source of confusion which arises in the existing Ordinance from the use of the word "assessment" in two different ways. "Assessment" in the principal Ordinance is used both in respect of income and in respect of tax. The Bill provides that the word "assessment" shall be restricted in its use to assessment of tax.

Turning to the clauses of the Bill, clause 2 repeals section 3 of the principal Ordinance and re-enacts the provision for the levying of and for payment of tax by every native community or individual in each province in respect of each year of assessment. It also states explicitly that the tax shall be assessed on the ascertained annual income of any such community or individual.

Clause 3 of the Bill amends section 4 of the principal Ordinance in two respects. It removes first of all sub-section 2 which provides for the appointment of a committee to enquire into annual profits or gains and this provision reappears in what is thought to be a more appropriate later section. This clause further repeals and re-enacts the first part of the existing clause 4 and states in a clearer and more accurate manner the methods and procedure to be adopted in ascertaining the annual income of a community or individual.

Clause 4 of the Bill introduces two new sections, 5 (a) which has two sub-sections, the first of which provides for the appointment of a committee to assist the Resident, which is removed from section 4. The second sub-section of the new section 5 (a) is necessitated as a consequence of the slight enlargement of section 4. The new section 5 (b) appears rather formidable, but actually it is a straightforward and comprehensive statement of what ascertained annual income is.

Clause 5 of the Bill introduces a new section, section 6, in place of existing section 6 of the principal Ordinance, and provides that the tax shall be assessed on the ascertained annual income of either a native community or individual, and further it enables the Resident to fix that tax either as a lump sum payment by such community or individual, or as a percentage of income. The assessment of tax is subject to the approval of the Governor, but you will notice that provision has been made for such approval to be waived in respect of certain areas or provinces specified by notification in the Gazette. This does not mean that the assessment of tax in those areas will not be carefully scrutinised and examined, but it merely regularised and legalised a procedure which perforce has to be adopted in certain of the remoter areas of this country. If, for instance, the collection of tax cannot proceed in any case until the Governor has had an opportunity of approving the assessment, then considerable delay would occur in parts, at any rate, of such provinces as Adamawa, Bornu, and the Cameroons.

It is for that reason that provision is made for the waiving of prior approval of the assessment in order that collection may be initiated and carried on and inconvenience to the taxpayers themselves and the administration be reduced to a minimum.

The rest of this new section 6 follows closely the provisions of the original section whose place it takes.

Clauses 6 and 7 of the Bill made the alterations necessary to avoid confusion arising from use of the word "assessment" in two different senses, and subsequently throughout the Bill assessment is used only in connection with the assessment of tax.

Your Excellency, I beg to move the first reading of the Bill.

**The Hon. the Senior Resident, Plateau Province:**

Your Excellency, I beg to second.

*The House adjourned for luncheon.*

*The Council re-assembled at 2.30 p.m., 13th January, 1941.*

#### THE LAGOS TOWNSHIP ORDINANCE, 1941.

**The Hon. the Commissioner of the Colony:**

Your Excellency, I rise to move the first reading of "An Ordinance to make Provision for the Constitution of and the Appointment and Election of the Members of the Lagos Town Council and to empower the Council to levy rates for Township Purposes". There are certain minor amendments the need for which has become apparent since the Bill was drafted. These will be moved by the Honourable the Attorney-General at a later stage. They are only matters of phraseology and they do not affect the intention of the Bill. I do not propose to deal with them now.

I wish to make one point clear at the outset. This Bill is not in any way an attempt to reform the Town Council or the method of election or nomination of the members. It is simply intended to give effect in one Ordinance to all the amendments which have been made during the last few years and to certain amendments which are now necessary. Everybody who has to refer constantly to the laws knows how difficult it is to deal with an Ordinance which has been frequently amended. Only clauses 7 to 22 of the Bill contain any important changes, and it is with these clauses I propose to deal now. The intention of the existing Ordinance is quite clearly that every occupier of a tenement of more than a certain value should have a vote but at the same time the Ordinance prescribes that the voters lists shall be based on the valuation lists or the rates ledgers as they are now called. Now the rates ledgers do not show the occupiers of the tenancies. In some cases they do show them, but in the majority of cases they show the owners

because the owner is liable for the rates whether or not the tenant has contracted to pay them. Therefore, there must, as long as the voters lists are made up from the rates ledgers, be a large number of people who ought to have a vote but are left out. Now the secretary of the Town Council who has had ten years experience of compiling the lists has come to the conclusion that the only fair way to ensure that everybody who is entitled to a vote can have that vote, is to make everybody who has the necessary qualifications apply for a vote, as they already do to get a vote for the elections to this Council. That is the principle which has been accepted in drafting this Bill. Everybody in 1941 will have to make application for his vote. In future years those owners whose names are in the lists and whose qualifications have not changed in any way, will not have to apply. Tenants on the other hand will have to apply each year. The reason for that is that it is quite impossible to devise any system by which a record will be kept of the constantly changing tenancies.

The Bill, then, is designed merely to remedy certain defects in the present Ordinance. In doing this, the franchise is to some extent extended. At the same time, as I have already said, we are not attempting to reform the constitution of the Council or the system of the election of its members, but that does not mean the desirability of reforming the Council does not exist. My predecessor in his report for 1938, as Honourable Members will remember, said that a reform in some directions was desirable. Your Excellency recently said "The Government is fully alive to the desirability of constituting the Town Council on somewhat more democratic lines", but at the same time Your Excellency said the reform "would have to be postponed till after the war when there will be more time for that careful consideration which it demands".

I think all Honourable Members will agree that it would be folly to attempt now to reform the Council when it is quite impossible for a great many of those people who have to consider it to give the very long time which must be given to a question of such importance. I think I can safely promise that if I still hold my present office when peace returns, this will be one of the first subjects on which I shall make representation to Your Excellency.

Your Excellency, I beg to move that the Bill be read a first time.

THE NIGERIA (LEGISLATIVE COUNCIL) (REGISTRATION OF ELECTORS)  
REGULATIONS (AMENDMENT) ORDINANCE, 1941.

*The Hon. the Attorney-General:*

Your Excellency, I rise to move the first reading of a Bill entitled: "An Ordinance to amend the Regulations made under the Nigeria (Legislative Council) Order in Council, 1922, and established by Proclamation dated the 1st June, 1923."

I feel, Sir, that I ought, before referring to the principle of this Bill, to point out what may appear to be a peculiarity in it, and that is that we are using the machinery of an Ordinance to amend regulations; that is a peculiar method of approaching the subject. Sir, but it is due to the fact that that is the form in which His Majesty's Order in Council constituting the Legislative Council of this country was framed. The regulations are set out in the Schedule to the Royal Order in Council and we are authorised to amend those regulations by means of Ordinance. This, I believe, Sir, is the first occasion on which these regulations are being amended. The question will arise,—Why amend them?, and the reason is this: The regulations as drafted require every person who wishes to be placed on the list of electors for the coming year to make a claim to that effect. Each person has to fill in a form which contains the full particulars of his qualifications. He has also got to sign on that form a declaration that he has not been subject to a particular disqualification, namely that of imprisonment, and if that is done every year, his name is enscribed in a list of electors which is then published, and the ordinary procedure then follows, namely, that objections can be made to those names. You will notice, Sir, that the application has got to be made every year. Well, now, there are different methods of approaching this subject which vary in different countries.

In England the registration of electors is a responsibility which is placed on the authorities. It is their business to make a house-to-house search annually and actually put on the register every year the name of everyone who is entitled to be put on. That, Sir, is possible where the qualification is one that can be ascertained definitely by going and seeing different people in their own houses or examining the list of owners of property, rate payers and the like.

The Honourable the Commissioner of the Colony has addressed the Council on the subject of voters for the election of members to the Lagos Town Council. There a list can be compiled from the register of those who have got to pay rates. Well, now, no such thing applies so far as the Legislative Council is concerned, because the qualifications are as follows; the elector must be a male, of the age of 21, a British subject with an income of £100 a year, and he must have been ordinarily resident for the previous twelve months within the municipal area in respect of which he is asking to be registered. Those are facts solely within the knowledge of the actual applicant himself. That is the practice and procedure existing in Nigeria to-day.

In other countries—in one that I have served and have had to work in—you will find that once a man's name is put on the register he is not required to re-register so long as he retains the

qualifications in respect of which his name was originally entered on the register. In other words, once a man has satisfied the registering officer that he is entitled or eligible to be registered, his name is put on a list of electors. That list is then published and anyone who is interested sufficiently and is able to do so can come before the revising barrister's court and object to the name being on the list. If no objection is made, the name is placed on the register of electors and there it remains until something happens which necessitates the name being taken off the register.

Well, Sir, it was with that idea that the Bill was drafted. Government thought it would be a good thing to provide that once a man had had his name properly put on the list and was fully qualified, he should be entitled to have his name left on that list until he lost his qualification or until somebody objected to its being on and the objection was found well founded. That necessitated, Sir, there being some compulsion being placed upon an elector who had got a vote under those conditions to the effect that he should inform the registering officer when he lost the qualification for his vote. That, Sir, has been subject to criticism, criticism to the effect that a man should not be required to go to the registering officer and say "I have lost my right to be on the list of electors." It is considered derogatory for him to have to do that. It is, however, not considered derogatory for him, apparently—to have to go every year to the same individual and say, "Please put my name on the list of electors".

In my opinion, Sir, this criticism has no merit but there is a principle involved. Are we going to leave the law as it stands? I think it would be a great mistake. Are we going to provide that once a man's name is on the register of electors he need not apply to have it put on every year, but will have to inform the registering officer if it should be taken off, this of course apart from anyone objecting to its remaining on; or, on the other hand, Sir,—and this is not in the Bill as drafted—are we going to amend the law simply to enable electors who are absent from Nigeria or who are not present within the municipal areas in question, during the days when they must make their application being able to say, by letter, telegram or any other means, "I still have my qualification and I want to remain on the register".

Your Excellency has instructed me that I should put both these points of view before the Council so that the Council can decide for itself exactly what it wants. The alternatives to be put, Sir, are firstly: provided that once an individual's name is on the register it remains on for good until he loses his qualification, a duty being imposed on him to say he has lost his qualification. If he loses his qualification and fails to say so he should be subject to some penalty for allowing his name to be on the register when it should not be there.

The second alternative is, shall we amend the law to provide that an individual who is not on the spot and available at the time when the annual claims must be made should not thereby lose his right to be registered as an elector.

Honourable Members will realise that according to the regulations at present anyone who wishes to be on the register of electors for the next year even though he is on the current register has got to fill in a special form and hand it to the registering officer between the 1st and 15th days of the month of October. Well now, it may be a physical impossibility for a person whose name is on the register to obtain that form and supply it to the registering officer. Should we not therefore make provision and say that such a person who is absent from the municipal area in which he is registering may nevertheless send a wire and say in effect I still have my old qualifications, keep my name on the list.

Your Excellency, those are the alternatives which the Council will have to choose for itself. The Bill as drafted deals only with the former; in any event it will need certain modifications, but ' will not complicate matters by referring to those now. On the other hand, Sir, there has been placed before Honourable Members a cyclostyled copy of a draft amendment to give effect to the alternative proposal; and I ask Honourable Members to consider the alternative proposals and decide which should be inserted in the Bill.

Clause 3 which appears on the cyclostyled document contains the provisions which will enable a man whose name is on the register keeping it there by notifying the registering officer that he wishes it to remain. If that is what is wanted we will have to insert clause 3 on the paper, for the existing clause 3 in the Ordinance and we shall also have to provide for the other provisions set out in clause 4.

The alternatives are being left for members to choose, Sir, and I trust that members will express their views on the second reading so that we shall then have some idea of what the Council wishes and along which lines to proceed.

THE SHIPPING AND NAVIGATION (AMENDMENT) ORDINANCE, 1941.

*The Hon. the Attorney-General:*

Your Excellency, I rise to move the first reading of the next Bill standing in my name, namely: "An Ordinance to amend the Shipping and Navigation Ordinance."

This is a very brief amendment Sir, and the effect of it is to enable local authorities to make rules under the Shipping and Navigation Ordinance in respect of the same matters as can now be made by native authorities. In certain cases it is shown to be advisable for local authorities to make the rules instead of the native authority or Your Excellency having to do so.

*Bill read a first time.*

## THE WATERWORKS (AMENDMENT) ORDINANCE, 1941.

**The Hon. the Attorney-General:**

Sir, I rise to move the first reading of "An Ordinance to amend the Waterworks Ordinance."

As Honourable Members will see, Sir, there are two long clauses in this Bill. The first, clause 2 makes certain amendments in those portions of the existing Ordinance which relate to the power of prescribed authorities in respect of the making and collecting of general water rates. The amendments are all designed to enable the Waterworks Ordinance to work with greater simplicity than it can work to-day. The proviso in paragraph (a) of clause 2 which will be added to sub-paragraph (a) of paragraph (1) of section 9 is to enable premises to be charged an increased general water rate if they are supplied with an internal water supply. The practice at present is to levy a rate of, say, six *per centum* and provide that where the tenement has an internal water supply the rate should be nine per cent. Well, Sir, my training in law has always made me believe that a proviso is a qualification, a restriction, but in these cases the practice has been to make it an extension.

Paragraph (b) of clause 2 refers to payment of water rate. Water rates are paid either annually, six-monthly, or quarterly in advance, but certain prescribed authorities have pressed very earnestly to be allowed to have monthly payments. As this is not intended to be a recognised method of collecting the assessment, it has been provided by this amendment that in exceptional cases the prescribed authority may order the rate to be paid monthly in advance.

Now, Sir, in paragraph (c) of clause 2 you will see there are new provisions to the effect that such general rate can be given retrospective effect. The phrase used seems mandatory, but it follows upon the phraseology in the beginning of the section to the effect that the order may provide that so and so shall be paid. It is not mandatory Sir, it is permissive. The necessity for this is that several water schemes have been started—the persons using the water are perfectly well aware that they should be paying for the water; they have been told what the rate is; orders have actually been made under which they have paid. Then we have found that there may be legal difficulties in the phraseology of the order, difficulties which will be remedied by the passing of this Bill. This provision has therefore been inserted to enable a prescribed authority to say that a certain water rate has retrospective effect, but this retrospective effect is qualified, it cannot be from a date prior to that on which the water has in effect been supplied. In other words, it simply means giving legal authority for the collection of arrears of water rates.

Then paragraph 6. It is stated that in the same order there may be stated the officer to whom the general water rate shall be paid and the times during which payment shall be made. That is now being included in the general order, Sir. The existing provisions require a notice to that effect in the Gazette but that is hardly necessary and this information can now be included in the order and accordingly section 11 of the existing Ordinance is repealed by the next clause.

Clause 4 reproduces section 18 of the existing Ordinance with certain amendments. That particular section has been amended three times already and it will be much simpler for everyone to see what it really is if it were set out in full. The only new provisions are in (a) "the price of, or charge for", water: in paragraph (b) "the amount" to be paid in respect of the whole or different parts of public institutions. Experience has shown that it is necessary for the Governor in Council to have the power to split up the payment of the rate in respect of parts of different buildings and in respect of different institutions. We will now be able to get over the existing difficulties.

The only other part of section 18 which is new, is sub-section (2) which provides, that regulations may be given retrospective effect provided that retrospective effect only covers the period in respect of which water has been supplied, but for some reason has not been paid.

With those remarks, I beg to move.

*Bill read a first time.*

#### THE PROTECTORATE COURTS (AMENDMENT) ORDINANCE, 1941.

##### *The Hon. the Attorney-General:*

Sir, I rise to move the first reading of the next Bill standing in my name, namely: "An Ordinance to amend the Protectorate Courts Ordinance, 1933."

Under the provisions of the Protectorate Courts Ordinance, 1933, Your Excellency may appoint individuals to be magistrates. That was one of the important principles brought in in 1933 namely, that individuals should be appointed to do judicial acts and not the holders of offices. In the course of the last seven years that provision has been found to be extremely difficult in its application, and under present conditions with the constant movement of officers it is well nigh impossible. The Bill if passed will enable you to appoint the holders of offices to exercise the powers of magistrates: that will mean that you will be able to appoint the administrative officer in charge of or stationed in a certain place to be a magistrate, and the action once taken will not require

amendment for the frequent appointment of other individuals; with a consequential hold up of work while those appointments are actually being made and gazetted.

Your Excellency, I beg to move.

*Bill read a first time.*

#### THE PENSIONS (WAR SERVICE) ORDINANCE, 1941.

##### *The Hon. the Acting Financial Secretary:*

Your Excellency, I beg to move the first reading of a Bill entitled "An Ordinance relating to the Pensions of Pensionable Officers released for military service".

As explained, in the Objects and Reasons of this Bill, the purpose of it is to preserve the pensions rights of pensionable officers who are on war service. As to the desirability of this measure, there can be no question in principle. I will do no more, therefore, at this stage than to point out that the terms apply equally to Europeans and non-European officials, and it is prepared as a separate Ordinance and will take its place on the Statute Book permanently as such, and you will observe from clauses 1 to 3 that the Ordinance shall be deemed to come into operation on the 3rd September, 1939, the day of the outbreak of the war.

Your Excellency, I beg to move the first reading.

*Bill read a first time.*

#### THE EUROPEAN OFFICERS' PENSIONS (AMENDMENT) ORDINANCE, 1941.

##### *The Hon. the Acting Financial Secretary:*

Your Excellency, I beg to move the first reading of "An Ordinance to amend the European Officers' Pensions Ordinance".

The purposes of this Bill are fully explained in the Objects and Reasons. Briefly summarised the purpose is to provide special pensions for the widows and children of officials who lose their lives as the result of enemy action when travelling to and from Nigeria, such pensions to be calculated as if they had been killed on duty. At the same time the opportunity is taken to amend the existing provisions for the grant of pensions to officers killed on duty, as a result of further examination in the light of experience of actual cases and in order to standardise procedure and provision throughout West Africa. At a later stage I shall move an amendment of clause 1, in order that the Bill may have effect from the date of the sinking of the *Accra* in July last, in which several officials of this Government lost their lives.

I have one important announcement to make in connection with this Bill, Sir. Honourable Members will observe that it applies only to European officials. I am authorised to say that it is the intention of Government at an early date to enact similar legislation to apply to non-European pensionable officials. An amendment of the non-European Officers' Pensions Ordinance is already in the course of preparation, but as it is proposed to take the opportunity to incorporate a number of other amendments which have been outstanding for some time, it has not been possible to prepare the Bill in for submission at this Session, owing to pressure of work in the Legal and Secretariat Departments. I am authorised to give an assurance however that should occasion arise, the same treatment will be granted to the dependants of deceased African officials should any lose their lives on duty in the same circumstances.

Your Excellency, I beg to move.

*Bill read a first time.*

THE WIDOWS' AND ORPHANS' PENSION (AMENDMENT) ORDINANCE,  
1941.

*The Hon. the Acting Financial Secretary:*

Your Excellency, I beg to move that a Bill entitled "An Ordinance to amend the Widows' and Orphans' Pension Ordinance" be read a first time.

At the July session of Council in the year 1939, an Ordinance was enacted which gave effect to a number of amendments to the Widows' and Orphans' Pension Ordinance, arising from recommendations made by the Colonial Office Committee presided over by the late Sir Alfred Watson. Experience in administration of those amended provisions and further examination with a view to standardisation throughout West African Colonies, has given rise to some further amendments and clarification of some of the provisions. In addition, it is necessary to provide that for the preservation of the rights under this Ordinance of officials who are serving on war service and also to make it clear that enlistment or service with His Majesty's Forces in Nigeria does not involve contribution to the Widows' and Orphans' Pension Scheme except for pensionable European officers of this Government.

Your Excellency, I beg to move the first reading of the Bill.

*Bill read a first time.*

THE UNLICENSED GUIDES (PROHIBITION) ORDINANCE, 1941.

THE OFFICIAL SECRETS ORDINANCE, 1941.

*The Hon. the Acting Chief Secretary to the Government:*

Your Excellency, I rise to move the first reading of a Bill for "An Ordinance to prohibit unlicensed persons acting as guides and to control the activities of certain other persons".

The purpose of this Bill is to control the activities of three classes of persons—firstly those known as “Boma boys”, the second are taxi drivers, and the third prostitutes. The original object of the Bill was to deal with what has been described in the Press and elsewhere as a menace—that is to say, the activities of persons known variously as “touts” or “boma boys”. It is a problem which is not new to Lagos, and for many years there have been complaints in the Press and elsewhere regarding the activities of this particular class of person. With the outbreak of war, and the arrival in this country of large numbers of the forces of the Crown, the problem has become a more acute one, and the numbers of persons who come within the definition of “boma boy” considerably increased.

Reports have been seen by Members of Council in the papers, and there was considerable agitation some months ago, regarding what were described as “disgraceful scenes” taking place along near the Customs sheds and elsewhere. There was strongly expressed indignation on the part of the Press and of some members of the public and suggestions that the police really were not doing their job. If they really tried hard they could have got this “boma boy” problem down quite easily. Well, I will return to that in a minute.

The first time that the problem was brought definitely to the notice of Government was by the Lagos Town Council in August last, when, by means of a Resolution which read as follows:—

That Government be informed that in the opinion of the Council the time has arrived for drastic action to be taken by the police against the touts operating in the town, known as “boma boys”, and the Council requests that consideration be given to the question of amending the Criminal Code, if this is necessary, to enable effective action to be taken.

The Council also noted that they considered that the activities of these touts was on the increase.

As I said just now, the police in this matter came in for a certain amount of criticism which in my opinion was undeserved. And the reason that I consider that that criticism was undeserved was that in “A” division alone between January and August last there were no fewer than thirty-six prosecutions of persons under Criminal Code 248 and 250 which deal with rogues and vagabonds, and out of those thirty-six prosecutions, twenty-one persons were acquitted. This naturally leads us to the conclusion that the law as it stands at present is not adequate to deal with this problem.

Now I was mentioning about the armed forces of the Crown and the mercantile marine, who have arrived at Lagos in considerable numbers since the commencement of the war. Well, I am sure that Members of Council will agree with me that everything should be

done for sailors and members of the mercantile marine arriving here to enable them to get off their ships and enjoy a breath of fresh air. It has come to my notice that a number of sailors arriving on ships will not leave their ships because of boma boy activities, which make it almost impossible for them to get ashore without being pestered and followed all along the streets. It has also been brought to my notice that some felt so strongly about this that an idea exists that the best thing for them to do is to band together, arm themselves with sticks, go ashore as a body and be ready to meet trouble if it comes their way.

Well, if this is indeed a fact, then I do not consider that it is any exaggeration to describe the boma boy activities as a menace; and if these activities do constitute a menace, then we have got to introduce legislation which is capable of dealing with it. Sections 249 and 250 of the Criminal Code which constitute the present law, have as I indicated, failed to prove effective.—hence the Bill which is now before the Council.

The Press started by saying "it is high time the Government did something about this problem" and there is a good deal of criticism of the delay still appearing in the Press, nevertheless one of the main criticisms is that the Bill gives very wide powers and that it is extremely drastic. I agree with every word of that; it is an extremely drastic Bill, and so it is given very wide powers. I also agree with the critic who said that it has therefore got to be most judiciously exercised. With that again, I agree entirely. But the whole point is—Do the boma boys constitute a menace or do they not? If they do constitute a menace, you have got to have legislation which is capable of dealing with them. If Government has got an exaggerated idea, then it is perfectly true this criticism is right and we are asking for wider powers than we should have.

But I think that those who have had personal experience of these incidents which take place and the activities of this class of person, will agree with the opinion of Government that this is a menace which should and must be dealt with expeditiously.

As regards the Bill itself, the objects and reasons give in considerable detail a review of the contents of the Bill, and I do not think it is really necessary for me to go through the whole Bill clause by clause. It will be necessary in committee to move two or three amendments. First of all, the most important amendment is the elimination of "public service vehicles" which includes a great many vehicles which we do not wish to come within the orbit of this Bill at all. So, for "public service vehicles" with its definition, it is proposed to substitute "hackney carriage" with its definition. The definition of "hackney carriage" is any motor vehicle designed or constructed to carry not more than seven persons

or used or intended to be used for carrying passengers for hire or reward under contract expressed or implied, for the use of the vehicle as a whole at or for a fixed rate or sum. That definition will involve consequential amendment to clause 9 sub-clause 2—Provided that a conductor may be carried, etc.—that comes out altogether. There is another amendment, to clause 10 (b), last line: “in addition to either of such penalties may be ordered ‘if a male’ to be whipped” and (c) again immediately underneath in the last line but one: “if a male”.

My learned friend the Attorney-General asked me to point out that in the Objects and Reasons, paragraph 7, he said no legislation existed in Nigeria against the activities of prostitutes. That is not quite correct. There is legislation, but it is insufficient for the needs of to-day, and so that really should read “insufficient legislation”. Wherever “and conductors” appears in the Objects and Reasons, it should come out because it refers to “public service vehicles” and not to “hackney carriages”.

I have only one other remark to make—that is in connection with clause 9. Under clause 9 there is also an amendment which I wish to move. The first line reads: “No owner, driver or conductor of a public service vehicle”. That will read: “No owner or driver of a hackney carriage”.

As regards 9 (1) (b).—“cause annoyance or inconvenience or make himself objectionable to any such tourist”—I note that the critic of the Bill has stated rather optimistically, “the taxi driver can at least praise heaven he is not prevented from pushing out his tongue to attract a customer”. I suspect that a taxi driver who persistently pushes out his tongue to attract a customer is likely to find himself offending against this clause, and so he would be well advised to keep his tongue secure from mischief in his cheek.

Finally, as I have said, the Bill is a severe one, and I hope I have indicated to Members why it is severe, and I trust that they will agree as to the need for that severity. I beg to move the first reading.

*Bill read a first time.*

**The Hon. the Acting Chief Secretary to the Government:**

Your Excellency, I beg to give notice that the Bills still standing in my name will be read a second time at a later date.

THE OFFICIAL SECRETS ORDINANCE, 1941.

**The Hon. the Attorney-General:**

Your Excellency, I rise to move the first reading of the next Bill standing in my name, namely: “An Ordinance to apply certain provisions of the Official Secrets Acts, 1911 and 1920 as amended from time to time.”

Your Excellency, I hope the Council will bear with me when I am speaking on this Bill. It is a most interesting, though complicated jig-saw, and I hope that I will be able to fit the pieces together so that the Council will get a reasonably accurate view of the legislation they are being asked to pass.

Now the Official Secrets Acts passed by the Imperial Government apply not only in England, but to every British dominion—in that sense I am speaking of dominion with a small 'd', every British possession. They apply to all British possessions and also to British subjects and officers wherever they may be. I hope I have made that clear. They apply throughout the British possessions, to people in those possessions no matter what nationality those persons may be. Once they are within those possessions it applies to them; it also in addition applies to British officers and British subjects wherever they may be. In other words, if they are in foreign countries, the Official Secrets Acts apply to them as well.

Now, Sir, in Nigeria we have got a colony which is a British possession. The Official Secrets Acts apply to everybody in the colony of Lagos. Then we have got the protectorate. Now the protectorates are not British possessions—they are British protected territories—and therefore the Official Secrets Acts do not apply to non-British subjects and officers in the protectorate, and it is up to us to provide by legislation that whatever provisions of the Official Secrets Acts apply to acts committed in the Colony, will also apply by virtue of our local Statute to those acts when committed anywhere in Nigeria. In other words, Sir, we are extending the provisions of the Official Secrets Acts to the Protectorate as if the Protectorate were a part of the Colony and thus we put everybody within Nigeria on exactly the same footing.

Now that is the main principle and that is provided for in clause 3 of the Bill.

In other words, Sir, that one section will extend to the protectorate the provisions of the Official Secrets Acts as if we had reproduced them in this Bill before the Council. That sounds very nice and simple, but we immediately come up against certain difficulties. In the passing of these Acts by the Imperial Government, certain sections have been so worded that the legal interpretation placed on those sections is that the sections cannot be held to apply to the Colonies, although it was intended they should and it was understood that they would so apply when they were passed.

Well, Sir, this is where the jigsaw begins to get a bit difficult because we have now got to reproduce in Nigeria as part of our legislation applicable to the whole of Nigeria those provisions of the Imperial Acts which should have been extended to His Majesty's dominions, but which in point of fact are restricted in their application to England.

Clause 4 reproduces in Nigeria similar provisions to those which are contained in section 4 of the Official Secrets Act of 1920. That was one of the sections that interpretation in England has stated does not apply or it is doubtful if it applies, or something like that. We cannot run any risk about it; it must be made to apply, and therefore we are reproducing in clause 4 that section adapted to Nigeria: but as we have applied the whole of the Imperial Act of 1920 to Nigeria, we must say that section 4 of the Imperial Act does not apply; this is provided for in the Schedule as is also section 8 (4) of the same Act: to which I will refer later.

That is the first difficult bit of the puzzle. We are now reproducing for the whole of Nigeria, by means of our section 4, the provisions of section 4 of the Imperial Act of 1920, which through inadvertence is inapplicable to Nigeria.

The same principle applies with regard to clause 5. Clause 5 is a reproduction of the equivalent provisions of the Official Secrets Act of 1939 in England; the whole of the provisions of the English Act are contained in that section. That act also, Sir, through the form of its drafting, cannot apply to us, and therefore we have to reproduce it in our local legislation. We accordingly find the 1939 Official Secrets Act set out in the Schedule as a part of the Imperial legislation that does not apply.

Clause 6 shows how we will be able to apply the provisions of the Imperial Acts, substituting appropriate local terms for those in the Imperial Acts. For instance, Sir, references in the Acts to the Secretary of State when those Acts are applied in Nigeria will be reference to Your Excellency.

I said earlier I would refer to section 8 (4) of the 1920 Act—that particular sub-section was suspended in England on the outbreak of war by means of the Emergency Powers (Defence) Act, 1939. The effect of that suspension could have been extended to Nigeria by His Majesty's Royal Order in the Council under which we make our defence regulations, but that was not done, and therefore it is necessary for us to provide here that that sub-section does not apply in Nigeria.

The two remaining provisions in the Schedule, Sir, are paragraphs 3 (2) and 5 of the Schedule of a certain statutory Rule and Order. Those provisions amend the Imperial Acts in two respects, which are inapplicable within Nigeria. The former one provides that certain proceedings may be instituted by a constable as that is inadvisable locally we have not extended that provision here: the latter provides that not only may the Attorney-General institute proceedings, but also in addition the Director of Public Prosecutions. Well, Sir, in Nigeria we have no separate official known as Director of Public Prosecutions, and therefore the reference to him must be omitted.

May I summarise what I have said, namely, the effect of this Ordinance if this Bill is passed, will be to extend throughout the whole of the Protectorate to which the Imperial Acts do not apply, all the provisions of the Official Secrets Acts, just as though the Protectorate was a British possession and at the same time to bring on our local statute book all those provisions of the Official Secrets Acts which it is doubtful whether they apply to any part of Nigeria at all.

One other point, Sir, and that relates to clause 7; Honourable Members will see that certain sections of the Criminal Code are being repealed. Those sections are actually reproductions of the Official Secrets Act of 1911; but much water has flowed under the bridge since they were enacted. It is almost essential that the powers that be in England must know that the legislation applicable throughout the Empire is that of the Official Secrets Act of England so that they know exactly what the legal position really is: we are therefore repealing those sections, taking them out of the Criminal Code and in future any proceedings for offences covered by the Official Secret Acts will either be brought under the Imperial Act or under this local Ordinance.

*Bill read a first time.*

THE CRIMINAL CODE (AMENDMENT) ORDINANCE, 1941.

*The Hon. the Attorney-General:*

Your Excellency, I rise to move the first reading of the next Bill standing in my name, namely: "An Ordinance to amend the Criminal Code Ordinance."

Sir, on the many occasions on which I have had to move amendments to the Criminal Code Ordinance, it has always been in respect of what I might describe as more or less local and domestic matters, but on this occasion it is not. On this occasion it is to insert in our Criminal Code the latest provisions of the English law of treachery. They are provisions that have been passed in England only last year, and behind the necessity for these provisions lie most interesting historical facts. Under modern conditions of warfare our friend Mr Hitler has so conducted his methods of disintegration and fifth-columns, and Quislings in the countries he proposes to attack, that the law of treason, which has stood the test of 500 years is defective. That defect has now been put right in England, and we propose to follow suit and by this Bill put it right here.

The first Act dealing with treason, Sir, goes right away back to the reign of Edward III, 1351, and I will, if I may, read a few lines of the first section because therein are phrases which have a great bearing on the whole of this question. Within that first section will be found—

"When a man doth compass or imagine the death of our lord the king or of our lady his queen"

and it further goes on—

“ or if a man do levy war against our lord the king in his realm, or be adherent to the king's enemies in his realm, giving them aid and comfort in his realm, or elsewhere ”.

Now what I want to emphasise there, Sir, is the question of allegiance to the King. Honourable Members may not know this, but every person within a State's protection owes allegiance to the Sovereign of the state. For instance, every German living in England at the outbreak of war, in spite of the fact that he was a subject of a state at war with England, owed allegiance to our King because he was living within the King's allegiance and he was receiving the care and protection of His Majesty; he therefore owed allegiance to our King, even though he was the subject of a state at war with our own sovereign. That, Sir, is the fundamental point.

Now the laws of treason and treachery are very closely related, but conditions to-day are such that a man who deliberately enters into another country with the object of committing what are apparently treasonable acts against that sovereign would not be guilty of treason. Such an example would be that of a German who came over from Germany in order to cause dislocation of war machinery in England. He came to England deliberately, but under the guise of a peaceful citizen. Now if that man were caught committing such an act he could, before this Act was passed, have pleaded that he did not owe allegiance to the King, he never was in his protection, he came there with the express intention of undermining the country, and therefore he could claim protection as regards a charge of treason, and he could apparently only be dealt with as an enemy subject or as someone who is doing something wrong other than treason. If he were part of an invading force he could be dealt with as such, but it is quite obvious I think, that the general public would have a tremendous strain thrown on their loyalty if the doctrine of allegiance could be used in respect of an enemy who apparently residing in the country was endeavouring to do damage in the country, and thereby enable him to escape with only temporary imprisonment, whereas someone living normally in the country would suffer death for it instead. For those reasons it was necessary to put the Treachery Act, 1940, on the Statute Book, and the Bill before the Council reproduces in our criminal law the provisions of the Treachery Act of 1940 of England.

There are one or two other minor matters to which I should refer. One further reason for the enactment of that legislation is that a prosecution for treason has to be conducted in a very old, archaic method, and we have not the time now for it. That form of trial has been abolished by making treasonable offences treachery. In

England there is provision for the trial of these offences not only before the Civil Court but also by Courts Martial. We have omitted in Nigeria, Sir, the provision relating to Courts Martial.

I think, Sir, that is the only really important provision we have omitted, except one other—the Treachery Act in England is placed on the Statute Book for the duration only of the present war. That does not appear in this Bill; these provisions have been inserted in a separate part of the Criminal Code, and if, after the war, it is found that in England they consider it advisable not to extend the Act, it will be possible for us to follow suit by simply repealing Chapter VIA of the Criminal Code.

I beg to move.

THE CINEMATOGRAPH (AMENDMENT) ORDINANCE, 1941.

**The Hon. the Director of Education:**

Your Excellency, I rise to move that a Bill for "An Ordinance to amend the Cinematograph Ordinance, 1933", be read a first time.

This is a very simple amendment, Your Excellency. I am afraid I have no jigsaw puzzles, or crossword puzzles, or interesting historical facts with which to help Honourable Members fight off those post-prandial tendencies which are so prevalent in Nigeria! The amendment consists of the change of merely one word "twenty" to "thirty".

There has been a very rapid spread of the film industry throughout the country; in consequence there are a great many more films imported than was the case heretofore, and it is necessary to increase the numbers of members on the Censorship Board.

In addition, whereas the importation was at one time confined to Lagos, films are now being imported at Port Harcourt, and in course of time they will be imported at other ports. It is therefore very necessary to increase the number of members.

Your Excellency, I beg to move.

*Bill read a first time.*

THE 1937-38 SUPPLEMENTARY APPROPRIATION ORDINANCE, 1941.

**The Hon. the Acting Financial Secretary:**

Your Excellency, I beg to move the first reading of a Bill entitled "An Ordinance to make Supplementary Provision for the Service of the Colony and Protectorate of Nigeria for the year ending the thirty-first day of March. One thousand nine hundred and thirty-eight".

In the Financial Year, 1937-38, a surplus of revenue over expenditure was transferred to the Railway Reserve Fund in accordance with Railway financial policy and with the approval of Finance Committee. As the transaction was not expenditure in the ordinary sense of the word, it was not at the time included in the Supplementary Appropriation Ordinance for the year, but it has since been decided, after final audit of the accounts, that the amount should be treated as expenditure, even though in fact it was only paid into the Reserve Fund. The effect of this Bill is to give the necessary statutory authority to that expenditure.

Your Excellency, I beg to move the first reading of the Bill.

***The Hon. the Acting Comptroller of Customs:***

I beg to second.

THE 1939-40 SUPPLEMENTARY APPROPRIATION ORDINANCE, 1941.

***The Hon. the Acting Financial Secretary:***

Your Excellency, I beg to move the first reading of a Bill for "An Ordinance to make Supplementary Provision for the Service of the Colony and Protectorate of Nigeria for the year ending the thirty-first day of March, one thousand nine hundred and forty".

Supplementary Estimates for the whole of the expenditure included in the Schedule of this Bill were approved by Finance Committee at the time the expenditure was incurred and were later approved by Resolution in Council. It is now necessary that the amounts actually expended from those estimates in excess of the amount provided in the Appropriation Ordinance for the year shall be approved by law, and that is the purpose of this Supplementary Appropriation Law.

Your Excellency, I beg to move the first reading of the Bill.

***The Hon. the Acting Comptroller of Customs:***

I beg to second.

THE CUSTOMS TARIFF (AMENDMENT) ORDINANCE, 1941.

***The Hon. the Acting Financial Secretary:***

Your Excellency, I beg to move the first reading of the Bill entitled "An Ordinance to amend the Customs Tariff Ordinance, 1924".

Apart from the correction of a typographic error in clause 2 of the Bill, the purpose of this Bill is two-fold. First to embody in the Customs Tariff Ordinance the conditions upon which drawbacks of duty may be allowed, and secondly to empower the Governor in Council to remit customs duty wherever he may deem it expedient

to do so. Practically the whole of the provisions as regards drawbacks of customs duty are already provided in existing regulations. The only new feature is to extend drawbacks to fuel oil and lubricants which have hitherto been excluded from the privilege. This has been done in clause 3 of this Bill, which amends sections 10 (1) of the Customs Tariff Ordinance under sub-section (b); the words "aviation and motor spirit" are used instead of the word "petroleum". The latter word, petroleum, was held to include fuel oil and lubricants, and therefore served to exclude them from drawback. Now that the words "aviation and motor spirit" are used, it will be clear that lubricants and fuel oil are not excluded from drawback.

The new powers granted to the Governor for the remission of Customs duty will only be exercised on application and in special cases, an instance of which occurred recently. It was Your Excellency's desire to remit duty on contents of gift parcels addressed to His Majesty's Forces in Nigeria; but under the existing Customs Ordinance, Your Excellency had not the power to do so. With the enactment of clause 4 of this Bill, that power will be granted.

Your Excellency, I beg to move.

**The Hon. the Acting Comptroller of Customs:**

I beg to second.

THE RAILWAYS (AMENDMENT) ORDINANCE, 1941.

**The Hon. the General Manager of the Railway:**

Your Excellency, I rise to move the first reading of a Bill entitled "An Ordinance to amend the Railways Ordinance".

The necessity for this amendment of the Railways Ordinance has been very clearly set out in the Objects and Reasons, and I do not think there is anything further to add, beyond assuring the Council, Sir, that there is nothing very revolutionary in this Bill. In itself it is self-explanatory.

THE CROWN LANDS (AMENDMENT) ORDINANCE, 1941.

**The Hon. the Attorney-General:**

Your Excellency, I rise to move the first reading of a Bill for "An Ordinance to amend the Crown Lands Ordinance."

Sir, in section 8 of the Crown Lands Ordinance there is provision for revision periods of the rent of Crown property, and the usual practice is for the rent to be revised every five years. The object of that revision is to ensure that an economical rent is paid for the property throughout the term of the lease as the value of the property may have gone up considerably from the time when it was originally leased.

The particular wording of the Ordinance, Sir, is that as near as possible to the beginning of each revision period "the Government shall". You will note it is mandatory Sir, and under existing conditions it has been thought inadvisable that Your Excellency should of necessity have to exercise these powers, at or near the commencement of a revision period. It may in fact be inadvisable for them to be exercised at all, accordingly it has been thought advisable to introduce this amendment so that you need not of necessity exercise the power of revision at the beginning of a revision period, but if, in the course of the period, it is found necessary for the revision to take place, the revision can then take place and the revision will last to the end of the current revision period. In other words, Sir, if there are five-yearly periods and you do not revise at the beginning of the sixth year, but you revise at the beginning of the ninth year, that revision will last for two years only—from the beginning of the ninth to the end of the tenth. By the provision herein, Your Excellency will be able to exercise your discretion whether to revise or not revise as the case may be.

With those few remarks, Sir, I beg to move.

*Bill read a first time.*

THE LAND AND NATIVE RIGHTS (AMENDMENT) ORDINANCE, 1941.

**The Hon. the Attorney-General:**

Your Excellency, I rise to move the first reading of the Bill "An Ordinance to amend the Land and Native Rights Ordinance."

The object of this amendment, Sir, is to incorporate within the Land and Native Rights Ordinance similar provisions to those of which I have just spoken in relation to the Crown Lands Ordinance. This is being done not by means of a proviso to a section, because the phraseology of the Ordinances are different, but simply by inserting amongst the conditions implied in every certificate of occupancy the further condition that you need or need not revise, as the case may be.

I beg to move.

*Bill read a first time.*

THE TRADES DISPUTES (ARBITRATION AND INQUIRY)  
ORDINANCE, 1940.

**The Hon. the Attorney-General:**

Your Excellency, the last item on the Order of the Day refers to the Committee Stage of the Trades Disputes Bill, a Bill carried over from the last meeting of Council. When this morning I moved the adoption of the report of the Select Committee appointed to consider the Bill during the recess I mentioned, Sir, that

Honourable Members would have a chance of expressing their views on the second reading. I must admit, Sir, that I had overlooked the fact that the Bill had already been read a second time at the last meeting before it was referred to the Select Committee. It appeared at the last meeting that the Members wished the Bill to go to a Select Committee and after a formal second reading it was so referred there really was little or no opportunity for debate. Under those circumstances, I think it would be fairer if I were to introduce now the Bill which was attached to the Select Committee's report which was adopted this morning. I therefore ask permission to withdraw the Bill standing in my name from the last meeting of Council, Sir; if that is granted I will then lay over a Certificate of Urgency and move the first reading of the Select Committee's Bill. Have I the necessary permission, Sir?

### *His Excellency:*

The object is to give members an opportunity to discuss the principles of the Bill which they would otherwise not have.

Approval given.

### PAPERS LAID

#### *The Hon. the Attorney-General:*

Your Excellency, I beg to lay on the table a Certificate of Urgency in respect of and I rise to move the first reading of the Bill for: "An Ordinance to provide for the Establishment of an Arbitration Tribunal and a Board of Inquiry in connection with Trade Disputes, and to make provision for the Settlement of such Disputes, and for the purpose of inquiring into Economic and Industrial conditions in Nigeria."

Your Excellency, this Bill, which is very similar to a Bill of the same title before the Council's last session, is based on the Trades Disputes Act of the Imperial Parliament in 1919 and provides machinery which should be useful in Nigeria. It provides machinery for the settlement of industrial disputes. It is not anticipated, Sir, that there are going to be industrial disputes,—there are bound to be small ones all the time—but the great advantage is that we should look ahead and have machinery by which these disputes can be nipped in the bud and justice done to both sides before the dispute actually affects the life of the community. In other words, Sir, it is a Bill of conciliation, and it provides that where different groups of employees and employers have conciliation machinery of their own, such machinery must be tried out before there is any intervention by or on your behalf. Then if reference is made to Your Excellency, you can refer the matter in dispute for settlement to the Arbitration Tribunal which you are authorised to set up by clause 3.

There is provision made in the Bill, Sir, for bringing these matters before the tribunal, and furthermore there is also provision under which Your Excellency can set up a Board of Inquiry, if for any reason you wish to have an inquiry into any industrial or economic condition existing in Nigeria.

The Bill provides for the representation of Counsel at the request of either party in a matter before an Arbitration Tribunal or at the option of the Court in the case of a Court of Inquiry: it also provides for the summoning of witnesses to give evidence: the other details in the Bill merely provide the machinery under which vacancies in the Tribunal are to be filled and provide that the expenses of the proceedings can be met out of public revenue.

Your Excellency, I beg to move.

***The Member for the Rivers Division (The Hon. S. B. Rhodes):***

Your Excellency—a point of order: the Honourable the Attorney-General, having withdrawn the Bill before this House, is now seeking to introduce another Bill which has never been published?

***His Excellency:***

The Bill is introduced under a Certificate of Urgency which I have just signed.

***The Member for the Rivers Division (The Hon. S. B. Rhodes):***

I did not notice, Sir.

*Bill read a first time.*

***The Hon. the Attorney-General:***

Your Excellency, I beg to give notice that at the next meeting of this Council, all those Bills which have this day been read a first time will be read a second time and proceeded with to completion without further notice. I give this subject to the exception of the Honourable the Chief Secretary's Bills in respect of which he has already given notice.

**ADJOURNMENT.**

*The Council adjourned at 4.1 p.m. until 10 a.m. on Tuesday the 14th of January, 1941.*

# Debates in the Legislative Council of Nigeria

Tuesday, 14th January, 1941

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Pursuant to notice the Honourable the Members of the  
Legislative Council met in the Council Chamber, Lagos,  
at 10 a.m. on Tuesday, the 14th January, 1941

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## PRESENT

### OFFICIAL MEMBERS

- The Governor,  
His Excellency Sir Bernard Bourdillon, G.C.M.G., K.B.E.
- The Acting Chief Secretary to the Government,  
The Honourable T. Hoskyns-Abrahall.
- The Chief Commissioner, Western Provinces,  
His Honour G. C. Whiteley, C.M.G.
- The Acting Chief Commissioner, Northern Provinces,  
His Honour J. R. Patterson, C.M.G.
- The Attorney-General,  
The Honourable H. C. F. Cox, K.C.
- The Acting Financial Secretary,  
The Honourable S. R. Marlow.
- The Acting Director of Medical Services,  
Dr. the Honourable G. B. Walker.
- The Director of Education,  
The Honourable E. G. Morris.
- The Director of Marine,  
Commander the Honourable A. V. P. Ivey, R.N., R.N.R.
- The Acting Comptroller of Customs,  
The Honourable J. McLagan.
- The Acting Deputy Chief Secretary,  
The Honourable J. J. Emberton, M.C.
- The Senior Resident, Plateau Province,  
The Honourable E. S. Pembleton, C.M.G.

- The Senior Resident, Owerri Province,  
The Honourable F. B. Carr.
- The Resident, Benue Province,  
The Honourable D. M. H. Beck, M.C.
- The Resident, Calabar Province,  
Major the Honourable H. P. James.
- The General Manager of the Railway,  
The Honourable J. H. McEwen.
- The Director of Public Works,  
The Honourable S. J. W. Gooch.
- Captain the Honourable A. W. N. de Normann,  
Commissioner of Lands and Surveyor-General.
- The Honourable F. E. Stafford, O.B.E.,  
Acting Deputy Financial Secretary (Extraordinary  
Member).
- The Honourable G. B. Williams, M.C.,  
Commissioner of the Colony (Extraordinary Member).
- The Honourable C. H. Croasdale,  
Inspector of Labour (Extraordinary Member).

#### UNOFFICIAL MEMBERS

- The Commercial Member for Port Harcourt,  
The Honourable P. H. Davey.
- The Member for the Egba Division,  
The Honourable A. Alakija, C.B.E.
- The Member for the Colony Division,  
Dr. the Honourable H. Carr, D.C.L., O.B.E., F.S.O.
- The Member for the Ibo Division,  
The Honourable B. O.-E. Amobi.
- The Member for the Rivers Division,  
The Honourable S. B. Rhodes.
- The Member for the Warri Division,  
The Honourable Asifo Egbe.
- The Member for the Oyo Division,  
The Honourable N. D. Oyerinde.
- The Banking Member,  
The Honourable D. D. Gibb.
- The Commercial Member for Calabar,  
The Honourable L. A. McCormack.
- The Member for Calabar,  
The Reverend and Honourable O. Efioug.

- The Member for the Ibibio Division.  
The Honourable Nyong Essien.
- The Member for the Ijebu Division,  
Dr. the Honourable N. T. Olusoga.
- The First Lagos Member,  
The Honourable H. S. A. Thomas.
- The Mining Member,  
Lieutenant-Colonel the Honourable H. H. W. Boyes,  
M.C.
- The Commercial Member for Kano,  
The Honourable W. T. G. Gates.
- The Third Lagos Member,  
The Honourable Jibril Martin.
- The Member for Shipping (Provisional),  
The Honourable F. Edmondson.
- The Commercial Member for Lagos (Provisional),  
The Honourable E. H. L. Richardson.

### ABSENT

#### OFFICIAL MEMBERS

- The Senior Resident, Cameroons Province,  
The Honourable A. E. F. Murray.
- The Senior Resident, Oyo Province,  
The Honourable H. F. M. White.
- The Resident, Kano Province,  
The Honourable R. L. Payne.
- The Secretary, Northern Provinces,  
Captain the Honourable E. W. Thompstone, M.C.
- The Resident, Onitsha Province,  
The Honourable D. P. J. O'Connor, M.C.
- The Resident, Ondo Province,  
Major the Honourable J. Wann.
- The Resident, Sokoto Province,  
The Honourable R. D. Ross.
- The Director of Agriculture,  
Captain the Honourable J. R. Mackie, C.M.G.

#### UNOFFICIAL MEMBERS

- The Second Lagos Member,  
Dr. the Honourable K. A. Abayomi, M.D.

## PRAYERS

His Excellency the Governor opened the proceedings of the Council with prayers.

## CONFIRMATION OF MINUTES

*The Hon. the Attorney-General:*

Your Excellency, an omission in the Minutes—on page 21 you will see, Sir, the Council adjourned at 12.22 p.m., but the Council apparently has not yet resumed, and yet I really think we did a good deal of work yesterday afternoon.

*The Council resumed at 2.30 p.m.*

*The Minutes were amended accordingly and confirmed.*

## QUESTIONS.

*NOTE.*—Replies to Questions No. 5 and No. 6 of the 13th of January, 1941, by the Honourable the Member for the Warri Division, and Nos. 21, 22 and 23 of the 13th of January, 1941, by the Honourable the Member for the Ibo Division, and No. 29 of the 13th of January, 1941, by the Member for the Warri Division, are not yet ready.

*The Member for the Ibo Division (The Hon. B. O.-E. Amobi):*

1. (*Question No. 17 of the 13th of January, 1941*). (a) To ask the Honourable the Acting Chief Secretary to the Government whether it is a fact that one Julius Obi an Ibo was beaten to death at Gombe by Native Administration "dogaris"?

(b) What are the facts in the case?

(c) What steps have Government taken or is prepared to take in the matter?

*Answer:—*

*The Hon. the Acting Chief Secretary to the Government:*

(a) No Sir.

(b) Julius Obi, an Ibo artisan, was returning to Gombe from Kwodon, a village eight miles from Gombe, where he had bought some five gallons of native beer for consumption by himself and his friends, when, three miles from Gombe, he met two Native Administration mounted police. In addition to the beer which he was carrying he had also drunk a large quantity before setting out from Kwodon and was in an intoxicated condition and riding his bicycle unsteadily. The police questioned him and finding his replies and condition unsatisfactory took him in charge. They experienced some difficulty in escorting him to Gombe as he was vomiting at intervals. Eventually, when he and one of the policemen (the other having fallen behind because his horse was lame) had reached the outskirts of Gombe he lay down by the side of the road and refused to go any further. The policeman with him urged him on and eventually put handcuffs on him but he would not go any further. The second policeman mounted on his horse, stayed with him whilst the first went on to report and later, on examination, Julius Obi was found to be dead. He was taken to the Native Administration dispensary and examined by the

dispensary attendant and the District Officer and the body was later put on a lorry and taken to Bauchi for a post-mortem examination by the Medical Officer. The Medical Officer's conclusions were as follows:—

“ There is no evidence to show that this man died as  
 “ the result of undue physical violence used upon his  
 “ body. In view of the poor condition of all his vital  
 “ tissues, it would appear that death was due to heart  
 “ failure consequent upon undue excitement caused  
 “ at a time when he was, in all probability, already  
 “ in a state of tension due to the consumption of some  
 “ form of stimulant.”

An inquest was held and the Coroner's finding was “ death from natural causes ”. There was no evidence that the deceased had suffered any violence.

(c) In view of the result of the Coroner's Inquest into the cause of Julius Obi's death Government does not consider that any further steps are necessary.

**The Member for the Ibo Division (The Hon. B. O.-E. Amobi):**

2. (Question No. 19 of the 13th of January, 1941). To ask the Honourable the Acting Chief Secretary to the Government for an explanation as to the neglect of the township of Onitsha in laying out the drains of Onitsha township and whether he is aware of the considerable loss to property caused by the heavy downpour of rain which washed away many houses and caused considerable damage to properties in the township on the 11th June, 1940.

Answer:—

**The Hon. the Acting Chief Secretary to the Government:**

The desirability of improving and extending the drainage system of Onitsha Township is fully realised. Immediately prior to the outbreak of war the question of raising funds to meet the substantial cost involved and of obtaining the services of the necessary technical staff was receiving attention but financial considerations and shortage of engineering staff resulting from the war have necessitated the postponement of the scheme.

**The First Lagos Member (The Hon. H. S. A. Thomas):**

3. (Question No. 28 of the 13th of January, 1941). (a) Whether in view of the restriction imposed on the sale of alcoholic drinks to Africans in the Northern Provinces and of the restricted patronage which hotels in the Northern Provinces owned by Africans receive from Europeans by virtue of such hotels being situate in African Reservation areas, Government will consider the grant of reduction in the fee payable for Hotel Liquor Licences in the Northern Provinces?

(b) Whether Government will kindly consider the question of making provision, as in the case of Wholesale or Retail Liquor Licence fees, for reduced fee being charged for Hotel Liquor Licences in non-First Class Townships?

*Answer:—*

**The Hon. the Acting Chief Secretary to the Government:**

(a) Restrictions on the sale of liquor in the Northern Provinces are governed by the Convention of Saint German-en-Laye and it would be improper to seek to lessen their effect by reducing in special cases the fees imposed under the Liquor Ordinance. The classes of customers frequenting a hotel may vary from time to time and it is not considered possible to discriminate on these grounds between one hotel and another in the matter of the fee payable for a Hotel Liquor Licence.

(b) A Hotel Liquor Licence is in kind essentially different from a Wholesale Liquor Licence or a Retail Liquor Licence and there is no reason to consider the fee of £25 per annum for a Hotel Liquor Licence in any locality inequitable.

**BILLS.**

**(Second and Third Readings.)**

THE TOWNSHIPS (AMENDMENT) ORDINANCE, 1941.

**The Hon. the Attorney-General:**

Your Excellency, I beg to move the second reading of "An Ordinance to amend the Townships Ordinance."

**The Hon. the Senior Resident, Plateau Province:**

I beg to second.

**The Commercial Member for Calabar (The Hon. L. A. McCormack):**

Your Excellency, with regard to Clause 2: "The Government may." I suggest, Your Excellency, that from the words "with the approval of the Governor make by-laws for such township . . .

**His Excellency:**

The Honourable Member is not in order in suggesting an amendment at this stage. If the Honourable Member would indicate anything in the principle of the Bill if the Honourable Member would indicate his point now . . . . .

**The Commercial Member for Calabar (The Hon. L. A. McCormack):**

I submit, Your Excellency, that no by-law should be made effective until it has had the approval of Your Excellency, and that principle is not precisely set out in the terms of clause 2. The clause sets out that the by-law shall be with Your Excellency's approval, but the question of operation should be made clear—that it is not effective until Your Excellency has indicated your approval

to it. As it stands it may mean that a by-law made by a local authority *ipso facto* becomes effective before Your Excellency's approval has been indicated. Your Excellency's approval might be retrospective . . . .

**His Excellency:**

Yes; the Honourable Member's object will be met by the insertion of the word " prior " before the word " approval ".

**The Commercial Member for Calabar (The Hon. L. A. McCormack):**

I make these observations, Your Excellency, in regard to the persons (*i.e.*, local authorities) who are interested in these by-laws whose experience varies considerably. It might be of great importance that Your Excellency's approval should be indicated before any by-law becomes effective.

**The Hon. the Attorney-General:**

Your Excellency, as the law stands no by-law is effective until published in the Gazette and it bears on its face the fact that Your Excellency has approved of it before publication.

*Bill read a second time.*

*Council in Committee.*

*Clause 2.*

**His Excellency:**

In view of the Attorney-General's explanation, does the Honourable Member wish to press for the amendment?

**The Commercial Member for Calabar (The Hon. L. A. McCormack):**

No, Your Excellency.

*Council resumed.*

**The Hon. the Attorney-General:**

Your Excellency, I beg to report the Bill from Committee without amendment. I beg to move that the Bill be read a third time and passed.

**The Hon. the Senior Resident, Plateau Province:**

I beg to second.

*Bill read a third time and passed.*

## THE NEWSPAPER (AMENDMENT) ORDINANCE, 1941.

***The Hon. the Attorney-General:***

Your Excellency, I beg to move the second reading of a Bill for "An Ordinance to amend the Newspaper Ordinance".

***The Hon. the Resident, Calabar Province:***

I beg to second.

***The Member for the Oyo Division (The Hon. N. D. Oyerinde):***

Your Excellency, the point that I would like to have clear is, whether the payment of £250 is compulsory or optional. I have been thinking why should the office of the Chief Secretary be burdened with the receiving of £250 and payment of damages and costs to plaintiff. It seems to me that the Government is playing the part of a big father to one section of the community against other sections of the community; in the case of payment of damages and costs the matter should be left in the court between the plaintiff and the defendant or the litigants.

The other point, Sir, is, why, in case when a certain sum has been paid out of the deposit by the Honourable the Chief Secretary and equivalent sum is not deposited by the proprietor, printer, or publisher, should Government wait for two years before paying back the balance of the money to the party concerned. He may go out of business, and here you are tying up the balance of £250 with no interest accruing, and the poor man may need the money to tide him over through hard times or to start a new business in case he does not want to continue again as publisher, printer or proprietor.

***The Member for the Egba Division (The Hon. A. Alakija, C.B.E.):***

Your Excellency, I think I was the person who seconded the motion of the Honourable the Member for the Rivers Division. The trouble which the public is labouring under is due to the fact that newspapers sometimes either by mistake or design distort facts about what happened in this Council. The motion—I have not a copy of it here—of my Honourable Friend the Member for the Rivers Division was that £250 may be deposited instead of the bond which the present Ordinance provides for. Well this is obviously an alternative provision, and it was further explained by the Attorney-General yesterday that in the case of a stranger who wants to run a newspaper and who cannot find a man to secure him, but has got the money to deposit, he is at liberty to do so. I remember fully well when the Honourable the Commercial Member suggested that a deposit should be insisted upon instead of a bond, and Your Excellency corrected him by saying that the motion was an alternative one.

It has since been published in a certain newspaper that the motion of the Member for the Rivers Division was designed to prevent small people from publishing newspapers. On the contrary, the motion is to open room for everybody who is willing either to deposit £250 or find a bondsman. If, after the explanation of the Attorney-General in this Council, this newspaper writes:

" In moving the first reading of the Newspaper Ordinance the Honourable the Attorney-General pointed out that the Bill is the result of the acceptance of the motion of the Honourable Member for the Rivers Division that the Newspaper Ordinance should be amended to allow of the deposit of the sum of £250 being given instead of a bond for that amount. "

that is a clear distortion. The Attorney-General said nothing of the sort. Instead of the words " instead of the bond " the Attorney-General made it clear that you can either give a bond or pay the sum of £250.

With regard to the retention of the £250 for a certain period it was also made clear yesterday by the Honourable the Attorney-General that the public should be protected against any libel action which might be brought against a newspaper, and that this money might be kept for this purpose. It has been suggested and it is very probable that where a person writes a libellous matter in a newspaper against an individual, the bondsman may withdraw his bond before a libel action is commenced. This course will not in my opinion save the bondsman because the date of the libel is the material date. On the other hand if the deposit of £250 is not held for a long period and the depositor goes away where is the person libelled going to get his redress from? Therefore I am in entire agreement with the suggestion of the Honourable Attorney-General that the money be held up for a reasonable period otherwise it would be open to the depositor to spend his money or get away from the town, although nominally he would still be liable for payment of the amount.

The period that was suggested is two years; during the Committee stage perhaps an amendment could be made to reduce it a little. Personally I think if a man is willing to enter into a bond or deposit money to secure anyone he should be prepared to face the consequences.

### *The Third Lagos Member (The Hon. Jibril Martin) :*

May it please Your Excellency, I rose this morning to speak in respect of the Bill entitled the Newspaper (Amendment) Ordinance, 1941, which is now before the Council.

As a new member I crave the indulgence of Your Excellency as well as that of the whole House. It is not my intention to criticise unduly the Bill because it was the outcome of a motion made by

the Honourable Member for the Rivers Division and accepted by the Government. In effect the Bill has been accepted in principle. There is no objection to the proposal that if a man is unable to find or unwilling to produce sureties as at present required, he should deposit a sum of money instead. But what I wish to speak about is the time within which such deposit should be returned to the depositor in the event of his closing down his business. I observe that the Bill does not go to the extent of limiting the period within which a person can bring an action against the proprietor, printer and publisher or to extinguish the cause of action against them after certain period. It is apparently not one of the objects of the Bill, and if it is, it is not clearly stated.

According to the law at present in force, *i.e.*, the Statute of Limitation, an action of libel must be brought within six years from the date of publication, in the case of slander which is actionable *per se* the period of limitation is two years from the date the words were spoken, but if the words are not actionable *per se*, then the period is six years from the happening of the damage. I am therefore submitting that, if it is not the intention of this Bill to limit the period within which an action for libel may be brought in Nigeria and thus interfere with the law at present generally applicable, as soon as the paper ceased to publish or the surety intimated his wish to withdraw from his bond he should be discharged or the deposit should be returned within a certain period much less than two years as provided in the Bill. So my point, Your Excellency, is that if it is not proposed to curtail the present period of limitation, the present law should be allowed to take its course. If the surety is discharged by the Government, he will nevertheless be still answerable for any offensive matters that may have appeared in the paper during the time he was a surety. It will then be open to any person against whom libellous matters are published to bring his action within six years.

The provision of the Bill is ambiguous, and as it stands the period of two years may not be interpreted by Court as a period of limitation even if such interpretation is intended, and an injured party may contend quite successfully that it was not so intended. So that whether the surety is discharged or not, or the deposit of £250 is refunded or not, the surety or the proprietor, printer and publisher will still be liable after the lapse of two years.

*The Member for the Rivers Division (The Hon. S. B. Rhodes):*

Your Excellency, I was the mover of this Resolution, unfortunately the Honourable the Third Lagos Member was not here at the time. I have listened to him, but I feel that his only quarrel with the proviso is that instead of two years it should be extended to six years to meet the provisions of the Statute of Limitations, that the Attorney-General is a bit too generous in reducing it to

two. That is how I understand his attitude. All I have to say is that with regard to the £250 deposit, provision should be made for the amount to be deposited in the Post Office Savings Bank and interest accruing therefrom should go to the depositor.

***The Member for the Ibibio Division (The Hon. Nyong Essien):***

With due deference to Your Excellency's Office and to this Honourable House, I rise to say a few words in favour of the address with respect to the Bill under discussion. According to what is stated under Objects and Reasons, this Bill gives effect to acceptance by Government of a Motion moved in this House by the Honourable the Member for the Rivers Division, that the Newspaper Ordinance be amended for acceptance by Government of a deposit of the sum of £250 in lieu of a bond for that amount. The effect of that Motion is the Bill now under discussion. All our laws in this House are subject to amendment and to repeal according to merits. In the interest of the public of Nigeria this Bill, which is produced and placed before this House as the effect of that Motion, should be reconsidered.

Section 2 of the Bill reads as follows:

Section 3 of the Newspaper Ordinance hereinafter called the principal Ordinance . . . . ."

***His Excellency:***

I think it is perhaps unnecessary for the Honourable Member to read the whole section. Honourable Members have it before them.

***The Member for the Ibibio Division (The Hon. Nyong Essien):***

The section speaks for itself, Sir. The fact remains that this Bill calls for a deposit of £250 as against an anticipated crime to be committed by either the proprietor, or the printer, or the publisher.

The first question I have to put is this: After making the deposit, will it yield interest? If it yields interest, to whom will that interest go? Will that interest go to the Government? Or to the Bank? Or to the payee?

Another point is this, that the deposit is made towards payment of a fine for commission of a crime in future, a crime which has not yet been committed! From that point another question arises, to wit: What is the duty of the press? The duty of the press, Sir, is to be compared with the duty of an advocate; the duty of a preacher; the duty of a teacher; the duty of an engineer; and the duty of a governor, in a state. All these are citizens and servants of the state. They do serve the state in their respective capacities and offices. All of them are human beings, and human nature being what it is, they are liable to err. But the legislature does not restrain them, nor restrict their liberty by calling upon them to deposit any sum of money towards payment of a fine for a future crime which is anticipated to be committed by them during

performance of their duties with a view to enhance advancement of the nation. To require a citizen of this country, by force of law, to deposit towards payment of a fine for a crime which has not yet been committed, I beg leave to submit to Your Excellency, is wrong legally and equitably. Therefore, the press in this country should enjoy the same amount of liberty and freedom which the press in Britain is enjoying. By permission I am referring Your Excellency to the opinion of a statesman of no mean importance on the question of a FREE PRESS, to wit, Lord Erskine who states:

- “ Government, in its own estimation, has been at all
- “ times a system of perfection; but a *free press* has
- “ examined and detected its errors, and the people have.
- “ from time to time, reformed them.
- “ This freedom has alone made our Government what it
- “ is; this freedom alone can preserve it; and therefore,
- “ under the banners of that freedom, to-day I stand up
- “ to defend . . . .”

**His Excellency:**

I am sorry to interrupt the Honourable Member, but the question of the principle at issue before the Council at the moment is not whether the press should be required to give security for their possible misdemeanours in the future, but whether the existing form of security which is demanded from the press should be relaxed in their favour so as to make it more easy for them to provide the necessary security.

The question of principle as to whether the press should be required to give security or not is not in issue before the House at the moment.

**The Member for the Ibibio Division (The Hon. Nyong Essien):**

I thank you, Sir. But I have heard in this House this morning that the press has committed an offence of having distorted facts in the community. If that be true, this deposit is required of the press to pay as a fine for such offence. The question is as to whether such requirement is right? Whether it is legal? And whether it is parliamentary?

The press, as I said before, Sir, is considered to be a citizen. As such, to it belongs the liberty fully enjoyed by all citizens, and the first fruit of liberty is freedom. If the press cannot enjoy the freedom provided by law, well, the title and qualification of the press as being 'FREE' would neither be true nor appropriate. Whatever quality is found in the parent is naturally found in the child. At times such quality is found more in the child than in the parent. Therefore, whatsoever may be the amount of freedom British press enjoys at Home, the same amount should be enjoyed by the press in Nigeria.

Your Excellency's person represents the British press in Nigeria. If the British press is in Nigeria, and in Britain the press enjoys full freedom, but the Nigerian press is deprived of that freedom, I beg leave to submit, Sir, that that is a wrong policy. I do not know whether there is any parallel in the statute books of Britain where the proprietor of the press, the publisher, or the printer is required by law to make such deposit. The press as a teacher in the state should be free, perhaps the freest of all citizens: because it is the herald of the people.

***His Excellency:***

The Honourable Member is still straying from the strict paths of relevancy. The issue is not as to whether a security should be demanded or not. That question is not under discussion. The question is whether the existing provisions by which that security must be provided in the form of a bond, should be relaxed in favour of the press in order that they may, if they wish, provide cash security instead of the security of bond. That is the question before the Council at the moment, and I should be glad if the Honourable Member would confine his remarks to the point at issue.

***The Member for the Ibibio Division (The Hon. Nyong Essien):***

Well, Sir, in my opinion, I am submitting to Your Excellency, that it helps this community in no way; it helps neither the Government, nor Nigeria in no way to call upon the press even to provide a surety, much less does it contribute any help to us to make such deposit. Your Excellency and your Administration are free. As such the press should be granted all possible chance of enjoying that freedom: because Your Excellency and all of us are citizens of a free Empire.

***His Excellency:***

My efforts to call the Honourable Gentleman to order appear to be unavailing.

***The Member for the Ibibio Division (The Hon. Nyong Essien):***

Well, Sir, I am submitting that this Bill should be reconsidered. I thank Your Excellency for having the patience to hear me.

***The Member for the Ibo Division (The Hon. B. O.-E. Amobi):***

Your Excellency, personally I do not feel that there is anything to grumble about this Bill. Say a company of Indians were to come to this country to become publishers, proprietors, or printers, and there are no fellow Indians in this country to sign a bond for them, and if they have the cash £250 it saves them all the trouble. All that I have to say is that this £250 should be deposited either in the bank or in the Post Office Savings Bank so as to enable the depositor to realise some interest on that deposit.

Well, supposing if this £250 were to be handed over to the Chief Secretary and the publisher commits no offence for six years, there is nothing in this ordinance or in this Bill which empowers the Honourable the Chief Secretary to give even one per cent interest to the depositor. I agree with the suggestion that the amount should be deposited in the Bank where interest will accrue.

**His Excellency:**

In the savings bank?

**The Member for the Ibo Division (The Hon. B. O. E. Amobi):**

Yes, Your Excellency.

**The First Lagos Member (The Hon. H. S. A. Thomas):**

Your Excellency, this House had already adopted the motion that a deposit of £250 should be made as an alternative to the signing of a bond, so I do not think we can properly go back on that motion.

The only point that occurs to me is that by fixing two years as the time for which a deposit shall be held, members of the public who may have an action to bring may unduly delay doing so; they may feel that they need not worry about it until after a year or eighteen months, so I feel I should ask for the curtailment of the period for which the deposit shall be held.

**The Member for Calabar (The Rev. & Hon. O. Efiang):**

Your Excellency, I rise to emphasise the fact that we have already adopted the motion that £250 be deposited as an alternative to a bond.

Again, it will not be overemphasised when we say that the money be deposited in the Savings Bank in order that the interest accruing therefrom might go in favour of the depositor, that is the publisher, proprietor or the printer. I want also to be sure that the bondsman is free or is not responsible for any libel not committed during the period of onus-ship. That is, any libel committed after he has resigned the position of a bondsman, even though his deposit with the Chief Secretary has not yet been released, he should not be held responsible or liable.

**The Member for the Warri Division (The Hon. A. Egbe):**

Your Excellency, I would record my individual support to the Bill. The only thing I wish to mention is that the money should be able to earn some interest for the depositor and on that point I agree with the Honourable Member for the Rivers Division. The money should either be deposited in the Savings Bank or the Government should allow some interest for the depositor.

**His Excellency:**

As this Bill is the result of an unofficial Motion, I should like to say that official members may have a free vote upon the Bill or upon any amendments to it.

**The Hon. the Attorney-General:**

Your Excellency, I should like if I may, to congratulate the Third Lagos Member on his maiden speech, a speech which contained material of much consequence and merit. There is no doubt, Sir, that if we do carry this amendment through just as it is, there may be a belief that the period of time within which actions for libel must be brought is being reduced to two years; but I do not think that actually that is the effect of the amendment, Sir. We simply say that the cash remains available for two years. That was because it is hardly reasonable to retain the cash deposit for a longer period than is considered reasonable to enable the action to be brought, and two years is really ample time. It is true that the Statute of Limitation fixes six years within which an action may be brought but in this case there would be the question of the individual being out of pocket for a period of six years if the amount deposited was kept for that time; but, Sir, I think that would be partly met by the request the Honourable Members have made, namely that the deposit should be entitled to bear interest. Your Excellency, I have it on your authority to say that an Executive Order will be issued that any money deposited in the hands of the Chief Secretary under this amending Bill will be deposited in the Post Office Savings Bank and bear interest at the current rate.

Then we get back to this point: if in view of the fact that with the deposit invested in the Post Office Savings Bank there is no hardship inflicted on the individual who has deposited the £250, should we not specify that this money must remain for the six years. I do not think that Honourable Members can have it both ways, Sir. If they want the deposit to bear interest, the money should be available for the full period. If they do not want the full period, Sir, they should not be given interest for a lesser period! I think, Sir, it should be up to the House to decide that question; and perhaps it might be well to test the feeling of the House by my moving a small amendment at the Committee stage.

I agree with the Honourable the Third Lagos Member's suggestion to get over this difficulty, namely, that the proviso clause in page 3 should have the words "for a period of two years" deleted. This will mean we will not be interfering with the law of libel, and the surety will be liable on a bond for the same length of time during which the principal himself will be liable for any action brought against him; I suggest, Sir, in order to meet the wishes of Council, we should provide in paragraph (b) that the original deposit will remain on deposit for a period of six years and

that it will bear interest, and that we should delete the words "for a period of two years" in clause 3. I do not see how Honourable Members can have it both ways.

*Bill read a second time.*

*Council in Committee.*

*Clause 2.*

***The Member for the Rivers Division (The Hon. S. B. Rhodes):***

Your Excellency, I would like to move an amendment to clause 2 "provided that the Chief Secretary accept a deposit of £250 from the proprietor, printer or publisher in lieu of such surety or sureties" and I would like to add these words "Such deposit when made shall be deposited at the Post Office Savings Bank and any interest accruing therefrom credited to the depositor". I prefer to have that amendment than Executive Orders (Laughter).

***His Excellency:***

Well, I am sure the Honourable Member does not doubt the good faith of the Government in the matter! There are advantages in having such a thing embodied in the Bill. Does the Financial Secretary see any objection?

***The Hon. the Acting Financial Secretary:***

No objection, Your Excellency.

***The Hon. the Attorney-General:***

I give the Honourable Member fair warning, Sir—I am going to stick out for a six-year period. (Laughter).

***The Member for the Egba Division (The Hon. A. Alakija, C.B.E.):***

Your Excellency, I am not in favour of six years. It is a long time. I think two years will be long enough, but I am very much in favour of interest.

***His Excellency:***

Would the Honourable Member for the Rivers Division be good enough to put the amendment in writing and hand it to the Clerk?

***The First Lagos Member (The Hon. H. S. A. Thomas):***

Your Excellency, paragraph (g). I move that the period of two years should be six months if no civil action is pending.

***The Third Lagos Member (The Hon. Jibril Martin):***

I want to suggest, Sir, that it should read: "Provided that the Chief Secretary may on the application of the proprietor printer and publisher accept a deposit of £250 . . . ." so that it will only give the Chief Secretary the power to accept this,

**His Excellency:**

The Chief Secretary cannot accept what he is not offered. This does not give him power to demand, but only to accept it. I think the wording of the Bill makes that quite clear. The word is 'accept' not demand, and you cannot accept what is not offered. It means that unless the application is made to him, this proviso will not be applicable.

No, the Chief Secretary can only accept what is offered to him. If nobody comes to offer it to him, then the question does not arise. It does not say "provided the Chief Secretary may demand". He can only accept it. But the words suggested by the Honourable Member seem to me unnecessary because he cannot accept it unless an application is made; that is implied in the Bill already.

**The Hon. the Attorney-General:**

Sir, I think that if the Honourable Member will look at the opening lines of the section to which this is a proviso—the section reads:

"No person shall etc. . . . . provided that the Chief Secretary may accept £250 instead of . . . ."

I think that makes it clear, Sir.

**The Third Lagos Member (The Hon. Jibril Martin):**

Your Excellency, I withdraw the remark, but I want to point out that it is not my intention to ask the Attorney-General to make an amendment in order to keep the deposit in the hands of the Government for six years. What I do ask for, is that if it is meant to limit the cause of action to two years, by all means it should be definitely stated. That is what I am asking for, so that no one will make any mistake in saying that under the Statute of Limitation he still has the right to bring his action within six years, or entertains doubt as to the real intention of the Legislature to limit the cause of action to two years.

I want it to be so worded that nobody would escape from it.

**His Excellency:**

It is not so intended. It is not intended to limit.

**The Third Lagos Member (The Hon. Jibril Martin):**

Well, Sir, I do not like that the money should be tied up for six years.

**His Excellency:**

Well, we have an amendment moved to sub-section 2, to substitute the words "six months" for the words "two years". I will put that amendment to the Council, unless any Honourable Member wishes to address the Council, on that point?

**The Hon. the Attorney-General:**

It seems to me, Sir, that we are going entirely to destroy the security of the general public if we provide that where an individual has the right at law to bring an action for libel within six years, we are going to provide that his security (the security upon which he will hope to satisfy the judgment of that action) shall be dispersed in six months. I think if that amendment is carried it will be going against, and further complicating the complications the Third Lagos Member has already indicated. I do not see how the Government can accept, or how this Council can accept the suggestion that where a man has six years in which to bring his action, we should deliberately pass legislation saying that we shall only make the cash security available for six months. I do not think it is right, Sir. I think the fairest thing is that if interest is to be paid on this money, it should be looked upon as an investment for six years. If the injured party has a right to bring the action within six years; we should also provide that the surety should be made liable for six years or some considerable portion thereof at least.

I think, Sir, the correct amendment that should be moved is the substitution of the word 'six' for the word 'two' in paragraph (d) of clause 2, and the deletion of the words "for a period of two years" in clause 3 which I will move subsequently.

After considerable discussion, it was decided by the Council to amend sub-clause (e) of clause 2 to read as follows:—

"(e) The Chief Secretary shall deposit all sums which may come into his custody in accordance with the provisions of this Ordinance, in the Post Office Savings account and the interest on any such sums or on any portion that may remain shall accrue and be payable to the person who deposited the sums in question with the Chief Secretary."

An amendment to substitute in sub-section (d) of clause 2 of the Bill the words "six months" for the words "two years" was rejected by the Council.

**The Member for the Egba Division (The Hon. A. Alakija, C.B.E.):**

Your Excellency, I say that it should stand for two years; to make it six years would be asking the law to give undue assistance to a person who should be vigilant, to sleep over his right, and to make it less than two years would rob a person who is not aware of any libel against him, on account of his absence from town of his chance to recover anything for the wrong done him as the offender would have made away with his money within six months.

Two years is quite ample in my humble opinion for the Chief Secretary to hold the security and although the Statute of Limitation prescribes six years, I humbly recommend that the two years should stand.

***The Hon. the Attorney-General:***

Well, Sir, I think that perhaps if we leave it at that, it really means that the Government are taking steps to ensure that a man is safe for two years.

***The First Lagos Member (The Hon. H. S. A. Thomas):***

Your Excellency, before we go to clause 3, what will be the position of the man who closes down and goes away? Will he still be earning interest on his money?

***The Hon. the Acting Financial Secretary:***

Your Excellency—I take it it will be open to such a person to execute a bond and get his money back in that way.

***The Hon. the Attorney-General:***

Your Excellency, the Honourable the Third Lagos Member has done the Council a good turn by drawing attention to the advisability of amending clause 3. If we delete the words 'for the period of two years' it will relieve any possible doubt as to the application of the Statute of Limitations in these cases. We will not be altering the intention of the clause. We want to provide that the person concerned is liable for the full time. The man who made the cash deposit will still be liable for six years, but the Government is only taking steps to ensure that the money deposited is kept in custody for two years. In that case we ought to repeal these words "for a period of two years." It will not render the man with the bond liable for any greater period, but it will clarify the position and remove the possible argument anticipated by the Third Lagos Member.

I therefore beg to move that in clause 3 the words "for a period of two years" in line two, be omitted.

*Amendment accepted by Council.*

*Bill read a third time and passed.*

THE PUBLIC HEALTH (AMENDMENT) ORDINANCE, 1941.

***The Hon. the Attorney-General:***

Your Excellency, I beg to move the second reading of a Bill for "An Ordinance to amend the Public Health Ordinance."

When I moved the first reading yesterday, I mentioned I would have to make two amendments to this Bill. I have the amendments ready and will move them in Committee.

*Bill read a second time.*

*Council in Committee.*

*Clause 3.*

**The Hon. the Attorney-General:**

Your Excellency, when moving the first reading yesterday, I explained that it was proposed to transfer two of the paragraphs from section 43 of the Public Health Ordinance to section 45, and I therefore propose to move the necessary amendment now.

I beg to move that clause 3 be amended by the addition of the following words thereto; I will read the amendment the text of the two sub-sections therein has come directly from section 43:—

“(3) by inserting therein immediately after paragraph (6) (as substituted by the Public Health (Amendment) Ordinance, 1931) the following further paragraphs:—

“(6A) For preventing in any place where an infectious disease exists, the holding of public meetings or the performance of funeral or other native customs likely to tend to the dissemination of such infectious disease;

“(6B) For the destruction of rats, mice and other kinds of vermin, and of mosquitoes, mosquito larvæ or pupæ, fleas, bugs, or any other such parasites as it may be deemed advisable to destroy and for rendering houses rat-proof;”.

**His Excellency:**

The effect of that amendment is not, I take it that rats, flies, fleas, bugs or any other such parasites cannot be destroyed without the prior approval of Government! (laughter)

*Amendment accepted by Council.*

*Clause 4.*

*Clause 5.*

**The Hon. the Attorney-General:**

Your Excellency, in consequence of the amendment made to clause 3, it is now necessary for us to repeal the two corresponding paragraphs of section 43 and at the same time ensure that any rules made therewith are kept alive. I therefore beg to move the addition of a further clause as follows:—

I beg to move that the Bill be amended by the addition of the following clause thereto:—

“6. Paragraphs (9) and (10) of section 43 of the principal Ordinance are hereby repealed:

Provided that any rule made under section 43 in respect of the matters provided for in paragraphs (9) and (10) which are hereby repealed shall be deemed to have been made under the corresponding provisions of section 45 and shall remain in full force and effect."

*Amendment accepted by Council.*

*Bill read a third time and passed.*

THE STAMP DUTIES (AMENDMENT) ORDINANCE, 1941.

**The Hon. the Attorney-General:**

Your Excellency, I beg to move the second reading of the fourth Bill standing in my name, namely: "An Ordinance to amend the Stamp Duties Ordinance, 1939."

*Bill read a second time.*

*Council in Committee.*

*Clause 6.*

**The Third Lagos Member (The Hon. Jibril Martin):**

I think, Sir, in the third line it should be "or in any" those are the words in the principal Ordinance, at the beginning of the second line.

*Amendment to above effect accepted by Council.*

*Bill read a third time and passed.*

THE NIGERIAN SAVINGS CERTIFICATES ORDINANCE, 1941.

**The Hon. the Acting Deputy Financial Secretary:**

Your Excellency, I beg to move that the Bill for "An Ordinance to authorise the raising of a loan for the purpose of the present war and the issue of Savings Certificates therefor", be read a second time.

*Bill read a second time.*

*Council in Committee.*

*Clause 1.*

**The Hon. the Acting Deputy Financial Secretary:**

Your Excellency, I beg to move the insertion of the date 14th day of January, 1941.

*Amendment accepted by Council.*

*Clause 5 (2).*

*The Member for the Rivers Division (The Hon. S. B. Rhodes):*

Clause 5 (2), Sir, reads thus. Now, as I understand the position, a regulation can be made and it is acted upon, then that regulation comes before this House and we say, we do not like the look of it, we do not want it. But all that is contained under that regulation is law. Well, Sir, what is to prevent the Government going on making regulations, act on them and passed them, and we say it is no use, but it is done. The Legislative Council is powerless.

*His Excellency:*

Well, the alternative is to delay the making of the regulations until they can be approved by the Council beforehand, and that is very undesirable. The Honourable Member will understand the working of a system like this may possibly need some minor amendment in the regulations, and if the Honourable Member thinks that I ought to summon the Legislative Council to come from all over the country to discuss a verbal amendment in the legislation well, I am prepared to do so.

*The Member for the Rivers Division (The Hon. S. B. Rhodes).*

Not that, Your Excellency. I look at the position this way, that as it stands the Legislative Council is powerless, because everything can be done even if we say we do not want it—it is done already; but you have several members resident in Lagos to form a quorum at any time—I do not know whether any amendment was suggested. I am only commenting on it.

*His Excellency:*

Well, I have called the Honourable Member's attention to the fact that this is in fact the first time that regulations made by me have been required to be laid before the Legislative Council at all. The Honourable Member is, I think, looking a gift horse in the mouth.

*The Hon. the Acting Deputy Financial Secretary:*

Your Excellency, I would like to draw the attention of Honourable Members to the fact that we have drawn up and published in full the regulations which are necessary to carry out the scheme and they go into very considerable detail, we should be quite ready to accept any amendment that seems suitable to these regulations in order to ensure that they at least start off on agreed basis.

*Clause 5 (2) accepted.*

*Bill read a second time.*

**The Hon. the Acting Deputy Financial Secretary:**

Your Excellency, I beg to move that the Bill be now read a third time as amended and be passed.

*Bill read a third time and passed.*

**His Excellency:**

Perhaps the mover of the Bill will tell us how soon Honourable Members of the Council will be able to queue up at the Post Office to obtain their Savings Certificates?

**The Hon. the Acting Deputy Financial Secretary:**

It is hoped, Sir, that these Certificates will be on sale at all Post Offices and at branches of all banks on Monday next.

THE LAGOS (ROADS, DRAINS AND MARKETS IMPROVEMENT)  
(AMENDMENT) LOAN ORDINANCE, 1941.

**The Hon. the Acting Deputy Financial Secretary:**

Your Excellency, I beg to move that the Bill entitled "An Ordinance to amend the Lagos (Roads, Drains and Markets Improvement) Loan Ordinance, 1938", be now read a second time.

*Bill read a second and third time and passed with the amendment that a full stop was substituted after the figure "1" in the third line.*

THE ALIENS (AMENDMENT) ORDINANCE, 1941.

**The Hon. the Attorney-General:**

Sir, I beg to move the second reading of the Bill for "An Ordinance to amend the Aliens Ordinance."

*Bill read a second time.*

*Bill read a third time and passed.*

THE ALIENS RESTRICTION (AMENDMENT) ORDINANCE, 1941.

**The Hon. the Attorney-General:**

Sir, I beg to move the second reading of a Bill for "An Ordinance to amend the Aliens Restriction Ordinance."

*Bill read a second time.*

*Bill read a third time and passed.*

THE CAMEROONS UNDER BRITISH MANDATE ADMINISTRATION  
(AMENDMENT) ORDINANCE, 1941.

**The Hon. the Attorney-General:**

Sir, I beg to move the second reading of a Bill entitled "An Ordinance to amend the Cameroons under British Mandate Administration Ordinance, 1925."

*Bill read a second time.*

*Bill read a third time and passed.*

THE IMMIGRATION RESTRICTION (AMENDMENT) ORDINANCE, 1941.

**The Hon. the Attorney-General:**

Sir, I beg to move the second reading of a Bill "An Ordinance to amend the Immigration Restriction Ordinance, 1939."

I will have to move one amendment.

**The Hon. the Senior Resident, Owerri Province:**

I beg to second.

*Clause 6.*

**The Hon. the Attorney-General:**

Your Excellency, clause 6 is the one to which I refer. As the amendment is drafted, it is incorrect in one respect and not quite clear in another. I beg to move that clause 6 be deleted and the following inserted:

"6. Sub-section (2) of section 13 of the principal Ordinance is hereby amended—

(a) by substituting the word 'recommendation' for the word 'order' appearing in the first line thereof; and

(b) by substituting the words 'pending the making of a deportation order by the Governor in Council and thereafter,' for the words 'pending confirmation of such order and' appearing therein."

Slight confusion was caused there originally, due to the fact that the original Ordinance was coupled with the Deportation Ordinance. The amendment does not affect the principle of the Bill in any way, Sir.

*Bill as amended read a second time.*

*Bill as amended read a third time and passed.*

## THE WORKMEN'S COMPENSATION ORDINANCE.

*The Hon. the Acting Chief Secretary to the Government:*

Your Excellency, I beg to move the second reading of a Bill for "An Ordinance to provide for the payment of compensation to Workmen for injuries suffered in the course of their employment". I shall move amendments to clauses 4 and 10 in Committee.

*The Member for the Egba Division (The Hon. A. Alakija, C.B.E.)*

May it please Your Excellency, I personally wish to congratulate Government in introducing this Bill after many years of consideration. It is the first time in Nigeria that the workmen are having this protection from fatal accident and from injury received during the course of their employment.

The history which surrounds such compensations which employers are compelled to provide for those employed has been described by the Chief Secretary yesterday, and those of us who are lawyers are quite aware of the difficulties encountered even in England, before what we can call perfection is reached by now.

In Lagos or rather Nigeria it is a different position altogether. We have no Trade Union, we have no one qualified to defend labour. We have many workmen who are illiterate, and if we are not very careful we shall be defeating the very object which this Ordinance intends to achieve. The Honourable the Chief Secretary yesterday admitted that there are difficulties in the way and that we should try to benefit by experience. I quite agree with him. Under the Objects and Reasons, this law is framed from the laws of "other West African dependencies." I should have liked to have this law however simple in form it is intended to make it, to be framed as near as possible to the English Acts. This would enable us here to refer to decided cases and assist our judges to interpret the law from time to time when necessity arises. As it is—I am speaking of this Bill in principle, for if we have to go into details it will take a very considerable time—this Bill should be referred to a Select Committee. As was done in the case of the Trade Disputes Bill, I am asking that Your Excellency may be pleased to appoint a Select Committee to make suggestions on some vital points in the Bill, particularly paragraphs 6, 7, 8 and 9. While the workmen would be very thankful to Government for making this provision, I think we should try as far as possible to provide a little more than we have made provision for; otherwise in case of death or in the case of some permanent injury the workmen would suffer.

I do not think, in my opinion, that adequate provision is made to protect the workmen. After all is said and done, the greatest employer of labour is Government itself. A few firms in Nigeria

and the railway will also bear a fair share of this burden. Now that Government, as father of the people, has seen fit to introduce a measure of this sort, I think it should be as complete as possible in form and we should not be mean about it. I know we shall have to benefit by experience as time goes on, but if we go first to a Select Committee we will receive valuable suggestions from people who are competent to deal with this matter.

I should like to say that in principle I support this Bill.

*The Third Lagos Member (The Hon. Jibril Martin):*

May it please Your Excellency, I rise to support the Honourable Member for Egba Division in asking that this Bill be referred to a Select Committee. I have to congratulate the Chief Secretary in introducing the Bill because he has not only helped us to understand the aims and objects of the Bill, but has given us historical outlines of the different stages through which the workmen's compensation passed in England before it reached its present final stage. There had been no doubt serious controversies between the employers and employees before it reached that stage, and the Act now in force in England is the Workmen's Compensation Act of 1925. This important matter has been receiving consideration of the Government of Nigeria for years, and the Honourable the Chief Secretary informed the House that it has taken the Government about ten years to consider the Bill before introducing it into this House, so I think a matter which has taken the Government such a long time to consider, and the introduction of the workmen's compensation being the first attempt ever made in a young and undeveloped country like Nigeria, it is a matter in which not too much time and attention can be given for its consideration by the general public.

As a matter of fact, I think the data, so far in the hands of the Government are also incomplete because in one instance the Government itself confesses to inability to interpret a certain term "tributer". Tributer, as defined in the Bill, means "a person who is one of the class of persons known as tributers". The Honourable the Chief Secretary informed the House that up till now they have not agreed on the clear definition of "tributers". I therefore respectfully submit that if a Select Committee is appointed to go into the different features of the Bill, particularly as it is not an urgent Bill, because if even it is passed in this House it will take some time for the Bill to come into operation. At least it will take about a year or so in order to enable all the employers to arrange with the Insurance Companies.

According to my information, tributer is "a workman or contractor engaged by a lessee of a mining lease or a holder of a prospecting licence or mining right to win, obtain or prospect

minerals at a price per measure or weight agreed upon by both parties". If this definition is correct, I think, tributers are among the class of workmen which the Bill is seeking to protect and benefit by its provisions. I beg respectfully to support the request of the Honourable Member that the Bill should be referred to a Select Committee.

***The Member for the Rivers Division (The Hon. S. B. Rhodes):***

Your Excellency, whereas I support the request made by the Honourable Member for the Egba Division that this Bill be referred to a Select Committee, the only difference I have is with the word "select". Considering the fact that the Honourable the Mining Member who is responsible for employing vast number of labourers in this country, the Honourable the Member for Shipping and the Honourable the Commercial Members for Port Harcourt, Kano and Calabar all being in Lagos just now, I would ask that this Bill be referred to a committee of the unofficial members of this House, who will see to it, say tomorrow, and not a Select Committee, because actually the men who are capable of expressing their views in connection with this Bill are all away from Lagos and I do not know whether they could be brought down especially for the Select Committee. As they are all here now, I am asking that advantage be taken of their presence and the matter be referred to a committee of all the unofficial members, or to include some official members.

***The Hon. the General Manager of the Railway:***

With reference to the Select Committee, Sir, I would like to suggest, regarding the point which the Honourable Member for the Rivers Division has just mentioned, that most of the individuals referred to by him have their counter-parts here in Lagos—the people who operate ports or private wharves and the mining interests have representatives in Lagos to whom reference can be made if required. I think a Select Committee is necessary, Sir, because there are some—in fact, very many—fine points which will arise under examination by a Select Committee, which points would, I consider be rather difficult to discuss in a general committee of the House. Moreover, such discussion would take up a considerable amount of time.

We found, Sir, with the last Select Committee, that our discussion occupied considerably more time than was anticipated. I think the Honourable the Attorney-General fondly believed that we would settle any contentious points in a few minutes. We were there, Sir, for two hours, and I submit we are frequently inclined to underestimate the work involved and think it is going to take a lot less time than it actually does. I therefore consider it is important that the Bill should go to a Select Committee.

**His Excellency:**

I am inclined myself to agree that reference to the Finance Committee or a Select Committee composed of that Standing Committee plus one or two additional members would not meet the difficulty foreseen by the Honourable Member for the Rivers Division, because this Bill will take a good many meetings of even a small Select Committee to discuss, and the larger that committee, the longer it will take to produce a report. At least, that is my experience of committees. It is a very difficult piece of legislation. As the Honourable and learned Members who have had legal experience have already said, it is a fact at the present moment that there are three or four times as many appeals to the House of Lords under the Workmen's Compensation Act in England than there are under any other single piece of legislation. It is extraordinarily difficult. It has taken the Government ten years to produce a Bill at all, and we cannot pretend that that Bill is perfect.

I think it is most desirable that the Bill should be considered by a committee, but I think a comparatively small Select Committee will answer the purpose better in a highly technical matter of this kind than the rather larger Standing Committee of the Finance Committee; and it will be possible for the Select Committee to secure the evidence of persons with expert knowledge of mining and that sort of thing. If the Mining Member is not on the Select Committee, it will be possible for the Select Committee to ask him to come down here to examine the problem. It is a thing that wants going into very carefully and I think consideration by so large a committee as the Standing Committee on Finance would be scarcely more effective than its consideration by the committee of the whole Council. I think a Select Committee would on the whole, be preferable, and I would announce the composition of the Select Committee after consulting Honourable Members.

**The Hon. the Acting Chief Secretary to the Government:**

Your Excellency, the next Bill is consequential to this Bill, and perhaps it should also be referred to the Select Committee.

**His Excellency:**

As there has been no debate on the principle of the Bill, I will not call on the Honourable Member for his reply.

*The Bill was read a second time.*

**The Hon. the Acting Chief Secretary to the Government:**

Your Excellency, I beg to move that the Bill "An Ordinance to provide for the payment of compensation to Workmen for injuries suffered in the course of their employment" be referred to a Select Committee.

*Bill referred to a Select Committee.*

*Names of Members of Committee to be announced later.*

## THE COMPANIES (AMENDMENT) ORDINANCE, 1941.

**The Hon. the Acting Chief Secretary to the Government:**

Your Excellency, I beg to move the second reading of a Bill for "An Ordinance to amend the Companies Ordinance".

*Bill read a second time.*

**The Hon. the Acting Chief Secretary to the Government:**

I beg to move that this Bill be referred to the same Select Committee as the Workmen's Compensation Ordinance.

*Bill referred to the Select Committee.*

## THE GOVERNMENT SERVANTS' PROVIDENT FUND (AMENDMENT) ORDINANCE, 1941.

*Read a second and third time and passed without amendment.*

## THE RAILWAY SERVANTS' PROVIDENT FUND ORDINANCE, 1941.

**The Hon. the Acting Deputy Financial Secretary:**

Your Excellency, I beg to move that a Bill entitled "An Ordinance to establish a Provident Fund for certain non-pensionable Servants of the Nigeria Government Railway" be now read a second time.

**The Hon. the General Manager of the Railway:**

I beg to second.

**The Third Lagos Member (The Hon. Jibril Martin):**

May it please Your Excellency, I am informed that sometime in 1939 an attempt was made to introduce a similar Bill and though it was published in the Gazette yet the Bill never came up before the House. The Bill, I understand was on the same lines as the present one. Well, the Honourable the Acting Deputy Financial Secretary yesterday told us that as far as the present Railway officials are concerned they have nothing to fear, because none of the privileges which they now enjoy will be taken away from them. I think while we are thinking of the dead, we must think also of the living and the future generation.

The question of a Provident Fund is a very thorny one as far as the Railway African staff is concerned. I think it was because they can get no better thing, that was why they had to submit to the Railway Provident Fund and that that is so will be amply proved by the fact that since the introduction in 1916 of the Provident Fund not a year passed without a petition or representation praying for its abolition coming from the Railway African staff. The Railway African staff agitated over and over again that like their brethren in the Government service they should be

allowed to enjoy the pension rights, and I think right up to the year 1939 if I rightly remember, they still go on agitating that what they really require is not a Provident Fund but a pension. But it is largely for the sake of economy that the Provident Fund was introduced among the Railway African staff. And if we say that it is more conducive to the economic running of the Railway that the Provident Fund is introduced among the African staff, it is but fair that the fund should be introduced among the European staff as well.

Now as I say, the scheme, or the fund, was introduced as far back as 1916, not at the request of the African staff but because the Government thought that that was the best thing to do, from economical point of view, and several years passed before they are brought to the present stage, and I think it is as far back as 1927 that the Government thought fit that it was necessary to appoint a committee to go into the grievances of the Railway staff, which recommended that service gratuities should be given in addition to the benefits under the fund. It is true there was no difference whatsoever as far as this Bill is concerned between it and the present Ordinance. The only thing is that the future generation will be deprived of the service gratuity.

It is true that the present staff have nothing whatsoever to fear, but if we think that at the present time it is necessary to give all those privileges to the present staff, well I think there is no reason whatsoever assigned by the Government to justify its present attitude of departing from the present position, *i.e.*, to deprive the future generation of the enjoyment of the service gratuities. Now I am appealing for the sympathy of the whole House in favour of a section of the community who would have been enjoying pension rights but for the sake of the economic working of the Railway it was thought fit that they should enjoy a lesser privilege than that granted to their colleagues in the Civil Service of Nigeria. I think Your Excellency will grant me a very great indulgence, because I am not going to deal lightly with this matter; it is a matter of importance and it is a matter which, if debated for about a day or two will not be considered a waste of time. I am also asking Your Excellency's indulgence that you will listen to me attentively, because I shall have to support my remarks on the subject by references to books relating to the Provident Fund.

Well, as I say, Your Excellency, it was I believe some time in 1917 or so that Major Waghorn came to Lagos in order to investigate the working of the Railway system. It was not until 1923 that Colonel Hammond was commissioned to come down to Nigeria in order to investigate the workings of the Railway and he arrived in Lagos on the 15th November, 1923. The Terms of Reference given to him by the Right Honourable the Secretary of State was "to investigate and report upon the existing system of management of the Nigerian Railways with a view to increased

efficiency and economy, with special reference to the internal organisation and working of the Railway Department, its financial affairs, the rates charged, and the conduct of its business alike with the public and with other Government Departments."

He left Nigeria on the 14th March, 1924; he went to Sierra Leone and he furnished his report in August, 1924. That was published in book (foolscap size) of 203 pages with fifteen Appendices. To enable the House to appreciate the position I think I can do nothing more than to read a certain portion of the report made by Colonel Hammond. I refer, Your Excellency, to paragraph 223 and a portion of paragraph 224. I do not want to waste the time of the House, Your Excellency, hence I am referring only to a very small portion of Colonel Hammond's Report and that is all.

" 223. The Nigerian Railway is more fortunate than the railways of the other West African colonies in that their African staff is non-pensionable, a Provident Fund having been established in 1915. After the war, while the boom was at its height, the Railway authorities became alarmed at the number of native employees who were leaving the service voluntarily in order to engage in trade, and they recommended the re-institution of pensions. The recommendation was not approved, and with the advent of the slump matters righted themselves. The recommendation was put forward at a time when the Railway was being asked to cope with a traffic much in excess of any previous demands and entirely beyond its powers, while their trained staff was rapidly decreasing in numbers. At such a crucial time the advantages which it is hoped to gain in the immediate present tend to obscure the permanent objections. If the advice had been followed, the Railway would have automatically surrendered many of the powers which the Government held in respect of Railway employees and given to all of them the full status and privileges of civil servants. When a really big boom is in progress, too, it is doubtful whether the distant prospect of a pension will have much more effect than a Provident Fund in retaining men in the service when they think they see a chance of making their fortunes outside. In this case also, by the time the legislation had been passed and the matter settled, the cause would have been removed, as the boom would have been over, although it is fair to say that the Railway did not know how long it was going to last. The Railway authorities have, therefore, cause to congratulate themselves that their recommendation was not accepted and I think that they are amongst the first now to recognise that fact.

" 224. Once they are confirmed in their appointments, the whole of the European staff come on the pensionable list. I would urge most strongly in the interests of the Railway

that this should be altered and that all European employees engaged in the future should contribute to a Provident Fund and cease to have pension rights.

"The principal objections to the European staff being pensionable is that they thereby become civil servants of the Colony and subject to the regulations for that service. These are quite unsuited for the conduct of a Railway, which it is recognised officially should be run as far as possible as a business concern. The functions required of a Civil Service and a Railway, though they may resemble each other in the higher ranks and in one or two specified departments, such as the Accounts and Stores, are, as a whole, very dissimilar.

"Other objections to a pension system are that it breeds a spirit of prescriptive right and continuity in office, which is not conducive to the highest efficiency. Several heads of departments, both in this and other West African railways, have remarked to me that often men will work keenly until they are confirmed, but as soon as they are, their work and keenness deteriorate. They realise that it is not so easy to get rid of them and consider themselves settled for life. One incentive to good work has thus vanished. It is not pretended that this is universal, but it is by no means uncommon. It is true that it can be checked to a certain extent by withholding annual increments, but it may not be so marked in any one year as to call for this. One is a constant preventive always reacting on the man's mind; the other only a punishment after deterioration has been shown.

"There is often reluctance on the part of senior officers to get rid of a man who is reaching his qualifying period. He may have in the past done good work and only become inefficient during the later years of his service. The head of the department may feel unwilling to recommend his dismissal, as the man would probably lose a good portion of his pension. He is thus allowed to complete his time to the detriment of the service, whereas under a Provident Fund scheme he could be given either the whole or part of the Government contributions and interest, according to the circumstances of the case, and allowed to go.

"Another argument against pensions is that when retrenchment has to be carried out it is difficult to get rid of a man and compensation has to be paid, whereas with a Provident Fund the Railway can dispense with his services at will and he takes away with him his full contribution and bonus, if earned. Although with its present programme of expansion this point may not apply to the Nigerian Railway at the moment, it may be of importance in the future."

• Now, as I have said, Sir, Your Excellency and the Honourable Members will have been impressed by the fact that the African staff of the Nigerian Railway were far from being satisfied with the Provident Fund since its inception and they, along with the European staff, have been agitating for its abolition and the substitution of pension rights in its place. The European staff however succeeded, and I believe the Ordinance enacted in their case has been repealed.

Before proceeding further, Sir, I wish to invite attention to the speech made as far back as the 18th February, 1924, during the time while Colonel Hammond was in Nigeria. It was a speech made by the then First Lagos Member, the late Mr J. Egerton Shyngle. He championed at the Budget Session the cause of the African staff and very strongly advocated for the sake of efficiency and equality the placing of the African staff on the pensionable establishment as was done for the European staff of the same Department. With Your Excellency's permission I now read from pages 115 and 116 of our local Hansard, 4th Session, 1923 (February 11th to 18th, and February 19th, 1924). I am starting just at the middle of page 115.

“ . . . . . Perhaps, if I am not wearying Your Excellency and Honourable Members, I may be allowed to mention another matter, and that is the question of the Provident Fund which I raised at the Committee Stage. The fund is very unpopular amongst the Railway officials. It was started, as it was stated at the time, to benefit the African employees, and it was understood that they would have a contribution from the Railway of 100 per cent on their deposits. This was subsequently reduced to seventy-five per cent. I think the terms of their agreement admit of that, but there is this, as I pointed out to the committee, the employees prefer to be under the pension scheme. My attention was called by the Honourable the Chief Secretary to the Government to the fact that Colonel Hammond was not prepared to consider anything of the sort. (His Excellency:—Colonel Hammond thinks that they should not be on the pensionable establishment but should contribute to the Provident Fund. He is inclined to the view that even the European staff should not be on the pensionable establishment and that they should be contributors to the Provident Fund. The reason given is that the services of all Railway employees should be under such control as may subject them to instant dismissal if and when necessary). That objection should be applicable to the whole of the staff. I have always understood that any member of the Civil Service is subject to instant dismissal if he fails to give satisfaction. Offices are held under the Crown during His Majesty's pleasure. But the point I wish to make is this—you say that you have instituted a Provident Fund for

the benefit of these people, but they say that they do not like it, as it is not doing them any good. They prefer to come under the pension scheme. I am not prepared to waste the valuable time of Your Excellency to state what are the causes of the dissatisfaction, but Your Excellency may take it from me that there is a great deal of dissatisfaction with respect to the Provident Fund, and if there is anything that can be done to relieve this dissatisfaction, it should be done, because, after all, it is the policy of every good business concern or every good Government that its servants should feel happy and comfortable, as far as it is possible to make them so. Even in ordinary domestic affairs, when you find your servant grumbling, you will endeavour to find the cause of his dissatisfaction, with a view to removing it, if possible."

That shows the position of things as far back as 1924 before Colonel Hammond furnished his report to the Secretary of State which was dated the 30th August, 1924. Though Colonel Hammond recommended the grant of certain benefits to the Railway staff, yet his report was not adopted by the Nigeria Government until the appointment of another committee some time in 1926. It is that committee which after thorough investigation into the whole matter pertaining to the fund that finally recommended the payment of service gratuity to a retired Railway official.

The committee, Your Excellency, was appointed at the latter part of 1926 and it was during the regime of Your Excellency's predecessor, Sir Hugh Clifford, to enquire into the conditions and working of the Railway Provident Fund, with the late Major W. Birrell-Gray the then Resident of the Colony, as Chairman. It was on 21st March, 1927, this new committee submitted their well known report and recommendations to the Honourable the Chief Secretary. I will just read the pertinent portions of the report, Sir, and with Your Excellency's permission I am also going to read the covering despatch to the Secretary of State, because there again the Officer Administering the Government supported the report. The report as well as the despatches to and from the Secretary of State was published as a sessional paper—Sessional Paper No. 25 of 1927. Paragraphs 1, 2, 7, 8, 9 and 10 read as follows:—

"In accordance with instructions contained in Chief Secretary's letter No. 03815/184 of 20th October, 1926, the committee appointed by His Excellency the Governor 'to enquire into the conditions and working of the Railway Provident Fund as at present constituted and to suggest what amendments or additions are necessary to make the benefits obtained under it more commensurate with those obtainable under the Pensions Laws and Regulations' have the honour to submit their report.



(5) In the event of a depositor dying as the result of injury received in the execution of his duty, who has not received any gratuity under sub-section (4) above, there should be payable to his estate a special gratuity equivalent to one-twentieth part of his annual salary for each completed year of service up to a maximum of one year's salary.

(6) A depositor on compulsory retirement for the purpose of facilitating improvement in the organisation of the Railway by which greater efficiency and economy can be effected, should be granted a special gratuity equal to one-twentieth part of his annual salary for each completed year of unbroken service in the Railway up to a maximum of one year's salary, provided he has completed not less than ten years of such service, and provided also that he cannot be absorbed into any other Department of the Railway on the same emoluments which he was enjoying at the time of his compulsory retirement.

" 9. In support of this recommendation the committee attach the following Appendices.

*Appendix I*

I. A statement showing the benefits obtained year by year under the existing Provident Fund as compared with those obtained under the Pensions Ordinance.

*Appendix II*

II. A statement showing at every period of five years existing benefits of the Provident Fund as compared with the existing benefits under the Pensions Ordinance.

*Appendix III*

III. A statement showing at every period of five years the benefits that will accrue to Railway employees if the recommendations of this committee are given effect to.

*Appendix IV*

IV. A memorandum explaining the recommendations in paragraph 8 above and the resultant differences arising therefrom as set out in Appendices II and III.

" 10. In submitting the above recommendations the committee are of the opinion that the award of this gratuity which is based on the similar grant to pensionable officers under the Non-European Officers' Pensions Ordinance together with other recommendations dealt with in subsequent paragraphs will do much towards carrying out the terms of reference "

That, in short, is the position, Sir, and it was on the 8th July, 1927, that by a despatch No. 606 the Officer Administering the Government forwarded and recommended the report of the committee to the Secretary of State for his approval. I shall read only paragraphs 1, 2, and 3 of the despatch:—

“ I have the honour to refer to your despatch No. 973 dated the 31st of July, 1926, and to transmit herewith for your consideration copies of the report of the committee appointed to enquire into the conditions and working of the Railway Provident Fund.

“ 2. In paragraph 7 of the report the committee advise that the fund should continue, subject to certain modifications of the existing conditions, and in paragraph 34 they allude again to this point. The advantages of the fund as opposed to those of a pensions scheme have been discussed exhaustively in the past and it is not necessary for me to examine them again here. I would only say that in the opinion of successive General Managers, of Major Waghorn, and more recently of Brigadier-General Hammond, a Provident Fund is more suited to a Colonial Railway than a pensions scheme, and that this opinion is reinforced by actual experience elsewhere. I have no doubt that the fund should be retained.

“ 3. The most important of the recommendations of the committee is that discussed in paragraphs 8 to 10 of the report, and in Appendices I to IV. That the recommendation is that African employees of the Railway who are eligible to contribute to the fund, provided that they have completed ten years' service in the Railway, should, in the event of retirement at the age of fifty-five or if they are invalidated with not less than three years' service, be granted a gratuity equivalent to one-twentieth part of their annual salary for each complete year of service up to a maximum of one year's salary. It is recommended, also, that this gratuity should not be paid on resignation, or death save in the case of death resulting from injuries received in the execution of duty, or transfer to another post in any other Department of the Public Service and that depositors who are compulsorily retired for the purpose of facilitating improvement in the organisation of the Railway shall receive a gratuity calculated as above provided that they have completed ten years' service and cannot be re-employed in another Department of the Railway on the salary which they last enjoyed ”.

*The Council adjourned.*

*The Council resumed at 2.30 p.m.*

**The Third Lagos Member (The Hon. Jibril Martin):**

May it please Your Excellency, I have just finished reading the report of the committee.

I am no longer quoting from any other paper but one, and that will be towards the end of my speech. Otherwise I should have worried Honourable Members in reading so many other reports. But I am going to summarise everything.

I respectfully invite the attention of the Honourable Members to Appendix I to the report of the committee wherein comparative tables were given showing that the benefits accruing to an employee under the pension scheme are by far greater than those accruing to the one contributing to the Provident Fund. As an illustration:

Take the case of a Government official and a Railway official on a salary of £220 per annum, both retrenched or invalidated from the service at the age of forty years after twenty years' service and assuming that both will normally live up to the age of sixty, that is twenty years after their retirement. Now the position is this, Your Excellency. The Railway official would ordinarily have to his credit the sum of £262 9s 3d representing his contribution with interest thereon for the period of twenty years to which must be added a bonus of £262 9s 3d payable by the Railway Administration, making a total of £524 18s 6d. Added to this is the gratuity of £220, common to both employees, which will bring his benefits under the Provident Fund to £744 18s 6d. Now in the case of the Government official who enjoys pension rights, his pension for twenty years' service with salary at the rate of £220 per annum would amount to £55 per annum, and on the assumption that he would live for twenty years he would receive £55 × 20, equal to £1,100. To this must be added the gratuity of £220 which will bring his benefits under the pension scheme to £1,300 as compared with £744 18s 6d which the Railway official would get notwithstanding the temptations and disadvantages attending the receipt by the latter of the bulk sum. Well, Your Excellency, I am sure it is not the intention of the Government to benefit one branch of the service at the expense of the other; and the whole House will no doubt agree with me, though comparison is odious, that the work of some of the Railway officials, particularly the station masters and staff clerks, is more onerous than that of an average government clerk attached to any Government Department. Railway official is as much a Government servant as any other official in a Government Department. I say the Railway Department is a Government Department in the same sense in which the Marine Department is a Government Department, and Your Excellency has the same power over that Department as any other Department. Now this is a State-owned enterprise, and the comfort and happiness of the staff engaged therein is as much the concern of Your Excellency as it is in the case of any Government Department.

I need hardly remind the House that in order to enable the Government pensioner to live in happiness during his retirement, the lump sum payable to him is the gratuity of £220 only, and the pension of £55 per annum is payable to him monthly. Whatever happens to the sum of £220 handed to him he has the consolation that every month a pension is due and payable to him. Whereas in the case of Railway official, the whole amount of £744 is handed to him in a lump sum with no hope of deriving benefits from any other source. He is left to the pitfalls and temptations of the world. His destiny is left entirely into his own hands to fashion out of the amount which was paid to him. Very few of the Railway officials have survived the ordeal. The Honourable Members can imagine the state of things in a young and undeveloped country like Nigeria, with no industry or trade upon which one can safely invest, and any attempt to speculate upon any investment may result in catastrophe. Would any sensible person suggest that Provident Fund is more advantageous than Pension. These people—the Railway officials—on earning their Provident Fund are beset with considerable difficulties, and they very often lose their lump sum in commercial speculation in order to enable them to earn some income monthly during the days of their lives and to preserve the lump sum as capital. There are several cases in Court in which they fell victims to money doublers and they apparently are easy preys to these unscrupulous rogues. They are no exceptions, because I have seen Government pensioners suffer the same fate, but as the Government officials have some solace in earning pension monthly after the loss of their lump sum gratuity, the effect on the Railway officials who are less fortunate is very disastrous and it was always the cause of their untimely death. Some used to seek employment as Salesmen or Storekeepers with the mercantile firms who are tempted to give them employment on the offer of ready cash security; and cases have occurred in which the whole Provident Fund—their life earning—have been absorbed by shortages. Well, would any Honourable Member say that the advantages which accrue to the pensioner are the same as those which accrue to the Railway official under the Provident Fund. They are anxiously clamouring to have their pension rights returned to them. Some of them used to receive as much as £1,000, some even more, from the Railway Provident Fund, but in the end how and where will you find them? You will find them paupers, you will find them leading reckless lives, and—I need not go into names—I know several of them who have been reduced to a state of penury. They have now come to Your Excellency and appealed to you as their father, stating that we do not know how to make use of this lump sum you put into our hands, that there is no investment we can embark upon without bringing disappointment and regret to ourselves, and that we pray Your Excellency to give us Pension instead of Provident Fund. An inquiry will prove that I am correct in stating that all these Railway officials desire to have pension rights restored to them.

As far back as 1939—I believe Your Excellency was in England—a resolution was passed by the Railway African Staff Union that as long as the war lasts they will stop their agitation of petitioning to Your Excellency that pension rights should be restored to them. Well it was, I believe, in that year that this present Bill was shelved and it was thought that nothing would be done during the war. I am sure Your Excellency will be quite prepared to remedy any injustice which may be proved to exist, and I am averse to think that it is the attitude of the Government to give bricks to its servants when they ask for bread. The people are clamouring for pension rights and instead of giving them what they asked for, the Government by its action is saying that, we are not going to give you pensions but we are just going to extend the operation of this fund to those officers who have been excluded from contributing to the fund and we are going to deprive future contributors of the service gratuity. It will not affect you but it will only affect those who are to be brought under it by the passing of this Ordinance and those who are going to join the Railway service afterwards. I think that the Government will redress the legitimate grievance of its servants and their complaints will not be treated with contempt.

This brings me to a constitutional question, and I do not think I could do better than to quote from the speech of certain eminent personage. He based his speech upon two papers published by H.M. Stationary Office and issued as Command Papers. One is 2375 of 1925 and the other 6175 of 1940. The last one was the "Statement of Policy on Colonial Development and Welfare." This speech was delivered by Sir William McLean before the Royal Society of Arts to which I have the honour to belong, on the 26th day of February, 1940. He says:—

"The British Colonies are held and administered on the principle of 'trusteeship'. It is important that the meaning and implication of this fundamental principle should be clearly understood. Briefly, it means that mainly through education, in its widest sense, the people of a Colony are assisted in social and economic development so that they may be enabled, in time, to govern themselves under the best possible standard of living for the mass of the people.

"This principle of trusteeship has many implications. For example, the community must be educated to appreciate social improvement so that the benefits of higher economic standards may be fully enjoyed; also the community must be trained to look after its own affairs so that it may take an intelligent interest and play its part in government. The meaning of social and economic improvements must be explained to the people and their co-operation invited, which is better than trying to force reforms often difficult for them to understand. Through higher education leaders must be

trained to fill responsible posts in government and other employment. The foregoing is in line with the declared policy of Imperial Government as contained in the Memorandum entitled 'Education Policy in British Tropical Africa' (cmd. 2375-1925); although this document refers to Africa it is equally applicable to all Colonies.

"All these things are being carried out by Colonial Governments under the general direction of the Colonial Office in London. Members of the Colonial Services overseas are very much in the position of 'trustee agents' whose duties include the training of the people to stand alone. It will be seen from what follows that progress is being made along the lines of a planned development leading to the fulfilment of our colonial trusteeship.

"The 'Statement of Policy on Colonial Development and Welfare' (cmd. 6175-1940), presented by the Secretary of State to Parliament on February 20th, 1940, marks an important advance in colonial development and in the fulfilment of our trusteeship. The measures outlined in the Statement are a continuation and an extension of the scheme of social and economic development which has been followed in the past; they are the next logical stage of progress. It is proposed to examine the Statement, and its implications in practice will be referred to throughout the Lectures."

I humbly and respectfully recommend this House to follow the solemn pronouncement as laid down in the two papers. Your Excellency, as a father of the people of Nigeria, is expected to look into every question which may be placed before Your Excellency by your advisers and then determine what will be beneficial to your wards—the people of Nigeria. These Railway people, the African staff, look up to Your Excellency for protection from the people without, and from the people within. From the people without in that Your Excellency will not give them this bulk amount which will cause them disappointment and subsequently render them a burden upon Nigeria. There have been several of them who have suffered that fate, and if Your Excellency allows an inquiry to be made I have no doubt that Your Excellency will be in a better position to judge and apply the necessary remedy. Your Excellency, I realise the point that it is not a question of pension rights which is now before the House. but my object is to put the House in possession of up-to-date facts from 1915 right down to 1940. If there had been no complaint since the inauguration of the fund, this House would be justified in assuming that the Railway officials were perfectly satisfied with their lot. But, Your Excellency, the contrary has been the fact, they were not even satisfied with anything short of pension, *e.g.*, the grant in 1927 of service gratuity.

It is a great pride that we are numbered among the British Commonwealth of nations and as British subjects it is the fervent prayer of each and every one of us that the British shall win the war and the British shall continue to rule over us. We are having four classes of Government servants in Nigeria. We have the Civil servants who enjoy the pension rights; we have some who may not be properly called Civil servants, the artisan class, who do not enjoy the pension rights, the Railway officials who enjoy the Provident Fund, and the Railway artisan class who do not enjoy the Provident Fund.

Now, the second class have had now introduced to them the Provident Fund by Government Servants' Provident Fund Ordinance, and it is proposed in the present Bill to bring the fourth class into line with the third class by becoming contributors to the Provident Fund. Colonel Hammond recommended the introduction of the Provident Fund, among the Nigerian Railway staff both European and African, for economic reason, and I submit it is an unfair discrimination to confine the operation of the fund to the African staff because it was considered less beneficial than the pension scheme.

If, however, it is not the intention of the Government at present to introduce pension rights to the African staff of the Nigeria Railways, I humbly and respectfully ask that the whole question should be postponed for review till after the war, when fuller representations will be made, and if necessary, I think, Your Excellency will consider the advisability of appointing a small committee to enquire into the merits and demerits of the Provident Fund. In circumstances like these, it has been the practice of your predecessors to set up a committee who will submit a report embodying their suggestions, and recommendations. In the present case, there was no committee whatsoever appointed and no report of any committee to serve as a guide, the only thing before the House is the Bill, and this Bill has one of its objects the curtailment of the privilege hitherto enjoyed by the Railway African staff and about which there had been several complaints.

I would have said nothing against the Bill had it been that the benefits which hitherto are enjoyed by the Railway are *en masse* adopted and extended to the officials in Schedule 2. I would have submitted an amendment that this Bill be withdrawn six months had it not been for the new class in Schedule 2 who with the passing of the Bill will become contributors to the Provident Fund for the first time.

Your Excellency would be graciously disposed to let the whole scheme remain as it is and then appoint a committee to go into the whole question now or immediately after the war. That is my recommendation to Your Excellency and I have no doubt that

Your Excellency, after listening to some other comments on the matter will be inclined to accept my humble request for a Select Committee to go into the matter, and thereby follow the precedent enunciated by your predecessors.

*The Hon. the Acting Financial Secretary:*

Your Excellency, with your permission I should like to enter the debate at this stage, not with the idea of stealing the thunder of my friend and colleague the Honourable the Acting Deputy Financial Secretary, nor with any doubt that the conduct of the Bill through the House cannot with every confidence be left in his capable hands, but as so many of the events to which the Honourable Member has referred and the committees from which he has quoted have happened and taken place within my own experience, I feel that I can most usefully intervene at this stage, speaking as I do with long experience of the administration of the terms of service of the Government and Railway establishments.

In the first place, Sir, I should like to congratulate the Honourable the Third Lagos Member on the very able presentation of the criticisms which he has brought against this Bill, criticisms which are doubly welcome in that they are to the point and give a very clear opportunity to the Government representatives to state clearly what is the Government policy; and secondly because I know the House feels that the criticisms are offered with every idea of being constructively helpful and of giving the Government the maximum assistance in the conduct of its duty. I may assure the Honourable Member and Council that the reports of the committees and Colonel Hammond's report to which the Honourable Member refers, particularly the Birrell-Gray report of 1928 were taken into consideration when this Bill which is now before the House was framed.

Those reports—the Hammond report and the Birrell-Gray report—were very sound, the Hammond report particularly; but later counsels have since prevailed over the recommendations of those reports and I in my turn shortly will quote from the latest authoritative reports on which Provident Funds are founded throughout the Colonial Empire.

The criticisms of the Bill in so far as they relate to the terms of service of the Railway staff—and the criticisms are mainly on that account—fall into three broad categories. First of all, the question of pensionability; secondly the question of a gratuity in addition to the benefits of the Provident Fund; and thirdly, to the differentiation in the terms of service to the European and African staff of the Railway.

As regards the first question of pensionability, it might be held, Sir, that the question is not before the House except in so far as submission of this Bill does in fact bring before the House the

terms of service of the African staff of the Railway. Accepting this, as I think Your Excellency will, I will reply to the point as regards pensionability and to begin with I can do no better than to refer the Honourable the Third Lagos Member and the Council to the quotations which he gave in the course of his address. The quotations from the Hammond report recommended that Provident Fund terms should apply to the Railway. The Birrell-Gray committee report strongly reaffirms that principle, that the Railway staff should serve on the Provident Fund terms and not on terms of pensionability. And that, indeed, is the long-established policy of this Government, and there is no intention to change it.

Although I need not do so, in order to make my point I will give the major reasons why Provident Fund terms are applied to the Railway servants. The Railway although maintained by and on behalf of the Government, is a commercial undertaking, and its accounts and finances must be managed with that essential principle in view. Railway rates are fixed having regard to costs and expenses incurred. That leads me to the first of the points why Provident Fund terms apply; that is, economy. It is important that the Railway as a commercial concern should be managed as economically as possible. Provident Fund terms for the staff are more economical than Pensions, Sir, and that is one reason why the Railway has a Provident Fund. As a commercial undertaking it must not go above its market.

Secondly, the system of accounts of the Railway, being a commercial concern, is such that it is important that each year it should bring to account all its liabilities. The Provident Fund system enables it year by year to show the true cost of the staff. Bonuses to contributors are charged to the Railway accounts each year and there is no contingent liability carried forward as there is in the case of pensionable servants. And thirdly, there is the case of the disciplinary management of the Railway as a commercial concern. Terms of service are different in the Railway service than in the Government. It is necessary in order to maintain efficient discipline that the General Manager should have wide powers of engagement and dismissal of staff, and that could not be coupled with pensionable terms of service. The Provident Fund offers facilities for very much more elastic terms of service both for the management and for the employee—that is the important point. Whereas it has been emphasised that the Railway staff themselves prefer pensionable terms, there are some respects in which Provident Fund terms are of advantage to the staff concerned. An officer who is engaged on pensionable terms is bound to complete a long term of service with his employer, or sacrifice his Pension. A man on Provident Fund terms can, if he wishes, if occasion offers during the course of his career, he can change—he can leave the service, and can take his contributions and bonuses from the Fund and in this

respect he is in a much stronger position than a man who is serving on pensionable terms, who, if he gave up his service would sacrifice all. In this way Provident Fund terms are advantageous to the employee.

Those, Sir, are the three principal reasons why the Railway is on Provident Fund and not pensionable terms. There is no doubt, of course that pensionability is much more attractive to the individual provided that the man serves his full term of service, and its benefits are then greater than those accruing from the Provident Fund. There is no question about that; nor is there any doubt that the Railway staff would prefer terms of pensionability.

The next and principal point of criticism, Sir, is the question of the addition of a service gratuity to Provident Fund benefits. The existing regulations authorising such gratuities were enacted on the recommendation of the Birrell-Gray Committee of 1928. That committee, judged by later standards, fell into error in endeavouring to compare and relate the benefits of Provident Fund service with pensionable service. The two are not comparable. Each is framed to produce benefits which are considered adequate. The Pension factor is set as to what is to be considered a proper annual factor. The Provident Fund contribution and bonus is set at what is considered a proper contribution. There is no common ground on which the two can be related, and the committee was in error in endeavouring to do so, in endeavouring to add something to the one in order to bring its benefits nearer to those of the other.

In support of this clear statement of policy, I will now quote from what is now generally known as the Watson Report. This is a Command Paper which was presented by the Secretary of State for the Colonies in Parliament by command of His Majesty in July, 1936: for the "Foundation of Policy in the matter of Provident Funds throughout the Empire".

Paragraph 113 of the report states: . . . . .

In paragraph 117 of the report, the subject of gratuities is specially dealt with.

This principle, Sir, has been adopted as the policy of His Majesty's Government throughout the Colonial Empire and has been adopted in principle by this Government. I say with confidence that the adoption of that principle and its carrying into effect in this Bill will not endanger nor adversely affect recruitment to the Nigeria Railway. I have no fears in that respect whatsoever.

The third main point of criticism Sir, is the differentiation in the terms of service between the European and African staff. It is accepted by this Government as a principle that Provident Fund terms shall apply to the Railway, and it would normally follow

that such terms should also apply to the European staff of the Railway. Colonel Hammond in his report did make such a recommendation. The late Director of Transport of Nigeria, Mr Bulkeley, soon after his appointment as General Manager of the Railway, actually started a system by which the European staff of the Railway would be engaged on Provident Fund terms, but Government policy in this respect came under review after the receipt of the Watson Report from the Colonial Office, and the move to bring the European staff of the Railway under Provident Fund terms was changed when it was decided to adopt the principles of the Watson Report. This is what the report says on this question:

We have examined the position of Provident Funds afresh and have considered the classes of officials who should be included in a Provident Fund as opposed to those who come under the ordinary Pension system . . . . .

In our opinion, officers recruited from overseas who occupy permanent posts should normally be pensionable and should also contribute to the Widows' and Orphans' Pension Scheme. Provident Fund should, we consider, be confined to personnel occupying subordinate posts and to those officers who are recruited from overseas only in a temporary capacity.

There, Sir, is the distinction drawn on which the European staff is maintained on the Railway on pensionable terms, while the African staff is on Provident Fund terms. The European official is recruited from overseas, and comes to Nigeria, as a general rule, to make it his career, and in order that that career shall be attractive and that the Railway and the Government shall obtain competent, satisfied European staff, it is essential that they be offered such terms as will give them prospects of a life career in the country. It is for this reason pensionable terms are offered to this class of official both in the Government service and in the Railway. For locally recruited staff the same conditions do not apply, and therefore the elementary principle of maintaining the Railway staff on Provident Fund terms holds good for them.

I confine my remarks, Sir, to the question of staff only, and leave the other questions arising from the Bill to my honourable friend and colleague the Deputy Financial Secretary.

*The Member for the Egba Division (The Hon. A. Alakija, C.B.E.)*

Your Excellency, in order to give an opportunity to the official member who is speaking to clarify one point—may I interrupt? mention was made of officers from overseas,—I should like to know whether the West Indians are included.

*The Hon. the Acting Financial Secretary:*

As a question, Sir, I should say that it is no longer the policy of the Nigerian Railway to recruit West Indian staff.

**The First Lagos Member (The Hon. H. S. A. Thomas):**

Your Excellency, in introducing this Bill yesterday, the Honourable the Acting Deputy Financial Secretary told the House that it was inspired from the Colonial Office and was designed to secure uniformity in the matter of Provident Funds throughout the Colonial Empire. Uniformity is a very desirable thing, but where, as in this case, it cannot be secured without causing dissatisfaction, I think we had better try as much as possible to avoid causing dissatisfaction. There is already great dissatisfaction in that the Nigerian Railway African staff possess no Pension rights whereas the Railway African staffs in the other West African Colonies are pensionable and, so long as such is the case, the Nigerian Railway African staff will always have good reason to protest against their conditions of service as inferior to those of the Railway African staffs of the other West African Colonies. I think this Government should not be singular in the matter but should come into line with the other West African Governments.

The policy laid down in the Watson Report namely, Pension rights for Railway staff recruited from overseas and Provident Fund for locally recruited staff, would appear not to have been applied to all Colonial Governments. In some countries outside West Africa, particularly in East Africa, it was understood that both Europeans and Africans contributed to Provident Funds and I have yet to learn that the position had changed as a result of the operation of the Watson Report.

Now, about the year 1927, a committee was appointed by Government which found and made recommendation that service gratuity be paid in order to make the advantages enjoyed under the Railway Provident Fund commensurate with those enjoyed under the Pension law. This recommendation was approved and no reason other than that of uniformity throughout the Colonial Empire is given for the proposed discontinuance of payment of service gratuity to future Railway employees.

In the speech of the late Mr Shingle delivered in this House in 1924 and quoted this morning, the importance of promoting contentment among Railway workers was stressed. There is no doubt that this is a great point and the African staff will not feel well used if service gratuity were discontinued in future. Service gratuity amounts to only £5,000 a year and I see no reason why we should cause more dissatisfaction among the African staff who have been most loyal and have been doing their best to bring the Railway up to a high standard of working and efficiency.

It is admitted that Pension rights cost more than Provident Fund rights. The total annual payment by the Railway in respect of bonus and service gratuity comes to £22,000 which is less than

one per cent of the total Railway earnings for such a 'lean year' as the present one. I feel that we should not create more dissatisfaction among the Railway African staff by discontinuing service gratuity which amounts to only £5,000 a year and I, therefore, appeal to Your Excellency for a reconsideration of the question and the inclusion in the present Bill of provision for continuing the payment of service gratuity to future Railway employees.

*The Hon. the Acting Deputy Financial Secretary:*

Your Excellency, I find that my path in dealing with the criticism ranged against this Bill has been very considerably smoothed by the speech of my Honourable friend the Acting Financial Secretary. It had been my intention to cover some of the ground which from the depths of his wisdom and experience he has covered much more adequately than I could, and to explain why it is the policy of the Government not to grant pensionable status to the African employees of the Railway. He has given the reasons for that, and I see no need to traverse the ground again, but I would like to make one point in connection with a remark made by my Honourable and learned friend the Third Lagos Member. He complained that in putting up this Bill we were bribing the present generation in order to victimise the coming generation. In other words, we tell the present Railway employees, "We will continue to give you everything you now receive, provided you will let us take some bread out of the mouths of the coming generation".

Well, one of the reasons which prevailed upon the Government not to admit pensionable terms for the Railway staff is that you are placing an unfair burden on posterity by not taking into your accounts the exact cost of your superannuation, that is, your Provident Fund payments are paid in monthly and charged against the Railway and you pay as you go. Pension schemes such as have been advocated mean that these liabilities go on piling up for the shoulders of posterity and are apt to get heavier in future.

There was also a suggestion that in presenting this Bill which affects Railway employees, Your Excellency is offering them not bread but a stone. If this is a stone, Sir, it is strangely well-fleshed. I would like to draw the attention of the Council to the fact that the main object of presenting this Bill was to bring in to Provident Fund benefits about 500 employees of the Railway who now do not receive it. In order to do that, we had to make an attempt to give them terms that were considered fair, reasonable and adequate. About a year ago this Council decided upon Provident Fund terms which were fair, reasonable and adequate for Government servants of similar status. The Government has therefore put in this Bill those terms which are fair and reasonable.

If we adopt a suggestion to put in grants of service gratuities it will mean that the Railway employees, far from groaning under a burden as compared with their Government colleagues, will in fact be the gainers by the extent of that grant and that seems to us on this side to be inequitable from the point of view of the Government servants.

The Watson Committee Report has stated very clearly that no form of gratuity should find a place in a Provident Fund because a Provident Fund should be self-supporting. The committee made the remark that if it was considered that higher benefits should be granted the proper way was to increase the bonus, and then after having stated that, they came to the conclusion that one-twentieth or five per cent was a very fair rate of bonus to give. Well, that appeared to this Council to meet the case admirably; it was accepted by this House for Government Employees Fund and to the same extent is regarded as fair and reasonable for Railway servants. The matter was very carefully investigated, and no reason was seen why the grant of service gratuities should be maintained. It was granted under a misapprehension in the first instance and has not been considered necessary to direct the new Fund on the same line of error.

The Honourable the Acting Financial Secretary has given us his assurance that no detrimental effect on recruiting for Railway staff is to be apprehended from the withdrawal of this over-generous privilege. I therefore do not see that there is any hardship in continuing the existing Provident Fund with the exception of the abolition of service gratuities for new employees and the reduction in the rate of contribution of those employed of a status comparable to those Government servants who contribute to the Government Fund.

There is only one other point I would like to mention, Your Excellency, and that is that in narrating the result of his historical research the Honourable the Third Lagos Member informed the Council that a Bill similar to this one had been published and had not been proceeded with. There is one important difference between the Bill that was published and not proceeded with and this one, and that is that the rate of contribution has been increased for by far the bulk of Railway employees from one-twentieth to one-twelfth; that concession was granted in view of the fact that Railway employees did suffer in comparison with Government servants in their pensionable service, and it was decided to raise the rate of contribution not only for existing employees but for those to come.

Your Excellency, I feel if I should say any more I should be incurring the reproach of one who tells a twice told tale, so vexing the dull ears of drowsy men.

I feel that there is no real reason to grant the special concession for which the Third Lagos Member asks; that there is no hardship whatever involved in the enactment of this Bill, and that if it is not proceeded with 500 people who are waiting to receive the benefits of the Fund will be justifiably disappointed.

*Bill read a second time.*

*Second schedule to clause 2.*

**The Hon. the General Manager of the Railway:**

Regarding the Second Schedule, Sir, there is a small correction—the last item described as “crane fitter” should be “crane driver”.

*Amendment accepted by Council.*

*Clause 2.*

*Clause 22.*

**The Hon. the General Manager of the Railway:**

Clause 22, Sir. This particular section provides that a depositor under the Government Servants' Provident Fund may, on transfer to the Railway, be permitted to enter the Railway Provident Fund, but the privilege does not appear to be reciprocal. I wish to ask whether it is provided in other Ordinances that a depositor transferred from the Railway has an equivalent right to subscribe to the Government Servants' or the Township Provident Fund.

**The Hon. the Acting Financial Secretary:**

It is so provided, Sir, in the Government Servants' Provident Fund and it will be provided in a Townships Ordinance which is about to be prepared.

*Clause 26.*

**The First Lagos Member (The Hon. H. S. A. Thomas):**

Paragraph (d). Your Excellency, “providing, etc.”.

I beg to move an amendment to clause (d):

Providing for the payment of gratuities to depositors on the First Schedule on retirement”.

**His Excellency:**

That will cut out any members of the Second Schedule who happened to be subscribers to the present Railway Provident Fund. The Honourable Member proposes that the words after “retirement” should be omitted and that after the word “depositors” there should be added the words “on the First Schedule” and after the words “on retirement” the remainder of the section should be omitted.

**The Hon. the Acting Deputy Financial Secretary:**

The reason I must oppose this amendment, Sir, is that the effect would of course be to reintroduce powers for the granting of gratuities to all future employees of the Railway. It is considered . . . . .

**His Excellency:**

Not necessarily.

**The Hon. the Acting Deputy Financial Secretary:**

Not necessarily, Sir, but I think that by taking these words out of this clause now it would be subsequently considered that it was the intention of Council to do that; for this reason I must oppose the amendment.

*The amendment was rejected by Council.*

*The Bill with one amendment read a third time and passed.*

THE DIRECT TAXATION (AMENDMENT) ORDINANCE, 1941.

**His Honour the Chief Commissioner, Western Provinces:**

Your Excellency, I rise to move the second reading of the Bill for "An Ordinance to amend the Direct Taxation Ordinance, 1940."

*Bill read a second time.*

*Bill read a third time and passed.*

THE LAGOS TOWNSHIP ORDINANCE, 1941.

**The Hon. the Commissioner of the Colony:**

Your Excellency, I beg to move that the Bill for "An Ordinance to make Provisions for the Constitution of and the Appointment and Election of the Members of the Lagos Town Council and to empower the Council to levy rates for Township Purposes" be read a second time.

**The First Lagos Member (The Hon. H. S. A. Thomas):**

Your Excellency, this Bill, affecting as it does the Lagos Town Council, is one on which great local interest centres. I know that, with the exception of clauses 7 to 22, the provisions of this Bill are similar to those in the Ordinances in force, but I think Government will admit that there are some other points which call for attention and inclusion in this Bill. About two years ago, the Honourable the Third Lagos Member, the late Mr Alakija, asked a question in this House. I am reading from Legislative Council printed Debates of the 28th and 29th November, 1938.

Question No. 47 (a) To ask the Honourable the Acting Chief Secretary to the Government whether, in view of the fact that a great number of women are ratepayers within the Municipal Area of Lagos, Government will not consider the advisability of amending the Ordinance, and the Rules and Regulations made thereunder to enable the women ratepayers to vote at Town Council elections?

(b) And whether Government will not consider the question of obliterating the fundamental disqualification of sex as regards membership of the Lagos Town Council?

(c) To ask whether Government will be graciously pleased to consider the increase in the number of elected Members to the Lagos Town Council from four to eight, allocating two members to each ward?

Replying the Honourable the Acting Chief Secretary said: the Government is already actively considering the question of securing a fuller representation on the Lagos Town Council of the opinion and wishes of the ratepayers and the people of Lagos.

This reply, I think, refers to the question of getting the Chiefs and some unenfranchised members of the community represented by an appointed member on the Lagos Town Council—a matter dealt with in the 1938 Annual Report on the Administration of the Colony—but I would like to point out that it is not fair that women who have houses and pay rates exactly as the men should be deprived of the right of voting. I am of the opinion that these women are as good as some of the men who come up to vote and, therefore, I do not see why, in the name of fairness, they should be kept off much longer. I think the earliest opportunity should be taken to bring them in and this is a fitting opportunity for the question of sex disqualification to be reconsidered.

About Wards. Your Excellency in one of Your broadcast talks pointed out that this is a matter you will deal with yourself. It is, of course, a matter entirely within Your Excellency's prerogative and we hope it will receive due consideration. But, I would like to observe and, if it is not out of place, to suggest, that the time has come when the question of increasing the number of Wards at Ebute Metta should receive consideration.

Ebute Metta is a very large area, at present it is represented by one person only. Personally, I see no reason why it should not have, at least, three members to represent it.

#### *His Excellency:*

I should like to say that I should be very glad to hear on this occasion any suggestions that Honourable Members may have to make as to the constitution of the Town Council. I am sure the Honourable the Commissioner of the Colony would be pleased to take note of any suggestions.

#### *The First Lagos Member (The Hon. H. S. A. Thomas):*

Ebute Metta is already divided into three parts viz., East and West of the Railway line and Yaba Estate, which may be constituted into three separate Wards each with a representative. "C" Ward in Lagos comprises a very large area and the question of dividing it into two should be given consideration.

The other provisions of the Bill are mainly what obtain at present, but I would like to invite attention to the matter of payment of interest where rates are not paid in time. The time allowed for payment of rates is one month; I would like to ask that this be extended to two months; I do not think any harm would be done by giving people another month in which to pay up.

Then there is the question of the rate of interest which the Town Council is empowered to recover. If interest should be charged at all, it should be, at what I should call, the ordinary rate of five per cent and should not be as high as eight per cent.

**The Hon. the Commissioner of the Colony:**

Your Excellency, there has been a good deal of discussion in the past about votes for women. I remember the Honourable the Attorney-General saying he thought that those who had the vote should incur the pains and penalties. Then there has been a certain amount of talk recently about the payment of tax by women. But the question of granting votes to women is a matter to which I think consideration ought to be given. There are some women who are at least as well qualified to vote as many male voters. I am not aware however what the effect would be if the vote were extended to women and I think that a careful investigation is necessary before we grant it to them. But when the time comes for considering the reform of the Council I think the extension of vote to women should be an important consideration.

I have listened with interest to the Honourable Member's suggestion for Ebute Metta. In actual fact, as far as rate payers are concerned, they are already adequately represented. I think, as the Council stands at present in proportion to the rates they pay, but it might be reasonable to grant one more member there. But I think the bulk of the people who are not represented are, as the Commissioner of the Colony pointed out in 1938, not rate payers. Rate payers are actually only 10,000 people out of a population of 160,000.

The Honourable Member's other point was clause 32. Well that is a power which we must retain—to impose a penalty when the rates have not been paid within a month of becoming due. In actual fact it is very rarely used and then only in bad cases.

*Bill read a second time.*

The Honourable Jibril Martin moved an amendment that in proviso 1, sub-clause (b), clause 7, the words "a male" be omitted, the object being to give a vote to the ladies.

*The amendment was rejected on a division of Council.*

**The Hon. the Attorney-General:**

Schedule to clause 9: Your Excellency I would like to refer to Form B—paragraph (b) of Form B on page 17, which reads "I am an occupier of the above premises and pay rent at the rate of not less", etc. Throughout the Bill the word "tenement" is used instead of "premises" and I therefore beg to move that the word "tenement" be substituted for the word "premises" in paragraph (b) of Form B.

*Amendment accepted.*

*Clause 10.*

*Clause 11.*

**The Hon. the Attorney-General:**

Your Excellency, clause 11: the first line reads: "Any person whose name appears on the voters' list for the time being in force . . . . ." This clause is not meant to apply to anyone on the voters' list but only to those persons referred to in paragraph (a) of clause 7. I therefore beg to move that the following words be substituted at the beginning of clause 11 (1) "Any person of the class referred to in paragraph (a) of section 7 whose name appears on the voters' lists for the time being in force."

*Amendment accepted.*

**The First Lagos Member (The Hon. H. S. A. Thomas):**

Your Excellency, I would like an explanation of clause 13, second proviso:

My point is, how could the Secretary get at him. Supposing he had removed from the same place, is he to be informed? I think we should put something like this "by letter to his last known place of abode". He may have left where he is living. How can the Secretary find him?

**The Hon. the Commissioner of the Colony:**

The probability is that if he had left where he is living, he would have informed the Secretary that he had lost that qualification and ask the Secretary for a new one.

It might possibly be as well to insert there "by letter or by notice in the press". It would not be difficult to publish a list of the people who have lost their qualifications in the press each year.

**His Excellency:**

Won't he be informed as soon as the Secretary is aware that he has lost his qualification?

**The Hon. the Commissioner of the Colony:**

I do not think the difficulty will arise, Sir. I do not think there is a chance of anybody who is qualified to vote losing his qualification owing to the fact that there may be the difficulty of his being so informed.

*Clauses 12 to 19.*

*Clause 20.*

**The Hon. the Attorney-General:**

I beg to move that the word "should" in the sixth line be changed to "shall".

*The amendment was accepted.*

**The Hon. the Attorney-General:**

I beg to move that the words "of the Council" be deleted from the end of the fourth line of clause 23.

*The amendment was accepted.*

*Clause 26.*

**The Hon. the Attorney-General:**

Your Excellency, another amendment here—paragraph (a): As the Bill is drafted it simply says that Your Excellency in Council may make regulations prescribing:—(a) the boundaries of wards: there is no provision for specifying the numbers of the different wards, and therefore the paragraph should read: (a) The number of wards and the boundaries of each. I therefore beg to move that sub-clause (a) of clause 26 be amended to read "the number of wards and the boundaries of each;"

*Amendment accepted.*

**The Hon. the Acting Financial Secretary:**

Clause 26: I notice, Sir, there is no general power to make regulations under the Ordinance. This clause relates to regulations for the conduct of elections.

**His Excellency:**

This is only dealing with elections.

**The Hon. the Acting Financial Secretary:**

Yes Sir, but there is no clause anywhere else in the Bill for the making of general regulation.

**The Hon. the Attorney-General:**

That is so, Sir, but I do not think it is necessary in this particular Bill; the other provisions of the Townships Ordinance will also apply to this Council.

**The Hon. the Acting Financial Secretary:**

It had occurred to me that when a point arose under clause 13 as to what is the proper method to serve a notice on a person who may have moved, it could not be provided by regulation. I find that there is no power to do so. That is the only reason why I raise the point, Sir.

**The Hon. the Attorney-General:**

The Council has done without this specific power for many years; the question of service generally is provided for in the Interpretation Ordinance, 1939.

*Clauses 27 to 32.*

**The First Lagos Member (The Hon. H. S. A. Thomas):**

Clause 32, line 2. I suggest, Sir, that we should substitute two months for one month. "One month" should therefore read "two months", and the rate of interest should read "five per cent" instead of "eight per cent". It is easier to calculate, Sir. (Laughter).

**The Hon. the Commissioner of the Colony:**

As I said, Sir, I really do not think there is any reason to reduce either the time or the rate, they are so rarely used. We have practically never used that power.

**The Member for the Egba Division (The Hon. A. Alakija, C.B.E.)**

I think the rate of interest should be four per cent. Notwithstanding any written contract, the Court allows four per cent only after judgment; the Court will never give anybody more than four per cent after judgment, and I am suggesting that if the Town Council must have their pound of flesh they must have this interest only after judgment in Court, so that the clause would read: Four *per centum* per annum from the date of judgment instead of eight *per centum* per annum from the date the rate is due for payment.

Sometimes a very good case of debt may carry interest on the amount when it is found that the debtor wilfully withholds payment and the Court may give four per cent which would run from the date of judgment until payment, but to charge interest simply because a man fails to pay his rate is inflicting undue hardship on an already overburdened people. It is up to the Town Council to take action immediately a person fails to pay.

**His Excellency:**

The hope is that the existence of this penalty will make it unnecessary to inflict it, because people will pay up in time.

***The Hon. the Acting Financial Secretary:***

I suggest that the object of the amendment will be to force the Town Council to put every overdue rate payer into Court.

***The Member for the Rivers Division (The Hon. S. B. Rhodes):***

Well Your Excellency, the bank rate of an overdraft is six per cent. Why should the Government ask for eight?

***The Hon. the Acting Financial Secretary:***

On the subject of the rate per cent. I should like to point out for the purpose of comparison the similar clause under the income tax law.

The penalty is five per cent under the income tax law.

***His Excellency:***

I will put the question that the words eight per cent do stand fast.

*The Council approved.*

*Clause 33.*

*Clause 34.*

***The Hon. the Attorney-General:***

Paragraph (2) of clause 34 Sir. This contains the phrase "appointments and regulations" in two places; this phrase should read "appointments, regulations and bye-laws" in both places where it occurs otherwise we will not be saving the existing Town Council bye-laws. I therefore beg to move that for the words "appointments and regulations" there should be substituted the words "appointments, regulations and bye-laws".

*Amendment accepted.*

***The Hon. the Attorney-General:***

Your Excellency, an Honourable Member has invited my attention to clause 30 in which the words "of the Council" should be omitted; at the top of page 14, Sir.

*Amendment accepted.*

***The Hon. the Commissioner of the Colony:***

Your Excellency, I beg to move that the Bill as amended be read a third time and be passed.

*Bill read a third time and passed.*

*The Hon. the Attorney-General:*

Your Excellency, when the Council went into committee this morning on the Stamp Duties Bill, I am afraid I was rather at sea, as I had misplaced my list of amendments. I missed one necessary amendment that should have been made. Clause 1 should be completed by inserting the date of amendment in the blanks left there for that purpose. I am afraid the clause with blanks passed this Council Sir, and I am asking that the Bill should be referred back to Committee for reconsideration of that particular clause, and that in the clause we should insert "the 1st day of March". I suggest the 1st day of March to give stamp Commissioners six weeks' grace.

*Council in Committee.*

*The Hon. the Attorney-General:*

Your Excellency, I beg to move that clause 1 of the Stamp Duties Amendment Ordinance, 1941, be amended by the insertion of the words "the 1st day of March, 1941", in the spaces left therein.

*Amendment accepted by Council.*

ADJOURNMENT

*The Council adjourned at 4.35 p.m.*

# Debates in the Legislative Council of Nigeria

Wednesday, 15th January, 1941

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Pursuant to notice the Honourable the Members of the  
Legislative Council met in the Council Chamber, Lagos,  
at 10 a.m. on Wednesday, the 15th of January, 1941.

## PRESENT

### OFFICIAL MEMBERS

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- The Governor,  
His Excellency Sir Bernard Bourdillon, G.C.M.G., K.B.E.
- The Acting Chief Secretary to the Government,  
The Honourable T. Hoskyns-Abrahall.
- The Chief Commissioner, Western Provinces,  
His Honour G. C. Whiteley, C.M.G.
- The Acting Chief Commissioner, Northern Provinces,  
His Honour J. R. Patterson, C.M.G.
- The Attorney-General,  
The Honourable H. C. F. Cox, K.C.
- The Acting Financial Secretary,  
The Honourable S. R. Marlow.
- The Acting Director of Medical Services,  
Dr. the Honourable G. B. Walker.
- The Director of Education,  
The Honourable E. G. Morris.
- The Director of Marine,  
Commander the Honourable A. V. P. Ivey, R.D., R.N.R.
- The Acting Comptroller of Customs,  
The Honourable J. McLagan.
- The Acting Deputy Chief Secretary,  
The Honourable J. J. Emberton, M.C.
- The Senior Resident, Plateau Province,  
The Honourable E. S. Pembleton, C.M.G.

- The Resident, Benue Province.  
The Honourable D. M. H. Beck, M.C.
- The General Manager of the Railway,  
The Honourable J. H. McEwen.
- The Director of Public Works,  
The Honourable S. J. W. Gooch.
- Captain the Honourable A. W. N. de Normann,  
Commissioner of Lands and Surveyor-General.
- The Honourable F. E. Stafford, O.B.E.,  
Acting Deputy Financial Secretary (Extraordinary Member).
- The Honourable G. B. Williams, M.C.,  
Commissioner of the Colony (Extraordinary Member).
- The Honourable C. H. Croasdale,  
Inspector of Labour (Extraordinary Member).

## UNOFFICIAL MEMBERS

- The Commercial Member for Port Harcourt,  
The Honourable P. H. Davey.
- The Member for the Egba Division,  
The Honourable A. Alakija, C.B.E.
- The Member for the Colony Division,  
Dr. the Honourable H. Carr, D.C.L., O.B.E., I.S.O.
- The Member for the Ibo Division,  
The Honourable B. O.-E. Amobi.
- The Member for the Rivers Division,  
The Honourable S. B. Rhodes.
- The Member for the Warri Division,  
The Honourable Asifo Egbe.
- The Member for the Oyo Division,  
The Honourable N. D. Oyerinde.
- The Banking Member,  
The Honourable D. D. Gibb.
- The Commercial Member for Calabar,  
The Honourable L. A. McCormack.
- The Member for Calabar,  
The Reverend and Honourable O. Efiiong.
- The Member for the Ibibio Division,  
The Honourable Nyong Essien.
- The Member for the Ijebu Division,  
Dr. the Honourable N. T. Olusoga.

- The First Lagos Member,  
The Honourable H. S. A. Thomas.
- The Mining Member,  
Lieutenant-Colonel the Honourable H. H. W. Boyes,  
M.C.
- The Commercial Member for Kano,  
The Honourable W. T. G. Gates.
- The Third Lagos Member,  
The Honourable Jibril Martin.
- The Member for Shipping (Provisional).  
The Honourable F. Edmondson.
- The Commercial Member for Lagos (Provisional).  
The Honourable E. H. L. Richardson.

## ABSENT

## OFFICIAL MEMBERS

- The Senior Resident, Cameroons Province,  
The Honourable A. E. F. Murray.
- The Senior Resident, Oyo Province,  
The Honourable H. F. M. White.
- The Senior Resident, Owerri Province,  
The Honourable F. B. Carr.
- The Resident, Kano Province,  
The Honourable R. L. Payne.
- The Secretary, Northern Provinces,  
Captain the Honourable E. W. Thompstone, M.C.
- The Resident, Onitsha Province,  
The Honourable D. P. J. O'Connor, M.C.
- The Resident, Calabar Province,  
Major the Honourable H. P. James.
- The Resident, Warri Province,  
Major the Honourable R. L. Bowen, M.C.
- The Resident, Ondo Province,  
Major the Honourable J. Wann.
- The Director of Agriculture,  
Captain the Honourable J. R. Mackie, C.M.G.

## PRAYERS.

His Excellency the Governor opened the proceedings of the Council with prayers.

### CONFIRMATION OF MINUTES.

The Minutes of the meeting held on the 14th of January, 1941, having been printed and circulated to Honourable Members were taken as read and confirmed.

### QUESTIONS.

*NOTE.*—Replies to Questions No. 5 and No. 6 of the 14th of January, 1941, by the Honourable the Member for the Warri Division, and Nos. 21, 22 and 23 of the 14th of January, 1941, by the Honourable the Member for the Ibo Division, and No. 29 of the 14th of January, 1941, by the Honourable the Member for the Warri Division, are not yet ready.

### BILLS.

#### (Second and Third Readings.)

THE NIGERIA (LEGISLATIVE COUNCIL) (REGISTRATION OF ELECTORS) REGULATIONS (AMENDMENT) ORDINANCE, 1941.

*The Hon. the Attorney-General:*

Your Excellency, I rise to move the second reading of the first Bill standing in my name in the Order of the Day, and that is: "An Ordinance to amend the Regulations made under the Nigeria (Legislative Council) Order in Council, 1922, and established by Proclamation dated the 1st June, 1923".

With Your Excellency's permission, Sir, I would like again to put before the members of Council the issues that are involved, because they will have to choose one of them. They are these:

Either that the Regulations should be amended as suggested in the Bill which in itself will require further amendment Sir, or that a different principle should be involved, and that is—

that provision should be made by which an absent member may notify the registering officer that he still retains his qualification and wishes to have his name kept on the list.

That would only apply in the case of an elector who is absent from the place where he is normally resident during the critical period from the 1st to the 15th October in any year.

Assuming, Sir, that Honourable Members prefer the principles set out in the Bill itself, that is that no person whose name is already on the list need apply so long as he retains his qualification in respect of which he is on the list; but coupling with that a penalty if he fails to notify the registering officer when he has lost his qualification, so that his name should be removed. Assuming that the Council wishes to pursue that alternative, which is the printed one, it will be necessary to add at the end of clause 3 the

words "is not otherwise disqualified from being registered as an elector" because although the elector may have been qualified at the time he was entered on the register he may have become subject to disqualification since. There are two disqualifications set out in Article XXI of the Order in Council itself, that is, insanity, and imprisonment in certain cases.

It is therefore necessary he should say not only has he retained his qualification, but "I have not been disqualified since".

Clause 4, I think this rather drastic; it imposes a heavy penalty up to £20 on the elector who fails to notify the registering officer that he has lost his qualification. It may well be that certain people will say, "Rather than run the risk of having to pay £20. I am not going to bother to be registered at all", and as Government has no wish to encourage that, I think that clause should be amended to provide for a penalty not exceeding £2, just so as to give some inducement for the elector to take an interest in what is happening, but at the same time the clause should provide, and this is important, that if he makes a false statement he is subject to a penalty not exceeding £20.

The reason for my latter suggestion is this—in the Lagos Town Council Ordinance it is provided that a man who makes a false statement not on oath is liable to a penalty of £20 while if he makes a false statement on oath, he is liable to be treated as having committed perjury.

Well we have already, so far as this subject is concerned, provision as regards the perjurer, Sir, but we have not got the provision regarding the false statement, and therefore it is necessary that we should have that.

The position then is that if Honourable Members wish to debate the principle set out in the Bill as printed we should amend clause 3 as I suggested and we should substitute other provisions for clause 4. On the other hand, Sir, if Honourable Members prefer the alternative, which is that set out in the cyclostyled copies in front of them, we can proceed with the amendments there indicated but a further minor amendment is required to regulation 5A in clause 4. I therefore beg to move the Bill be read a second time and I ask that Honourable Members indicate which they prefer.

**The Hon. the Acting Deputy Chief Secretary:**

I beg to second.

**His Excellency:**

I will put the question: (This is a matter that concerns only the Unofficial Members; I will ask the Official Members to refrain from voting). I will first put the question to the Unofficial

Members that the Bill in its original form be read a second time; if that is not approved, I will then put the question that the Bill in its alternative form be read a second time, and we will then go into Committee.

*Bill approved in its alternative form and read a second time.*

**The Hon. the Attorney-General:**

Your Excellency, I beg to move that the last words in the new regulation 5A in clause 4 as appears in the cyclostyled copy of the Bill should be amended to read:—

“ shall be guilty of an offence and shall be liable on conviction to a fine of twenty pounds ”;

this will follow the phraseology employed in the Lagos Town Council Ordinance.

*Amendment approved.*

*Council resumed.*

**The Hon. the Attorney-General:**

Your Excellency, I beg to report the Bill from committee with one amendment. I beg to move that the Bill as amended in committee be read a third time and do pass. (An Ordinance to amend the Regulations made under the Nigeria (Legislative Council) Order in Council, 1922, and established by proclamation dated the 1st June, 1923.)

*Bill read a third time and passed.*

THE SHIPPING AND NAVIGATION (AMENDMENT) ORDINANCE, 1941.

**The Hon. the Attorney-General:**

I rise, Your Excellency to move the second reading of a Bill: “ An Ordinance to amend the Shipping and Navigation Ordinance ”.

*Bill read a second time.*

**The Hon. the Attorney-General:**

I beg to report the Bill from committee, Sir, without amendment, and I now beg to move that the Bill be read a third time and do pass.

**The Hon. the Director of Marine:**

I beg to second.

*Bill read a third time and passed.*

## THE WATERWORKS (AMENDMENT) ORDINANCE, 1941.

**The Hon. the Attorney-General:**

Your Excellency, I rise to move the second reading of the third Bill standing in my name on the Order of the Day: "An Ordinance to amend the Waterworks Ordinance".

*Bill read a second time.*

**The Hon. the Attorney-General:**

Your Excellency, I beg to report the Bill from committee without amendment and now beg to move that the Bill be read a third time and do pass.

*Bill read a third time and passed.*

## THE PROTECTORATE COURTS (AMENDMENT) ORDINANCE, 1941.

**The Hon. the Attorney-General:**

Your Excellency, I rise to move the second reading of the fourth Bill standing in my name on the Order of the Day, namely "An Ordinance to amend the Protectorate Courts Ordinance, 1933".

When moving the first reading, Sir, I explained the purpose of the Bill. My attention has since been drawn to the fact that the Bill could be considerably improved if sub-section (4) of section 7 were amended as well as the sub-section (3), and I will move the necessary amendment when we come to clause 2 in the Committee stage and explain the details then.

*Bill read a second time.*

**The Hon. the Attorney-General:**

Your Excellency, when moving the first reading, I explained that the object was to enable delays and difficulties to be got over, and the Bill provided enabled Your Excellency to appoint persons as magistrates by office and not by name. Sub-section (4), which is very important, Sir, enables Your Excellency, if there is no magistrate available for a magistrates' court in any area or in respect of any area for any other reason you think necessary to confer on a District Officer or a Justice of the Peace the powers of magistrate with restricted powers, the powers being set forth in the document appointing them. Well Sir, an amendment to the same effect as that proposed to be made to sub-section (3) should also be made to this sub-section to enable Your Excellency to appoint these limited powers magistrates by means of office. I therefore propose sub-section (4) should be re-enacted to read:

"(4) If no magistrate is available for the magistrate's court in any area, or where in respect of any area the Governor for any other reason considers it necessary so to do, the Governor may confer upon any Justice of the Peace or the

holder of any public office the powers of a magistrate, or such of those powers as the Governor may designate, and until the Governor revokes the powers so conferred as aforesaid such person or the holder of such office shall be deemed to be a magistrate with such powers in or for such area."

It is a reproduction, Sir, of the existing sub-section, but omits the necessity for the document appointing the magistrate having to be under Your Excellency's hand and consequently under seal and it also provides that the holder of any public office in addition to a Justice of the Peace may be appointed. I therefore beg to move that for clause 2 of the Bill there should be substituted:

" 2. Section 7 of the Protectorate Courts Ordinance, 1933, is hereby amended:—

(a) by repealing sub-section (3) thereof and substituting the following therefor:—

" (3) The Governor may appoint any fit and proper person or the holder of any public office to be a magistrate, and a magistrate's court shall be duly constituted if it consists of any magistrate so appointed." and

(b) by repealing sub-section (4) thereof and substituting the following therefor:—

" (4) If no magistrate is available for the magistrate's court in any area, or where in respect of any area the Governor for any other reason considers it necessary so to do, the Governor may confer upon any Justice of the Peace or the holder of any public office the powers of a magistrate, or such of those powers as the Governor may designate, and until the Governor revokes the powers so conferred as aforesaid such person or the holder of such office shall be deemed to be a magistrate with such powers in or for such area."

*Amendment accepted.*

**The Hon. the Attorney-General:**

Your Excellency, I beg to report the Bill from committee with one amendment, and now beg to move that the Bill as amended in committee be now read a third time and do pass.

*Bill read a third time and passed.*

THE PENSIONS (WAR SERVICE) ORDINANCE, 1941.

**The Hon. the Acting Financial Secretary:**

Your Excellency, I beg to move the second reading of a Bill entitled: "An Ordinance relating to the Pensions of Pensionable Officers released for military service."

**The Hon. the Acting Deputy Chief Secretary:**

I beg to second.

**The First Lagos Member (The Hon. H. S. A. Thomas):**

Your Excellency, I should like to make one observation before we go to Committee. According to clause 2 (b) it appears that Officers do not get pension in respect of the period when they leave the civil service to join the military service or when they are discharged from military service to resume their civil duties. I think this is a hardship. I do not see why when a man is going from civil employment to take up military duties, pension should not be granted the whole time.

**The Hon. the Attorney-General:**

Your Excellency, the Honourable Member I think has misunderstood the provision, the particular pension relates to where an officer has left the service, not where he is still in the service but joins up—"during any period between his leaving the public service." You see if a man resigns from the public service and then goes and joins His Majesty's forces, although he has left the service, he will nevertheless be entitled to count that part of his time in the interval as service, but without pay, so that he will not suffer if he comes back to the service afterwards. He will not suffer so far as continuity of service is concerned.

It does not apply where a man is in the service and has joined up because he has joined up with permission. It is where a man deliberately resigns and leaves the service with the object of joining the army (as a tremendous number of officers did in the last war) provided he comes back in the Government afterwards, this period will not come as a break in his service. At the same time he cannot get salary for it.

*Council in Committee.*

**The Hon. the Acting Financial Secretary:**

I beg to report the Bill from Committee, Sir, without amendment and now beg to move that the Bill be read a third time and be passed.

*Bill read a third time and passed.*

THE EUROPEAN OFFICERS' PENSIONS (AMENDMENT) ORDINANCE,  
1941.

**The Hon. the Acting Financial Secretary:**

Your Excellency, I beg to move the second reading of a Bill entitled "An Ordinance to amend the European Officers' Pensions Ordinance."

This is the Bill which relates to the provision of a grant of special pensions to relatives of officers killed on duty, who are killed when travelling to and from Nigeria as a result of enemy action.

***The Member for the Egba Division (The Hon. A. Alakija, C.B.E.)***

Your Excellency, I have something to say about this. The Honourable the Financial Secretary in moving the first reading of the Bill, said a similar provision would be made in the case of Africans, when a case arose. Could we not save time and paper by including Africans in this Bill at once, and not wait until the occasion arises when we have to come here and pass another Bill. I do not see that it makes much difference if we include Africans in this Bill.

***The Hon. the Acting Financial Secretary:***

While there seems to be no objection to that in principle, Sir, there are a number of questions of detail which arise. To begin with, the pensions constant in the two Ordinances differs and the benefits granted in the rate of pension should in consequence differ as between European and African staff in the same proportion as the pensions constant differs in the main Ordinances. Also as was explained by the Honourable the Chief Secretary when moving the Bill relating to workmen's compensation, it has to be considered to what extent the provisions for the grant of pensions and gratuities in respect of injury and death conflict with corresponding provisions in the workmen's compensation Ordinance.

It is preferable, therefore, because of those details Sir, that we should give careful consideration to the framing of those clauses relating to non-European staff and I do not recommend that the provisions as appearing in this Bill should be applied without amendment to the non-European Officers' Pensions Ordinance.

***His Excellency:***

Can the Honourable the Financial Secretary give an assurance that the Bill will be brought before the Council at its next meeting?

***The Hon. the Acting Financial Secretary:***

If it were only a Bill relating to this particular subject, I think it would be a simple matter to bring it before the Council at our next meeting. But I was contemplating re-enacting the whole of the non-European Officers' Pensions Ordinance, because there are quite a number of general amendments pending, arising from

recent changes in the European Officers' Pensions Ordinance which it is desired to enact under the non-European Officers' Pensions Ordinance; it would be a simple matter to enact this particular provision, at the next meeting of Council.

***His Excellency:***

Well, at any rate, can the Honourable Member give an assurance that if that is not done, no African who would be eligible will suffer by reason of the amendment not having been passed—that action will be taken to ensure that any African who might be injured or killed in these circumstances will receive the benefit?

***The Hon. the Acting Financial Secretary:***

I can safely give that assurance, Sir, and did in fact do so when moving the first reading of the Bill. Without any reservation or hesitation I can give the assurance that should the occasion arise it would be my immediate duty to bring a resolution before this Council granting pensions similar to the provisions under this Ordinance.

***The Member for the Egba Division (The Hon. A. Alaktija, C.B.E.)***

That undertaking, Sir, I accept.

*Council in Committee.*

*Clause 1.*

***The Hon. the Acting Financial Secretary:***

I wish to move an amendment, Sir. The following words should follow after the figure 4 in clause 1 "and shall be deemed to have come into operation on the 26th day of July, 1940."

*Amendment passed.*

***The Hon. the Acting Financial Secretary:***

Your Excellency, I beg to report the Bill from Committee with one amendment and move that the Bill as amended now be read a third time and passed.

*Bill read a third time and passed.*

THE WIDOWS' AND ORPHANS' PENSION (AMENDMENT) ORDINANCE,  
1941.

***The Hon. the Acting Financial Secretary:***

Your Excellency, I beg to move the second reading of the Bill entitled "An Ordinance to amend the Widows' and Orphans' Pension Ordinance."

**The Hon. the Senior Resident, Plateau Province:**

I beg to second.

*Bill read a second time.*

*Bill read a third time and passed.*

THE UNLICENSED GUIDES (PROHIBITION) ORDINANCE, 1941.

**The Hon. the Acting Chief Secretary to the Government:**

Your Excellency, I beg to move the second reading of a Bill for "An Ordinance to prohibit unlicensed persons acting as guides and to control the activities of certain other persons."

In Committee, I propose to move five amendments. Of these five amendments, one I made no reference to in introducing the Bill, but it is of considerable importance. I will mention now what it is:—"that the Bill be amended by renumbering clauses 12 and 13 and the insertion of the following clause immediately after clause 11:

" 12. A prosecution for an offence under this Ordinance shall not be instituted without the consent of a Superintendent of Police:

Provided that this section shall not prevent the arrest or the issue or the execution of a warrant for the arrest of any person in respect of any offence, or the remanding in custody or on bail of any person charged with an offence under this Ordinance, notwithstanding that the consent of a Superintendent of Police to the institution of the prosecution has not been obtained."

As regards the Colony of Lagos, the definition of Superintendent of Police is already contained in the second clause. Superintendent of Police in respect of the Colony, means a Superintendent of Police, Colony; in respect of any other place to which this Ordinance may be applied, it means the superior Police Officer in charge of Police in such a place.

The object of this amendment is to ensure that none of the persons accused of an offence under this Bill can be brought before the Magistrate until their case has been thoroughly and fully investigated by the Superintendent of Police.

**The Member for the Egba Division (The Hon. A. Alakija, C.B.E.)**

Your Excellency, subject to what the other Honourable Members have to say with regard to this Bill, I am going to suggest again for Your Excellency's consideration that this Bill be referred to a select committee on account of several amendments which I think will be necessary. Personally I support this Bill, in spite of the protest made by a friend of mine over the telephone against the Bill because he thinks the Bill is not necessary. I think this Bill

is very necessary in the interests of civilisation, particularly in Lagos. In every civilised country it is necessary to have licensed people to act as guides. One sees on the coast towns people with their badges, responsible people whom you can trust to take you round the country. I am sure the newspapers in this country have contributed largely to the measures which the Government proposes to take now. Every time I open a newspaper in the morning since two months ago, I see fiery headlines on boma boys, and the Government has now taken steps to check this menace; I think we should all rally to support this Bill.

I will however make suggestion as to clause 3, *i.e.*, licences to guides by a Superintendent of Police. I am going to suggest that other licensing body should be appointed to hear appeals from refusals by any Superintendent of Police. Such appeals may be sent to the Town Council Licensing Board, because there will be on that Board people who really know this class of boys, who will be able to advise whether they are suitable or not. Such a matter in the hands of the Superintendent of Police is not satisfactory, as we have seen in the case of licences for houses selling spirits, wine and beer.

Also, clause 5 I think this should be deleted entirely; otherwise if I saw a friend on the wharf or a stranger who is in trouble or difficulty and I went to him and said: What is your trouble—can I help? I would be committing an offence straight away: (clause quoted).

And so is sub-section (2): I may have to give him a lift in my car, to show him some place—it would be an offence.

Clause 7, for instance, about hearsay evidence, should be hearsay by the Police or some responsible people; otherwise the very boma boys who are not licensed will give trouble to the boma boys who are licensed. They will say that certain complaints were made to them by tourists before the tourists went away, and so on. Section 9, too—a driver should be given some permission to tout a little bit without making himself a nuisance. Things like that require a little bit of amendment.

I am suggesting, subject to the debate by other Honourable Members, that the Bill be sent to a select committee which will be able to make amendments acceptable to the House.

**The Member for the Colony Division (Dr. The Hon. Henry Carr, O.B.E., I.S.O., D.C.L.):**

Your Excellency, I consider the Bill before the House to be a measure of very great importance. In his statement of the objects and reasons for this enactment the Honourable Attorney-General says that "the provisions of the Bill have been designed to control the reprehensible activities of boma boys, certain classes of motor vehicle drivers and conductors and common prostitutes." I

wish to inform the House that the appearance in this community of the different classes of undesirable persons referred to is of very recent date. Prior to the Great War they were hardly to be seen or heard of. They are the products of the confused state of affairs and the relaxation of conduct and morals which are among the products of the war. It will be recalled that at the end of the war we had the trade boom. People made money very easily and spent it very recklessly. Then came the slump when many people lost the money which they had made and there was hardly more money to be made. They then began to seek to get money again by all means, whether fair or foul. This was the beginning of the confusion which became worse confounded when the ruthless retrenchment of the personnel of the Government service was introduced. Most of the educated young people in the Colony and in the provinces could find employment only in Government service, and in consequence of the retrenchment a large number of them were thrown out of work and lost their livelihood. As a result of the social and family system of the country they had heretofore had to live only from hand to mouth, and now they and their dependents had practically nothing to live on. The young men employed in mercantile stores suffered in the same way as those in the Government service. As far as the Colony is concerned the first signs of the deplorable consequences of this unfortunate state of affairs were noticed in the alarming activities of burglars and brigands in the Agege District. At first it was thought that the pernicious operations were carried on by bands of men from the neighbouring provinces; but the farmers and people of the district were often greatly surprised to observe that the gangs of masked men who came by night with arms and motor vehicles to attack them and despoil them of their goods were people who spoke English, and it was soon realised that they were people who had had a good school education and were of the number of those who were out of employment and were seeking by any means and by all means to get a livelihood for themselves and their families. It is easy to understand that when educated persons in this community are known to have recourse to unlawful activities the bad example which they thus set is readily followed by other people, and the evil spreads throughout the country. We are now faced with the duty of devising the means of checking the evil. We see that the Government intends to effectuate this object by passing into law the Bill before the House. In his statement of the objects and reasons for the Bill the Honourable Attorney-General has also drawn attention to the fact that the punishment to be inflicted under the provisions of the Ordinance is stern but not severe. I believe there are present in the House to-day some Honourable Members who are of the opinion that the punishment provided is in some cases rather severe. But I am not going to labour that point now. The point I want to stress is this:—Our main object should not be to punish the boma boys and other people who like them are the victims of adventitious circumstances; our

duty is to endeavour to reclaim them. The effectualness of punishment as a deterrent or with the object of reclaiming an offender resides not in its severity but in its certainty. Will the proposed legislation result in our bringing to book a large number of offending boma boys? I have my doubts. These people go about their business in gangs. They are a highly organised body. A group of ten of them may attack a victim, some holding down the victim while others are searching his pockets for the purpose of despoiling him of his money or his goods. Whatever is extracted in this way is quickly passed from hand to hand and the final possessor goes away with it while the other members of the group or some of them continue the struggle with the victim. At long last when a policeman comes to the spot he may find only one boma boy who will be arrested, charged, tried and convicted of assault on the victim. But were there not ten boma boys involved in the plot? Where are the nine? They are at large occupying themselves with their unlawful activities. But they do not forget their comrade who is in prison. They keep for him until he joins them again his share of the spoils which they gained from their victim and also his share of the spoils which they have gained during his term of imprisonment. These boma boys and the like of them recognise their reciprocal obligations. They consider the sufferings of an imprisoned comrade to be vicarious, and they therefore bind themselves to keep for him his share of their spoils; on the other hand, he is under the obligation not to tell on them.

We know too well that a law designed to effectuate an object may be most carefully drafted and its provisions may be as comprehensive as possible, but it cannot execute itself; for no law carries in it the executory principle. There must be provided an agency for the execution of the law, and its effectualness depends on the competency and adequacy of the agency thus provided. In the last resort the agency for the execution of the legislation under consideration is the local police, and in this House the attention of the Government has already been directed to the necessity for the improvement of the local police. There appears to be in existence an arrangement, introduced for the first time about twenty years ago, when, I make no doubt, there were excellent reasons for doing so. Under this arrangement young men of the Colony and Western Provinces are employed as policemen in the Eastern Provinces, and the young men of the latter provinces are brought over to Lagos and the Western Provinces to serve as policemen. But during the last twenty years conditions in Lagos have changed greatly. We have now with us a considerable number of immigrants from the Eastern Provinces and they form a community of their own in our midst. Moreover the men who are thus brought to Lagos to serve as policemen are of the class of those who wherever they might be are prone to the exhibition of strong tribal ties and loyalties, and it is common knowledge that they are very discriminatory in the execution of their duty. To the people of

Lagos the existing arrangement has therefore for some years back been felt to be an unregarded grievance. But, speaking on the authority of the Honourable Member for the Rivers Division, I am glad to say that Yoruba men as policemen are welcome in the Eastern Provinces. I think this desirable situation of affairs redounds to the credit of the Yoruba men, or it is perhaps due to the fact that in the Eastern Provinces there are not to be found a large number of Yoruba immigrants to produce by the action of their presence the sociological problem of the police arrangement of Lagos which is now patient of solution.

I must not omit to mention that it has been alleged against the youngmen of Lagos that they are disinclined to join the Police Force. Perhaps this is ancient history. In any case the allegation should be examined. If reasonable encouragement and inducement are offered there is nothing, as far as I can see, to prevent these educated youngmen from joining the Police Force. It is important to be noted that the local police should consist of local men who speak the language of the community, who understand their customs and traditions and are in sympathy with them. The work of the police consists not only of the arresting of offenders. In a community like this we look to the police to help to train and guide the people in the way of the keeping of the King's peace. The police themselves need to realise that this is a most important duty of the policeman for the British Courts are not intended to be manufactories of crime nor is British justice vindictive. How can policemen discharge efficiently their duty of so great importance when they do not speak the language of the people among whom they work, when they have no knowledge of the customs and traditions of the people and of the personnel of the community?

The solution of the problem, or rather the problems, produced by the emergence of the boma boys and other undesirable persons of that class is to be sought in the direction of the solution of the problem of the unemployment of our young people in the town of Lagos. From year to year we throw out into circulation from our secondary schools a large number of boys who cannot get something to do as there are no vacancies in the work for which they are fitted by their school education. They wander about from day to day until they at last attach themselves to groups of boma boys. I have already shown that it is a mistake to think of these boma boys as consisting only of illiterate youngmen from the provinces. If further proof is required of the personnel of this class of people, I may mention that only the other day I was told by an English clergyman the story of the experience of an English naval chaplain of a gunboat which was at the time in the Lagos harbour. When he came ashore from the gunboat the chaplain was not recognised as a clergyman as he was in naval uniform. He soon found himself followed by a group of young men as he went about the town, and when he was on the point of entering a boat on his return to his gunboat, one of his followers approached him and

said that he could be of service to him in a certain direction whenever he came ashore again, and this follower wanted to arrange a meeting with him for the purpose. It was surprising to the chaplain to hear the youngman speak English perfectly,—an evidence of the fact that he had been educated at a secondary school.

Surely the time is come for the Government to inquire into the working of the system of education which has been evolved in this country. The system requires reconstruction and readjustment to changed and changing conditions. At its inception it was designed mainly to supply native agents for Christian Missionary Societies and junior clerks for Government Administrative Departments. This was the demand of the time. But at the present moment the supply of youngmen of the clerkly class is greatly in excess of the demand, and as youngmen employed as Government clerks get on ever so much better than those who are in other kinds of employment, parents send their boys to school in the hope that the boys on leaving school will get a post in a Government Department, and the sole ambition of the boys themselves is to get a Government appointment on leaving school. In the circumstances the parents of a boy would complain that they have not had a fair treatment if their boy after passing the prescribed examination for admission into Government service fails to get an appointment. Only yesterday a Senior Resident who is an Honourable Member of this House said to me in the course of conversation that the most important industry in his Province is the opening of schools. The people, he continued, have come to look upon the sending of their boys to school as a short way to a soft job. I think that this is but a mild description of the actual state of the fact, for, as he spoke, he referred to a recent vacancy of a junior clerkship for which he received two hundred and fifty applications from boys of but a little, if any, degree of school education. What they really seek is to get money, to get it as quickly as possible and to get it by all means.

We require a system of education under which our boys and girls, wherever they might be, will be trained to take an interest and a pride in the work which they are trained to do and through which they will get their livelihood. We want the young people, whether they are in the Colony or in the Provinces, to be trained with a view to their making their own contribution to the prosperity and happiness of the community of which they are members. The young people of the Provinces now rush to Lagos where no occupations can be found for them, and in consequence of the great change in the economic life of the country in recent years the whole community suffers because we have not been able to solve the problem of unemployment. There is therefore an urgent need for further economic development, and it appears that it is only by the introduction of industries that it can be satisfied. The industrialization of the country is therefore inevitable. But with

industrialization will come an enlargement of the domain of contract, for it has been truly said that the movement of society is from status to contract. When, however, there is an enlargement of the domain of contract the conflict of economic privilege and serfdom will also arise, and in this conflict the freedom of contract will be destroyed. The African will then in the ordinary course find himself in a helpless condition, for he will not have the power to make a free contract with those who are in a surpassingly stronger position. As a matter of equity the Government will therefore be expected to take the responsibility of regulating the contract and protecting the interests of the weaker party. It will be unreasonable to take the view that such action on the part of the Government would be interference with the freedom of contract or with the liberty of the subject, for the liberty of the subject consists in the freedom of a citizen to do what is right and not in his freedom to do what he likes. By taking such action the Government would be placed in a most advantageous position to demonstrate to the people of this country that it is the Government of the people for the people, that its conception of its duty is to improve the conditions of their life and promote their individual welfare. As far as the working of the machinery for the development of political administration and civilisation in our midst is concerned, we Africans realize that we are moving too fast, that we are being moved too fast,—too fast we live, too much we are tried. And yet from this life of hurry and confusion, from this life of difficulties and dangers, we know that there is no escape: for we also realize that they who set the pace to us are themselves the slaves of a tyrannous necessity. At the same time we cannot forget that nature is stern and unrelenting, and that we must pay for every undue strain and every sudden change. We cannot forget that for every overdraft nature exacts from us payment of interest at an infinitely higher rate than what our Honourable friend the Banking Member would demand. We look to the Government for the help which we need to enable us to settle our accounts with nature. We ask and pray that the Government should take steps to introduce suitable industries into the country under the conditions in which the people shall be protected from the evils of the crushing operations of the forces of big business and imperial commercialism. We also pray that steps should be taken by the Government to reorganise our system of public education with a view to putting an end to unemployment and to improving the social and economic conditions of the people. We cannot believe that the chief or the most important duty of the Government is to enact laws for the purpose of inflicting stern or severe punishment on offenders. The Government in our conception of its duty, is "more than a conqueror": it is the friend and helper. The chief duty of Government, as we conceive of it, is to strengthen the weak, to rescue the fallen and reclaim the straggler, and to afford to all its subjects "joy in widest commonalty spread".

*The Member for the Rivers Division (The Hon. S. B. Rhodes):*

Your Excellency, when I first read this Bill I said to myself, here is a tacit admission by Government of the defect of our educational system in Nigeria. The Honourable the Member for the Colony Division has dealt just now with the question of the defect of our educational system. I feel, Sir, that instead of creating machinery in Nigeria whereby we turn out boys every year for jobs that are not available, we should create machinery whereby boys will be taught to use their hands and their fingers.

I observe of late at Aba that there are young boys who go about the railway station with brush and polish, and as they can get nothing else to do, they start doing boot black and earning their payment. It was started in Lagos two years ago, but I do not think it exists here now. I suppose the result is the boma boys. We are not sure that we have boma boys in the provinces—at least I have never seen one. There may be one or two loafers at Port Harcourt, but I have never seen a boma boy there and I have never heard of complaints.

But the Honourable the Member for the Colony said that I did say to him that Yoruba policemen are welcome in the provinces. My object for saying so is that we are not clamorous in the provinces. We welcome policemen, Yoruba and Hausa; we want them so long as they can do their duty, and I do not see, Sir, that constables recruited from the provinces coming to Lagos and doing their duty in Lagos are in any way to be blamed for what is going on. After all, I think if a count is taken the result will be probably ninety-three per cent of the boma boys are from Lagos. So if there is any trouble at all it is within the Colony itself and not from the provinces.

I would like to comment on the words, in the Objects and Reasons, "common prostitutes." Well, here again, we are faced with another difficulty. We are establishing schools for girls to-day: we have girls going right up to the sixth form, fourth form pass standard. They all leave school and they want something to do; they have been trained to acquire the taste of decorating themselves; they want a job. The only job that is open to them is that of telephonist in the Government service. Well it is true, they may be—if they revert to an immoral way of earning their living, they become common prostitutes. But what is the remedy? You have a girl whose parents are not up to much financially. They have sacrificed everything they can. Well, you get that girl—she could not get a husband; she could not get a job; she wants to dress. What is to be done? It is immoral; it is bad; she becomes a notorious person in the country. What is the remedy?

This Bill does not provide for the remedy, and I am submitting, Sir, that after the passing of this Bill Government should probe into the cause itself and see how it would be possible to create

certain posts for girls leaving schools with higher education. I say this because I am faced with this problem in the provinces. You get girls coming to you always—I have passed standard six; I have done this; I have done that. Well, I cannot get a job. I do not know what to do.

I have also seen instances where after a time these girls turn the other way round; they then become the outcasts of society. But I say Sir, is the system all right? Supposing these girls were taught laundry at school, proper laundry? If they cannot get telephone exchange work, or some such job, they could use their hands. There is an opening in this country for good laundries; that has not been touched, and one or two other things like that.

I feel that the object of this Bill is simply to safeguard certain people coming to this country. I quite agree at this time it is necessary, but we should go into the root and see what can be done to remedy the whole situation.

#### *The Third Lagos Member (The Hon. Jibril Martin):*

May it please Your Excellency. After hearing the Honourable Member for the Colony Division, I have been relieved of much of what I wanted to say in this matter but with your permission I shall add one or two remarks. It is not correct as the Honourable Member for the Rivers Division suggested that this particular offence is committed in Lagos and that the boys of Lagos are mainly responsible. These boys come from all different parts of Nigeria. I agree that we should try to find the cause of this social evil. The Honourable the Chief Secretary asks a pertinent question:—Do the activities of the boma boys constitute a menace? I have no doubt that the Honourable Members will answer this question in the affirmative. It is really a menace, but are we only to find the means of suppressing it. Is that all? I think we not only need to repress, but to reclaim all these boys. The Government should find not only the means of repressing them but also of reclaiming them. It is one thing to make legislation to repress an offence; it is another thing to make the people realise that the offence was an offence to the social welfare of the country. With all due respect I would say that mere legislation would not be the end of the whole show. It will only allow them to invent another means of getting all they want.

To my mind this is not a matter which affects Government alone but the whole people of Nigeria, whose co-operation is much needed in order to repress this social evil. If the Bill is passed into law without the necessary co-operation the same order of things may remain. The only change may be that we will have guides with a badge on their arms, who in course of time may themselves degenerate into boma boys. I am asking respectfully that this matter be considered from all angles before the passing of the Bill.

I do not wish to accuse anybody but, with due deference to the Police Authorities, I shall make some remarks regarding the arrangements for policing the town of Lagos. I am sure the police are doing their best for the prevention of crime. There was a system in force during the time I was born and up till a certain time, and that is the beat system.

That system was changed very recently. In the case of the beat system, you will find police detailed for duty in many important streets of Lagos. They had their beats and they had to control those beats. In case of any trouble at a beat, a shout for police will soon bring him to your rescue. But at the present time, go out in the night, pass through all the streets and corners of Lagos, and you hardly can find any police or anybody answering to the call of "police"; and unless you are fortunate enough in having a telephone, you can hardly get a policeman whenever the service of one is required.

Now I understand there is a system in force known as the patrol system. That system enables the police to patrol the streets of Lagos at certain intervals, perhaps, every two or three hours. Well, if the burglars or the thieves are proficient in their nefarious business, the best thing is to make sure when the last patrol left, and then go about their business. There have been cases of burglary at prominent thoroughfares of Lagos,—the case of the MacIvers' burglary; that took place at a prominent street, a place where you will find people going right and left, from morning till night, yet burglars broke into the shop and made off with many articles in the shop without anybody detecting them. Well, I think I will be told by the police that, yes, it is true this burglary was committed, but they were detected. I say that if the beat system is still obtainable, it will be difficult if not impossible for the burglars to commit such an act.

I think prevention is better than cure. Beat system is in itself a preventive measure, and the Criminal Investigation Department came to the aid when the offence had already been committed. Why, if the police continue the beat system, they ought to be in a position to prevent an offence being committed. In this particular case, Your Excellency, the thieves were detected by means of finger-prints. The Criminal Investigation Department were successful, because after taking the finger-prints, they had to resort to their office to search the record of all the rogues who had committed similar offences before and then to compare the finger-prints. They were successful because in the finger-prints they were able to find some familiar figures. Otherwise, if they were new people they would have gone without possibility of being detected.

So I am appealing to Your Excellency that consideration should be given to this system, the beat system. As far as I am concerned, I can say positively that there is a greater advantage of this system over the patrol system, and from a layman's point of view I think there will be some members here who having knowledge of the system will agree with me that the beat system is better and is the best way of preventing an offence or crime from being committed.

Well, Your Excellency, I also support the Bill in principle, but as a lawyer I do not like an age-long principle to be broken, particularly in the case of hearsay evidence. According to section 7, such evidence is admissible, and in section 8 the opinions of two persons are enough to convict any innocent person as boma boy. I think that will be a very hard thing, and the Honourable the Attorney-General will no doubt agree with me that some of the provisions including those mentioned are unusual. If the opinions of two persons are sufficient evidence to obtain conviction, it will be very easy for the boma boys who are being repressed to victimize by conspiracy any of the licensed guides under this section. So I am respectfully appealing to Your Excellency that sections 7 and 8 should not be included in the Bill, because although they may be necessary in order to be able to trap the boma boys, well, it will, I respectfully submit, soon become an infringement in the common law rights and liberty of the innocent subjects.

There is another class of persons who is affected, the motor drivers. I have no doubt that they themselves constitute to some extent another problem. But there is sufficient provision in the local law to enable the police to discipline them.

Just one word in respect of the guide, Sir. This guide, Your Excellency, will not be paid by anybody. They will rely upon their employment as guides for their sustenance. And what class will be appointed guides? They will be those persons who are employed by some of the hotels and restaurants in Lagos and they are the people we are going to trust at all in doing the right thing.

I do not mind anybody being appointed as the licensing authority. The Superintendent of Police will be a better choice in my view, because he is by the nature of his duty in a better position to investigate the credentials of any applicant. There appears to be no other person more competent or better qualified to perform the work satisfactorily. I am in favour of the principle right from the very beginning, because it is a disgrace to anybody and if the evil could be got rid of, it would be in the best interest of all concerned. So I am respectfully asking that a small committee should be set up, charged with definite terms of reference, to look into the whole matter as to the way of repressing, or, if possible, reclaiming the boma boys.

**The Labour Inspector (The Hon. C. H. Croasdale):**

Your Excellency, in rising to support this Bill concerning a matter which has been so ably summarised by the Honourable Member for the Colony Division, I should like to emphasise some words of the Honourable the Third Lagos Member which struck me forcibly—this is a matter which affects the whole community. Essentially it is a social disease that exists not only in Lagos, but all over the world. It is recognised as being a social problem, and it seems to me that it is the duty of every person who has a sense of social responsibility to consider all the implications of the problem and to do what he can personally to solve it.

Bearing that in mind, I feel, Your Excellency, that the Bill will be rather in the nature of a fomentation, as it were, for a social ulcer, and I suggest it should be regarded in that light. We must, however, take care that this fomentation is not too hot, so hot as to cause damage to the tissues of the community. If the Bill is accepted, I consider it will provide a means of reducing this ulcer to lesser proportions. But I also feel that the success of the Ordinance will depend to a very large extent on the way in which it is administered, particularly on the part of the police. With intelligent co-operation on the part of all the members of the community, African and non-African, and particularly of the officers and members of the African tribal societies, with many of whom I have discussed this question, I think the problem can be solved. At the same time we must all remember our own common humanity with the individuals who are said to be a menace.

With that in view, Sir, I beg to support the Bill.

**The Hon. the Commissioner of the Colony:**

Your Excellency, this Bill is one of considerable importance in the administration of Lagos and it is one which I do feel ought to be passed if possible without any delay at all.

The police have been criticised a great deal for not dealing with the "boma boys." The Honourable the Third Lagos Member suggested that beats should be introduced to deal with robberies. I do not know how this would affect robberies but it would not deal with the "boma boy" problem. I do not think Honourable Members realise what an unfair task police have been given since naval ships started coming into Lagos. Quite recently two special constables came to my office to see me about these boma boys; they said that unless the police could be given power to deal with them, they proposed to resign from the special constabulary.

The powers given by this Bill are, as the Honourable the Member for the Egba Division has said, very wide and I agree that he or I might be arrested on the customs wharf and haled off to prison. But there are safeguards which will be put in by an amendment,

making quite sure that nobody is prosecuted unjustifiably. Nor do I think there is very much danger of any Court accepting the evidence of two boma boys against another boma boy. But I think that we should try and avoid any delay and make it possible for the police to carry out their duties in dealing with this problem. This is not a problem found only in Lagos; it is a pest that exists in every large seaport throughout the world. The only difference between Lagos and other ports is that so far we have had no adequate legal methods of dealing with the problem.

**The Hon. the Director of Education :**

Your Excellency, I am afraid, as usual, if there is any blame to be allotted it is the unfortunate job of my Department to bear the brunt of the attack. I must say that I listened with very great interest to the speech of the Honourable and learned Member for the Colony. He has had a wonderful experience of education in this country and what he does not know about it is not worth knowing. I endorse everything my Honourable and learned friend said.

It is very unfortunate that at this time in Nigeria the one thought is secondary education, more secondary schools, more secondary education.

Now that is not the remedy. In the old days it was—more higher elementary schools. We have got the higher elementary schools, but our problem remains. We have got our lower middle schools, and the problem remains. Even if we get any number of secondary schools, our problem will still remain and there will be a tremendous outcry for universities.

What it really means is, we are not getting down to the essentials in education. Why are we not doing so? Because no one is interested. The other day the Director of Agriculture put up a splendid scheme for a farm school in a certain province. Was the Native Administration prepared to give him the land for that school? No. Last year, in conjunction with the General Manager of the Railway, the Director of Marine and the Director of Public Works, a scheme was put up for apprentices to be taken into the Government workshops to be trained. That scheme was approved in principle, but not one Native Administration sent down any apprentices.

This morning, just before coming into Council I had an interview with Archdeacon Dallimore, a very old and trusted servant of the Church Missionary Society. He came to see me on very urgent business. He explained that at Ado Ekiti they had been for some years running an industrial school. In spite of the incessant clamour by the local people for a secondary school, he had said,

"No, what we want for your boys is to keep them here and to teach them something useful." He came to tell me this morning that unless some funds are made available that industrial school will have to close, and he could not see how he was going to stop the demand for a secondary school which he was quite certain would have the full support of the Native Administration.

I think it is only fair that everybody should know that unless some change is made in the educational system and unless some money is made available, we are in a dangerous position.

The problems of the boma boy will arise not only in Lagos, but in other towns in Nigeria. The Honourable and learned Member for the Rivers Division said that he thought the apprentice scheme in Lagos had been dropped, that, Sir is not correct. It is still functioning and it is doing quite well; but it can only deal with a very few boys; it wants something very much bigger than that to deal with this problem.

He then mentioned the subject of the girls. There I think he was possibly exaggerating, because there are very few girls available at present for employment. We find it very difficult to get educated girls to take up teaching. He mentioned that the Post Office had absorbed a certain number of girls. There is also the Medical Department which absorbs a large number of girls as nurses, and also there are girls coming into the commercial firms and into Government offices. That, of course, might be the solution of our problem. It will not however be a popular one.

I spent my leave in South Africa, and when I was in Durban. I went to the Technical College there, the Principal of which is a great friend of mine. He took me all round that College. It was for European children. There were apprentices working at various trades. I said to him, don't you get any bother here about boys wanting to be clerks? Oh no, he said, no boy would dream of being a clerk—that is girls' work. Boys much prefer to go into the motor garages or become apprentices; they do not want clerical work. Possibly in the far future when we have a greater number of girls' schools we may find all our stenographers in Government offices will be African ladies. Then we shall not have this problem of every boy wanting to be a clerk. Such a state of affairs seems to me to-day to be a sort of millennium. This problem must be solved, or we shall be in grave danger of a lot of social upheaval, but until the Government is prepared to tackle the problem and to meet the Bill I do not think that a great deal can be done.

It will be a long time before we shall be able to anticipate that the boma boy and the Marina girl will settle down in a sort of Garden of Eden without that snake—the Education Department hiding in the grass! (Laughter).

*The Member for the Ibo Division (The Hon. B. O.-E. Amobi):*

Your Excellency, there is one comment I wish to make on the Bill now before this House, the common parable which we have in our town, runs as follows: He who advises the thief to keep away from stealing must also advise the farmer to look after his farm.

We are here to-day on the second reading of this Bill, but I believe that these boma boys should be avoided by advising the tourists themselves and the sailors. If the tourists know that they have come out here to tour round and see views of the country, why not report to the police straight away and a guide is given them. Why put themselves under the control of these boma boys? They have given rise to it. These sailors who come ashore want to go round, to go and have a drink of beer, why not walk straight away to the Grand Hotel. They have tempted these boys by inviting them to take them round and when perhaps they are drunk a fight ensues.

I remember when I was in London in 1937 I was out one morning; finding my way back to the hotel, I missed the road. All I did was to walk to a policeman. I asked him and he directed me. So I feel, Sir, that whilst we are passing this Bill we should advise the tourists and the sailors, warn them to avoid these boma boys. If we do not do that, there is no remedy. When we pass this Bill, they will devise other means of escape.

Of course in the provinces we know nothing like boma boys; we have not got them established in the East, but there is one thing, Sir, which bothers my mind very much—that is when I am told in this House that people from the provinces are responsible for the lot or at least for part of the act done in Lagos. Well, I can safely say that people from the Colony, especially people from the West, are responsible for a lot of thieving that we get in the East.

Formerly, we hear of burglaries, stealing things as goods and farm products, but now there are experienced thieves who come with special instruments specially designed for opening into shops. It does not matter whether you use Yale lock or master key to the door of the shop. We in the provinces welcome strangers; we treat them as ourselves, except they prove otherwise.

Your Excellency, there are a few amendments which I propose to suggest, and that is in clause 6 of this Bill—"a licensed person has no right to advertise himself" and it is only by advertising that you can sell your article. If he does, he is charged, even for moving about on the wharf trying to advertise himself.

Secondly, as already mentioned by the Honourable Member for Egba, any person of his own accord who goes to render assistance to somebody might be brought up also. I really do not know what step Government would take to avoid prostitutes and women loafing

about the streets of Lagos. It is not merely because the girls are uneducated and have no job to do, but I believe that people feel that there is plenty of money in Lagos, and that by moving about they could make something to live on. We have no prostitution in a place like Onitsha, or in a place like Owerri, but when you come to a place like Port Harcourt and Enugu where you have clerks and various classes of people living in the place, there you have prostitutes moving about in a large scale to attract attention. At the same time, I still feel that the same advice should be given to the man who goes about in the street. If I am walking about in the street with no intention of committing any crime, I would simply go about my business and go home safely.

I therefore support the Bill.

*The Member for Calabar (The Rev. & Hon. O. Efon):*

Your Excellency, my predecessors have covered the ground so thoroughly and so well that it is needless for me to re-traverse the beaten tract. I wish to associate myself with what the Honourable Member for the Egba Division said about appointing a select committee to go into this matter, because the issue involved is very great. It involves readjustment in the system of education, the police system, and the Bill itself has many loopholes for amendment. For that reason I would not like to see this Bill rushed through. We have thirty-five Bills to pass this Session, and I think in order to give permanent benefit to this country there should be materials for our help from all concerned. I rise, also, to support the fact that we have not boma boys in the provinces. I do not mean to indicate that people here are worse in character.

It is very difficult really to think of the class of people from which these licensed guides will be recruited because such people must be reliable, must have sufficient moral background to command the confidence of the public.

I wish to associate myself with the idea of having a Select Committee to go thoroughly into this matter.

*The First Lagos Member (The Hon. H. S. A. Thomas):*

Your Excellency, a lot has already been said on this Bill and I do not wish to go over the grounds which had already been covered; but I would like to say that I support the Bill in principle and I would ask that the suggestion by the Honourable Member for the Egba Division that a Select Committee be appointed to go into the matter be given favourable consideration. The Bill is a very important one and should not be passed without its being given thorough consideration. I do not agree with the definition, as given in the Bill, of "tourist" which includes every member of the public and, I daresay, includes Your Excellency sitting on the

chair in this assembly! Apart from this, people coming from the interior to Lagos and staying with relatives may want these relatives to take them about town. What provision is made for these relatives to do so without being licensed as guides? The Bill should give protection in such cases. These are some of the points which require very careful consideration and which I do not think such a large assembly as we have in the House is in a position to do justice to.

I should like to associate myself with the able speech of the Honourable Member for the Colony Division, especially that portion of it which asked that Government should see to it that industries are established as soon as possible with a view to absorbing a large number of people who are at present unemployed.

*The Member for the Warri Division (The Hon. A. Egbe):*

Your Excellency, I think that in trying to cure this evil the remedy suggested should not be a greater one. This Bill before the House is making serious inroads into the liberty of the subject.

In considering section 6 the time given us for the consideration of this Bill is not long enough. I can now visualize one serious difficulty and that is if you are going to accept hearsay evidence against the defence how are you going to get over the question of identification?

A man goes to court charged under this Ordinance. The rule against the admission of hearsay evidence is relaxed against him. The party who had made the complaint against him had gone away. Well the boma boy comes to court and says I am not the party. How then are we going to establish his identity?

If this Bill is not referred to a Select Committee it could be hurried through this afternoon and passed into law tomorrow but first of all I think that a chance should be given to the Unofficial Members to make suggestions about this Bill which is framed to cure one of the evils arising out of illicit distillation.

I support the suggestion that this Bill should go to a Select Committee.

*The Hon. the Director of Marine:*

Your Excellency, I receive frequently complaints from Masters of vessels against the activities of boma boys. Their services are not required by seamen; they just annoy the seamen, and in fact in the true tradition of the sea, the seamen prefer to go unaided. These boys are a menace, and no doubt a disgrace to the whole of Lagos, and I do not think any action could be too severe that will stop their existence.

**The Hon. the Acting Chief Secretary to the Government:**

Your Excellency, if I sense the feeling of the House correctly, it is that the majority of members feel that this legislation is due and overdue and should be introduced with as little delay as possible, for the reasons which were indicated to us by the Commissioner of the Colony. There are one or two minor points arising in connection with the Bill itself, to which amendments will be offered to the Council, and I again mention the fact of hackney carriages taking the place of public service vehicles, and again draw attention to the safeguard in the new twelfth clause, which will mean that the Superintendent of Police must investigate every case.

The Honourable the Member for the Egba Division thought that the Superintendent of Police was not the man to issue licences to guides. Well, I am afraid I cannot agree with him. The police are the people who know best the people of Lagos from the police point of view, from the point of view of keeping law and order, and I feel that they are the people who are best able to know whether a man is or is not the right type of man to be a licensed guide.

Again, the Honourable Member for the Egba Division mentioned that he considered clause 5 should be omitted; but surely, if clause 5 is omitted, the whole point of the Bill as regards guides is lost in that there would be no need for a guide to be licensed at all; and so a large part of the Bill becomes non-operative.

I feel that members generally agree that there is an evil here and that that evil must be eradicated. We have listened to a number of very able speeches on the subject of why this evil has arisen. I must confess that I have seldom listened to debates in this Council with more complete sympathy with the vast majority of what has been said. The boma boy menace is the result of circumstances which do not arise only in Lagos; they arise all over the world, and are the result of a social sore and the need for social reform, but that need is not only found in Nigeria—it is a need which extends over the whole world. So long as we are aware that that problem exists and do all we possibly can in regard to social services with the money at our disposal, we can do no more.

Nobody denies that the boma boy is the victim of circumstances and that the problem which exists in the boma boy, is not the fault of the individual boma boy: it is the fault of lack of social progress in the past. We might apply the same argument to the war in which we are engaged—we realize all this, and Government is doing its best and will continue to do its best to find a solution to these various evil things—lack of education, unemployment, and so on. But that does not affect the Bill itself. I am here to introduce this Bill, to get rid of an evil that exists. Why the evil exists is another matter; what I am trying to do is to convince the

House that that evil does exist and that it must be got rid of as quickly as possible, and it seems to me that if that is so, the suggestion that has been made of a Select Committee is hardly justified.

We have our evil; we produce in this Bill a suggested method of getting rid of that evil. I have explained when introducing this Bill the need for drastic measures, the need for giving the police wide powers, and I think from what members have said to-day, that they agree that this evil does exist. Are we going to get rid of it, or are we going to leave it? If we are going to get rid of it, we will have to introduce a Bill on these lines. The reason that we have introduced a new clause is because the Bill as it stands may be open to the criticism that a person accused under the Ordinance may appear before a Magistrate without his case having been fully investigated beforehand. Now, no case will go to the Courts until it has been thoroughly investigated by the Superintendent of Police, any suggestion that a relation staying with you, whom you take round Lagos, or a servant going to meet somebody, or any other innocent people are going to get into trouble because of this legislation, is quite fantastic. You can rest assured that no person will appear before the Court unless the police and a superior police officer have very good reason to believe that he comes within the operation of this Ordinance.

In regard to the legal aspect of the Bill,—the admission of hearsay evidence, and the attack on the rights and privileges of the private individual,—I can only say once again that this Bill will be operated, because of its extreme wide powers, with the greatest possible discretion, and I can assure Members of this Council that very careful steps will be taken to see that the possible dangers which exist in the way of the arrest of innocent persons and of their being dragged before the Courts on trumped-up charges, will not materialize.

So I once more recommend the Bill to the House.

*Bill read a second time.*

The Honourable Jibril Martin moved that the Bill proceed to a Select Committee. The motion was defeated.

***The Hon. the Acting Chief Secretary to the Government:***

I beg to move, Sir, that for the definition of "public service vehicle" in clause 2 there should be substituted the following definition: "hackney carriage." Hackney carriage means any motor vehicle designed or constructed to carry not more than seven persons or used or intended to be used for carrying passengers for hire or reward under contract expressed or implied for the use of the vehicle as a whole at or for a fixed or agreed rate or sum.

*Amendment accepted.*

The Honourable Jibril Martin proposed the deletion in the definition of the word "tourist" in the last sentence and also "any member of the public".

***The Hon. the Attorney-General:***

Your Excellency, I would ask the Council not to accept the amendment proposed by the Honourable the Third Lagos Member. While I sympathize with him, looking at it from a general point of view he must realise that if we allow this amendment to go through he will be asking us to perpetuate the existence of the boma boy so far as the general public is concerned. I think the amendment would defeat the whole object of the Bill.

***The Third Lagos Member (The Hon. Jibril Martin):***

I do not know, Your Excellency, if I am right on the matter. I think that the class of person which this Bill is intended to protect, and it is particularly the sailors and also other visitors to the shores and not the members of the public who are in the town of Lagos or any other place. Those who are ordinary residents in any place, they are not the people, they are not molested by the boma boys.

This affects all the members of the public, everyone, including the boma boys as well, so if another definition could be suggested just to clarify the position, that is all I want.

***His Excellency:***

I should think the definition would undoubtedly be 'tourist means anybody'.

*The amendment was withdrawn.*

***The Member for the Egba Division (The Hon. A. Alakija, C.B.E.)***

Your Excellency, when I suggested that the licence to be granted by the Superintendent of Police be subject to an appeal to the Licensing Board or any other body provided for, I have in mind a case which happened recently. I am a member of that Board, and a case came before us in which the police had turned down before a Magistrate an application for a grant of licence because according to the police this place was unsuitable. The poor Magistrate had no alternative but to accept the story of the police as the unfortunate woman could not present her case properly before the Magistrate.

At the Board, I noticed that this application was for a renewal of licence and not a new licence and I asked why was the licence granted six months before? The Secretary, Town Council, then produced the file and we found that the police not only

recommended then that the place was suitable, but they said it was ideal, and of course we had to grant the licence. Further inquiry by me shows that this woman prosecuted a policeman for assault and the policeman was convicted. The Superintendent of Police is not responsible for this; as he must get his information from the rank and file. He is not a man who is likely to know who is a bona boy or not; he is going to depend on his police to recommend to him. When any applicant is turned down, he has the Licensing Board to which he can appeal and we have men there consisting of Europeans and Africans who can hear and decide on the merit of each case.

I think we shall be willing, in addition to our present duty, to take on this matter, especially as it affects the interest of the public generally. We do not want to leave this matter entirely in the hands of the police. I am suggesting that this amendment be added to the Bill.

***The Hon. the Acting Chief Secretary to the Government:***

I think I should explain that I had not understood the Honourable Member to say that in the first case he suggested an appeal to the Superintendent of Police but that he should go direct to the Board.

***The Member for the Egba Division (The Hon. A. Alakija, C.B.E.)***

No, no. I see no reason why the appeal should not lie before a small committee and I cannot see any objection to a small committee being appointed for that purpose by the Lagos Town Council.

***His Excellency:***

I suggest that we go on with the next clause. The Honourable the Attorney-General will draft an amendment on the lines the Honourable Member suggested, and we will put it to the Council later.

*Clause 4.*

***The Member for the Egba Division (The Hon. A. Alakija, C.B.E.)***

The last line "shall be guilty of an offence and under summary conviction be liable to a fine of £25." That is rather fixing the amount. I do not know whether there is special reason for that, and it is a very large amount. I think it might be "not exceeding £25".

***The Hon. the Attorney-General:***

I agree with my Honourable Friend, and I would point out that in the provision of the laws which have been working for some time, this phrase is working throughout the whole of our legislation.

*Clause 5.****The Member for the Egba Division (The Hon. A. Alakija, C.B.E.)***

Your Excellency, in regard to clause 5, may I ask that the words "any unlicensed person who for a reward of any kind or not" should be struck out. If this is done it will meet my case, Sir; otherwise an unlicensed person who for no reward makes an offer to take a person will be guilty of an offence.

His Excellency the Governor agreed very great difficulties could be foreseen.

***The Member for the Egba Division (The Hon. A. Alakija, C.B.E.)***

Any private man would be committing an offence. For instance, if I saw a person and I like his face, and he is a stranger and I say: Can I take you round and show you Government House, etc. I would be committing an offence technically. That precludes any member of the public offering to serve anybody. If we limit the offence to the case of asking for reward for such service then the complainant would have a clear cut case. If no reward is demanded then it should be open to anyone to serve a friend or stranger.

***The Hon. the Acting Chief Secretary to the Government:***

Your Excellency, here we are up against the two schools of thought. I say that if you take out "whether or not" you undermine the whole working of the Bill, because no guide is going to allow it to be proved if he can possibly help it, that he ever asked for a reward at all. The reward comes later, and then you have your argument with no policeman standing by, as to what reward you are going to get. I understand entirely the Honourable Member for the Egba Division, and what he says is perfectly true; but what I say is that the police are not going to be such fools as to try to bring a case against a perfectly respectable man who is giving a lift to a friend in his private car. There are the two points of view.

***The Member for Mining (Lt.-Col. the Hon. H. H. W. Boyes, M.C.):***

Your Excellency, it seems that clause 5 after the word "offence" does want some qualification. Could it not be that if it was in the opinion of the police that such approach is unjustifiable or something. At the moment, whether there is a reward or not, the bald statement is "guilty of an offence".

***His Excellency:***

I have considerable sympathy with Honourable Members' difficulty, because while I do not conceive that anybody acting perfectly innocently would be worried by the police or anybody

else, it does seem to me undesirable to pass an Ordinance which definitely defines as an offence a perfectly innocent action. It is a fact that if this clause were passed as it is, supposing the Governor of the Gold Coast visits Lagos and I offer to show him the way to the golf course, I am committing an offence, and though I have no doubt that no action would be taken against me, it seems to me undesirable that such a comparatively innocent action should be by law defined as an offence.

One solution that occurs to me is the possibility of inserting in the definitions, a definition of "to act as a guide", a definition which I should find some difficulty in framing on the spur of the moment. I must confess.

*The Member for the Egba Division (The Hon. A. Alakija, C.B.E.)*

A small proviso would meet the case under "5".

*The Hon. the Attorney-General:*

There was a suggestion that the Bill has been put through hurriedly. I can assure members it has not. There have been hours of work put into it. It is a drastic remedy, Sir, for a serious disease.

*The Commercial Member for Calabar (The Hon. L. A. McCormack):*

Your Excellency, I think the clause which is now being discussed does clash with the provisions of clause 3, where Your Excellency will see "any person who for a reward of any kind whatsoever offers his service, etc." Then he has to get a licence, but if he offered his services without asking for a reward and he has not obtained a licence, it is not necessary for him to obtain a licence. Whereas in (5) it is provided, as Your Excellency has seen, "whether for reward or not" he would be guilty of an offence.

It seems somewhat inconsistent. I quite appreciate the absolute necessity of having the provisions in (5) to make the Ordinance effective, but it is inconsistent with clause 3.

*His Excellency:*

A policeman who directs a tourist to an hotel would be committing an offence under this Bill.

I have a suggestion to make—that we might say "any unlicensed person who acts or offers to act as a guide provided that the onus of proving that a person so acting is not acting for reward shall lie upon the person concerned." I will ask the Attorney-General to put that into better language for me.

The Honourable A. W. N. de Normann suggested the deletion in clause 6 of the words "for the purpose of showing, etc.", but later withdrew the suggestion, which it was thought was beyond the scope of the Bill.

*Clause 7.*

**The Member for the Egba Division (The Hon. A. Alakija, C.B.E.)**

This is where the whole trouble for the lawyer lies, Sir.

*His Excellency.*

I think as it is nearly half past twelve and there is likely to be a certain amount of discussion about this clause, and also as the Attorney-General has amendments to frame, the Council will adjourn till half past two.

*The Council adjourned.*

*The Council resumed at 2.30 p.m.*

*Clause 7.*

**The Member for the Egba Division (The Hon. A. Alakija, C.B.E.)**

This morning I was referring Sir, to the hearsay evidence in clause 7 of the Bill. I pointed out to the Attorney-General the difficulty we are going to have in regard to this clause. My Honourable friend the Member for Warri mentioned the question of identity: that is one trouble. If the two people who go before the Court to testify to the statement made by a complainant could not identify the accused, it is going to be a difficult matter for the prosecution to make out a case. All the accused need say is, I am not the person responsible. That is one difficulty. Another difficulty is that unless responsible people say the police are made responsible to receive complaints, it would be easy for one boma boy to put another boma boy in trouble, by exploiting the discretion of the Magistrate to believe his story. It would be difficult for the Magistrate to know the character of the man before him. He may easily testify to a statement made by an imaginary complainant. Unless these complaints are made in the Police Station or made to a uniformed or other responsible person, it would be very difficult to secure conviction as Magistrates will be reluctant to convict on hearsay the law notwithstanding. They will be reluctant to depend on a statement made by two persons of a complaint made by an unknown person. I quite appreciate the difficulty, there is on the other hand the urgent need to pass this Bill into law and we can only do our best to put the Bill into a workable form during this rush. I have nothing more to add to my criticisms of this section.

***The Hon. the Attorney-General:***

Your Excellency, I fully appreciate that the provisions of this Bill go against the recognised principles of the law of evidence, but we appreciate that we have had to go against these principles, otherwise the Bill would be ineffective; and yet where those principles are transgressed, there are at the same time safeguards provided in the interests of a person who would be affected.

I assume, Sir, the Honourable Member is referring to clause 7. If Honourable Members will look at the Bill, they will see that hearsay evidence of a complaint made in the absence of the defendant by any tourist about the conduct of the defendant should be admitted in evidence on the hearing on any charge laid under section 6 or section 9 (1), although such tourist did not give evidence at the hearing. Why should that be allowed? You will find it in the proviso: " Provided that the Court is satisfied that owing to the conduct of the defendant in leaving the vicinity where the complaint was made, the complaint could not have been made in the presence and hearing of the defendant."

And there is yet a further safeguard: " Provided further that the fact of the making of the complaint and the substance thereof shall be established to the satisfaction of the Court by the testimony of two or more witnesses."

Your Excellency, this particular provision was designed to assist the police in those innumerable cases where they would otherwise be helpless. I will give an example: A sailor is pestered in the street, and as happens time and time again, a policeman comes up, the boy runs away. So far so good. The sailor makes a report to the police sometimes only at the time on the other hand sometimes he goes to the station and makes a report there which is entered in the records. Well, the complaint is made, but by the time that boy has been arrested—it may be tomorrow, even later—that sailor is on the ship and he has left the country.

That, Sir, is the great difficulty we are up against in these cases,—the mere fact of the accused running away. By the accused running away he provides his own defence to the charge because one cannot bring evidence as to what happened if the sailor himself is not still here. In other words, Sir, this provision will only apply where it is through the act of the accused himself that hearsay evidence is rendered necessary. That I think covers the first proviso, namely " The Court is satisfied that owing to the conduct of the defendant in leaving the vicinity where the complaint was made, the complaint could not have been made in the presence and hearing of the defendant." In other words, it will only apply where a guilty man runs away. There is that first safeguard.

Then the further safeguard is that the complaint has got to be made in the presence of two or more witnesses. Sir, I hope I have made that clear. The whole object of this, Your Excellency, is to enable the police to give evidence of an offence which at present they are unable to give simply because the accused says, " Good-bye, I am off," and runs away. That really is the whole thing, Sir, and although I realize it does transgress one of the ordinary recognized principles of evidence, in this particular case

owing to the fact that the principal witnesses will not be in the country, or may not be in the country, we have got to take steps to deal with the position as we find it,—not as we would like to find it.

And so, Sir, that leads me to the point about the identification of the accused if he runs away, which was raised by the Honourable Member for the Egba Division. Well the ordinary rules of evidence will apply. The Court has got to be satisfied that the accused is the boy concerned. If the accused has got an *alibi* it would be the same. There can be no question about that. Let us take an example: The police say, "I saw that boy; I know him quite well. I saw him annoying the complainant. When I ran up to arrest him, he ran away. The complainant went to the station with me, and made a report which was taken down in writing. The Sergeant and myself were present," or it may be other people were present, it does not matter. "That is the boy that the complaint was made against; I know him; I saw him; he ran away." If the Court believes that, that is sufficient evidence of identification: if the Court does not believe it, the accused will be discharged.

**The Member for the Rivers Division (The Hon. S. B. Rhodes):**

Sir, the class of people we have in mind are tourists, although of course the definition covers ordinary residents of a country. Now you have a sailor coming to the country; he does not know these people; he cannot identify them. He has been followed by a boma boy; he is going aboard a ship. This boy still follows. He gets in touch with a policeman. The boy is wearing a blue shirt and white trousers, he goes away. The policeman sees two boys answering to that description; they arrest one, the accused says, No, not me, Sir, how is he to be identified.

**His Excellency:**

As in all cases the Court will have to be satisfied as to the evidence of identity.

**The Member for the Egba Division (The Hon. A. Alakija, C.B.E.):**

I do not think we should look for difficulties.

**The Hon. the Attorney-General:**

Your Excellency, clause 3 was one of the clauses over which the committee has not yet given a decision. Consideration was adjourned to see if we could arrive at some acceptable amendment relating to the question of appeals from a refusal to grant a licence. I discussed it with Your Excellency, and you suggested a quick and simple amendment, which I drafted and put up to the Honourable the Member for the Egba Division. He approved of it, but further consideration shows that it requires alteration. I

trust that Honourable Members will be able to follow the amendment I now propose will read: "I beg to move that clause 3 be amended by the addition of the following sub-sections thereto." There will be two further sub-sections, and I had better explain before reading the amendment what these will be, Sir. The first part of sub-section (8) will provide for a committee of three members of the Lagos Town Council to be appointed by the President, the committee having jurisdiction in Lagos; then as a difficulty will arise if the Ordinance is extended to other parts of the country, we will have to provide for further committees for those other areas in the second half of the same sub-section. The new sub-section (8) will read as follows:—

(8) (a) Where a licence has been refused to any person applying for the same in the Colony the applicant may within twenty-one days of the date of refusal appeal to a committee of three members of the Lagos Town Council: such committee being appointed by the President of the Lagos Town Council for the purpose of hearing such appeals.

(b) Where a licence has been refused to any person applying for the same in any place to which this Ordinance has been applied by Order in Council the applicant may within twenty-one days of the date of refusal appeal to a committee of three persons appointed by the Governor for the purpose of hearing such appeals.

The new sub-section (9) will read as follows:—

"(9) The committee hearing an appeal against the refusal by a Superintendent of Police to grant a licence shall decide whether the applicant is or is not a suitable person to whom a licence under this Ordinance may be granted for the Colony or other place as aforesaid, and the decision of any such committee shall be final."

I suggest, Sir, the committee should only decide as to whether a person is suitable, because if the committee say, "This man must have a licence" it is conceivable that he may have offended against a regulation and thus be unsuitable to be granted a licence. The question is whether the applicant is suitable to have a licence.

**The Member for the Egba Division (The Hon. A. Alakija, C.B.E.)**

I thought the appeal is final that he could have a licence.

**The Hon. the Attorney-General:**

Yes, but what I am getting at is that in the regulations it may be provided that a man convicted of such or such an offence may not be licensed.

**The Member for the Egba Division (The Hon. A. Alakija, C.B.E.):**

On those grounds I am sure the committee will support the Bill.

**The Hon. the Acting Chief Secretary to the Government:**

I think, Your Excellency, that this will involve another slight amendment to clause 3, sub-section (3).

*Clause 5.***The Hon. the Attorney-General:**

I indicated before the adjournment the form of amendment I thought necessary. I have now set it out in full and I think it will meet the case. I therefore beg to move that the following be substituted for clause 5:—

“ 5. (1) Any unlicensed person who for or in the hope of obtaining a reward of any kind acts or offers to act as a guide shall be guilty of an offence.

(2) Where a prosecution is instituted against an unlicensed person for an offence against this section the Court shall presume that he acted or offered to act as a guide for or in the hope of obtaining a reward and the onus of proving to the contrary shall lie on the person charged.”

**His Excellency:**

I suggest for Honourable Members' consideration that the section might run this way:

“ Any unlicensed person who for or in the hope of obtaining a reward acts or offers . . . . .

(2) . . . . . provided that the onus of proving that he was not acting for or in the hope of obtaining a reward shall lie upon the person charged with an offence under this section.

*Clause 5 as amended approved by Council.*

*Clause 8.*

*Clause 9.*

**The Hon. the Acting Chief Secretary to the Government:**

I beg to move that clause 9 be amended (a) by substituting the words “ owner or driver of a hackney carriage ” for the words “ owner or driver or conductor of a public service vehicle ” occurring in the first and second lines, Sir; and (b), by deleting the proviso of sub-clause (2). This is to bring it into line with the amendment and definitions to clause 2, where “ hackney carriage ” takes the place of “ public service vehicles.” It excludes buses from the operation of the Ordinance.

**The Member for the Egba Division (The Hon. A. Alakija, C.B.E.)**

I wish to suggest Sir, that section 9, 1 (a) be amended. The words "speak, or call out to any tourist" in the first line be deleted so that the sub-section would read "make any noise or sound any instrument in order to attract the attention of any tourist." To stand by as a licensed man and see a tourist come, and to say, "Will you take this car?" would be an offence. Or to call out, "Please will you take this car?" would also be an offence. Merely calling out as a sort of advertisement to attract tourists should not be an offence. You are preventing a man from saying, "Step this way, there is a car for you".

At times a man is bound to speak, and I submit he could do it very politely, Sir, without giving offence. He would nevertheless be committing a crime under this sub-section.

**The Hon. the Attorney-General:**

There should be a consequential deletion of the word "such".

*Clause 9 as amended passed.*

**The Hon. the Acting Chief Secretary to the Government:**

I beg to move that clause 10 be amended by inserting the words "if a male" after the word "order" in the fifth line of paragraph (b) and in the third line of paragraph (c). As the law stands at present, it is illegal for a female to receive corporal punishment, but this is to make it doubly sure that no possible mistake can be made.

*Amendment accepted by Council.*

*Clause 11.*

**The Hon. the Acting Chief Secretary to the Government:**

I beg to move that in sub-clause 1 the following amendments be made (a) in paragraph (a) for the words "the public streets", substitute the words "any public way", and (b) substitute the words "persistently importuning or soliciting" for the word "importuning". This brings the phraseology of the Bill into line with the English Acts, and also "public way" is to be found in the Interpretation Ordinance.

**The Member for Shipping (The Hon. F. Edmondson):**

I want to ask, Your Excellency, that (c) should be deleted. I think the two clauses (a) and (b) have covered what is required. I think it is a great infringement upon the liberty of the subject.

*Amendment accepted.*

**The Hon. the Acting Chief Secretary to the Government:**

Clause 12. I beg to move that the Bill be amended by re-numbering clause 12 and clause 13 and the insertion of the following clause immediately after clause 11:

12. A prosecution for an offence under this Ordinance shall not be instituted without the consent of the Superintendent of Police:

Provided that this section shall not prevent the arrest, or the issue or the execution of a warrant for the arrest, of any person in respect of any offence, or the remanding, in custody or on bail of any person charged with an offence under this Ordinance, notwithstanding that the consent of a Superintendent of Police to the institution of a prosecution for the offence has not been obtained.

I have already explained the significance of this matter.

*Amendment accepted.*

**The Hon. the Acting Chief Secretary to the Government:**

I beg to report the Bill from Committee, Sir, and to move that the Bill as amended be read a third time and passed.

*Bill read a third time and passed.*

## THE OFFICIAL SECRETS ORDINANCE, 1941.

**The Hon. the Attorney-General:**

Sir, I rise to move the second reading of a Bill for "An Ordinance to apply certain provisions of the Official secrets Acts, 1911 and 1920 as amended from time to time".

*Bill read a second time.*

*Bill read a third time and passed.*

## THE CRIMINAL CODE (AMENDMENT) ORDINANCE, 1941.

**The Hon. the Attorney-General:**

Sir, I beg to move the second reading of a Bill for "An Ordinance to amend the Criminal Code Ordinance".

*Bill read a second and third time and passed.*

## THE CINEMATOGRAPH (AMENDMENT) ORDINANCE, 1941.

**The Hon. the Director of Education:**

Your Excellency, I rise to move "An Ordinance to amend the Cinematograph Ordinance, 1933, be read a second time." When this Bill reaches the Committee stage, Your Excellency, I shall have an amendment to propose.

*Bill read a second time.*

**The Hon. the Director of Education:**

Your Excellency, I beg to move that sub-section 1, section 6 of the Cinematograph Ordinance, 1933, as amended by the Cinematograph Amendment Ordinance, 1937, be hereby further amended by deleting the words "not exceeding 20" appearing therein.

The reason for this suggested amendment, Your Excellency, is that when the Ordinance was passed in 1933, only ten members of the Board were allowed for. This number was found insufficient, and in 1937 it was increased to twenty. It is now proposed to increase it to thirty. With this amendment, Your Excellency will be able to appoint members where and when they are necessary.

*Amendment accepted.*

*Bill read a third time and passed.*

**THE 1937-38 SUPPLEMENTARY APPROPRIATION ORDINANCE, 1941.**

"An Ordinance to make Supplementary Provision for the Service of the Colony and Protectorate of Nigeria for the year ending the 31st day of March, 1938" passed through all its stages, with one amendment, the substitution of the figures "£233,897" for "£233,896" which appeared in the preamble.

**THE 1939-40 SUPPLEMENTARY APPROPRIATION ORDINANCE, 1941.**

"An Ordinance to make Supplementary Provision for the Service of the Colony and Protectorate of Nigeria for the year ending the 31st day of March, 1940".

*Passed through all its stages without amendment.*

**THE CUSTOMS TARIFF (AMENDMENT) ORDINANCE, 1941.**

"An Ordinance to amend the Customs Tariff Ordinance, 1924".

*Passed through all its stages without amendment.*

**THE RAILWAYS (AMENDMENT) ORDINANCE, 1941.**

"An Ordinance to amend the Railways Ordinance".

*Passed through all its stages without amendment.*

**THE CROWN LANDS (AMENDMENT) ORDINANCE, 1941.**

"An Ordinance to amend the Crown Lands Ordinance".

*Passed through all its stages without amendment.*

**THE LAND AND NATIVE RIGHTS (AMENDMENT) ORDINANCE, 1941.**

"An Ordinance to amend the Land and Native Rights Ordinance".

*Passed through all its stages without amendment.*

THE TRADES DISPUTES (ARBITRATION AND INQUIRY)  
ORDINANCE, 1941.

“ An Ordinance to provide for the Establishment of an Arbitration Tribunal and a Board of Inquiry in connection with Trade Disputes, and to make provision for the Settlement of such disputes, and for the purpose of inquiring into Economic and Industrial conditions in Nigeria.”

*Passed through all its stages without amendment.*

ANNOUNCEMENT.

*His Excellency:*

I have to announce to the Council the constitution of a select committee to consider a report on the Bill for the Workmen's Compensation Ordinance and the connecting Bill. The Committee will be presided over by the Honourable the Acting Chief Secretary.

The members will be—

The Honourable the Attorney-General,

The Honourable the Acting Financial Secretary,

The Honourable the First Lagos Member,

The Honourable the Commercial Member for Lagos  
(Provisional),

The Honourable the Inspector of Labour.

*The Council adjourned sine die.*

