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CLASS TITLE 00 5834257430046/23

Reduction 12

PLUST

Date 13-4-1991

Order No 0328

Camera No 7

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EMU

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B.G. Railways
Disturbances

Nigeria Tel. No. 937 Secret

30046/23/41
29.9.41.2

Mr Digg has provisionally booked a passage for Mr Rook by the flying boat leaving on the 7th October. I have warned Mr Rook by telephone at Canterbury 2008 that he ~~must~~ ^{should} hold himself in readiness to leave London on the 7th October. He fully understands this being to bring his passport to the C.O. for us to get the Portuguese visa, tomorrow.

Draft telegram here with.

C.A. Goswami
30/9/41

O.G.R.W

30.9.41

Encl. sent
received & sent
to Genl. Dept. to
secure the necessary
visa - 4/10/41
C.A.G.

Mr. Hillier to see later
13/10/41

DESTROYED UNDER STATUTE 20 Year Nigeria
22 Nov 9 27 Secret } Encl
30.9.41

3 Nigeria Tel. 945 Secret

30.9.41.

The strike seems to have been averted, for the time being, at any rate. The opening sentence of the previous telegram is cryptic. What were the events anterior to the blunder on the part of the subordinate official. It would certainly seem that all is

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not well with the management of
 the Railway. We must support
 the former however and get
 Mr W.G.W. Wilson moved if possible.
 He is a well qualified officer
 but appears to have a most
 unfortunate attitude towards
 African labour

? Ask the W.O. if they are
 looking for men with Railway
 experience, & if so, whether they
 are prepared to employ Mr Wilson.

C. Crossmills
 1/10/41

Rabbs curious.

Perhaps an approach to G.S.O. might
 be made S.O. (? Major General
 Macmillan). We might consider let
 Mr Wilson sail in a few days but he
 be stopped at Freetown if he can
 wait for service in M. E. or further
 East.

O. C. R. W. 1. 10. 41

At the worst Mr Wilson could
 probably be given a pension on
 medical grounds, having regard
 to his condition as shown in
 recent photo 18868/WA.

I can sign a letter to
 General Macmillan, with whom I
 have corresponded about Sir G. Rhodes.

C.J.F. 2/10

aced
 2.10.41
 above

Mr Muller
 7/10/41

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H. J. Maj. Gen. McEwen ¹¹⁶ to (w/c ^{orig.} record) ¹⁰⁰⁰ 2/10/41
DESTROYED UNDER STATUTE 4

R 98
Kest
together

Z Nigeria Tel. Sec. & Ret. — 4.10.41.
DESTROYED UNDER STATUTE

This seems to imply that Mr. Rosta was
not to recommend a Mr. McGee's successor,
but if he acted for someone else
success you might think differently. I think
however it might be a rather risky
experiment. Can you say how what
prospects we can hold out of replacing
Mr. McGee quickly?

O.G.R.W. 6.10.41

We have been asked
before (see 1103 Prows) whether
we have in view a
successor to Mr. McGee,
it seems that Mr. Roberts
of T.T. & Mr. Allen of S. Leone
are the likeliest candidates.
But as we cannot foresee
the reactions of candidates or
their respective hosts it is
difficult to say what the
prospects are.

G. J. Welsh
2/10/41
(P.S.)

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I have little doubt that Mr
Robins is the man. E. A. Dept.
may have something to say
as to the possibility of his being
made available quickly.

O.D. 7.10.41

I am afraid we cannot give an opinion
on this without enquiry.

10/12/41

If it is decided that Mr Robins should
be provisionally selected, T.P. should
then be asked whether if so he can be
spared.

Mr. Rooke will be disappointed but
perhaps he might do for Mr. Robins
successor in T.P.

O.G.W. 8.10.41

I think I might telegraph
on this.

and
9.10.41
O.G.W.

TELETYPE to Nigeria - S+P - cons. - 9/14/41.
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COPY ~~in~~ P.F.
10/17/41

7 Lt. Gen. McMullen _____ 7. 10. 41. ⁶

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The Lt. Gen. has no immediate job for Mr Wilson, but will see him on his arrival.

Draft tel to Governor here with. — I have added a sentence about the events of the 29th September, as Mr Palmer mentioned to me that Mr Hall would like to know more about the blunders mentioned in No. 5.

C. J. Forsythe
10/10/41

O. G. R. N. - 10. 10. 41

(1) Mr. Hillbert to see
with X

To Governor Nigeria Tel N° 970 — cons — 10/14/41

(2) P602

DESTROYED UNDER STATUTE

copy of 8 for P.F.
G.R.

9 Nigeria Tel 990 _____ 13. 10. 41
DESTROYED UNDER STATUTE

P.F. to take
copy of P.F.
10/10/41
with min
14. 10. 41.

note in P.F.
J.P.H.

Copy to be registered on Mr Wilson's P.F.
The P.F. should be noted to be circulated to W.A. Dept. as soon as Mr Wilson reports arrival.

C. J. Forsythe
10/10/41
at once.

G.R.

10 Nigeria Conf _____ 8. 10. 41.

(Orig. no. 107 on 18868 W.A.)

Registered for record.

Await the report furnished in para 4.

C. J. Forsythe
8/10/41
at

Reg. in orig.
no. 107 on
18868 W.A.

8/12

Gen. G. J. D. D. D.
7. 11. 41

G.R.

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11 Nigeria Conf.

1.11.41. 7

DESTROYED UNDER STATUTE

12 for Nigeria

Del. 1181 Conf.

26/11/41

Hos. 11 and 12. The following timetable of the sequence of events leading up to the trouble on the 29th September may be of use in dealing with this matter.

6th May. Railway Workers' Union informed by letter from the Chief Secretary that the Governor had approved in principle of improvements in the men's conditions of service. These improvements may be summarised as follows:-

Men employed in the Mechanical Engineer's Department.

(a) The loss occasioned to about 180 workmen whose earnings were reduced as a result of the conversion in 1931 from daily to hourly rates of pay will be made good.

(b) Skilled workers in trades to which an apprenticeship is normally served will in future be appointed to graded posts which will be added to the fixed establishment of the Railway. The holders of these posts will enjoy the benefits of the Provident Fund and, in addition, the privileges provided under General Orders regarding leave, including free transport by rail, and pay during absence from duty owing to illness. Some 1,800 men will benefit from this arrangement.

(c) All other workmen in the Mechanical Engineering Department will in future be granted full pay for public holidays.

For convenience of reference I also set out here the improvements which were *granted* by the Governor as the result of further requests made jointly by the Railway Workers' Union and the Loco Drivers' Union on the 27th September.

Workshop and Running staff of the Railway.

The concessions noted above apply to the Workshop and Running staff of the Railway plus the following:-

A 45 hours week.

Overtime pay at time and a quarter rates.

Improved rates of pay for apprentices.

6th May. The first proposed improvements were explained verbally to the men at a meeting with the General Manager and the Inspector of Labour. The proposals were well received by the men though they were not quite satisfied in regard to a few minor points which the General Manager undertook to consider.

7 May. Inspector of Labour reports to Governor that relations between the management, and particularly the Chief Mechanical Engineer (Mr. W.B.S. Wilson) and the men were none too happy. The men were, however, /

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however, content to await the detailed proposals for giving effect to the improved conditions. (So apparently the Governor took no action).

8

- 8th *Sept.* Railway Workers' Union, having heard nothing from the General Manager, forward resolution asking that copy of draft proposals regarding improved conditions be sent to them two weeks before operative date, i.e., 1st October.
- 17th Sept. General Manager sees the resolution for first time, though he had been back in Lagos since the 15th September (he was absent on tour from the 12th August to 15th September and had left the preparation of the statement of proposals to Mr. Wilson who was known to be disliked and distrusted by the men).
- 17th Sept. Railway Workers' Union addressed a letter to Chief Secretary with a resolution regarding the "studied indifference" of the Railway Administration, concluding "That whenever the draft proposal is released to the Railway Workers' Union and it is found to be not in its members' best interest, then the Union shall be at liberty to speak in the only language understandable".
- 25th Sept. General Manager sends his detailed proposals direct to the Union.
- 25th Sept. African Loco Drivers' Union join forces with the Railway Workers' Union in opposing the proposals.
- 25th Sept. Railway Workers' Union inform Superintendent of Workshop that men refuse to work overtime until requests are satisfied.
- 26th Sept. Chief Secretary invites representatives of both Unions to discuss position with him. Leaders state that the men were getting out of hand. Rumour current that management wanted to postpone improvements until 1942. Chief Secretary assures them that improvements proposals would be implemented in full on 1st October.
- 27th Sept. Railway Management and Labour Inspector confer with men. Little progress made. Men make new demands.
- 28th Sept. Governor intervenes and appoints ad hoc committee consisting of Financial Secretary, Deputy Chief Secretary, General Manager and Chief Mechanical Engineer to deal with situation and examine new demands. Fresh statement in simple language ~~is~~ for communication to the men.
- 29th Sept. Police institute precautionary measures in anticipation of "disaffection among Railway employees".
- 29th Sept. Railway "lock-out" caused by blunder of subordinate.
- 30th Sept. Mass meeting at which Governor explains that the "lock-out" was a mistake. Men were given/

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given pay for the day they were locked out and those who actually worked were given double pay. The Governor's address (flag A) is an admirable statement of the whole position.

9

1st. Oct. Men returned to work. Governor and Chief Secretary visit Railway workshops and satisfy themselves that the men were quite ignorant of what the improvements were to be.

4th Oct. Simple statement issued to the men and received with much satisfaction. Position becomes normal.

The conclusions to be drawn from the timetable are that -

- (a) The General Manager (Mr. McEwen) failed to realise the importance of prompt dealing with the men through their Unions.
- (b) Mr. Wilson too, failed to realise the need for simplicity and had not the sense of humour and human feeling essential in dealing with African labour.

As regards the regrettable blunder of the "lock-out", the Governor, with the advice of the Executive Council ordered the Attorney-General to take statements from persons concerned and to submit recommendations whether any further action was desirable. The Attorney-General's opinion was:-

- (i) Mr. Wickham failed to explain sufficiently correctly to Mr. Sandover exactly what was required of him, taking into account the fact that Mr. Sandover had no knowledge of the procedure at the gates.
- (ii) Mr. Wickham, in an endeavour to assist, brought into his instructions extraneous matters which only resulted in obscuring the real orders.
- (iii) Mr. Sandover carried out the instructions which he was entitled to believe were those actually given to him.

The Attorney-General attaches no blame to any of the persons concerned (namely Mr. McEwen, Mr. Wilson, Mr. Union, Mr. Wickham and Mr. Sandover), and does not consider that Mr. Wickham's conduct calls for any disciplinary or any other action. The Governor agrees with the Attorney-General's findings but the position is that the General Manager, Mr. McEwen, has been sent on leave pending retirement, Mr. Wilson, the Chief Mechanical Engineer, is on leave in the U.K.; if further employment cannot be found for him it is recommended that he be treated as compulsorily retired. It is hoped to get him a job under the War Office. Mr. Roche, Chief Traffic Superintendent, is acting as General Manager and doing the job well and it is now recommended (in No. 12):-

- Mr. Roche be appointed General Manager.
- Mr. J. B. Welch, District Running Superintendent Mechanical Engineer's Branch (\$1,300), be promoted to succeed Mr. Wilson as Chief Mechanical Engineer (\$1,400).
- Mr. Bunting, Traffic Manager, Gold Coast Railway (\$1,100), to be transferred to Nigeria as Chief Traffic Superintendent (\$1,200) in the place held by Mr. Roche.
- If necessary, Mr. Woodard, District Traffic Superintendent (\$1,000) Nigeria, can be transferred to the Gold Coast in place of Mr. Bunting.

There is no doubt that a re-organisation of the Railway Administration on the above lines would prove of great/

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great value and enable something to be done. Mr. 10
Rooke is a man of great energy and capacity and can
be relied upon to see that labour problems are not
allowed to drift. Incidentally the Governor has
asked, on other papers, for the appointment of a
Railway Welfare Officer (Trade Unionist). A list of
candidates is being prepared.

The Governor is to be complimented for his
own part in dealing with what might have been a serious
matter but ? that we wait until we are in a position
to approve his staff re-organisation proposals.

N.B. A telegraphic
reply is requested
to No 12.

C. A. Brown with
28.11.1941.

Mr. Dawe.

You were present in Nigeria at the time
I may perhaps have discussed the question
of Mr. Wilson's position (see last para of 13).

Sir Frank Baskley told me today that he
had heard from an unofficial source
that some of the African Rly Staff were
swearing rather insistent as it was widely
believed that Mr. Wilson had been
got rid of to placate African
feelings. No doubt the inevitable
reactions were taken into account
before Mr. Wilson was sent or leave.
It looks as if he may have been
badly in need of a change anyhow.
Otherwise it might have been better
to have deferred sending him home
for 3 months or so. Apart from this
doubtful point Sir B. Baskley's
personal handling of the situation seems

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to have been quite admirable. 11

=

I send this to you direct as I
think you wished to see early.
? This might now go to Mr. Seel or Mr. Jeffis
for action on recommendations in 12.

X { Mr. Rooke is certainly a man of
abundant energy of mind & body. He
may not be the ideal selection but
in view of what Mr. G. says &
of the terms you tell it to him seems
a good deal to be said for giving him
the post.

I am not sure but Sir A. B. seems
welcome to idea of putting into
Mr. Brunning just now. The G.C.
Rly has staff for some time been
in a desymmetris state & has recently
engineered estates which may have
somewhat serious results - (M.P. on G.C.
sent on separate)

O.G.R.W. 28.11.41

Mr. Grossmith brought Mr. Rooke to see me a
short while ago, and I agree with Mr. Williams's
observation at "X". The Railway in all three of the
major West African Colonies is likely to prove, and
has already shown signs of being, the chief potential
source of labour trouble. It is a good thing, in my
opinion, that in all three cases, experienced trade
unionists from this country are going shortly to join
the

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the Labour Department, and that in each case it is intended that the duties of these officers shall be primarily concerned with the Railway. The Gold Coast candidate will proceed to the Colony shortly after Christmas, and until he has been there for about six months and has had time to find his feet, I should feel inclined to deprecate Sir Alan Burns being asked to release Mr. Bunning for Nigeria. Gold Coast are just as likely to have further trouble as Nigeria.

Jeffries

29th November, 1941.

Mr. Jeffries

Sir C. Parkinson

1. If Mr. Jeffries sees no objection I should like to get off immediately a telegram approving the promotions of Mr. Rooke and Mr. Welsh. I think it will help the Governor to have this approval without delay. We can then consider at greater leisure the prospective vacancy for a Chief Traffic Superintendent. A separate file should be opened for this as quickly as possible.

2. The name of Mr. Rooke was suggested to Sir B. Pourdillon by Sir C. Parkinson in (6): and I assume that there is no question that he will be given the job. I know Mr. Rooke well: and we are lucky to have him available to step into this job at this particular moment. He has the personality and gifts for dealing successfully with the railway troubles which may be expected to arise as time goes on. I notice that the name of Mr. Allan of Sierra Leone is mentioned in the earlier minutes: but he certainly has not got the personality necessary for this post. With regard to Mr. Robins, I suppose he will come up for the K.U.R. vacancy when Sir G. Rhodes finally relinquishes his substantive office.

3. I should be obliged if this file could be returned to me quickly so that I can deal with (11).

U.P.M. 1.12.41.

If this had been heard of we could have considered moving Mr. Robins from T.T. to Nigeria and Mr. Rooke back to T.T. via Mr. Robins. But while it is probable that Mr. Robins is better qualified in general than Mr. Rooke, it does not follow that in present conditions he would be a better selection

*A telegram has been
sent regarding same!
(23/12/41 G. Coast) J.S.*

*Prooms
1654*

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for the Nigeria post; and, as Mr
Dawe points out, he will be the
obvious successor to Sir E. Rhodes
when the latter retires from the
K.U.R.

I conclude, therefore, that
the transfer of Mr Roberts to
Nigeria at this juncture would
not carry advantages to outweigh
the general disturbance which
would result, & I agree that
the appointment of Mr Rooke
should be approved.

I am not equally clear
as to the necessity for immediate
approval of the promotion of
Mr Welch. Mr Wilson's position
is far from being cleared up,
and until ~~it~~ he is disposed of
there is no vacancy. However, we
ought to take advice and
satisfy ourselves that Mr Welch
is the best available candidate.

I would suggest, therefore,
that the draft tel. should be
amended as shown in pencil.

C.J.J. 21/12/41

Yes, I think we must clear
up Mr Wilson's position before
we deal with part of C.M.S.

(18868/WA)

To be referred
to Mr E. R.
Edmonds
at once for
interview on
32 Dec. at 11.

W.P.

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13 To Nigeria - Tel 1191 Conf - - 2/2/41 14
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Major Orde Browne

You were in Nigeria when these events occurred. Have you any comments on (11) please?

AJB 3.12.41.

I followed the development of the incident on the Railway with great interest, and discussed matters with the Governor and the Chief Secretary. I also offered to interview the men or take any other action that might seem desirable, but as the difficulty was dealt with successfully, there was no need for this; my position in the matter would in any case have been somewhat equivocal.

I formed the opinion that the trouble arose chiefly from the various delays which had arisen in dealing with the men's requests, not only in this particular instance, but generally. Also, Mr. Wilson, and to a lesser degree, Mr. McEwen, were inclined to adopt a somewhat haughty attitude towards the men, with a certain resentment that they had put forward any claims at all. Mr. Wilson is, I understand, a most capable man professionally, but he is not the type to deal with Africans; he certainly achieved marked unpopularity with his workpeople. The incident in question was, I am sure, only the outcome of growing impatience on the part of the men, and the Governor considered that they had distinct grounds for this, in which opinion I concurred. The dilatory and casual attitude of the railway staff led to the trouble, and only the prompt action of the Chief Secretary in bringing the matter to the notice of the Governor, with the subsequent successful handling of the situation by the latter, averted a serious outbreak.

I am not qualified to discuss the question of railway staff, but I am sure that the departure of Mr. McEwen and Mr. Wilson will remove the main source of friction. The transfer of the latter may perhaps be regarded as a concession to the men's wishes, and thus a success for the turbulent element, but it was in my opinion inevitable in view of the sustained indifference towards the men's claims which had been shown.

G. J. Orde Browne
3.12.41

Let us now have a draft despatch in reply to (11) on the lines suggested by Mr. Grossmith. We should express the Secretary of State's appreciation of the full report rendered with regard to these incidents and make it clear that the Secretary of State fully supports the action taken by Sir B. Bourdillon to compose a difficult situation. We can then add anything which there is to add on the subject of the staff proposals.

AJB
12.12.41.

Alma

M. E. Edmund.

Are we in a position to add anything to No 13, in regard to the case the Dowie's kinetic.

An answer is being considered
on 1654 Proms. Walsworth 15/12/41

* *
That was the cause
of trouble in the Gold Coast
Railway - with para 93
of Major O'Donnell's report.
(para. 27)

This has been
circulating with
P. G. G.

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Sir C. Parkinson

Sir B. Bourdillon and Mr. Woolley had some difficult moments over this affair. The situation at one moment looked ugly: and it was only by much adroitness and aplomb that they managed to lower the temperature and prevent things from taking an unfortunate turn. A great deal was due to Sir B. Bourdillon's personality and the way in which he was able to influence the men when he addressed them personally on the 30th September.

? Proceed as in the draft.

A.P.

17.12.41.

reel

17.12.41

6/11/41

1 - 10 Big boy (11 auro) — 20/12/41

16. — orig - 18868 WA. — 5.12.41

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C. O.

Mr. GROSSMITH. 17.12.41.

Mr. William 17/12

Mr.

Sir W. Battershill.

Mr. G. L. M. Clauson.

Mr. C. J. Jeffries.

X Mr. A. J. Dawe. 17.12

Sir J. Shuckburgh.

X Permt. U.S. of S. 17/12/41

Parly. U.S. of S. 17/12/41

Secretary of State. M.

75 16
AIR MAIL
C.D.
R 19 DEC
D. 19 -

20 December, 1941.

Sir,

I have the honour to acknowledge the receipt of your confidential despatch of the 1st November on the subject of the alleged "lockout" at the Railway Workshops on the 29th September.

2. ~~In the first place,~~ I wish to express my appreciation of the ~~222~~ report of the incident contained in your despatch, and to assure you of my full support of the action which you took to compose a difficult situation.

3. I note that you agree with the findings of the Attorney General that no disciplinary action was called for in the case of the officials concerned, and you will have seen from the reply returned by the

/Parliamentary

DRAFT. DESPATCH.

NIGERIA.

CONFIDENTIAL.

GOVERNOR.

FURTHER ACTION.

for cases
prompt and
successful

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ammentary Under Secretary of State to a
 ion in Parliament on the 10th December (a
 of which was sent to you on the 12th
 eember) that I have accepted your view *on this point.*
 4. I take this opportunity *to*
 confirm my confidential telegram No: 1191
 of the 2nd December; in which I conveyed my
 approval *for* the promotion of Mr. C. E. Rooke
 to be General Manager of the Nigerian Railway
 on the retirement of Mr. J. H. McEwen. In my
 telegram No: 1199 of the 5th December, I
 informed you of the possibility of a military
 appointment being offered to Mr. W. G. W. Wilson,
 Chief Mechanical Engineer. I am considering *such*
 as may be necessary
 consequent promotions *for* Mr. Wilson does not
 as soon as Mr. Wilson's future is settled.
 return to his appointment in Nigeria.

I have etc.,

(signed) MOYNE

See p. 217

(13)

copy attached

*(There can be no
 question of Mr.
 Wilson returning
 to Nigeria)
 (TJS)*

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NIGERIA.

CONFIDENTIAL.

RECEIVED
24 NOV 1941
O. O. REC'D

NIGERIA.

November, 1941.

My Lord,

3
I have the honour to refer to my telegram No. 945 of the 30th September, a copy of which is enclosed in confirmation, on the subject of unrest among employees of the Nigerian Railway and an alleged "lockout" of the men on the 29th September. Before commenting further on the incidents there reported I would refer to my despatch No. 383 dated 14th June, 1941, in which I informed you of certain improvements in the conditions of service of men employed in the Mechanical Engineering Workshops, which, I had decided, should be given effect to forthwith. The men had been informed, by a letter dated 6th May from the Chief Secretary, that I had approved in principle of these improvements and that all skilled workers who were qualified would be transferred to the fixed establishment, with effect from 1st October, 1941. These proposed improvements were explained to the men verbally at a meeting with the General Manager of the Railway and the Inspector of Labour on the 6th of May, and were well received by them, though they were not quite satisfied in regard to a few minor points which the General Manager of the Railway undertook to consider. It was however apparent, from a report which I received from the Inspector of Labour, that the relations between the management, more particularly the Chief Mechanical Engineer, and the men, were none too happy, and that the latter were somewhat distrustful of the management's intentions. They expressed themselves content, however, to await the detailed proposals for giving effect to the improved conditions, appreciating that it would take some time to prepare them in view of the large number of employees affected.

2. On the 8th September the Railway Workers Union, having heard nothing from the General Manager, forwarded to him a copy of a resolution passed at a mass meeting of the Union, held on 6th September, asking that a copy of the draft proposals to give effect to the May decisions should be sent to the Union for at least two weeks' study before the date on which they were to become operative, i.e. 1st October, 1941. Owing to the negligence of a clerk, against whom disciplinary action has been taken by the General Manager of the Railway, this resolution most unfortunately did not reach the latter until 17th September, nor was any acknowledgment of its receipt sent to the men. In the result they became restive and suspicious, and on the 17th September they addressed a letter to the Chief Secretary, forwarding the following resolutions :-

1. "That

THE RIGHT HONOURABLE

LORD MOYNE, P.C., D.S.O.,

SECRETARY OF STATE FOR THE COLONIES,

LONDON, S. W. 1.

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1. "That it is now less than two weeks to October 1st, yet the Railway Workers' Union has neither received a letter of acknowledgement of its Resolution forwarded to the Hon. General Manager requesting the release of the Railway Authorities' Draft Proposal for the change to be effected as from October 1st, in the status etc. of the Skilled Workers and Labour of the Railway Mechanical Engineering Department, nor has a copy of the Draft Proposal so earnestly clamoured for by the Railway Workers' Union been handed to its delegates up till the time of writing.

2. "That this studied indifference shown by the Railway Authorities to the humble but rightful request of a Registered and Recognised Trade Union as the Railway Workers' Union is, is very very significant.

3. "That the Union takes a very serious view of such studied indifference.

4. "That as human endurance has a limit, all the skilled workers and labour of the Railway Mechanical Engineering Department stationed at Ebute Metta and throughout Nigeria submit that were the Railway Authorities not conscious of the fact that the draft proposal in question is not conducive to the Workers' best interest, the Railway Workers' Union's request made to the General Manager for release of the draft Proposal would have been granted promptly.

5. "That whenever the draft proposal is released to the Railway Workers' Union and it is found to be not in its members' best interest, then the Union shall be at liberty to speak in the only language understandable.

The matter was taken up immediately by the Chief Secretary, and the General Manager sent his detailed proposals direct to the Union on the 23rd September.

3. Up to the time of receipt of the above letter I was unaware that any difficulty or delay had arisen in drawing up these proposals, and I had assumed, in the absence of any information to the contrary from the General Manager of the Railway, that all necessary steps had been taken to give effect to my decisions and that the new conditions of service would be applied as from the 1st October without more ado. As to the causes for the long delay, I cannot do better than enclose a copy of a letter from the General Manager dated 17th October. While I appreciate the reasons there given, I cannot regard them as entirely satisfactory. Despite past happenings the General Manager of the Railway, it seems to me, failed to realise the vital importance of an early communication to the men of his precise proposals, preparation of which seems to have been left almost entirely to the Chief Mechanical Engineer who, as Mr. McEwen was fully aware, was disliked and distrusted by the men. Mr. McEwen chose to go on tour on the 12th August and did not return to Lagos until the 15th September, which

circumstance

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circumstance leads me to doubt whether he displayed that close and personal concern in the matter which might have been expected of him. I might here mention that before the "lock-out" occurred Mr. McEwen, who was evidently overwrought, had expressed to me anxiety for his own personal safety and that of Mr. Wilson and suggested that it would be as well if both of them went on leave without delay. I naturally concluded from this that I could no longer rely on him to cope with the situation if it deteriorated, and it was in these circumstances that I telegraphed you for the immediate return of Mr. Rooke by air.

4. As the General Manager of the Railway's proposals affected the locomotive men, the African Loco Drivers' Union joined forces with the Railway Workers' Union in opposing them, and on the 26th of September the Chief Secretary invited representatives of the two Unions to discuss the position with him, the General Manager of the Railway, the Chief Mechanical Engineer and the Inspector of Labour also being present. Though these representatives denied that the men threatened to strike - a course which he reminded them was illegal - or to take any other unconstitutional action, it was apparent from the fifth resolution quoted above that direct action was in their minds. It is also noteworthy that on the 25th of September the President of the Railway Workers' Union had informed the Superintendent of Workshops that the men refused to work overtime from that date until they obtained satisfaction. The representatives informed the Chief Secretary that the General Manager of the Railway's proposals, which I must confess were in an unnecessarily elaborate and very unsuitable form for communication to semi-illiterate workmen, were unsatisfactory, and asked that their operation be suspended. They declined to state in what respects the proposals were unacceptable and admitted that they had not had time to examine them properly. They asserted, however, that some employees would be worse off than before, and that their men were getting out of hand due to the delay which had occurred and which had lent currency to a rumour among them that the management wanted to postpone giving effect to the improved conditions until 1942, a rumour which had no foundation in fact of course. The Chief Secretary warned them against taking any illegal or unconstitutional action, assured them that the Government's undertakings would be implemented in full as from 1st October, and advised them to confer early with the Railway management and the Inspector of Labour, who would explain the proposals to them in detail and remove any misunderstanding there might be. They agreed to this course, and a meeting was held on 27th September, but little progress was made. The representatives, however, handed the General Manager a letter, copy of which is enclosed, summarising their demands. Those in paragraphs 8 and 9 were new and had not hitherto been made by the Unions. The representatives then left the Meeting hurriedly to attend a further mass meeting with the men, among whom discontent was growing. There was loose talk of a strike whatever the consequences and of their readiness to go to gaol. The slogan "Wilson must go" was chalked up in various parts of the Workshops and it became evident that unless prompt steps

were

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were taken to remove the suspicion and misunderstanding in the minds of the men, which some of their more irresponsible leaders had engendered, a serious situation would develop. At this stage I decided that the matter could no longer be left in the hands of the Railway management, and the Chief Secretary formed an ad hoc committee consisting of the Financial Secretary, the Deputy Chief Secretary, the General Manager of the Railway and the Chief Mechanical Engineer to deal with it. This committee reviewed the whole position and examined in detail the new demands made by the men. Steps were also taken to prepare for communication to the men a fresh statement setting out the Government's decisions in clear and simple language which they could understand and which would leave no room for doubt. Before this statement which had been promised to the men could be completed the unfortunate incident reported in my telegram occurred. I have little to add to what is contained in that telegram beyond enclosing a report by the Attorney-General who, by my direction, made a special enquiry into the matter. I agree with his findings. As stated in my telegram, I explained to the men at the mass meeting held on the Racecourse that the closing of the gates was due to a most unfortunate misunderstanding, that no lock-out was intended, and that it would have been as illegal for Government to lock them out as it would have been for them to strike. I gave them a holiday on full pay and promised to visit the Workshops and address them on the following day. They dispersed peacefully and returned to work as usual the following morning.

5. My visit to the Workshops lasted some two and a half hours, and, from conversations which both the Chief Secretary and myself had with several men, it was quite obvious that they were unaware of the precise nature of the improved conditions of service which had been promised to them. The shops were working at full pressure, and I am informed that the output that morning was greater than it ever had been. I enclose a copy of the address which I later delivered to the men. I also attach a copy of the statement referred to in paragraph 4 above which, after it had been approved by me in Executive Council, was issued to the men on 4th October. It was received with much satisfaction and has restored the position to normal.

6. I shall address a separate despatch to you shortly on the financial aspect of the matter. Suffice it to say here that there has recently been a marked improvement in the financial position of the Railway and I anticipate no difficulty in meeting during the present year the additional cost which the adoption of these improved conditions of service involve.

I have the honour to be,
My Lord,
Your Lordship's most obedient, humble Servant,

(Sgd.) B. H. Boardillon

G O V E R N O R .

C.C. Woolley
GOVERNOR'S DEPUTY.

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Telegram No. 945 of 30th September, 1941.

From:- GOVERNOR.

To:- SECRETARY OF STATE.

My telegram No.937.

Owing to a blunder by subordinate official entry to Railway workshops was locked yesterday morning and men refused admission. Orderly procession proceeded Lagos and were invited by me to Racecourse where I addressed some hundreds. I explained mistake, declared holiday with pay and double pay to those in other Railway establishments who had remained at work, and asked men to go back to work today. Elected members of Legislative Council accompanied and supported me.

This morning I made tour of workshops and found all men hard at work. I subsequently addressed mass meeting of all hands. Meeting was exceedingly orderly and replies to my address quite satisfactory. Immediate danger of strike appears averted. But Chief Mechanical Engineer Wilson has long been most unpopular with men and his continued presence would act as dangerous irritant. He has applied for immediate leave which I have granted. His return is most undesirable and he asks for transfer, which I recommend. Professional qualifications excellent. He is full of energy and has managed shops with conspicuous efficiency. But although always just he is rigid disciplinarian lacking sense of humour and humanitarian feelings which are essential in dealing with African labour. If transfer impracticable some means must be devised of safeguarding his pension. It occurs to me that it might be possible to employ him in Iran. He sails in few days but could be stopped at Freetown.

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GENERAL MANAGER'S OFFICE,
NIGERIAN RAILWAY,
EBUTE METTA

17 October,
1963
C.1003/412

41.

The Honourable
The Chief Secretary to the Government,
L.A.G.O.S.

RAILWAY WORKERS UNION:

With reference to our telephone conversation on the 15th instant, when you asked for an explanation of the delay in informing the workshops employees of the improvements which would accrue to them on conversion from daily or hourly rates of pay to fixed establishment status, I have to report as follows :-

1. As he was well aware of the difficulty of keeping confidential any information which passes through an office employing several clerks, and knowing that uncompleted data relative to any scheme would probably be the signal for premature protests and provide undesirable newspaper comment, Mr. Wilson decided to personally work out all details of the proposals originally approved by His Excellency the Governor.

2. So that the volume of work entailed in this undertaking may be properly assessed, I must recount the processes through which the ultimate decisions passed.

3. For some time prior to the "strike" threat in April last, my Executives and I had been investigating various schemes for the conversion of daily or hourly paid staff (throughout the various Railway Departments) to the fixed establishment grades. Many proposals based upon limitation of the numbers to be transferred

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examined but owing to the divergent rates paid for the different types of railway work (each type being essential in the final "make up" of railway operation) I decided that such factors as rates of pay and length of service could not, in themselves, be allowed to govern the question of transfers, as such methods would be inequitable and lead to even greater discontent than then existed. I consequently decided to revert to my original view, namely, that all skilled "daily paid" workers should be transferred to the fixed establishment and an outline of the scheme, so as to assess the approximate cost was put under preparation. My personal view is that the officers of the Workers' Union became aware that a scheme had finally been decided upon and, being afraid that it might prove unacceptable on financial grounds, decided to exert pressure, by a threat of unconstitutional measures, with a view to forcing the issue.

5. After discussion with His Excellency I submitted an outline of my proposals in my No. C.1003 of the 1st May, 1941. These proposals provided for transfer of the skilled railway workers to the fixed establishment on terms which were not as favourable as those normally given to the clerical grades but, however desirous of improving the status of the railway employees, I had to keep in mind the financial aspect.

6. On receiving Government's approval, in principle, of my proposals on May 6th 1941, grades and salary scales, into which the daily paid skilled workers could be conveniently fitted whilst obviating disproportionate increases, were formulated and adopted.

Thereafter the Chief Mechanical Engineer undertook the compilation of the mass of detailed information necessary before any definite statement could be made to the Workers'

This involved close examination of the history

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Records of every individual employed in the

Mechanical Engineering Department, a task which took some considerable time because of the necessity for communication with remote outside districts from which data had to be collected. During the course of this investigation and whilst the information was being compiled it became necessary to adjust the original proposals in some directions so as to eliminate inequalities and correct undesirable practices of the past. These adjustments, in turn, caused constant further revision and unavoidable delay but in due course the finalised proposals were submitted to Government.

7. His Excellency directed me to discuss my proposed grades and general financial details with the Financial Secretary on whose decision the grades and salary scales were considerably changed so that they would fit in with existing Government scales or with those about to be promulgated under Sessional Paper No.2 of 1941. Moreover, the Financial Secretary ruled that the date and point of entry into any scale must be governed and computed in accordance with the provisions of Colonial Regulation No.44.

8. These decisions entailed further correspondence with outside districts and a complete revision of the previous compilations; moreover, the application of Colonial Regulation No.44 involved a considerable volume of calculation, all of which had subsequently to be checked by the Chief Accountant.

9. For the reasons stated, Mr. Wilson confined the work to a very limited number of his most senior staff and having in mind the pressure of work and shortage of supervisory staff in the Mechanical Engineering Department, I am satisfied that there was no unnecessary and most certainly no intentional delay in placing the finalised scheme before the Workers' Union.

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10. In allowing a period of nearly five months in which to give effect to the scheme, I considered I would have ample time but I subsequently realised that I had underrated the task. I can definitely affirm that being as anxious as I was to complete the work in order to allay the preconceived and press-encouraged suspicions of the employees, Mr. Wilson and all concerned worked hard on a difficult task.

11. The last decision regarding salary scales etc., necessitates a further complete revision of the compiled lists but as there is no longer any need for secrecy, extra clerks have been engaged and payment of salaries and wages on the new scales will be made on the 31st October as arranged.

James J. Wilson
 GENERAL MANAGER.

JHM/JAT. 5.
 17.10.41.

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RAILWAY WORKERS' UNION

AND

AFRICAN LOCO: DRIVERS' UNION.

c/o. 37, Olonode Street,
Yaba Estate,
27th September, 1941.

The Hon: General Manager,
Nigerian Railway,
Ebute Metta.
Copy The Hon: The Chief Secretary to the Government.

Dear Sir,

With reference to the conference between our Representatives and the Hon. The Chief Secretary, Hon. General Manager, Hon. Labour Inspector, Principal Assistant Secretary in the Hon. Chief Secretary's Office at 11 a.m. Friday the 26th September, 1941 and in consonance with Memorandum No. 28370/S.21 of 6th May, 1941. We beg most respectfully to submit the following observations on the Scales of Salary and Rates of Pay proposed by the C.M.E. to the Railway Workers' Union and Loco. Drivers' Union, Nigerian Railway, E.B.

2. As you are aware the present deadlock is the result of the general discontentment of (a) the hourly paid system (b) lack of provision for regular increment in the Railway Workshops.

3. Memorandum of the 6th May Para. 2 (a) promised removal of (a) and Para. 2 (b) promised adjustment of (b) whereby provisions will be made by the graded posts.

4. We have now received the Chief Mechanical Engineer's Draft Proposal for the condition of our employment as from 1st October, 1941 and here again our first observation is the headline where we are still referred to as hourly paid Employees contrary to para. 2(b) of Memorandum dated 6th May. The term hourly paid employee features throughout the C.M.E.'s draft proposal.

5. The C.M.E.'s draft proposals are not, to our best interest in that instead of appointments to graded posts, assessment of hourly rate is being introduced. Para. 14 of C.M.E.'s draft proposal refers.

6. We are averse to discrimination between skilled men employed in the Railway Workshops and Railway Running Shed and same scale of salary should apply in both cases, therefore.

7. Any workman working for more than 45 hours per week being paid overtime for such excess.

8. In view of C.M.E.'s draft proposal which is not acceptable we attach our draft proposal for skilled workmen and Locomotive Drivers for consideration.

9. By skilled men we mean any skilled workmen so designated either after completion of regular apprenticeship under Railway, recruited as Journeymen or advanced to such grade from the rank of casual labour who have gained sufficient experience to warrant such designation.

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The following Ratio is also proposed :-

"Foreman Grade I, 5 to 10 Foreman Grade II - 60 Assistant Shop Foremen, Artisans, as many as may be required by the Department."

"In case of the Drivers the Ratio to be 3 Loco. Inspectors Grade I - 9 Grade II - 18 Drivers Grade I - 36 Drivers Grade II, and as many as may be required in other grades by the Department."

10. All the workmen who are not placed on Permanent Establishment should be paid, with effect from the 1st October, 1941, for public holidays.

We have the honour to be,
Sir,
Your obedient Servants,

(Sgd.) W. A. Onabanjo, President, A.L.D.U.

" D. A. O. Rogers, Secretary, "

" M.A.O. Imondu, President, R.W.U.

" S.Olu Adenekan, Secretary, "

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5 Years Course.

1st Year	£24	P.A.
2nd Year	£27	"
3rd Year	£30	"
4th Year	£33	"
5th Year	£36	"

SKILLED MEN.

ARTISAN £36 - 6 - 96 - 8 - 128 Efficiency Bar at £96
 ASSISTANT FOREMAN £140 - 10 - 220 (old £88-8-128, 60 present holders are actually employed as Assistant Foremen.)
 FOREMAN GRADE II £240 - 12 - 300
 " " I £325 - 25 - 475

PRESENT RATES

Per Hour	Per Day	To Enter Grade At
3d	2/-	£36 P.A.
3 ³ / ₄ d	2/6d	£42 "
4 ¹ / ₂ d	3/-	£48 "
5d	3/4d	£54 "
5 ³ / ₄ d	3/10d	£60 "
6 ¹ / ₄ d	4/2d	£66 "

All other employees in receipt of wages above 6¹/₄d per hour or 4/2d per day to enter the scale at the next step immediately above their annual earning computed on 313 days per annum.

PRESENT CHARGEMEN to become Assistant Foremen on £140-10-220.

APPRENTICE DRIVERS.

5 Years Course.

1st Year	Cleaner	£24 p.a.
2nd Year	Ash Panner	£27 "
3rd Year	Fireman Grade III	£33 "
4th Year	Fireman Grade II	£39 "
5th Year	Fireman Grade I	£48 "

SHUNTING DRIVERS £60 - 6 - 72
 PERMANENT SHUNTING DRIVERS £72 p.a. Personal.

DRIVER GRADE III £72 - 6 - £96 Eff. Certificate
 " " II £104 - 8 - £128 Pro-Bar.
 " " I £140 - 10 - £220

ASST. LOCO. INSPECTOR £240 - 12 - 300

LOCO. INSPECTOR £325 - 25 - £475.

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THE RAILWAY LOOK-OUT
on the 29th of September, 1941.

In Executive Council on Tuesday, the 7th of October, the Council ~~agreed to the~~ Minute ~~read~~.

"Considered whether further action should be taken in regard to the lock-out of employees on the Nigerian Railway. Council advised that the Attorney-General should be asked to take statements from the persons concerned and submit recommendations whether any further action is desirable. The Governor concurred and ordered accordingly"

2. The only persons concerned in any way with this incident are -

Mr. McEwen, the General Manager of the Railway
Mr. Wilson, the Chief Mechanical Engineer
Mr. Urion, Acting Workshop Superintendent
Mr. Wickham, Assistant Mechanical Officer (Loco), and
Mr. Sandover, European foreman of Works.

I did not consider it necessary to interview Mr. McEwen but, as Mr. Wilson was about to leave Nigeria, I saw him on the afternoon of the 7th instant and, after discussing the incident, asked him to give me a statement in writing, which he did. I had to interview the other officers separately, and I saw Mr. Urion on the morning of the 8th, Mr. Wickham that afternoon, and Mr. Sandover on the morning of the 9th. After seeing Mr. Sandover I again interviewed Mr. Urion on the morning of the 9th.

3. The facts leading up to the incident, and of which there is no dispute, are as follows :-

Following upon information that there might be trouble in the Railway Workshops, the Senior Assistant Superintendent

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of Police, Colony, Mr. de Boissiere, arranged for an armed Police Guard to be mounted at the Railway Workshops; his Memorandum relating to this provides fully for transport, relief and other matters incidental to the mounting of a guard, and the duties of the guard. All this is set out in a Secret Memorandum, paragraph 12 of that Memorandum being as follows :-

" 12. Guard Supervision. The S.A.S.P. i/c "C" Division is responsible for the general supervision of the guard and for the proper performance of its duties. He will collaborate with the pertinent Railway Officials with a view to ensuring that a responsible Railway officer is present at each of the buildings mentioned in paragraph 6 above to identify labourers and artisans the nature of whose duties necessitate that they should enter the buildings to commence work before daylight (firing of boilers etc.). The General Manager, Nigerian Railway, is being advised on this matter."

A copy of this Secret memorandum was sent by Mr. de Boissiere to the Commissioner of Police, who sent a copy of it, together with a copy of the covering letter, to Mr. McEwen. This correspondence was received by Mr. McEwen in his house between mid-day and 1 p.m. on Sunday, the 28th of September, when Mr. Wilson happened to be present. This correspondence was passed by Mr. McEwen to Mr. Wilson for action, and it was arranged that Mr. McEwen, Mr. Wilson, Mr. Urion and Mr. Wickham should meet at Mr. Wilson's house that evening, when the necessary instructions in respect of this matter and others also would be given to Mr. Urion and Mr. Wickham.

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4. The meeting took place, Messrs. Urion and Wickham arriving about 6.30 p.m., a long time before Mr. McEwen. Mr. Wilson explained the position to them. At the meeting certain instructions were given to both Messrs. Urion and Wickham in respect of His Excellency's proposed visit on Tuesday, the 30th September, and, at the same time, Mr. Wickham was required by Mr. Wilson to make arrangements to enable those who had business within the Workshops to enter during the hours of darkness. Mr. Wickham suggested that he, Wickham, would go to the gates himself. Mr. Wilson said there was no necessity for that, as it was a job that could be performed by a Foreman. The necessity for this arrangement is due to the fact that the Workshop Gates are always closed about 6 p.m. and remain closed until approximately 6.30 a.m., when the Timekeepers arrive ^{allow in} and ~~take~~ the various persons who are known to them and to whom the timekeepers issue individual tallies. But before these people are allowed to enter certain other persons arrive early to get the boilers under way etc; these are called "lighters up".

5. Mr. Wilson reduced these instructions to a written note, which he handed to Mr. Urion. The note, so far as this incident is concerned, is as follows -

One European officer to be at the Time Office not later than 5.30 a.m. on Monday morning to identify employees arriving at work in darkness.

6. These three officers remained at Mr. Wilson's house waiting for Mr. McEwen to arrive, and chatting about conditions in the Railway world in general. After Mr. McEwen arrived they continued in the same strain, the meeting breaking up at about 10 p.m. Mr. McEwen drove away in his car and Messrs. Wilson, Urion and Wickham went down the road a little way together. After

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they separated Mr. Wickham who, on thinking things over during the evening, had decided that Mr. Sandover would be the most suitable person to do the work, went in search of him and had some difficulty in finding his house as he did not know where he lived, but found it eventually with the aid of a steward boy and two policemen.

7. On arriving at Mr. Sandover's house, which was in darkness, Mr. Wickham knocked twice apparently. Mr. Sandover then called out asking who was there.

Mr. Wickham explained and Mr. Sandover said he would come downstairs at once. Mr. Sandover then turned on the light, got up and, putting on a dressing gown and slippers, came downstairs, unlocked the front door and came out to Mr. Wickham.

8. It is at this stage, namely in the conversation which took place after the meeting of these two men, that the dispute arises as to what actually was said at that time.

According to Mr. Wickham, he informed Mr. Sandover that he was sorry to have to wake him up, but that the Police would be at the Works in the morning and would not let anyone pass during the hours of darkness unless identified, and therefore Mr. Sandover was to go down early to the Time Office gate so that the boiler lighters up, who come early, could get in. Mr. Sandover stated he knew the boiler lighters up. Mr. Wickham also stated (which incidentally is denied by Mr. Sandover) that any other early comers would also have to be allowed in as a matter of course as Mr. Sandover would not know many others any better than he, Wickham himself, would. Mr. Wickham added that in any event the timekeepers would be on at 6.30 and that Mr. Sandover could remain with them

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till Mr. Wickham himself came down and that he, Wickham, would "be down" early. Mr. Wickham states that Mr. Sandover repeated correctly, in his own words, the instructions that he, Wickham, gave him.

9. Mr. Wickham explained to me that the reason why he informed Mr. Sandover to wait till the timekeepers arrived was because there had been some rushing of the gates on recent mornings and he thought that Mr. Sandover, a powerfully built man, might be useful to the timekeepers if there was any trouble, but he did not explain this to Mr. Sandover.

10. According to Mr. Sandover, Mr. Wickham informed him that he and Mr. Wilson were expecting some trouble in the morning, but did not explain what that trouble was. Mr. Wickham informed Mr. Sandover that he, Sandover, was to be on duty at the gates on the morning of the 29th of September between the hours of 5.30 and 5.45 a.m. to see that only those who lit the boilers got in. Upon hearing this, Mr. Sandover said he would be there and, according to Mr. Sandover, Mr. Wickham then said he, Wickham, would come in the morning and authorise the opening of the gates. Just as Mr. Wickham was about to depart, Mr. Sandover asked Mr. Wickham "Has everyone to be kept out except those who light up the boilers?" and Mr. Wickham answered yes. These were the instructions Mr. Sandover states he received, and which he carried out.

11. About 6.55 a.m. on the Monday, as Mr. Wickham had not arrived and the men seemed to be going away, Mr. Sandover telephoned Mr. Wilson and informed him that "the boys seemed about to depart". Mr. Sandover then learned for the first time that the orders he had carried out were wrong. Mr. Sandover immediately opened the gates at 6.59 a.m. before the second siren had finished sounding

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and informed the men who were still outside that there had been a mistake, the gates were not meant to be shut, and that they should enter, but they refused to do so. Mr. Sandover adds that he did not see Mr. Wickham that morning at all.

12. Mr. Wickham informs me - and this is supported by Mr. Urion - that he was getting dressed at 7.5 a.m. on the Monday morning when Mr. Urion, who lives nearby, came across and asked him what instructions he had given Mr. Sandover. Mr. Wickham explained, informing Mr. Urion that he had given the instructions agreed upon and mentioning what they were. Mr. Urion then informed him that Mr. Sandover had not carried out the instructions but had kept the gates shut and kept out everybody. Mr. Urion then went on his way to the gates; Mr. Wickham continued dressing, came down, and subsequently met Mr. Urion in the Works. Mr. Wickham did not go to the gates as by that time he knew that everyone had left.

13. The mistake arose during the giving of the instructions to Mr. Sandover. Mr. Sandover is emphatic that Mr. Wickham did not say anything about other persons coming early in addition to the lighters up and that, although Mr. Wickham did mention something about the timekeepers, Mr. Sandover cannot say exactly what it was and also that the only reference Mr. Wickham made to darkness was when he stated it would be dark when Mr. Sandover went on duty. Mr. Sandover is positive that he was told that everyone except the lighters up were to be kept out till Mr. Wickham came and authorised the opening of the gates, and that the only hours which were specifically mentioned were those upon which he, Sandover, had to go on duty.

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14. In order to arrive at a correct decision as to what happened that night between Mr. Wickham and Mr. Sandover, it is important to bear in mind the following facts, of which I am satisfied :-

(1) Mr. Wickham knew perfectly well what he was required to do. During the general discussion which was carried on after Mr. Wickham had received his instructions, Mr. Wickham made up his mind what he was going to do and how, and also he knew exactly what instructions he wanted to give. Mr. Wickham had, I understand, been working hard and was somewhat tired, but he was in every other respect in full possession of his faculties, and there is no question of his having had too much to drink or anything like that. Mr. Sandover was asleep and was wakened up, but he had to speak first of all, turn on the light, dress, come downstairs, open the front door; this must have made him fully awake, and it was only about 10.15 p.m.

(2) Mr. Sandover was listening to the orders being given to him by a superior officer and which he had to carry out, and Mr. Sandover repeated these orders in his own words and was satisfied that he understood them correctly.

15. The impression I got from Mr. Wickham was that he was most anxious not to do anything that might harm Mr. Sandover, but, at the same time, he was not nearly so sure of what he actually informed Mr. Sandover as Mr. Sandover was of what he did hear. Mr. Sandover impressed me very considerably, and I am satisfied that he was fully awake and understood exactly what he was required to do. After studying the statements and hearing the different persons speak I am satisfied that Mr. Wickham did not explain exactly what he required Mr. Sandover to do. Mr. Sandover's

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duties do not take him anywhere near the gates at all and he had no idea of what the procedure was at the gates in the morning or at any time for that matter. For example, he did not know what time the timekeepers came on or what they did after they arrived, as that was entirely outside the scope of his normal duties. For that reason Mr. Sandover should, in my opinion, have been informed in detail exactly what was required of him and what would be happening at the place where he was posted. Mr. Sandover, having been informed only to let the lighters up enter during the hours of darkness and to remain with the timekeepers until Mr. Wickham came, which would be early, naturally understood this to mean, even if it was not actually said so, that he should keep out everybody until Mr. Wickham came. Mr. Sandover is, however, positive that Mr. Wickham told him to keep out everybody until he, Wickham, came down and authorised the opening of the gates.

It should also be borne in mind that Mr. Wickham did not come down until well after 7 a.m., and as the workmen all had to be within the premises by 7 a.m. there was no object in his coming down or stating he would be down early unless he intended to be there well before 7.

I feel, too, that Mr. Wickham really believed he gave to Mr. Sandover the correct instructions, or at any rate instructions sufficiently clear for Mr. Sandover to carry out his duties.

17. In my opinion -

(1) Mr. Wickham failed to explain sufficiently correctly to Mr. Sandover exactly what was required of him, taking into account the fact that Mr. Sandover had no knowledge of the procedure at the gates;

(2) Mr. Wickham in an endeavour to assist, brought

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into his instructions extraneous matters which only resulted in obscuring the real orders;

(3) Mr. Sandover carried out the instructions which he was entitled to believe were those actually given to him.

18. Now this incident had very serious results, but I do not think that the gravity of Mr. Wickham's fault should be judged thereby. It was simply an error in the method and manner of giving instructions which, in the ordinary course of events, would not have mattered at all. Even after the gates were opened at 6.59 a.m. some of the men were still near the gates and they were asked to enter and work, but they refused to do so; also Mr. Urion informed me that one man who actually tried to cross the bridge to come to work was prevented by one of the delegates to whom Mr. Urion was speaking at that time.

19. In my opinion no blame can be attached to Messrs. McEwen (except that perhaps he stayed too late talking *and to Wickham from making his arrangements* and kept these men from their dinner), Wilson, Urion or Sandover, and that Mr. Wickham might possibly be informed that he should, in view of the fact that Mr. Sandover's duties did not have anything whatever to do with the gates, have taken care to explain to Mr. Sandover what the procedure at the gates was and what exactly Mr. Sandover was required to do. I do not consider that Mr. Wickham's conduct calls for any disciplinary or other action being taken against him whatsoever.

20. I attach to this Report the statements I have taken

 from Messrs. Wilson, Urion, Wickham and Sandover, together with the memorandum on which Mr. Wilson recorded his instructions in writing, and copy of the letter from the

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A.G.'s report

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R. Williams 40
Amherst
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Police which was received by the General Manager, and as this document is a secret document I am marking this Report Secret also.

(Sgd.) H.C.F. COX

Attorney-General

10th October, 1941

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MR. WILSON.

42

On Sunday 28th September 1941 I was with the General Manager in his house between midday and one p.m. when he received a secret letter from the Police Authorities. One paragraph of this letter instructed that an officer be placed at the Time Office, Ebute Metta Workshops on Monday 29th September, for the purpose of identifying employees arriving on duty in hours of darkness viz:- lighters-up, time keepers etc. The General Manager passed this letter to me and it was arranged that he, Mr. G.O.Urion, Acting Workshops Superintendent, Mr. Wickham, Assistant Mechanical Officer (Loco) and myself should meet in my house on Sunday evening, 28th September 1941, when the necessary instructions would be given to Mr. Urion and Mr. Wickham.

These two officers arrived first at my house and after stating what was required I passed the instruction, with other points, in a note to Mr. Urion, the Acting Workshops Superintendent. Later events that evening were, I understand that after leaving my house Mr. Wickham considered that Mr. Sandover, Workshop Foreman, would be the most suitable officer for the duty and accordingly got in touch with him. Mr. Sandover was asleep but arose and the requirement was explained to him. He later returned to bed and in accordance with instructions proceeded to the Time Office at Ebute Metta Workshops in the early morning. The first incident, so far as I am concerned was at 7 a.m. on Monday morning 29th September when I received a telephone call from Mr. Sandover who asked me if he could now open the gates. I replied emphatically that I had issued no instructions to close the gates and told him to open them instanter. I then telephoned Mr. Urion, explained the situation and requested him to go over to the Workshops without delay as I proposed to inform the General Manager, by telephone and explain what had occurred. This I did and immediately afterwards telephoned the Superintendent of Police, Colony, Mr. de Boissiere and informed him of the situation. He advised me not to go over to the Workshops.

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I then went over in my car to see the General Manager, did not find him in his house, was informed that he had gone to the Workshops and proceeded there to find the information incorrect. I later found him in his office.

(Sd.) W.G.Wilson
C.M.E.
7/10/41.

X to post an officer at the Time Office early on Monday morning for the purpose of identifying employees arriving on duty in hours of darkness viz:- lighters up, timekeepers etc. The note referred to was subsequently returned to me by Mr. Urion, Acting Workshops Superintendent. To the best of my recollection this note is in the right hand top drawer of the desk in the Chief Mechanical Engineer's Office.

(Sd.) W.G.Wilson
C.M.E.
7/10/41.

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Wireless Engineer - 2 loud speakers and 1 microphone also line from microphone to H.G.M. office telephone. This work must be completed Monday evening. To visit office Monday morning.

Mr. Wickham to guide H.E. round workshops on Tuesday 7.30 a.m. can pass on to Mr. Quine.

One European Officer to be at Time Office not later than 5.30 a.m. Monday morning to identify employees arriving at work in darkness.

This is the note referred to in my statement of today's date.

(Sgd.) G.C. Union
8/10/41.

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Mr. Union.

On Sunday the 28th September, 1941, Mr. Wilson, the Chief Mechanical Engineer, sent ^{me} a note in the afternoon asking me to bring Mr. Wickham, the Assistant Mechanical Officer (Loco.) to his house at 6.30 p.m. to discuss matters of importance. He said that the Honourable General Manager would be present.

Mr. Wickham and I went to Mr. Wilson's house and Mr. Wilson told us what was required to be done the following day. The Honourable General Manager was not present.

Mr. Wilson told Mr. Wickham that he required a European Officer to be present at the Works Time Office not later than 5.30 a.m. Monday the 29th September for the purpose of identifying to the Police, those workers who would be coming to work in the hours of darkness, before the Timekeepers booked on duty. He specifically mentioned the lighters-up. Mr. Wickham suggested that he did this himself, but Mr. Wilson said that a Foreman (European) would do.

Subsequently, and before the Honourable General Manager arrived, Mr. Wilson noted this instruction, together with others which concerned myself, on a piece of paper and handed it to me. I retained it as he did not wish one of the instructions, about connecting a line from the loud speaker to the telephone in the H.G.M.'s office, to be made public. After the necessary action had been taken the next morning, I handed the note back to Mr. Wilson.

The gates at the time office are closed not later than 6.0 p.m. daily and are kept closed ^{and} locked until the timekeepers book on duty at 6.30 a.m. The fire patrolman on duty at the time office however, opens the gate to allow the lighters-up to enter. This is usually about 5.30 a.m. It was to see that no unauthorised person entered at that time that Mr. Wilson issued his instructions to Mr. Wickham. After the timekeepers arrive, there is no necessity to keep the

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the gates closed as they know all the men and issue their tallies to them as they pass in to the Works Yard.

The next morning at about 7.5 a.m., Mr. Wilson rang me up and told me that the gates had been kept locked and all men except the lighters up kept out. We could hear the men cheering and ^{he} remarked on it. I said I would up at once and I did so. The gates were open when I arrived and as there were no workers in the vicinity I walked along the road leading from the foot-bridge to the time-office and passed over the foot bridge. Distance about 200 yards. I was accompanied by a police inspector and, I think, a constable. At the foot of the steps leading over the bridge I found three delegates of the Railway Workers Union, Messrs. Wilhelm, Adekoya and Shodiya. I explained to them that none of the workers had done any wrong and that the lock out was a mistake due to a misunderstanding between the Assist. Mechanical Officer and the Foreman. Mr. Wilhelm started referring me to some advice that had been given them some time back that there would be no lock-out without the workers first being informed. I again explained that this was not an official lock-out but was a mistake. I asked whether they could do anything about it. They said that the workers had all marched to see the Governor. I asked whether they could'nt go after them and try and get them back. Wilhelm said he would try. All three delegates seemed satisfied with my explanation. They were quiet and polite. While I was speaking to Wilhelm one man, not known to me tried to pass over the bridges towards the workshops. Wilhelm barred his way and would not let him pass over. I did not see the delegates again that day but I was informed that at least one of them remained on the bridge all day, apparently acting as a picket.

(Sgd.) G.O. Union
 Ag: Supt. of Workshops.
 8th October, 1941

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On Sunday the 28th September I received a message from Mr. Union that we were to meet Mr. Wilson at Mr. Wilson's house that evening. We went together at about half past six.

Mr. Wilson discussed the Governor's proposed visit to the Workshops on the 30th and said that I was to show the Governor round the Locomotive Section. He then explained police arrangements for the morning of the 29th and added that the police would not permit anyone to enter unless an European was present to identify him.

I said that I would do the job myself, but Mr. Wilson said that that was not necessary and that the job should be delegated to a Foreman.

A general discussion on labour conditions commenced and the General Manager arrived while this discussion was going on. It continued and we dispersed at about 10.0 p.m.

During the meeting I made up my mind to detail Mr. Sandover for this duty in the morning.

After leaving Mr. Wilson's house I went to Sandover's house which was in darkness. I knocked twice before getting an answer. I said who I was and Sandover said he would come downstairs at once. He then turned on a light and came down in dressing-gown and slippers. I told him I was sorry to have to wake him up but that the police would be at the works in the morning and would not let anyone pass during the hours of darkness unless identified.

I told him I wanted him to go down to the time-office gate so that the boiler-lighters, who come early, could get in. He said he knew them. I told him that any other early-comers would have to be admitted as a matter of course, as he wouldn't know many of the others anymore than would I myself.

I also said, in any event the timekeepers would be on at half past six and that he could remain with them until I come, and added that I should 'be down' early.

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I suggested his remaining with the timekeepers as he is a powerfully built fellow and would be useful in the case of trouble.

In the course of conversation Sandover repeated correctly in his own words my instructions to him.

I then went home and the next morning shortly after seven Union came to me and asked me what instructions I had given to Sandover. I told him, and he informed me that the men could not get in as Sandover had kept them out.

I left shortly afterwards for the works.

(Sgd.) R. G. Wickham
8/10/41.

On telephone Mr. Wickham informs me that he had from his house to enter the workshops yard by a gate on the opposite side of the time keepers gate and when in the yard he found it empty and met Union who having preceded him was returning. Wickham did not then go to the gates as he knew all the boys had gone away.

(Intld.) H.C.P. C. (Cox)

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MR. SANDOVER.

On the evening of 28th Sept., 1941, after having retired around 9.00 p.m. I was awakened by a knock on my door, I lay for a moment or so and then shouted "Who's there". A voice answered "Mr. Wickham, A.M.O." I told him to wait a few moments and I arose and put on shoes and bath robe. I also got the door key and went downstairs and opened my door/and found Mr. Wickham there accompanied by two policemen, one regular and one Railway. When I appeared Mr. Wickham told the two policemen to await him outside my compound. Mr. Wickham then told me that they, meaning him and the C.M.E. were expecting some trouble in the morning. To what extent the trouble was he didn't enlighten me. He asked me if I would be on duty at the gates on the morning of 29th Sept. between the hours of 5.30 & 5.45 a.m., to see that nobody got in unless those who lit the boilers. I said I would. He then said he would come in the morning and authorise the opening of the gates. Just as he was about to depart I said to him. "Has everyone to be kept out unless those who light up the boilers" and he answered me yes. I carried out these instructions and around 6.55 a.m. on the morning of the 29th as there was no appearance of Mr. Wickham I phoned up the C.M.E. Mr. Wilson from his office and told him that the boys seemed to be about to depart and was astounded to learn from him that the orders I carried out were wrong and to open the gates immediately. The gates were opened at 6.59 a.m. but the workmen remaining refused to come in.

(Sgd.) H. Sandover.

Further.

I am satisfied that Mr. Wickham did not say anything about other early comers in addition to the boilers lighters up. He did mention "time keepers" in the course of the conversation but I cannot remember exactly what he said.

The only reference to "darkness" that Mr. Wickham made was when he stated it would be dark when I took over duty and I would have to identify the boiler lighters.

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I do not know anything about the procedure after the time keepers come on duty and Mr. Wickham did not tell me anything about that - the "gates" have nothing to do with my work at all.

I am positive that what I was told was that everyone except the lighters up was to be kept out till Mr. Wickham came and authorised the opening of the gates. The only hours mentioned was when I was to go on duty.

Taken by me and read over to Mr. Sandover who said it was correct - but I forgot to ask him to sign it!

(Intld.) H.C. (Cox)
 Attorney-General
 9.10.41.

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General Manager's Office,
Nigerian Railway,
8th October, 1941.

SECRET.

The Honourable
The Attorney-General,
Lagos.

I enclose as requested a copy of the instructions issued by the Senior Assistant Supt. of Police, Colony, with regard to measures to be taken for safeguarding Railway property at Ebute Metta.

(Sgd.) A. Busby
for General Manager.

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SECRET.

Colony Police Office,
Lagos.
28th September, 1941.

Ref. No. 1391/2.

The Commissioner,
The Nigeria Police,
Lagos.

Nigerian Railway - Dissatisfaction amongst
Employees (1941).

On Friday, 26th. September 1941, Mr. Haydock-Wilson Senior Assistant Superintendent of Police in charge "C" Division, reported that there were indications of disaffection amongst the Railway employees, particularly the artisan class, at Ebute Metta, and that the men were adopting an unruly and insubordinate attitude towards their superior officers. Mr. Haydock-Wilson was instructed to arrange a meeting with Mr. W.G.W. Wilson, Chief Mechanical Engineer, Railways, and to detail selected police personnel, in plain clothes, to intermingle with the workers and endeavour to ascertain their intentions.

2. On Saturday, 27th September, Mr. W.G.W. Wilson interviewed Mr. Haydock-Wilson in his office at Ebute Metta and ^{as} a result of this interview I decided to take steps to institute police precautionary measures in the event of disaffection amongst the Railway employees.

3. All ranks in "C" Division were confined to barracks and the personnel of an armed guard comprising two Non-Commissioned officers and 30 Rank & File were detailed to stand to.

4. At 1.45 p.m. the same day, as a result of a telephone message from the Deputy Commissioner, the armed guard was mounted at the Railway Workshops, Ebute Metta.

5. At 4 p.m. a conference of all Colony Police Officers was called in my office and action, as indicated in the attachment to this memorandum, was taken.

6. A uniformed police constable and a member of the C.I.D. were also posted to each of the residences of the General Manager and Chief Mechanical Engineer, Railway as a precautionary measure.

7. Accompanied by Superintendent No.2 Colony, S.A.S.P "C" Division and A.S.P. "A" Division, I inspected the guard at the Railway Workshops and discussed the disposition of sentries.

8.

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8. The Superintendent, Fire Brigade, has been advised of the situation and has been requested to stand to in the event of a fire breaking out in the disaffected area.

9. The Superintendent of Police, C.I.D., is being kept fully informed and is, likewise, keeping me fully informed, of all developments.

10. A copy of the memorandum has been sent to the General Staff Officer No.1, Military Headquarters, and to the General Manager, Railways, who has been asked to arrange for the attendance of responsible Railway officials as indicated in paragraph 12 of the attachment.

(Sgd.) G.A.V. de B.
 Snr. Asst. Supt. of Police,
 Colony.

Copy S. of P., C.I.D.
 A.S.P., "A" DIV.
 " " "B" "
 S.A.S.P., "C" "
 For information.

The Honourable
 The General Manager,
 Nigerian Railway,

For information.

2. I should be grateful if you would arrange for the attendance of responsible Railway officials as indicated in para.12 of the attachment.

(Sgd.) G.A.V. de Boissiere
 Snr. Asst. Supt. of Police,
 Colony.

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SECRET.

Colony Police Office,
Lagos.
28th September, 1941.

Ref. No. 1391/4.

The A.S.P. "A" Div.
" " " " "B" "
S.A.S.P. "C" "

Armed Police Guard Mounting of at Railway Workshons.

As a precautionary measure in the event of disaffection amongst Railway employees, especially members of the artisan class, the following armed Police Guard will be mounted at the Railway Workshons as from Saturday, 27th. September 1941, until further notice :-

1 African Officer.
3 N.C.O.'s
30 Rank & File.

Each members of the Guard will be in possession of 10 rounds of S.A.A. which will be carried in the ammunition pouch.

2. The Guard, which will be changed daily at 10 a.m. will be drawn from the following Divisions :-

"A" Div. - 1 N.C.O. & 10 Rank and File.
"B" " - 1 N.C.O. & 10 Rank and File.
"C" " - 1 N.C.O. & 10 Rank and File.

An African officer will be supplied, daily, as from 10 a.m. on Sunday, 28th. September, 1941, from the three Colony Divisions in the following order of rotation :-

"C" Division
"A" "
"B" "

3. Fall in.

The quota of the New Guard supplied by each Division will parade at the undermentioned Barracks at the times indicated hereunder :-

"A" Division - Ikoyi Barracks - 9 a.m.
"B" " Oke Suna " - 9.15 a.m.
"C" " New Barracks, Yaba - 9.30 a.m.

4. Transport.

A Military Lorry will report at the Ikoyi Barracks at 9 a.m., and at Oke Suna Barracks at 9:15 a.m. daily, for the purpose of transporting the New Guard to the Railway Premises, Ebute Metta. It will await the changing of the Guard and convey the personnel of the Old Guard back to their respective Barracks.

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Barracks. The Police lorry attached to "C" Division will take similar action in respect of the "C" Division quota of the New and Old Guards.

5. Rations.

The personnel of the New Guard will take their morning meal before parading at their respective barracks. A Police Van will report at the Ikoyi Barracks at 4.30 p.m., and at the Oke Suna Barracks at 4.40 p.m. daily, for the purpose of transporting the evening meal for the personnel of the Guard to the Railway premises. Personal attendants may proceed to E.B. in this Van.

6. Duties of Guard.

The primary duties of the Guard are as follows:-

- (A) The preservation of law and order amongst the personnel employed by the Railway.
- (B) The prevention of sabotage or wilful destruction of Railway property, Machinery and rolling stock.
- (C) The non-entry of unauthorised persons into Railway premises

and in this connection sentries will be posted as indicated hereunder :-

(a) Machine shops.

Four sentries, working in two pairs, to patrol the external perimeter of the building.

(b) Wagon shops.

Four sentries, working in two pairs, to patrol the external perimeter of the building.

(c) Power Station and Plant shop.

Two sentries patrolling the external perimeters of the buildings.

N.B. Between 6 a.m. and 6 p.m., the sentries on duty will not carry their rifles, but each man will have his baton with him.

Written instructions, as approved, will be in the possession of the African Officer in charge of the Guard and will be read to all sentries mounting duty.

7. Communications.

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7. Communications.

A telephone is provided in the Railway offices adjacent to the Guard Room (No.523). All incidents of interest or importance will be communicated by telephone by the African officer in charge of the Guard to Supt. No. 1 Colony (Office 394 House 645) or in his absence to Supt. No.2 Colony (Office 394 House 167).

8. Confinement to Barracks.

All Ranks are confined to Barracks until further notice.

9. Reserve.

In addition to the Guard quota supplied Officers i/c Divisions will ensure that 40 Rank and File from each Division are standing by in Barracks ready to move at a moment's notice. Should notification be received that any of the above parties is required at the scene of disaffection they will proceed by lorry transport accompanied by their Divisional Officers and armed as indicated as hereunder:-

European Officer - Revolver and ammunition.
10 Rank & File - Rifles and 20 rounds of S.A.A. each.
30 Rank & File - Batons.

10. Reserve Party - Transport of.

A military lorry will be available at the Ikoyi Barracks for the transport of the above parties should their services be required. Should additional transport be necessary the "C" Division and Headquarters lorries and the Black Marias will be requisitioned.

11. European and African officers.

Officers, European and African, will not leave the Municipal Area of Lagos without permission. Their movements will be notified to their respective Divisional Headquarters, and the Mess (No.167) and they will endeavour, as far as possible, to be on the telephone.

12. Guard Supervision.

The S.A.S.P. i/c "C" Division is responsible for the general supervision of the guard and the proper performance

of

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of its duties. He will collaborate with the pertinent Railway Officials with a view to ensuring that a responsible Railway officer is present at each of the buildings mentioned in para. 6 above to identify labourers and artisans the nature of whose duties necessitate that they should enter the buildings to commence work before day light (firing of boilers etc.) The General Manager, Nigerian Railway, is being advised on this matter.

13. Despatch Riders.

Two despatch riders from the Mobile Unit are standing by at Iddo Barracks (Iddo Railway Station telephone No.517), for duty should their services be required.

(Sgd.) G.A.V. de Boissiere

Snr. Asst. Supt. of Police,
Colony

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Address by His Excellency The Governor to Railway
Workers at Ebute Metta on 30th September, 1941.

Before I start talking to you I want to say that Mr. Thomas has very kindly said he will interpret into Yoruba, and I want to ask the Ibo speaking men if they would also like what I am going to say to be interpreted into Ibo. An Ibo speaking man will now ask if they wish it to be interpreted and if so will any Ibo who wants it interpreted hold up his hand.

(It was indicated that the Ibos wished this, and also that the men would prefer to have Mr. E. O. B. Bright to act as interpreter in place of Mr. Thomas. Mr. Bright was therefore deputed to act as Yoruba interpreter.)

First of all I want to say just a few words about yesterday, and then I want you to forget all about it. The lock-out yesterday was entirely due to a mistake. I have quite satisfied myself on that point. I have not yet entirely determined who was responsible for that mistake, but it was a mistake, and the Railway management take full responsibility for it. It is going to be a very expensive mistake for the Railway Management because yesterday will be treated as if it was a Public Holiday. In other words those men who did no work will get full pay and those men in the Running Sheds who did work will get double pay.

And now to leave the past and turn to the future. Earlier in the year your Trade Union made certain requests to the Railway administration for improving your terms of service. The decision of the Government on those requests was conveyed to you in a letter from the Chief Secretary dated the 6th May, and your Union, on your behalf, accepted those decisions. Unfortunately, it took a good long time to work out the details of the scheme for carrying into effect the decisions of the Government, and those details were not given to your delegates until nearly the end of this month, a few days ago. Those detailed decisions were at once rejected. Now I want to say straight away that I am quite sure that those decisions were rejected because nobody understood them.

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them. I walked round the Workshops this morning, and the Chief Secretary and I talked to a good many of the men. We talked, among other people, to the President of your Union, and I may say that I found that the President of your Union did not understand those details himself, and I don't altogether blame him, because I may say that when I read the papers I found it very difficult to understand them. But it is quite clear that the large majority of the men did not understand them one single bit; they did not even know what had been promised, and I will prove that to you. I and the Chief Secretary between us asked several men what their present pay was, and they told us. We then asked them what their pay would be under the new scheme, and they said they did not know. If they did not know, what possible reason had they for refusing that pay? The Chief Secretary then asked one man "Are you getting paid on holidays?". The man said no. The Chief Secretary said "Are you going to get paid on holidays in future?" and the man said "I do not know." It is quite obvious that that man at any rate did not know anything about the new scheme at all. I want to make it quite clear to you that I am certain that you have rejected this new scheme just because you know nothing about it, and, having said that, I am going to try and explain to you as simply and as clearly as I can what the new scheme is and what it means to each one of you.

Now, in the first place, you have been complaining for some time that when the change was made in 1931 from daily to hourly pay it meant a loss to some of you. How the figures have been gone into very carefully, and it is a fact that some of you have lost by that change. The total amount you have lost during those years will be paid to you on October 1st, and if any man thinks that he is not getting all that is due to him his case will be very carefully investigated again.

How

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Now as regards the proposals for the future. I want to divide this into two sections. First, as regards the men who will not go on to fixed establishment, and secondly as regards the men who will go on to the fixed establishment.

Now as regards the first - the men who will not go on to fixed establishment. With effect from the 1st October hourly pay will be abolished, and these men will be on daily rates of pay, and they will get a full day's pay on Saturdays. They will also get full days pay for the ten Public Holidays in the year, and if any man has to work on a Public Holidays he will be paid double pay. I want to make that quite clear, that you have now got what you asked for, daily pay, a full day's pay on Saturdays, and a 45 hour week. Anything over that 45 hours to count as overtime at the ordinary rate of one and a quarter, unless that overtime is on a Public Holiday, when he will get double pay instead of single pay. Now I hope that is quite clear. The point about the 45 hour week and being paid overtime for more than 45 hours applies not only to the men on daily rates, but also to all those who will be on fixed establishment.

Now I know quite well that a good many of you have thought, for some reason or other, that under the new scheme you will be getting less pay than before. I hope that what I have said has made it quite clear that the daily paid men will all be getting something more in the way of pay, under the new scheme, than they are getting now.

And now about the men who will come on to the fixed establishment. As from the 1st October, 1270 men in the Workshops and 530 men in the Running Sections will come on to the fixed establishment. Now naturally the first thing that these men will want to know will be what pay they are going to get. In other words, at what stage they will come into the next grades. Now I think you all know that

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it has been the rule in the past, not only in the Workshops but in the clerical service in the Railway and all through Government service, that when a man comes from daily pay on to the fixed establishment, he comes in at a point in the grade which is next below what his daily pay earnings come to. Now that is not going to be the arrangement now. Anybody who, under this new scheme, is converted from daily pay to fixed establishment will come into the grade at the next point above what he is earning as a daily paid man. Just let me give you one instance. Let us say that £45 a year is one point on the grade and £48 a year is another point on the grade. Supposing there is a daily paid man whose earnings amount to £45.10.0. Under the old arrangement he would have come on to the fixed establishment at £45; under the new arrangement he will come into the establishment at £48, the next point in the grade above what he is now getting as a daily paid man.

There is one other important point in that connection. For the purpose of calculating what a man's present earnings are in order to decide at what point he will come into the scale, the calculation will be made, not on the hourly basis of 2284 hours, but on the daily basis of 313 full working days. This will have the same effect as if the change from daily paid basis to an hourly basis had never been made. I think that there is a mistake in the papers given to you and that it has been worked out on an hourly basis, and that will have to be corrected.

Besides that, the minimum rate of entry on to the fixed establishment will be at the rate of £36 a year and not £30 a year as it is at present.

Now there are one or two other important matters which affect a man coming on to fixed establishment. In the first place he will be entitled to fifteen days' leave per annum on full pay, with free transport facilities.

He

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He will also receive full pay during absence from duty owing to sickness, as provided in General Orders. He will also get regular annual increments, subject only to good conduct and efficiency, and generally his prospects of promotion will be considerably improved.

I just ought to say perhaps that the annual increments will of course be subject to the usual efficiency and promotion bars. The places on the scales where those efficiency and promotion bars should come is a matter upon which your Union have made some representations, about which I will speak later.

Another great benefit which men will get by coming from daily pay on to fixed establishment is that they become members of the Provident Fund Scheme. They will contribute at the rate of 5% of their salary to the Provident Fund; that is to say, if a man is earning £5 a month he will pay 5/- a month into the Provident Fund. The Railway will also put into the Provident Fund for him the same amount, and that total amount will go on earning interest for him until he retires or dies, or is allowed withdrawal under special circumstances. When he retires he will get the full amount that has been invested in the Provident Fund both by him and by the Railway, with the interest thereon. If at any time before he reaches the retiring age he is dismissed for misconduct he will get back the full amount that he has put in himself; that is his own money and no-one can take it from him.

Now, as I said at the beginning, I found when I walked round the Workshops, and from what I had heard before, that quite a large number of you were under the impression that you are going to get less under the new proposals than you get at present. Now I want to repeat quite clearly what I have said before. Not one single man of you will get one penny less than he is getting at the present moment. I do not know how you got the impression that anybody would get less; it may perhaps be that there are some mistakes in the calculations in the paper given

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given you. I will take that paper back and examine it very carefully. But I can assure you that under the scheme, as it will be finally approved, not one single man will be getting a penny less. The very large majority of you will be getting something more. And now, look here, I am going to prove to you that I mean what I say. I am going to make you a sporting offer. If, when you have drawn your first month's pay under the new scheme, any man can come to me and prove to me that he has got less than he was getting before, not only will I see that the difference is made up then and forever, but I will give him £1 out of my own pocket and I will pay another £1 out of my own pocket into the Win-the-War Fund (Applause).

So much for what the Government is going to do to fulfil the promises made to you in the Chief Secretary's letter of May 6th last, those promises, which were fully accepted by you as settlement of all your difficulties. Now your delegates have made to me certain additional proposals: they have made proposals regarding the rate of increments in the standard scale, the maximum of the standard scale, and the points where efficiency bars should be fixed. Those proposals have only just reached me, and as they will obviously affect other departments I cannot give you a decision on the spur of the moment, but I will investigate them personally, and I may be able to let you have my decision in a very short time. I should like to add that if I find myself able to accept any of your Union's proposals, the changes will be made in time to come into effect from the 1st of October.

Now I have been talking to you for a very long time but there are two more things I want to say. The first is about Workmens Compensation. You know probably that the Workmens Compensation Act has been passed by Legislative

Council,

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Council, to come into force with effect from the 1st of April next year. Now, that Act will make a very big difference to the amount that is paid in compensation to a man who is injured during the course of his work, and to the amount that is paid to the relatives of a man who is killed during the course of his work. The point I want to make is this, that although the Act does not actually come into force until the 1st of April next, the Government is already acting as if it is in force and it has, in one or two cases, paid compensation on the new scale instead of the old one, and will continue to do so.

Now you have listened to me for a very long time very patiently, but there is just one thing more I want to say. Yesterday on the Racecourse the delegates of your Union assured me that you were determined to act in a perfectly law abiding, constitutional manner and that if we had interpreted anything you said to the contrary we had made a mistake. Now you have shown quite clearly by your behaviour yesterday on the occasion of that unfortunate mistake, by the way you were all hard at work in the Workshops this morning, and by your behaviour here this morning, that you do intend to behave in a law-abiding manner. But just to make sure there is no mistake, I would like to say a word or two about the law. You will remember that we have passed a Trades Union Bill, which took effect from April 1st of this year. Now, the whole object of that Bill is to give you working men an opportunity of stating your case and getting your grievances properly attended to without having to revert to any kind of violent action. Under that Bill, if there is a dispute between any labourers and their employers, either party can report to the Governor that there is such a dispute. Either you can report it to me through your Union, or the General Manager of the Railway can report it to me. It then becomes my duty, under that Act,
to

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to confine myself to settling that dispute. I naturally would try to do it in the normal way, as it was done earlier in the year, by a free discussion between the employers and the representatives of the workers, but if that free discussion does not result in a settlement of the dispute, then the next procedure is for me to appoint arbitrators to decide the dispute. I can appoint either one independent arbitrator or one arbitrator assisted by assessors from both sides, or I can appoint an equal number of arbitrators nominated by each side, with one independent arbitrator to act as Chairman. There is a full machinery by which any dispute between employers and labourers can be settled justly and surely without any disturbance or violence. Now you know that in ordinary times a strike is a perfectly legitimate thing, although this machinery has been devised to reduce the danger of strikes as quickly as possible. But in this special wartime, when it is absolutely necessary for the defeat of that scoundrel Hitler that all work, all over the Empire, should go on normally, strikes in Nigeria, as in England, have been made illegal, except on one condition only. That is that, after the existence of a dispute has been reported to the Governor, if within 21 days he fails to take necessary action, then a strike is legal. In all other circumstances, both a strike and a lockout are equally breaches of the law. Now I want it to be quite clear to you that there is full machinery for settling any difference of opinion in a just and impartial way. We have never yet used that machinery; we have never had to go to arbitration because so far we have settled all differences by mutual agreement, but if in the future we fail to reach a conclusion by mutual agreement, the path of arbitration is still open.

As I said before, I know that you are a law-abiding body of men, but do not be led away by anybody into thinking that to do an illegal action is the way to get what you want - it isn't.

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NIGERIAN SECRETARIAT
LAGOS
4th October 1941

THE HONOURABLE THE GENERAL MANAGER
NIGERIAN RAILWAY
EBUTE METTA

I am directed by the Governor to communicate to you the following detailed statement of the terms of conversion to the fixed establishment of the Workshop and Running Staff of the Railway, with reference to my letter to you No. 28370/S. 21/82 of the 6th of May 1941, and to request you to bring this statement to the notice of all concerned and to send copies at once to the Railway Workers' and Locomotive Drivers' Unions, in reply to their joint letter to you dated 27th September 1941.

This statement is in confirmation of the announcements made by His Excellency on the occasion of the meeting held at the Railway Workshops on 30th September and it embodies His Excellency's decisions on the representations contained in the Trade Unions' letter of 27th September 1941.

REFUND OF LOSS OF PAY THROUGH 1931 CONVERSION

1. Those men who suffered reductions of pay as a result of the conversion from daily to hourly rates of pay in 1931 will be compensated for the losses of pay sustained by them. The record of every employee affected by the conversion has been examined by the Railway authorities and it has been found that nearly two hundred men did in fact suffer loss, and the amounts thus lost have now been refunded to the men concerned. If any men still have reason to believe that they also suffered loss they are requested to submit particulars of their cases for examination by the General Manager.

ABOLITION OF HOURLY RATE OF PAY

2. Hourly rates of pay were abolished on 1st October and daily rates restored. The daily rate will be that now paid for ordinary days and the rate of pay for Saturdays will in future be the same as that for the other days of the week, although there will be five working hours only on Saturdays. This will result in an increase of pay for all concerned: for example, a man who prior to 1st October received pay at the rate of 3/4d for ordinary days and 2/1d for Saturdays, which is equivalent to 18/9d per week, will now get 3/4d per day for each working day, which for six days is at the rate of 20/- per week.

PAY FOR PUBLIC HOLIDAYS

3. In addition to the above increase, and also as from 1st October, all men who remain on daily rates of pay will receive pay for the ten public holidays in the year. The result of this is that a man whose daily rate is 3/4d will receive an additional £1 13s 4d in the course of a year. Any man who is required to work on a public holiday will be paid at double rates.

45 HOURS WEEK

4. The normal working week for Workshops and Running Shed Artizans will be one of 45 hours—eight hours work on each ordinary day, and five hours on Saturday.

OVERTIME

5. Overtime worked in excess of the standard daily hours will be paid for at time and a quarter rates, in accordance with the present approved practice for the Railway.

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TRANSFER TO FIXED ESTABLISHMENT

6. It has been decided that the skilled workmen in the Workshops and Running Sheds, including locomotive drivers, shall form part of the fixed establishment. In accordance with this decision and to meet present Railway requirements, approximately 1,270 skilled Workshop men and 530 skilled men in the Running Section have been transferred from daily rates of pay to the fixed establishment with effect from 1st October 1941 and these men now enjoy the following privileges:—
- (a) Provident Fund benefits, by virtue of which the employee is required to deposit 1/20th part of his pay in the Fund to which the Railway adds a corresponding bonus, and the whole accumulates at interest for the benefit of the employee in accordance with the Railway Servants' Provident Fund Ordinance Schedule II. The rate of deposit and bonus applicable to posts included in the first Schedule to the Ordinance is 1/12th.
 - (b) Leave with pay, 15 days in each year, with free transport facilities to and from their homes or place of engagement in accordance with General Orders.
 - (c) Full pay for sick leave in accordance with General Orders.
 - (d) Annual increments in accordance with approved scales subject to good work and conduct.
 - (e) Improved prospects of promotion to higher grades.

METHOD AND EFFECT OF CONVERSION

7. (1) For the purpose of calculating yearly wages to determine the point of entry into the graded scales for the Workshop and Running Shed Artizans, it has been decided that the fairest method is to multiply the daily rate of pay by the number of days in the year excluding Sundays but including public holidays, that is to say 313. These men on conversion thus enjoy the benefit of both the increases of pay explained in paragraphs 2 and 3 above, namely, full pay on Saturdays and on public holidays. An additional benefit has been granted as a result of a further decision which has been taken to allow entry into the graded scales to take place at the next incremental step above the assessed rate instead of below it, which is the usual method. For example: a man who received 5d per hour before October 1st., has now been rated for the purpose of conversion at 3/4d per day, which when multiplied by 313, makes his assessed earnings £52 3s 4d per annum; he therefore enters the scale at £54 per annum. Under the old method of hourly calculation his assessed pay would have been 5d multiplied by 2,284 (hours) *i.e.* £47 11s 8d, so that he would have entered the scale immediately below the £48 step. The benefit to the men under the above recent decisions is therefore considerable.
- (2) For the Running Section Locomotive Staff, the conversion from daily to yearly rates for the purposes of determining the point of entry into the establishment will be calculated on the basis of 365 working days in the year, having regard to the special nature of their duties.

ENTRY INTO FIXED SCALES

8. (1) The following are the rates of conversion and points of entry into the established scales for Workshops and

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COPY FOR REGISTRATION

Cypher Telegram

Received
in
Registry



FROM NIGERIA

FROM: Governor (Sir B. Bourdillon)
TO: Secretary of State for the Colonies.

D. 30th September, 1941.
R. 30th " " 22.07 hrs.

IMPORTANT.

No. 945 Secret.

My telegram No. 937.

①

Owing to blunder by subordinate official entry to railway workshops was locked yesterday morning and men refused admission. Orderly procession proceeded to Legos and were invited by me to the race-course, where I addressed some hundreds. I explained the mistake, declared holiday with pay and double pay to those in other railway establishments who had remained at work, and asked the men to go back to work to-day. Elected members of the Legislative Council accompanied and supported me.

This morning I made a tour of the workshops and found all the men hard at work. I subsequently addressed mass meeting of all hands. Meeting was exceedingly orderly and replies to my address quite satisfactory. Immediate danger of strike appears averted. But chief mechanical engineer Wilson has long been most unpopular with the men and his continued presence would act as dangerous irritant. He has applied for immediate leave which I have granted. His return is most undesirable and he asks for transfer, which I recommend. Professional qualifications excellent he is full of energy and has managed shops with conspicuous efficiency. But although always just he is rigid disciplinarian, lacking sense of humour and human feeling essential in dealing with African labour. If transfer impracticable some means must be devised of safeguarding his pension. It occurs to me that it might be possible to employ him in Iran. He sails in few days but could be stopped at Freetown.

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Orig. no. 18868 W/A

AIR MAIL.

1071

DUPLICATE.

NIGERIA.

CONFIDENTIAL.

RECEIVED
WICKHAM
C. O.

8th October, 1942.

My Lord,

3 I have the honour to refer to my telegram No. 945 of the 30th of September regarding recent disaffection among African employees of the Nigerian Railway Workshops and the desirability of the relinquishment of his appointment of Chief Mechanical Engineer by Mr. W. W. Wilson, and to inform you that Mr. Wilson will shortly be proceeding on leave to the United Kingdom. His leave papers are being forwarded separately.

2. I now transmit a copy of a letter in which Mr. Wilson expresses a desire for further employment on the expiration of his leave and requests that his pension privileges may not be impaired by his leaving the Nigerian service prematurely. I have already in my telegram under reference expressed my views as to Mr. Wilson's suitability for alternative employment and I shall be glad for any steps which you may be able to take to meet his wishes. Should it prove impracticable to transfer or second Mr. Wilson to other public service, I recommend that he should be treated as having been compulsorily retired, as laid down in section 7(b) of the European Officers' Pensions Ordinance (Chapter 26) and be granted the benefits provided by Regulation 22(1).

3. In forwarding Mr. Wilson's letter to the Chief Secretary the General Manager of the Railway bears testimony to the invaluable service which he has rendered to the Railway throughout his eighteen years' service. Mr. Nelson observes that Mr. Wilson is a specialist in Workshop practice and that he was largely responsible for the lay-out of the new Railway Workshops. I endorse the General Manager's commendation of Mr. Wilson's services.

4. A separate report will be forwarded to Your Lordship regarding the circumstances connected with the disaffection among the Railway employees and the concessions which have been made to them.

I have the honour to be,
My Lord,
Your Lordship's most obedient, humble servant,

(Sgd.) B. H. BOURDILLON
GOVERNOR.

THE RIGHT HONOURABLE
LORD LOKES, P.C., D.C.L.,
SECRETARY OF STATE FOR THE COLONIES,
LONDON, S. W. 1.

Ant. J. McE.

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Cypher Telegram

*Provisionally booked for
8th Oct
Leave London 7th Oct.
44 lbs of baggage
Portuguese visa.*

FROM NIGERIA

FROM: Governor (Sir B. Bourdillon)
TO: Secretary of State for the Colonies.

D. 29th September, 1941.
R. 29th " " 13.15 hrs.

IMPORTANT.

No. 957 Secret.

Regret to report prospect of trouble in the railway workshops. Hope to avert strike and will report again shortly. Situation has been mis-handled by McEwen, who has clearly lost the confidence of the men. He also shows signs of losing his own nerve and has already hinted that he would like to retire immediately. Grateful if Rooke could be flown out here earliest possible.

General manager

Reference:-

CO 583/257/30046/23

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74
END

COPY FOR REGISTRATION

Cypher Telegram

Received
in
Registry

28 SEP 1941

FROM NIGERIA

FROM: Governor (Sir B. Bourdillon)
TO: Secretary of State for the Colonies.

D. 29th September, 1941.
R. 29th " " 13.15 hrs.

IMPORTANT

No. 937 Secret.

Regret to report prospect of trouble in the railway workshops. Hope to avert strike and will report again shortly. Situation has been mis-handled by McEwen, who has clearly lost the confidence of the men. He also shows signs of losing his own nerve and has already hinted that he would like to retire immediately. Grateful if Rooke could be flown out here earliest possible.

*x P. L.
asked for to
be sent to
you immediately*

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CLOSED

1942-43.

1

NIGERIA.

No. 30051

SUBJECT.

CLOSED
UNTIL
1972

CONSTITUTION.
CHANGE OF OFFICIAL TITLES.
AMENDMENT OF INSTRUMENTS.

Previous 1940
vide 1939.

Subsequent 1945
1948.

Reference:

C0583/257/30051

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1942

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3. Myerid — 56 — 4.2.43.

? approve

FJ Pedler 25/3

The form given body given Proclu. seems to be sufficient for its purpose but I can, of course, take no responsibility for the schedules.

Approval should be in H.M. name - usual form of work

[Signature] 25/3.

FJ Pedler
25/3 at ave

11 To Nigeria 108 (3 ansd)

9.4.42

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1943

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5 Nigeria Conf (6) ————— 21.5.43.

This must await

- (1) the preparation of a new Document Commission, which is in action on other papers.
- (2) the approval of Mr Carr's proposition.

bring up in two weeks

21/10.6.43

B.U. as directed.

G. Knoff

24.6.43

wait two weeks

21/24/6

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6/10

Nigeria ———— Dep. Conf. (C) - 21.5.43

4

Mr L. S. Smith,

Off. D.C. Secretary, N.C.

21.6.43

Questions of policy should be settled before instruments are drafted.

Agree

its for .. I know by law from the

this file does not seem appropriate for no. 10
LSS 21/6

On the assumption that the suggestion in no. 10 will be approved, I submit draft Amendment Commission. It will, no doubt, be necessary to assign seniority amongst the present Chief Commissioners in accordance with Clause II of the draft - see nos. 21 and 22 on 30051/39.

L.S. Smith 21/6/43

Perhaps I ought to explain three minor amendments I have made, though they are not of great importance. In Clause 2 the words "incapable of discharging the duties" seem to refer to some personal disability but not to cover e.g. occupation in other duties. I have therefore added "or prevented from". Note that this follows the lines of the Orders in Council recited at the beginning

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beginning of the Commission.

Lower down in the same clause I have substituted "able to" for "capable of" as this seems to embrace both personal capacity and also ability having regard to the officers other duties, etc.

In paragraph 4 I have substituted "assumed" for "resumed" because the word "assumed" appears later on. I do not understand why there should be any difference and "resumed" would not always be suitable.

J. G. L.
22/6/43.

Present as usual.

Be
24/6 at ma

Draft herewith.
W.A. Dept. will, no doubt, consider what, if anything, should be said to Sir A. Burns.
X |
L. Smith 1/7/43

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- (1) B. 93 1/2
- (2) 1/2
- (3) 1/2

To Virginia N° 194 Conf: 4/Domest Com: + 6 Lefin - (blind) - 1000 - 6/7/43
6

I have had (7) letters from the mail and cancelled, since para. 2 is not correct he have already received the O.A.G.'s recommendations as to the arrangement of services (via 5) but the office of C.C. E.P. is still vacant and the Gov's recommendation that Mr. Carr should be appointed seems to have gone wrong.

I therefore submit a draft with a new second paragraph. On return I will send a letter to the O.A.G. about the missing dispatch; and will resubmit on the question of informing Sir Alan Burns of the cancellation of the previous Domestic Commission.

13.7.43

1/2

- (1) B. 93 1/2
- (2) 1/2

To Virginia N° 217 Conf: 4/Domest Com: + 6 Lefin - (blind) - 1000 - 14/7/43

To Angerac No. 1048 - 1000 - 17.7.43

Recue

With reference to the point raised in Mr. Smith's minute of 1.7.43. I consider that as the original Commission (enc. 5 (1) - (2) in 3662/43) was addressed personally to Sir Alan Burns, he should be informed of its suspension and submit draft cover accordingly.

23/7/43

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9 ^{To} G. Coast N^o 179 Secret _____ 27/7/43 7

10 Nigeria Tel 1064 Conf _____ 21.7.43

? Put by pl. J " Nigeria 3pr. Conf. _____ 21.7.43. (orig. of and. on 30.3.11/43)

Bring up on note
22/4/8

B.O. as directed.

J. Knopf
4.9.43

22/11

22.11.43

22/10/43

AK

B.O. as directed.

A. Hillier 22/11

Reference the second paragraph of our despatch at (7), the appointment of Mr. Carr to be Chief Commissioner, Eastern Provinces, has now been approved on other papers and we may now approve the Governor's recommendations in (5) regarding the relative seniority of the Chief Commissioner for the purpose of the Dormant Commission as in draft despatch herewith.

[Signature]

3. 12. 43.

P 93
1/11

12 ^{To} Nigeria N^o 404 Conf: _____ 13/12/43

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[13'66] W.L. 39977 249 50m. 12'42 C.N.L.D. 745

30051/43 NIGERIA.

128

C. O.

Mr. Parkinson. 3 /12/43.

Mr. L.S. Smith. 6 /12/43.

Mr. Cohen. 6 /12/43.

Mr. G. E. J. Gent.

Mr. G. L. M. Clouston.

Mr. C. J. Jeffries.

Sir A. Dawe.

Sir W. Battershill.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

35
13th Dec 1943

DRAFT. DESPATCH.

NIGERIA.

NO. 404

O.A.G.

CONFIDENTIAL

(5)

(7)

Sir,

I have the honour to refer to your Confidential (B) despatch of the 21st of May and to the Dormant Commission dated the 1st July, 1943, appointing the Chief Secretary to the Government of Nigeria or the Senior Chief Commissioner in Nigeria to administer the Government of the Colony and Protectorate of Nigeria in certain events, which accompanied my Confidential despatch No. 217 of the 16th of July.

2. I have to convey to you His Majesty's approval of your recommendation that seniority should, for the purpose of the Dormant Commission, be assigned

by

FURTHER ACTION.

2 Copies for
Bq's please.

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NIGERIA.

CONFIDENTIAL.

In duplicate.

The Acting Chief Secretary to the Government of Nigeria presents his compliments to the Under Secretary of State for the Colonies and with reference to the Secretary of State's telegram No. 1048 of the 17th of July, 1943, has the honour to forward a copy of the Governor's Confidential despatch of the 13th of May, 1943.

NIGERIAN SECRETARIAT,

LAGOS, 21st JULY, 1943.

RECEIVED
28 JUL 1943
DO NOT

1011
30051/4}

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orig. n 30311/43.

NIGERIA.

GOVERNMENT HOUSE,
NIGERIA.

13th May, 1943.

CONFIDENTIAL.

Sir,

I have the honour to recommend that Mr. F.B. Carr be appointed to the office of Chief Commissioner, Eastern Provinces, in place of Mr.G.G. Shute, C.M.G., who recently proceeded on leave prior to retirement.

2. There are five officers in the Staff Grade of the Administrative Service senior to Mr. Carr. Mr. Pembleton is already over fifty-five years of age. Mr. White is a good officer, but I do not consider that he has the force of character necessary for the post of Chief Commissioner. Commander Carrow has spent the whole of his colonial service in the Northern Provinces, and though this does not, ipso facto, rule him out, he would not, in my opinion, make a satisfactory Chief Commissioner in the Southern Provinces. Mr.P.G. Harris is quite unsuitable.

3. Mr. Carr's work has been of a consistently high order for the twenty-four years he has spent in the country and is in every way fitted for the post for which I recommend him.

4. For the same reason as that put forward in regard to the promotion of Mr. J.R. Patterson as Chief Commissioner of the Northern Provinces - see my despatch No.204 of the 12th of May 1943 - I recommend that Mr. Carr's promotion should have effect from the 1st of August next.

(31) 30311/43.

I have the honour to be,
Sir,
Your most obedient humble Servant,

(Sgd.) B. H. BOURDILLON
GOVERNOR.

THE RIGHT HONOURABLE
OLIVER STANLEY M.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
LONDON, S. W. 1.

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30051/43 Nigeria

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12

C. O. *Smith 21/7/43*
Mr. *at once*
Mr. G. E. J. Gent.
Mr. G. L. M. Clouston.
Mr. C. J. Jeffries.

Sir A. Dawe.
Sir W. Battershill.
Permt. U.S. of S.
Parly. U.S. of S.
Secretary of State.

Coded sent -
14.45 hrs.
21/7/43

DRAFT.

Code telegram.
Governor
Nigeria

No. 1064 Confidential.

My dep. No. 217 confidential of
16th July. Dormant Commission.
1939 in Clause V and in
marginal note should be 1942.
H.M. has been pleased to
give instructions for necessary
amendment.

FURTHER ACTION.
No distribution.
Please return
to me *add*
2017

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[13966] Wt. 39977 249 50m. 12 42 C.N.L.D. 748

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C. O.

Mr. Parkin 23/7
L.S. Dist 23/7
Mr. ~~...~~
Mr. Cohen 26
Mr. G. E. J. Gent. N.Y. Dist 26/7
Mr. G. L. M. Clauson.
Mr. C. J. Jeffries.

Sir A. Dawe.
Sir W. Battershill.
Permt. U.S. of S.
Parly. U.S. of S.
Secretary of State

27th July 1943

DRAFT. Impul N^o 179

Sir,

Gold Coast

Secret.

Gov. Sir Alan Burns.

(33662/42 W.A. 2.)

I have the honor to refer to Lord Moyne's Secret despatch of the 19th January, 1942, with which was enclosed a copy of a Commission under the Royal Sign Manual and Signet empowering you to administer the Government of Nigeria in certain events, and to inform you that, in view of the changed circumstances, [] ~~and~~ ~~the appointment~~

FURTHER ACTION.

? omit
E J

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~~of a Resident District~~ 14
~~West Africa,~~ that Commission
 has now been superseded by
 a new Commission ~~and that~~
~~of the same name~~ ~~and that~~
 in favour of the Chief Secretary
 to the Government of Nigeria.

Yours,

(Sgd) OLIVER STANLEY,

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C. O.

Mr. *Barkin 7/2 atch*

Mr.

Mr.

Mr. G. E. J. Gent.

Mr. G. L. M. Clauson.

Mr. C. J. Jeffries.

Sir A. Dawe.

Sir W. Battershill.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State

15
handed & sent
17.7.43
14 00

DRAFT. *Code 62. 6*

Govt. Nigeria
Governor

No 1048

Yamaguchi

You confidential despatch
of 13 May referred to
in para 2 of your
confidential (B) despatch of
21st May not yet
received. Please forward
copy.

11
(S)
17 JUL 1943
D - 17

FURTHER ACTION.

Recd.

Reference -

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30051/43 Nigeria 16

C. O.

- Mr. Bennett 13/7
- Mr. L.S. Smith 10/7
- Mr. Cohen
- Mr. A. J. Dawe.
- Sir H. Moore.
- Sir G. Tomlinson.
- Sir J. Shuckburgh.
- Permt. U.S. of S.
- Parly. U.S. of S.
- Secretary of State.

16th July, 1943.

DRAFT.

Nigeria
 Confidential N^o 217
 O.A.G.
 (send to B93 to despatch)
 Document Commission
 (with 6 copies in B93)

Sir,
 I have the pleasure to acknowledge the receipt of your despatch (C) of the 21st of May and to transmit to you a Document Commission passed under the Royal Sign Manual and Signet, dated the 13th July, 1943, appointing the Chief Secy. to the Govt. of Nigeria as the Senior Chief Commissioner in Nigeria to administer the Government of the Colony and Protectorate of Nigeria in certain respects.

2. In regard to the assignment of seniority, in accordance with Clause II of this Instrument, among the persons holding the substantive appointments of Chief Commissioner, I have not as yet received ^{Confidential} Sir Bernard Boncher's despatch of the 13th of May, which is what ^{is stated} to para. 2 of your

FURTHER ACTION.

Copy for Chief Secy
 with 6 copies in B93
 Review to be taken
 in (i) to O.A.G.
 asking for a copy of
 Govt's despatch of 13/5
 (ii) des. to Sir Alan
 Burns.

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GEORGE R. I.

George the Sixth, by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India: To the person for the time being holding the substantive appointment of Chief Secretary to the Government of Nigeria, or to the senior of the persons for the time being holding the substantive appointments of Chief Commissioner in Nigeria, Greeting.

Recites Clause XIX of Letters Patent of 9th December, 1922.

WHEREAS by Clause XIX of certain Letters Patent passed under the Great Seal bearing date at Westminster the Ninth day of December, 1922, provision is made for the administration of the Government of Our Colony of Nigeria, whenever the office of Governor and Commander-in-Chief is vacant, or if the Governor is absent from the Colony, or becomes incapable or is from any cause prevented from acting in the duties of his office, and it is further provided that the Governor, whenever and so often as he is in Our Protectorate of Nigeria or on a passage between any places in Nigeria, or is in any territories adjacent to or near to Nigeria in the exercise or discharge of any powers or duties conferred or imposed upon him by Us, shall not be considered to be absent from the Colony within the meaning of the said Letters Patent;

AND

DORMANT COMMISSION appointing the Chief Secretary to the Government of Nigeria, or the senior Chief Commissioner in Nigeria, to Administer the Government, NIGERIA.

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Recites
Clause XVII of
Nigeria
Protectorate
Order in
Council,
1922.

AND WHEREAS by Clause XVII of the Nigeria Protectorate Order in Council, 1922, provision is made for the administration of the Government of Our Protectorate of Nigeria whenever the office of Governor and Commander-in-Chief is vacant, or if the Governor is absent from the Protectorate, or becomes incapable, or is from any cause prevented from acting in the duties of his office, and it is further provided that the Governor, whenever and so often as he is in the Colony of Nigeria, or on a passage between any places in Nigeria, or is in any of the territories adjacent to or near to Nigeria, in the exercise or discharge of any powers or duties conferred or imposed upon him by Us, shall not be considered to be absent from the Protectorate within the meaning of the said Order in Council:

Appointment
of the
Chief Secretary
to the
Government
of Nigeria
to administer
the Government.

NOW WE do by this Our Commission under Our Sign Manual and Signet appoint you the holder for the time being of the substantive appointment of Chief Secretary to the Government of Nigeria, to administer the Government of Our Colony and Protectorate of Nigeria during Our pleasure, with all the powers, rights, privileges, and advantages to the same belonging or appertaining, whenever and so long as the Office of Governor is vacant or the Governor is considered to be absent from the Colony and Protectorate of Nigeria, or becomes incapable or is from any cause prevented from acting in the duties of his office.

II.

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Appointment
of the
Senior Chief
Commissioner
to administer
the
Government.

II. And if at any time when this Our Commission takes effect the substantive office of Chief Secretary to the Government of Nigeria is also vacant, or the holder of that office is incapable of, or prevented from, discharging the duties of administration or is absent from Nigeria, We do appoint you, the senior, according to such seniority as the Governor may, from time to time, with Our prior approval signified through one of Our Principal Secretaries of State, assign by writing under his hand, of the persons for the time being holding the substantive appointments of Chief Commissioner in Nigeria, present in Nigeria and able to discharge the duties of administration, to administer the Government of Our Colony and Protectorate of Nigeria during Our pleasure with all the powers, rights, privileges, and advantages aforesaid.

Powers
and
authorities.

III. And We do in any such event hereby authorise, empower, and command you, the person for the time being holding the substantive appointment of Chief Secretary to the Government of Nigeria, or you, the senior of the persons for the time being holding the substantive appointments of Chief Commissioner in Nigeria, to exercise and perform all and singular the powers and directions contained in any Letters Patent or Orders in Council for the time being in force relating to Our Colony or Protectorate of Nigeria, as the case may be, according to such orders and Instructions as Our Governor and Commander-in-Chief for the time being hath already received or may hereafter

receive

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receive from Us, and to such further orders and instructions as you may receive from Us.

Commission of administration.

IV. And we direct that you, the person for the time being holding the substantive appointment of Chief Secretary to the Government of Nigeria, or you, the senior of the persons for the time being holding the substantive appointments of Chief Commissioners in Nigeria, shall not continue to administer the Government after the Governor or some other person having a prior right to administer the same has notified that he has assumed the administration, or is about to assume it.

Commission of 16th January, 1947, superseded. 1947

V. And we do hereby declare that this our Commission shall supersede the Commission under our Sign Manual and Signet bearing date the sixteenth day of January, 1947, appointing our Trusty and well-beloved Sir John Lubbock Maxwell Burns, Knight Commander of our Most Distinguished Order of Saint Michael and Saint George, our Governor and Commander-in-Chief in and over our Gold Coast Colony, or the person for the time being holding the substantive appointment of Chief Secretary to the Government of Nigeria, or the senior of the persons for the time being holding the substantive appointments of Chief Commissioners in Nigeria, to administer the Government of Nigeria in the events therein set forth.

Officers, &c., to give obedience.

VI. And we do hereby command all and singular our Officers and loving subjects in Nigeria and all others whom it may concern to take due notice hereof and to give their ready obedience accordingly.

Given at our Court at Saint James's, the *five* day of *July*, 1947, in the seventh year of our reign.

By His Majesty's Command,

OLIVER STANLEY.

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NIGERIA

CONFIDENTIAL (C)

33662/42 22 *Bo*

09478/110

Government House,
Nigeria.

RECEIVED

-1 JUN 1943

21st May, 1945.

Sir.

copy / 33662/42 / Collected

I have the honour to refer to Lord Moyne's secret despatch of the 19th of January, 1942, with which was transmitted a Dormant Commission under the Royal Sign Manual and Signet empowering Sir Alan Burns, K.C.M.G., Governor and Commander in Chief of the Gold Coast, to administer the Government of Nigeria in certain events, and to suggest that this Commission should now be superseded by a new Dormant Commission similar to that dated the 29th of June, 1939, which appointed the Chief Secretary to the Government of Nigeria to administer this Government in the events therein set forth.

I have the honour to be

Sir,

Your most obedient humble servant,

Andy(?)

W. Churchill

Officer Administering the Government.

THE RT. HON.
OLIVER STURGEY, M.C., M.P.
SECRETARY OF STATE FOR THE COLONIES
LONDON, S. W. 1.

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DRAFT. Mr. Whitcombe
23/4/42.

NIGERIA
NO. 108

Colonial Office, 24
Downing Street,
London, S.W.1.

9 April, 1942. 4

(S.D. have seen the draft & agree that the form is correct)

Sir,

(3)

I have the honour to acknowledge the receipt of Sir Bernard Bourdillon's despatch No. 56 of the 4th of February and to inform you that His Majesty has been pleased to approve the issue of the Proclamation, of which the text was enclosed with the despatch, defining the boundaries of the Northern and Southern Provinces in accordance with the provisions of Clause V of the Nigeria Protectorate Order in Council.

I have the honour to be,
Sir,
Your most obedient
humble servant,

(SIGNED) CRANBORNE

THE OFFICER ADMINISTERING
THE GOVERNMENT OF
NIGERIA.

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NIGERIA.

No. 56

Publ.

My Lord,

170n1939

30051/39

I have the honour to refer to my despatch of the 10th of May, 1939, which concluded the correspondence on the insertion of Clause V in the Nigeria Protectorate Order in Council and to forward for His Majesty's approval 4 copies of the text of a Proclamation I propose to issue defining the boundaries of the Northern and Southern Provinces in accordance with the provisions of that clause.

I have the honour to be,
My Lord,

Your Lordship's most obedient, humble Servant,

B. H. Durrani

G O V E R N O R .

THE RIGHT HONOURABLE
LORD MOYNE, P.C., D.S.O.,
SECRETARY OF STATE FOR THE COLONIES,
LONDON, S.W.1.

Amad 4

RECEIVED
21 MAR 1942
G. O.

Government House,
Nigeria,

4 February, 1942.

25

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Reference:-

C0583/257/30051

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and Commander-in-Chief of the Colony and Protectorate of Nigeria, Do HEREBY PROCLAIM that the boundaries between the Northern Provinces of the Protectorate and the Southern Provinces of the Protectorate shall be defined:—

- (a) in respect of that portion of the Southern Provinces which is known as the Western Provinces within the Southern Provinces, as set out in Part I of the Schedule hereto; and
- (b) in respect of the remainder of the boundary between the Northern Provinces and the Southern Provinces, namely, that portion of the Southern Provinces which is known as the Eastern Provinces within the Southern Provinces, as set out in Part II of the aforesaid Schedule:

AND I DO FURTHER PROCLAIM that all Proclamations defining the boundaries between the Northern Provinces of the Protectorate and the Southern Provinces of the Protectorate or any portion of the aforesaid boundary which have been previously made and which are still in force are hereby revoked.

SCHEDULE

PART I

The boundary between the Northern Provinces of the Protectorate and that portion of the Southern Provinces of the Protectorate which is known as the Western Provinces within the Southern Provinces.

SECTOR A.

Commencing from the confluence of the Rivers Okpara and Kobo on the International Boundary between Nigeria and Dahomey near concrete pillar (C.P.) 1, the boundary follows the median line of the River Kobo, upstream, to its confluence with the River Muwa near C.P. 2; thence, upstream, along the median line of the River Muwa to its confluence with the River Waiye near C.P. 3.

SECTOR B.

Thence from C.P. 3, upstream, along the median line of the River Waiye to its source at C.P. 5: thence, through intermediate pillars C.P. 6-53 on a bearing of $42^{\circ} 50'$, crossing the Shiroko stream at C.P. 50, for a distance of 6 miles 661 feet to C.P. 54 on the Shaki-Ilesha Road, two miles south of Ilesha. Thence, through intermediate pillars, on a general bearing of $62^{\circ} 40'$, for a distance of approximately twenty-one miles to C.P. 121, crossing the River Agwara at 255 feet from C.P. 58, crossing the River Tariogbon and a tributary at 183 and 350 feet respectively from C.P. 63, the River Kara and a tributary at 378 and 508 feet respectively from C.P. 86, the River Parakuka at 238 feet from C.P. 89, the River Buruku at 508 feet from C.P. 105, an unnamed tributary of the River Lere at 580 feet from C.P. 110, the River Lere three times at 645, 835 and 1,090 feet from C.P. 117 and another tributary of the River Lere at 1,555 feet from C.P. 117: thence from C.P. 121, through C.P. 122 on a general bearing of $65^{\circ} 43'$, for a distance of one and a half miles to C.P. 123, crossing an unnamed river at 400 feet from C.P. 121 and the Kishi-Gwadeberi (Bode) road at eighty-five feet from C.P. 122: thence, from C.P. 123, on a bearing of $61^{\circ} 00'$, for a distance of 2,595 feet to C.P. 124: thence through C.P. 125, on a general bearing of $66^{\circ} 25'$, for a distance of 1 mile 187 feet to C.P. 126.

SECTOR C.

Thence from C.P. 126 along an arc of eight miles radius, with Kishi as centre, to C.P. 220 due East of Kishi, crossing the Ilorin-Kaiama motor road at C.P. 183A, entering the ruins of Asipa town at a distance of 438 feet, on a bearing of $346^{\circ} 40'$, from C.P. 219 and leaving the ruins at a distance of 743 feet on a bearing of $346^{\circ} 58'$ from the same pillar: thence, through intermediate pillars, on a general bearing of approximately $136^{\circ} 30'$ for a distance of four miles to C.P. 232, crossing the Isafa stream at a distance of 452 feet short of C.P. 222 and the Foto stream at 159 feet short of C.P. 227: thence, through intermediate pillars, on a general bearing of approximately 105° , for a distance of $11\frac{1}{4}$ miles to C.P. 264 at the westerly corner of the outer wall of Old Oyo, crossing the River Tashi at a distance of 328 feet from C.P. 244, the Alarun stream at 185 feet from C.P. 259, the River Oniga at 240 feet from C.P. 262 and again at 961 feet from C.P. 264.

SECTOR D

Thence from C.P. 264 on a general bearing of approximately 105° for a distance of 8 miles 264 feet to C.P. 291 crossing the Boni stream at 558 feet from C.P. 272: thence, from C.P. 291, along the outer wall of Old Oyo, crossing the River Lere at 233 feet from C.P. 306, to C.P. 360 at the south-south-eastern corner: thence, through C.P. 361, on a bearing of $253^{\circ} 52'$, for a distance of 2,086 feet, to C.P. 362: thence, on a bearing of $254^{\circ} 45'$, for a distance of 418 feet, to C.P. 363: thence in a west-south-westerly direction through intermediate pillars to C.P. 367: thence on a bearing of approximately $226^{\circ} 59'$, for a distance of 3 miles 4,224 feet to C.P. 383 erected on a hillock, crossing the River Iwa at 107 feet short of C.P. 374 and the Budo Salako-Old Oyo road at twelve feet from C.P. 375: thence from C.P. 383, through intermediate pillars, on a general bearing of approximately $235^{\circ} 1'$ for a

distance of three and a half miles to C.P. 394, crossing the Olokpele Rock at C.P. 391: thence, through intermediate pillars, on a general bearing of approximately $212^{\circ} 07'$, for a distance of 2 miles 4,224 feet to C.P. 406, crossing a tributary of the River Molu at 1,000 feet from C.P. 402: thence on a bearing of $214^{\circ} 08'$, for a distance of 887 feet to C.P. 407: thence on a bearing of $212^{\circ} 33'$, for a distance of 865 feet to C.P. 408, crossing the River Molu at 130 feet short of C.P. 407: thence, through intermediate pillars, on a general bearing of approximately 211° for a distance of 1 mile 1,038 feet to C.P. 413, crossing the River Molu again at 729 feet from C.P. 408: thence, through intermediate pillars, on a general bearing of $209^{\circ} 07'$, for a distance of 1 mile 1,279 feet to C.P. 418, crossing the Ijana-Kwanga road at 455 feet from C.P. 413 and leaving Budo Amadu, 400 feet due west of C.P. 414, in the Western Provinces: thence on a general bearing of approximately 206° , through C.P. 419 for a distance of 1,746 feet to C.P. 420A: thence in a south-south-easterly direction to pillar IJ at Ijana: thence, through intermediate pillars, on a general bearing of approximately $171^{\circ} 30'$, for a distance of five miles to C.P. 441 on the Malaganran Hill, crossing the River Koraga at C.P. 420 and leaving Eleri and Alaja in the Western Provinces and Budo Sule, Budo Abate in the Northern Provinces: thence, through intermediate pillars, in a south-easterly direction to C.P. 446 at the summit of Odufa Hill, crossing the thalweg of the River Weru at 601 feet short of C.P. 444: thence, through C.P. 447, on a bearing of $213^{\circ} 04'$, for a distance of 1,071 feet to C.P. 448, crossing the Ilorin-Kaiama motor road at 972 feet from C.P. 447: thence, through intermediate pillars, on a general bearing of approximately $156^{\circ} 20'$, for a distance of $15\frac{1}{4}$ miles to C.P. 508, crossing the River Yegun at 455 feet from C.P. 463, River Weru at sixty feet from C.P. 468, River Onipako at 660 feet from C.P. 471 and again at 1,110 feet from C.P. 474, River Belewu at 466 feet from C.P. 482, River Lamu-Lamu three times near C.P. 488, River

References -

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Ohan at thirty-nine feet short of C.P. 495 and River Alapata at 316 feet from C.P. 504; leaving in the Western Provinces Budo Adeinko, Otun Ago, Budo Aselebe, Budo Alabi and Budo Ketare, and in the Northern Provinces, Budo Osoko, Budo Maigodiyo, Budo Lawani, Budo Balare and Budo Dongari.

SECTOR E.

Thence, from C.P. 508, on the same general bearing of approximately $156^{\circ} 20'$, for a distance of 14 miles 528 feet to C.P. 561 crossing the River Mokotun at 125 feet from C.P. 515, the River Moru three times near C.P. 528, a tributary of River Moru at 225 feet from C.P. 529 and this tributary again at 600 feet from C.P. 531, the River Dan Mallam at 193 feet from C.P. 541 and again at 491 feet from C.P. 542, leaving in the Western Provinces, Budo Obe, Budo Akere, Budo Alata, Budo Elebuwe, and in the Northern Provinces, Budo Elewure, Budo Tatangi, Budo Akanni and Budo Ele Ele thence, from C.P. 561, on a bearing of $146^{\circ} 20'$, for a distance of 990 feet to C.P. 562, crossing the Ogbomoshon-Ilorin motor road at thirty feet from C.P. 561; thence on a bearing of $117^{\circ} 40'$, for a distance of 200 feet to the source of the River Ahoyaya where C.P. 562 is situated thence, downstream along River Ahoyaya to its confluence with the River Onidandan at C.P. 565; thence, downstream along the River Onidandan to its confluence with the River Aza near C.P. 577; thence, upstream, along the River Aza, for about half a mile, to its confluence with the River Abatan near C.P. 579; thence, upstream, along the River Abatan to its confluence with the River Eleke near C.P. 589; thence, upstream, along the River Eleke to its source near C.P. 590; thence, on a bearing of approximately $236^{\circ} 13'$, for a distance of 693 feet to C.P. 592; thence on a bearing of approximately $194^{\circ} 35'$, for a distance of 1,047 feet to C.P. 594 at the junction of the tracks from Budo Kande, Budo Mommo and Budo Omale; thence, on a bearing of approximately 242° , for a distance of 1,122 feet to the source of an unnamed tributary of the River Oshaka at C.P. 595; thence, downstream, for about three-fourths of a mile, along this stream to its confluence with the River Oshaka near C.P. 598; thence, upstream, along the River Oshaka, for about 600 feet to C.P. 599; thence, for a distance of 415 feet on a bearing of $214^{\circ} 29'$ to C.P. 600; thence, for a distance of 845 feet, on a bearing of $149^{\circ} 25'$ to C.P. 601, leaving Budo Mommo in the Northern Provinces; thence along the Budo Mommo-Budo Atiku path through C.P. 602 and 603, for about half a mile, to its junction with the Budo Atiku-Ogbomoshon path at C.P. 604; thence in a southerly direction for 2,024 feet through C.P. 605 and 606 to the source of the River Agba near C.P. 607; thence, downstream, along the River Agba to its confluence with the Osaka near C.P. 610; thence, upstream, along the River Osaka to its confluence with the River Sakin; thence, upstream, along the River Sakin to its source distant 400 feet from C.P. 623 and on a bearing of approximately 125° from the pillar; thence on a bearing of approximately 125° , through intermediate pillars, for a distance of 2,898 feet to C.P. 627; thence on a bearing of $150^{\circ} 10'$, for a distance of 341 feet to C.P. 628; thence, in a southerly direction, for a distance of about 634 feet to the source of the River Olokiti; thence, downstream, along this river to its confluence with the River Oloyun near C.P. 639; thence, downstream, along the River Oloyun to its confluence with the River Ejinle near C.P. 647; thence, eastwards, on a general bearing of approximately 100° , through intermediate pillars, for a distance of 2 miles 611 feet to C.P. 664 at the junction of the Rivers Akure and Elemu leaving Budo Lawani in the Northern Provinces; thence, upstream along the River Elemu through its source to C.P. 668, leaving Budo Egbe Juda in the Northern Provinces; thence on a general bearing of $169^{\circ} 51'$, through intermediate pillars, for a distance of 2,407 feet to C.P. 673 leaving Budo Mangoro in the Western Provinces and Budo Oba in the Northern Provinces; thence on a bearing of $118^{\circ} 40'$ through C.P. 674, for a distance of 1,003 feet, to C.P. 675 near the River Akoko; thence, upstream, along this river to the point where

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the Iyeku-Budo Egbe Juda path crosses the River Akoko at a distance of 250 feet and on a bearing of $95^{\circ} 15'$ from C.P. 677; thence on a bearing of $95^{\circ} 15'$ and for a distance of 150 feet to C.P. 678; thence on a bearing of $43^{\circ} 20'$ through C.P. 679, for a distance of 263 feet to C.P. 680; thence in a southeasterly direction, through intermediate pillars, for a distance of 2,839 feet to the source of the River Oba which lies at a distance of eighty feet from C.P. 686 along the boundary line; thence, downstream, along the River Oba to its confluence with the River Eleru near C.P. 691; thence on a bearing of $1^{\circ} 25'$, for a distance of 199 feet to C.P. 692; thence on a general bearing of approximately $37^{\circ} 39'$ for a distance of 1,797 feet, through intermediate pillars, to C.P. 695; thence on a general bearing of approximately $58^{\circ} 53'$, for a distance of 4,590 feet, through intermediate pillars, to C.P. 706; thence on a general bearing of approximately $64^{\circ} 12'$, for a distance of 2,267 feet, through intermediate pillars, to C.P. 710; thence on a bearing of $67^{\circ} 45'$, for a distance of 356 feet to C.P. 711; thence on a bearing of $87^{\circ} 33'$, through intermediate pillars, for a distance of 1,407 feet, to C.P. 714; crossing the River Bowa at a distance of 178 feet from C.P. 711 and the River Ayibe at a distance of 320 feet from C.P. 712 along the boundary line; thence on a bearing of 85° , through intermediate pillars, for a distance of 4,073 feet to C.P. 720; thence on a bearing of $48^{\circ} 45'$ for a distance of 243 feet to C.P. 721; thence to a road crossing on the River Enwakun, bearing $75^{\circ} 30'$ from C.P. 721 and distant 110 feet from this pillar; thence, upstream, along the River Enwakun to a point bearing $83^{\circ} 50'$ from C.P. 726 and distant 113 feet from this pillar; thence on a general bearing of approximately $83^{\circ} 55'$ through intermediate pillars, for a distance of 1 mile 2,215 feet to a point on the River Ogun on a bearing of $194^{\circ} 32'$ and at a distance of 147 feet from C.P. 738; thence, downstream, along the River Ogun to its confluence with the River Esen near C.P. 742; thence, upstream, along the River Esen to its source near C.P. 748; thence through C.P. 748 and other intermediate pillars on a bearing of approximately 105° for a distance of 1,448 feet to the source of the River Awawata on a bearing of $107^{\circ} 30'$ from C.P. 751 and at a distance of eighty-six feet from this pillar; thence, downstream, along the River Awawata to the Railway, crossing at mileage 206 $\frac{1}{4}$ from Lagos; thence along the Railway to the bridge over the Awere River at mileage 208. Pillar C.P. 759 being situated here.

SECTOR F.

Thence from pillar C.P. 759 through intermediate pillars C.P. 760 and C.P. 761 on an approximate bearing of $87^{\circ} 45'$ for a distance of 3,739 feet to pillar C.P. 762. Thence on a bearing of $151^{\circ} 44'$ for a distance of 767 feet to pillar C.P. 763. Thence through intermediate pillars C.P. 764, C.P. 765, C.P. 766, C.P. 767, C.P. 768, C.P. 769, C.P. 770, C.P. 771 on an approximate bearing of $145^{\circ} 10'$ for a distance of 1 mile 932 feet, crossing River Otin at 100 feet short of pillar C.P. 768 and River Eleri at 270 feet short of C.P. 771, to pillar C.P. 772. Thence through intermediate pillars C.P. 773 and C.P. 774 on an approximate bearing of $75^{\circ} 35'$ for a distance of 4,888 feet to pillar C.P. 775. Thence on an approximate bearing of $48^{\circ} 56'$ for a distance of 2,700 feet to pillar C.P. 776. Thence on an approximate bearing of $00^{\circ} 46'$ for a distance of 327 feet to pillar C.P. 777 crossing River Arile there. Thence through intermediate pillar C.P. 778 on an approximate bearing of $357^{\circ} 35'$ for a distance of 2,699 feet to pillar C.P. 779 situated on Olikan rock. Thence through intermediate pillars C.P. 780, C.P. 781, and C.P. 782, on an approximate bearing of $84^{\circ} 00'$ for a distance of 1 mile 3,096 feet crossing River Otin again at twelve feet after pillar C.P. 783, to pillar C.P. 784. Thence through intermediate pillars C.P. 785, C.P. 786 and C.P. 787 on an approximate bearing of $88^{\circ} 35'$ for 3,878 feet, to pillar C.P. 788 on the River Afoye. Thence upstream, along the River Afoye to pillar C.P. 789 on the north, and

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pillar C.P. 789A on the south bank of the river. Thence from pillar C.P. 789 through intermediate pillar C.P. 790 on an approximate bearing of $128^{\circ} 52'$ for a distance of 980 feet to pillar C.P. 791 situated on Alafuta hill. Thence on an approximate bearing of $78^{\circ} 26'$ for a distance of 3,304 feet to pillar C.P. 792. Thence on an approximate bearing of $77^{\circ} 56'$ for a distance of 882 feet to pillar C.P. 793. Thence on an approximate bearing of $77^{\circ} 25'$ for a distance of 2,080 feet to pillar C.P. 794 situated on the bank of the River Ogburu. Thence downstream along the River Ogburu to pillar C.P. 796 at the confluence of Rivers Ogburu, Ayere, and Fidiwo; thence upstream along the River Fidiwo to its confluence with River Akingbile (or Agama) where pillar C.P. 797 is situated. Thence up the River Fidiwo to its source where pillar C.P. 798 is situated, thence on an approximate bearing of $139^{\circ} 51'$ for a distance of 1,904 feet to pillar C.P. 798A, thence along the Offa-Illa path on a general bearing of $145^{\circ} 46'$ for a distance of 1,074 feet to pillar C.P. 799 on the right bank of the River Akingbile. Thence on an approximate bearing of $123^{\circ} 38'$ for a distance of eighty-three feet to pillar C.P. 799A on the left bank of the River Akingbile. Thence upstream along the River Akingbile to pillar C.P. 800 situated at its source. Thence on an approximate bearing of $22^{\circ} 31'$ for a distance of 750 feet to pillar C.P. 800A. Thence on an approximate bearing of $10^{\circ} 36'$ for a distance of 1,213 feet to pillar C.P. 801 situated at the source of the Alawusa River. Thence, through intermediate pillar C.P. 801A on an approximate bearing of $359^{\circ} 32'$ for a distance of 3,601 feet to pillar C.P. 802 situated on the Illa-Agbamu path. Thence along this path, through intermediate pillars C.P. 802A and C.P. 803 on a general bearing of $332^{\circ} 33'$ for a distance of 2,271 feet to pillar C.P. 803A situated on the right bank of the River Oyun. Thence crossing River Omioibo at 904 feet after C.P. 803A through intermediate pillars C.P. 804, C.P. 804A, C.P. 805, C.P. 805A, C.P. 806, C.P. 806A, C.P. 807, C.P. 807A, C.P. 808, C.P. 808A, C.P. 809, crossing River Ashipa at 947 feet after 807A, on an approximate bearing of $97^{\circ} 36'$ for a distance of 4 miles 2,113 feet to pillars C.P. 810 and C.P. 811 situated on the left and right banks respectively of the River Oshin at its confluence with the River Oteu. Thence upstream along the River Oteu, through intermediate pillars C.P. 812, situated at the Illa-Omido path crossing, C.P. 813 at the Illa-Aran path crossing and C.P. 814 at another Illa-Aran path crossing to pillars C.P. 815 and C.P. 815A on the left and right banks respectively at the Illa-Oyedun farm path crossing. Thence along the Illa-Oyedun farm path on a general bearing of $64^{\circ} 39'$ for a distance of 2,644 feet to pillar C.P. 816; thence still along this path on a general bearing of $57^{\circ} 21'$ for a distance of 2,211 feet to pillar C.P. 817, situated at a junction of farm paths: thence, along the same path, on a general bearing of $348^{\circ} 42'$ for a distance of 730 feet to pillar C.P. 818 at the Aran-Rore path junction. Thence along the same path, through intermediate pillar C.P. 819 at the crossing of an unnamed tributary of the River Olomimerindilogun, on a general bearing of $36^{\circ} 04'$ for a distance of 3,649 feet to pillars C.P. 820 and C.P. 820A on the left and right banks of the River Olomimerindilogun. Thence upstream to pillar C.P. 821 situated on the right bank of the River Olomimerindilogun opposite to its confluence with the Akingbade stream, thence upstream along the Akingbade to the point at which it is crossed by the Illa-Rore path where pillar C.P. 822 is situated, thence upstream to its source where pillar C.P. 823 is situated. Thence on an approximate bearing of $217^{\circ} 59'$ for a distance of 1,781 feet to pillar C.P. 824 situated on the top of a hill. Thence on an approximate bearing of $228^{\circ} 57'$ for a distance of 2,074 feet to pillar C.P. 825 situated on a farm path. Thence on an approximate bearing of $227^{\circ} 49'$ for a distance of 1,129 feet to pillar C.P. 826 situated on the left bank of the River Oteu. Thence through intermediate pillars C.P. 826A, C.P. 827 situated near the top of a hill, C.P. 827A, C.P. 828

situated on the Illa-Arorin path, C.P. 829 situated on the top of a hill, and C.P. 830, on an approximate bearing of 163° for a distance of 1 mile 4,420 feet to pillar C.P. 831 situated on the right bank of the River Simi. Thence upstream along the River Simi through intermediate pillars C.P. 832 and C.P. 832A situated where the Illa-Awra road approaches the river, and C.P. 833 at its confluence with the River Alarassa to pillars C.P. 834A and C.P. 834 situated on the right and left banks respectively of the River Simi where it is joined by an unnamed tributary from the east. Thence, through intermediate pillars C.P. 835 and C.P. 836 on an approximate bearing of $92^{\circ} 29'$ for a distance of 4,814 feet to pillar C.P. 837. Thence on an approximate bearing of $125^{\circ} 07'$ for a distance of 716 feet to pillar C.P. 838. Thence, through intermediate pillar C.P. 839, on an approximate bearing of $35^{\circ} 01'$ for a distance of 2,879 feet to pillar C.P. 840. Thence, through intermediate pillar C.P. 841 situated on a farm path, on an approximate bearing of $322^{\circ} 38'$ for a distance of 2,304 feet to pillar C.P. 842 situated on a farm path. Thence along the farm path on a general bearing of $13^{\circ} 42'$ for a distance of 3,560 feet to pillar C.P. 843. Thence, through intermediate pillars C.P. 844, C.P. 845, and crossing the River Oye at C.P. 846 which is situated on the left bank, on an approximate bearing of $90^{\circ} 08'$ for a distance of 3,123 feet to pillar C.P. 847. Thence, through intermediate pillars C.P. 848, C.P. 849, C.P. 850, C.P. 851 and C.P. 852, crossing an unnamed tributary of the River Oye at C.P. 849 and a farm path at C.P. 850, on an approximate bearing of $82^{\circ} 40'$ for a distance of 1 mile 1,644 feet to pillar C.P. 853. Thence through intermediate pillars C.P. 854, C.P. 855, C.P. 856, C.P. 857, C.P. 858, crossing River Omifufu 100 feet after pillar C.P. 855, on an approximate bearing of $82^{\circ} 27'$ for a distance of 1 mile 2,146 feet to pillar C.P. 859. Thence on a bearing of $50^{\circ} 15'$ for a distance of 490 feet to pillar C.P. 860 situated at the source of the River Owulu. Thence downstream along the River Owulu to pillar C.P. 861 on the left, and C.P. 862 on the right bank at the Awra-Arorin road crossing. Thence southwards along the Arorin-Awra road through intermediate pillars C.P. 863 and C.P. 864 to the River Aniari crossing, where pillars C.P. 865 and C.P. 866 are situated on the left and right banks respectively.

Thence downstream along River Aniari through intermediate pillars C.P. 867 at a farm path crossing and C.P. 868 to C.P. 869 at the Awra-Ekan road crossing approximately two miles due west of Ekan village, and at the junction of the boundaries of Oyo-Ilorin-Ono Provinces; thence on an approximate bearing of 81° for an approximate distance of 1,286 feet; thence on an approximate bearing of 117° for an approximate distance of 400 feet; thence on an approximate bearing of 106° for an approximate distance of 900 feet to a point on the River Malowu; thence downstream along the right bank of the latter river on an approximate bearing of 110° for an approximate distance of 1,000 feet; thence on an approximate bearing of 102° for an approximate distance of 500 feet; thence on an approximate bearing of 93° for an approximate distance of 500 feet; thence on an approximate bearing of 121° for an approximate distance of 400 feet; thence on an approximate bearing of 114° for an approximate distance of 1,500 feet crossing the Ilalo-Awsun bush path at an approximate distance of 200 feet; thence on an approximate bearing of 138° for an approximate distance of 1,100 feet; thence on an approximate bearing of 145° for an approximate distance of 600 feet; thence on an approximate bearing of 159° for an approximate distance of 930 feet to the confluence of the River Malowu and River Aniari; thence downstream along the right bank of the River Aniari on an approximate bearing of 103° for an approximate distance of 900 feet, where it crosses the Ekan-Awsun village area boundary; thence on an approximate bearing of 193° for an approximate distance of 1,000 feet; thence on an approximate bearing of 182° for an approximate distance of 500 feet; thence on an approxi-

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mate bearing of 190° for an approximate distance of 800 feet; thence on an approximate bearing of 175° for an approximate distance of 400 feet; thence on an approximate bearing of 136° for an approximate distance of 300 feet; thence on an approximate bearing of 96° for an approximate distance of 250 feet; thence on an approximate bearing of 149° for an approximate distance of 450 feet to where it crosses the Ekan-Awsun bush path; thence on an approximate bearing of 100° for an approximate distance of 680 feet; thence on an approximate bearing of 178° for an approximate distance of 450 feet; thence on an approximate bearing of 110° for an approximate distance of 900 feet; thence on an approximate bearing of 137° for an approximate distance of 1,450 feet; thence on an approximate bearing of 105° for an approximate distance of 910 feet where it crosses the Ekan-Ira bush path; thence on an approximate bearing of 82° for an approximate distance of 500 feet; thence on an approximate bearing of 86° for an approximate distance of 360 feet; thence on an approximate bearing of 70° for an approximate distance of 1,500 feet; thence on an approximate bearing of 114° for an approximate distance of 1,170 feet where it crosses the main Ilorin-Awtun motor road to a point on the left bank of the River Omipupa.

SECTOR G.

Thence downstream along the left bank of the River Omipupa on an approximate bearing of 5° for an approximate distance of 500 feet; thence on an approximate bearing of 24° for an approximate distance of 1,100 feet; thence on an approximate bearing of 10° for an approximate distance of 430 feet; thence on an approximate bearing of 48° for an approximate distance of 100 feet; thence on an approximate bearing of 4° for an approximate distance of 220 feet crossing the River Aniari at a distance of approximately thirty feet; thence downstream along the left bank of the latter river on an approximate bearing of 56° for an approximate distance of 1,300 feet; thence on an approximate bearing of 65° for an approximate distance of 1,550 feet; thence on an approximate bearing of 40° for an approximate distance of 400 feet crossing the Ekan-Aye Awtun bush path at an approximate distance of 100 feet; thence on an approximate bearing of 52° for an approximate distance of 650 feet; thence on an approximate bearing of 49° for an approximate distance of 700 feet; thence on an approximate bearing of 40° for an approximate distance of 700 feet crossing River Agbara at an approximate distance of 100 feet; thence on an approximate bearing of 39° for an approximate distance of 2,200 feet crossing the Ekan-Aye Awtun village area boundary at an approximate distance of 2,000 feet; thence on an approximate bearing of 65° for an approximate distance of 900 feet; thence on an approximate bearing of 38° for an approximate distance of 400 feet; thence on an approximate bearing of 28° for an approximate distance of 900 feet; thence on an approximate bearing of 360° for an approximate distance of 856 feet crossing the Ekan-Erimope bush path at this point; thence on an approximate bearing of 330° for an approximate distance of 630 feet crossing the River Ayeye at an approximate distance of 550 feet; thence on an approximate bearing of 281° for an approximate distance of 200 feet crossing the River Ayeye; thence on an approximate bearing of 344° for an approximate distance of 1,030 feet crossing the River Ayeye at an approximate distance of 1,010 feet; thence on an approximate bearing of 30° for an approximate distance of 800 feet; thence on an approximate bearing of 26° for an approximate distance of 300 feet crossing the Aye Ekan-Erimope bush path at this point; thence on an approximate bearing of 21° for an approximate distance of 950 feet; thence on an approximate bearing of 18° for an approximate distance of 500 feet; thence on an approximate bearing of 10° for an approximate distance of 450 feet;

thence on an approximate bearing of 7° for an approximate distance of 1,000 feet; thence on an approximate bearing of 5° for an approximate distance of 325 feet; thence on an approximate bearing of 96° for an approximate distance of 150 feet; thence on an approximate bearing of 11° for an approximate distance of 600 feet; thence on an approximate bearing of 19° for an approximate distance of 400 feet; thence on an approximate bearing of 11° for an approximate distance of 424 feet; thence on an approximate bearing of 69° for an approximate distance of 800 feet; thence on an approximate bearing of 49° for an approximate distance of 400 feet; thence on an approximate bearing of 69° for an approximate distance of 770 feet; thence on an approximate bearing of 9° for an approximate distance of 340 feet; thence on an approximate bearing of 96° for an approximate distance of 400 feet; thence on an approximate bearing of 107° for an approximate distance of 600 feet; thence on an approximate bearing of 97° for an approximate distance of 600 feet crossing the Odo-Owa-Erimope village area boundary at this point; thence on an approximate bearing of 140° for an approximate distance of 300 feet; thence on an approximate bearing of 118° for an approximate distance of 424 feet; thence on an approximate bearing of 110° for an approximate distance of 473 feet; crossing the Ilofa-Erimope bush path at an approximate distance of 468 feet; thence on an approximate bearing of 70° for an approximate distance of 1,190 feet crossing the River Omiafo at an approximate distance of 1,070 feet; thence on an approximate bearing of 95° for an approximate distance of 670 feet; thence on an approximate bearing of 99° for an approximate distance of 1,400 feet; thence on an approximate bearing of 120° for an approximate distance of 990 feet; thence on an approximate bearing of 122° for an approximate distance of 1,000 feet; thence on an approximate bearing of 127° for an approximate distance of 1,000 feet; thence on an approximate bearing of 116° for an approximate distance of 1,000 feet; thence on an approximate bearing of 123° for an approximate distance of 580 feet; thence on an approximate bearing of 122° for an approximate distance of 200 feet; thence on an approximate bearing of 108° for an approximate distance of 100 feet crossing the River Eju at its confluence with the River Egbera at an approximate distance of forty feet; thence on an approximate bearing of 111° for an approximate distance of 1,500 feet; thence on an approximate bearing of 93° for an approximate distance of 1,630 feet; thence on an approximate bearing of 82° for an approximate distance of 1,000 feet; thence on an approximate bearing of 78° for an approximate distance of 1,000 feet; thence on an approximate bearing of 72° for an approximate distance of 1,410 feet; thence on an approximate bearing of 82° for an approximate distance of 330 feet; thence on an approximate bearing of 169° for an approximate distance of 1,350 feet; thence on an approximate bearing of 188° for an approximate distance of 2,190 feet crossing the River Agba at an approximate distance of 1,570 feet; thence on an approximate bearing of 187° for an approximate distance of 1,030 feet; thence on an approximate bearing of 143° for an approximate distance of 700 feet; thence on an approximate bearing of 108° for an approximate distance of seventy feet crossing the River Agba at an approximate distance of thirty feet; thence on an approximate bearing of 139° for an approximate distance of 993 feet; thence on an approximate bearing of 140° for an approximate distance of 994 feet; crossing the Etan-Erimope bush path at this point; thence on an approximate bearing of 146° for an approximate distance of 1,400 feet; thence on an approximate bearing of 165° for an approximate distance of 906 feet; thence on an approximate bearing of 250° for an approximate distance of 1,004 feet; thence on an approximate bearing of 188° for an approximate distance of 906 feet; thence on an approximate bearing of 113° for an approximate distance of 390 feet to the

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left bank of the River Oro crossing the River Egbegi at an approximate distance of 300 feet; thence upstream along the left bank of the River Oro on an approximate bearing of 102° for an approximate distance of 326 feet; thence on an approximate bearing of 111° for an approximate distance of 460 feet; thence on an approximate bearing of 178° for an approximate distance of 470 feet; thence on an approximate bearing of 138° for an approximate distance of 446 feet; thence on an approximate bearing of 103° for an approximate distance of 104 feet; thence on an approximate bearing of 40° for an approximate distance of 175 feet crossing the River Oro at an approximate distance of seventy-five feet at its confluence with the River Ogbagba; thence upstream along the right bank of the latter river on an approximate bearing of 87° for an approximate distance of 880 feet; thence on an approximate bearing of 103° for an approximate distance of 663 feet; thence on an approximate bearing of 107° for an approximate distance of 500 feet; thence on an approximate bearing of 111° for an approximate distance of 1,000 feet; thence on an approximate bearing of 128° for an approximate distance of 400 feet; thence on an approximate bearing of 103° for an approximate distance of 200 feet; thence on an approximate bearing of 142° for an approximate distance of 400 feet; thence on an approximate bearing of 131° for an approximate distance of 360 feet; thence on an approximate bearing of 85° for an approximate distance of 200 feet crossing the River Ogbagba at an approximate distance of thirty feet; thence on an approximate bearing of 109° for an approximate distance of 1,000 feet crossing the River Ogbagba at the commencement of this line and re-crossing it at an approximate distance of 200 feet; thence on an approximate bearing of 120° for an approximate distance of 1,100 feet; thence on an approximate bearing of 114° for an approximate distance of 100 feet crossing the River Ogbagba at an approximate distance of seventy feet; thence upstream along the right bank of the River Ogbagba on an approximate bearing of 127° for an approximate distance of 1,300 feet; thence on an approximate bearing of 130° for an approximate distance of 1,100 feet; thence on an approximate bearing of 127° for an approximate distance of 500 feet; thence on an approximate bearing of 121° for an approximate distance of 700 feet; thence on an approximate bearing of 125° for an approximate distance of 500 feet; thence on an approximate bearing of 129° for an approximate distance of 1,000 feet; thence on an approximate bearing of 120° for an approximate distance of 1,580 feet crossing the River Ogbagba at an approximate distance of ten feet; thence on an approximate bearing of 109° for an approximate distance of 2,200 feet to C.P. 975, situated at the source of the Ijara River. Thence downstream along the Ijara River to pillar C.P. 976 on the Eda-Etan road crossing. Thence, through intermediate pillars C.P. 977, C.P. 978, C.P. 979 situated on the right bank of River Omuyan, C.P. 980, and C.P. 981, crossing River Eyaji (or Olojia) twenty feet short of pillar C.P. 977, on an approximate bearing of $85^{\circ} 02'$ for a distance of 5,120 feet to pillar C.P. 982 situated on Idiroko Hill. Thence, through intermediate pillars C.P. 983, C.P. 984, C.P. 985, C.P. 986, crossing River Oluje at seventeen feet short of pillar C.P. 985 and an unnamed stream sixty feet short of pillar C.P. 986, on an approximate bearing of $121^{\circ} 21'$ for a distance of 1 mile 684 feet to pillar C.P. 987. Thence, through C.P. 988 and C.P. 989, crossing River Ella at ten feet short of pillar C.P. 988, on an approximate bearing of $119^{\circ} 05'$ for a distance of 2,768 feet to pillar C.P. 990 situated on the side of the Osi-Ishan road. Thence along the road, towards Ishan, through intermediate pillars C.P. 991, C.P. 992, C.P. 993, C.P. 994, C.P. 995, C.P. 996, C.P. 997, C.P. 998, C.P. 999 and C.P. 1000 for an approximate distance of 2 miles 1,040 feet to pillar C.P. 1001 situated on the left bank of River Omifunfun. Thence, downstream along the Omifunfun through pillar C.P. 1002 situated at the Eju-Ishan path crossing to its junction with

River Aiye where pillar C.P. 1003 is situated. Thence downstream along the Aiye River through pillar C.P. 1004 for an approximate distance of 7 miles 5,210 feet to pillars C.P. 1005 and C.P. 1006 situated on the left and right banks respectively where the tributary stream Oniareko flows in. Thence through intermediate pillars C.P. 1007, C.P. 1008, C.P. 1009, C.P. 1010, C.P. 1011, C.P. 1012, C.P. 1013, C.P. 1014, C.P. 1015, crossing the Oniareko stream at 670 feet from pillar C.P. 1008 and River Ilegure at pillar C.P. 1014, on an approximate bearing of $51^{\circ} 14'$ for a distance of 2 miles 823 feet to pillar C.P. 1016. Thence on an approximate bearing of $66^{\circ} 51'$ for a distance of 3,762 feet, to pillar C.P. 1017; thence on an approximate bearing of $57^{\circ} 05'$ for a distance of 1066 feet to pillar C.P. 1018; thence on an approximate bearing of $54^{\circ} 27'$ for a distance of 1,029 feet to pillar C.P. 1019; thence on an approximate bearing of $37^{\circ} 07'$ for a distance of 376 feet to pillar C.P. 1020; thence on an approximate bearing of $8^{\circ} 04'$ for a distance of 997 feet to pillar C.P. 1021; thence through intermediate pillar C.P. 1022, on an approximate bearing of $47^{\circ} 05'$ for a distance of 3,569 feet, to pillar C.P. 1023. Thence on an approximate bearing of $61^{\circ} 55'$ for a distance of 694 feet to pillar C.P. 1024; thence on an approximate bearing of $69^{\circ} 50'$ for a distance of 952 feet to pillar C.P. 1025; thence on an approximate bearing of $80^{\circ} 15'$ for a distance of 593 feet to pillar C.P. 1026 situated on the Eruku-Omega path. Thence down the path, towards Omega, for approximately 3,430 feet to pillar C.P. 1027; thence through intermediate pillars C.P. 1028, C.P. 1029 and C.P. 1030 situated at the source of Igbam stream, on an approximate bearing of $70^{\circ} 31'$ for a distance of 3,460 feet to pillar C.P. 1031 situated on Amin Hill. Thence through intermediate pillars C.P. 1032, C.P. 1033, C.P. 1034, C.P. 1035, C.P. 1036, C.P. 1037, C.P. 1038, C.P. 1039, C.P. 1040, C.P. 1041, C.P. 1042, C.P. 1043, C.P. 1044, C.P. 1045, C.P. 1046, and C.P. 1047, crossing Aweri stream at pillar C.P. 1034, Ojupani stream at C.P. 1035, Pamia stream at C.P. 1038, Irosun-Eruku path at C.P. 1047, on an approximate bearing of $70^{\circ} 45'$ for a distance of 1 mile 115 feet, to pillar C.P. 1048. Thence on an approximate bearing of $106^{\circ} 52'$ for a distance of 455 feet to pillar C.P. 1049 situated on the Irosun-Kuro path; thence on an approximate bearing of $103^{\circ} 43'$ for a distance of 628 feet, to pillar C.P. 1050 situated at the source of an unnamed tributary of River Eda. Thence down this stream to its confluence with River Eda, where pillar C.P. 1051 is situated on the left bank. Thence downstream, along River Eda for approximately 2 miles 2,440 feet, to pillar C.P. 1052 situated on the left bank at the crossing of the Kuro-Okeako path being at the junction of the boundaries of Ilorin, Kabbu, and Ondo Provinces. Thence southwards, along the path, through intermediate pillars C.P. 1053, C.P. 1054, C.P. 1055, C.P. 1056, C.P. 1057, C.P. 1058, C.P. 1059, C.P. 1060, C.P. 1061, C.P. 1062, C.P. 1063, and C.P. 1064 crossing River Agau forty feet from C.P. 1053, River Amshii fifty feet short of C.P. 1062, River Okpara 100 feet short of C.P. 1063, for an approximate distance of 6 miles 660 feet, to pillars C.P. 1065 and C.P. 1066 situated on the left and right banks respectively at the bridge over River Oye. Thence, downstream along River Oye, through intermediate pillars C.P. 1067, C.P. 1068 where River Okwara joins it, C.P. 1069 where River Aiyiye joins it, C.P. 1070 where River Bofa joins it, and C.P. 1071, for an approximate distance of 2 miles 1,230 feet, to pillars C.P. 1072, and C.P. 1073 situated on the left and right banks respectively. Thence through intermediate pillars C.P. 1074, C.P. 1075, C.P. 1076, C.P. 1077, C.P. 1078, C.P. 1079, C.P. 1080 crossing River Ghadda at seventeen feet short of C.P. 1078, River Oyu at 235 feet short of C.P. 1079 and River Arishii at sixteen feet short of C.P. 1080, on an approximate bearing of $83^{\circ} 52'$ for a distance of 2 miles 368 feet, to pillar C.P. 1081. Thence through intermediate pillars C.P. 1082, C.P. 1083, C.P. 1084, C.P. 1085 and C.P. 1086, crossing River Terre at fifty-two feet short of C.P. 1083 and River Omiodo at twenty-eight feet short of C.P. 1086,

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on an approximate bearing of 67° 09' for a distance of 1 mile 1,955 feet, to pillar C.P. 1087; thence, through intermediate pillars C.P. 1088, C.P. 1089, C.P. 1090, C.P. 1091, C.P. 1092, crossing River Okwaterra at eighty-five feet short of C.P. 1089, on an approximate bearing of 84° 32' for a distance of 1 mile 1,375 feet to pillar C.P. 1093 on the Ogbe-Irile path. Thence on an approximate bearing of 75° 54' for a distance of 2,054 feet to pillar C.P. 1094; thence on an approximate bearing of 86° 10' for a distance of 497 feet to pillar C.P. 1095, crossing River Om'oko at 117 feet short of C.P. 1095; thence on an approximate bearing of 110° 27' for a distance of 372 feet to pillar C.P. 1096; thence on an approximate bearing of 85° 56' for a distance of 1,438 feet to pillar C.P. 1097; thence on an approximate bearing of 65° 57' for a distance of 900 feet to pillar C.P. 1098; thence on an approximate bearing of 71° 25' for a distance of 956 feet to pillar C.P. 1099; thence on an approximate bearing of 106° 15' for a distance of 470 feet to pillar C.P. 1100 crossing River Akarba at 110 feet short of C.P. 1100; thence on an approximate bearing of 96° 27' for a distance of 970 feet to pillar C.P. 1101; thence on an approximate bearing of 66° 45' for a distance of 663 feet to pillar C.P. 1102; thence on an approximate bearing of 96° 59' for a distance of 1,282 feet to pillar C.P. 1103; thence on an approximate bearing of 70° 15' for a distance of 855 feet to pillar C.P. 1104 situated at the source of River Omu.

N.B.—All bearings referred to true north.

SECTOR H.

Thence downstream, along the River Omu to its confluence with the River Erigi where C.P. 1105 and C.P. 1106 are situated on the left and right banks respectively; thence upstream along the median line of the River Erigi to a cement pillar at its confluence with the River Irosun; thence upstream along the latter river in a westerly direction to a cement pillar near its source on the boundary path cut by the Alu people; thence along this path on a magnetic bearing of 166° to a cement pillar on the Ipawo-Ite path; thence continuing along this path on a bearing of 197° to a cement pillar on a prominent granite hill; thence continuing along the same path on a bearing of 188° to a cement pillar on the farm path leading to the Korokoro stream; thence continuing along the same path to a cairn which is east of a well known stretch of bush called Igbo Orisha; thence leaving the Alu path on the right, along a straight line to two earth mounds on the Enu Eye River; thence on a bearing of 146° to a cairn on the Alu path; thence in an easterly direction along this path and following a line of blazed trees to the point where the path crosses the River Erigi; thence still continuing along the path and a line of blazed trees to a cairn on the Gbagun-Awde path at the point at which the Eye stream crosses this path; thence in a south-easterly direction to the River Arima; thence downstream along this river to its confluence with the River Ogbagba; thence upstream along the latter river for a distance of about 2½ miles; thence in an easterly direction following the ridge of the Ipowu Hill to the Ohokogun Rock; thence along the Ilowe-Ogidi path to its crossing with the River Obele; thence downstream along this river to its confluence with the River Arima; thence downstream along the latter river to its crossing with the Ikeran-Kabba road at a point about three miles south-west of Aiere; thence in a south-easterly direction by a straight line to a point on the River Osse about four miles south-south-east of Aiere; thence downstream along this river to its confluence with the River Asatagumo which is the intersection of the Benin-Kabba-Ondo Provincial Boundaries.

Note.—Bearings are magnetic and were observed in 1927.

SECTOR I.

Thence upstream along the latter river to its source; thence in a south-easterly direction along a line of cairns to the Kakuma-Okengwa path; thence along this path to the River Erhi; thence along this river in a south-easterly direction to its confluence with the River Obu; thence in a south-westerly direction to the source of the River Eke; thence downstream along this river to its confluence with the River Adobe; thence upstream along this river in an easterly direction to the Ekpe-Ogori path; thence along this path in a southerly direction to the edge of Ekpe bush; thence to the south-east corner of the highest part of Ogalli Hill; thence to Ogbomoro Hill; thence to Akashuma Hill; thence following the base of this hill in a north-east by easterly direction to a cairn on the Ogori-Soso path; thence by the foot of Okoroko Hill to a mound between Okoroko and Ogiloro Hills; thence in an easterly direction to a stream; thence along this stream to a point between the Origiri and Oyunkenanke Hills; thence in an easterly direction to a point on the Okeni-Soso path 1½ miles south of its junction with the Okeni-Oguda path; thence to a point on the latter path 1½ miles south of the same junction; thence along the Okeni-Oguda path to a knoll at the south-west end of Oguda Hill; thence in a south-easterly direction to the confluence of the Oda and Amifu Rivers; thence along the River Amifu to Okulatagbor Hill; thence to the River Okpotu; thence downstream along this river to its confluence with the River Obu; thence along the latter river to a point marked by a mound; thence along a line of blazed trees in a north-east by easterly direction to the Ajaokuta-Agenebode telegraph line; thence along the telegraph line to Onimogwa Creek; thence along this creek to the River Niger; thence along the channel between Ogwoye Island and the west bank to the median line of the River Niger leaving Ogwoye Island to the Northern Provinces and Orokoyo to the Western Provinces; thence down the median line of the river to a point 1 mile north-west of Obedao which is the intersection of the Benin-Kabba-Onitsha Provincial Boundaries leaving all the islands in the Northern Provinces.

PART II

The boundary between the Northern Provinces of the Protectorate and that portion of the Southern Provinces of the Protectorate which is known as the Eastern Provinces within the Southern Provinces.

SECTOR J.

Starting at a point on the median line of the River Niger 1 mile north-west of Obedao which is the intersection of the Benin-Kabba-Onitsha Provincial Boundaries the boundary runs due east to a point on the east bank of the Orimili Creek about one mile north of Obedao; thence in an east-north-easterly direction for approximately eight miles to a point about one mile south-south-west of Echonga; thence in an easterly direction for approximately 1 mile 3,500 feet to the junction of the River Odah with the Enugu Otu-Echonga path about 1 mile 4,000 feet south-east of Echonga; thence almost due north for approximately nine miles to the north-western edge of Lake Itolo about one mile north-east of Odeke; thence in a north-easterly direction for approximately eleven miles to a point on the median line of the River Anambra opposite Ogrugru; thence upstream along the median line of this river for about 6½ miles to its confluence with an old channel of the River Okpo just north of the Ibo village of Ubamaja; thence following the old channel in a general south-easterly direction for approximately 1 mile 1,000 feet to its confluence with the River Okpo; thence downstream by the

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latter river for about six miles to its confluence with the River Ishe; thence upstream along the River Ishe for a distance of about fourteen miles to its confluence with the River Ebbe leaving Norkwa, Aleshi, Ikpolo Oko (Ibo name Ukwulobo) and the compounds along the path to Ogrugru in Northern Provinces; thence upstream by the River Ebbe to its source a distance of approximately 2 miles 1,600 feet; thence in a north-easterly direction for a distance of approximately two miles to a point on the River Ishe; thence upstream along this river for about 4,500 feet; thence due north for approximately 4,000 feet to where a path from Abuji is met; thence along this path in a south-easterly direction for about half mile to the source of the River Amala (or Ijategu) leaving Anuke (part of Abi) in Eastern Provinces; thence downstream along the River Amala for approximately one mile; thence for about one mile in an east-north-easterly direction ascending a valley following the foot of a range of hills leaving the village of Amala (part of Okuije) in Eastern Provinces; thence in a northerly direction approximately 1,600 feet to a boundary post on the Adoru-Okutu road about 1 mile 1,000 feet west of Okutu; thence along this road in a north-westerly direction for approximately 4,200 feet to a small market near Igwaka; thence in a north-north-easterly direction for approximately 2 miles 1,100 feet to a point situated between the villages of Agejawjaw (Ijala) and Onene (Ibo) leaving the former in the Northern Provinces and the latter in the Eastern Provinces; thence due north for about 1 mile 1,100 feet to an unoccupied compound (formerly Ijala) leaving this compound in the Northern Provinces; thence in a general east-south-easterly direction for 4,200 feet to the source of the River Okpwe; thence in a south-easterly direction for about 1,700 feet to the River Okpolo (or Iyoma); thence in a general east-north-easterly direction for approximately five miles crossing the River Odele and passing through a line of eight boundary pillars to a boundary pillar on Okifa Hill; thence in an easterly direction for about 1,600 feet to a pillar on Itchi Hill; thence in an east-north-easterly direction for approximately 1,100 feet to a pillar; thence in a general northerly direction through six boundary pillars for a distance of about 4,300 feet to a pillar on the Nadu-Akpaniya path; thence along this path in a westerly direction for about half a mile; thence leaving this path and in a north-westerly direction for approximately 1,700 feet to a pillar north of Akpaniya compound; thence in a north-easterly direction for about 1 mile 4,200 feet passing through six pillars to a pillar; thence in a north-easterly direction for approximately 1,800 feet to a pillar on the Nadu-Amaka path; thence in a north-north-easterly direction for about 2,300 feet to a pillar north of Nadu compound at the foot of a hill; thence in a south-easterly direction for approximately 800 feet to a cairn at the edge of a hill top; thence following the edge of the hill top and crossing depression in a north-easterly direction passing through five pillars for an approximate distance of 1 mile 2,100 feet to a pillar on the Agbo-Gbeji-Amaka path; thence following the crest of the hill in a north-easterly direction for about one mile to a pillar; thence continuing in the same direction along the crest for an approximate distance of 4,100 feet to a pillar at the north end of the ridge; thence descending into the valley for an approximate distance of 4,100 feet in a north-easterly direction to a pillar east of Amaka compound leaving this compound in the Northern Provinces; thence in a north-north-westerly direction for approximately 1,900 feet to a pillar at the foot of Nkwaw Eteh Hill; thence in a north-westerly direction to a boundary pillar on the left bank of the River Obele; thence following this river upstream in a general easterly direction for approximately 4 miles 4,200 feet to a boundary pillar on its right bank about three miles north-north-west of Ete; thence in a north-easterly direction for approximately 2,500 feet; thence in a north-westerly direction for about 1,500 feet; thence in a north-north-easterly direction for approximately 3,500 feet; thence in a general east-south-easterly direction for

about 1 mile 2,000 feet leaving Ayangba in the Northern Provinces; thence in a north-easterly direction for approximately 2,200 feet; thence in a general east-south-easterly direction for about 2,500 feet to a boundary pillar in Ikanipo village leaving part of the village in the Northern Provinces and part in the Eastern Provinces, and continuing in the same direction for approximately one mile to the Enugu Ezike-Ike road at a point about 1,000 feet south of Ogugu; thence in a general south-easterly direction for about 4,200 feet to a boundary pillar on the left bank of the River Obele leaving Ogugu in the Northern Provinces; thence in a general south-easterly direction for approximately 1 mile 3,200 feet to a boundary pillar; thence in an east-north-easterly direction for about 1,500 feet; thence in a south-easterly direction for approximately 3,500 feet leaving part of Eleje in the Northern Provinces and part in the Eastern Provinces; thence in a southerly direction for about 1,600 feet; thence in a south-easterly direction for approximately 1,200 feet; thence in a southerly direction for approximately 2,000 feet; thence in a south-westerly direction for about 2,000 feet; thence in a south-south-easterly direction for approximately 1,600 feet; thence in an easterly direction for about 2,500 feet and in a south-easterly direction for approximately 1,000 feet to a boundary pillar on the Ofanti market path leaving Odogun and Echachofu (Ogugu District) to the Northern Provinces; thence in a general south-easterly direction for approximately 1,600 feet to the two boundary posts at the intersection of the Benue-Kabba-Onitsha Provincial Boundaries approximately half a mile north-west of Adupeleaving Amaja in the Eastern Provinces.

SECTOR K

Thence in a southerly direction for approximately 3,650 feet to a point on the path marking the boundary of Okpo and Amachalla towns; thence continuing in the same direction for a distance of about one mile to a beacon marking the boundary of Igu Village Area of Orukram District, Idoma Division, Northern Provinces and the village of Ikpega and Inyi, Nsukka Division, Eastern Provinces; thence in a south-south-easterly direction for a distance of one mile to a post marking the boundaries of the village of Echichopu in the Northern Provinces and the villages of Amuogbu and Inyi in the Eastern Provinces; thence in a south-easterly direction for a distance of 1,980 feet to a post marking the junction of the village areas of Ako and Utabona in the Northern Provinces with the village of Amala in the Eastern Provinces; thence in a southerly direction for approximately 1,980 feet to a post on the Obolo-Okwoga road; thence in a south-easterly direction to a post on the Oba-Amala path marking the boundary of the villages of Amala and Obolo; thence continuing in the same direction for an approximate distance of two miles to a point on the Obolo-Okpudu path approximately 660 feet south-east of the River Ayube; thence in a south-easterly direction for an approximate distance of 1,980 feet to the River Abiamadu; thence following this river for about 2,000 feet to a post on its right bank; thence in an easterly direction for a distance of approximately 2,970 feet to a post on the Obolo-Iptegi path; thence in a southerly direction for an approximate distance of 4,620 feet to the confluence of the Rivers Ojaw and Addor; thence following the latter river downstream for approximately 4,290 feet to its confluence with the River Ngelukpo; thence following the latter river upstream for approximately 3,300 feet to a blazed tree on its left bank; thence in a north-easterly direction for a distance of approximately one mile to a post on the Ihaje-Otiepe path; thence continuing in the same direction for approximately 1,980 feet to a post on the right bank of the River Ayube; thence downstream along this river for approximately three miles to its confluence with the River Okporku; thence down the River Okporku to its confluence with the River Ohari; thence in a southerly direction for an approximate distance of three miles crossing the River Ngene Ukpo to a

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36
END

8½ miles to its junction with the River Metchum (Imba) Boundary Post 89; thence following the thalweg of the River Metchum (Imba) downstream for approximately 10 miles to its confluence with the River Wom where Boundary Post 88 is situated; thence following the thalweg of the River Wom upstream for an approximate distance of 5½ miles to Boundary Post 87 situated on the left bank of the river and approximately ½ of a mile distant on an approximate bearing of 340° from triangulation point 1278; thence on an approximate bearing of 47° for an approximate distance of 1½ miles through Boundary Posts 86 and 85 to Boundary Post 84; thence on an approximate bearing of 42° for an approximate distance of 2 miles to Boundary Post 83 situated at triangulation point 1627; thence on an approximate bearing of 51° for an approximate distance of 2 miles to Boundary Post 82 on the left bank of the River Katsena; thence on an approximate bearing of 47° for an approximate distance of 1 mile through Boundary Post 81 to Boundary Post 80; thence on an approximate bearing of 37° for an approximate distance of 2½ miles to Boundary Post 79; thence on an approximate bearing of 53° for an approximate distance of 3½ miles to Boundary Post 78; thence on an approximate bearing of 70° for an approximate distance of 1 mile to Boundary Post 77; thence on an approximate bearing of 23° 30' for an approximate distance of 1½ miles to Boundary Post 76; thence on an approximate bearing of 55° 30' for an approximate distance of ¾ of a mile to Boundary Post 75; thence on an approximate bearing of 47° for an approximate distance of 11¼ miles through Boundary Posts 74, 73, 72, 71, 70, 69, 68, 67, 66 and 65 to Boundary Post 64 situated on the right bank of the River Gamana.

Note.—All bearings in this Sector are referred to True North.

SECTOR O.

Thence following the River Gamana upstream to the point where it is joined by the River Sama; thence up the River Sama to the point where it divides into two; thence a straight line to the highest point of Tosso Mountain; thence a straight line eastwards to a point on the main Kentu-Bamenda road where it is crossed by an unnamed tributary of the River Akbang (Heboro on Sheet E of Moisel's map on scale 1,300,000)—this point is marked by a cairn; thence down the stream to its junction with the River Akbang; thence the River Akbang to its junction with the River Donga; thence the River Donga upstream to its junction with the River Mburi; thence the River Mburi southwards to its junction with an unnamed stream about one mile north of the point where the new Kumbo-Banyo road crosses the River Mburi at Nyan (alias Nton), this point is about four miles south-east by east of Muwe; thence along this unnamed stream to its source at a point on the new Kumbo-Banyo road near the source of the River Mfi. From this point the bearing on the junction of the unnamed stream and the River Mburi is 313° (Magnetic) and on the southern and pointed peak of Hosere Tadjji is 164° (Magnetic); thence east along the crest of the mountains to the prominent peak which marks the Franco-British Frontier.

GIVEN under my hand and the public Seal of Nigeria at Lagos this _____ day of _____ 1941.

By His Excellency's Command,

Chief Secretary to the Government.

Chief Secretary's Office,
Lagos, Nigeria, _____, 1941.

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Nigeria.

1941-3.
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CLOSED
UNTIL
1972

No. 30054

SUBJECT.

Waterworks Legislation.

Previous

1941

Subsequent

1944

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C.F.
Lith

Nigeria 104 _____ 15. 2. 41. 2
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Libby
Rel. leg. pt.
Wm.
14/5

I suppose in such cases as described in
the A.S. report there is no objection in
principle to operations making charges
effective with retroactive effect.
It appears from para 2 of the A.S. report
that this is only an interim measure
pending some more substantial
changes in the water works by which
are made.

? Q 3 (subject to your views.)

J.B. Swinton
16/5/41

Retrospectively operating charges may be worthwhile
but in this instance cannot be said to be
improper. No other obs^{ns}

Stobbs
19/5/41

then Q 3.

J.B. Swinton
19/5/41

Del. Royal / to note 1
14/5/41
re
19/5/41

2 To Nigeria 142

(1 and) 93

23.5.41

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17.6.41

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4 Nigeria 394
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17.6.41.

Put by Wth

J B White
12/8 above

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10.7.41.

Put by

J B White
20/8 above

MM

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6.9.41.

Put by C J Smith
7/10/41 above

7 Nigeria 587
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2.10.41.

Libby
Rel. leg. pl.
wm.

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6.10.41

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5/11/41 above

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*Please put up copy
of Crutchfield offered to
at X R 302*

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Hamer 3/3/43

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at once

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Please take copies
of legislation
N.W. Williams 23/

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NIGERIA.

NO. 104

RECEIVED
11 MAY 1941
C.O. REG

Government House,
Nigeria.

10

My Lord,

Dupl.

15 February, 1941.

I have the honour to transmit herewith, for the signification of His Majesty's pleasure with respect thereto, two authenticated and ten ordinary copies of Ordinance No. 23 of 1941, entitled "An Ordinance to amend the Waterworks Ordinance," together with the usual report thereon by the Attorney-General.

I have the honour to be,

My Lord,

Your Lordship's most obedient, Humble Servant,

B. H. Bura
GOVERNOR.

Am d. 2.

THE RIGHT HONOURABLE
LORD MOYNE, P.C., D.S.O.,
SECRETARY OF STATE FOR THE COLONIES,
LONDON, S.W.1.

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R E P O R T

on

A BILL FOR AN ORDINANCE TO AMEND THE
WATERWORKS ORDINANCE.

The short title of this Bill is the Waterworks (Amendment) Ordinance, 1941, and in my opinion the assent of His Excellency may properly be given thereto.

6/29

2. Conditions existing today have shown that the Waterworks Ordinance, more especially section 9 thereof which was enacted in 1929, requires amendment in many respects; the minor amendments set out in this Bill will enable the Ordinance to be worked more effectively until such time as proposals which have been under consideration for some time can be given legislative effect.

3. Section 18 has been re-enacted purely for simplicity of drafting; the new provisions therein contained will be found in a slight amendment to (a) the whole of (b) and sub-section (2).

4. It will be observed that both the general water rate and the regulations may be given retrospective effect provided that water has in fact been supplied during the period for which retrospective effect is given. The reason for this is that in several cases the whole question of the supply of water and the amount to be paid for the water has been discussed with local authorities and representatives and it has been decided that the general water rate should be fixed at a certain percentage or that certain price should be charged for the water supplied and upon that the scheme has been put into actual operation and the water delivered without, however, the necessary legal provisions being prepared before-hand and brought into force simultaneously with the operation of the scheme. In certain other cases legal difficulties have arisen in connection with the

imposition

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imposition of the rates and charges upon which agreement had previously been reached. The effect of this amendment will be that legislative effect can be given subsequently to the decisions previously agreed to provided that water has in fact been supplied and should have been paid for.

J. K. Oke
Attorney-General.

Attorney-General's Chambers,

Lagos, Nigeria.

20th January, 1941.

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THE FOLLOWING DOCUMENT IS

OFFICIALLY MISSING

REFERENCE CO 583/257/30057

Nigeria

1941-43.

MISSING

Box No. 257

File No. 30057 - 1941-2

Subject

Annual Abstract Account.

(Not available at time of transfer)

C.O.J.
Financial.

2

1940 file in
circ. B.D.C.A.
Wm. H. S.
25/4.

Nigeria 246.

18. 4. 41.

D.C.A. I do not know whether you
have the 1939-40 ^{Railway} account now under
examination. If so perhaps you
will wish to study the account
at. If not, I propose to defer
comment until we receive your

report. The file referred to in IV
of the report is merged with the Railway
Estimates at present. ^(Account Bureau) 2/5.

The annual Report of the Nigerian
Railway is under study
in the Dept.

File No: 4073/1.

Mr. Sidebotham.

I have noted the Governor's comments. The
1939/40 Railway account has been examined and when I
hear from the Auditor about a matter which I had to
refer to him I shall be reporting on the account to
the Secretary of State.

A. J. Harding

Director of Colonial Audit.

13 - 5 - '41

Bring up with D.C.A. report
when received

J. H. S. 13/5 done

Mr. Harding
to file

MA

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D.C.A.

8.7.41 3

A copy of the report should now be sent to Governor for conson. In doing so we should take an opportunity to acknowledge No. 1 on this file saying that its contents have been noted. (f)

As regards the D.C.A's report, draw attention to paragraph 4 and invite the Governor's obson. As regards paragraph 5 refer to No. 25 on 30037/39 in which non-disallowance of the Ordinance has now been signified. (There is a reference in the item starred in the enclosure to No. 1 on 30046/7/41 to the matter referred to in paragraph 7 of the D.C.A's report).

Draft conson on above lines which D.C.A. should see.

J.P. Litchfield
21/7/41.

atona
O.G.R.W 25.7.41

3 To No. 268 (w copy 2 + c of account) 1 and
13/12 13/8/41
4 to D.C.A. — 1/3 Coups. 14.8.41

113
5 Nigeria 629 — 20.10.41.

? Satisfactory explanation.

Pub by C. Ross with
3/10/41

Sen. J. Lister
5.11.41

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1943

6 D.C.A.

10.6.43

Para. 3 of the report - I have confirmed that no Supplementary Appropriation Ordinance for 1940-42 has yet been received, but I note that the corresponding Ordinance for 1940-41 did not arrive in this Office until July, 1942.

The report appears to call for no comment and it will be sufficient to send the Gov. a copy for his information.

Sturges
16.6.43

When is the report for 1940/41?

BC

302
17/6

Mr Parkinson

Pl see 3 on 30184/43
attached

Please see (3) in 30184/41 which should have been filed here.

Sturges
19/6/43

As proposed in Mr. Parkinson's minute of

16/6

BC

19/6 *ctm*

To Nigeria No 178 w/c of 6 - LF - 22/6/43

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8 Nigeria S.T. 1053 ————— 17.12.43 5

It would obviously be a great waste of labour, time and paper to have these reports specially printed and tabled at this late date. I think the Gov. should be allowed to let sleeping dogs lie.

W. Lawrence
7.1.44

I think that this is really for you.

It will clearly be waste of labour, time and paper, to print the reports now. Tabled of the next report might, however, lead to enquiries from members of the Legislative Council as to what has happened to the previous reports and I think it is desirable that any such member who expresses a wish to see them should be given an opportunity of doing so. I should be inclined to reply that the Secretary of State considers that in view of the labour and paper which will be required the two previous reports should not be printed at this date. If, however, any member of the Legislative Council should express a desire to see the reports he should be given an opportunity of doing so.

J. Mason
11. 1. 44.

I agree with Mr. Mason, but D.C.A. should perhaps see.

A. Munnell
12/1

I agree.
J. Munnell
18.1.44. D.C.A.

W. Munnell, etc
21/1

To Nigeria No 20
4

21/1/44

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[13702] Wt. 32385/242 10m. 10.42 C.N.L.D. 748
[13966] Wt. 39977/249 50m. 12.42 C.N.L.D. 748

30057/1/43 Nigeria

C. O.

Miss Stych 19/1
Mr. Parkinson 19/1 J.S.

Mr.
Mr. G. E. J. Gent.
Mr. G. L. M. Clauson.
Mr. C. J. Jeffries.

Sir A. Dawe.
Sir W. Battershill.
Permt. U.S. of S.
Parly. U.S. of S.
Secretary of State.

9 6
20-

21st January 1944

DRAFT. Dispatch

Sir,

I have to refer to your
(8) saving telegram No. 1053 of the 17th
of December on the subject of the
Auditor's Reports on the Nigerian
Railway Accounts for the years
1939-40 and 1940-41.

Gov.
Nigeria
No.

2 I ^{do not} consider ^{that it is} unnecessary
that these reports should be
printed at this date but I would
suggest that if any member of the
Legislative Council should express a desire
to see the reports he should be given
an opportunity of doing so.

(Sgd) OLIVER STANLEY
am etc.

FURTHER ACTION.

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SAVING.

From: Officer Administering the Government, Nigeria.
To: Secretary of State for the Colonies, London.
Date: 17th December, 1943.
No. 1053 Saving.

615/16/35
6/17/43

With reference to Mr. Thomas' circular despatch of the 23rd of April, 1936, I regret that owing to a misunderstanding the Auditor's Reports on the audit of the accounts of the Nigerian Railway for the years 1939-40 and 1940-41 have not been printed or laid before the Legislative Council.

2. The last Report for the year 1941-42 is now being printed and will be tabled as a Sessional Paper at the next meeting of the Council, and I shall be glad to have your views as to whether it is necessary now to have the two previous Reports tabled also.

3. I would add that no member of the Legislative Council has drawn attention to the failure to table the Reports.

LBZLE.

RECEIVED
SECRETARY
COL. OFFICE

7.8

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(1) Return in envelope & give name of recipient

30-571:6
No. 4075/2.

8

West African Department.

In accordance with Rule 40 of the Departmental Instructions of the Colonial Audit Department I submit herewith (in duplicate) certified copies of the Annual Accounts of the Nigerian Railway for the year 1941-42, together with my report thereon.

J. M. M. M.

Director of Colonial Audit.
10-6-43.

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NIGERIAN RAILWAY.ANNUAL ACCOUNTS, 1941-42.

REPORT of the DIRECTOR OF COLONIAL AUDIT on the Accounts of the Nigerian Railway for the year ended the 31st. of MARCH, 1942.

As certified thereon, the above mentioned Accounts have been examined under my directions.

2. With reference to paragraph 3 of my predecessor's report on the accounts for the year 1940/41, the Auditor again reports that:

"No official mean market rate was quoted on the last day of the financial year for certain stocks, and the Renewals and Provident Fund holdings of these stocks were accordingly revalued at the rates at which official dealings were last quoted. These revaluations are in every case not higher than the existing book values of the holdings".

3. As far as I am aware, a Supplementary Appropriation Ordinance, covering the excess expenditure over the amount provided in the Second Schedule to the Appropriation Ordinance for the year 1941-42 (No. 34 of 1941) has not yet been enacted.

4. Following the procedure laid down in the Secretary of State's Circular Despatch of the 9th of December, 1938, the Securities and Cash Balances, recorded in the Accounts as rendered, which were held by the Crown Agents for the Colonies at the 31st of March 1942, have been verified from the Certificates rendered by the Crown Agents without any endorsement by the Comptroller and Auditor-General.

5. With reference to paragraph 9 of my predecessor's report on the Accounts for the year 1940-41 the Renewals Fund as recorded in the General Balance Sheet at the 31st. of March, 1942, was under-invested at that date by

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£55,680. 18. 3. The Auditor informs me that an investment of a further £75,000 has since been made.

6. The Auditor reports that at the date of writing his Annual Report the examination of (i) the Personal Emoluments Registers, (ii) the records and stock of Receipt-books, and (iii) the reconciliation of bank pass-books at two out-stations had not been completed up to the 31st of March, 1942.

J. H. Muller

Director of Colonial Audit.

10-6-43.

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AIR MAIL.

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NIGERIA.

N O. 629



RECEIVED
OCT 20 1941
G. O. REGY

Government House,

Nigeria.

20 October, 1941.

My Lord,

30057/1/43

I have the honour to refer to your despatch No.268 of the 13th of August and to inform you, with reference to paragraph 2 thereof that the over-valuation was corrected when the Renewals Fund holding of £29,420.14.28 Dominion of Canada 3½% Registered Stock 1930-50 was redeemed at par in April 1940. The loss of £73.11.0d was written off under authority of Special Warrant No.3/1940-41.

I have the honour to be,

My Lord,

Your Lordship's most obedient, humble Servant,

B. H. Austin

G O V E R N O R .

THE RIGHT HONOURABLE
LORD MOYNE, P.C., D.S.O.,
SECRETARY OF STATE FOR THE COLONIES,
LONDON, S.W. 1.

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30057/1/41 Aug 14

C. O.

- Mr. Whitcombe. 30/17
- Mr. Sir A. H. H. (C. Min.) 7/8
- Mr. Williams
- Sir A. Burns.
- Mr. G. L. M. Clauson.
- Mr. C. J. Jeffries.

- Mr. A. J. Dawe.
- Sir J. Shuckburgh.
- Perm. U.S. of S.
- Parly. U.S. of S.
- Secretary of State.

13 Aug 1941

C. O.
8-AUG
D 8

DRAFT.

NIGERIA.

NO. 268

GOVERNOR.

Sir,

I have the honour to acknowledge receipt of your despatch No. 246 of the 18th. April transmitting the ^{or's} Audit Report on the Accounts of the Nigerian Railway for 1939/1940, and to inform you that the contents of the despatch and Report have been noted.

2. I now transmit to you, for your consideration, a copy of the Report of the Director of Colonial Audit on these Accounts, which he has certified subject thereto. I should be obliged if you would furnish me with your observations on the ^{fourth} ~~the~~ paragraph of the Report regarding the holding of Dominion of Canada 3 1/2 Registered Stock, 1930/1950 included in the assets shown in the ^{Sheet} General Balance at the 31st March, 1940.

3. With regard to the ^{fifth} ~~the~~ paragraph of the Report, I would invite reference to my despatch No. 232 of the 31st. May in which I have informed you that the power of disallowance will not be exercised in respect of the ¹⁹³⁹ ~~1938~~/1940 Supplementary Appropriation Ordinance 1941.

I have etc.

Enc. (2)

together with a copy of the accounts

FURTHER ACTION.

Copy D.C.A.

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West African Department.

In accordance with Rule 40 of the Departmental Instructions of the Colonial Audit Department I submit herewith (in duplicate) certified copies of the Annual Accounts of the Nigerian Railway for the year 1939/40, together with my report thereon.

I append a list of known Colonial Office references to matters dealt with in my report :-

<u>Paragraph in Report.</u>	<u>Reference.</u>
3	Nos. 6 - 7 in Nigeria 30046/7/40.
5	No.23 in Nigeria 30037/39.

A. J. Harding
Director of Colonial Audit.

8th July 1941

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West African Department.

In accordance with Rule 40 of the Departmental Instructions of the Colonial Audit Department I submit herewith (in duplicate) certified copies of the Annual Accounts of the Nigerian Railway for the year 1939/40, together with my report thereon.

I append a list of known Colonial Office references to matters dealt with in my report:-

<u>Paragraph in Report.</u>	<u>Reference.</u>
3	Nos. 6 - 7 in Nigeria 30046/7/40.
5	No.23 in Nigeria 30037/39.

(signed) A.J.Harding.
Director of Colonial Audit.

8th July 1941

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NIGERIAN RAILWAY.

ANNUAL ACCOUNTS, 1939-40.

REPORT of the DIRECTOR OF COLONIAL AUDIT on the Accounts of the NIGERIAN RAILWAY for the year ended the 31st of March, 1940.

As certified thereon, the above mentioned Accounts, have been examined under my directions.

2. The accounts, as rendered, include various errors of classification which were brought to notice, and admitted by the Accounting Officer, too late for adjustment. Of these one affects Revenue or Expenditure Abstracts and is of £1 or more in amount, viz. an amount of £31.13.4 which was debited to Abstract C "Traffic and Commercial Expenses" instead of to Abstract B "Mechanical - Workshops and Running Expenses".

3. The net Revenue Account for the year 1939/40 includes an item of £8,775 "To Capital Adjustment", which relates to the write-down in the capital account of the original cost of assets withdrawn from service during the year. The Auditor reports that the cost of certain of these assets, amounting to £2,027 of the class not required to be replaced, was incorrectly included in this Capital Adjustment, resulting in an over-debit of £2,027 to the Net Revenue Account. The balance of the Capital Account (£77,833) shown as a liability in the General Balance Sheet at the 31st of March, 1940, and the amount appropriated from the Renewals Fund (£496,448.15.2) to meet the accumulated deficit at the 31st of March, 1940, are correspondingly overstated by £2,027. The Auditor adds that the error has been adjusted in the Accounts of the year 1940-41 by re-capitalising the amount written down, and crediting Railway Revenue, and I am in communication with him as to whether the credit should not have been to the Renewals Fund instead of to Railway Revenue.

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4. The asset "Investments Renewals Fund, £1,294,720.4.7" in the General Balance Sheet at the 31st of March, 1940, includes a holding of £29,420.14.2 Dominion of Canada 3 $\frac{1}{2}$ % Registered Stock, 1930-50. The Auditor reports that this stock was revalued at the 31st of March, 1940 at 100 $\frac{1}{4}$, the rate at which official dealings in that stock last took place. No official mean market rate was quoted for the stock on the 31st of March, 1940, and the Auditor adds that it is considered that the existing book value of the holding should, therefore, have remained unaltered. He states that the appreciation thus incorrectly taken to account amounted to £73.11.0d.

5. I have not yet seen a notification that His Majesty the King will not be advised to exercise his powers of disallowance in respect of the Supplementary Appropriation Ordinance, No.5 of 1941 which appropriated the expenditure out of the Renewals Fund during the year 1939-40, amounting to £548,345.0.9 in excess of the amount included in the 4th Schedule to the Appropriation Ordinance No.1 of 1939.

6. Following the procedure laid down in the Secretary of State's Circular Despatch of the 9th of December, 1938, the Securities and Cash Balances, recorded in the Accounts as rendered, which were held by the Crown Agents for the Colonies at the 31st of March, 1940, have been verified from the Certificates rendered by the Crown Agents without any endorsement by the Comptroller and Auditor-General.

7. The General Balance Sheet at the 31st of March, 1940 records as a liability a sum of £1,394,372.7.9 in the Railway Renewals Fund, and, as an asset, a sum of £1,294,720.4.7 invested on behalf of the Fund. As regards the resulting under-investment of £99,652.3.2 the Auditor informs me that :-

"A further sum of £50,000 was invested in April, 1940, in accordance with the decision of Government that after the deficit on Revenue and Expenditure account had been met the underinvestment of the fund should not exceed £50,000."

A. J. Harding
Director of Colonial Audit.

8th July 1941

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REVENUE, EXPENDITURE AND APPROPRIATION ACCOUNT

Cr.

Dr.	£	d	h	£	d	h	Cr.	£	d	h
To BALANCE—DEFICIT—Brought forward	3	169,978	10	3	BY REVENUE	2,110,023	3	6
To OPERATING EXPENDITURE	11	1,255,750	1	1	BY APPRECIATION ON INVESTMENTS	30,533	4	6
To INTEREST ON CAPITAL	-	775,025	-	-	BY ADJUSTMENT OF CAPITAL RECEIPTS FROM RAILWAY FUNDS	1,338	-	-
To CONTRIBUTION TO RENEWALS FUND	-	430,000	-	-	BY PROFIT ON SALE OF INVESTMENTS	3,901	10	-
To CAPITAL ADJUSTMENT	-	8,775	-	-	BY APPROPRIATION FROM RENEWALS FUND TO MEET ACCUMULATED DEFICIT	...	-	-
To ADJUSTMENT IN RESPECT OF PURCHASE OF CAPITAL ASSETS as shown in Abstract E	6	2,257	1	1	Deficit at 31st March 1939	£169,978	3	10
To LOSS ON SALE OF INVESTMENTS	16	458	9	9	Deficit for 1939-40	326,470	11	4
			17	2,642,244	9	9		2,642,244	17	9

Examined. *J. H. G. G. G.*
Auditor.

[Signature]
Chief Accountant.

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RECEIPTS AND EXPENDITURE ON CAPITAL ACCOUNT

Dr.

To Expenditure	Total at 31st March 1939	Net additions and/or deductions during the year	Total at 31st March 1940	By Receipts	Total at 31st March 1939	Net additions and/or deductions during the year	Total at 31st March 1940
	£	£	£		£	£	£
RAILWAY				ADVANCES BY GOVERNMENT			
Lines open for Traffic	11,980,817	25,987	12,006,804	On Unredeemed Loans	16,518,050	Dr. 1,220,717	15,297,333
Locomotives and Rolling Stock	4,536,434	Cr. 31,178	4,505,256	On Redeemed Loans	2,562,761	-	2,562,761
Plant and Machinery	1,121,799	3,491	1,125,290	On Surplus Balances of Nigeria	4,119,427	52,211	4,171,638
Stations, Offices and Buildings	1,903,773	5,179	1,909,252	FROM RAILWAY RESOURCES	172,179	17,448	189,627
Ferries, Jetties and Wharves	557,847	-	557,847				
Administration and General Charges	2,005,064	-	2,005,064				
TOTAL RAILWAY EXPENDITURE	22,105,734	3,779	22,109,513				
ROAD TRANSPORT	34,013	-	34,013				
COST OF RAISING LOANS	1,220,717	Cr. 1,220,717	-				
TOTAL CAPITAL EXPENDITURE	23,360,464	Cr. 1,216,938	22,143,526				
BALANCE	11,953	65,880	77,833				
	23,372,417	Cr. 1,151,058	22,221,359		23,372,417	Dr. 1,151,058	22,221,359

Relief from the payment of Interest Charges has been approved by Government as follows:—

Bonus Bridge ... £ 970,713.
 Enugu-Katanchan Section ... £2,991,763. £3,962,476 @ 5% = 4,198,124.

Interest on Capital Expenditure for relaying Minna-Kaduna section is being provided from the Colonial Development Fund :- £31,562 @ 3% £347.

Examined. S. N. O. S. O.
 Auditor.

S. N. O. S. O.
 Chief Accountant.

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Statement No. 6
Cr.

NET REVENUE ACCOUNT

Particulars	1938-39		1939-40		1938-39		1939-40	
	£	s d	£	s d	£	s d	£	s d
TO BALANCE—DEFICIT—Brought forward	-	-	169,978	3 10	-	-	792,013	15 2
TO INTEREST ON CAPITAL	764,063	-	775,025	-	-	-	854,272	15 2
TO CONTRIBUTION TO RENEWALS FUND	430,000	-	430,000	-	-	-	30,533	6 4
TO REDEMPTION OF CAPITAL	373	-	-	-	-	-	3,901	10 -
TO CAPITAL ADJUSTMENT	6,261	-	8,775	-	-	-	1,338	-
TO NET DEPRECIATION ON INVESTMENTS	51,150	3 4	-	-	-	-	-	-
TO LOSS ON SALE OF INVESTMENTS	-	-	458	16 9	-	-	303,897	4 4
TO ADJUSTMENT IN RESPECT OF PURCHASE OF CAPITAL ASSETS as shown in Abstract E	14,041	6 2	2,257	6 1	-	-	-	-
TOTAL	1,265,889	3 6	1,386,494	6 8	169,978	3 10	1,265,889	3 6
							TOTAL	
							BY BALANCE—DEFICIT—CARRIED FORWARD	
								169,978 3 10
								1,265,889 3 6
								1,386,494 6 8

Examined.
Attest.
Auditor.

Chief Accountant.

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AIR MAIL.

23

NIGERIA.

NO. 246

RECEIVED
24 APR 1941
O.O. REG¹

Government House,

Nigeria.

18 April, 1941.

My Lord,

I have the honour to transmit the Auditor's Report on the Accounts of the Nigerian Railway for 1939-40. This report was submitted to me in December and I regret that it has not been forwarded to you earlier. I have the following comments to make on the report :-

- ✓ (i) Paragraph 4. The accounting changes are still under consideration.
- ✓ (ii) Paragraph 10. Instructions which have been issued are satisfactory, pending a revision of Chapter 7 of Financial Instructions in accordance with Colonial Regulation 220.
- x (iii) Paragraph 19. Although approval has been given for New Capital Expenditure to be incurred from the Balance on Railway Capital account this does not preclude this balance from also being utilised for Redemption of Capital, should the amount thereof or other circumstances justify such a course.
- x (iv) Paragraph 20. The write down has now been effected vide my despatch No. 153 of the 27th of February. *no 153 on 30/4/40*
- / (v) Paragraph 34. An adjustment has now been made in regard to the period during which the Bank rate rose above 2½ during the year.
- / (vi) Paragraph 66. I agree with the Auditor's view and have requested the General Manager of the Railway to show the liability as the difference between the market value of the investments and their cost price in the current year's accounts.

2. The annual report on the Nigerian Railway for the year 1939-40, was forwarded to you under cover of my *no 153 on 30/4/41* despatch No. 245 of the 18th of April.

I have the honour to be,

My Lord,

Your Lordship's most obedient, humble Servant,

P. H. Dan die

G O V E R N O R.

THE RIGHT HONOURABLE
LORD MOYNE, P.C., D.S.O.,
SECRETARY OF STATE FOR THE COLONIES,
LONDON, S.W.1.

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REPORT ON THE AUDIT OF THE ACCOUNTS

OF

THE NIGERIAN GOVERNMENT RAILWAY

(INCLUDING

ROAD MOTOR SERVICES)

FOR

THE YEAR ENDING

31ST MARCH, 1940.

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SCHEDULE OF ANNEXURES.

No.	Description
1.	Working Balance Sheet for March, 1940.
2.	General Balance Sheet as at 31st March, 1940. (Financial Statement No.1).
3.	Revenue, Expenditure and Appropriation Account. (Financial Statement No.2).
4.	Receipts and Expenditure on Capital Account. (Financial Statement No.3).
5.	Net Revenue Account. (Financial Statement No.6).
6.	Reconciliation of Financial Statement No.3 with Treasury Return No.7.
7.	Summary of Railway Suspense Accounts (Supporting Stock Balance Sheets attached.)
8.	List of errors of classification brought to notice and admitted by the Chief Accountant too late for adjustment in the accounts for the year.
9.	List of outstanding queries, 1939-40 and previous years.
10.	Proof of the General Balance Sheet.

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REPORT ON THE AUDIT OF THE ACCOUNTS OF THE NIGERIAN
GOVERNMENT RAILWAY (INCLUDING ROAD MOTOR
SERVICES) FOR THE YEAR ENDING
31ST MARCH, 1940.

The accounts of the Nigerian Government Railway and Road Motor Services for the year ended 31st March, 1940, have been examined. Subject to the comments in this report, the accounts have been kept and rendered in a satisfactory manner, and the existing regulations and instructions appear to afford adequate checks against fraud and irregularity.

2. The monthly Balance Sheets were submitted from two to three months after the close of the months to which they related, except for the Balance Sheet for March, which was received on the 15th of July, 1940. The final proofs of the annual Financial Statements were received on the 25th of September, 1940, but the printed copy of the General Manager's Annual Report has not yet been received. The Financial Statements referred to in this report will be contained in Appendix I of the General Manager's report. With reference to paragraph 2 of the 1938-39 report, the printed copy of the General Manager's report for the year 1938-39 was received on the 2nd of April, 1940.

3. Copies of the Working Balance Sheet for March, 1940, and of Financial Statements Nos. 1 (General Balance Sheet), 2 (Revenue, Expenditure and Appropriation Account), 3 (Receipts and Expenditure on Capital Account) and 6 (Net Revenue Account) are attached to this report as Annexures 1, 2, 3, 4 and 5 respectively.[†]

[†]The Annexures to the Report are not printed.

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4. Certain important accounting changes, based on the more generally accepted Railway practice, are under consideration prior to submission to Government and the Secretary of State. In particular, it is proposed to introduce a separate working Account and Net Revenue Account in place of the present Revenue and Expenditure Account. The annual Financial Statements will not be affected, since it has always been the practice to present them in the standard form, although the allocation of revenue and expenditure items as between working and net revenue has in some respects differed from the usual Railway practice. The terms "revenue" and "expenditure" as employed in this report should, therefore, be considered in relation to the actual form of estimates and accounts maintained and not to the theoretical accounts of working and net revenue which appear in the Financial Statements.

AUTHORITIES FOR EXPENDITURE.

5. The Secretary of State's approval of the Railway Estimates was sought in the Governor's despatch No.390 of the 29th of March, 1939, and was granted by telegram (No.206) dated 24th May, 1939, which was confirmed in the Secretary of State's despatch No.616 of the 28th of July, 1939. The Railway Provisional Warrant and Imprest Warrant were signed by the Governor on the 23rd of March, 1939, and the General Warrant and Renewals Fund Warrant on the 31st of May, 1939. The 1939-40 Appropriation Ordinance (No.1 of 1939) contained authority for all Railway expenditure (including expenditure from the Railway Renewals Fund) and provided that any balance of monies voted might be utilised before the amounts for the year 1939-40 were closed for the

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X discharge of liabilities incurred during that year. The
 X Ordinance was passed by the Legislative Council on the 15th
 of March, 1939, and notice of its non-disallowance was
 published in Gazette No.45 of the 10th of August, 1939.

6. In accordance with section 55 of the Codification
 of Powers of the General Manager (1934 edition), savings
 under subheads of Abstracts 'A', 'B', 'C', 'D' and 'E'
 were re-appropriated to meet excesses on subheads within
 those Abstracts, and the re-appropriations were duly
 reported to Government. The excess on Abstract 'F' and
 additional provision under new subheads have been covered
 by Special Warrants.

7. All additional provision covered by Special
 Warrant has been approved by the Legislature, with the
 exception of Schedule No. 'R' (Renewals) 5, which will be
 submitted to the Legislative Council at its next session.
 Schedules Nos. 'R' 1 to 9 and 'R' (Renewals) 1 to 4 have
 been sanctioned by the Secretary of State in accordance
 with Colonial Regulation 265. Schedules Nos. 'R' 10 and
 'R' (Renewals) 5 have been dealt with in accordance with
 X the Secretary of State's Circular Telegram No.172 of the
 24th of August, 1940. Schedule No. 'R' (Renewals) 5, which
 involves additional provision in excess of the Governor's
 discretionary powers, has been forwarded to the Secretary
 of State but approval has not yet been received. In the
 case of Schedule No. 'R' 10, which merely records the
 creation of new subheads, the necessary funds have been
 provided under the General Manager's powers of re-
 allocation, and reference to the Secretary of State through
 the Quarterly Returns is not necessary. With reference to
 paragraph 6 of the 1938-39 report, Schedules Nos. 9 to 10
 of 1938-39 were duly sanctioned by the Legislature and the
 Secretary of State.

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8. The Supplementary Appropriation Ordinance has not yet been enacted. With reference to paragraphs 8 and 9 of the 1938-39 report, the Supplementary Appropriation Ordinance, 1938-39, was enacted on the 21st of December, 1939, and the Renewals Fund expenditure for the year 1938-39 was included in Schedule 4 thereto. With reference to paragraph 6 of the report of the Director of Colonial Audit on the accounts of the Nigerian Railway for the year 1937-38, a Bill for the necessary Supplementary Appropriation Ordinance to cover the excess of expenditure £233,897 over the total amount sanctioned in the Appropriation Ordinances has been prepared and will be submitted to the Legislative Council at the next session.

9. The authorities for expenditure on Railway Capital Works financed from the surplus balances of the Colony have been verified.

10. With reference to paragraph 11 of the 1938-39 report, instructions were issued by Government that where "expenditure in the previous year proves to be greater than the revised estimate, any provision for revoted money in the current year should be automatically reduced by executive direction". The existing procedure is still, however, inconsistent in certain respects with Chapter 7 of Financial Instructions.

11. Important changes in the financial powers of the General Manager, affecting inter alia the control of Railway expenditure, are contained in Chapter III of the new Codification of the Powers of the General Manager, which was approved by the Secretary of State in his despatch No. 167 of the 27th of March, 1940, and which came into force on and from the 1st of May, 1940. In particular, the General Manager is empowered to re-allocate the funds provided in the annual estimates and by Special

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Warrant, not only as between subheads within a single Abstract but between one Abstract and another. This power has since been made subject to a monthly return being rendered to Government by the General Manager of the re-allocations approved by him.

12. The attention of Government was drawn to the fact that in many cases only general savings were quoted against re-allocations of Railway expenditure approved by the General Manager. Arrangements were, therefore, made for savings to be reserved against specific subheads, which will be shown in the General Manager's monthly return referred to in the preceding paragraph.

CAPITAL ACCOUNT.

13. The transactions for the year on Capital Account are shown in Financial Statements Nos. 3, 4 and 4a. Statement No. 4a, which shows the additions and deductions on account of Capital Receipts, has not been furnished in previous years, and the statement giving this information which was formerly annexed to the Audit report is, therefore, no longer necessary.

14. New capital expenditure amounted to £51,587. 7. 5d, of which £49,330. 1. 4d was advanced from the surplus balances of the Colony and £2,257. 6. 1d was net from Railway revenue.

15. Capital expenditure was written up by £19,494. 2. 9d, consisting of (a) £2,966, in respect of Locomotive No. 202 written down in 1937-38 as unserviceable but later found to be still serviceable, and (b) £16,528. 2. 9d, in respect of expenditure of a capital nature met from Railway revenue in past years not previously capitalised.

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The error has been adjusted in 1940-41 accounts by re-capitalising the amount written down and crediting Railway revenue.

18. The net reduction in capital expenditure on account of the transactions described in paragraphs 13 to 16 above was £1,216,938. 5.10d. Corresponding additions and deductions were made in the total of capital receipts except in regard to the withdrawal of assets from service (item (b) of paragraph 16 above), which, under existing rulings, no longer involves an equivalent capital redemption. A further deduction of £1,338 was, however, made to correct the error referred to in paragraph 16 of the 1938-39 report. The net reduction in capital receipts was therefore £1,151,058. 5.10d, and the balance on capital account was increased by £65,880 from £11,953 at the beginning of the year to £77,833 at the close of the year.

19. The question of incurring fresh expenditure from the balance on capital account was under consideration during the year. Government proposed, and in despatch No. 419 of the 9th of July, 1940, the Secretary of State approved, that capital expenditure for the year 1940-41 should be financed entirely by this means, and that the general question of the disposal of the balance should be considered in connection with the preparation of the 1941-42 Estimates. It may be observed that as the Railway make no Sinking Fund contributions the utilisation of the capital account balance for fresh expenditure removes the only existing means of capital redemption.

20. With reference to paragraph 19 of the 1938-39 report, the Re-assessment Committee submitted an interim recommendation that capital should be written down without charge to the Railway in respect of certain assets in the class "not required to be replaced", having a total

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8. original cost of £592,367. This recommendation has been accepted in principle by Government, but no adjustment of capital or interest charges is to be made pending a decision on the Committee's final report as a whole.

ANNUAL ACCOUNTS AND STATEMENTS,
RECONCILIATIONS, ETC. (EXCLUDING CAPITAL ACCOUNT).

Revenue and Expenditure.

21. The revenue and expenditure for the year are detailed in Financial Statements 2, 5, 6, 7 and 8 and the supporting Abstracts. Working revenue and expenditure amounted to £2,110,023. 6. 3d and £1,255,750.11.1d respectively, as against £2,152,871. 8.11d and £1,360,857.13. 7d respectively in the previous year. Net Revenue (see paragraph 4 above) amounted to £354,272.15. 2d, as against £792,013.15. 4d in the previous year, an increase of £62,258.19.10d. Expenditure charged to Net Revenue account in respect of interest on capital, contribution to Renewals Fund, withdrawal of capital assets, capital expenditure from revenue and losses on sales of investments amounted to £1,216,516. 2.10d. Credits to Net Revenue account in respect of appreciation and profits on sales of investments and the adjustment of capital receipts from Railway resources (see paragraph 18 above) amounted to £35,772.16. 4d. There was accordingly a deficit for the year of £326,470.11. 4d, as against an estimated deficit of £38,772 and an actual deficit of £473,875. 8. 2d in the previous year. The deficit for the year, added to the debit balance of £169,978. 3.10d on Revenue and Expenditure account brought forward from the previous year, resulted in a total deficit at the close of the year of £496,448.15. 2d.

22. With reference to paragraph 25 of the 1938-39

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9.

report, a further proposal was submitted to the Secretary of State in the Governor's despatch No.79 of the 2nd of February, 1940, that the deficit on Revenue and Expenditure account should be met by appropriation from Renewals Fund, the full contribution due to Renewals Fund being charged so as to establish the true amount of the deficit and of the appropriation made to meet it. This proposal was made subject to the limitation that it should not apply beyond 31st March, 1941, that the total amount appropriated should not exceed £1,000,000 and that the amount so appropriated should be recognised as a liability of the Railway to the Fund to be repaid as soon as any surplus revenue is available. The Secretary of State's approval of the proposal was conveyed by telegram (No.207 of the 4th of March, 1940), and the necessary appropriation made to meet the deficit of £496,448.15.2d mentioned in the preceding paragraph appears as a special credit to Net Revenue account.

23. Two errors in the Revenue and Expenditure account figures were disclosed by audit too late for adjustment in the accounts for the year. They are :-

(a) The over-debit of £2,027 on account of Capital expenditure incorrectly written down, which is referred to in paragraph 17 above. This amount is included in the figure of £8,775 shown as "Capital Adjustment" in Financial Statements Nos. 2 and 6.

(b) An over-credit of £73. 11. 0d on account of erroneous revaluation of a Renewals Fund investment (see paragraph 27 below).

These errors affect the accuracy of the General Balance Sheet,

24. A list of errors of classification brought to notice and admitted by the Chief Accountant too late for adjustment

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adjustment in the accounts for the year is attached to this report as Annexure 8.

General Balance Sheet.

25. The General Balance Sheet has been examined, and, subject to the qualifications mentioned in paragraph 23 above, is correct. A proof of the General Balance Sheet is attached as Annexure 10.

26. CASH and INVESTMENTS. Boards of Survey were held on all chests at the end of the year. Regular quarterly boards were also held, and the findings have been verified with the respective Cash Books. There were no local remittances in transit at the close of the year. A remittance of £10,000 to the Crown Agents for the Colonies telegraphed on the 31st of March, 1940, was not received until the following day and therefore appears as in transit.

27. The cash and securities in the hands of the Crown Agents for the Colonies at 31st March, 1940, have been verified with the certificates furnished by the Crown Agents. The fixed bank deposit of £1,250, held on behalf of the Fines Fund has been verified. The market values of all securities have been examined and are correct with one exception. The Renewals Fund holding of £29,420.14.2d Dominion of Canda $3\frac{1}{2}\%$ Registered Stock, 1930-50, was revalued at $100\frac{1}{4}$, the rate at which official dealings in that stock last took place. No official mean market rate was quoted for the stock on the 31st of March, 1940, and it is considered that the existing book value of the holding should, therefore, have remained unaltered. The appreciation thus incorrectly taken to account amounted to £73. 11. 0d.

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28. SUNDRY DEBTORS. The balance of the "Government of Nigeria - Posts and Telegraphs" account has been reconciled with the corresponding item in the Colony Balance Sheet ("Postmaster-General - Account with Railway").

29. Miscellaneous advances outstanding at 31st March, 1940, are detailed in Financial Statement No.19. With reference to paragraph 31 of the 1938-39 report, the balance of £124. 5. 5d due from the Industrial and Commercial Bank still remains uncollected. The question of a book write-off has been postponed pending the result of negotiations now in progress, which may result in the recovery of all or of a large part of the amount due. No other advances outstanding call for any special comment.

30. The balance of "Demands Receivable" account represents Provident Fund contributions due in March from March salaries paid after the close of the year. Formerly, contributions were credited in the Railway books according to the month of payment and in the Provident Fund books according to the month when due. The new system eliminates the differences between the Railway and Provident Fund books at the close of the year and enables the true liability of the Railway to the Provident Fund at 31st March to be shown in the General Balance Sheet.

31. The balance of "Coal Adjustment" account is commented upon in paragraph 54 below.

32. STORES. The departmental and General Audit balances of Unallocated Stores, Coal and Manufacturing Suspense accounts have been reconciled where necessary. A summary of the respective balances appears in Annexure 7, with which the supporting stock balance sheets and stock valuation returns are enclosed. The actual stocks are in every case well within the standard stock limits authorised by the Secretary of State.

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33. CAPITAL ACCOUNT AND APPROPRIATED FUNDS. Special comments on these sections of the Balance Sheet will be found in paragraphs 13 to 20 and 60 to 68 of this report.

34. SUNDRY CREDITORS. The amount advanced by Government for Working Capital, which appears as "Government of Nigeria: Advances", remains unchanged at the figure of £350,000. Interest on this advance is payable at $\frac{1}{2}\%$ above bank rate, but a uniform rate of $2\frac{1}{2}\%$ was paid during the year under review. The attention of Government and the Railway has been drawn to the question of adjusting the interest rate in accordance with the fluctuations in the bank rate which occurred during the period August to October, 1939, and the matter is still under consideration. The balance of the current account with Government "Government of Nigeria - Miscellaneous", has been reconciled with the corresponding item in the Colony Balance Sheet, "Nigerian Railway - Sundries".

35. Miscellaneous Deposits outstanding at 31st March, 1940, are detailed in Financial Statement No. 20. Two items call for comment :-

- (a) H. Cleghorn: £1,064. 18. 1d. This amount which has been outstanding since 1938, is due to the executors of Mr. Cleghorn's estate and will be cleared by the Government of Trinidad, who will recover through the Crown Agents' Account.
- (b) Comacico: £1,108. 13. 5d. This amount represents the balance of deposits made by Messrs. Comacico, a French firm with whom the Railway were under contract to sell scrap metal. Owing to war conditions shipments of scrap have been suspended and the deposit is being retained pending a decision on the general question of the disposal of scrap metal.

36. The balance of Demands payable account represents the amount of liabilities chargeable against the provision for the year in accordance with the Appropriation Ordinance but not paid by the 31st of March.

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it occurred and escaped detection were considered by the General Manager to indicate serious negligence on the part of the responsible officer, against whom disciplinary action was taken with the approval of Government. As regards the latter, no exact explanation was furnished by the pay-clerk but consideration was given to the difficulties under which the up-country pays take place, and no disciplinary action was taken. In neither case was any defect in the system of account revealed.

39. Revenue. With reference to paragraph 35 of the 1938-39 report, Government decided that as the relative clause in the Tariff was ambiguous, no claim could be maintained in respect of previous periods and no further recoveries were therefore made.

40. An Audit inspection of the station accounts at Bukuru brought to light irregularities suggesting that one or more members of the station staff were engaged in unofficial activities contrary to regulations. The irregularities arose partly out of the practice whereby certain firms utilise their credit accounts with the Railway for the purpose of consigning goods on behalf of other parties, and partly from facilities granted to firms by the Railway for depositing cash at various stations either in part payment of freight bills or to cover future bookings. The facts disclosed by Audit formed the subject of a joint report by the Chief Traffic Superintendent and the Chief Accountant, the conclusions of which were first, that the use of Railway credit notes in the manner described was legitimate and could not be disturbed, and secondly, that the cash deposit system should be made subject to stricter limitations and safeguards. The General Manager issued instructions accordingly and disciplinary action was taken against the staff concerned.

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15.

41. Expenditure. With reference to paragraph 39 of the 1938-39 report, queries on expenditure vouchers were fewer than in the previous year and on the whole there was an improvement in the preparation of vouchers. On the other hand, a larger proportion than usual of the queries issued were concerned with wages sheets, and it was necessary to draw ^{the} attention of the Chief Accountant to instances of non-compliance with the regulations dealing inter alia with ^{prior} ~~priority~~ authority for excess rates of pay, allotment or loss of tallies and material alteration of figures to correct errors. In the case of the Civil Engineering Department, it appeared that the allocation of wages sheets to expenditure subheads was not always made with sufficient care and accuracy.

42. Further enquiries made after settlement of a query on 1938-39 accounts brought to light an irregularity in allocation and control of Civil Engineering Department expenditure. Materials had been ordered in anticipation of sanction of additional funds for the renewal of culverts programme, but as the sanction was not given, the cost of the materials (£43.16.2d) was then charged to Item 12 of Capital Works in order to avoid an excess on the culverts vote. The accounts were corrected by adjustment to the 1939-40 provision for the renewal of culverts programme and the overcharge to Item 12 was refunded to Government (see paragraph 16(c) above).

43. The sum of £39. 7. 8d was recovered on three Audit queries on overpayments of salary and acting allowance, and there was a temporary deterioration during the year in the normal standard of accuracy in accounting for personal emoluments. Prompt action was taken by the Chief Accountant to deal with this as with all the criticisms mentioned above, and improvement had already taken place by the close of the year.

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44. It was necessary to challenge the authority for payment of acting allowance to officers still serving on the old time-scales who are appointed to act in the new time-scale posts of District Traffic Superintendent, District Running Superintendent and Section Engineer, Grade I. According to existing regulations as approved by the Secretary of State, officers appointed to act in time-scale posts may only draw acting allowance if they have converted to the new conditions of service and accepted the new pension terms. Certain temporary arrangements had been in force to enable acting allowance to be paid in respect of the posts specified above, but these arrangements had not received the sanction of the Secretary of State.

The matter was referred to Government, whose decision was that the payments should be dis-continued forthwith and that the payments already made, totalling £687. 4. 8d, should be notified to the Secretary of State with a request for retrospective approval. The Secretary of State's approval was conveyed by despatch dated 26th September, 1940.

ARREARS IN THE COLLECTION OF REVENUE.

45. The balance outstanding on Traffic account at the close of the year was £107,690. 16. 4d, which represents a normal proportion of the revenue earned during March but not collected by the end of that month. The improvement in the collection of Native Administration accounts was maintained and all bills outstanding at the close of the year were paid by the 31st of July following. Error advices outstanding were cleared by the 30th of September except for minor items totalling £0. 15. 7d.

LOSSES OF RAILWAY MONEY AND STORES.

46. With reference to paragraph 44 of the 1938-39 report, the amounts of £3. 16. 0½d and £3. 6. 10d were recovered from the Provident Fund deposits of the officer,

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Stores	No. of Items verified.	Value of Stock.	Excess taken in charge.	Deficiencies written off.
General Stores, Ebute Metta.	2,166	£. s. d. 50,114.14.4	£. s. d. - 14. 3	£. s. d. - . 4. -
Enugu Stores (General, Loco General, Permanent Way Material, Loco: Carriage and Wagon Spares and Group Sundries).	2,703	33,506.14.3	- . 3. 9	- . - . -
Loco, Carriage and Wagon Spares, Ebute Metta.	2,441	76,316.12.7	2. - . 1	- . 6. 5
Loco: General Stores, Ebute Metta.	3,441	34,009.17.4	2. 18. 7	1. 9. 6
Motor Transport Stores, Zaria.	1,506	3,346. 4.11	- . - . -	- . - . -
Totals	12,257	197,294. 3.5	5. 16. 8	1.19.11

As no fraud or negligence was involved, the deficiencies were written off to Expenditure under the General Manager's authority, the vote of charge being Abstract 'F', item 646, "Deterioration, Breakages and Losses of Stores in Stock".

51. Boards of Survey were held during the year to inspect and report on stocks of obsolete and redundant materials in the General Stores at Ebute Metta and the Road Transport Stores at Zaria. The boards recommended that the following items and values should be written off unallocated stores charge :-

<u>EBUTE METTA</u>	
(a) Permanent way Stores	891. 17. 7
(b) Loco General Stores	67. 14. 8
<u>ZARIA</u>	
(c) Motor Spares and Stores	<u>165. 0. 2</u>
	<u>1,124. 12. 5</u>

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The recommendations were carried out with the approval of Government, items (a) and (c) being charged to Abstract 'F', Item 646 and item (b) being charged to Abstract 'B', Item 156. Some of the stores written off are being utilised as Foundry material and the remainder are being sold in accordance with the recommendation of the Stores Superintendent.

52. Minor losses of stores due to short-delivery or breakages were written off on the recommendation of the Stores Superintendent and with the approval of the General Manager. The total amount involved was £13.15.10d, which was debited to Abstract 'F', Item 646.

C O A L.

53. Surveys of Coal Stocks were made during the year as follows :-

Date		Net Surplus	Net Deficit	Value
		T. C. £.	T. C. £.	£. s. d
1st October, 1939	(a) <u>Railway</u>			
	Western		495. 6. 0	202. 4. 11
	Northern		1,332.19. 0	533. 3. 7
1st April, 1940.	Eastern	262. 0. 0		106.19. 8
	Western	1,514. 3. 1		618. 5. 7
	Northern	1,106. 6. 0		451.14. 9
1st October, 1939.	(b) <u>Colliery</u>			
	Western		756.11. 0	699.16. 2
	Eastern		0. 4. 0	0. 1. 7
1st April, 1940.	Western		1,489.11. 1	1,335.14. 4
	Eastern		1,126.13. 0	457.11. 0

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With the approval of Government surpluses or deficits revealed by coal surveys are now credited or debited (a) in the case of Railway coal (Fuel Suspense account), to the Fuel vote in Abstract 'B' of the Railway Estimates and (b) in the case of Colliery Agency coal (Coal Main account), to Coal Adjustment account (See paragraph 54 below). Government also approved that surveys should be made annually on the 31st of March instead of half-yearly as in the past. The surpluses and deficits detailed above were accounted for in accordance with the new procedure and the substitution of annual for half-yearly surveys will take effect as from the year 1940-41. The difference in rates at which Railway and Colliery Agency coal was valued for the purpose of adjusting survey discrepancies is due to the fact that the cost of Railway coal debited to Fuel Suspense account during the year under review was exclusive of ocean freight and handling charges, for which separate provision was made in the estimates, whereas Coal Main account bore the full cost of Agency coal according to the dump at which it was delivered.

54. To cover losses due to transport and handling and normal shortages revealed by survey, authority was given by Government to include an allowance at the rate of 2d per ton in the issue price of coal held on Agency account. The proceeds of this allowance are credited to a "Coal Adjustment" account, which receives debit when losses are adjusted. It was not possible to impose the 2d per ton on sales to the public during the year under review, as insufficient notice could be given of the resulting increase in the price of coal. Consequently the account showed a debit balance at the close of the year, amounting to £735.10.2d, which was carried forward. From the 1st of June, 1940, sales to the public also bear the extra charge and the increased receipts are

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reckoned to be sufficient to cover both the deficit brought forward and any losses incurred during the current year.

55. During January and February, 1940, there was a loss by fire of 129 tons of coal at Jebba, due apparently to spontaneous combustion. There was no fraud nor negligence involved and the loss has been written off with the authority of the General Manager.

ALLOCATED STORES.

56. Boards of Survey were held during the year on Allocated Stores at the following stations :-

Loco Store at Baro; Paint and Carriage and Wagon Stores at Port Harcourt; Workshop Yard at Ebute Metta Junction; Running Sheds at Ibadan and Enugu; Engineering Yard at Enugu.

57. Verifications were carried out by Stock Verifiers at the following stations :-

Loco Running Sheds at Ebute Metta, Makurdi, Kano, Kafanchan, Port Harcourt, Zaria, Jos, Minna, Offa and Jebba; Engineering Stores at Ebute Metta, Zaria, Kano, Kafanchan, Port Harcourt, Makurdi, Kaduna Junction, Minna and Offa; Signal Stores at Ibadan and Kaduna Junction; Carriage and Wagon Stores at Port Harcourt, Ebute Metta, Zaria and Apapa; Railway Press at Ebute Metta; Coal Conveyor at Port Harcourt; Mechanical Workshops and Electrical Stores at Zaria; Electric Sub-Station at Ebute Metta; Coal Transporter at Iddo; Workshops Paint Store at Ebute Metta; Motor Stores at Zaria and Cranes Stores at Apapa.

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62. With reference to paragraph 59 of the 1938-39 report, complete agreement was ultimately reached on the form of the Renewals Fund rules to be submitted to the Secretary of State. The rules were approved by the Secretary of State in despatch No.31 of the 18th of January, 1940, and were put into effect forthwith. The Renewals Classification to which the rules refer and on which their operation to a large extent depends has not yet been completed.

63. With reference to paragraph 60 of the 1938-39 report, the final report of the Re-assessment Committee has not yet been received, but is expected shortly. The accounting changes now under consideration as indicated in paragraph 4 above also cover Renewals Fund procedure and the detailed instructions which have been drafted embody and amplify the rules already approved by the Secretary of State.

PROVIDENT FUND.

64. The transactions for the year of the Railway Provident Fund are summarised in Financial Statement No.16, and the Balance Sheet as at 31st March appears as Financial Statement No.15. The balance of the fund at 31st March was £541,924.11.4d. as against £501,064. 9.11d. at the corresponding period of the previous year. The market value of the investments held on behalf of the fund was £538,599.15. 9d, and the fund was, therefore, under-invested by £3,324.15. 7d.

65. With reference to paragraph 64 of the 1938-39 report, the projected new Railway Provident Fund Ordinance has not yet been enacted. The transactions on Interest account have, however, been shown under that heading and
not

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25.

<u>Division</u>	<u>Total number of Stations and Halts.</u>	<u>Total number of Stations inspected.</u>
Western	74	17
Northern	81	81
Eastern	58	57
Motors	<u>6</u>	<u>6</u>
	<u>219</u>	<u>161</u>

The reports of these inspections have been scrutinised by this Department with satisfactory results. Inspections by the Chief Accountant's staff were interrupted during the year owing to the release of officers for war service but have recently been resumed on a reduced scale. The temporary suspension of station inspections and also, if necessary, of stock verifications has been approved by Government, but that decision has not, so far as this Department is aware, been communicated to the Secretary of State.

ANNUAL PROGRAMME OF WORK.

70. The examination of all Railway accounts for the year has been completed in accordance with the authorised programme of work.

71. Of the thirty-one stations listed in the programme of work seventeen were visited during the year (four twice). In addition to those listed, five other stations and four motor stations were inspected. The stations inspected were:-

Western
Division

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<u>Western Division</u>	<u>Northern Division</u>	<u>Eastern Division</u>	<u>Motors</u>
Ebute Metta	Kimma (twice)	Port Harcourt (twice)	N'guru
Ebute Metta Junction	Zaria	Enugu (twice)	Sokoto
Oshogbo	Kaduna Junction	Oturkpo	Gusau
Ibadan	Kaduna North	Lafia	Zaria
Jebba	Kano	Kafanchan	
	Mallam Maduri	Bukuru	
	N'guru	Jos	
	Funtua	Jos Market	
	Gusau (twice)		

Inspection of the Jebba Bridge Tolls was also carried out. The decline in the number of inspections undertaken as compared with the previous year was due to shortage of staff.

72. Generally the standard of accounting at stations was satisfactory, but it was necessary to bring to the notice of the Chief Accountant instances of non-compliance with the regulations governing inter alia reweighment of consignments, both as regards certain commodities and as regards wagon loads, collection and preservation of owners' portions of waybills, use of tally books and preparation of goods waybills. The necessary action was taken by the Traffic Department at the request of the Chief Accountant.

73. There are no outstanding questions, whether raised by query or otherwise, which affect, or are likely to affect, the accuracy of the accounts, or which are of importance but which do not affect, or are not likely to affect, the accuracy of the accounts, except such outstanding questions as are mentioned specifically in this report. Outstanding queries are shown in Annexure 9.

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74. The annual Report on the Audit of the Accounts of the Nigerian Railway for the year ended 31st March, 1939, together with the Report of the Director of Colonial Audit on the accounts of the General Manager of the Nigerian Railway for the year ended 31st March, 1939, will be laid before the Legislative Council at its next session.

S T A F F.

75. In concluding this report it is a pleasure to be able to express an appreciation of the loyal and efficient services rendered by the staff, both African and European, during the year.

(Sgd.) H. W. Drake.
AUDITOR.

6th December, 1940.

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C.O.
Education
(Tills)

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1 Morris Tel. _____ 8. 3. 41.

2 Morris _____ 12. 3. 41.

Mr O.G.R. Williams

(1) has now been followed up by (2), posted a few days later. The letter to me from the Director of Feb-22, to which (1) and (2) refer, has still not arrived and I think this means a mail has been lost & we had better let Mr Morris know.

I am not clear how a copy of the minutes of Mr Duckworth's remarks to the A.E.C. reached the Principal of Yaba, as they have not been sent out to Nigeria & Mr Duckworth himself has not yet been sent a copy. However Mr Butler, the Principal of Yaba, has clearly seen them & the missing letter of Feb 22 includes a letter from Mr Butler which I am asked to put before the A.E.C. We may expect any day a reply to (2) from Mr Duckworth to be forwarded by Mr Morris.

I attach a draft, wh. you wd be pleas
d.s. if you agree.

C. G. R. W.
25/4/41

Mr Davidson to see

Mr Davidson
25.4.41

We have received some dep. etc from
Nigeria about the 22 Feb but I think
they have come by air mail & the missing
letter presumably went down in a ship

O. G. R. W. 28.4.41

DESTROYED UNDER STATUTE
No 100 of 1952
1/11

(28/11) 28.4.41

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these lines surely was given to them?

I pass thro. Mrs Davidson in case he has anything to add.

Charles Cox

1.5.41

Is it?

It is evident that the marked passage in (4) has given the A.C.F.C. a wrong impression of the scope and content of the Science courses at Yaba. The letters from Mr Morris & Mr Murray at (2) and (4) put the matter in proper perspective.

I can well understand that Mr Butler is chastised on account of Mr Buckworth's statement although I do not think the matter warrants increased blood pressure. As Mr Cox says, the offending passage can be corrected by an amending notice.

Mr Buckworth was recruited by Mr Murray mainly with a view to inspecting and raising the standard of Science in Secondary schools throughout Nigeria. No doubt he has so many irons in the fire at present that he cannot well more out of his way. But I do feel that his activities at the local Information Office should be part-time only and that he should devote some, at least, of his time to supervising the practical training of the Science masters at Yaba. This is really an integral part of his job which he has gone out of his way to criticize. When Mr Morris's letter arrives we shall doubtless hear more on this point.

I am most perturbed to learn that all these Government secondary schools in the S. Provinces have been commandeered by the military. The dispersal of the Umuhari students is particularly unfortunate.

Mrs Davidson
2.5.41

'Informations' in Nigeria is, I think, a very live subject. In fact it has been rather the policy of the Nig. Govt to 'self-peddle' her news especially at any rate over the vast massless illiterate hinterland, & I can't help

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7 To Morris — 6 ans — 22.8.41.
6

8 Extract from minutes of 113th meeting of the
A.C.E.C. held on Thursday 21st August 1941.
at the Colonial Office.

M. Cox

Dear! dear! dear!

OGM 14.10.41

Yes indeed!

B.V. to me to prepare abstract for
next A.E.C. meeting in a month's time.

C. M. Cox

18/10

9.10

B.V. of mine above
revised

9 Education in Nigeria: amending ¹⁸⁷hile on R. Duckworth's
statement at 108th mtg. of A.C.E.C. (A.C.E.C. 13/41).

9.10

10 Note on Education in Nigeria: duplicate of 9.

11 Extract from mins. of 114th meeting of A.C.E.C.
held on 11th Dec. 1941. at Colonial Office

Per by.
A.C.E.C.
24.10.41

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1942

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12. Nigeria — 473 — 31.7.42.
(orig lost by enemy action)

? as in apr ltr

& rec'd to R 94 for VF

FJ Pedler

5/3

I am sorry this has been overlooked.

The growth of engineering at Yaba has to be watched if duplication in higher education functions with Achimota is to be avoided. There is no talk here of an extension of duties however, so we can approve, I think.

It will be difficult to spare Mr Gilbert & impossible to recruit from this country.

Curtis Cox

27/3

Afterwards a letter following up & embodying it & referring to it shld go s.-o. from me to Mr Norris.

Curt

DESTROYED UNDER STATUTE 13. 1/2. 42. Nigeria Tel. no. 374 30/3/42

Mr O.G.R. Williams

It is unfortunate I didn't get off the letter promised at x in 7 early this year. I suppose as a letter was promised that the present draft shld go?

Curtis Cox

24/10

I suppose so. I don't know if it will reach here before he comes on leave but anyhow it will be on record out there for reference when required.

Dated 29.10.42

14. Mr Norris Ho (ref. mda 10) —

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15 Nigeria 357 ————— 6.9.43

(12)

In the despatch received here in February last year the Governor sought approval for an increase of one in the establishment of lecturers and asked that steps might be taken to obtain a lecturer in engineering for the Higher College at Yaba. Provision for an additional lecturer was duly approved, but for reasons which are not now apparent, no steps were taken to try and find a candidate. The Acting Governor has now drawn attention to Sir Bernard Bourdillon's request and asks that the Crown Agents may be instructed to look for a candidate in this country as the filling of the post is now a matter of some urgency.

(13)

The prospects of obtaining a suitable candidate do not appear to be very bright. Mr. Robinson has drawn my attention to the fact that we have been trying for over two years without success to fill a similar post at Achimota and have recently informed the Gold Coast that we do not feel that it is any use pursuing the question at present, but that the position will be reconsidered in six months' time.

(72) in 31063/43.

It will be observed, however, that Nigeria is willing to pay such salary, within the approved scale of £400 - £1,000 as may be considered commensurate with the candidate's qualifications and experience. The Gold Coast on the other hand is only offering a salary of £475 (or more for exceptionally suitable man) rising to £540. I have discussed the salary question with Mr. Bradstreet who thinks that the fact that Nigeria is prepared to go up to ~~£1,000~~ £1,000 would justify the vacancy being advertised in spite of the fact that the advertisement

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advertisement of a similar post in the Gold Coast produced no candidates.

I think it is quite clear that, even if Mr. Gilbert is prepared to accept a transfer, the Gold Coast would be most reluctant to release him. Unless, therefore, Promotions have any other candidates to offer, we should presumably ask the Crown Agents to advertise the new post.

There is one point, however, which should perhaps be settled first. I understand from Mr. Robinson that if we did by chance succeed in filling the Nigerian vacancy after having failed to find a candidate for the Gold Coast, the latter Colony is likely to feel somewhat aggrieved. In his minute of 27.3.42 below (12) herein, Mr. Cox referred to the danger of "duplication of higher education functions" in terms which suggested that, in regard to engineering anyway, Achimota was to be regarded as having prior claims. If, therefore, it appeared that the higher emoluments offered by Nigeria might be likely to attract a suitable candidate, it might be desirable to give the Gold Coast an opportunity of putting in a second bid.

In view of the appointment of the Higher Education Committee, the question of priority must to some extent be regarded as sub judice but it would obviously be undesirable to defer action on that account. if there was any prospect of finding a candidate in the immediate future.

Perhaps Mr. Foster and Mr. Robinson will be good enough to record their observations on this question.

Franklin
27.10.43.

Civil Engineer will be at a premium just now. I suggest that if he advertised that vacancies exist in West Africa on salaries ranging between £2000 - £3000 for Civ. Eng. engineering lecturers. If we get any 'bites' the Gold Coast Govt could then be advised whether to offer more or not.

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I suggest that it might be a matter 10
 for determination? by the Commission,
 whether Achimota or Yaba require
 Engineering Science of the PSC
 status yet. Might one institution
 serve the two countries in so far as
 the needs for A.C. Engineers in the
 P.W.D. goes? There is no doubt
 by scope for the less highly
 qualified overseas right now, and
 feel we need the Commission
 advice on this.

S. Foster
 27.10.43

3 The Achimota papers have become
 detached in transit. I think the salary
 proposed for the lecturer in engineering
 there must have been £475 x £25 to £600 x
 £30 to £840. The £480 mentioned by
 Mr. Parkinson in his minute must, I think,
 be a typing mistake.

2. I doubt whether we are justified
 in trying to get two engineers for these
 vacancies in West Africa, and it must be
 remembered that we have to satisfy the
 Ministry of Labour of the essentiality of
 the job before we are able even to
 advertise it. The actual advertising is
 done, I believe, through the Overseas
 Manpower Committee of the Ministry of
 Labour. Nevertheless I agree that we
 should proceed as Mr. Foster suggests.

3. I do not understand the Crown
 Agents' attitude in saying that this
 small

has minute
 27/10/43

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small increase in the maximum of the scale is likely to have so much effect in producing candidates. I cannot understand why - if this is the case - Mr. Bradstreet did not so advise us in connection with the Achimota post to which, as he very well knows, we attach great importance.

4. I am not clear whether the courses at Yaba are of an elementary or relatively advanced character, but my impression certainly was that the Achimota engineering courses were the only ones of graduate status in West Africa, and while I do not wish to press the Gold Coast requirements unreasonably, it seems to me that if the status quo is to be maintained pending a report of the Higher Education Commission, and only one engineering lecturer can be obtained, the proper place for him is at Achimota and not at Yaba.

K.E. Ramson.

28th October, 1943.

Let us admit £1000 and
then, in the military em
getting my body. Consider them in skill
go. In admission shall specify 'West
Africa'
ABC
23/10

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Mr Foster.

I certainly was under the same impression as Mr Robinson about the standard of engineering teaching at Achinista.

The course on this file does not seem to throw much light on the qualifications required or the standard of teaching aimed at for the Yaba post.

I should be grateful for your further advice in view of the closure of Mr Robinson's account.

OMW 2.4.43

The position I understood is that at the moment Yaba engineering is approximately to the Diploma status & Achinista to the Degree status. The first is more practical & the second more professional & academic. There is no indication however that the Yaba course is intended to remain at the Diploma level. Sir W

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Maclean whom I have spoken, is fairly certain that Yaba intends to imitate Accra. The two posts require similar qualifications & are both for 'lecturers'. The salary for the 'superior' course is moreover the higher. 13

I advise you advertise for Civil engineering lecturers for W. Africa in the first place & see what replies are obtained. I assume the W.A. Higher Ed. Commission would notice this question of 2. 'Higher Engineering Colleges in one region' & advise - or should they have their attention drawn to this & the advisability of or having specific recommendations made?

J. Foster
2/11/43

M. Cohen.

In view of M. Foster's minute I feel ~~rather reluctant~~ but it might be a well before proceeding attempting to decide which post - Accra or Yaba - should be filled - to draw Nigeria as exactly what they have in mind as to the future of engineering teaching at Yaba taking regard to existing facilities at

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x) believe a
similar point
was about the
app. of a biochemist
lecturer for the
medical
School at Yale

14
Advise of the fact that is now
life to High Co: Comm. Perhaps
you wd like to consider this point.
reachable in Court, as you
suggest, ask C. A. to advertise
for "West Africa"

Over
4. 4. 43

I agree. Let us ask C. A.
to have a draft. help to
Nigeria. Pl. comm. with
Mr. Robinson. ABC

~~11/1/43~~ 16

6/11
to Bradstreet (w/c. 15) com. 6/11
to Robinson. 11.11.43
I am afraid the draft was prepared
to your bank

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(17)

15

I have now enclosed in the file an extract from the Annual Report of the Nigeria Education Department for the year 1933 which throws some light on the nature and objects of the Civil Engineering Course at Yaba. Later reports show that the course now lasts four years but first year students are confined to science, mathematics, English and drawing, and the Engineering course proper only starts in the second year. A class of ten is admitted every other year. This means that in one year the Engineering Lecturer would have twenty pupils and in the following year only ten. Most of the ex-students have been absorbed by the Public Works Department (not in 'European' appointments but presumably as "Junior technical staff").

It is clear, therefore, that the Yaba course is at least as well established as the Achimota course and has proved as valuable in practice, though in a rather different sphere, and I think we should avoid the suggestion in the despatch, that Achimota's claim to priority is based on a vested interest upon which Yaba is trying to encroach. It was admittedly the original intention that the Yaba course should eventually be raised to graduate status but Nigeria has never suggested that the appointment now under consideration was intended as a development in this direction; the reason given ^{in the despatch} was merely that the ~~existing~~ ^{existing} arrangement, whereby a P.W.D. Engineer was seconded for duty as a Lecturer, had proved unsatisfactory both from the point of view of the College and the P.W.D. At the same time, to avoid any future misunderstanding it would be as well to retain the reference in the draft to the Higher Education Commission.

The position, as I see it, is that it is important to maintain the existing courses at both institutions but that, whereas only a fully qualified lecturer is of any use for the Achimota course, Yaba has in fact managed for the past ten years with a seconded P.W.D. Officer; and while P.W.D. Engineers are difficult to obtain, lecturers are apparently even more difficult. In these circumstances if only one candidate is forthcoming, he should go to Achimota and Yaba will have to carry on with the existing arrangement.

*I suggest the dft. might be amended as in the slip
than attached thereto.*

J. M. S.
2. 12. 43.

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Still no reply to No. 16.

J. Keuff

11.1.44.

(16) does not require a reply at this stage. C.A. are advertising.

By 13.2.44 for reply to (17)

J. Keuff

OK

C.A. 18

Mr Robinson

I understand from C.A. that there have been a number of replies to the advertisement for a Lecturer in Engineering "West Africa". C.A. are not yet in a position to say whether one or more are likely to prove suitable but the possibility of our being able to fill both vacancies cannot be overlooked and you may wish to consider asking the G.C. ^{now} ~~to~~ for a decision as to how much they will be prepared to offer, so as to avoid delay when full information about the various applicants is available, as it should be shortly.

J. Keuff
5.2.44

N. O. G. R. Williams.

In spite of the delay, I should prefer not to ask Archibald too we know what the possibilities are.

K. E. Parsons.
5.11

Yes. We can telegraph if necessary
18.2.44

discuss
file

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B.V. as directed in minutes of 11/18

E. Knoff
12.2.44.

By 28.2.44

14/2 above

28/2

4/4

B.V. as directed.

E. Knoff
28.2.44.

Mr. Vincent, C.A., gave me a less
encouraging report to-day on the prospects
of obtaining a lecturer in Engineering.
The field has now been reduced to
one candidate only, and he, although
reasonably well qualified, has no previous
experience of lecturing. However C.A.
are making further enquiries and are
trying to get the Central Registry, I think,
to help.

in K.E. Robinson's letter

10.4.44
the B.V. letter

10/2
above

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After speaking to Mr. Cohen, I telephoned Mr. Vincent and suggested to him that in view of the great difficulty in getting people for this post, it would be unwise to reject a candidate otherwise suitable merely because he had no previous experience of lecturing. I suggested that he might be seen by people here with knowledge of Achimota, including one of the Educational Advisers and also Mr. Deakin, the senior lecturer in engineering at Achimota, who is at present on leave. Mr. Vincent said that they were now engaged in getting Ministry of Labour permission to interview this candidate and agreed that they would bring in Mr. Deakin if the Ministry of Labour agreed to their interviewing this candidate. He promised to let me know the result. Bring up in three weeks.

H. E. Robinson
28th February, 1944.

B. U. as directed.
S. Knoff
20.3.44

Mr. Deakin called to see me last week & I understood he was seeing this candidate.
? wait for C.A.

H. E. Robinson
20.iii.44

? continue to wait for C.A.
S. Knoff
20.4.44.

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[13966] Wt. 39977 249 50cm. 12 42 C.N.Ld. 748

C. O.

30150/1/43

18 20

13) Parkinson 12.11.43.

Sir A. Dawe.

Mr. K.E. Robinson 22/xi + 2/xii

Sir W. Battershill.

Mr. G. E. J. Gent.

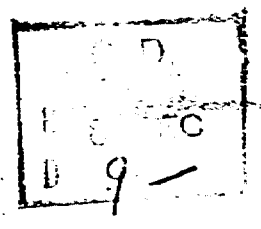
Permt. U.S. of S.

Mr. G. L. M. Clauson.

Permt. U.S. of S.

Mr. C. J. Jeffries.

Secretary of State.



58.
13th Dec 1943

DRAFT. DESPATCH

Sir,
N^o 407

GOVERNOR,

NIGERIA.

I have the honour to refer to your despatch (15) No.357 of the 6th of September regarding the filling of the post of Lecturer in Engineering at the Higher College, Yaba and to inform you there is at present a serious shortage of suitable candidates for such appointments. For some time past exhaustive efforts have been made, both in this country and in the U.S.A. to fill a similar vacancy at Achimota but these have met with no success up to the present. The Gold Coast vacancy, however, was originally advertised within the scale of £475 to £840 and it has been suggested that the higher salary offered for the Nigerian appointment might prove more attractive. The Crown Agents have therefore been authorised to advertise again to the effect that there is a vacancy in West Africa for a Lecturer in Engineering, carrying

FURTHER ACTION.

Copy on 31063/43.

Copy to Gov. G.C. ✓
Copy to Robinson ✓

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a

salary of up to £1,000 according to qualifications and experience.

21

2. You will observe that the proposed advertisement will refer only to West Africa and not specifically to either the Higher College, Yaba or to Achimota. The reason for this is that I am in some doubt as to which institution should have the prior claim to any candidate who might be forthcoming. As you are no doubt aware Achimota has for many years provided courses for both the Intermediate and Final B.Sc degrees in Engineering of the University of London and a number of students have in fact taken the B.Sc. degree from that College. * ~~With the present~~ shortage of manpower ~~I am very unwilling to agree to any~~ duplication of courses, ^{it seems inadvisable,} especially where the number of students at each centre is so small, relatively to the minimum teaching staff required.

3. Moreover I am not clear whether it is intended that eventually Yaba should also undertake the preparation of students for degrees in engineering but if so it appears to me that the provision of parallel courses in Engineering at Achimota and Yaba is a matter which the Higher Education Commission would wish to consider. ~~In the meantime pending recommendation by the Commission consider it desirable that the status quo should as far as possible be maintained.~~

I shall.

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* On the other hand Yaba, although providing a course of a lower academic standard, has for a number of years proved a most valuable source of recruitment for the Public Works Department. With the present shortage of man-power the duplication of courses seems undesirable, especially where the number of students at each centre is so small relatively to the minimum teaching staff required. Any question of providing parallel courses in engineering at Achimota and Yaba would be a matter which the Higher Education Commission would no doubt wish to consider.

P U B L I C R E C O R D O F F I C E

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I shall be glad to have your observations on this question at your early convenience

Copies of this despatch are being sent to the Resident Minister and to the Governor of the Gold Coast.

(Sgd) OLIVER STANLEY.

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NIGERIA.

NO. 357

15
GOVERNMENT HOUSE, 26

NIGERIA

6th September, 1943.

Sir,

I have the honour to address you on the subject of filling the post of Lecturer in Engineering at the Higher College, Yaba.

12 2. In his despatch No.473 of the 31st of July, 1941, Sir Bernard Bourdillon sought approval to provide for this post in the 1942-43 Estimates, and requested that, if the approval was given, steps should be taken to secure a suitable candidate for the post. The approval was conveyed by Lord Moyne in his telegram No.374 of the 30th of March, 1942, but no reference was made by him then or thereafter to the question of filling the post.

13 3. I do not think that there are any officers in Nigeria or the Gold Coast who could be appointed to this post. It is unlikely that a suitably qualified engineer would consider a transfer to a post in the same grade since he would have better chances of promotion if he remained in the Public Works Department. Mr. T. T. Gilbert, who was mentioned in the above despatch, is in receipt of a salary of £960 per annum plus £40 per annum extra pay and would probably not accept a transfer to a post of £1,000 per annum with less favourable pension conditions.

4. The filling of this post is now a matter of some urgency, and I should be glad if the Crown Agents could be instructed to look for a candidate in the United Kingdom. If a post-graduate or other course at some Institution at home is considered desirable for a suitable candidate, this Government would be willing, subject to your concurrence, to pay the expenses of it. As already stated in the despatch under reference, any fully qualified candidate

THE RIGHT HONOURABLE
OLIVER STANLEY, M. C., M. P.,
SECRETARY OF STATE FOR THE COLONIES,
&c., &c., &c.

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- 2 -

candidate may be offered such salary within the approved scale as may be considered commensurate with his qualifications and experience.

5. Particulars of office in the usual form are enclosed.

I have the honour to be,
Sir,
Your most obedient, humble Servant,

M. Hanuman
OFFICER ADMINISTERING THE GOVERNMENT.

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Particulars of the office of Engineering Lecturer at the Higher College,
now vacant in the Colony of NIGERIA (Colonial Regulation 29).

G.P., Lagos. 231330

1. Duties of office, and qualifications required for their performance.

Lecturer in Engineering (Civil)

2. Emoluments of office:

£400; £400; £450; £500-25-600; £630; £690-30-840; £880 -

(a) Pensionable. 40-1,000.

(b) Non-pensionable. - Nil -

3. Allowances, quarters and other circumstances affecting the value of the office, including grant of free or assisted passages to the officer and his family on first appointment and on leave.

Government quarters, suitable for single men, free of rent (but not of rates or other similar outgoings), will be provided when such quarters are available. When such quarters are not available the person engaged will be provided with a tent or other temporary shelter, or in certain cases, he will be granted an allowance in lieu of quarters at the discretion of Government.

Free first-class passage is provided when travelling on duty or on leave and free return passage for wife once each tour of service.

4. Nature, number and amount of securities required, and mode of giving them.

N i l

5. Acts, Laws or Ordinances making provision respecting any of the above matters with reference to the sections in which such provision is made.

(a) European Officers' Pension Ordinance, Chapter 26 of the Laws of Nigeria.

(b) Widows' and Orphans' Pension Ordinance, Chapter 28 of the Laws of Nigeria.

6. Whether house accommodation is available or readily procurable, whether furniture, etc., should be brought from England, and any other particulars of a like nature likely to be useful for the information of candidates.

(a) Government furniture requires supplementing according to particular wishes of individual officer. Further details can be supplied on application to Crown Agents.

(b) Monthly payments for pipe-borne water supply and electric light at stations where these amenities are available.

(c) Required to contribute to Widows' and Orphans' Pensions Fund unless exempt by reason of contributing to an approved scheme elsewhere; minimum contribution £24 a year.

7. Whether free medical attendance and medicine are provided.

For an officer but not his wife or family.

8. Whether and, if so, what rates and taxes are payable. Income Tax payable on a graduated scale with family allowance which in no case serves to reduce the tax below 3d in the £ on gross income less Widows' and Orphans' Pension Scheme contributions; e.g. at £400 per annum a bachelor pays £6.18/- and a married man 24.11/-; at £1,200 per annum a bachelor pays £13.11/- and a married man three.

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30150/1/42.

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C. O.

Mr. Davidson. u/w

Mr. Cox 24/6

Mr. ~~Flower~~ O.G.R. Williams 29.10/8

Mr. G. E. J. Gent.

Mr. G. L. M. Clauson.

Mr. C. J. Jeffries.

Sir A. Dawe.

Sir W. Battershill.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

October, 1942.

s/o for Mr. Cox's signature.

DRAFT.

My dear Morris,

E. G. MORRIS ESQ., C.B.E.,
DIRECTOR OF EDUCATION,
LAGOS, NIGERIA.

I am very sorry to find that I have not followed up my letter of August 22nd, 1941, about Duckworth's remarks to the A.C.E.C. earlier in that year.

The Advisory Committee, at a meeting held in December 1941, considered an amending note on Mr. Duckworth's statement, of which I attach a copy, and in the course of discussion the hope was expressed that it would now be possible for the professional training in the theory and practice of teaching to be given in a special one-year diploma course, parallel to that given in

University

FURTHER ACTION.

No 10

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University Training Departments in this country, following on a three year academic course leading to a degree or its equivalent. It appeared to the Committee from ^{The} ~~this~~ correspondence that the teachers course at Yaba was to be lengthened and that additional Staff was available for the purpose.

~~Perhaps you would consider whether it is possible to give effect to the Committee's suggestion and let me have your comments in due course.~~

N.P.

Yours sincerely,

With the transfer of ~~the~~ this side of Yaba's activities to Achimota, the issue presumably becomes an academic one for the time being, but you may like to bear the Committee's suggestion by your ~~future~~ consideration when the time comes for considering the future development of Yaba's higher education in West Africa.

Yours sincerely,

Edmund Cox.

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NIGERIA.

NO. 473.

30037/47k
31st July, 1941.

31

my Lord,

I have the honour to request your sanction to provide in the draft Estimates for 1942-43 for an increase of one in the establishment of Lecturers shown in the current Estimates under Item 1(9) or head II Education.

2. The present arrangement whereby an Executive Engineer of the Public Works Department is temporarily seconded to the Education Department to perform the duties of a Lecturer in Engineering at the Higher College, Ibadan, is regarded in many ways as unsatisfactory by both the heads of the departments concerned and I support their recommendation for the appointment of a full time Lecturer in Engineering. If Your Lordship is in agreement with the proposal I would be obliged if steps might be taken to secure a suitable candidate. As some teaching experience is regarded as essential it will no doubt be necessary to offer more than the minimum of the scale to any fully qualified candidate. In this connection the services of Mr. T.T. Gilbert who transferred from Nigeria to the Gold Coast in 1938 as Principal of the Government Technical School would be acceptable.

I have the honour to be,
my Lord,
Your Lordship's most obedient, humble Servant,

(Sgd) B.H. BOURDILLON.
GOVERNOR.

THE RIGHT HONOURABLE
LORD LOYNE, P.C., D.S.O.,
SECRETARY OF STATE FOR THE COLONIES,
LONDON, S.W. 1.

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Extract from Minutes of 114th Meeting of A.C.E.C.
Held on Thursday, 11th December, 1941, at the
Colonial Office.

6. Education in Nigeria. (15/41).

Mr. Hussey said it was evident from the correspondence that the teachers course at Yaba was to be lengthened and that additional staff was available for the purpose.

He hoped it would now be possible for the professional training in the theory and practice of teaching to be given in a special one-year diploma course, parallel to that given in University Training Departments in this country, following on a 3-year academic course leading to a degree or its equivalent.

He urged that this should be suggested to the authorities in Nigeria.

The Committee agreed.

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A.C.E.C. 13/41.

ADVISORY COMMITTEE ON EDUCATION IN THE COLONIES.

Education in Nigeria: Amending note on Mr. Duckworth's
Statement at the 108th Meeting.

I circulate the attached note for
consideration at the next Meeting of the
Advisory Committee.

(Sgd.) M.P. BARKER.

(Assistant Secretary)

2, Park Street, W.1.

2nd, December, 1941.

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EDUCATION IN NIGERIA.

Amending Note on Mr. Duckworth's Statement at the
108th Meeting of the Committee.

At the last meeting of the Advisory Committee it was stated that correspondence had taken place with the Director of Nigeria on the statements made by Mr. Duckworth to the Advisory Committee at its 108th Meeting on the training of science teachers at the Higher College at Yaba. The Director is anxious that wrong impressions which may have been given to the Committee by Mr. Duckworth's statement should be corrected. It was agreed that a statement should be circulated at the next meeting.

The relevant passages in the minutes are as follows:-

"The Training of Science Teachers. Owing to lack of staff it had not been possible for a proper teacher-training course to be given at Yaba. The general objective of the normal students had been the Intermediate Examination of London University. This was not an ideal examination for men destined to become teachers of general science, but it fitted in with the arrangements made for selected men to proceed to England for a degree course under the Government Scholarship Scheme. Up to the present time men had been sent out to take up appointments in the Middle Schools without having received any training in the art of teaching. The syllabus of the Intermediate Examination was very circumscribed and it was felt that men destined to become teachers of general science should be given a wider scientific and cultural background. It is proposed to extend the course to four years and so find time for professional training and it is hoped, some leisure, free from the worry of examinations, for the appreciation of music, art etc."

... ..

"In reply to a further question, Mr. Duckworth said that about twelve science teachers had left Yaba and taken up work in the Government Colleges, where they worked under skilled European science teachers. They therefore had the benefit of teaching under supervision and thus received their fourth year of training. Teachers, after leaving Yaba, had in many cases made the mistake of dictating their notes made at Yaba and presenting their subjects in an ill-digested form. They did not know how to present their work since they had not received the necessary training, hence their need of supervision".

The Director has forwarded, and endorsed, comments by Mr. Butler, the Principal of the Higher College, on these passages.

It

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A.C.E.C. 13/41.

ADVISORY COMMITTEE ON EDUCATION IN THE COLONIES.

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EDUCATION IN NIGERIA.

Amending Note on Mr. Duckworth's Statement at the 108th Meeting of the Committee.

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... ..

"In reply to a further question, Mr. Duckworth said that about twelve science teachers had left Yaba and taken up work in the Government Colleges, where they worked under skilled European science teachers. They therefore had the benefit of teaching under supervision and thus received their fourth year of training. Teachers, after leaving Yaba, had in many cases made the mistake of dictating their notes made at Yaba and presenting their subjects in an ill-digested form. They did not know how to present their work since they had not received the necessary training, hence their need of supervision".

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It is pointed out that the implication that the Yaba Science Teachers Course is confined to the syllabus of the London Intermediate Examination is misleading. The Higher College has never worked on the Intermediate Syllabus and it has not been proposed that it should do so. The Teachers Science Course covers three years post-matriculation work, plus six months practical teaching. If the course is of any standing, it can hardly fail to cover the greater part of the London Intermediate Science syllabus and it would have been a simple matter to arrange for the Science teachers class to take the Intermediate Science examination of London University at the end of the second or third year; this was not done because it was felt that the syllabus in itself was not suitable for the teachers course. It is true that candidates for a Government Scholarship to a British University are advised to take the Intermediate examination after they have passed through the Higher College, but this advice has only been given to those students who were considered particularly suitable for a Government Scholarship. The Director adds that an exception was made in respect of the only two students who have sat for the London Intermediate examination while still at the College, these being very senior students from mission schools; they received no special coaching for the examination.

It is held that the arrangements for the practical teaching course, while not ideal, have been the best possible in circumstances that were complicated by lack of staff and by the impossibility of providing one whole-time officer to supervise the course. An arrangement in 1935 by which Mr. Duckworth himself was to take over the class broke down owing to his heavy extra-departmental activities. Since that time the students have been posted for six months to secondary schools to teach under supervision for a limited number of periods so as to allow them plenty of spare time for preparation of notes and lessons; diplomas in teaching have not been granted until a certificate of proficiency in actual teaching has been received from the Education Officer supervising the practical teaching. The closing of the Government College at Umuahia has now enabled the Director to post an officer with many years experience of teaching science in secondary schools to the Higher College to take complete charge of the practical teaching course for science teachers. It is hoped that this will produce good results.

The above summary is based on written statements supplied by the Director, including his comments on a letter received by him from Mr. Duckworth, which has also been forwarded and in the course of which Mr. Duckworth says that he stands by what he said to the Advisory Committee. This may therefore be accepted by the Committee as representing the considered opinion of the Director and members are accordingly asked to make any necessary note on their records of the 108th Meeting.

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Extract from Minutes of the 113th Meeting of the
ACEC held on Thursday, 21st August, 1941, at
the Colonial Office.

8. Education in Nigeria: Correction of Statement made
by Mr. Duckworth at the 108th Meeting. Mr. Cox said
that correspondence had taken place with the Director
of Education in Nigeria on the training of teachers at
the Higher College at Yaba in which the Director stated
that a wrong impression may have been given to the
Committee by Mr. Duckworth's statement.

It was agreed by the Committee that a statement
should be circulated on this subject and that an
opportunity of asking questions should be given at the
next Meeting.

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Air Mail

Personal

2 Park Street,
London, W.1

My dear Morris, 22nd August, 1941.

I am so sorry that the reply to your letters asking me to have corrected some of Duckworth's remarks to the A.C.E.C. has been so long delayed. I have postponed sending a demi-official answer until I could inform you that action had been taken, and the first meeting of the A.C.E.C. since the arrival of the duplicate (dated May 16) of your original letter of Feb. 23 (lost in transit) was only held yesterday.

The matter was on the agenda, but unfortunately there were pressing and important items earlier on the list which occupied the whole Meeting (or) the Committee asked if this could instead be taken at the beginning of the next Meeting. So I shall be writing then.

I am very sorry you have had so much trouble over it and will of course see that the points which you and Butler want made are placed before the Committee, but I am sure you will be the first to agree that it would be magnifying the matter out of all proportion - and disobeying our in-

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structions about paper - if the very
full letters you received from both
Butler and Duckworth were distributed
to the 30 odd members!

Yours sincerely,

(Sd.) C. W. M. COX

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Telegram: "EDUCATION"

No. C/DE. 142/33

CONFIDENTIAL.



EDUCATION DEPARTMENT,

NIGERIA,

LAGOS, May, 16th 19⁴¹

Duplicate of letter sent on 23rd of February, 1941.

The Educational Adviser
to the Secretary of State for the Colonies,
Colonial Office,
London.

Mr. E. H. Duckworth, (Nigeria) and the Advisory Committee on
Education in the Colonies.

Sir,
I attach a letter which I have received from the Principal
of the Higher College, Yaba, in which he deals with certain
inaccurate and misleading statements recently made to the
Advisory Committee by Mr. Duckworth.

I support Mr. Butler's protest and I trust that the real facts
will be laid before the Committee at the earliest opportunity.

May the necessary amendments be made, please, to the minutes
of the meeting which Mr. Duckworth attended.

I have the honour to be,
Sir,
Your obedient servant,

G. S. Morris.

DIRECTOR OF EDUCATION.

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Confidential.

Higher College.

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Yaba.

January 31st. 1941.

To The Honourable
The Director of Education.

The Training of Science Teachers at the Higher College.
Mr Duckworth's statements to the Advisory Board.

I wish to make the following comments on Mr Duckworth's report, as his statements are most inaccurate and misleading.

[It is true that candidates for a Government Scholarship, are advised to take the Intermediate after they have passed through the College, but this advice has only been given to three students who were considered particularly suitable for a Government Scholarship.]

"Up to the present time men had been sent out to take up appointments in the Middle Schools without having received trainingⁱⁿ in the Art of Teaching."

Mr Duckworth cannot be ignorant of the efforts I have made for years past, to get him to co-operate in the training of these teachers when they are due to do their teaching practice. Nor can he be ignorant of the fact that for some years arrangements have been in existence for teachers to take their teaching practice [in the Selected Secondary Schools of Lagos, under the best supervision that we can get. Dip-lomas in teaching are not granted until a certificate of proficiency in actual teaching has been sent to me by the Education Officer who has supervised the practical teaching. Admittedly this is not an ideal arrangement, and you know that I approached you some time ago to make a special appointment, so that a Science Master of experience should have the sole duty of training these teachers in their practical work.]

"The Syllabus of the Intermediate Examination was very circumscribed and it was felt that men destined to become teachers of General Science should be given a wider scientific

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background."

A' [This statement of Mr Duckworth's presupposes that the Higher College works on the Intermediate Syllabus. the Higher College has never worked on this syllabus, and it has never been proposed that we should do so.] It is an astounding fact that Mr Duckworth has never troubled to inform himself of the fact, before making such a statement to a body like the Advisory Committee.

Even Mr Duckworth's last sentence is misleading in the implication that we have a music society to which Science students belong. I admit that the Higher College cannot offer the cultural advantages of an English University, but I do maintain that Mr Duckworth's statements are most misleading and, in the circumstances, most harmful.

In this connexion may I draw your attention to protests of nearly every principal on whose school Mr Duckworth reported recently.

(Signed) C.R. Butler.

Principal, Higher College, Yaba.

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Leah
3.4.41

Dear Bob,

This is an awful lot of rubbish
to have to send you in box time and
I do not want you to have your time
wasted too.

All I want is to make it clear to
the Committee that the Jabba Service Centre
has not as its aim to get students through
the London Public Service - in fact they are
not encouraged to take the examination.

Now that I have been able to put
a full time officer (Smithies) in charge of the
practical course all should be well.

I am all in favour of ~~some~~ a
Commission appointed by the Secretary of State
to examine an educational system but I
do not suppose that this will be possible
for some time. With all help from

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article in the form of recommendations by a strong
Commission we are unable to provide the 46
of Nigeria that the expenditure on education
is quite inadequate.

Yours sincerely

J.R. Lewis

P.S. Please regard all this
correspondence as being official, it
did not seem worth while sending ^{it} through
the Secularist and State and
a dispatch under the subject of despatches
between the State and the Government.

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Telegrams: "EDUCATION"

No C/DE. 142/38



EDUCATION DEPARTMENT,
NIGERIA,
2nd April, 1941.
LAGOS,

CONFIDENTIAL.

The Secretary,
The Advisory Committee on Education in the Colonies,
The Colonial Office,
London.

Sir,

I have the honour to forward herewith a copy of a letter from Mr. E. H. Duckworth in reply to my letter to him of the 12th of March, 1941, (No. C/DE. 142/35) a copy of which was forwarded to you.

2. Mr. Duckworth is in my opinion making a mountain out of a molehill, but he is very temperamental at times.

3. I am afraid, however, that I must deal with the points raised in his letter:

Paragraph 2. Mr. Duckworth's integrity was never in question.

Paragraph 3. This paragraph appears to me to be puerile; officers given an opportunity to appear before the Committee must necessarily give all the information possible.

Paragraph 4. It is Mr. Duckworth alone who is responsible for the waste of time involved. His reference to Mr. Lewis is not understood. This gentleman at my request attended a meeting of Science Masters under the chairmanship of Mr. Duckworth. The terms of reference to the committee were "To discuss the advisability of introducing the 'Daniel' science course into Middle Schools in Nigeria". I have not yet received the report of this committee. The opinions of Dr. Barnett, Mr. Thorpe, Mr. Taylor and Mr. Barclay, all members of the Higher College staff, on a report by Mr. Duckworth on the Higher College Science Teachers' Course, written in 1939 and very similar to the one attached written in 1940, are enclosed. They hardly bear out Mr. Duckworth's statement. Mr. Duckworth's own article in "Overseas Education" for January, 1941, pages 54 to 55, paragraph 3, is also not consistent with his present attitude.

Paragraph 5. A copy of my predecessor's letter, No. DE. 242/607, is attached. It contains a general statement that all courses at

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courses at the Higher College are of approximately the Inter-
-mediate standard.

That only two students have sat for the London Inter-
-mediate Examination while still at the College clearly proves
that the object of the Science Teachers' Course is not to push
students through this examination. The two candidates in
question were very senior students from mission schools and an
exception was made in their case, but they received no special
coaching for the examination. The insinuation that this was
allowed surreptitiously by Mr. Butler in defiance of the wishes
of one of the tutors is ridiculous and unworthy of Mr. Duckworth.

Paragraph 6. The problem of the practical teaching course in
Science is one that has occupied the attention of the depart-
-ment for some years. It has been complicated by lack of staff
and the impossibility of providing one whole time officer to
supervise the course. In 1935 it was arranged that Mr. Duckworth
himself should take over the class for this instruction. Owing
to his heavy extra-departmental activities this scheme was
found to be unworkable and other arrangements had to be made.
Since that time the students have been posted for six months
to Secondary Schools to teach under supervision for a limited
number of periods so as to allow them plenty of spare time for
preparation of notes and lessons; not an ideal arrangement but
the best possible one in the circumstances.

The closing of the Government College at Umuhia has
enabled me to post an officer, who has had many years' experience
of teaching science in the Middle Schools, to the Higher College
to take complete charge of the practical teaching course for
Science Teachers, and it is hoped that this will produce good
results.

Paragraph 7. That the Higher College does not provide special
facilities for the study of local arts and crafts, pottery,
weaving, painting etc. is quite true and likely to remain so
until additional financial support is available. Meanwhile we
do the best we can to promote outside interests for the students;
they have their own Musical, ^{Photographic} Dramatic and Debating Societies,

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Societies, their College Magazine etc. Every opportunity is taken to arrange for interesting lectures by local experts and distinguished visitors.

Paragraph 8. Education in general in the Northern Provinces is very backward. Mr. Duckworth made one visit to the Northern Provinces some years ago, but has never repeated it.

Better teaching of science in Grammar Schools is dependent on obtaining trained teachers and adequate equipment. The managers of the schools have been offered every ~~opportunity~~ encouragement to send students in for training and no fees are charged at the Higher College for teachers' courses. It is unwise to force the pace without adequate staff and equipment.

Paragraph 9. The training of Engineers is undertaken by the Public Works Department, and ~~an~~ excellent facilities are available. A proposal to widen the scope of this course and no longer to confine it to students training for Government service is under consideration. The Mining Companies and other firms employing engineers are being asked to co-operate. The Medical and Survey courses have already been thrown open to non-government students.

F. S. Jones

DIRECTOR OF EDUCATION.

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16th January,

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The Hon'ble
The Chief Secretary,
Lagos.

Yaba Higher College.

With reference to your letter No. 16631/562 of the 9th of January, a successful student leaves Yaba with a Diploma given by the authorities in:-

- A. Teaching (I. Literary, II. Mathematics and Physics, III. Chemistry and Biology). Students specialise in one of the three courses above.
- B. Engineering (Public Works Department),
- C. Agriculture.
- D. Forestry.
- E. Surveying.

2. The standard of this Diploma may be taken to be approximately the Intermediate Examination of London University in the corresponding school (if any).

3. In the case of Medical Assistants, the enclosed syllabus of the Medical School gives all information on the subject.

4. Yaba does not set out to train more than 'Medical Assistants', and for the time being we should not accept students from other Colonies who are asking for qualified doctors. I confirm that if there is no grade of 'Medical Assistants' in Sierra Leone, there is no point in a student being sent to Yaba for Medical Training.

5. We should, however, welcome candidates for training either in agricultural work, or for the Public Works Department, and we, in fact, understood that the Sierra Leonean students were going to take one or other of these courses.

(Sgd) H.W. McCowan,
Director of Education.

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Mr. Duckworth's memorandum of 14.6.39.

Para 2. I can assure Mr. Duckworth that the Science Course Syllabus has existed since the foundation of the College and has been given very serious thought, being modified from time to time to suit the changing needs of the College.

Para 3. Higher College has not 'turned out specialists in one branch'. The General Science course has not concentrated entirely on the needs of teachers but it has given to students a mass^{of} knowledge spread out over a very wide field; possibly too wide a field.

Para 4. Is it not possible that this is the best method? The 'General Science Attitude' is an adult point of view, and its protagonists and chief exponents are men who have applied their mature minds to the mass of data supplied by their much-decried school and university courses. It is an accepted principle of teaching method that young students require a sectionalised scheme of work.

Para. 5. The present course is a compromise but it is not 'haphazard'. The latter term might be applied with justice to some forms of General Science teaching in which the teacher allows himself to be carried along by the inspiration for the moment and the accidents of his environment.

Paras 6 and 7. The Higher College staff aims at the teaching of syllabuses 'based on the London Intermediate Examination'. This principle was laid down several years ago with Mr. Duckworth's knowledge, if not approbation.

Para. 8. Does Mr. Duckworth consider interference experiments 'simple'? They may be simple if the student is merely asked to observe a 'pretty' experiment without making any appeal to their reason. Students have seen lamp-holders wired and corks sealed many times during their course. If they have any aptitude for science they will find out how to do^{these} things for themselves. All teachers find they have a good deal to learn when they have to take charge of a laboratory. Higher College

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students should work for a few years under the supervision of a scientist who can help them in their little difficulties. An artizan cannot be trained entirely in a school; nor can a teacher be trained completely during his course of instruction.

Para. 9. Higher College students are encouraged to read widely. If they fail to do so, their personal disinclination and the extreme limitation of the library funds are to blame.

Para 12. The Physics course is both mathematical and experimental. All teachers who take the full Physics course do Mathematics also. Is there any reason why a student should not apply his mathematical knowledge to the fuller understanding of the experiment he performs? However I do agree that much of the work required for the Intermediate Examination is obscure and unnecessary. I hold no brief for Allen and Moore but I would point out, in the interests of accuracy that Chapter 12 of 42 pages is devoted entirely to thermionic valves.

The 2nd Year lectures in Physics given by me this year have consisted solely of series of qualitative demonstrations such as Mr. Duckworth requires. In these classes I have not been compelled to consider the requirements of external examinations.

Para 22. I agree that there is a good case for a re-distribution of subjects in the Diploma courses. A point which is often overlooked is that 'Mathematics' as applied to the Intermediate Examination is really two subjects, Pure Maths. and Applied Maths. The Higher College staff in Mathematics and Physics have never been large enough to allow these subjects to take their fair share of the lecture timetable.

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who have taken a three years' chemistry course, have taken also a three years' biology course. In addition to this they have had two years of mathematics, two years of physics, a first year grounding in English and the kindred subjects, and in most cases a workshop training. If Mr. Duckworth can think of any way in which more diversity of subjects could be acquired by any given student, I am sure that all of us would be delighted to have his views.

V. I agree entirely with Mr. Thorp's comments.

VI & VII. Mr. Duckworth is singularly ill-informed on this point. To my knowledge there has never been any suggestion that all students are to be "pushed through" the Inter-Science Examination. On the other hand the course of work at Yaba is similar to that for the Inter B.Sc. degree, and the only people who have actually sat the examinations, are people who, having taken the college Diploma, have proceeded to take up teaching posts in the Department.

IX. Paragraph IX constitutes, I think, possibly the best example to my way of thinking in Mr. Duckworth's whole memo of a lack of knowledge of the facts. I can best establish my point by outlining some of the headings covered by me in a recent lecture on Crystal Structure.

- (1). The diamond - its appearance in the rough occurrence and chemical properties.
- (2). The process of cutting.
- (3). The function of facets. (R.I.)
- (4). The use of diamonds unfitted for making up into jewellery.
- (5). Some famous diamonds.
- (6). The artificial manner in which the diamond market is kept 'up'.
- (7). Lattice Structure.

XI (a). Mr. Duckworth is perhaps partially right in his criticism if we view the matter from his point of view. On the other hand he will be entitled to make his criticism,

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if he can persuade the schools - of which he is an Inspector of Sciences - to send us people who can do the following - among other things.

- (1). Bore corks - economically.
- (2). Bend glass, if it is possible to do it well with the heating facilities available in Nigeria. While on this subject I may say that none of the burners originally ordered by Mr. Duckworth for a Gas Plant attached to my laboratory were of the slightest use for bending glass. In order to get a reasonable degree of heating power in the laboratory I purchased a certain number of bunsens manufactured by the Aerogen Co. along with a batswing burner made by the same company. The latter of which there are no others in Nigeria is the only one which I have found capable of producing reasonable bends in glass tubing. With regard to another criticism of Mr. Duckworth in which he says that Higher College graduates were merely capable of fitting up steam distillation apparatus, I would like to point out that the fitting up of such apparatus does involve a fair amount of dexterity.
- (3). Set up simple apparatus.
- (4). Use their noses to detect differences in smell, and their eyes to detect differences in colour.
- (5). Learn to treat text-books in a reasonable fashion and have some respect for laboratory apparatus which does not belong to them.

(b). The pseudo-Shavian cynicism behind the phrase 'University Stratosphere' is not worthy of remark, but the suggestion that the Brownian movement be demonstrated from a chemical - and colloidal - point of view is a welcome one to me. Unless Mr. Duckworth can produce a reasonable apparatus for a few shillings the cost of the full equipment necessary for suitable demonstration is somewhere in the region of £80 - £100.

XIII. With regard to the workshop practice of science students I feel that the comment of Mr. Hoskins to the effect that more than 4 hours workshop practice a week was quite unnecessary to any science student.

XIV. As the name Philosophical Society indicates, the students are making a very creditable effort to get away from the filling of their minds with scientific facts, and the monotony of innumerable experiments. I have been very pleased

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on different occasions to help them in this sensible endeavour by talking to them occasionally on Music, - and incidentally at the last meeting on the 'Conflict between Fact and Faith'.

XV. Surely the students - taught up to the standards demanded by Mr. Duckworth - would be incapable of assisting on any research work carried out by the staff. Nevertheless, several Higher College students have worked out small problems in original work under my direction.

XVI. The views of Mr. Duckworth on my chemical museum have angered me considerably. In the first place my museum was built up under difficulties and with the help of various people who were kind enough to give me specimens. Among those people I am in duty bound to remember Mr. Duckworth's own name. The room in which the specimens are housed is the old Staff Room at Yaba which was unselfishly given to me along with all available cupboards by the Principal and the Staff. The workshop produced the large centre case and the green baize. Apart from these things I have relied on the generosity of European firms and of my own acquaintances. Among these were, I.C.I., Scottish Dyes, Sundour Bookcloths, Apapa Soap Co., Baeyer's May & Baker, and the Medical School, Nigeria. In addition, a certain amount of my own money, and a great deal of my time went to its foundations.

I have no doubt that Mr. Duckworth is an authority on science museums, but I have never seen one built up under his supervision. I have heard a suggestion, however, that he does intend to found one - on African Arts and Crafts.

At Yaba we are privileged to have occasionally visitors from different parts of the world, who apart from the demands of good manners, have taken a definite interest in my attempt. While on the subject of visitors I can think of only one occasion on which Mr. Duckworth - by invitation, that is - came to my museum.

His one example of a type of improvement is unfortunately impossible to execute in one of its essentials.

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Prontosil is not used in the treatment of pneumonia - it is a sulphonamide, and in its three forms has been used to treat among other conditions those of puerperal fever, erysipelas, herpes, and gonorrhoea - the latter in conjunction with permanganate lavage. The substance used in Nigeria, and at home - a substance whose analogues were worked on in the laboratories in which I spent my last leave - is 2-sulphanililyl amino - pyridine. If Mr. Duckworth is really interested in the subject of the sulphonamides and sulphanilamides I am willing to talk to him for an hour on the subject, give him pamphlets, abstracts of papers on these derivatives for the last two years, and an account of some work done in Yaba, and at the Royal College of Physicians, Edinburgh.

Finally, despite the 'neat arrangement' and the possibility of that appealing to the much criticised (non-scientific) visitor, let me say that the museum has proved invaluable as an adjunct to the teaching of the following subjects among a great many others.

- (1). Nature and theory of alloys.
- (2). Colloids. (physical and physiological properties).
- (3). Synthetic dyestuffs, perfumes, and flavourings.
- (4). Synthetic and natural drugs (Medical students).
- (5). Soil analysis.
- (6). Industrial chemistry.
- (7). Biochemistry.

In conclusion, may I say - and here perhaps I am wrong - that I always thought that a three months' course was given by Mr. Duckworth to students who had obtained the Higher College Diplomas, in the arts of laboratory practice and methods of teaching. I am sure it would be helpful and lead to the desirable correlation between us and our methods if Mr. Duckworth would indicate the nature of the subjects covered by the above course and how many lectures - or tutorials are included in the course.

(Intd) A.J.G.B. (Barnett).

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2. Not only has there always been a Biology syllabus at the Higher College, but this has been altered from time to time to conform with the policy laid down by the Education Department and the best interests of the students. After very careful consideration a course has been devised to cover the Middle School Biology Syllabus, give a wide and yet related knowledge of the subject, and at the same provide sufficient specific matter to enable those students desirous of qualifying for the Government Scholarships, to enter for the London Intermediate Examinations in Zoology and Botany.

3. A student who takes a three years course in chemistry, in zoology and in Botany, respectively, can hardly be classed as a specialist, yet Mr. Duckworth will find from the scheme of courses, that other subsidiary subjects are also included.

4. This conforms with the Higher College policy that the student derives greatest benefit from sectionised teaching of fundamentals, expended later as the mind matures, by post graduate instruction.

5. All are agreed as to the desirability of a first class course in teacher training. As far as I am aware, the only part of this course held at the Higher College is conducted by Mr. Barclay and Mr. Duckworth. I must therefore leave it to them to answer for its haphazard nature.

6. We look forward to the time when staff and funds will permit of a really sound course. With the present lack of facilities it is not thought advisable to sacrifice general education at the Higher College for vocational training.

7. I was unaware that either the staff or the Principal of the Higher College were pulling in any direction other than that mapped out by the policy of the Education Department.

8. Skill in setting up apparatus can easily be acquired by even the completely ignorant, given a modicum of manual dexterity and constant practice. A good practical text book is all the teacher requires, and practice is best gained where time and a sense of personal responsibility will foster the care so lacking in the irresponsible spoon-fed student. Students constantly see corks being made air-tight and waterproof, but like most facts which are not given in the form of

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a lecture and will not produce marks in an examination, they are soon forgotten.

10. (a) Biology is not a two sided structure which can be made to balance by adding or subtracting from one side. A glance at the Zoology syllabus shows that morphology is merely the skeleton, which when properly clothed gives cohesion and symmetry to the whole. As time is insufficient there are many Gaps to be completed, but the skeleton of trunk and limbs forms a sure foundation and at the same time insures that the additional matter acquired by the teacher at time and inclination dictates, will be moulded into the correct form.

Field work gives the least return for the labour involved, is perforce of a haphazard nature, and without a sound grounding in morphology can be very misleading. There is every excuse in the latter case for students mistaking any of the Gymnophonia (a group of amphibians) for snakes, the Pedipalpi for spiders, etc. Field excursions are therefore conducted as an extra when time permits, methods of investigation and collecting are demonstrated, and thereafter students are encouraged to make expeditions for themselves. As field work is mainly a matter of personal inclination it can only be encouraged and not taught. All that can be taught is how to learn from personal observation, and how to use keys and reference books for subsequent identification. This will prove far more useful in the long run than a series of conducted rambles during which the teacher repeats a variety of names chance dictates which the students memorise parrot fashion.

The use of a micro-projector is simplicity its-self and presents no difficulty to any one who has learned how to handle a microscope. In any case a micro-projector is of doubtful value, as projected specimen is immediately resolved into a picture, usually of much inferior quality to a text book diagram.

10. (b) Individual collections of insects, plants and microscope slides are part of the course, and marks are allocated for this work. Skeletons of frog and rabbit or cavey are prepared. These are supposed to form a nucleus for future teaching. The suggestion re an ecological survey of the Higher College grounds indicates that either

Mr. Duckworth

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Mr. Duckworth has used the term inaccurately, or else is unaware of the time involved in the adequate survey of even a few square yards of ground, let alone the apparatus required.

13. A post-graduate course in the work shop would be very useful for Biology teachers, but one day per week strikes me as being insufficient.

15. Research is a post graduate activity. A desire to undertake research is the outcome of keen interest in a particular aspect of a subject, and requires practical dexterity, accurate observation and lucid reasoning, with conscious endeavour rather than concrete reward as the main spring. Unfortunately the majority of students have an extremely materialistic outlook (encouraged by some Europeans), that all knowledge is useless unless gained in a form which can be reproduced unaltered as a middle school lesson. The fact that they have not sufficient curiosity to try to identify the "common way side plant", although perfectly capable of doing so, shows that they are not prepared to make the personal endeavour which is the motive power of all research.

16. There is no accommodation at the Higher College for a museum, nor money for show cases, models or any of the things which make for good display. There is great need for such a museum but until funds are forthcoming, I have to be content to prepare in the time available, a few specimens which illustrate some feature of particular interest included in the Biology courses.

18. A year's post graduate course in Teacher training is supposed to be carried out under the present system by European science teachers in the middle school, and by Mr. Duckworth himself, on lines similar to those he suggests. From Mr. Duckworth's criticism it is obvious that those concerned either cannot, or do not carry out this course efficiently, and fail to prepare the post graduates for teaching the subjects in which they have been well grounded at the Higher College.

He has doubtless good reasons for considering that this course could be more ably run at the Higher College, but it is for the Principal, H.C., and the Director to decide whether accommodation would be available, and what additional staff would be required. With regard

P.T.O.

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to Biology, when the new extension is completed, one of the laboratories would probably be made available for a few hours per week.

(Sgd.) Angus G. Taylor

Lecturer in Science
Higher College, Yaba.

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I am entirely in agreement with Mr. Duckworth when he says in his paragraph 1 that the science teachers course at Yaba needs revision. It is numerically the most important course at the College, but it remains unorganised.

2. I must also agree with him in his statement at the beginning of his paragraph 2 where he says that people outside the College have the impression that the College offers training for science teachers. But actually very little in the way of training is undertaken and there is naturally not a little disappointment with the results - the holders of the Higher College Science Teachers Diploma. At the present we are trying to do two things at once, teach Natural Science and train Science Teachers, and the time available is not sufficient.

3. At the present time professional studies for Science Teachers include the following :-

- a. Teaching practice for three months at the commencement of the fourth year.
- b. Workshop practice.
- c. Lectures on education subjects.

The teaching practice is perforce left to the staff of secondary schools in Lagos and the Provinces who may or may not have the time or the ability to supervise it adequately. The lectures in educational subjects are given by myself. I agree with Mr. Duckworth when he says in his par.18g that they are probably of little worth. They are of necessity divorced from practice; I myself have taught no Science and the students at the time the lectures are given have had no experience in teaching.

4. Mr. Duckworth wishes to solve the problem by subordinating the teaching of science to the vocational training of the teachers. I think this would be unfortunate. The courses in Natural Science should be retained as they are. Two or three years, as is necessary, should be spent in studying science subjects of general education value with a view to enabling students to reach a certain standard of education, the London Intermediate or other standard decided on by the College. This course should be followed irrespective of the fact that the student intends to be a teacher of science in a Middle School. The work of

training

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training him as a teacher of science should occupy a fourth post-graduate year. Such a scheme would be in accord with the general scheme of training secondary teachers in England.

5. During this fourth year work would be done as follows :-

- a. Teaching Practice.
- b. Lectures in educational subjects.
- c. Training in Laboratory management.
- d. Field Biology etc.
- e. Training in the teaching of the middle school science syllabus.

In fact the fourth year is the time when the subjects mentioned in Mr. Duckworth's paragraph 18 would be covered. The teaching practice, which should I think include a short period in an elementary school, would be supervised by the same member of the staff who gives instruction in the Middle School syllabus, lectures in education etc. The actual teaching practice could be arranged on two or three days during the week throughout the year, the remaining three days being devoted to the other subjects. Adequate arrangements for this teaching could be made in the Lagos Schools. A scheme on similar lines could also be adopted for the Arts Teachers.

6. As far as the Science course is concerned the chief difficulty is that there is at present no member of the staff available who has had the experience of the Middle Schools that is necessary to do this training. Could not this be remedied?

7. If the working of such a post-graduate teaching course within the College is impossible, would it not be better to give up the idea of teacher training altogether? The present half measures only tend to bring discredit on the College and are hardly satisfactory to the teachers or their employers. Students could enter for a general course of natural science and their vocational training could be left entirely to agencies outside the College.

(Sgd.) J. A. Barclay.

Lecturer in Education,
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otherwise, and search for solutions to ~~our~~ difficulties.

4. It is regretted by myself and I think by all the science members of the Education Department that issues should be forced at the present time when many of us are fully engaged on war work. I have delayed replying to your letters of 22nd February and 12th March in the hope that a way out of the "impass" might be devised. Mr. Lewis, Principal of the C.M.S. Grammar School, has used his influence but to no avail. With your permission I placed Mr. Butler's comments before the science members of the Higher College and before the most experience European science teachers in our Middle Schools.

5. They all agree that the science teachers' course at the Higher College is in need of a thorough overhaul - but the staff at the Higher College are prepared to wait. They do not wish to cause friction at the present time knowing that Mr. Butler is close on or past retiring age.

6. I take Mr. Butler's comments in order.

Para. (1) I stated before the Advisory Council that the general objective of the normal students had been the Intermediate Examination of London University.

The late Director of Education in a letter to the Chief Secretary D.E.242/607 of 16th January, 1937 wrote as follows in connection with the teaching and other Diplomas:-

"The standard of this Diploma may be taken to be approximately the Intermediate Examination of London University in the corresponding school (if any)"

I can see little difference between this and my statement. I have recently consulted with members of the Higher College staff and they confirm that what I said has been generally understood for years past.

The text-books used are text books that cover the London Intermediate Syllabus. I did not say, as implied by Mr. Butler, that the London Intermediate is recognised as a qualification for teaching entitling a candidate to special consideration.

Two years ago one of the lecturers at the Higher College

discovered

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discovered, quite by accident, that certain second year students had been entered for the Intermediate Examination. This was done with the Principal's knowledge and presumably his approval.

The lecturer was very annoyed that this fact was concealed from him for two months and then not officially revealed.

Para. (2). On April 26th, 1937 after carrying out an inspection of science in Middle Schools I reported on the urgent need to modify the so called Science Teachers' Course at the Higher College. This report was prepared after consultation with European Science Masters in our Government Colleges and with Archdeacon Burton of the C.M.S. Training College, Oyo. Very little action was taken to effect improvements at Yaba.

In May 1940 after many inspections and consultations with Middle School science masters I again urged the great need for a thorough overhaul of the Yaba course. I know that this report made clear the views of all the science members of the Education Department who have an expert knowledge of the subject and as things have developed I see no cause to modify the recommendations made in the report which stated that the Higher College is doing grievous harm to the development of science in the schools of Nigeria by sending out men untrained for their profession to occupy posts as teachers of General Science.

I made quite clear in the report why the present system for teaching practice is of little value.

6 Q. I cannot honestly support the present arrangements for teaching practice. Mr. Butler must be prepared to take the advice of experts and not ^{be} content ^{as in the fact} to leave the teachers' course in the hands of certain members of his staff who have no interest in the Middle Schools and no knowledge of the special requirements of General Science teaching.

M. C. The Higher College staff tell me that no proper syllabus exists for the science teachers course. When Mr. Butler suggested that a search should be made for it in your office we were looking for something that does not exist. I have certainly never seen it or been brought into consultation about its design.

Some

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Some of the lecturers have prepared plans for their individual use but there is no carefully thought out, co-ordinated, syllabus bringing in the workshop and other non-examination subjects.

Para.(3). The letter D.E.242/607 (already quoted) ^ofr_^m the late Director of Education to the Chief Secretary gives an official reply to the first part of this paragraph.

9. With regard to my reply to Dr.Huxley's question. I gave a truthful answer. You may remember that in the recent interview between yourself, Mr.Batler and me we discussed this answer and Mr.Batler claimed to be encouraging art work because they had a piano in the students common room and a dramatic show now and again.

10. Dr.Huxley has wider vision; he was thinking of drawing, painting, weaving, pottery work, carving and research into African customs and languages. The Higher College does nothing for these important studies. I ^{do not} ~~don't~~ think there is a single specimen of African carving, painting or weaving on the College walls.

11. The problem of training African teachers of General Science is full of interest and provides wonderful opportunities for research. It calls for action. We must face up boldly to the effect of the London Intermediate Examination on the minds and ~~studies~~ studies of our students.

12. This examination was never intended as a goal for such teachers yet as things are at present every teacher, either in Yaba or ^{from} ~~ex~~ Yaba, has his eye on the London Intermediate Syllabus and workshop and laboratory studies and general reading tend to be sadly neglected.

13. When I visit ~~at~~ the Middle Schools I ^{do not} ~~don't~~ find the teachers working in the laboratories or workshops during non-school hours. They should of course be active ^{ly} ~~ly~~ preparing and collecting specimens, setting up and constructing apparatus but ~~they~~ they are at home. I ask what they are doing. "We are working for the Inter". They are busy taking correspondence lessons and answering ridiculous questions about electrical charges on

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I have now had the opportunity of surveying the work of many of the African Science Teachers that have been through the Higher College Course and am more than ever convinced of the urgent need for amplifying this course.

2. If the teaching of science in the schools is to be of any value it must be taught by men able to carry out and direct practical work and able to link it up with every day life and problems in Africa.

3. I was disappointed to find only the slightest evidence of any effort to overcome laboratory difficulties connected with poor equipment. None of the teachers had any conception of what is required of them to build up and make their laboratories efficient and interesting places of instruction. Tools when available were unused or lost. Apparatus purchased with Government grants was often pushed away into dirty cupboards and left to deteriorate. Broken balances and galvanometers, cupboard doors with broken hinges, dirty and incorrectly labelled bottles, chipped prisms and lenses, blocked up Primus Stoves and other evidence of lack of laboratory management and maintenance was far too common.

4. The lack of equipment instead of being a source of worry, was I felt, regarded somewhat as a blessing in providing an excuse for doing the work with the assistant of the black-board only. Experiments such as finding the specific heat of lead shot, finding the density of a solid are popular, since they call for the very minimum of practical work.

5. One teacher, in giving a lesson on photo synthesis made a diagram on the black-board of the transverse section of a leaf. This was copied out of a book. The boys copied the black-board drawing complete with technical words, epidermis, palisade parenchyma, spongy parenchyma, guard cells and so on. There was no attempt to cut and look at a section although a good microscope was available. This sort of thing was typical.

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Another lesson was about transpiration and the action of root hairs. Outside in the school garden were plants and cuttings recently put in. There was no attempt to reduce transpiration by cutting some of the leaves or by shading.

The laboratory lesson and the work in the school garden had no relation one to the other.

6. Most of the schools have supplies of absorbent paper and plant presses but the wild flowers and trees of Nigeria are a closed book to all the teachers. The paper and presses are unused. In a few cases some attempt had been made to preserve animal specimens in formalin but often without any special purpose. The collection were often more suitable for the witches cauldron of Macbeth than for a Biological laboratory. There was no style or neatness about the exhibits. Layers of mould floating on the solution, dirty and crooked labels and scrappy information on the labels were common detractions. At none of the school visited, with the exception of the Government College, Umuahia had any attempt been made to mount and prepare skeletons and only one of the schools had a collection of insects. These were without names and stick insects, moths, beetles, butterflies and spiders were all mixed up with two dead birds that were free to roll about loose inside the case. The birds were decomposing, they had not had their inner parts removed.

7. One teacher a recent candidate for the Inter Science Examination had confidently labelled a bottle of white powder Amyl Alcohol. Another teacher, also an Inter Science candidate was attempting to find the chemical equivalent of zinc. He boiled a mixture of copper sulphate and zinc then proceeded to weigh his porcelain basin with a thick coating of soot adhering to its base.

8. Dissections of toads are popular and are usually well carried out. This is a dissection that appears in

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in examination syllabus and is covered by English text-books but none of the teachers know how to observe and use for day to day teaching the great mass of Biological material that is at hand in the bush.

9. There is a general lack of knowledge of laboratory arts including such things as how to repair the electric circuits, how to clean mercury, fit water pipes, put up sinks, cut and grind glass, plug walls, repair drill chucks, laboratory first aid, the care of accumulators. The non use of workshop facilities may be due to lack of knowledge or lack of interest. In some cases the teachers have a small selection of apparatus that they made at the Higher College but in most cases this was unused or broken.

10. There is a confusion in the minds of the teachers as to what they should teach, how they should teach it and what experiments they should do. They tend to land their boys in a quagmire of theory based on Higher College lecture notes or, in the case of teachers who are ex-Government College Boys, draw up their old school note books for guidance.

11. They have passed through the Higher College, listened to lectures, waded through many pages of English text books and with the help of apparatus, for the most part purchased from instrument dealers carried out the stock experiments that will pay dividends in the Inter Science Examination. Such a course may be satisfactory up to a point but it is not enough.

12. The Higher College is doing greivous harm to the development of science in the schools of Nigeria by sending out men untrained for their profession to occupy posts as teachers of General Science.

13. The last group of teachers spent a few months teaching at King's College, this gave them some practice in actual teaching but did little to fill in the big gaps in the knowledge and skill in practical work necessary to a teacher of General Science. They require help in interpreting the Middle School General Science Syllabus, how and in what degree of detail to teach

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teach the various subjects.

14. I am not opposed to Normal Students taking the London Intermediate Science Examination provided they can take it after three years at the Higher College and that a fourth year can be kept clear and devoted to giving the students specific training for their profession. This training need not consist of very much actual teaching practice, but should include detailed instruction, with much laboratory and workshop work, in the practical parts of General Science teaching and in learning how to make teaching alive, interesting and related to Africa. This fourth year instruction should be in the hands of men with expert knowledge of Middle School requirements. One man might be in general charge of the fourth year course, but he should be able to bring in experts to deal with certain parts of the instruction. He should be a man with a wide knowledge of science and having an understanding and sympathy with the African view point and realization of the need for research in Education.

15. We are in danger of turning out teachers having little skill in the art of experimenting and in many cases men with little real interest in their subject apart from its value as a job producer. Men with an ill digested collection of book knowledge gathered in by minds that are more at home in a library than in a laboratory and unable to connect it with practical work and day to day activities.

16. The workshop instruction at present given to the Normal Students requires extending and coordinating with the other schemes that have been proposed for solving the equipment problem. It is not enough for the students to make a few unrelated pieces of apparatus. Such apparatus finished up dusty and unused on a top shelf. The efforts in apparatus making should also be coordinated with the experiments and demonstrations to be carried out in the schools and with the text-books used.

E. A. Duchinard

INSPECTOR OF EDUCATION.

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ADVISORY COMMITTEE ON EDUCATION IN THE COLONIES.

Extract from Draft Minutes of the 108th Meeting held on Thursday, 12th December, 1940, at the Colonial Office.

Present:-

Mr. Cox	Mr. Dawe (in the Chair)	Bishop Myers
Mr. Paskin		Miss Oakden
Sir George Anderson		Miss Perham
Mr. Burney		Mr. Scott
Sir Donald Cameron		Mr. Stannard
Professor Channon		Mr. Vellacott
Professor Clarke		Mr. Winter
Mr. Creech Jones		Mr. Duckworth (Inspector of Education, Nigeria, and Editor of Nigeria)
Mr. Grace		Mr. O.G.R. Williams - Colonial Office
Mr. Hussey		Mr. Pughe - Official Secretary
Dr. Huxley		
Professor Macmillan		
Mr. Mouat Jones		

Mr. Dawe welcomed Mr. Duckworth.

2. Minutes of Last Meeting. These were approved.
3. Business arising out of the Minutes of the last Meeting.

(a) Commandeering of School Buildings in West Africa for Military Purposes. Mr. Cox said that he had been asked to obtain further information on this subject. Inquiries had been set on foot and a list obtained of the educational institutions higher than the rank of primary schools which had had to be taken over wholly or in part for other purposes as a result of the war.

Commandeering of that kind had necessarily been most extensive in Freetown and had affected Government and non-Government institutions alike. He could supply a list of the institutions if members wished to have one. It was clear that there was no alternative to taking over these buildings and other accommodation of some kind had in nearly all cases been provided.

In the Gold Coast commandeering had been relatively less. The position at Achimota was no worse than it was at the last Meeting, although it had been necessary at one stage to disperse the College with the intention of recalling it later to specially erected temporary quarters. The situation

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situation had changed for the better and this had not proved necessary.

In Nigeria non-Government schools seemed hardly to have been affected at all. The two leading Government Middle Schools, Ibadan and Umuahia, had been required for other purposes and it seemed unlikely that the former at any rate would be released at present. An unfortunate consequence was the dispersal of the pupils among other middle schools less well equipped in gardens and workshops for the practical work which distinguished Ibadan and Umuahia.

He thought that the various Governments appreciated (a) the need for only taking over these institutions when there was no other really practicable alternative, and (b) the need for providing alternative accommodation for those dislodged.

(b) Museum for Nigeria. It was possible to make a further interim report on the position.

A reply had been received from Dr. Keppel, of the Carnegie Corporation, indicating that a grant of £1,000 for the local Museum at Ife could probably be made available now if use could be made of it. The problem therefore, so far as the local museum was concerned, seemed now to be limited to whether such a building could be set up and equipped without imported material. Fortunately Mr. Duckworth had been on leave and it had been possible to obtain his assessment of the local position. If he was correct, local materials should be appropriate. Mr. Duckworth had further been able to obtain first refusal of a number of cases from the Imperial Institute on particularly good terms and very little shipping space would be required for the minimum numbers of these necessary for a purely local museum. The position was being put to the Government of Nigeria, and the Colonial Office were hopeful that in spite of the war something might be done. The proposal for a central Museum, for which imported materials would almost certainly be required, and the best site for which was being used for other purposes, had, he was afraid, to wait until after the war.

4. Adviser's Notices.

(i) Members would wish to join in congratulating Mr. Scott upon his safe return to the Committee and to express their sympathy with Mr. Hussey and Mr. Keith in the narrow escapes which they had had since the Committee had last met.

(ii) Sir Wilson Jameson, who had taken such an active part at the Advisory Committee Meetings last summer, had been appointed Chief Medical Officer to the Ministry of Health. He had

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been uniquely qualified to help the Committee on its higher educational side and would be very much missed.

(iii). Personnel. At the last Meeting he had mentioned important new appointments in the educational field.

(a) Dr. Ivor Jennings, Principal of the University College of Ceylon, had been able before his departure to have much useful discussion and correspondence with members of the Committee, including Sir George Anderson and Professor Channon.

(b) Mr. Stopford was due to sail from Ceylon for Achimota during the present month.

(c) Sir Frank Stockdale and his team, including Mr. Hammond, have begun work in the West Indies.

(iv) He had received copies of the Report of the African Education Committee that was set up in Uganda at the beginning of 1940 to consider the principles of allocating Grants-in-Aid to Missionary Societies and to plan a Five-Year Programme of educational development. The Report would be referred to the Committee as soon as the Governor's comments were received.

(v) Planning of Long-range Educational Programmes. Uganda was one of three larger African territories which had completed investigations during 1940 and formulated long-range programmes of educational advance and improvement. The other two were the Gold Coast and Tanganyika Territory. He hoped to receive Reports from these before long.

(vi) Grant-in Aid Code, Hong Kong. A proposed revision of the Code had been received from the local government but it had not seemed necessary to refer it to the Committee; Mr. Burney had given his assistance. The effect of the revision would be to increase by approximately sixty per cent. the amount given in Grants-in-Aid annually to the various Societies concerned.

(vii) Report of sub-Committee on the Education and Welfare of Women and Girls. A revised draft was now being copied. It should be possible to dispose of this finally at the next meeting of the Committee.

(vii) There were three inquiries pending that should be investigated by the Advisory Committee or Sub-Committees:-

(a) Preparation of an improved type of Annual Education Report for use after the War. (This would include Tables.)

(b) Higher Education, following up some general higher educational problems on which attention had been focussed in consequence of the discussions on Malaya and West Africa.

(c)

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(c) Revision of the Grants-in-Aid Memorandum issued some years ago. Consideration of (c) should await the receipt of the Governor's comments on the Uganda Committee's Report. He was proposing that the preliminaries of (a) and (b) should be launched informally with a few members in the next few weeks. As soon as preliminary memoranda were ready he proposed submitting them to the Committee and setting up formal Sub-Committees.

5. Education in Nigeria. Mr. Duckworth made the following statement.

Elementary Education. An attempt was being made to develop agricultural education in the elementary schools in close co-operation with the Agricultural Department. Two centres had been established, one at Ibadan and one at Umuahia, for the training of selected teachers drawn from the elementary schools. Each centre was in charge of a European with a practical knowledge of agriculture and wide experience in the art of teaching. The training given to the teachers covered a period of eight months embracing a full agricultural year extending from the time of preparing the ground to harvest. Actual work on the land was the key note of the instruction, but was amplified with lectures and practical work on soil, nature study and elementary biology. In addition to farming technique they were instructed in farm accounts, co-operative methods of marketing, bee-keeping, horticulture and vegetable growing for home consumption. The teachers attending the centres live in model village communities and are encouraged to bring their wives and children. When staff can be made available it is hoped to provide opportunities for the women folk to learn improved methods of weaving pottery glazing and other arts. The courses had given a new enthusiasm to the teachers and in many schools the teaching of agriculture now linked with nature study had undergone a complete transformation showing all round improvement.

The Higher College, Yaba. The College had fully justified its foundation by Sir Donald Cameron and Mr. Hussey. Many former students were now holding responsible positions in Medicine, Engineering, etc., and most satisfactory reports had been received of them. The College had had to feel its way and all concerned were fully aware that there was still room for improvement.

X' A' The Training of Science Teachers. Owing to lack of staff it had not been possible for a proper teacher-training course to be given at Yaba. The general objective of the normal students had been the Intermediate Examination of London University. This was not an ideal examination for men destined to

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 A. to become teachers of general science, but it fitted in with the arrangements made for selected men to proceed to England for a degree course under the Government Scholarship Scheme. Up to the present time men had been sent out to take up appointments in the Middle Schools without having received any training in the art of teaching. [The syllabus of the Intermediate Examination was very circumscribed and it was felt that men destined to become teachers of general science should be given a wider scientific and cultural background.] It is proposed to extend the course to four years and so find time for professional training and it is hoped, some leisure, free from the worry of examinations, for the appreciation of music, art etc.

Science Equipment. Many schools now had science teachers and well built laboratories but in many cases lack of funds had precluded the provision of adequate equipment and this was a hindrance to effective teaching. It was particularly important to provide ample facilities for practical work. Nigerian boys memorise with ease the contents of text books or class notes but without practical work fail to acquire a critical scientific outlook or ability to apply factual knowledge. The equipment problem was being attacked in two ways. All students at the Higher College who intend to become science teachers are required to undergo workshop instruction; they learn to make and repair apparatus. When they qualify from the Higher College they are allowed to take away to their schools any apparatus they have made during the course. An investigation has recently been conducted into the possibility of making science apparatus in Nigeria with the help of African mechanics. It has been found that much equipment can be made locally and one large mission school in Lagos has lately been equipped with over 600 pieces of apparatus so constructed. The total cost for labour and material was less than £100. If purchased from England the cost would have been close on £1000. A workshop, an extension of the Higher College workshop, is now being equipped to enable many schools and the Higher College itself to be provided with apparatus.

Middle Schools. Mr. Morris was keeping under review the development of middle schools. Some schools were essentially feeders for the higher College but it was not desirable or possible for them all to face towards Yaba. It was felt that the time had come to encourage the growth of Middle Schools that would lead boys to consider local industries and scientific methods of agriculture on a co-operative basis. In some schools far too much attention is paid to book work and attempts to pass English examinations, a policy that results in the neglect of workshop instruction, agriculture and art.

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In reply to a question from Miss Perham, Mr. Duckworth said that opposition to Yaba had practically ceased and now it was quite usual to hear compliments paid to the College on the platform and in the local Press. No training in commercial subjects was given in the schools. The suggestion that it should be was welcome. Much trade of the small shopkeeper type was now passing into the hands of foreigners owing to the Africans' lack of knowledge of business methods and good salesmanship.

Dr. Huxley asked whether any art work was carried on at Yaba comparable with the cultural centre at Achimota. Mr. Duckworth replied that art was not represented in any way at Yaba and that this was a weak point in the make up of the College.

Sir George Anderson enquired whether the school farms were expected to pay and whether the areas under cultivation were sufficient to be economic units. He also asked if the school farms were supposed to provide definite vocational training.

Mr. Duckworth said that the educational value of the farms was the first consideration and not that of making them pay. The farms functioned as open air laboratories related as closely as possible with all parts of the school studies. The produce was weighed and accounts kept. Many of the farms were probably economic units but a definite answer could not be given since the value of the unpaid school boy labour could only be estimated. Emphasis was placed on the general educational value of the farms and not on vocational training.

In a general discussion that followed Sir George Anderson and Sir Donald Cameron expressed the view that if a school farm yielded a profit the money should be expended on the school and not be absorbed by the Treasury.

X³ [In reply to a further question, Mr. Duckworth said that about twelve science teachers had left Yaba and taken up work in the Government Colleges, where they worked under skilled European science teachers. They therefore had the benefit of teaching under supervision and thus received their fourth year of training. Teachers, after leaving Yaba, had in many cases made the mistake of dictating their notes made at Yaba and presenting their subjects in an ill-digested form. They did not know how to present their work since they had not received the necessary training, hence their need of supervision.]

Mr. Dawe thanked Mr. Duckworth very warmly for the interesting statement he had made.

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Extract from shorthand notes on Mr. Duckworth's statement made at the 108th meeting, 12.12.40.

Education in Nigeria. Mr. Duckworth made the following statement.

Mr. Morris, the Director of Education in Nigeria, had been anxious to meet the Committee during his leave, but he had been unable to come to England and was taking his leave in South Africa with his family.

It was impossible to give a complete review of educational work in Nigeria during the last year in the short time at his disposal, so he would confine his remarks to some of the recent developments which contained an element of freshness and which might not be common to all the Colony.

Elementary Education. Experiments had been tried out which had proved extremely successful. An attempt was being made to develop agricultural education in elementary schools and the Director of Agriculture was co-operating. Two centres had been established for training selected teachers from elementary schools in modern methods of agriculture. One centre was at Ibadan on the agricultural farm close to the research laboratories, and another was situated at a second agricultural experimental station in the eastern provinces, at Umuahia. At each centre there was a skilled European closely in touch with the education and agricultural departments. School authorities were asked if there were any of their teachers who would care to attend these centres and be trained in modern agriculture and elementary biology. A good response had been made and missions and other bodies had selected suitable teachers - men who were already engaged in teaching. They came to the centres at the beginning of the farming season, were allowed to bring their wives, and settled down in the model villages. Their instruction consisted of lectures on soil, nature study, elementary biology, etc., accompanied by plenty of demonstrations; and there was a great deal of practical work to which the lectures were quite subsidiary. Most of the demonstrations were carried out on the farms. The teachers cleared the bush, planted seeds and went through all the farming year, learning all the time new methods supplied to them by the Agriculture Department. In addition to the farming methods they were instructed in cooperative methods, marketing of crops, bee-keeping, vegetable-growing, etc. - mostly activities connected with horticulture and farming. It had been hoped that while the wives were present they might have been taught better methods of weaving, with improved looms, and other crafts, but the only expert, Mr. K. C. Murray, had been called away for censor work.

After the teachers had finished this course they were able to go back to their schools, give lessons in nature study and look after school farms. He had visited the latter with Mr. Morris and

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There had been some difficulty in inducing teachers to go into the workshops during their first three years of training, because teachers felt that, from the examination point of view, there time would be more profitably spent in the library; but in the fourth year matters were easier in that respect. Public schools in England required much apparatus, but schools in Nigeria required more as teachers had to teach practically to prevent pupils from merely memorising their textbooks and gaining no real knowledge of science. A workshop had been started in an annex at the Higher College and at a large grammar school in Lagos equipment had been provided by African mechanics at the cost of £100, whereas if the equipment had been bought in England it would have cost £1,000. The designs of this apparatus could now be duplicated on mass production methods. It was proposed to start making apparatus to equip many of the mission and native administration schools. Sir Alfred Jones, many years ago, had left a large sum of money for technical education; Mr. Hussey had used some of it at the Higher College, and Mr. Morris had found out that there was a large sum still in use. The matter had been pursued, and the Education Department had now been allowed to use it in equipping the Middle schools. The proposal was to spend a good deal on raw material and on mechanics' wages. Glass could not be made. He was interested to note that Professor Burnell, in his book, "The Social Functions of History", urged English Universities to adopt the method of making their own apparatus - Nigeria would be ahead in following this advice.

Middle Schools. The proper development of Middle schools in Nigeria was a matter of considerable concern. Mr. Hussey had wisely established Umuahia and Ibadan Colleges. These and King's College were the three Government Colleges which had been the main factors for the Higher College. Some of the mission schools were managing to send candidates for the Higher College. In addition to such schools that faced towards the Higher College, there were a number of Grammar schools which were a difficulty. There were also a number of other schools that wished to become full Middle schools. So far they had limited their activities to classes I to III, but they wished to go farther. Unless something was done they would also face towards English examinations and towards Yaba. There was a great need for a Middle school which would lead boys to consider local industries, scientific agriculture and cooperative methods, rather than merely to lead them to think of English examinations - the Oxford Local and School Certificate - and Yaba. Schools were wanted, possibly designed on the pattern of some of the new schools arising in England, with technical education, workshops, and crafts the main activities, instead of purely book subjects. There was a need for research and study and the problem could be solved.

It was

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It was sad to travel about the country and find little boys working at English, geography and history in preparation for the Oxford and School Certificates, with the school farms dead, no art being taught, and hygiene taught from the book. There were a large number of schools of that type and something had to be done to put them on more practical lines.

He had not time to describe many other activities, such as wireless, and the work that was being done to find employment for boys after they had left school. At Lagos an excellent scheme had been provided. Boys went to school in the mornings and worked as apprentices in the afternoons.

Middle Schools (See previous reference on page). He had discussed with the Director of Agriculture the possibility of starting cooperative farms. There were many large spaces in Nigeria unpopulated and undeveloped, and it had been thought possible to start cooperative farming in some of these areas, using boys from the Middle schools. The scheme was somewhat similar to that for Jews in Palestine, where each member was an expert in some particular activity, instead of trying to farm in a village surrounded by an entirely illiterate population.

Members of the Committee then asked Mr. Duckworth questions and the substance of his replies was as follows.

The opposition to Yaba had ceased. The educated element in Lagos was chiefly heard in the Press and on the platform, and it was quite usual for compliments to be paid to Yaba there.

Miss Perham's suggestion for training Africans in commercial subjects was a most valuable one. At the Higher College there was a commercial course, which was intended to provide Africans with opportunities of learning higher branches of business, accountancy and banking, and something more advanced than training for clerkships, or posts as typists. Several pupils had passed out to the Niger(?) African Company and the Treasury. No thought had been given about training boys in the Middle schools for the minor commercial activities and something should be done about this. In Lagos, Accra and Freetown the streets were entirely occupied by Syrians. The class of small African shops in these streets had entirely disappeared. The Africans were fond of trading and they should be initiated into the business of good salesmanship and of approaching the customer suitably.

Glass-making for general science purposes would be difficult as it could not easily be made from raw materials found in Nigeria - lead oxide and various other ingredients would have to be imported. If glass tubing were imported it would be difficult to make apparatus from it as the right kind of gas was unobtainable for glass-blowing.

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Art was not represented in any way at Yaba and this was a weak point. There was a danger of Yaba becoming a somewhat narrow technical school instead of being a College. The latest information he had received about Mr. Murray, their Art expert, was that he was censoring cables. The Education Department greatly hoped that he would be released from this work, as he was the only art expert for a population of 20,000,000 people. His work was easy and could be done equally well by someone else, say, from England.

In every case school farms were designed to allow for a proper rotation of crops, in addition to composting. The size had been carefully worked out with the agricultural experts. He thought that the average school farm occupied at least five acres.

Education and Agriculture. The men in charge of agricultural centres were those who had had experience both of agriculture and of teaching. Mr. Herrington, the originator of the scheme, had spent about ten years in the Education Department as one of the teachers of Biology at Ibadan and at Umuhia school and had a good knowledge of the school-boys' and teachers' minds, and was also a most enthusiastic agriculturist. His relations were good with all concerned. No difficulty was experienced in cooperating with agriculturists. School farms not only served to train boys in agriculture but also closely linked up the teaching of elementary biology and hygiene.

The question of farms being a paying proposition was a delicate one. Accounts were carefully kept, crops were weighed, and returns were kept, to see whether the farm were paying or not. A certain Government school had been most successful and paid a substantial dividend. In Mr. Hussey's time the money had been spent on equipment. A few months ago the Treasury had learnt of this and were trying to make the schools pay their profits into the Treasury rather than into the school. Whether the Education Department could circumvent the Treasury in this he did not know. If a profit were made he considered it should be paid into the school as this would encourage the boys. Farms always paid for themselves. There was free labour, the actual material was seed, and the tools were a small factor. The Agricultural Department had recently established a farm at which they were trying out experiments, showing what profit could be made, and a value had been attached to the labour on the farm.

Sir George Anderson remarked that it did not matter whether a farm paid or not. It was better from the point of view of teaching to show boys how to farm under difficult conditions.

Mr. Duckworth

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Mr. Duckworth, in continuing, said that about twelve students had left Yaba and went to the Government Colleges and there worked under skilled European science teachers. They therefore had the benefit of teaching under supervision and thus received their fourth year of training. Teachers, after leaving Yaba, had in many cases made the mistake of dictating their notes made at Yaba and presenting their subjects in an ill-digested form. They did not know how to present their work as they had not received the necessary training, hence their need of supervision.

Mr. Dawe thanked Mr. Duckworth very warmly for the interesting statement he had made.

It was agreed that if it could be arranged Mr. Duckworth should meet any members of the African Reports Sub-Committee who were in London and who wished to question Mr. Duckworth further.

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The reply should be of course, that he ought to be made to do it as he was a few years ago, but it is obviously unfair to criticise the course on the ground that no training in teaching is given, when that particular part of the training was his job which he has neglected.

an
I have often told you that Duckworth is extremely valuable man, but he has to be directed. A good many things he has to be driven to do and he can do them quite well. Many other activities are in the bye-paths but they are extraordinarily useful and have made a great difference to the position and understanding of Science in Nigeria, but that is no reason why Duckworth should not be made to contribute in certain directions in which he can be very valuable, such as the undertaking of the practical teaching for Science teachers and also what I made him do - inspection of Science in all Secondary Schools in the Country, north and south.

Meanwhile, I gather Duckworth has been shifted to the Information Office and he will probably be extremely clever there with his gift for photography, etc., but in view of the conditions evidently prevailing in Nigeria at the moment, it might be sound to put into operation the plan you had evolved of using Duckworth to brighten up Science teaching in some of the other Colonies.

Morris also tells me that all College buildings except Yaba have been taken by the military. The Middle School in Ibadan is being carried on in a Convent there and King's College are moving into huts, though why the army cannot use the huts is, so says Morris, an unexplained mystery. Umuahia is closed for the duration and the students dispersed. This is a very real pity.

Yours ever,

E. R. J. Hussey.

Secretary.

Christopher Cox, Esq.
Educational Advisor,
Colonial Office.

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Telegram: "EDUCATION."

No. C/DE. 142/35 287



EDUCATION DEPARTMENT,
NIGERIA,

CONFIDENTIAL

LAGOS, 12th March 1941

E. H. Duckworth, Esq.,
Inspector of Education,
Lagos.

Not received

Further to my letter No. C/DE. 142/33 of the 22nd of February, 1941, addressed to the Educational Adviser to the Secretary of State for the Colonies, will you please furnish any amplification of your statement to the Advisory Committee that you may wish to make in order that I may send it to the ^{Adviser} Secretary. The Committee will have Mr. Butler's letter and I understand that you wish to make further representations in view of its contents.

2. I am afraid you are exaggerating the importance of this matter. The implication of your statement to the Advisory Committee was that the Yaba course was confined to the circumscribed syllabus of the Intermediate examination. This is not correct and implied undeserved criticism of the Higher College.

3. Intermediate examinations are taken as a rule not more than two years after matriculation. [The Teachers Science Course covers three years post-matriculation work, plus six months practical teaching. If the course is of any standing it can hardly fail to cover the greater part of the London Intermediate Science syllabus, but to argue that therefore the object of the course is to enable the students to pass this examination is surely not a fair presentation of the case.]

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4. Everyone who has had any experience of African Education is aware of the great value attached by Africans to external examinations. [It would have been a simple matter to have pandered to the African view by arranging for the science teachers class to take the Intermediate Science examination of London University at the end of the second or third year. This was not done as it was felt that the syllabus for this examination in itself was not suitable for the teachers course.] The College can hardly be blamed for the fact that students who have left the College have taken this examination, doubtless with the object

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object of proceeding later to an external degree.

5. I would remind you that in your memorandum on the Training of Science Teachers, enclosed in your letter No. I.N.4/60 of the 29th of May, 1940, the following passage appears:-

"I am not opposed to Normal Students taking the London Intermediate Science Examination provided they can take it after three years at the Higher College and that a fourth year can be kept clear and devoted to giving the students specific training for their profession. This training need not consist of very much actual teaching practice, but should include detailed instruction, with much laboratory and workshop work, in the practical parts of General Science teaching and in learning how to make teaching alive, interesting and related to Africa. This fourth year instruction should be in the hands of men with expert knowledge of Middle School requirements. One man might be in general charge of the fourth year course, but he should be able to bring in experts to deal with certain parts of the instruction. He should be a man with a ~~xxx~~ wide knowledge of science and having an understanding and sympathy with the African view point and realization of the need for research in education."

The principal of the Higher College and the Director of Education have always recognised the desirability and the value of the training in practical teaching during the fourth year, and the present six months' practical teaching course, which will be extended to a full year as soon as possible, has, owing to shortage of staff, only been arranged with great difficulty.

6. I need hardly add that I never for a moment suspected you of deliberately misleading the Advisory Committee, but having frequently appeared before the Committee myself I know how easily a wrong impression can be created especially if one is speaking without notes.

S.S. Davis

DIRECTOR OF EDUCATION.

The Secretary,
The Advisory Committee on Education in the Colonies,
Colonial Office, London.
The Principal, Higher College, Yaba.
For your information, with reference to my Confidential letter No. C/DE.142/33 of the 22nd of February, 1941.

C/DE.142/35.
Lagos,
12/3/41.

K. B. O. O.
DIRECTOR OF EDUCATION

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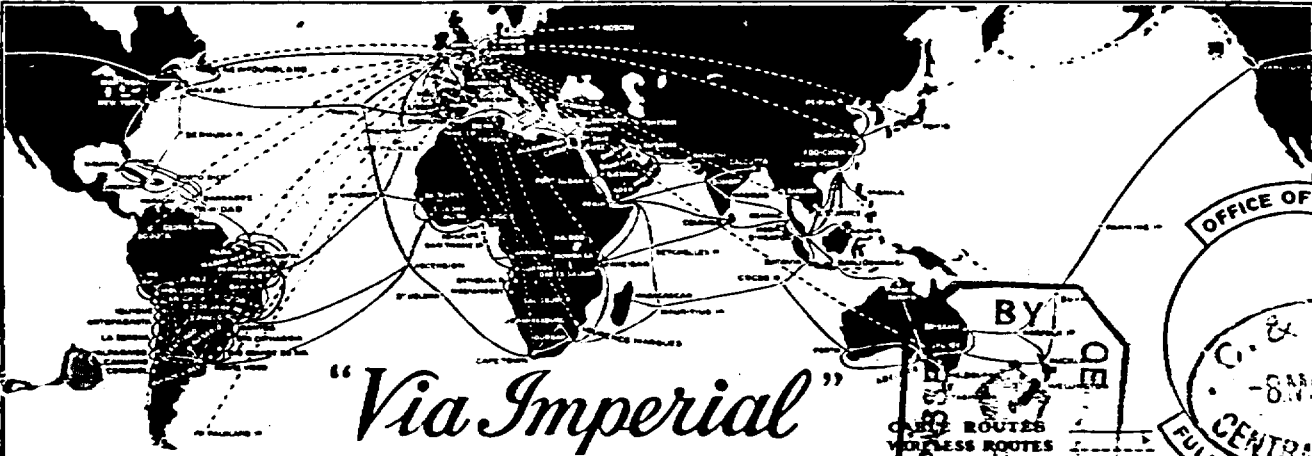
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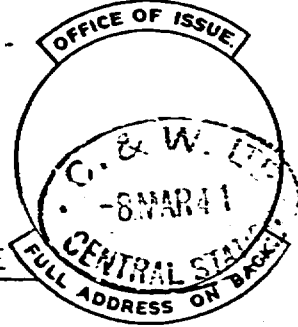
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NIGERIA

Mission Activities

Previous	R 216(L)	19.4		
1939	302.	28/29		
1939	Mr Farmer	1/5		
	Mr Hayward	3/5		
	R 216 (L)	4.5.		
Subsequent	302.			
see 53722/43				
1947	W.F.A. (Attercliffe Miss)			
R 98	28/11			
Mr Pedler	30/11			
Mr O.G.R. Williams	30/11			
Si A. Dave				
R 98	13/8			
Mr. b. box	20/10			
R 98	23/10			
Mr. Williams	24/6			
98	17/4			
Mr O.G.R. Williams	17/4			
Si A. Dave	13.4			
M. Thornley	14.4			
Mr O.G.R. Williams	15/4			
Mr Hayward	16/4			
Mr. O.G.R. Williams	17.4			

FILE A.

(1745) WL 23737/35. 21,000. 8/59.
N.P.Co. G.682,772.

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C.I.
TITLE.

1 Rev. J. Lowry Maxwell
Mr. H. H. H. H.

23.10.41.

2

I have spoken to Mr. Cox about the passage marked on page 63 of the "Lightbearer". We do not appear to have any information about this alleged rule, but Mr. Cox thinks that it is quite possible that some such restrictions may exist, at any rate in the Moslem areas in Northern Nigeria. At one time only a few Christian missionaries were allowed to work in Northern Nigeria and these were, I believe, subject to severe restrictions, as it was necessary, if their presence was not to do more harm than good, to have regard to the strong religious prejudices of the Moslem communities themselves. I should have rather expected as time went on ~~that~~ these restrictions ^{would} to be relaxed, but the passage in the "Lightbearer" seems to imply something new. Mr. Cox, however, has suggested that the explanation may be that the admission of Christian missionaries to Moslem areas which have hitherto been closed to them, has made it necessary, in the opinion of the local Government, to impose special restrictions in the new areas.

In any case, I understand from Mr. Cox that similar, if not more stringent, restrictions have been enforced in some parts of Northern Sudan for the same reason.

(x Anglo-Egyptian)

Broadly speaking we have not, so far as I am aware, attempted to interfere with the discretion of the Nigeria Government as to the terms upon which Christian missionaries have been permitted to work in predominantly Moslem areas.

Perhaps the Secretary of State would like me to find out the facts semi-officially from the Nigeria Government.

O. G. R. W.

29.10.1941.

2 To Rev. J. Lowry Maxwell. — 14.11.41.

Mr. O. G. R. Williams.

Here is a copy of the answer which the Secretary of State sent to Mr. Lowry Maxwell on the article in the "Lightbearer". Perhaps you would now take this matter up in accordance with paragraph 3 of this letter.

J. H. H. H.
5.11.41.

3 To Hoskyns Abtalall. - cons - 7.11.41.

9/11

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AIR MAIL.

44

Nigeria

IN REPLYING PLEASE QUOTE
NUMBER AND DATE OF THIS LETTER.

No.

Nigerian Secretariat.

Nigeria.

Recd 26/1

Lagos, 2 January, 1942.

Dear Williams,

3A

Further to my letter of the 12th of December, 1941, I now enclose a memorandum which sets out the Government's policy with regard to Mission activities in Moslem areas and explains the circumstances which have led to the complaint in the "Light Bearer".

When you have read the memorandum you will, I think, agree that the allegations are a little surprising since relations between Government and the Emirs and the S.U.M. have always been satisfactory; the Mission cannot be unaware that the trouble has been fomented by the S.I.M. with whose technique they themselves appear to have had little sympathy. However, I imagine that the passage was written at least twelve months ago, when a settlement was not in sight, and when all Missions may have been unduly, perhaps not unnaturally, apprehensive of Government's reactions.

It will be some little time yet before we can get the latest draft agreement finally drawn up, but there is good reason to believe that it will prove acceptable to the Missions. If there are any further developments I will keep you informed.

Yours sincerely
Hoskyn-Phillips

O.G.R. Williams, Esq., C.M.G.

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Policy of Nigerian Government as regards
Mission Activities in Moslem Areas.

At a Conference in London on the 26th of July 1927 on the subject of Missionary Work in the Northern Provinces of Nigeria, Sir Graeme Thomson made a general statement of policy. The relevant passage from its proceedings reads as follows :-

"In reply to a memorandum which had been submitted by the representatives of the missionary societies, Sir Graeme Thomson stated :

(1) That he fully concurred in the view that it should be the policy of Government, while refraining from any compulsion or pressure on the Emirs to permit missionary work in their territory, not to exert its influence in any way to induce them to refuse such permission or to lead them to believe that it is the desire of Government that permission should be refused.

(2) That it was the desire and intention of Government gradually to educate the Emirs to an understanding and recognition of the principles of religious toleration which are characteristic of western civilisation, but that the nature and the time of any steps in this direction must be left to the judgment of Government.

(3) That if any doubt existed on the subject he was prepared to make known to officers in Nigeria that this was the policy of His Majesty's Government.

(4) That he was prepared to accede in principle to the request that when the Government has satisfied itself that missionary work will be undertaken in a wise and discreet manner and that the native authorities are willing the opportunity should

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should be given to missions to try through Christian service to win the confidence and friendship of Moslem communities and that the necessary sites should be granted; but that it was necessary to give full weight to the qualifying clause "if the native authorities are willing".

2. This statement of policy was supported by Mr. Amery (the second enclosure to the Secretary of State's Conf. Despatch of the 26th of July 1927 refers) and has been endorsed by successive Governors. It is the present policy and there can be no thought of departing from it. The attitude of Government to the natural aims of the Missions has, in fact, been consistent and unequivocal; on the one hand it has never brought pressure to bear on the Emirs to accept any Missionary proposal affecting Moslems while, on the other, it has never encouraged them to oppose Missionary activities. Incidentally, the Letter of Appointment given to an Emir on his installation contains the following passage :-

"In the matter of Religion every man is free to worship God in his own way, according to his own belief. There shall be no interference with any man's religion so long as it does not sanction cruelty or oppression or acts contrary to good government."

3. In the last year or so, however, a somewhat difficult situation has arisen in the Northern Provinces where, the Chief Commissioner reports, several of the Emirs have protested, both orally and in writing, against any proselytisation of children by the Missions. These protests originated with the Emirs themselves and were not inspired by the Administration. The Emirs' contention is that it is contrary to Mohammedan Law for either them or for the parent of children to allow proselytisation to take place and that

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5. In 1939, however, several Emirs complained of the activities of one of the Missions, the S.I.M., to the effect that its members were actively engaged in proselytising Moslems in the Leper Settlements by means of services, religious classes (to which children were admitted) and house-to-house visitation and had applied for permission to teach Christianity to the children in the "Babies Homes" attached to the Leper Settlements - children whose maximum age is five years. The Emirs had, in fact, received protests from parents and Village authorities and will never be brought to tolerate such practices; they maintain that the Missions were given the position of managers of the Settlements for the sole purpose of undertaking the medical treatment of the inmates and they object to this position being used as a cloak for proselytisation. They have no objection to the teaching of Christianity to any adult Moslem who, entirely of his own volition, wishes to listen but they object most strongly to children, whose parents are Moslems, being exposed to the influence of Christian teaching.

6. Government then considered the adoption of a new sub-clause in Certificates of Occupancy granted for ordinary missionary work on the following lines :

"not to give religious teaching to any children under the age of 18 years whose parents are Moslems, nor to permit any such children to attend religious services."

It was not intended to insert this clause in all Certificates but only in respect of institutions where the Emir and the Mission concerned appeared unable to agree and the Chief Commissioner considered there was no alternative.

The following clause was also drafted for the Agreement regarding "Babies Homes" :

"The

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"The Mission shall carry on only such work and activity in the Babies Home as is reasonably necessary for the proper working and maintenance of the said Home but shall not impart religious instruction to the children who are inmates thereof and whose parents are Moslems;"

and a similar addition was proposed for the clause quoted in paragraph four.

7. These proposals were conveyed to the Missions who, and particularly the S.I.M., at once raised objections. Government was naturally reluctant to force acceptance on the Missions and, in fact, has never done so. The policy has been to effect settlement by negotiation and the Chief Commissioner reports the preparation of a further draft agreement which, he believes, will prove generally acceptable. Clauses referring to religious instructions of children have been abandoned, and replaced by a clause enabling either party to give six months' notice of withdrawal at any time should the Emirs, on the one hand, feel that Moslem susceptibilities are being imposed upon or the Missions, on the other, that their work is being unreasonably frustrated. It is hoped that practical experience may lead to closer appreciation of opposing points of view and there seems good reason to believe that mutual agreement can be achieved without the enforcement of restrictions by Government, if the Missions will but exercise a little common sense. Rome was not built in a day nor can Moslem prejudice, the growth of centuries, be as swiftly removed.

8. Should experience indicate that certain Missions in certain Provinces are unable to adjust their activities to the requirements of policy it will be better for all concerned for the particular Mission to withdraw rather than that the source of friction should be allowed to embarrass relations

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relations between the Emirs and the Missions throughout the Northern Provinces. The Missions are doing excellent work in the medical and health field which is thoroughly appreciated by the Emirs.

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NIGERIAN SECRETARIAT,
LAGOS, NIGERIA.

3A
11

12th December, 1941.

Dear Williams,

3 Your letter of the 7th of November regarding restrictions on the activities of Christian Missions in the Moslem areas of Northern Nigeria arrived this week. I am afraid I cannot give you the exact position straight off the reel, but I hope to be able to reply more fully very shortly.

Yours sincerely
O. G. R. Williams

O. G. R. WILLIAMS ESQ., C.M.G.,
COLONIAL OFFICE,
LONDON, S. W. 1.

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LETTER
SENT

REGISTERED No.

DATE

DRAFT

MR. Williams b.u/s

Ans 3 Nov 4

Downing Street.

November, 1941.

MR. _____

Dear Hoskyns-Abraham,

MR. _____

Lord Moyne has recently had his attention drawn to a passage, of which I enclose a copy, in the 37th Annual Report of the "Lightbearer", the official magazine of the Sudan United Mission. I am, of course, aware that it has for some time past been considered necessary to impose certain restrictions on the activities of the Christian missions in the Moslem areas of Northern Nigeria. So far as I can find, however, we have no information about the case here referred to and nor do we appear to have any very up-to-date statement of the policy adopted by the Nigerian Government with regard to Mission activities in Moslem areas. As the Secretary of State has promised to look into this matter, I should be grateful if you would arrange for us to be supplied, at a reasonably early date/

ENCLOSURES

FURTHER ACTION

To

T. HOSKYNs-ABRAHAM, Esq.

(6094) Wt. 25403-113 40,000 ca. 2 sorts 9/40 T.S. 495

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TIME

date, with a clear statement as to the exact position.

With apologies for adding to your burdens,

Yours sincerely,

(Sgt) O. R. Williams

SEARCHED
SERIALIZED
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4th November, 1941.

I am sorry for the delay in answering your letter of October 23rd. It dealt with a rather different point than I had previously understood from Grania.

I have been making enquiries in the Department concerned with Nigeria, and no trace of this particular ruling referred to in the "Lightbearer" can be found. It is possible that some such restrictions exist in certain areas of Northern Nigeria where, owing to the strong religious prejudices of the Moslem communities, only a few Christian missionaries are allowed. Another explanation is that the admission of Christian missionaries to Moslem areas, which have hitherto been closed to them, has made it necessary, in the opinion of the local Government, to impose special restrictions in the new areas. Up to the present it has always been left to the local Government to decide the terms upon which Christian missionaries have been permitted to work in predominantly Moslem areas.

I am, however, arranging for a clear statement to be obtained from the Nigerian Government as to the exact position, and when I have this information I will certainly give consideration to any measures likely to render the situation less anomalous.

I am grateful to you for bringing this matter to my notice, and also for your kind thoughts and wishes.

575

The Rev. J. Lowry Maxwell.

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23rd Oct. 1941.

Dear Lord Moyne,

I do dislike adding anything to the very great burden that you are carrying in these tremendous days. But Franca told me that you wanted something in the way of information about that matter which has risen of late in Nigeria. Accordingly I enclose an official report published by a Society working in the Sudan (including Nigeria in that area) which gives the gist of the matter in about the minimum of words. See page 63.

I send you this, as I said above, only with

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some reluctance, for well do I know the way white men are affected by the various circumstances, physical, mental, & spiritual, which they have to face in Nigeria. It is so easy to lose one's balance when fierce sunlight and never-ceasing heat combine with malaria and physical exhaustion to upset the delicate adjustment of our European nerves. It is so possible that what one glories over while in Nigeria as a masterpiece may, after a few months' furlough, reveal itself to one's dismayed consciousness as a particularly asinine policy! Or as a most reprehensible

faux pas! I think I have fairly paid the price of sympathy with such sufferers; for I have been a fellow-sufferer, alas!

● But still the fact remains that this particular policy now in question has apparently been put forward. It is the greater pity that this Mission should be tripped up by it, that this particular Society has actually been rather approved of in a couple of cases where delicate handling was required in relations with the people. Once, I remember, a doctor belonging to it was able to prevent serious trouble by capitulated natives down in the Basa-Igbira country. And years later it was a couple belonging to it who were allowed to enter and among the Murchison mountains work in a very unsettled district, where two

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District Officers had been murdered and the people needed very capable & tactful handling indeed. They got it, I'm glad to say, and I think by this time they are pretty well all right. The man & his wife who did the job are now at home invalided.

But I have taken up enough of your time.

God bless & guide & keep you in your great task. Day by day I pray for you personally. May you have the great joy, - even amid all the strain of events these days: - of being conscious that beside you is the Friend of all friends, Who is the infinite wisdom of God Himself. With Him by your side you will never be at a loss.

Yours very sincerely

J. Lowry Maxwell.

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Mr. C. S. Williams.

The Secretary of State was asked about the passage marked on page 63 of the attached edition of "The Lightbearer" at the week-end by a friend of his in Sussex.

Would you please let me know what are the facts?

C. H. Thonley
28. 10. 41.

M. Thonley

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bornly resisted the Gospel, and at the existing station at Zinna, in the eastern end of it, the results are quite small after eight years. The character of the people in the west differs somewhat from those in the east, and it is hoped that fruit will come more quickly.

A Temporary Set-back.

Negotiations were made with General de Gaulle's government in North Cameroon for a site in the Matakam tribe in the Mandara hills. The tribe is probably about thirty thousand strong, and a very attractive opening. Though the people are very unsettled the Administration appeared to be willing to grant a site on condition that the Mission would exercise great care. Changes of administration staff took place, however, and with continued turbulence in the tribe, the new officials turned the application down. They offered a site in the territory of an adjoining tribe, but investigation of it has not yet been made.

Obstacle to Advance in Mohammedan Areas.

The Nigerian Government is attempting to establish a rule that persons under 18 years of age cannot receive Christian instruction if they are children of Moslem parents, even if their parents wish them to receive it. When so much is made of the object of the present war being a struggle for personal liberty, this is a strange denial of it. The proposal is so out of spirit with religious and personal liberty that the Missions oppose it. Government wished to write this restriction into any certificate of occupancy given for a mission station and to make it apply to stations, hospitals and schools, but such a clause in a certificate is unacceptable to a mission. The site for the hospital at Nguru has been granted, but Government has not yet said that this restriction will not be in the certificate of occupancy, and the site has not yet been accepted. This controversy, unfortunately, prevents the Mission getting other sites in Mohammedan areas, while it continues.

Scriptures.

The Gospel of St. Mark in both the Ganawuri and Jarawa languages was received from the British and Foreign Bible Society. They were translated by Mr. Suffill, with African help, and in each case are the first printed Scriptures in the language. The chief African translator of the Ganawuri Gospel was a woman, Vo Gyang, wife of Bot Dun, who was the first evangelist to the Ganawuri, they themselves being of the Birom tribe. Vo Gyang received a specially bound copy of the Gospel from the Bible Society.

The sale of the Hausa Bible increases steadily. Hausa is the only language of the Field in which there is the full Bible, and it is therefore of great importance in bringing all of Scripture to our people. The language and the Book have a great effect in unifying our many diverse tribes.

Summary of Important Statistics.

A summary of the more important statistics is appended.

Conclusion.

The work of God can only be done in faith. It may be that when we have thought of that, we have thought of it as referring to fruit. In this world of to-day, so terribly assaulted by evil forces, one must add that only in faith are we allowed to continue in work. If one wishes to continue not only must the object sought be good, but we who seek it must be effective. The object sought is that all men might hear of Christ. The goodness of that is not in question. Our effectiveness as servants can profitably be examined. The Nazis did not invent total war. It was waged by Christ, Who gave His all for the salvation of a sinful world and Who expects His followers to do likewise if they are to bring forth the precious fruit He wants.

We have a very great privilege in being allowed to evangelise the Sudan. To whomsoever much is given, of him shall much be required, and the blessing of God will only continue to

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rest upon us if we give ourselves wholly to the accomplishment of His gracious purpose, so following in the steps of our Lord:—

Who being in the form of God, counted it not a prize to be on an equality with God, but emptied himself, taking the form of a servant, being made in the likeness of men; And being found in fashion as a man, he humbled himself, becoming obedient even unto death, yea, the death of the cross. Wherefore also God highly exalted him, and gave unto him the name which is above every name; That in the name of Jesus every knee should bow, of things in heaven and things on earth and things under the earth, And that every tongue should confess that Jesus Christ is Lord, to the glory of God the Father.

H. G. FARRANT.

Statistics of Chief Activities 1940

Main stations	-	-	32
Out-stations	-	-	31
Registered Classes for Religious Instruction	-	-	174
Preaching-centres	-	-	29
African Staff:			
Ordnained Ministers	-	-	3
Paid Evangelists and Teachers	-	-	81
Paid Dispensary attendants	-	-	25
Paid Midwives	-	-	3
Voluntary workers in charge of C.R.I. and Preaching-centres	-	-	195
Enquirers on roll	-	-	2821
Catechumens on roll	-	-	667
Baptisms during year	-	-	372
Total number of baptisms since the work began	-	-	2390
Church members on roll in December	-	-	1952
Average number of persons attending Principal Sunday Service at all Stations and Out-stations, and at C.R.I. and Preaching-centres when Sunday services are held	-	-	9372
Average number of pupils on roll of schools during the year	-	-	1782
Number of different patients treated in hospital and dispensaries	-	-	40306

The Lightbearer

The Medical Activities of Vom Hospital.

The Hospital has been busier than ever and the accommodation was frequently strained. The total number of patients treated was 5,873, of whom 1,119 were in-patients and the rest out-patients. There were 215 cases of sleeping-sickness, and these patients



CRICHE BABIES AT THE LEPER COLONY, MALDUGURI, IN THE CARE OF DR. PRIESTMAN AND MISS HUTCHISON, S.R.N.

generally live in, but are not usually confined to bed. Vom has a department for Europeans, and of the number mentioned above there were 38 European in-patients and 162 out-patients. The number of major operations performed during 1940 was 165 and the minor operations 99. In the obstetrical department there were 83 African and 11 European patients. The number of children born was 88. A new block of buildings for this department is almost ready for occupation.

The diagnosis of many tropical diseases depends on microscopic examination, and an African assistant has been trained to do this. The number of these pathological laboratory reports given in 1940 was 896.

The Hospital does quite a bit of varied training. Three missionaries took a course to enable them to get the Government permit which allows a lay missionary to practise medicine within certain limits. A larger number took a course in the giving of injections so as to secure a Govern-

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END

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SUBJECT.

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Mission Activities.

APPLICATION FOR GRANT FROM CARNEGIE CORPORATION

FOR AGRICULTURAL WORK OF CHURCH MISSIONARY

SOCIETY IN NIGERIA.

Previous

1940.

Subsequent

1944-

and 1947.

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Mr. Cox.

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I agree that no action is called for. I cannot do not understand why Mr. Prou did not send his application for Carnegie assistance through the Nigerian Govt. - but that is his affair.

O.G.R.W. 9.1.41

This can not be paid by

[This has just reached me]

W. B. [unclear]
9/1/41

J.P.P. 9/3 above.

N.B. ~~Document~~
Copy of Minutes on
1940/41

MM

1941

J. Keppel

H. 3. 41.

~~(circled scribble)~~

In view of Mr. Cox's advice of 8.1.41

I think that we had better consult Govt of Nigeria about Mr. Prou's scheme referring to the letter to Mr. Prou from Director of Education & Agriculture & ask whether Gov. recommends that we should support the application to the Carnegie Corporation for assistance. The amount required is not fully indicated but it appears to be of a few hundred pounds, partly recurrent for 5 years. If it is to be started during the

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3

Was I suppose it will have to be taken
 from the limited ^{budget} allocation of such
 Dr. Keppel has informed us. So before
 we could support the scheme - if
 Gov recommends that we should do so - we should
 presently have to consider other possible
 schemes which might compete with it
 for assistance. This is I think, about
 the receipt of Gov's views - as he may turn it
 down anyhow.

An interim reply to Dr. Keppel explaining
 this although we have seen the letters from
 Mr. Morns & Mr. Madie, we have ~~not~~ ^{not} ~~yet~~ ^{not}
 had no comm. with Govt of Nip. about this
 proposal & those letters are already about
 year old so we feel that we may ought
 first to ask for his views, & provide
 a further letter.

O. G. R. W. 19.4.41

Carnegie Corp
21/4

Yes; but in referring to Gov., we had better
 tell him that the amount of assistance that
 may be forthcoming from the Carnegie Corp. for
 the whole of the Col. Empire during the war will
 be very limited; that we are still in contact
 with them as to how much it will be; & that the claims
 any appls for assistance will have to be carefully
 weighed against others.

J. J. Parsons
21/4
at home.

3 To Dr. Keppel - 2 April

1.5.41

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4 To Neg 118 (W copy 1 ends 2) - ^{30/8} - ^{30/8} ⁴

mg

Remind. to reply to 4.
? Another mail
8/9
If nothing in by next mail, remind.
W. Korrington 30/8
J. L. Whitman
1/9 above

mg

Nothing in by last mail
of 9th Sept.
W. Korrington
9/9

5 To Neg 2/2 ——— ^{16/9} ^{16/9/41}

mg

6 Nigeria 578. ——— 1. 10. 41.

Mr. Dwyer

Please to make a special
Application to the Carnegie
Corp now - or should it wait
for the next Annual batch
of schemes?

(A) 2000 with
8/10/41

Mr. Dwyer

The Carnegie Corp. (Dr. Kessel) has offered us \$50000 for schemes
in the 1st Empire during 1941 & 1942 & the allocation of this amount
is a question for the CO. - by recommendation to the Corp. Some
part of the \$50000 is already mortgaged but we shall have to give carbon

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the question generally. to keep in this perhaps you should see in
 case you have any comments. *H. Bryce*
 7/11

As previous minutes by Mr. Cox show I have seen
 Mr. Prior I have also had some conversations and
 correspondence with Dr. Bryce Deputy Director of Agricu-
 -ulture about him.

Mr. Prior is an enthusiast and is occasionally a
 little apt to let his enthusiasms run away with him
 but on balance his activities are decidedly beneficial
 and I gather that on the whole he works in well with
 the Department of Agriculture and deserves every
 encouragement and assistance.

He is certainly very active and has produced a
 series of agricultural pamphlets which I have seen
 and although some may be open to criticism they are
 on the whole useful and workmanlike productions.

I feel personally that this new line of activities
 of the missionary field is of considerable utility
 provided that as at present they keep in step with
 the agricultural authorities. I should be inclined to
 suggest supporting this application for assistance
 from the Carnegie Corporation with the stipulation that
 any grant would be contingent on close collaboration
 with the Department of Agriculture should continue to
 be forthcoming, ~~and~~ that approval of the Department
 should be required for books, pamphlets and films prior to
 and assistants employed be trained at one of the
 Government agricultural schools, as is recommended
 by the Governor.

H. Thompson
 9, 12, 41

issue

Ought we not to try and establish contact
 again with Mr. Prior? There are lots of points to
 be cleared up, e.g. firm estimates of the scheme,
 the possibility of starting the scheme (is not
 Mr. Prior in America?), and whether the Church
 Missionary Society would agree to the stipulations
 mentioned in No. 6.

C. H. ...

23.12.41.

*M. Cox can't
 perhaps kindly
 sign & then
 & he can see to
 it. S.H.*

*Yes. Draft cover to Mr. Harper
 ref his letter to Mr. Cox of 28 Oct 1940
 attaches between 1 & 2 lines, explaining
 that we don't know when Mr. Prior is at present
 & asking if Mr. Harper can give or obtain
 for us sufficient further particulars
 to enable us to put the scheme up to the Carnegie
 Corporation & also refer to the stipulations of Mr. Cox
 in the minutes to the CMS. O.S.R. 2.1.42*

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Dr. Tempany

6

? It would be better to hold up this letter until after our meeting with Mr. Hooper and Mr. Grace next week.

~~In any case the draft should not be taken into account~~

I have bracketed passages which should be omitted from the draft as since your last minute we have learned Mr. Pross is back in Nigeria.

Arthur Cox

7/1/42

Mr. Cox,

Yes I agree. There has been some s.o. correspondence since then which I have seen and which does not appear here, which indicates that all may not be running quite so smoothly between Mr. Pross and the Department of Agriculture authorities in Nigeria and it might perhaps be better in any case to be a little more guarded when replying.

Arthur Cox
8/1/42

Mr. Pross 9/1/42

P.S. see above. The correspondence has been between Dr. Tempany & Mr. Grace, whom we shall be meeting with Mr. Hooper of the CMS on Tuesday. Could this come back to me by Monday?

Arthur Cox
8/1

Dr. Tempany

I am afraid this has been overlooked since our talk with Mr. Hooper.

Do you think it is desirable to make some reference to that conversation in the draft and would you desire the draft itself to be rather more guarded?

Arthur Cox
16/2

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.7

I think that the letter wants toning down somewhat, as I am still a bit dubious about Mr. Prior's activities. The last thing that we want is to induce the Carnegie Corporation to finance activities which might run counter to official efforts, and I am not at all sure that this might not happen if he were provided with sufficient funds to enable him to set up an organization of some size, unless the most thorough checks were provided.

I would instance the booklet on a Practicable Poultry Improvement Scheme which he has published and which appears to run counter to the Agricultural Department views as set out in a memo which they furnished us with some time ago and in the opinion of Mr. Smith is of ~~very~~ doubtful validity under conditions such as obtain in Nigeria. I attach a copy of this.

and myself/

I have accordingly modified the draft in a number of respects.

17.10.42.

I agree that the draft should be lightened as suggested by Dr. Tempany. Dr. Tempany & I both discussed Mr. Prior's activities with Mr. Hooper and it will be more natural for him to sign the letter; he is willing.

Arthur Cox
18/10

I have revised the letter
H. Tempany
23.2.42

7 To Rev. H.D. Hooper cons 23/2/42 1/0

8 From Hooper 24/2/42

Mr. Cox & Mr. Pedler should see & then put by?

H. Tempany
27/2

F. Pedler
2/3 at once

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9. Hooper — S/O — 27.7.42

10. Rev. H. P. Hooper — DESTROYED UNDER STATUTE — 31.9.42

I have read Mr. Hooper's letter and the attached copy of Bishop Lasbrey's to Captain Mackie. I hope that the latter's intervention may succeed in smoothing over the tension which has apparently arisen between Mr. Prior and Captain Mackie.

As regards the proposed curriculum of the C.M.S. Farm School, I can see nothing much in it to criticise and it seems to be, on the whole, soundly drawn up.

I suppose the syllabus of the practical work in horticulture is only intended to be a very broad outline, but as it stands, it seems to me to be a bit sketchy with insufficient insistence on the cultivation side, but this is probably merely due to the fact that Mr. Prior does not wish to overload the syllabus with detail.

While I quite sympathise with the Bishop in his inability to agree to a principle that pamphlets should be submitted to any Department as a condition of publication, I should have thought that it would be all to the good if an arrangement could be established whereby all such publications were vetted by the Agricultural Department, since this would provide a safeguard against the possibility of error. Most people who write pamphlets of that description are only too glad, as a general rule, to get what they have written vetted by competent authorities, and it is to me rather surprising that a difficulty of this nature should have arisen.

I must say that I cannot avoid a feeling that Mr. Prior may have a tendency to carry things with a high hand, and that this is really what is at the root of all the trouble.

[Handwritten signature]

26. 8. 42.

I think this might be put by?

[Handwritten signature]

28/8

[Handwritten signature]

29/8

Harmer 4/9

The going of a detailed scheme & estimate of cost has apparently receded into the background. Just as well perhaps as the Carnegie Corporation have now decided not to finance any new schemes in the colonies for the time being unless order is 9. 42

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Mr. Blaxter, About 12 the main point that wants clearing up is that the holding up of the Carnegie grant to Mr. Prior is not due to reservations made by Captain Mackie in regard to Mr. Prior's proposals but is a result of the Corporations policy of not making any new grants, during the remainder of the war.

This has been made clear to Mr. Hooper in 13 and I suggest that in our reply to Captain Mackie we should make the point clear to him also.

I attach a draft to Captain Mackie.

[Handwritten signature]

25.1.43.

- 13 L. Rev. H.D. Hooper _____ 25.1.43
- 14 " J.E. Mackie _____ 30.1.43

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11

15 Rev. H.D. Hooper ————— 26.1.43

B.O. side note opposite.

J. Knapp
18.2.43.

See Part 4

H. J. ...
3/3

John

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CHURCH MISSIONARY SOCIETY. ¹⁵/₁₂

6, SALISBURY SQUARE.

LONDON, E.C. 4.

Jan 26th, 1943 194

Yr. ref. 30063/7/42

Dr H. Tempny,
Colonial Office,
Downing Street, S.W. 1.

Dear Doctor Tempny,

I am very grateful to you for letting me know of the letter from Capt. Mackie and also of the action which the Carnegie Corporation has been compelled to take. In view of what you say I am quite prepared to abide by their decision. The interval may help Prior and others to mature their plans wisely, in consultation with Capt. Mackie and others, and so may not be altogether a disadvantage. It is a great relief to know of the growing understanding in that quarter on both sides.

Yours sincerely,

H. D. Hooper.

Secretary.

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30063/7/42

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14

26 JUN 1943

Lh sent.

C. O.

Dr. Tempany 26/1

Mr. Blythe 27/1 f.s.

Mr.

Mr.

Sir W. Battershill.

Mr. G. L. M. Clauson.

Mr. C. J. Jeffries.

Sir A. Dawe.

Sir J. Shuckburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

3

30.1.43.

For Dr. Tempany's signature.

DRAFT.

Dear Mackie,

J.R. MACKIE, ESQ., C.M.G., M.C.
Department of Agric.
Ibadan,
Nigeria.

I have your letter of the 9th Nov., No. C4/7/1/207, about the work of Prior. I am very glad to see that you think that in future there will be no more difficulties between Prior and yourself. I feel sure that the discussion which you had at Ibadan will bear useful fruit.

In regard to the point about Prior's application to the Carnegie Corporation for a grant to enable him to carry on his work, I may say that the fact that this application has not been approved has nothing whatever to do with the reservations made in the Governor's despatch of the 1st October, 1941. The position is that in June, 1942, we received a communication from the Carnegie Corpn. informing us that their Executive felt it necessary to give careful consideration to the increasing difficulties of communication and transportation, and to face squarely the implications of a constantly expanding theatre of war, and these considerations have led finally to agreement that, pending further action by the Trustees, payments shall not be authorised against appropriations for programmes discussed or contemplated but not yet in operation in the Dominions and Colonies;

while

FURTHER ACTION.

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while additional appropriations shall not be recommended from the British Dominions and Colonies Fund except for projects in the Dominion of Canada.

We were told that the Corporation had explained that this decision did not reflect any lack of satisfaction on their part with past activities, but it seemed the wise course to take in view of the unsettled conditions and almost daily changes. For the moment the Colonial Office are not asking the Corpn. for assistance for any schemes, nor, since we understand that no money is to be made available, could we very well support any schemes. In the circumstances it is considered that it would be unadvisable to press the Church Missionary Society's, i.e. Prior's, proposal at present, particularly as ^{another} ~~the~~ grant already issued by the Carnegie Corpn. to Nigeris is being refunded to that body.

This information has already been passed to Mr Hooper who, I have no doubt, will pass it on to Prior, but in the meantime you should, for your/^{own} information, ~~know~~ the position.

Yours sincerely,

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co.

DRAFT AND RECORD COPY

15

13

REGISTERED No. 30063/7/42

LETTER SENT

DATE 25.1.43

DRAFT

For Dr. Tempany's signature.

MR. Dr. Tempany 15/1
 MR. Boyse 16/1
 MR. ~~Hooper~~ 19.1
 Dr. Tempany 20/1
 Mr. Farmer 21/1

Dear Mr Hooper, I am sorry for the delay in replying to your letter of December 16th. For your inform. I may say that the position at present in regard to grants from the Carnegie Corporation is as follows:-

In June-1942 we received a communication from the Coron. informing us that their executive C'tee felt it necessary to give careful conson. to increasing difficulties of communication and transportation and to face squarely the implications of a constantly expanding theatre of war and that these considerations had led finally to agreement that pending further action by the Trustees payments shall not be authorised against appropriations for programmes discussed or contemplated but not yet in operation in the Dominions and Colonies; additional appropriations shall not be recommended from

ENCLOSURES
 No. 12

FURTHER ACTION

To The Rev. H. D. Hooper,
 Church Missionary Socy.,
 6 Salisbury Square,
 E. C. 4.

the

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the British Dominions and Colonies Fund except for projects in the Dominion of Canada.

The Corpn. explained that this decision did not reflect any lack of satisfaction on their part for past activities, but it seemed the wise course to take in view of the unsettled conditions and almost daily changes. *For the moment therefore* In the circumstances the

Colonial Office are not asking the Corpn. for ~~any~~ *for any schemes* assistance ~~at the present juncture, nor~~ *since we understand that* ~~no money is to be made available, could we~~ *very well support any schemes.* ~~support any such request, and we are~~ *delighted to indicate therefore to* ~~press the Church Missionary Society's proposal at present, particularly as a grant already issued by the~~ *I have not heard anything further from* ~~Captain Mackie regarding Mr. Prien's work.~~ *Anglo Corporation & others is being refunded to that body.*

~~Yours sincerely,~~

I enclose a copy of a letter which I have recently received from Capt Mackie, which you will be interested to see.

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12¹⁷

No. CL/7/1/207



9 ~~September~~ October, 1942,

AGRICULTURAL DEPARTMENT,

Ibadan,

NIGERIA.

Dear Tempany,

(6) In 1941 Prior, the C.M.S. Agriculturalist, made an application to the Carnegie Corporation for a grant to enable him to carry on his work. At my instigation the despatch sent from Nigeria conveying the support of the Nigerian Government (No.578 of 1/10/41) contained two reservations and Prior thinks that his application has been held up because of these reservations.

I recently had a series of discussions with Prior, as a result of which he made it clear that he accepted these reservations and would recommend that the C.M.S. should accept them. I have now heard from him that the agreements made by us during our discussions are quite acceptable to the mission. In view of this I felt that I should like to let you know that I hope that Prior's application will not be held up because of anything I have said or because in the past there have been minor differences of opinion between Mr.Prior and myself. If you could do anything to help it along I should be glad.

In our discussions we were quite frank with each other and I think that we are gradually working out the principles which should govern the relationship between missionary and Government Agriculturalists. I do not think that there will be any more difficulties between Prior and myself but whether we shall have to go all over the ground again when other Missions begin to appoint Agricultural experts remains to be seen. Anyway Prior has promised to help in the smoothing over of such difficulties if they do arise.

In some ways I must admit that I misunderstood Prior. I thought that he was concerned primarily and mainly with Agricultural Development whereas he tells me that he is primarily a missionary but wishes to use Agriculture as a means of relating Religion to ordinary life. What he really therefore wants from us are facts which he can use for his propaganda, rather than to start schemes for Agricultural Improvement supervised by the mission, which is what I previously thought was his function. I think that it is equally certain that Prior has at times misunderstood the functions and aims of the Agricultural Department.

Yours sincerely,

J.M. Mackie

Dr. H. A. Tempany, C.B.E.,
No. 2 Park Street,
London, W.1.

SAA.

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from those sources can be re-opened. I did not wish, however, to do this without advising you of my action.

Yours sincerely,

H. D. Hooper.

Secretary.

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General Secretary:

~~Rev. Prof. W. Wilson-Crom, D.D.~~
Rev. M. A. C. WARREN, M.A.

6, SALISBURY SQUARE,

LONDON, E.C.4

July 27th, 1942.

C. W. H. Cox, Esq.
Colonial Office,
2, Park Street, W. 1.

My dear Cox,

After my earlier talk with you and Major Tempanay I wrote a long letter to the Secretary of the Niger Mission embodying the sort of conclusions reached during the talk, reflecting the sympathy with which I had met in official circles and their genuine interest in Prior's proposals.

At the same time I urged on Prior the importance of enlisting local Government interest by deferring to officials when a courteous reference might win their co-operation. I suggested that any misgivings on their part were probably prompted by a realisation of the development which might follow Prior's plans and which might convert them into a large scale undertaking, affecting the missionary educational system throughout Nigeria.

I said that I would be inclined to negotiate further about the Courses necessary for agricultural assistants to complete before they could be officially recognised. Any suggestion that it was imperative for such assistants to take their Course at a Government school seemed to me too wooden to pass without challenge. The value of difference in experiment at this stage can surely not be overlooked, and a system of training which incorporates agricultural instruction in a three year course given to teachers, instead of pressing it into an intensive three months at the end of their training, commends itself to me as far more in keeping with the educational ideals which are accepted in their ^{own} context of an African community.

/I

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I did not deal with the question of a Farm School, which is apparently one of the points at issue, although I made reference to the publication of text books. In the latter case it seemed to me sensible to keep the Director posted in all that was going on, while not admitting the contention that any handbook on agriculture prepared by a man in Mr Prior's position must secure the Director's imprimatur before publication.

My letter was semi-private and so I do not want it to go on your files, but I certainly should not mind you seeing a copy of what I wrote. It reached Nigeria just as the Bishop was on the point of sending a long letter of his own to Capt. Mackie. Before now the Bishop has proved his wisdom and insight as an administrator and when he asked us whether we objected to the letter being sent my Committee preferred to rely on his judgement and to leave the way open for him to take any action he thought fit.

I think perhaps you should see this letter. I am the more anxious that you should do so because of the definite support he feels prepared to give to Mr Prior. I am convinced that if Prior's actions had been ill judged, or even if they had been only hasty, he would not have received such backing from Bishop Lasbrey.

A short letter reached me a day or two ago from Mr Prior which was reassuring. It lacked any sense of strain. It began by dealing with the Farm School and Rural Training Centre which was part of his programme and which the Director had been unable to encourage him to open with Government support.

Prior's plea is that this school was no more than a humble venture undertaken for a specific purpose. It was an attempt to meet the urgent problem of unemployed

/Standard VI

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Standard VI boys in order to fit them for rural living and probably farming. The problem is urgent and immediate. It cannot await long term planning, and provision to meet it does not exist anywhere else in Nigeria. The course has nothing whatever to do with the training of rural science teachers for schools, or the agricultural periods in the Awka College syllabus.

The proposal to open the school was reported to the local agricultural officer, who is friendly and personally felt the scheme was worth trying, but any sympathetic co-operation was afterwards repudiated in a letter from the Director in which he stated that Prior had not accepted his advice, that in his opinion mission agriculturists should stick to an approved agricultural syllabus, that he had not received a copy of the syllabus or been given any indication of the nature of the course, and that he must make it quite clear that he dissociated his Department with the scheme, copies of his letter going to the Director of Education and the Chief Commissioner, Eastern Provinces.

Mr Prior did not answer that letter but had two very long and frank discussions with the local agricultural officers at Onitsha and Umuahia. According to his account both of these men said they had no complaints to make and were satisfied with local relationships. Both felt that there is a great deal of misunderstanding at Ibadan.

Mr Prior has been endeavouring to discover what lay at the root of some of the charges of lack of co-operation. He goes on to assure me that he will make every effort to consider the need for regular consultation with the Department. I think perhaps some of the misunderstanding may have arisen from the fact that Prior is closely associated with district A.Os. and not with the Director. He also sees as part of his vocation the discussion of agricultural improvement, as a means of village advancement, with church groups and congregations which lie outside the normal channels of the technical services. In this I wholeheartedly support him. It is part of our conception of the wholeness of life which must be served if African society is not to be lopsided.

I think I have given you the substance of his letter, the rest deals with detail with which you are not concerned. Prior's work has aroused wide interest and there is every possibility of growing support for such activity by missionary agents, so that I sincerely hope a real measure

/of

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of understanding may be reached in Nigeria and that the requirements of the official department will not rule out of account all initiative or freedom for moderate experimentation.

Yours,

H. D. Hooper.

Secretary.

P.S. I enclose copies of Bishop Lasbrey's letter to Capt. Mackie and the proposed curriculum for the Farm School to which my letter refers. Would you be good enough to share all this with Tempanay?

P.S. 2. Has the Officer responsible for Co-operative Societies in Nigeria left England? I think his acquaintance with Prior's work might throw a valuable sidelight upon the importance it assumes in relation to the work of other Departments. When on leave this man spoke very highly of what he had seen of its progress.

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Bishopscourt,
Onitsha,
May 22, 1942.

Dear Captain Mackie,

I have now had time to go carefully over the correspondence between you and Mr. Prior, copies of which you kindly sent me with your letter of 23.4.42, No. C4/7/1/194.

I feel that I ought to try and explain our position as well as I can within the compass of a letter, since apart from any misunderstanding between yourself and Mr. Prior the question of co-operation between Government and other agencies trying to work for the benefit of the country is a most important one.

Obviously it is detrimental to the cause, if people working for some of the same objects, even along different lines of approach, are indifferent to one another's efforts. As far as we are concerned I can assure you that we have no idea of doing anything which is contrary to programmes or policies which the Government may wish to carry out - in fact we spend a good deal of time, I may say, telling people about Government plans of different sorts in order to elicit their support and to meet their criticisms. I hope and believe that such explanation as I can give you on the subject of our co-operation will clear away any misunderstanding and enable us to go forward without distrust on either side.

You will, I think, agree that co-operation does not mean the subservience of one party to the other, and Missions have always maintained their independence of state-control (in the sense of being 'run' by the Government), saving always of course that they loyally observe the laws of the country binding on all citizens and welcome advice in their work from Government officers ready to give it and co-operation along the general lines of policy which the Government adopt in the activities which are of interest to them, so long as it is not inconsistent with their missionary aims.

I am thankful that you approve the general outlines of work which Mr. Prior has given and would even be prepared to quote them to other Missions as an example of what Mission Agriculturists might do. We would never wish to embark on any programme which did not in its broad outlines march with what the Government thought to be on proper lines. We do of course realise that the Director of Agriculture must lay down the general terms of policy he would like to have followed.

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on leaving Awka follow his example and get stock sometimes from him and sometimes from Ibadan, and try to put into practice what he has taught them on the subject.

I do not think, as a Mission, we could agree to the principle that our pamphlets, etc., must be submitted to any Department as a condition of publication. We have published a good number of educational books and pamphlets, and some pamphlets on medical subjects, and neither Department has made any objection or asked to censor them - some of them are in wide use in many schools, etc., besides our own. We should certainly avoid sanctioning the publication of anything which seemed of a controversial nature, or suggested untried innovations. It is indeed only small pamphlets of a very elementary nature that we should contemplate for a considerable time.

With regard to financial assistance - we should of course welcome it and naturally the scope and to some extent the efficiency of your work - especially in the matter of staff - depends a good deal on the funds at our disposal, but we would prefer to work on a smaller scale, if the acceptance of grants means too much loss of freedom. We are quite content with and most grateful for the way in which and the conditions under which grants are given for our Educational work and for our Medical work, such as the Leper Settlement at Oji River and Iyi Enu Hospital and our Maternity Centres scattered over the Eastern Provinces. By them we are able to extend our work, the country benefits, and the Government benefits by securing the accomplishment of a great deal of useful work which it could not possibly do itself on the comparatively small amount of money given us.

One reason for undertaking Agricultural work is that we hold that the Church should take a keen interest in all that concerns the life of the villagers, and that the improvement of the common life of the people helps greatly in raising the tone for village life, both morally and socially: and we believe that the existence of the strong nucleus of people in most villages which forms the Christian community and is usually the most intelligent section of the village provides the Mission, which has its ear, with a very good opportunity of influence and a fertile ground for the inculcation of such subjects as it deems of importance for the uplift of the people.

We are anxious to check the regrettable flow of village ex-schoolboys to the townships, which is detrimental very frequently to their morals, and we see no other way of doing so than by endeavouring to give them a new interest in village occupations of which farming is the chief. Being in close touch with so many boys we have a good chance of being able to do this, if we ourselves by teaching and laying much stress on Agriculture show the importance we attach to it.

I do hope you will be satisfied with what I have tried to show of our attitude in this letter, and trust us to do all in our power to advocate and support Government policy. Honestly I do not think you have anything to fear from us in the way of rash action: we have a very cautious governing body - all we shall try to do is to use our resources according to what we believe to be to the best advantage of our work.

Believe me,
Yours sincerely,

(Sgd) B.Lasbrey
Bp.

P.S. As you marked your letter "Confidential" I have not shown it to Mr.Prior, nor have I shown him nor consulted him as to this answer, though I am confident I should have him with me in all that I have said. I am sending a copy home to the Africa Secretary of C.M.S. in London, as we do with most letters of any importance.

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COPY.

C.M.S. FARM SCHOOL AND RURAL TRAINING CENTRE.

27

Announcement of Opening.

A farm school and Rural Training Centre will open at Awka on February 18, 1942. The purpose of this school is to receive boys who have completed their Primary School education (i.e. Std.VI or its equivalent) and wish to take some special training to fit themselves for Rural Life and Living. It is hoped that, upon completion of the course, the students will acquire land become up-to-date farmers and leading rural citizens. It is not the purpose of the course to train youths for salaried positions, and no promises of employment can be given.

General Information.

Course: The Instruction will cover two agricultural years.

Terms: There will be three terms in each year, arranged so that the holidays coincide with convenient agricultural seasons.

Fees: £2.10.0. per term, payable in advance. This fee covers the cost of the students' food and housing.

Entrance Qualifications: Std.VI pass, or its equivalent, and a character testimonial from some responsible person, such as a pastor or a head-master.

Opening date: February 18, 1942. Closing date: December 4, 1942.

Applications: Written applications stating applicant's age, and accompanied by his certificate of qualifications and his testimonial, must be sent to the Rev.K.H.Prior, C.M.S. College, Awka, before January 15, 1942. If an application is accepted, he will be notified.

Number of Pupils to be admitted: 25.

Diploma: A diploma will be granted to students upon the successful completion of the course. Practical tests will count as much as written examinations in ascertaining the students' final standing.

Necessary Equipment to be brought by students:-

1. Clothes: White shirt and white shorts for Sundays and special occasions.
Khaki shirt and shorts for school wear.
Old clothes for rough work.
Coloured sash, to be purchased at the School for a few pence.
2. Sufficient bed clothes (beds will be provided).
3. Towels and soap. 4. Bush lamp. 5. Strong hoe. 6. Matchet.
7. Bucket, plates, cup, cutlery (i.e.knives, forks, spoons).
8. Pens, pencils, ruler, ink, exercise books, etc.
9. Pocket money. A little money will be necessary from time to time for kerosene, soap, note books, class fees, etc.
10. Bible and Prayer Books in English and Ibo.

Some of the School Rules.

1. Students will be expected to attend morning and evening prayers in the school and Sunday worship in Awka College Chapel.
2. No student will be allowed (a) to keep "small boys": (b) entertain guests except by permission; (c) to keep personal livestock.
3. Continued disobedience, unseemly acts, or generally unsatis-

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factory conduct may lead to dismissal immediately, or at the end of the term. A dismissed student will not be refunded any balance of fees.

4. Any student found to be incapable of benefitting by the course through some personal limitation may be asked to discontinue the course at the end of any term.

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PROPOSED CURRICULUM.

FIRST YEAR.

Theoretical:

History of Agriculture - A brief study of the beginning of agriculture and its subsequent development. The type of agriculture practised in various countries and factors which influenced its adoption. A consideration of local agriculture in the light of these facts.

Soils - Their formation; soil types - their treatment, conservation, cultivation; soil erosion - its avoidance and methods of reclaiming eroding land. Dry season cultivation utilizing subterranean moisture. or irrigation. Green manures, farm-yard manure, composts and composting.

Farm Crops - Simple botany of common crop plants such as yam, maize, oil palm, etc., including a study of their chief characteristics, their cultivation, varieties, uses, etc., pillination and fertilization; methods of crop improvement. Special emphasis on oil-palm culture. Crop rotations - their purpose and value. Possible new crops.

Animal Husbandry - Poultry - breeding, incubation, rearing, feeding, housing and management. Marketing of poultry products. Rabbits - breeding, feeding and general management. Elementary bee-keeping.

Practical.

Farms - The operation of individual farm plots.

History of Agriculture. Discussion of local farming methods as influenced by customs, religious rites, superstitions, circumstances.

Tools - An examination of local farm tools and their comparison with those from other districts and imported ones. Possibility of modifications, or improvements in tools and methods.

Soils - Classification of soil by mechanical analysis; simple land mensuration; construction of ridges and cross-checks; practical erosion control; visits to local areas differing in character and methods, e.g. Awgu, Anambra, and to the local Agricultural Station, and also to erosion control projects. Operation of a compost pit.

Farm Crops - Practical work with farm crops. Management of a palm plantation and extraction of palm oil on approved lines. Methods of crop storage and reduction of spoilage from pests. Calculation of yields, cost of production, profits, etc.

Animal Husbandry - Operation of poultry and rabbit units, including a poultry improvement scheme. The keeping of bees in a semi-wild state, but in improved type hives.

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Theoretical

Horticulture - A study of garden crops; propagation of plants by various methods; sowing of small seeds and their subsequent care; transplanting plants and trees: simple floriculture; planning of farms and compounds; fruit orchard establishment, pruning, and the care of trees; budding and grafting; seed selection and storage.
Insect Pests and Crop Diseases - A brief survey of local insect pests and crop disease and possible methods for their control.

Elementary Forestry - A brief study of the most useful forest trees and the possibilities of the establishment of wood-lots; a consideration of the functions of the Forestry Department; tree planting; improvement thinning; elimination of waste in felling and sawing.

Rural Economics - A study of Government Agricultural Services, production aids, marketing control; the producer, the middle-man, the company. The value of quality in farm products. Supply and demand; co-operation, co-operatives, thrift societies, credit societies, etc.

Rural Sociology - Indirect Rule; Native Administrations, Courts, Treasuries, etc., land tenure: laws affecting farmers and farm lands.

Practical.

Gardens - The operation of an individual vegetable and flower garden.
Horticulture - Making of cuttings, sowing of small seeds and trees; the growing of some hardy flowers; visits to some well planned compounds; the planning of actual sites and the drawing of simple plans to scale; pruning and care of orchard trees: seed gathering and storage.

Insect Pests and Crop Diseases - Recognition of common insect pests and plant diseases; the making and use of simple useful insecticides and sprays.

Elementary Forestry - A visit to a Forest Reserve; inspection of approved forestry methods at suitable places.

Rural Economics - Visits to Produce Inspection Stations, a middle-man's centre, a company wharf and warehouse.

Rural Sociology - Visits to a Native Treasury; a co-operatively owned palm-oil press, etc.

Written Treatise - The submission of a written treatise on some phase of the work covered, the subject to be chosen by the student and approved by the Director of the School.

N.B. Students enter the School with the Elementary School Leaving Certificate, and all teaching will be adapted accordingly. The treatment of some subjects will of necessity be introductory rather than exhaustive.

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Copy for Major Tampanay

31

CHURCH MISSIONARY SOCIETY
6, SALISBURY SQUARE
LONDON, E.C. 4

Island Telegrams: "TESTIMONY, FIFTY, LONDON"
Cables: "TESTIMONY, LONDON"
Tel. Code: "C.M.S. EASTON"
Telephone: CENTRAL 226 GLIST.

July 27th, 1942.

C. W. M. Cox, Esq.
Colonial Office,
2, Park Street, W. 1.

My dear Cox,

After my earlier talk with you and Major Tampanay I wrote a long letter to the Secretary of the Niger Mission embodying the sort of conclusions reached during the talk, reflecting the sympathy with which I had met in official circles and their genuine interest in Prior's proposals.

At the same time I urged on Prior the importance of enlisting local Government interest by deferring to officials when a courteous reference might win their co-operation. I suggested that any misgivings on their part were probably prompted by a realisation of the development which might follow Prior's plans and which might convert them into a large scale undertaking, affecting the missionary educational system throughout Nigeria.

I said that I would be inclined to negotiate further about the Courses necessary for agricultural assistants to complete before they could be officially recognised. Any suggestion that it was imperative for such assistants to take their Course at a Government school seemed to me too wooden to pass without challenge. The value of difference in experiment at this stage can surely not be overlooked, and a system of training which incorporates agricultural instruction in a three year course given to teachers, instead of pressing it into an intensive three months at the end of their training, commends itself to me as far more in keeping with the educational ideals which are accepted in their African context of an African community.

/I

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Standard VI boys in order to fit them for rural living and probably farming. The problem is urgent and immediate. It cannot await long term planning, and provision to meet it does not exist anywhere else in Nigeria. The course has nothing whatever to do with the training of rural science teachers for schools, or the agricultural periods in the Awka College syllabus.

The proposal to open the school was reported to the local agricultural officer, who is friendly and personally felt the scheme was worth trying, but any sympathetic co-operation was afterwards repudiated in a letter from the Director in which he stated that Prior had not accepted his advice, that in his opinion mission agriculturists should stick to an approved agricultural syllabus, that he had not received a copy of the syllabus or been given any indication of the nature of the course, and that he must make it quite clear that he dissociated his Department with the scheme, copies of his letter going to the Director of Education and the Chief Commissioner, Eastern Provinces.

Mr Prior did not answer that letter but had two very long and frank discussions with the local agricultural officers at Onitsha and Umuahia. According to his account both of these men said they had no complaints to make and were satisfied with local relationships. Both felt that there is a great deal of misunderstanding at Ibadan.

Mr Prior has been endeavouring to discover what lay at the root of some of the charges of lack of co-operation. He goes on to assure me that he will make every effort to consider the need for regular consultation with the Department. I think perhaps some of the misunderstanding may have arisen from the fact that Prior is closely associated with district A.O.s. and not with the Director. He also sees as part of his vocation the discussion of agricultural improvement, as a means of village advancement, with church groups and congregations which lie outside the normal channels of the technical services. In this I wholeheartedly support him. It is part of our conception of the wholeness of life which must be served if African society is not to be lopsided.

I think I have given you the substance of his letter, the rest deals with detail with which you are not concerned. Prior's work has aroused wide interest and there is every possibility of growing support for such activity by missionary agents, so that I sincerely hope a real measure

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of understanding may be reached in Nigeria and that the requirements of the official department will not rule out of account all initiative or freedom for moderate experimentation.

Yours,

J. D. Hooper

Secretary.

P.S. I enclose copies of Bishop Lasbrey's letter to Capt. Mackie and the proposed curricula for the Farm School to which my letter refers. Would you be good enough to share all this with Tempany?

P.S. Has the Officer responsible for Co-operative Societies in Nigeria left England? I think his acquaintance with Prior's work might throw a valuable sidelight upon the importance it assumes in relation to the work of other Departments. When on leave this man spoke very highly of what he had seen of its progress.

...

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Bishopscourt,
Onitsha,
May 22, 1942.

Dear Captain Mackie,

I have now had time to go carefully over the correspondence between you and Mr. Prior, copies of which you kindly sent me with your letter of 23.4.42, No. C4/7/1/194.

I feel that I ought to try and explain our position as well as I can within the compass of a letter, since apart from any misunderstanding between yourself and Mr. Prior the question of co-operation between Government and other agencies trying to work for the benefit of the country is a most important one.

Obviously it is detrimental to the cause, if people working for some of the same objects, even along different lines of approach, are indifferent to one another's efforts. As far as we are concerned I can assure you that we have no idea of doing anything which is contrary to programmes or policies which the Government may wish to carry out - in fact we spend a good deal of time, I may say, telling people about Government plans of different sorts in order to elicit their support and to meet their criticisms. I hope and believe that such explanation as I can give you on the subject of our co-operation will clear away any misunderstanding and enable us to go forward without distrust on either side.

You will, I think, agree that co-operation does not mean the subservience of one party to the other, and Missions have always maintained their independence of state-control (in the sense of being 'run' by the Government), saving always of course that they loyally observe the laws of the country binding on all citizens and welcome advice in their work from Government officers ready to give it and co-operation along the general lines of policy which the Government adopt in the activities which are of interest to them, so long as it is not inconsistent with their missionary aims.

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TELEPHONE: CENTRAL 7276 (3 LINES).

CODE: C.I.M. (C.M.S. EDITION).

TELEGRAMS: "TESTIMONY, FLEET, LONDON."
CABLEGRAMS: "TESTIMONY, LONDON."

CHURCH MISSIONARY SOCIETY

38D.

General Secretary:
REV. PAER. W. WILSON CASH, D.D.

6. SALISBURY SQUARE,
LONDON, E.C. 4

24th February 1942.

Dear Dr. Tempany,

(4)

Thank you very much for your letter of the 23rd. I read it to the Africa Committee of this Society at its monthly meeting this morning, and there was no question of the genuine desire to promote the closest contact and agreement between officials and Mission workers.

To this end, I was instructed to consult the Mission authorities in Nigeria on the points of detail which are raised in your letter, that my Committee might know how best to give effect to this design.

Will you please regard this acknowledgment as an interim reply, and allow me to write again more fully in answer to your questions when I shall have heard from Nigeria.

May I add a word of grateful thanks for the sympathy with which you are dealing with this application to the Carnegie Corporation?

Yours sincerely,

H. D. Hooper

Secretary.

Dr. H. Tempany, C.M.G., C.B.E.,
Colonial Office,
2, Park Street, W.1.

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23 February, 1942.

My dear Hooper,

I am writing with reference to Mr. Kenneth Prior's proposed application to the Carnegie Corporation for assistance towards a project for agricultural improvement and the strengthening of village life in South Eastern Nigeria. You may remember that it was in connection with this matter that you wrote to me on the 23rd of October, 1940 (under reference No. P.1148/5) about Mr. Prior's passage to America.

We subsequently heard from the Corporation that Mr. Prior had been in touch with them, and it appeared that they were not unfavourably disposed towards the scheme, but they intimated that they desired to know whether the Colonial Office supported it. The Governor of Nigeria was accordingly consulted and his views have now been received and considered.

The interest of the Church Missionary Society in agricultural matters indicated by this application is welcomed and it is felt that the scheme might provide a new line of activities in the missionary field which would be of utility provided that it is throughout aligned with the approved official agricultural policy, that operations are based on experience already gained and are carried out as an extension of existing official efforts and not independently thereof and that there be close and continuous contact and agreement between the officials of the department of agriculture and the workers in the agricultural missionary field.

It is regarded as essential that any trained assistants employed under the scheme should be men who have completed the course and passed the examinations for Technical Assistants at one of the Government Agricultural Schools or, alternatively, that any grant made in this connection should cover the cost of such training. Furthermore, it is considered that all books, pamphlets and films to be used in connection with the scheme should first receive the approval of the Agricultural Department before being distributed or shown.

It is most important in our view that there should be no divergence between the policy and methods advocated by the agricultural

THE REV. H. D. HOOPER.

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30063/7/41. *SZ*

41

(5972-150) WL 19406-96 5,000 7/40 T.S. 695

C. O.

Mr. Whitcombe

7/1/42.

Mr. Cox

Mr. De Tempary

Sir A. Burns

Mr. G. L. M. Clauson

Mr. C. J. Jeffries

Mr. A. J. Dawe.

Sir J. Shuckburgh.

Permt. U.S. of S.

Partly. U.S. of S.

Secretary of State.

De Tempary's

S.O. for

Mr. Cox's signature.

2 Park Street,
Downing Street

C.D.
R XXFEB
D 20-

DRAFT.

THE REVEREND H.D. HOOPER.

23d. January, 1942.

My dear Hooper,

I am writing with reference to Mr. Kenneth Prior's proposed application to the Carnegie Corporation for assistance towards a project for agricultural improvement and the strengthening of village life in South Eastern Nigeria. You may remember that it was in connection with this matter that you wrote to ^{Cox} me on the 28th of October, 1940 (under reference No. P.1148/5) about Mr. Prior's passage to America.

Attached above No. 1

We subsequently heard from the Corporation that Mr. Prior had been in touch with them, and it appeared that they were not unfavourably disposed towards the scheme, but they intimated that they desired to know whether the Colonial Office supported it. The Governor of Nigeria was accordingly consulted and his views have now been received and considered.

The interest of the Church Missionary Society in agricultural matters indicated by this application is welcomed and it is felt that the scheme ^{might} ~~would~~ provide a new line of activities in the missionary field which would be of ~~considerable~~ ^{considerable}.

FURTHER ACTION.

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42

~~considerable~~ utility provided that ~~it were~~ ← A
 aligned with the approved agricultural
 policy in Nigeria and that operations were
 based on experience already gained. ^{N.P.} It is
 regarded as essential that any trained
 assistants employed under the scheme should
 be men who have completed the course and passed
 the examinations for Technical Assistants at
 one of the Government Agricultural Schools or,
 alternatively, that any grant made in this
 connection should cover the cost of such training.
 Furthermore, it is considered that all books,
 pamphlets and ^{films} ~~values~~ to be used in connection
 with the scheme should first receive the
 approval of the Agricultural Department before
 being distributed or shown. ← B.

Subject to these reservations, and to
 our being assured of continued close collaboration
 with the Nigeria department of agriculture, we
^{would be willing}
~~should be glad~~ to support the application to the
 Corporation for assistance.

There are, however, certain points
 of detail on which we should wish to have
 some further information before we ^{could} approach
 the Corporation. ^{and} ~~we~~ ~~should~~ ~~have~~ ~~liked~~ ~~to~~ ~~get~~
~~in touch with Mr. Prior himself again but we have~~
~~not heard from him since the middle of 1940 and~~
~~do not know where he is at present.]~~ In particular,
 we need a ^{firm &} ~~fair~~ up-to-date estimate, with details,
 of the cost of the scheme and we should ~~(have)~~ ~~be~~ ~~(en)~~
 glad of ^{his} ~~his~~ views as to the present prospects of
 making a start. ~~[Can you let me know whether Mr.~~
~~Prior is in this country or likely to be here in~~
~~the near future in which case I will write to him,~~
~~if, however, he is not available,~~ ^{although} ~~we~~ should be grateful
 if you could give us or obtain for us ~~(sufficient)~~
 information on these points ~~to enable us to put up to~~
~~the Corporation a formal application for assistance.]~~
 We/

4252-150 WL 35515-61 10,000 12/37 T.S. 693
 2444-150 WL 45767-63 50,000 2/40 T.S. 695

C. O.
 Mr.
 Mr.
 Mr.
 Sir A. Burns

Sir J. Shuckburgh.
 Permt. U.S. of S.
 Parly. U.S. of S.
 Secretary of State.

DRAFT.

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42
[considerably] utility provided that ~~it were~~ ← A
aligned with the approved agricultural
policy in Nigeria and that operations were
based on experience already gained. [It is
regarded as essential that any trained
assistants employed under the scheme should

← A
it is throughout aligned with the approved official
agricultural policy, that operations are based on
experience already gained and are carried out as an
extension of existing official efforts and not independ-
-ently thereof and that there ~~shall~~ be close and
continuous contact and agreement between the officials
of the department of agriculture and the workers in
the agricultural missionary field.

← B
It is most important in our view that there should be
no possibility of divergence between the policy and
methods advocated by the agricultural missionary organis-
-ation and those recommended by the Department of
Agriculture.

(from recent discussions
I mention this as it would appear that there may be
some slight tendency on the part of Mr. Prior not to
see eye to eye with some officers of the Department of
Agriculture.

There are, however, certain points
of detail on which we should wish to have
some further information before we ^{could} approach
the Corporation. ~~we should have liked to get~~
~~in touch with Mr. Prior himself again but we have~~
~~not heard from him since the middle of 1940 and~~
~~do not know where he is at present.]~~ In particular,
we need a ^{firm &} ~~paraphrased~~ up-to-date estimate, with details,
of the cost of the scheme and we should ~~(have)~~ be ~~(en)~~
glad of ~~(his)~~ ^{views} as to the present prospects of
making a start. ~~[can you let me know whether Mr.~~
~~Prior is in this country or likely to be here in~~
~~the near future in which case I will write to him.~~
~~if, however, he is not available,]~~ ^{although} we should be grateful
if you could give us or obtain for us ~~(sufficient)~~
information on these points ~~[to enable us to put up to~~
~~the Corporation a formal application for assistance.]~~
We/

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We should also be glad if you would let us know whether the stipulations mentioned earlier in this letter would be acceptable to the Church Missionary Society.

43

.....
(Signed) H. T. ...
(Signed) ...

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NIGERIA.

No. 578

17 44 6

Government House,
Nigeria.

1 October, 1944.

Dupl

My Lord,

RECEIVED
15 OCT 1944
C. O. NEGY

4 With reference to your despatch No. 118 of the 30th of April, 1944 regarding an application by the Church Missionary Society to the Carnegie Corporation for a grant to carry out a programme for the improvement of agriculture and the strengthening of village life in Nigeria, I have the honour to inform you that the interest of the Church Missionary Society in agricultural matters indicated by this application is most welcome. I regard it as important for the success of the proposed scheme, however, and in the interests of agriculture generally, that regard should be had to approved agricultural policy in Nigeria and that future operations of this nature should be based on experience already gained. While, therefore, I support the application, I do so with certain reservations.

2. I regard it as essential that any trained assistants employed under the scheme should be men who have completed the course and passed the examinations for Technical Assistants at one of the Government Agricultural Schools or alternatively that any grant made in this connection should cover the cost of such training. Furthermore all books, pamphlets and films to be used in connection with the scheme should first receive the approval of the Agricultural Department before being distributed or shown. Subject to these reservations the application has my support.

3. The proposition of this scheme brings to the fore the important general question of mission and other non-official activities in the agricultural sphere vis a vis the work of the Agricultural Department and the policy to be adopted with regard to such activities is at present being considered by the Director of Agriculture.

I have the honour to be,
My Lord,
Your Lordship's most obedient,
humble Servant,

B. H. Aducci
Governor.

THE RIGHT HONOURABLE
LORD HOME, P.C., D.S.O.,
SECRETARY OF STATE FOR THE COLONIES,
LONDON S.W.1.

Re.

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30063/7/41 Nigeria.

C.D.
R 29 APR
D 29 -

C. O.

Mr. Boyse 24/4.

Mr. ~~William~~

Mr. O.G.R. Williams. *208*

Mr. C. J. Jeffries.

Mr. A. J. Dawe.

Sir J. Shuckburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

April, 1941.

Sir,

I have the honour to transmit

*1 with state-
ment and letter
from the Bishop
on the Niger.*

to you a copy of corespondence

regarding an application by

Mr. Kenneth H. Prior of the Church

Missionary Society, to the Carnegie

Corporation for financial assistance

for a programme for the improvement

of agriculture and the strengthening

of village life in South Eastern

Nigeria. Attached to the application

were copies of letters in support

of the proposal from the Directors of

Education and Agriculture in Nigeria

viz. No. D.E. ⁵/3 of February 1940

and No. S.17/1/26 of 10th May, 1940

respectively.

2. Mr. Prior referred to the

Colonial Office with a view to obtaining

some endorsement of his proposal, but

~~withdrew his suggestion on learning~~

~~that~~ my predecessor last autumn did not

feel able to make any recommendation to

the Trustees of the Carnegie

Corporation as it was then thought

undesirable to ask for assistance from

American sources during the war,

except for particularly urgent or

politically desirable schemes.

Since that date, however, it appears

from correspondence which has passed

2 DRAFT despatch.

NIGERIA.

NO.

GOV.

*14th March, 1941.
(2)*

Two drafts

FURTHER ACTION.

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passed between the Corporation and the Colonial Office that the Trustees will be prepared to allocate from its restricted budget a limited amount over a period of ^{five} years to meet the cost of schemes regarded as "practicable and timely" throughout the Colonial Empire. Except for a few particular schemes, for which the Corporation has already agreed to provide the necessary funds, this proposed allocation will have to cover all schemes which had already been under consideration since 1939 as well as any other schemes which have been proposed since that date and which may be considered of sufficient importance to justify my recommendation.

3. A letter, a copy of which is enclosed, has now been received from Dr. Keppel indicating that the Trustees of the Carnegie Corporation are not unfavourably disposed to Mr. Prior's scheme. I shall accordingly be glad to receive your views on the proposal and to learn whether you are prepared to support Mr. Prior's application. The application does not indicate what expenditure is involved though in a schedule of proposals before the Carnegie Corporation which was enclosed in a recent letter from that body the cost was indicated at from \$10,000 to \$25,000 spread over a period of 5 years. I shall be glad to receive further information in this respect if it can be obtained.

4. You will, of course, appreciate that a recommendation can only be made, if at all, after determining the relative importance of this scheme in conjunction

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With CC, letters on
12864
SS.
lab

conjunction with schemes from other parts
of the Colonial Empire.

I have, etc.,

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30063/7/41.

482

Nigeria

C. O.

- Mr. Boyse. *2/4*
- Mr. ~~W. H. H. Williams~~
- Mr. *W. H. H. Williams* 28
- Sir A. Burns. *28*
- Mr. G. L. M. Clauson.
- Mr. C. J. Jeffries.

- Mr. A. J. Dawe.
- Sir J. Shuckburgh. *28/4/41*
- Permt. U.S. of S.
- Parly. U.S. of S.
- Secretary of State. *May 1st*

C.D.
R 29 PR
D 29 -

For Sir J. Shuckburgh's signature.

2 DRAFTS

Dr. F.P. Keppel.

Two drafts

.....

Thank you for your letter of the 4th of March, 1941, regarding an application from Mr. Kenneth H. Prior of the Church Missionary Society in connection with a scheme for the improvement of agriculture and the strengthening of village life in South Eastern Nigeria.

As you realise, we had already heard of this proposal and while it was one with which we were sympathetic, we were not prepared to make any recommendation last autumn. Before we can consider the question we shall have to have the views of the

Governor

FURTHER ACTION.

Did not find ourselves in a position

(Though will have to Governor)

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Governor of Nigeria, ^{who} ~~and~~ we are accordingly ^{now} consulting ~~him about it,~~ ^{to be as receive the Governor's view,} ~~we shall, of course, also~~ have to consider the scheme ~~in competition with~~ any other schemes from the Colonial Empire, ^{will have to be considered,} in the light of your letter of the 9th of December, and subsequent correspondence, ^{in competition with other projects from the Colonial Empire.}

Meanwhile, I am very grateful to you for bringing the matter to my notice and for letting me know the impression that Mr. Prior made upon you.

(Sgd)
G E Chuckburgh

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CARNEGIE CORPORATION
OF NEW YORK
522 FIFTH AVENUE
NEW YORK

50
W. Byrd

OFFICE OF THE PRESIDENT

March 4, 1941

Sir John Shuckburgh
Colonial Office
Downing Street
London, S. W. 1, England

(received 16/4/41)

Dear Shuckburgh:

Kenneth H. Prior, who is in charge of the Church Missionary Society's activities in southeastern Nigeria, called on us recently to request support for a program looking toward the improvement of agriculture and the strengthening of village life in that area. He noted in passing that he had discussed the matter in some detail with your colleague Mr. Cox and that Cox expressed much interest in the plan.

Ms A (3)
W. Byrd

We were impressed with Prior's intelligence and sincerity and shall be glad to keep his memorandum in the live file of proposals affecting the Colonies, if you think well of it. I am not forwarding the various documents which he left with us because I am sure you have no time for additional reading at present.

Sincerely yours,

H. Keppel

FPK5p

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51

Mr. Cox,

I saw Mr. Prior to day. He is intelligent and enthusiastic and is very sound agriculturally.

I am glad to learn that he works in well with the people in the Nigerian Agricultural Dept.

He left the Kenya pamphlet with me and I have promised to go over it and scrutinise his addendum which he has drafted to suit it to Nigerian conditions.

The intention is apparently to get it reprinted by the Society for Promoting Christian Literature and he has obtained the necessary sanction from the Kenya authorities apparently.

I agree that he is a person to be encouraged.

I handed him the pamphlet on Erosion and Schools as you asked.

[Handwritten signature]

24,12,40.

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agricultural missionary, who
 worked until in I think Portgore
 East Africa until his transfer
 a few years ago as Agricultural
 Missionary to the C.M.S. in
 Southern Nigeria. In my view
 he is very definitely to be 53
 encouraged. He holds strong
 & sound views about making
 mission school children country-
 conscious and checking the
 drift to the towns. He made a
 good speech to the Conference of
 Missionary Societies in London in
 June during the discussion that
 followed Lord Lloyd's address.
 Perhaps when you see him
 you will lend him, as from
 me, the attached booklet &
 find if he has useful views on
 how to make the schools
 erosion-minded?

Arthur Cox
 22.12.40

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Mr. O. G. R. Williams.

The appeal to which Mr. Cox refers was registered, I think, on 30063/7/40 West Africa. It made suggestions for educational propoganda including the use of films, and for setting up libraries, etc. in West Africa. The last I saw of the paper was when I suggested that as we were (1) awaiting the reaction of the Carnegie Corporation to the proposal for setting up libraries in West Africa and (2) considering the question of films distribution with central and sub-libraries in the Colonies generally, it would be rather difficult to support the application in the form in which it had been put forward.

Mr. Cox, to whom I have spoken, considers the suggestion of affording the Priors some help in obtaining a passage a most productive and useful contribution towards securing the help and sympathy of the Carnegie Corporation. While we can accept this, it is difficult to assess the real value of such a mission, as I think we can feel assured of the sympathy of the Carnegie Corporation to Colonial projects in so far as any schemes are put forward by the Colonial Office. In fact, it rather clashes with schemes we have under consideration.

It is difficult to assess the relative merits of the conflicting schemes for passage accommodation across the Atlantic, and I think that we ought to be assured that the self-imposed mission of the Priors would be a good thing from our point of view before we attempt any support. This matter depends to a certain extent on the attitude taken to the scheme put forward on 30063/7/40. I have not as yet seen the result of the minutes on that file.

The only way in which any help can be given would, I think, be to write to the Ministry of Shipping and press for facilities to be given for taking passages for the Priors without, of course, taking any responsibility for them.

W. Boyse

5. 11. 40.

Mr. Boyse. (Q)

30063/7/40 W.A. cannot at present be found and no one in the West African Department remembers having seen it. I now understand however, from you, that Mr. Prior has already been in touch with the Communications Department of the Ministry of Information (see the postscript to Mr. Hooper's letter), that the Ministry of Information are quite ready to take over the question of facilitating passages to America for them, if we see no objection. I certainly see none from the point of view of the West African Departments. Perhaps you would let Mr. Cox know in case he would like to send a note to Mr. Hooper to the effect that we now understand that the question of passages is being dealt with by the Ministry of Information.

(Priors)

Mr. Cox

16547.2.1.2 he should be asked to take this information.

W. Boyse 17/11

O. G. R. Williams

7. 11. 40.

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Mr. Paskie: Mr. Paskie 55

Could you help me to answer Mr. Hoopes? Mr. Paskie showed me a copy of an appeal wh. he was making to the Carnegie Foundation some time ago, but the file is in circulation & has not so far been traced.

Tho. it is questionable whether we can or should support any application to Carnegie that does not reach us thro. the Govt. concerned, I can confirm that Mr. Paskie is a rare & most valuable type of missionary with a deep belief in agricultural education & an excellent personality; & I think it wd. be a pity if he couldn't get across the Atlantic & enlist interest on the other side in his projects. He has eloquence & persuasive powers, & it is

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visit might, & probably
would, bear fruit - later
in various ways - 56
Any help we can give
I hope we shall.
Arthur Cox
31/10/40

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30063/7/40

57

TELEPHONE: CENTRAL 7276 (3 LINES)

CODE: C.I.M. (C.M.S. EDITION)

TELEGRAMS: "TESTIMONY, FLEET, LONDON."
CABLEGRAMS: "TESTIMONY, LONDON"

CHURCH MISSIONARY SOCIETY

Received 29/10

General Secretary:
Rev. Preb. W. Wilson CASH, D.D.

6, SALISBURY SQUARE,
LONDON, E.C. 4

28th. October 1940.

Ref. No. P.1148/5.

*Acknowledged orally &
a reply handed 30/10
C.W.L.*

My dear Cox,

You probably recall your talks with Prior, our agricultural missionary from Nigeria, a man in whom I have a great deal of confidence. He seems to have achieved the extraordinary feat of commanding the enthusiastic support of the Africans, the Agricultural Department and our missionaries for the practical schemes which he has set on foot in Nigeria. He also has a vision of extending their usefulness more widely, and other Christian Missions have responded warmly to the suggestion.

But to this end we need more financial backing than any of the three parties concerned can at present give; and a trip to America was part of the plan to secure this support. Prior is already well known to the energetic secretary of the Agricultural Missions Foundation in the States. He has lots of links as a Canadian which a Britisher would not have, and I was quite hopeful of enlisting the interest of the Carnegie Corporation and their cooperation in an extensively planned development of school agriculture in West Africa.

The Priors had offered to travel as "Escort" on one of the ships taking children to Canada or the States - which would have been an economy from our point of view. When this plan of evacuation was cancelled by the Government we felt in the Society that Prior's was such an important piece of creative work that we should bear the extra expense of the journey to America and vote the necessary credit. We then encountered another very great difficulty, namely, that bookings by the lines serving the American Continent already ran to such a long waiting list that the Shipping Cos. were not prepared to accept further applications.

PTC.

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58
END

- 2 -

Since this means an indefinite delay running into months Prior had better get back to Nigeria unless there is some means of securing priority for a mission of real national importance. I happen to know that this is the sort of project which will commend itself to influential people in the States at a time when some of the channels through which their charitable funds usually flow are blocked. We are not likely to meet with so favourable an opportunity at a later date.

I hate to bother you with these enquiries, but if you can put me on to the right quarter to which to direct them I should be very grateful.

Yours very sincerely,

H. D. Hooper.
Secretary.

PS. It has been suggested that I should try Martin, of the Ministry of Information, about Prior's passage.

C. M. W. Cox, Esq.,
29, Queen Anne's Gate,
S.W.1.

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~~CLOSED
UNTIL~~

Nigeria

1941-3
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CO 583

Box 257

No. 30064

SUBJECT.

Township Legislation

CLOSED
UNTIL
1972

Previous

1940

Subsequent

P.Q.
1944

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C. 1.
Title

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By
rel. put up
rel. leg.
wm.
21/3.

Nigeria 61. ——— 5. 2. 41.
(Spares to Library)

Mr. Abraham.

Are you prepared to examine this
without a latenter statement showing
what the sections of the new ordinance
are drawn, etc? If not we can ask
for me.

M. J. Williams
26/3.

I have examined the Ordinance right through
& have no observations.

Abraham
27/3

we have 1.

Item 93.

J. B. Swihart
27/3.

This ordinance is mainly concerned with
provisions, long overdue, to ensure more
accurate voters lists. The property qualification
(§7) is much the same as before (cf §5 of
Cap. 59) but it seems probable that the
result of its new provisions will have been
to remove from the list the names of some
persons who were not have been included
if it had not been for the unsatisfactory
provisions hitherto existing. However this

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may be, I have ~~not~~ noticed
 unfavorable comments in one (leftish)
 Nigerian paper, alleging that the new
 Ordinance is reactionary so it is
 possible that we may get representatives
 or P. Q.'s about it. The new prop
 provisions are fully summarized in the
 A.G.'s report, & I see nothing unfair
 about them; they seem appropriate to the
 rather peculiar circumstances of Lagos.

Para: 15 of the report - Defeat by a
 free vote of Leg. Co. of papers presented to
 give the municipal vote to women - is of some
 interest.

? as proposed O. G. R. W 29.3.41

Alton
 Apr
 29.3

Notice
 H.E.B. City. etc.
 2 to Nigeria 96 (1 news) 4/3 31/3/41
 Libby
 to make 1/4/41 strike
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3 Nigeria 75 _____ 12.2.41
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Publy 3,
Fri S. Abraham 4

As to 4 The objection subject to
your comments if any I should prefer
to go.

J. B. Lorch

16/5

To obs.

Abraham

17/5

93

J. B. Lorch

17/5 abm

Notes
5-20/5!

To Neg 146 (4 ans) - 4/3 23/5/41

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- 6 Nigeria 335 _____ 28. 5. 41
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- 7 Nigeria 348 _____ 31. 5. 41
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- 8 Nigeria 349 _____ 31. 5. 41
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J. B. Lorch

25/6 abm

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at once

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17. DESTROYED UNDER STATUTE 85

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" - #32 - 9.10.42

21. Part by

22. We - have by specific
for Sir S. Abraham's
comments on this ordinance
if he is prepared to
examine it in the
absence of a comparative
table. This is not the
first time that Nigeria
have offended in this
respect.

Hansen
31/1/43.

No objection. This is a category A
enactment, I think. Vide circular para 4.

Abraham

2/2/43

The signifi. non. disallowance
of
Hansen 2/2/43

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Pub By.

Pub 17/42

16-3-42

(D. Gurner copy).

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26 *higeria* 93 _____ 23.3.43
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27 *higeria* 94 _____ 23.3.43
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25, 26 *part by*

27 *Dr Kuntz's Green and then*
part by

N.M. Kuntz *24/5/43*
25/5/43.

SK

28 *higeria* _____ 7.5.43
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1/7/43 at once

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W.D.M.

30 Nigeria 267 _____ 16.6.43
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Sir Sidney Abulm
Any comments, please?

S. Shankar
12.8.43

We do not comment on subsidiary
legislation unless there is some particular
reason requiring the submission of it
for that purpose.

Shankar
12/8/43

Put by Shankar
12.8.43
W.D.M.

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31 Nigeria 303 ——— 3.8.43
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Part 4
27/10/43

32 Nigeria 350 ——— 3.9.43

Sir Alison Rumb

we may G.3?

Amson
25.10.43.

W. H. H. H. H. H.
25/10/43

Amson
25/10/43

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33 To Nigeria - Dep 352 - 32 and - G3 - 27.10.43.
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34 Nigeria 438 BE ——— 25.10.43
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Part 4
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nmstych

15. 11. 43.

[Signature]
15. 11. 43
atmt.

36 higeria 478 _____ 18. 11. 43
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Dr. Alison Rumt

In favor of your observation, pl.

[Signature]
3. 12. 43

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It is suggested for consideration that after 9A(1) a proviso might be inserted enabling the council to cancel or amend any rule , order, notice , authorization , report or other similar matter done by the committee , without prejudice to anything done or omitted thereunder before such cancellation or amendment .

I do not find in the Ordinance any general punishment clause such as section 251 of the Local Government Act , 1933 . Unless such a general provision exists , it might be desirable to take a convenient opportunity to provide it .

A. Russell.
7.12.43.

*This Dept
Mr. Jt. expressing non-disallowance
and adding as in Sir Abner Russell's
minutes above*

Mr. Jt. above

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37 Virginia no 416 — 36 and — 16/12/43 16
To
W. W. Williams
Secretary
17/12/43

Soz. Library,

Pre take encls of legislation
attached

N. W. Williams

22/9/43

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30064/43 Nigeria 17
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C. O.

- Mr. Stych 10/12
- Mr. Parkinson 12/12
- Mr. Sir Alison Russell 13.12
- Mr. G. J. Gent. Kulkani 14/12
- Mr. G. L. M. Clauson.
- Sir C. Jeffries.

Sir A. Dawe.
 Sir W. Battershill.
 Permt. U.S. of S.
 Parly. U.S. of S.
 Secretary of State.

151
 S 3

16th December 1943

DRAFT. Despatch N^o 416 Sir,

OAG.
Nigeria

I have to acknowledge
 (35) the receipt of your despatch No. 478 of the 18th of November, 1943, forwarding copies of Ordinance No 34 of 1943 entitled 'An Ordinance to amend the Townships Ordinance' and to inform you that the power of disallowance will not be exercised in respect of the ordinance.

The Ordinance does not
 2. I would observe that ~~there would appear to exist in the ordinance a general punishment clause such as section 251 of the Local Government Act of 1933, and I would suggest that unless such a general provision is made it might be desirable to take opportunity~~
 does not appear to contain any such clause
 unless such a general provision is made it might be desirable to take opportunity

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In your consideration

3 I would also suggest, that 18
you should consider whether a proviso
might be inserted after section 9A(1) enabling
the council to cancel or amend any rule,
order, notice, authorization, report or other
similar matter done by the committee,
without prejudice to anything done or
omitted thereunder before such cancellation
or amendment.

I have to.

(Sgd) OLIVER STANLEY.

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Colonial Office,
Downing Street.

16th December, 1943.

19

37

NIGERIA.

NO. 416

Sir,

I have the honour to acknowledge the receipt of your despatch No. 478 of the 18th of November, 1943, forwarding copies of Ordinance No. 39 of 1943 entitled "An Ordinance to amend the Townships Ordinance" and to inform you that the power of disallowance will not be exercised in respect of the Ordinance.

2. The Ordinance does not appear to contain any general punishment clause such as section 251 of the Local Government Act, 1933. Unless such a general provision does in fact exist, I would suggest that it might be desirable to take a convenient opportunity to provide it.

3. I would also suggest for your consideration that a proviso might be inserted after section 9A(1) enabling the council to cancel or amend any rule, order, notice, authorisation, report or other similar matter done by the committee, without prejudice to anything done or omitted thereunder before such cancellation or amendment.

I have the honour to be,
Sir,
Your most obedient,
humble servant,

(Sgd) OLIVER STANLEY.

THE OFFICER ADMINISTERING
THE GOVERNMENT OF
NIGERIA.

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NIGERIA.

NO. 478

36
20

Government House,
Lagos, Nigeria.

18th November, 1943.

30 NOV 1943

O. O. REGE

Sir,

I have the honour to transmit herewith for the signification of His Majesty's pleasure with respect thereto, two authenticated and ten ordinary copies of Ordinance No. 39 of 1943 entitled "An Ordinance to amend the Townships Ordinance", together with the usual report thereon by the Attorney-General.

I have the honour to be,

Sir,

Your most obedient, humble Servant,

M. H. ...

OFFICER ADMINISTERING THE GOVERNMENT..

and (37)

Colonel The Right Honourable
Oliver Stanley, M.C., M.P.,
Secretary of State for the Colonies,
&c., &c., &c.

[Handwritten mark]

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REPORT
on
A BILL FOR AN ORDINANCE TO AMEND
THE TOWNSHIPS ORDINANCE.

The short title of this Bill is the Townships (Amendment) Ordinance, 1943, and in my opinion the assent of His Excellency may properly be given thereto.

30066/43

2. Various functions under the provisions of the Dogs Ordinance, 1942, devolve upon the authority for the particular area. The authority for Lagos is at present the Town Council and it was necessary for the Council, as such, to meet in order to exercise its powers as an authority under the Dogs Ordinance, 1942. This was found impracticable where emergency meetings had to be held in order to deal with urgent matters such, for example as happen recently, an outbreak of rabies. It was accordingly thought advisable to provide that in the case of the Dogs Ordinance, 1942, the Council would be properly constituted if at any meeting thereof a chairman and not less than two other members attended. This was designed so as to avoid any question of only asking individual members to attend but at the same time it did necessitate summoning all the members of the Council and allowing those who wished to attend to do so; on the other hand as there are two members of the Council living 6 miles away and they have no tele- phones that inevitably meant some delay when perhaps delay would be fatal. The alternative to this was the appoint- ment by the Council of a committee and although there is provision in section 9(2) of the Townships Ordinance, (Cap.57), for such a course to be taken, the section as worded carries us no further because the section required the proceedings of the committee to be approved by the Council itself and contained no provision by which the Council could delegate any of its powers to the Committee.

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In considering the absurdity of this provision it should be borne in mind that that Ordinance, enacted in 1917, is of some age in a young country and applies to all classes of townships. What might be convenient in a township administered by a local authority of one individual, assisted by an advisory committee is impracticable when the local authority consists of a body of 12 or 14 members. It was therefore considered advisable to repeal and re-enact section 9 of the Townships Ordinance in the manner which will be found set out in clause 2 of this Bill. The new section 9 takes the place of the existing sub-section (1) of section 9 but the opportunity has been taken of putting the horse before the cart and not the reverse as previously existed and the provisions relating to committees have been set out in the new section 9A; the principles which will be found in sub-clauses (1) and (2) being an adaptation of the principles which will be found in sub-sections (1) and (2) of section 85 of the Local Government Act, 1933 (23 & 24 Geo.V, Cap.51). These new provisions relating to committees should be of considerable use in other matters as well. E.G. in a committee, instead of the whole Council, making orders requiring ladies of easy virtue, who are plying their trade in Lagos and who may be undesirable, to return to their own homes, or at any rate leave Lagos.

3. At the close of last year a committee was appointed to enquire into the constitution and financial position of the Lagos Town Council and as a result of its deliberations it was observed that the Township Ordinance, under the provisions of which the Council derives its executive powers, makes no provision for any over-riding control by the Central Government in case of default by the Council either in its financial obligations or in its obligations in regard to public health. Some safeguard to protect the public interest in these respects is usually provided and this Bill is designed for that purpose. The provisions contained in clause 3 are all based on the Kenya

Local

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Local Government (Municipalities) Ordinance, 1928, and it will, I believe, be simpler if the differences are explained here rather than that copies of the sections of that Ordinance be attached and those altered in red to show the alterations made.

New Section.

29A.(1) - This is based on Kenya section 107 but adapted so that the Governor in Council and not the Governor shall act.

{2} - New.
{3}

29B. - This is based on Kenya section 108 but adapted so that the Governor in Council shall act. Additions have been made to paragraph (b) so that the person authorised is vested with the powers of the Council and special arrangements are made as to repayment of money expended.

29C. - This is based on Kenya section 110. Paragraphs (a) and (b) have been omitted as they appear in that Ordinance. An enquiry into the allegation will have to be made and if a dissolution of the Council is ordered the provisions of the new section 29A shall apply to such dissolution and order as if it were made under section 29A.

[Signature]
Attorney-General.

Attorney-General's Chambers,
Lagos, Nigeria.
5th August, 1943.

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NIGERIA.

NO. 350

30064

GOVERNMENT HOUSE,

32

NIGERIA

3rd September, 1943.

Sir,

RECEIVED
21 OCT 1943
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I have the honour to transmit herewith, for the signification of His Majesty's pleasure with respect thereto, two authenticated and ten ordinary copies of Ordinance No.38 of 1943 entitled "An Ordinance to amend the Lagos Township Ordinance, 1941," together with the usual report thereon by the Attorney-General.

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I have the honour to be,
Sir,
Your most obedient, humble Servant,

A. H. H. H.

OFFICER ADMINISTERING THE GOVERNMENT.

THE RIGHT HONOURABLE
OLIVER STANLEY, M.C., M.P.,
SECRETARY OF STATE FOR THE COLONIES,
&c., &c., &c.

Ans (33)

[Signature]

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on

A BILL FOR AN ORDINANCE TO AMEND THE
LAGOS TOWNSHIP ORDINANCE, 1941.

The short title of this Bill is the Lagos Township (Amendment) Ordinance, 1943, and in my opinion the assent of His Excellency may properly be given thereto.

2. As at present constituted the Lagos Town Council is a body consisting of not less than six nor more than twelve members. The Committee recently appointed by the Governor to enquire into the constitution and financial position of the Lagos Town Council recommended in paragraph 23 of its report, which has been published in the press, that the composition of the Council should consist of fourteen members as set out therein. To give effect to this recommendation it is necessary to remove certain restrictive words in the manner shown in clause 2 of the Bill and as no maximum number is now specified it will be possible to make further increases, if necessary in the future, without amending legislation being required for that purpose.



Attorney-General.

Attorney-General's Chambers,

Lagos, Nigeria.

3rd August, 1943.

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NIGERIA.

NO. 432

Government House,
Nigeria.

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RECEIVED
23 1943
GOVERNMENT

9th October, 1942.

My Lord,

I have the honour to transmit herewith,
for the signification of His Majesty's pleasure
with respect thereto, two authenticated and ten
ordinary copies of Ordinance No.13 of 1942 entitled
"An Ordinance to amend the Lagos Township Ordinance,
1941" together with the usual report thereon by the
Attorney-General.

I have the honour to be,
My Lord,
Your Lordship's most obedient, humble Servant,

McArthur
GOVERNOR'S DEPUTY.

THE RIGHT HONOURABLE
THE VISCOUNT CRANBORNE, P.C.,
SECRETARY OF STATE FOR THE COLONIES,
&c., &c., &c.

Ans'd (23)

pm

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on

A BILL FOR AN ORDINANCE TO AMEND THE LAGOS TOWNSHIP ORDINANCE, 1941.

The short title of this Bill is the Lagos Township (Amendment) Ordinance, 1942, and in my opinion the assent of His Excellency may properly be given thereto.

2. The main object of this Bill is to insert in the Lagos Township Ordinance, 1941, certain penal provisions relating to corrupt practices, personation, treating, bribery, undue influence and other offences relating to the holding of elections and also to insert new provisions relating to rating. These provisions relating to elections were first of all being introduced in the form of regulations but as the regulation making provisions of the Ordinance (section 26) did not go far enough it was necessary to amend the Ordinance in any event, that being so it was considered advisable to insert the provisions in the Ordinance rather than enact them by regulation.

3. The suggested new provisions embodied in clause 2 are modelled upon those in force relating to elections for the Legislative Council and similar elections in other Colonial dependencies, which are, in turn, all based upon the United Kingdom legislation.

4. The amendment suggested in clause 2 will enable the notice of the day appointed for the election to be given by the secretary instead of the president as heretofore.

5. Hitherto rating under the Ordinance has been by bye-laws made by the Council with the approval of the Governor. The rate has been an annual rate payable by equal half-yearly payments on the 1st April and the 1st October. It is now proposed that the rate be a half-yearly rate levied by Governor and s...

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which

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NIGERIA.
NO. 88

RECEIVED
11 MAY 1941
C.O. REG

4²⁹
Government House,
Nigeria.
4 February, 1941.

Dupl
My Lord,

sent 4/11
I have the honour to transmit herewith, for the signification of His Majesty's pleasure with respect thereto, two authenticated and ten ordinary copies of Ordinance No.21 of 1941, entitled "An Ordinance to amend the Townships Ordinance" together with the usual report thereon by the Attorney-General.

I have the honour to be,
My Lord,
Your Lordship's most obedient, humble Servant,

and (C)
R.H. Amadi
GOVERNOR.

THE RIGHT HONOURABLE
LORD LOYDE, P.C., D.S.O.,
SECRETARY OF STATE FOR THE COLONIES,
LONDON, S.W.1.

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R E P O R T

30

on

A BILL FOR AN ORDINANCE TO AMEND THE TOWNSHIPS
ORDINANCE.

The short title of this Bill is the Townships
(Amendment) Ordinance, 1941, and in my opinion the assent
of His Excellency may properly be given thereto.

2. The object of this amendment is to enable local
authorities of second class townships to make bye-laws as
it is considered a desirable development in municipal
government that such local authorities should have power
to make bye-laws for any of the purposes that a council
may make bye-laws in respect of a first class township.

3. In view of the fact that the financial year for
townships is not the same as the calendar year it is
necessary to provide that their accounts shall be audited
at some convenient date after the close of the financial
year and accordingly, by clause 3, the 30th June is being
substituted for the 31st January which is the date in the
Ordinance at present. The financial year closes on the
31st March and the amendment will allow three months during
which the accounts can be prepared before they are placed
before an auditor appointed by the Governor.

J. H. K. O. Y.
Attorney-General.

Attorney-General's Chambers,

Lagos, Nigeria.

16th January, 1941.

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R E P O R T
on
A BILL FOR AN ORDINANCE TO AMEND THE TOWNSHIPS
ORDINANCE.

The short title of this Bill is the Townships (Amendment) Ordinance, 1941, and in my opinion the assent of His Excellency may properly be given thereto.

2. The object of this amendment is to enable local authorities of second class townships to make bye-laws as it is considered a desirable development in municipal government that such local authorities should have power to make bye-laws for any of the purposes that a council may make bye-laws in respect of a first class township.

3. In view of the fact that the financial year for townships is not the same as the calendar year it is necessary to provide that their accounts shall be audited at some convenient date after the close of the financial year and accordingly, by clause 3, the 30th June is being substituted for the 31st January which is the date in the Ordinance at present. The financial year closes on the 31st March and the amendment will allow three months during which the accounts can be prepared before they are placed before an auditor appointed by the Governor.

(Sgd.) H. C. F. Cox
Attorney-General.

Attorney-General's Chambers,
Lagos, Nigeria.
16th January, 1941.

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NIGERIA.

NO. 61

REC... : 0
20 MAR 1941
O.O. REGI

Government House,
Nigeria.
5. February, 1941.

My Lord,

I have the honour to transmit herewith, for the signification of His Majesty's pleasure with respect thereto, two authenticated and ten ordinary copies of Ordinance No. 9 of 1941, entitled "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" together with the usual report thereon by the Attorney-General.

I have the honour to be,
My Lord,
Your Lordship's most obedient, humble Servant,

B.H. ...
GOVERNOR.

THE RIGHT HONOURABLE
LORD LLOYD OF DOLOBRAN, F.C., G.C.S.I., G.C.I.E., D.S.O.,
SECRETARY OF STATE FOR THE COLONIES,
LONDON, S.W.1.

30064/41

and 2

Reference:-

CO 583/257/30064

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R E P O R T

on

A 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.

+++++

The Short title of this Bill is the Lagos Township Ordinance, 1941, and in my opinion the assent of His Excellency may properly be given thereto..

2. This Bill is intended to take the place of the existing Lagos Township Ordinance (Chapter 59) and the subsequent amending Ordinances set out in the Second Schedule of the Bill. It is considered desirable to amend the provisions of the existing Ordinance relating to the preparation of the voters' lists for the township but as so many amendments to the existing Ordinance have been made and minor amendments to provisions relating to matters other than the voters' lists are necessary, it is felt that the enactment of a new Ordinance would be an advantage.

3. Clauses 3-5 refer to the constitution of the Council. Some of these provisions are already in the existing Ordinance but others appear only in the Townships Ordinance, Chapter 57. To have to refer to two Ordinances for the constitution of the Council is unsatisfactory, and clause 5 of the Bill makes it clear that sections 5 and 6 of the Townships Ordinance relating to the constitution of Councils shall not apply to the Lagos Town Council. The same clause also states that Part VI of the Townships Ordinance, which relates to rating, shall not apply to the Lagos Town Council as clauses 29-32 of this Bill (which are a re-enactment of similar provisions existing in the present Lagos Township Ordinance) relate to rating in Lagos.

4. Clauses 7-22 relate to the preparation of the voters' lists

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lists for the several wards of the township which have already been laid down by regulations made under the existing Ordinance. The new procedure to be adopted in this connection is based on, and is similar to that followed in the preparation of the list of electors for the Legislative Council for the Municipal Area of Lagos. The alteration of the procedure has long been necessary owing to the many difficulties encountered in endeavouring to compile accurate lists of voters under the existing procedure. These difficulties arise from the ambiguity of certain existing provisions, the inadequacy of the records from which the lists must be compiled, and the extreme difficulty of obtaining reliable information regarding the owners and occupiers of tenements in the township, which information is essential if the lists are to be at all accurate. Constant changes in the ownership of properties, the confusion caused by the many "family" properties, and the fact that so many tenements are let out to armies of tenants who are constantly changing are the main factors which militate against the keeping of accurate records.

5. The provisions of clauses 7-22 of this Bill will, by requiring all persons who consider that they are qualified to appear on the voters' lists to make a claim on a prescribed form, remove all confusion in determining who is qualified to be placed on the voters' lists. It is proposed that the principle to be adopted should be that the persons who actually appear in the rates ledgers of the council as being responsible for the payment of the rates on tenements, together with occupiers of a specified class, shall be entitled to have their names placed on the voters' lists. The persons appearing in the rates ledgers will form a substantial nucleus whose qualifications are capable of being checked without difficulty, and who are

the

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the persons who, in practice, have always appeared on the voters' lists. The tenants of the class specified in the Bill, whose qualifications will have to be certified by the owners of the tenements, will form another very large class who will have the right to claim the franchise. Clause 7 provides that every male person of or over the age of twenty-one who is -

- (a) responsible for the payment of rates on a tenement of which the capital, annual or unimproved value is not less than two hundred and twenty-five pounds, fifteen pounds or sixty pounds respectively, or
- (b) an occupier of such a tenement paying rent at the rate of eighteen pounds per annum and who has occupied the tenement for at least three months immediately preceding the 1st of October,

shall be entitled to have his name placed on the voters' lists.

6. This clause also provides that in cases where a number of persons claim to have their names placed on the lists in respect of a tenement, no such persons shall be so entitled unless the value of the tenement when divided by the number of persons whose claims can be substantiated is not less than the figures set out above. Also, no person shall be entitled to have his name placed on the voters' lists for more than one ward or in respect of more than one tenement, but this provision shall not operate to prevent any person nominated by a company, in accordance with clause 24, from voting on the ground that he is at the same time entitled to vote in his private capacity in respect of another tenement.

7. Under clause 8, persons entitled to have their names placed on the lists will be required to lodge their claims on the form of notice mentioned in clause 9 before the

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the 15th of October. The proviso to section 8 makes it quite clear that once a person of the class whose name appears in the rates ledgers has had his name placed on the voters' lists by reason of a claim duly made, he shall not be required to submit a claim in future years so long as he retains the qualifications in respect of which he was originally placed on the lists, but as against this clause 11 requires a voter to notify the secretary of the council whenever he ceases to retain the qualifications in respect of which he has been registered. This latter clause also permits any such person before the preparation of the voters' lists for the year next following to make a further claim to have his name placed on the lists in respect of such other qualifications, if any, as he may possess.

8. Clause 10 is important in that it makes it incumbent on the owner of a tenement to complete the certificate at the foot of the form of claim (Form B) which an occupier intends to submit. Provision is made for appeal to a magistrate against an owner's refusal to complete a certificate.

9. Clauses 12, 13 and 14 provide for the preparation of the provisional lists of voters and clause 15 deals with the lodging of claims to have names inserted which have been omitted, and for giving notice of objections to persons' names appearing in the lists. Clauses 16-20 provide for the submission of the provisional lists to a revising officer, prescribe his powers and duties and the procedure to be followed for the settlement of the lists. Clauses 21 and 22 relate to offences connected with the preparation of the voters' lists.

10. Clauses 23-28 of the Bill relate to the conduct of elections. The provisions are very much the same as the existing law except that clause 23 fixes the ordinary day
of

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37
END

of election as the 15th of June, which obviates the necessity for fixing a day for the usual triennial elections and is in accordance with English Law. Clause 24 has been extended by the addition of a provision relating to the exercise of a vote on behalf of a firm. This takes the place of a proviso to section 5 of the old Ordinance which is restricted in scope and difficult to apply. Clause 27 is a provision which was formerly made in the regulations relating to the conduct of elections but which it is now considered ought to appear in the Ordinance.

11. Clauses 29-32 relating to rating are, as stated earlier, simply a re-enactment of existing provisions of the present law, slightly amended.

12. Clauses 33-35 are miscellaneous provisions which will become necessary by reason of the enactment of the new Ordinance.

13. Clause 36 is self-explanatory. Owing to the fact that the Bill will not be enacted early enough the lists for the year 1941 cannot be prepared at the usual time and the addition of this clause alters the material dates in relation to those lists and allows of the preparation of new lists before the next election to be held in June, 1941.

14. The First Schedule sets forth the forms to be used in the preparation of the voters' lists and the Second Schedule specifies the existing Ordinances which will be repealed by section 35 of the new Ordinance.

15. In the committee stage an amendment was moved to delete the words "a male" in proviso (i, to clause 7 and the amendment, if carried, would have had the effect of giving votes to women; on a free vote the amendment was defeated by 21 votes to 17.

J. H. P.
Attorney-General.

Attorney-General's Chambers,
Lagos, Nigeria.
17th January, 1941.

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1943

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3 Nigeria 356 ——— 4.9.43

Li Alvin Russell

In favour of your Hon. plan

Alvin Russell
2.11.43

Section 2. In paragraph 3 of the Legal Report, it is stated -

"In order to avoid this repetition this amendment is made to Section 2(1) applying the Ordinance generally to all emergency legislation and the opportunity was also taken to apply the provisions of the Ordinance to any subsidiary legislation to be made in Nigeria consequent upon Imperial Legislation except where it is otherwise expressly provided."

But the new provision confines the words "unless otherwise expressly stated in such Regulations" to the first part of the new provision only, and does not extend them to the later part of the new provision.

Section 7. Section 17(c) provides that for the expression "any local authority, native authority" the expression "any authority" shall be substituted. But in the proviso referred to the expression is "any local authority, native administration, native authority
or

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30073/43.

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C. O.

Mr. Parkinson, 22.11.43.

Sir A. Dawe.

Mr. Sir Alison Russell 22.11.43

Sir W. Battershill.

Mr. Parkinson 23/11/43.

Permt. U.S. of S.

Mr. G. E. J. Gent.

Parly. U.S. of S.

Mr. G. L. M. Clauson.

Secretary of State.

Mr. C. J. Jeffries.

R 24 NOV
D 24

Downing Street,
25th November, 1943.

Sir,

DRAFT. DESPATCH.

I have etc., to refer to your despatch No. 356 of the 4th September, 1943, and to inform you that His Majesty's powers of disallowance will not be exercised in regard thereto. 2. With reference to ^{section} Clause 2 of the Ordinance, I ^{note} observe that the Attorney General states, in paragraph 3 of his report, that -

NIGERIA
NO. 395
GOVERNOR

(3)

[transmitting copies of the Interpretation (amendments) Ordinance, 1943,

"This amendment is made to Section 2(1) applying the Ordinance generally to all emergency legislation and the opportunity was also taken to apply the provisions of the Ordinance to any subsidiary legislation to be made in Nigeria consequent upon Imperial Legislation except where it is otherwise expressly provided".

I observe, however, that in the actual amendment the words "unless otherwise expressly

FURTHER ACTION.

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C0 583/257/30073

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St. Disputa continued 6

3. With reference to section 7 of the Ordinance, I observe that the amendment to section 17 contained in (c) provides that for the expression "any local authority," "native authority" the expression "any authority" shall be substituted. But in the proviso referred to, the expression is "any local authority, native administration, native authority or native tribunal", and it is not clear why the expressions "native administration" or "native tribunal" are left standing.

(Sgd) OLIVER STANLEY,

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C0 583/257/30073

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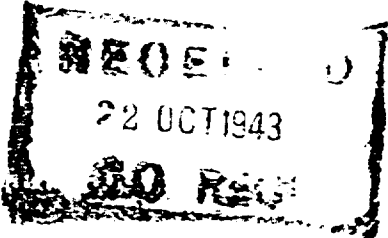
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NIGERIA.

No. 356

243

See serial 61



30073

3

Government House,
Nigeria.

4th September, 1943.

Sir,

I have the honour to transmit herewith, for the signification of His Majesty's pleasure with respect thereto, two authenticated and ten ordinary copies of Ordinance No.43 of 1943, entitled "An Ordinance to amend the Interpretation Ordinance, 1939", together with the usual report thereon by the Attorney-General.

I have the honour to be,
Sir,
Your most obedient, humble Servant,

and (c)

Alhambra

OFFICER ADMINISTERING THE GOVERNMENT.

The Right Honourable
Oliver Stanley, M.C., M.P.,
Secretary of State for the Colonies,
&c., &c., &c.

HS

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Assented to in His Majesty's name in so far as the provisions hereof relate to the Colony and to the Southern Provinces of the Protectorate, and enacted by me in so far as the provisions hereof relate to the Northern Provinces of the Protectorate this 23rd day of August, 1943.

A. G. GRANTHAM,
Officer Administering the Government.

L.S.

No. 43

1943



Colony and Protectorate of Nigeria

IN THE SEVENTH YEAR OF THE REIGN OF
HIS MAJESTY KING GEORGE VI

A. G. GRANTHAM, C.M.G.,
Officer Administering the Government

AN ORDINANCE TO AMEND THE INTERPRETATION ORDINANCE, 1939. Title.

[26th August, 1945.]

Date of commencement.

Enactment.

BE IT ENACTED by the Governor of the Colony and Protectorate of Nigeria, with the advice and consent of the Legislative Council so far as the provisions hereof relate to the Colony and to the Southern Provinces, as follows:—

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6 No. 43 of 1943 Interpretation (Amendment)

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and in so far as the provisions thereof relate to the Colony and to the Southern Provinces of the Protectorate, is found by me to be a true and correctly printed copy of the said Bill.

K. P. MADDOCKS,
Clerk of the Legislative Council

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on

A BILL FOR AN ORDINANCE TO AMEND THE
INTERPRETATION ORDINANCE, 1939.

The short title of this Bill is the Interpretation (Amendment) Ordinance, 1943, and in my opinion the assent of His Excellency may properly be given thereto.

2. Since its re-enactment in 1939 the need for various amendments to the Interpretation Ordinance, 1939, arose from time to time but it was thought desirable to allow these amendments to accumulate for a period so that instead of passing a series of small amending Ordinances as a need arose, a more comprehensive Bill could be drafted embodying all the amendments accumulated over the period. The period being completed, this Bill comprises all the suggested amendments up to date and each amendment is commented upon briefly below.

3. Clause 2 - It has been the practice hitherto to incorporate in Emergency Regulations, made under the Emergency Powers (Defence) Acts, a provision applying the Interpretation Ordinance to those regulations each time they are made. In order to avoid this repetition this amendment is made to section 2(1) applying the Ordinance generally to all emergency legislation and the opportunity was also taken to apply the provisions of the Ordinance to any subsidiary legislation to be made in Nigeria consequent upon Imperial Legislation except where it is otherwise expressly provided.

4. Clause 3 - This adds various new definitions and amends others. Many are self-evident, some may need explanation. The addition of the word "Burma" to the definition of British Possession is consequent upon the separation of that country from India. The definition of "monogamous marriage" was faulty and has been corrected. The titular additions are for convenience and the definition of "judge" will cover appointment made under sub-section (2) of section 8 of the

Supreme

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30257/43 attached

Supreme Court Ordinance, 1943 (No.23 of 1943). The insertion of the definition of "written law" fulfils the need for some comprehensive expression which will obviate the necessity for the recitation of numerous Ordinances, Orders and the like dealing with similar subjects when legislation is intended to contain, for instance, exceptions to those numerous Ordinances and Orders.

5. Clauses 4 and 5 - The inclusion of this suggested section is to ensure continuity of reference to Acts of Parliament and by reason of its conclusion the heading above section 13 required alteration.

6. Clause 6 - The inclusion of this section will save repeated references in subsidiary legislation to the particular Ordinance under which such legislation is made by its short title and also will serve to differentiate between it and other enactments which may require to be mentioned.

7. Clause 7 - This contains various amendments to section 17 of the Ordinance and merits consideration. Paragraph (a) of sub-section (1) provides that when subsidiary legislation is made it can be amended or revoked but only by the authority making it and in the same manner in which it was made. Cases have arisen where, for example, an authority having the power to make rules has been replaced by another authority with power to make bye-laws; the rules are still extant and because of the provisions of paragraph (a) there is no authority with power to revoke them to make way for the bye-laws. The result is invidious and the amendments in paragraph (a) of the clause adding a proviso to paragraph (a) of sub-section (1) and paragraph (b) of the clause adding a sub-section, as sub-section (2), are designed to afford a solution by permitting the new authority to deal with the old subsidiary legislation in order to bring the new into operation, in the former case where the change is by administrative action, and the latter by Ordinance. The phrase "subject to disallowance by His

Majesty"

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Majesty" is otiose in relation to subsidiary legislation and by reason of the enactment of other provisions in the new Native Authority Ordinance, 1943, so is the expression "native authority". Both have therefore been deleted; paragraph (c) of this clause refers. The amendments suggested in paragraph (d) are purely consequential.

8. Clause 8 - In a number of instances provision had been made in Ordinances whereby not only the Governor or the Governor in Council may make subsidiary legislation relating to certain matters but other authorities, such as township and native authorities, may, normally with the approval of the Governor, also make such legislation regarding the same matters. Now although the making of such legislation is subject to the control of the Governor there is no means whereby he can require such legislation to be amended or revoked and important subsidiary legislation made in the face of opposition if subsequently found necessary. This omission has been remedied in the case of native authorities by express provision in the new Native Authority Ordinance, 1943, and it is thought desirable that some such provision should be incorporated in this Ordinance with respect to other persons or bodies. This clause seeks to accomplish this.

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9. Clause 9 - The addition of this sub-section to section 28 of the Ordinance, relating to the powers of delegation by the Governor, is made in order to remove all doubt on the correct legal proposition that a delegation does not prevent the exercise by the Governor of the power delegated. Opportunity has also been taken to provide, for future guidance, that such a delegation is revocable at will.

10. Clause 10 - It frequently occurs that an Ordinance is amended time and again so that unless the Ordinance is carefully annotated with each fresh amendment it is difficult to ascertain the present state of the law on the particular

subject

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subject covered by the Ordinance. And while it is true that a consolidating Ordinance can and often has cleared this position there are occasions when it is inopportune to introduce what amounts to fresh legislation on the particular subject. It is now provided, therefore, that when an Ordinance becomes difficult to follow by reason of the number of amendments to it the Government Printer may, with the authority of the Governor, reprint the Ordinance exactly as amended and those reprints will be authentic copies of the Ordinance. New section 36A is designed to effect this. New section 36B will, it is thought, remove any doubt as to which copy of an existing Ordinance is meant when an amending Ordinance refers to words in any particular line, while new section 36C will allow of marginal notes to be made as to the origin of the various parts of an Ordinance for the purpose of easy reference. Such notes will not, of course, have any legislative effect.

11. Clause 11 - There is no valid reason why His Excellency's "approval, permission or consent" should not, as in his "direction", be signified over the hand of the Chief Secretary and accordingly section 39 is extended by the inclusion of the words quoted above.

12. A Comparative Table is attached.

J. O. Oduy
 Attorney-General.

Attorney-General's Chambers,
 Lagos, Nigeria.
 4th August, 1943.

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COMPARATIVE TABLE

on

A BILL ENTITLED THE INTERPRETATION
(AMENDMENT) ORDINANCE, 1943.

Clause.

1. Short title.
2. New.
3. New with the exception of the defini-
tion of "written law" which corresponds
to the Interpretation Ordinance
(Straits Settlements) Cap.2, section 2.
4. The Interpretation and General Clauses
Ordinance (Gibraltar) Cap.47, section
17.
5. New.
6. The Interpretation and General Clauses
Ordinance (Uganda) Ch.87, section
9(e).
7. New.
8. New.
9. C.f. The Customs Ordinance (Nigeria)
Ch.130, section 8.
10. The Interpretation and General Clauses
Ordinance (Uganda) Ch.87, sections 18A,
7A and 3A adapted respectively.
11. New.

HTD
4/5/43

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No. 30074

CLOSED
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SUBJECT.

Business Names Ordinance.

Registration of-

Previous

Subsequent

Reference:-

CO 583/257/30074

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1941

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30074

30074

NIGERIA

C.S. Title

From

Date

Business Names Ordinance.
(Registration of)

MINUTES

1. Nigeria 688 _____ 22. 11. 41.
(Spares to Library).

Mr Martin

Pl. see X in the report below

1. Can you put up the report referred to?

FJ Reddy _____

8/1/42

and Reddy

The report referred to was received in the same mail as 1. and has now been sent on to you.

W. J. Martin

Mr J. Abrahams 8/1/42

The report on the Company's Amendment Ordinance is in the attached carbon copy of despatch No 687, attached.

It seems to me that the word "which" in the second line of the new section 10 ~~SI~~ is superfluous, and ought to be deleted.

1943

Connected papers

Prev. 1935.

Sub. 1944

Rel. leg. pl.
Wm.
G.

1/4

(referred to in the A.G.'s report on this file)

Reference -

CO 583/257/30074

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? Express non-disapproval, but suggest that an opportunity should be taken to amend the Ordinance by deletion of this word.

F.J. Pedler

12.1.42.

of
Abubakar

13/1/42.

FJ Pedler

13/1 at once

February 21
Hotel 28.
February 20/1/42.

2 To Nigeria 24 (1 amend)

16 Jan. '42

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DRAFT. Mr. Whitcombe
15/1/42.

Colonial Office,
Downing Street.

NIGERIA

NO. 24

16 January, 1942.

6 Sir,

(1) I have the honour to acknowledge the receipt of your despatch No. 688 of the 22nd of November and to inform you that the power of disallowance will not be exercised in respect of Nigeria Ordinance No. 74 of 1941, shortly entitled The Registration of Business Names (Amendment) Ordinance 1941.

2. It would seem that the word "which" in the second line of the new section 10B is superfluous, and I suggest that an opportunity should be taken to amend the Ordinance by the deletion of this word.

I have the honour to be,
Sir,
Your most obedient
humble servant,

GOVERNOR,
SIR BERNARD BOURDILLON, G.C.M.G., K.B.E.,
etc., etc., etc.

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NIGERIA.

NO. 688

Dupl

RECEIVED
JAN 1942
C. O. MOYNE

GOVERNMENT HOUSE,
NIGERIA,
21st NOVEMBER, 1941.

5

My Lord,

I have the honour to transmit herewith,
for the signification of His Majesty's pleasure
with respect thereto, two authenticated and ten
ordinary copies of Ordinance No. 74 of 1941,
entitled "An Ordinance to amend the Registration
of Business Names Ordinance, 1926" together with
the usual report thereon by the Attorney-General.

I have the honour to be,
My Lord,
Your Lordship's most obedient,
humble servant,

B. H. Amadi

G O V E R N O R .

THE RIGHT HONOURABLE
LORD MOYNE, P.C., D.S.O.,
SECRETARY OF STATE FOR THE COLONIES,
LONDON, S.W. 1.

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Amadi

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Assented to in His Majesty's name in so far as the provisions hereof relate to the Colony and to the Southern Provinces of the Protectorate, and enacted by me in so far as the provisions hereof relate to the Northern Provinces of the Protectorate this 28th day of October, 1941.

C. C. WOOLLEY,
Governor's Deputy.

(L.S.)

No. 74

1941



Colony and Protectorate of Nigeria.

IN THE FIFTH YEAR OF THE REIGN OF
HIS MAJESTY KING GEORGE VI.

SIR BERNARD BOURDILLON, G.C.M.G., K.B.E.
Governor and Commander-in-Chief.

AN ORDINANCE TO AMEND THE REGISTRATION OF BUSINESS NAMES Title.
ORDINANCE, 1926.

[30th October, 1941.]

Date of commencement.

BE IT ENACTED by the Governor of the Colony and Protectorate of Nigeria, with the advice and consent of the Legislative Council so far as the provisions hereof relate to the Colony and to the Southern Provinces, as follows:—
Enactment.

Reference:-

CO 583/257/30074

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2 No. 74 of 1941 *Registration of Business Names (Amendment)*

Short title. 1. This Ordinance may be cited as the Registration of Business Names (Amendment) Ordinance, 1941.

Amendment of No. 5 of 1926 by insertion of section 10b. 2. The Registration of Business Names Ordinance, 1926, is hereby amended by the insertion between sections 10a and 11 thereof of the following section:—

Mis-leading business names. "10b. (1) Where any business name under which the business of a firm or individual is carried on which:—

- (a) contains the words—
- (i) 'Imperial', 'Empire', 'National', 'Government' or any other word which in the opinion of the registrar suggests, or is calculated to suggest, that that business enjoys the patronage of the Imperial Government or of the Government or any department thereof; or
- (ii) 'municipal', 'chartered' or any other word which in the opinion of the registrar suggests, or is calculated to suggest, connection with any municipality or other local authority, or with any society or body incorporated by Royal Charter; or
- (iii) 'Chamber of Commerce', 'Building Society' or 'Co-operative';

then unless the consent of the Governor in Council has been first obtained the registrar shall refuse to register such business name or, as the case may be, remove such business name from the register;

- (b) (i) contains the word 'British' or any other word which, in the opinion of the registrar, is calculated to lead to the belief that the business is under British ownership or control, and the registrar is satisfied that the nationality of the persons by whom the business is wholly or mainly owned or controlled is at any time such that the name is misleading, or
- (ii) is, in the opinion of the registrar deceptive or objectionable in that it contains a reference direct or otherwise to any personage, practice or institution, or is otherwise unsuitable as a business name,

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Registration of Business Names (Amendment) No. 74 of 1941 3

then the registrar shall refuse to register such business name, or, as the case may be, remove such business name from the register, but any person aggrieved by a decision of the registrar under this provision may appeal to the Governor, whose decision shall be final.

(2) The registration of a business name under this Ordinance shall not be construed as authorising the use of that name if apart from such registration the use thereof could be prohibited."

3. Section 15 of the Registration of Business Names Ordinance, 1926, is hereby amended by substituting for paragraph (4) thereof the following paragraph:—

Amendment of paragraph (4) of section 15 of No. 5 of 1926.

"(4) Generally the conduct and regulation of registration under this Ordinance and any matters incidental thereto."

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and in so far as the provisions thereof relate to the Colony and to the Southern Provinces of the Protectorate, is found by me to be a true and correctly printed copy of the said Bill.

P. F. CAMPBELL.
Clerk of the Legislative Council.

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CO 583/257/30074

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R E P O R T

9

on

A BILL FOR AN ORDINANCE TO AMEND THE
REGISTRATION OF BUSINESS NAMES
ORDINANCE, 1926.

The short title of this Bill is the Registration of Business Names (Amendment) Ordinance, 1941, and in my opinion the assent of His Excellency may properly be given thereto.

2. Hitherto there have been no restrictions made in the Registration of Business Names Ordinance, 1926, concerning the names which firms or individuals wish to call their businesses although both in the United Kingdom legislation and in that of many other Colonies a section has been enacted dealing with misleading names, covering particularly the misuse of the term "British", and giving a right of appeal in that particular instance. And while it may be said to be the policy of the legislature to fetter the rights of the individual as little as possible with regard to the name under which he wishes to trade it is now thought desirable that some provisions should be made restricting the selection of names in certain cases.

3. Somewhat parallel legislation, dealing with the names of companies whereby registration of names containing terms from which patronage by Government, for example, might be inferred are restricted, is contained in the Companies (Amendment) Ordinance, 1941, enacted at the same time as this Bill and reference is invited to the report on that Bill. Similar provisions are by this Bill incorporated in the Registration of Business Names Ordinance together with restrictions against the use of the words "municipal" and "chartered"; but it will be observed from sub-section (1)(a) of the new section shown in clause 2 of the Bill that the use of these words may be

sanctioned

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sanctioned by the Governor in Council. Sub-section (1)(b) (i) of the new section incorporates section 14(1) of the United Kingdom Act of 1916 (6 & 7 Geo.5, Cap.58) dealing with misuse of the word "British", and in view of the somewhat peculiar and in many instances entirely unsuitable names with which the registrar is confronted a new paragraph has been inserted as paragraph (b)(ii) of the sub-section to enable the registrar to refuse registration under either paragraph. However, a right of appeal, it will be seen, lies to the Governor in case any individual or firm is aggrieved by a decision of the registrar under this sub-section. Sub-section (2) is also culled from the United Kingdom Act, being sub-section (2) of section 14 mentioned above. Its purport is, it is thought, clear without explanation.

4. It has also been thought necessary, in view of these amendments, slightly to amplify the powers of the Governor in Council to make regulations under section 15 of the Nigerian Ordinance and clause 3 of the Bill effects this.

5. One may wonder whether it is really necessary to place some brake on the choice of name for a business and normally the answer would have to be "no" but that would be under normal conditions and it is incredible the inappropriate names that are actually registered or for which application is made. A recent case was that of "The Viscount Huffield Ambulance Brigade" having nothing to do with Viscount Huffield. In this case the registrar asked the applicant (which he had no legal authority to do) to produce authority from Viscount Huffield. Another gentleman thought "V for Victory" a "good slogan which might help my business."

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CO 583/257/30074

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6. Examples of certain companies and businesses actually registered which while innocuous are somewhat amusing are:-

Company names: Eternal Sacred Order of Cherubim and Seraphim.

Praying Band of Sacred Society of Cherubim and Seraphim.

Business names: Moonlight Potash (Trader in Pot Nit Potash).

Illicit Gin Retailing Bar.

The Blessed Joseph (A sign board writer).

Touch and Move.

Blessed Fine Bread.

H. C. O.
Attorney-General.

Attorney-General's Chambers,

Lagos, Nigeria.

2nd October, 1941.

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CO 583/257

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		R302 10/3		
		Mr. Farmer 10/3		
		R. 302 23/12		
	R98 24/5	Mr. Parkinson 22/12		
		302 17/5		
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2 Mr. Sidebotham 17/5		R. 302 8/11	8	414
Mr. G. Busby 26		Mr. Parkinson 8/11		
Mr. Sidebotham 27/1		R. 302		
Mr. Williams 27/6				
R94 7/6				
Mr. Gaskambuka 10/6				
Mr. Williams				
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In connection with the present existing
arrangement see para 5 of W17
on 1435/32 Nigeria Part III
It is now desired to amend the original
Ordinance so that the holder of an
office can be appointed as such as
a magistrate, and no new appointment
would have to be made on a transfer
taking place and a new holder being
appointed. The existing system is
said to be cumbersome for these days
of frequent shifts & changes.
I am not clear, however, that the present
arrangement now proposed may not
be open to objection in principle. If a
Officer is appointed by warrant to be
a magistrate, his suitability is bound
to be considered: if he merely becomes
a magistrate by virtue of holding
a certain post. less care may be
taken than hitherto in considering whether
he is suitable. The ^{sub-}section ^{in para 3} of the ¹⁹³² Ordinance
permissive was ^{of the 1932 Ordinance} ^{applies only}
it is not likely to be used in the case
of ^{officers} magistrates holding senior

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majestical posts. In these cases we
^{with perhaps}
~~need~~ raise any objections but
we should be grateful for your comments.

J.B. Lushington
17/5.

The provisions now repealed were put into the law most deliberately by Sir Donald Cameron partly for the reason you have given and partly because, as he told me, he found that people who exercise judicial functions simply because they hold an administrative office failed so often to realise that in exercising those functions they were not an Administrator doing what they thought most suitable for administration, but were judicial officers holding the scales between the administration and the public; and thought that giving them a simple warrant by selection would impress this upon them.

I think he was right, and I think this is retrograde. I suggest that you should say that H.M. will not be advised to disallow etc. but we regret the course adopted because the other system had the virtue of the point you mention, and of impressing upon a person so selected that his judicial work was something separate and distinct from his administrative work, & that he kept as at A: a report.

J.B. 26.5.41.

Mr. Williams

You should see
as proposed by Sir G. Bush

J.B. Lushington
27/5.

Let Sir G. Bush

see Off. O.G.R.W. 3.6.41 above

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NIGERIA

No. 491

GOVERNMENT HOUSE, NIGERIA

27 November, 1943

Sir,
I have the honour to transmit herewith ten copies of
Order No. 28 of 1943, made under
"The Protectorate Courts Ordinance, 1933 (No. 45 of Ordinance 1933)
(Chapter)"

RECEIVED
21 DEC 1943
CO REC

I have the honour to be,
Your most obedient, humble Servant,
A. G. GRANTHAM,
Officer Administering the Government.

~~The Right Honourable~~
Colonel The Right Honourable
Oliver Stanley, M.C., M.P.

SECRETARY OF STATE FOR THE COLONIES, &c., &c., &c.

GP Lagos 583 443 500

Sect 143

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NIGERIA

No. 28 of 1943

ORDER

MADE UNDER

THE PROTECTORATE COURTS ORDINANCE, 1933 (No. 45 of 1933)

In exercise of the powers conferred upon the Governor by section 7 (2) of the Protectorate Courts Ordinance, 1933, the following order is hereby made:—

1. This order may be cited as the Magistrates' Courts (Protectorate) (No. 2) Order, 1943, and shall be deemed to have come into operation on the 1st day of June, 1943.

2. The area of the jurisdiction of each Magistrate's Court in the Protectorate shall be as specified in the first column of the Schedule hereto and such areas may be respectively referred to by the designation set out in the second column of the said Schedule adjacent to such areas.

3. The Magistrates' Courts (Protectorate) Order, 1943, is hereby revoked. Order No. 2 of 1943.

SCHEDULE

Area	Designation
1. The Calabar Division of the Calabar Province.	The Calabar Magisterial Area.
2. The Ikot-Ekpene, Enyong, Abak and Uyo Divisions of the Calabar Province.	The Ikot-Ekpene Magisterial Area.
3. The Opobo and Eket Divisions of the Calabar Province.	The Opobo Magisterial Area.
4. The Cameroons Province ...	The Cameroons Magisterial Area.
5. The Ahoada and Degema Divisions of the Owerri Province.	The Port Harcourt-Degema Magisterial Area.
6. The Aba and Bende Divisions of the Owerri Province.	The Aba Magisterial Area.

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SCHEDULE—continued.

Area.	Designation.
7. The Owerri and Okigwi Divisions of the Owerri Province.	The Owerri Magisterial Area.
8. The Udi and Nsukka Divisions of the Onitsha Province.	The Enugu Magisterial Area.
9. The Onitsha, Awka and Awgu Divisions of the Onitsha Province.	The Onitsha Magisterial Area.
10. The Ogoja Province ...	The Abakaliki Magisterial Area.
11. The Warri Province and the Asaba Divisions of the Benin Province.	The Warri Magisterial Area.
12. The Benin, Islan and Kukuruku Divisions of the Benin Province and the Kabba Province.	The Benin Magisterial Area.
13. The Ibadan and Oyo Divisions of the Oyo Province and the Horin Province.	The Ibadan Magisterial Area.
14. The Abeokuta and Ijebu Provinces.	The Abeokuta Magisterial Area.
15. The Plateau, Bauchi, Bornu (except Bedde Division, Matsena, Nguru and Gashua Districts of Bornu Division), Adamawa and Benue Provinces.	The Jos Magisterial Area.
16. The Kano, Katsina, Niger, Zaria and Sokoto Provinces, and in the following areas:— The Bedde Division and the Matsena, Nguru and Gashua Districts of the Bornu Province.	The Kano Magisterial Area.
17. The Ife-Ilesha Division of the Oyo Province and the Ondo Province.	The Ife Magisterial Area.

By His Excellency's Command,
T. HOSKYNS-ABRAHALL,
Acting Chief Secretary to the Government.

Chief Secretary's Office,
Lagos, 12th November, 1943.

Reference:-

CO 583/257/30075

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NIGERIA

No. 37

GOVERNMENT HOUSE, NIGERIA, 10

4 February, 1943.

Sir,

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13 FEB 1942
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I have the honour to transmit herewith ten copies of
Order No. _____ of 1943, made under

"The Protectorate Courts Ordinance
1933 ~~(Chapter XXXXX)~~ (No. 45 of 1933).

I have the honour to be, My Lord,

Your Lordship's most obedient, humble Servant,

B. H. BOURDILLON
Governor

Handwritten signature

THE RIGHT HONOURABLE

OLIVER STANLEY, M. C., H. P.,

SECRETARY OF STATE FOR THE COLONIES, &c. &c., &c.

GP Lagos 3158/41/1,000 (R)

Sect 143

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SCHEDULE.

Area.	Designation.
1. The Calabar Division of the Calabar Province.	The Calabar Magisterial Area.
2. The Ikot-Ekpene, Enyong, Abak and Uyo Divisions of the Calabar Province.	The Ikot-Ekpene Magisterial Area.
3. The Opobo and Eket Divisions of the Calabar Province.	The Opobo Magisterial Area.
4. The Cameroons Province ...	The Cameroons Magisterial Area.
5. The Township of Port Harcourt and Degema Division of the Owerri Province.	The Port Harcourt Magisterial Area.
6. The Aba Division of the Owerri Province.	The Aba Magisterial Area.
7. The Ahoada (except the Township of Port Harcourt), Owerri, Okigwi and Bende Divisions of the Owerri Province.	The Owerri Magisterial Area.
8. The Udi and Nsukka Divisions of the Onitsha Province.	The Enugu Magisterial Area.
9. The Onitsha, Awka and Awgu Divisions of the Onitsha Province.	The Onitsha Magisterial Area.
10. The Ogoja Province ...	The Abakaliki Magisterial Area.
11. The Warri Province and the Asaba Division of the Benin Province.	The Warri Magisterial Area.
12. The Benin, Ishan and Kukuruku Divisions of the Benin Province and the Ondo and Kabba Provinces.	The Benin Magisterial Area.
13. The Oyo and Iorin Provinces.	The Ibadan Magisterial Area.
14. The Abeokuta and Ijebu Provinces.	The Abeokuta Magisterial Area.
15. The Plateau, Bauchi, Bornu (except Bedde Division, Matsena, Nguru and Gashua Districts of Bornu Division), Adamawa and Benue Provinces.	The Jos Magisterial Area.
16. The Kano, Katsina, Niger, Zaria and Sokoto Provinces, and in the following areas:— The Bedde Division and the Matsena, Nguru and Gashua Districts of the Bornu Province.	The Kano Magisterial Area.

By His Excellency's Command.

A. G. GRANTHAM,
Chief Secretary to the Government.

Chief Secretary's Office,
Lagos, 21st January, 1943.

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NIGERIA

No. 133

GOVERNMENT HOUSE, NIGERIA, 13

24 March, 1942.

copy on account

My Lord,—I have the honour to transmit herewith ten copies of Rules of Court No. 3 of 1942, made under "The Protectorate Courts ~~(Chapter)~~ Ordinance (No. 45 of 1933)

I have the honour to be, My Lord,
Your Lordship's most obedient, humble Servant,

~~B. H. BOURDILLON~~

~~XXXXX~~

ALAN BURNS,
OFFICER ADMINISTERING THE
GOVERNMENT.

THE RIGHT HONOURABLE
LORD CRANBORNE, P. C.,

AL.

SECRETARY OF STATE FOR THE COLONIES, &c., &c., &c.

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No. 3 of 1942

In the Protectorate Courts of Nigeria
THE PROTECTORATE COURTS ORDINANCE
(No. 45 of 1933)
RULES OF COURT

I, SIR DONALD KINGDON, Chief Judge of the Protectorate Courts of Nigeria, do hereby make the following addition to the Protectorate Courts Rules:—

Order VII Rule 5. *add*:—

- " In proceedings under the Workmen's Compensation Ordinance, 1941, the Court shall be guided by Schedule " A to the Rules of the Supreme Court ".

GIVEN under my hand this 12th day of February, 1942.

DONALD KINGDON,
Chief Judge.

APPROVED,

ALAN BURNS,
Governor.

Reference:-

CO 583/257/30075

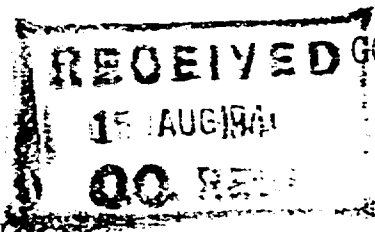
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N I G E R I A.

NO. 160.



GOVERNMENT HOUSE,
N I G E R I A.

3 March, 1941.

H 15

My Lord,

I have the honour to transmit herewith ten copies of Order No.5 of 1941, made under "The Protectorate Courts Ordinance, 1933 (No.45 of 1933)".

I have, etc.,

(Sgd.) T. HOSKYNS-ABRAHALL.

GOVERNOR'S DEPUTY.

THE RIGHT HONOURABLE
LORD MOYNE, P.C., D.S.O.,
SECRETARY OF STATE FOR THE COLONIES,
LONDON, S.W.1.

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No. 2 of 1941

In the High Court of the Protectorate of Nigeria
THE PROTECTORATE COURTS ORDINANCE, 1933
(No. 45 of 1933)

Under section 48 of the Protectorate Courts Ordinance, 1933, I, SIR DONALD KINGDON, Chief Judge of the High Court of the Protectorate of Nigeria, do hereby amend Order 11, Rule 6 of the Protectorate Courts Rules, 1934, by adding the words " or native authority " after the words " government department " wherever those words occur in the said Rule.

GIVEN under my hand this 1st day of May, 1941.

DONALD KINGDON,
Chief Judge.

APPROVED

B. H. BOURDILLON,
Governor.

(6950/474

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Enclosure to Governor's despatch No. 160 of 3rd March, 1941.

17

NIGERIA

No. 5 of 1941

ORDER

MADE UNDER

THE PROTECTORATE COURTS ORDINANCE, 1933

(No. 45 of 1933)

In exercise of the powers conferred upon the Governor by section 7 of the Protectorate Courts Ordinance, 1933, the following Order is hereby made:—

1. This Order may be cited as the Magistrates' Courts (Protectorate) (Amendment) Order, 1941, and shall be deemed to have come into effect on the 1st of February, 1941.

2. Order No. 5 of 1938 dated the 21st March, 1938, is hereby amended by,

(a) inserting immediately before paragraph 1 therein the following paragraph:—

“ 1A. This Order may be cited as the Magistrates' Courts (Protectorate) Order, 1938.”;

(b) inserting after the word “ Warri ”, occurring in item 4 of the Schedule thereto a comma and the word “ Ondo ”;

(c) deleting the comma and the word “ Ondo ” occurring in item 5 of the Schedule thereto.

By His Excellency's Command,

T. HOSKYNs-ABRAHAM,
Acting Chief Secretary to the Government.

Chief Secretary's Office,
Lagos, 13th February, 1941.

28526/399.

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NIGERIA

No. 336

Recd. RECEIVED
25 JUN 1941
O.O. REGD

GOVERNMENT HOUSE, NIGERIA, 18
28 May, 1941

My Lord, — I have the honour to transmit herewith ten copies ^{each} of
Rules of Court No.s. 1 and 2 of 1941, made under
Supreme Court
“The Protectorate Courts Ordinance
(Chapter 3.)”
(No. 45 of 1933).

I have the honour to be, My Lord
Your Lordship's most obedient, humble Servant,
B. H. BOURDILLON,
Governor.

THE RIGHT HONOURABLE
LORD MOYNE, P.C., D.S.O.,

SECRETARY OF STATE FOR THE COLONIES, &c., &c., &c.

GP Lagos 666/H1/500 (R)

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Sect. 143

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C. O.

Mr. Whitcombe. 7/6

Mr. C. Bushe (V. min.) 16/6

Mr. W. L. Burns 12. 6/6

Sir A. Burns

Mr. G. L. M. Clouston.

Mr. C. J. Jeffries.

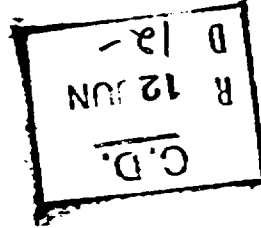
Mr. A. J. Dawe.

Sir J. Shuckburgh.

Perm. U.S. of S.

Parly. U.S. of S.

Secretary of State.



Downing Street.

14 June, 1941.

DRAFT. DESPATCH

NIGERIA

NO. 190

GOVERNOR

Sir,

I have the honour to acknowledge receipt of your despatch No. 87 of the 14th of February and to inform you that the power of disallowance will not be exercised in respect of Ordinance No. 22 of 1941, shortly entitled The Protectorate Courts (Amendment) Ordinance, 1941.

2. While I appreciate the reasons which have led to the enactment of the amending Ordinance, I cannot but regret the course adopted. The former system of appointing magistrates individually by warrant had the advantages of insuring that the suitability of the particular officer selected was taken into consideration, and also of impressing upon him that/

FURTHER ACTION.

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that his judicial work was something separate and distinct from his administrative work. If, on the other hand, an officer automatically becomes a magistrate by virtue of his holding a certain post, as now provided for, less attention than hitherto may be given to his individual qualifications and suitability to exercise judicial functions, and the special nature of the appointment will be less marked. For these reasons, I trust that in practice little, if any, use will be made of the new provisions in respect of ~~new~~ magistrates under Section 7(3).

I have, etc.

(signed) MOYNE.

20

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NIGERIA.

NO. 87

RECEIVED
11 MAY 1941
C.O. REG

21/

Government House,
Nigeria.

14 February, 1941.

My Lord,

dupl

I have the honour to transmit herewith for the signification of His Majesty's pleasure with respect thereto, two authenticated and ten ordinary copies of Ordinance No. 22 of 1941, entitled "An Ordinance to amend the Protectorate Courts Ordinance, 1933" together with the usual report thereon by the Attorney-General.

I have the honour to be,

My Lord,

Your Lordship's most obedient, humble Servant,

B. H. Amadi

G O V E R N O R .

THE RIGHT HONOURABLE
LORD LOYNE, P.C., D.S.O.,
SECRETARY OF STATE FOR THE COLONIES,
LONDON, S.W.1.

30075/41

Amadi (2)

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on

A BILL FOR AN ORDINANCE TO AMEND THE
PROTECTORATE COURTS ORDINANCE,
1933.

+++++

The short title of this Bill is the Protectorate Courts (Amendment) Ordinance, 1941, and in my opinion the assent of His Excellency may properly be given thereto.

2. The object of this short amending Ordinance is to enable, in certain cases, the holders of specific offices to be appointed as magistrates. Experience has shown that with the present movement of officers under existing conditions the necessity for gazetting the names of individual officers who are appointed as magistrates because they are in fact holding specific posts is not only cumbrous but occasions delay. In this respect the Bill goes back on the principle set out in the Protectorate Courts Ordinance, 1933, of appointing officers by name and not appointing the holders of offices as such to be magistrates; but nearly eight years experience has shown that the existing practice is extremely cumbrous.

A

3. While the Bill amends both sub-sections (3) and (4) of section 7 there should be little, if any, need to use the new provisions in respect of magistrates under section 7(3) but the Bill will be extremely useful in respect of those innumerable junior administrative officers who are appointed magistrates with limited powers one of whose most arduous duties as such is that of taking preliminary investigation prior to the committal of an accused person.

J. C. Cole
Attorney-General.

Attorney-General's Chambers,
Lagos, Nigeria.
20th January, 1941.

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Assented to in His Majesty's name in so far as the provisions hereof relate to the Colony and to the Southern Provinces of the Protectorate, and enacted by me in so far as the provisions hereof relate to the Northern Provinces of the Protectorate this 5th day of February, 1941.

B. H. BOURDILLON,
Governor.

(L.S.)

No. 22.



1941.

Colony and Protectorate of Nigeria.
IN THE FIFTH YEAR OF THE REIGN OF
HIS MAJESTY KING GEORGE VI.

SIR BERNARD BOURDILLON, G.C.M.G., K.B.E.
Governor and Commander-in-Chief.

AN ORDINANCE TO AMEND THE PROTECTORATE COURTS ORDINANCE, Title.
1933.

[6th February, 1941.]

Date of
commence-
ment.

BE IT ENACTED by the Governor of the Colony and Protectorate of Nigeria, with the advice and consent of the Legislative Council so far as the provisions hereof relate to the Colony and to the Southern Provinces, as follows:—

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25
END

2 No. 22 of 1941 *Protectorate Courts (Amendment).*

Short title. 1. This Ordinance may be cited as the Protectorate Courts (Amendment) Ordinance, 1941.

Amendment of section 7 of No. 45 of 1933. 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.”

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and in so far as the provisions thereof relate to the Colony and to the Southern Provinces of the Protectorate, is found by me to be a true and correctly printed copy of the said Bill.

A. G. DALGLEISH,
Clerk of the Legislative Council.

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NIGERIA

LAND GRANTS

COMPAGNIE PASTORALE AFRICAINE DUALA

Previous	302	5/11
	Mr. Cohen	25/12
	302	28/1
	Mr. Cohen	28/1
	302	11/4
	Mr. Parkinson	11/4
Subsequent	Mr. J. Smith	13/11
1944	Dr. Company	17/4
	Mr. Cohen	13
	302	

Room 302	17
Mr. Parkinson	5/7
Dr. Company	
Mr. J. Smith	8/7
Mr. S. Abraham	20/7
Mr. Parkinson	20/7
Dr. Company	23/7

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size. I note that the whole area of 4,672. ^m 3
acres is estimated to be capable of supporting
~~120,000~~^{120,000} cattle, a ratio of about 14 acres per
head. The Coy. is than 25,000 acres for
3,000 cattle, or 8 acres per head; this
suggests that their land is at least better
than the average.

As regards (b) I think it should
be emphasized that Govt. will have to
exercise fairly strict supervision; I hope
the staff is available. I am not wholly
happy about the O.A.G.'s admission that
the Coy. knows more about this sort of
work, than the Govt. departments whose
duty it will be to supervise the Coy's
activities.

Comments of Advisers generally
and of the Legal Adviser on para-7 in
particular will be appreciated.

W. J. King
5.7.43

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Mr. Roddan,
Will you comment on this in the first place?

6.7.43

D^r Tempney.

It does not appear likely that this scheme will aggravate the problem of overstocking on the C.P.A. farms to keep a greater number of cattle per acre and presumably a considerable number of the human population will be drawn from Bamenda Division.

The natives cannot value the land very highly if there are neither farms nor habitations on it. Possibly the only way to make better use of this land is that proposed by the C.P.A. and can best be done by large-scale enterprise. If the C.P.A. is willing to cooperate with the Agric. and Vet. Services in the development and running of the project there is good reason to hope that the experience gained will be of great value to Nigeria and at the same time be of considerable assistance to the war effort.

Mr. Timson may be correct in his suggestion that the selected area is at least better than the average but it should be remembered that improved methods of animal husbandry may easily double the stock carrying capacity of the land.

C. R. Hoason
7/7.

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as stated in the despatch, on the figures given, the introduction & further cattle to the area in question might well give rise to overstocking. The argument used, that carefully controlled rotational grazing will prevent this is a sound one. There is ample evidence that such controlled grazing will increase, by naturally, the carrying capacity of even the poorest pastures.

The benefits of having in the immediate vicinity of such rotational bad cattle wastes as the Dularie, operations carried out under a programmatic system, are very real. The average African is, without doubt, a bad cattle waste; he is, however, extremely jealous of his stock & by no means slow to note improvements brought about by measures which he can observe from day to day. Thus, the object lesson provided by the good waste-keeping of the Compagnie Pastorale lands may well result in a gradual betterment of the control methods adopted by the surrounding African stockowners.

It occurs to me that certain matters must be taken into consideration. The object lesson must be continued for a considerable period before its results are noted & followed by the settled tribes. The Dularie are, as has been always, understood, nomadic. Not only, therefore, have their interests to be awakened, but an ingrained tribal instinct has to be eradicated. I know from experience how long it takes to instil progressive ideas into the minds of settled tribes. How much longer it will take in the case of nomadic peoples, I am unable to say. I do know that, in the case of the nomadic Khasi in East Africa, they continued their nomadic life more than a century after they were settled tribes have been induced to adopt more economic ways of feeding their stock.

Next, for long years, rinderpest has been endemic amongst the Dularie lands as amongst others in the territory. Prolonged prophylactic inoculations have resulted in such a measure of control that the

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mortality has become negligible. The increase in the number of cattle in the future can confidently be anticipated to be nearly as complete as in the past. Provided locusts are good, and other set backs occur, the numbers of animals would still may well become very materially greater in a comparatively short time. 6

Again, I have stated that controlled grazing will improve the carrying capacity of pastures. This, however, will be of little avail unless water supplies are also increased.

Two broad principles apply to stock, kept under ^{the} ~~the~~ conditions, as regards water supplies. They must be available for animals grazing in a reasonably small area so as to avoid long journeys to and from water (a) the number drinking at any one place must be limited.

Journeys to some distant water supplies to pump out quite large numbers of pastures, for the animals & leave them thirsty at their return. So large numbers at any one place cause the grazing for a distance around to be destroyed.

I suggest, therefore, that any grant such as that requested by the Compañia Pastoral is approved we should be satisfied that

- (a) The suggested improvement in the pastures will be sufficiently rapid to ensure that it will carry the additional tax of £3,000 a year.
- (b) That the increase in land anticipated as a result of the lessened mortality from rinderpest has been taken into account.
- (c) That the possible additional

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provisional grazing parties has been proposed & can be carried out.

7

(a) that the carrying capacity of the land has been estimated upon that of a slightly less than normal season.

Doubtless, all these have been thought of; they are not mentioned.

One other thing.

Personally, I dislike the introduction of native areas of European controlled ranching operations. They tend to cause resentment amongst the local stockowners at the loss of grazing to which they have had access since time immemorial. They tend to cause friction because trespass, damage & all manner of things are attributed to the Europeans by the surrounding people. Particularly is this the case with game fires which destroy dry season paddocks & so on, at times, a serious situation.

I have agreed that the operations of game fires are of advantage, as an object lesson. I should have qualified this by saying that the advantage will be lost if operations are upon too up-hill - date a scale. An African can follow & imitate management not too far, but he has his own. Beyond that he is inclined to say that it is all too difficult for him to learn to do it.

In advancing the stock industry amongst uneducated people, I would wish to have all European ranching operations at as distance; is properly done by demonstration stations where operators are out & sight, in advance of those in the surrounding areas & are further improving as proper in the local lands justified.

As a technical adviser, it may be without my province to deal with other than technical matters. As, however, my opinion would result from some cattle production in control & improvement, I record these.

J. Smith
8/7/43

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In view of the attachment of conditions to the grant it might be preferable to legislate on the lines of 1140 of the Municipal Ordinances but I really do not think it is a matter of any importance how the amendment is made.

Albrahams

20/7/43

J. Tempney
Have you anything to add to Mr Rodden's minute of 7 July, pl?

Albrahams
20.7.43

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9

This paper which I sent to Mr. Roddan for observations in the first instance was, for some reason which I cannot fathom, never returned to me. Consequently this is the first time I have seen his minute.

I agree generally with what he has to say and particularly in the point that suitable management of the pastures and regulation of grazing might quite well raise the carrying capacity of the pasture very considerably. On this account I should have thought that the rigid regulation of the total number of cattle to be grazed on an area of 25,000 (i.e. one beast to 8 acres) is rather a drawback since, if by efficient management the Company raise the carrying capacity of their pasturage, they will be precluded from reaping the benefit from what they have done. Personally, I should be inclined to advise that the application should be accepted. I agree up to a point with Mr. Smith that the introduction of European controlled ranching operations into native areas is objectionable, but it would appear that in the area in question the local natives have no habitations or farms, while the Fulani grazing practices are, so far as I can gather, in many ways objectionable, and if a demonstration can be provided which shows that their extensive and uneconomical grazing habits can be replaced by something which will enable the carrying capacity of the land to be increased, something will have been accomplished.

I am without direct personal knowledge of conditions in Nigeria, but from what I can gather, the

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the nomadic Fulani are to an extent rather a detriment than an asset and if the people could be persuaded to substitute operations on more intensive lines for the present practices it would be an advantage. If this Company really can be relied on to provide such a demonstration, it would probably be all to the good. The only point that requires to be ensured is that they really will carry out operations on the lines expected of them and that they will not after a period find that the undertaking is not profitable and throw their hands in, in which case the result might be detrimental rather than beneficial.

H. Thompson
23.7.43.

Advise me agreed that on the whole the project set out in (1) is desirable and I submit off despatch London approving accordingly

H. Thompson
27.7.43

~~Some doubt felt about including in the despatch~~

I am glad to see in the despatch (2) para 3.

Although I do not know the pasturage of Nigeria, I do know that it is a really good pasture, improved by rotational grazing, which can carry a head to

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13
which needs to be handled with care for the reasons indicated in my minute above.

I recommend further exploration of the subject as in M' Cohen's draft telegram.

? So proceed.

U. M.
10.8

U. M.
10.8

~~19~~
~~2/13~~
63

To N.Y. Tel. No. 1185 - CONS - 13.8.43.

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to reply to No. 2.
S. Knapp
27.9.43.

14

Bring up 15. 11. 43

27/9/43

RK

3 Nigeria 399 ————— 25.9.43

The Acting Governor replies
seriatim to the points raised in
our telegram at (3).

It does not appear that
the proposals can be interpreted as
infringing the terms of the Mandate
in any way; notwithstanding
impossibilities we do not believe
Governor anticipates that the grant
of this concession will create any
difficulty in dealing with other
applicants for concessions. I have
been unable to trace any papers
about the Rawst. Estate referred to,
but it seems that the U.A.C. already
held other concessions, though not on
any thing

copy attached

cf. (4) on
30082/1/35

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grant. I do not think that we should make too much of this point.

16

The only doubt which remains arises from the possibility that the amendment of the Lands and Native Rights Ordinance might give rise to criticism (see paragraph 7 of No. 1). This Ordinance is usually regarded as a charter of native rights and we should have to be prepared to meet such criticism. If it is felt that the Governor has made out a case for the grant of this concession, I do not think that we should turn it down merely on the ground that this amendment is necessary. I think that we should adopt the alternative of making grants for grazing rights over larger areas than 25,000 acres subject to the Secretary of State's approval, which should be a complete safeguard, and I think that our argument in justification of our action, should there be criticism, should be that the Ordinance as at present drafted may have the effect of preventing Government from agreeing to schemes which are generally beneficial.

ABC

15. 10. 43.

I am not very sure of my competence to advise on this point, but I do not myself feel that the Governor has disposed satisfactorily of the difficulties raised in our telegram at No. 2. The crux of the matter seems to me the provision in the Lands and Native Rights Ordinance. That laid down a maximum to the area to be included in any individual right of occupancy for grazing purposes of 12,500 acres. It will certainly look a little odd if, as soon as somebody comes along with an application

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application for a larger area, we promptly amend the Ordinance. To me neither the figure of 12,500 acres, nor the figure of 25,000 acres now applied for have very much meaning, but the lower figure was deliberately adopted, and more solid reasons which have ^{not} so far been given seem to be necessary to justify departing from it. Once we do depart from a limit of that kind there seems to be no reason why we should ever stop, and in effect we are commencing the undermining of the policy of retaining native lands.

The excuse given for this departure from previous policy is that the example of this European company will show the Fulani cattle-owners how to manage their grazing land to better advantage. I speak here in even greater ignorance of the facts than as regards most of this subject, but I do find it very hard to believe that the Fulani tribesman would learn anything whatever from the operations of this company except that the effect of European intervention is to deprive them of access to a certain amount of land. I cannot see that it is provided that the company should take any particular measures to give effect to this educative influence and if it is really our policy to educate the Fulani, would it not be preferable that the Government themselves should establish and operate a large-scale experiment of this sort?

S
16.10.43.

Sir A. Dawe.

This still remains rather difficult. I quite appreciate the force of Mr. Caine's minute. I think, however, that we should, if possible, avoid turning this down on theoretical grounds, and I have a feeling that from the practical point of view it is probably not possible for the Government to undertake this work instead of the Company, while at the same time the

objections

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objections to increasing the area over which grazing concessions can be made are more theoretical than practical.

One course which I should have liked to recommend is that we should discuss this with Sir A. Richards and tell him that if, after going into the matter he felt that the proposal was justifiable, we would be prepared to accept it, but that we should like a final decision deferred until he has had a chance of going into it. The difficulty about this is that the Company have already been granted immediate occupation on a provisional basis. On the whole, however, I think that we might proceed on this basis. If so, we should, I think, send a telegram saying that we propose to do so, unless this would cause grave embarrassment and give the reasons for our action on the general lines of the above minutes.

ABC

18. 10. 43.

I agree. This despatch does not allay the doubts which I felt about this project.

Alton

W. Bennett

23. 10. 43

A. J. M. 19. 10

5/11
Do not
Commit us
to this in the
let. A.B.

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Mr. Dumbly tells me that nothing
was said to J of S about this
to his knowledge

19

ABC
25/10
ahm

4 to Nigeria - Tel no: 1640 _____ 25/10/43.

is U. vide minute of 18/10.

S. Knoff
5-11-43.

~~28/1/44~~

Wait 1 month. Sir A. Richmond
in Guy into this

ABC
28/12
ahm

OK

B. U. vide minute above,
S. Knoff
28.1.44.

Wait 3 mths. / his
ABC 28/1 ahm

~~28/1/44~~

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20 4

C. O.

Mr. Cohen

Mr.

Mr.

Mr. G. E. J. Gent.

Mr. G. L. M. Clouston.

Mr. C. J. Jeffries.

Conf Code
DRAFT. TELEGRAM.

OTG
GOVERNOR,

LAGOS.

(3)

Sir A. Dawe.

Sir W. Battershill.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

Conf-coded + sent

22-15 hrs

25/10/43

DS

NO. 1640

Your despatch No. 399. Cattle grazing concession, Cameroons. I am grateful for the further information ~~submitted~~ *in present* but still feel ~~some~~ *possible* doubts about the proposal. Lands and Native Rights Ordinance lays down maximum area to be granted for grazing purposes and proposed departure from limit of 12,500 acres for benefit of individual company seems to me to be open to *possible* objection. - I propose to discuss this matter with Sir Arthur Richards and provided that there is no insuperable objection to further delay

I

FURTHER ACTION.

25 OCT 1943

U 26/10

YOU HAVE SENT

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I should prefer that final decision
should be deferred until he arrives in
Nigeria.

21

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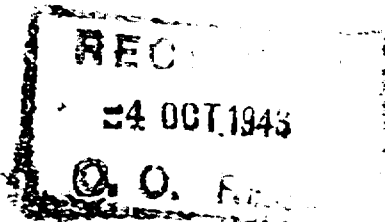
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NIGERIA.

No. 399

AIR MAIL.



223
GOVERNMENT HOUSE,
NIGERIA

25th September, 1943.

Sir,

I have the honour to refer to your telegram No. 1185 of the 13th of August, 1943, on the subject of the proposal to grant the Cie Pastorale Africaine a Certificate of Occupancy for a grazing area of 25,000 acres in the Bamenda Division of the British Cameroons.

2. You require further assurance on five points which for ease of reference are listed hereunder :-

- I. That the grant is not contrary to the spirit of the Land Policy of West Africa and does not conflict with the Mandate.
- II. That there is no African opposition to the grant.
- III. That the grant would be of definite benefit to the native areas concerned.
- IV. That the grant would not form a precedent making it difficult to deal with similar applications, e. g. from the United Africa Company.
- V. Certain technical points.

3. As regards the first point it is maintained that the proposed concession does not constitute a violation of land policy in West Africa in that the duration of the grant is strictly limited and any possibility of exploitation of the land for the financial benefit of the Company, rather than for the ultimate welfare of the indigenous population, is to be controlled by good husbandry clauses in the Certificate of Occupancy. The principal object of the grant is to enable the Government to profit from the experience of the Company and to provide an example of good husbandry to the local population. It is thus in accordance with Article 2 of the Mandate. Furthermore in so far that its duration is limited and that it in no way creates a monopoly, it is not in conflict with the provisions of Articles 5 and 6 of the Mandate.

4. As regards the second point, the grant will of course exclude the Fulani from the land on which they have been accustomed

COLONEL THE RIGHT HONOURABLE
OLIVER STANLEY, M. C., M. P.,
SECRETARY OF STATE FOR THE COLONIES,
&c., &c., &c.

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accustomed to graze their cattle but they are essentially a nomadic people and the area from which they will be excluded is infinitesimal compared to the total grazing lands. The local settled agricultural inhabitants, as distinct from the itinerant Fulani, do not object to the grant.

5. As regards the third point, the Company will undertake large scale experimental work in the use of grazing land and grassland improvements which will provide, as already indicated, a practical example of good management to the local cattle owners which could not be undertaken by Government except at heavy expense, and indeed at the present time at all. It should also result in the preservation of a grazing area which under existing conditions will soon lose its fertility.

6. As regards the fourth point, there is no reason why the granting of the concession should create any greater difficulties in dealing with other potential concessionaires than did the granting of the Pamol Estate concession to the United Africa Company. This Company has, in its palm plantation activities, always been helpful and co-operative in its dealings with the Government and all contacts with the Cie indicate that its attitude will be similar. It is submitted that applications such as these must be dealt with on their individual merits; the only criterion being that the grant must benefit the local community and that no question of permanent alienation is involved.

7. Finally as regards the technical points raised in paragraph 3 of your telegram under reference, I am advised as under :-

(a) The pasturage in its present state should be able to support 3,000 head. When improved, as it is hoped the Cie will improve it, it should be capable of greater grazing capacity. In the early stages, the Cie will be able if necessary to supplement the grazing by foodstuffs produced in their farmed area.

(b) The control of epidemic and endemic diseases has not to date indicated that large increases of cattle may be expected to result from this control. There has, in fact, been a decrease in the total cattle population of Nigeria (1925, 2,864,186. 1940, 2,707,582), but there are other factors than disease control to be taken into account. In any case, as has already been pointed out, the area under consideration is infinitesimal compared to the total grazing area of even the Bamenda Division alone.

(c) The Cie have foreseen this. The area is one of heavy rainfall

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rainfall and no difficulty should arise.

- (d) The carrying capacity of the land has been estimated on that of a normal dry season. This includes, however, a margin of safety ample to cover all but the most abnormal season.

8. It is hoped that this further information will provide the necessary amplification to my despatch No.165 of the 3rd of May, 1943, and that the grant will receive your approval. The matter has had the very careful consideration of both myself and my Executive Council, and although there has been some conflict of opinion amongst my technical advisers, I am satisfied that the grant will be in the best interests of the country.

I have the honour to be,
 Sir,
 Your most obedient, humble Servant,

M. Hanthana

OFFICER ADMINISTERING THE GOVERNMENT.

MSL

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35082/16/43

C. O.

Mr. Cohen /8/43

Mr. *Cookins*

Mr.

Mr. G. E. J. Gent.

Mr. G. L. M. Clauson.

Mr. C. J. Jeffries.

X Sir A. Dawe. 10.8

Sir W. Battershill.

X Permt. U.S. of S. 11-8

Parly. U.S. of S.

X Secretary of State. 11/6

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O. A. G.

NO. 1185

LAGOS.

(1)

Your despatch No. 165. Cattle grazing concession in Cameroons. Before approving proposals I should require to be satisfied that concession would not be contrary to general spirit of land policy in West Africa. Suspicion with which public opinion here and in Africa normally regards granting of large concessions to European companies, which are bound to conflict to some extent with rights and customs of natives, makes it necessary that I should be sure, before Government is finally committed, that proposed concession would not in fact be objected

FURTHER ACTION.

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been taken into account?

- (c) Has possible need for additional water supply been foreseen?
- (d) Has carrying capacity of land been estimated on that of slightly less than normal season?

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NIGERIA.

NO. 165

GOVERNMENT HOUSE,

28

NIGERIA.

3 May, 1943.

Sir,

I have the honour to inform you that applications have been received from the Compagnie Pastorale Africaine, Duala, a French ranching Company of substance, for the grants of rights of occupancy over (a) approximately 25,000 acres in the Bamenda and Mamfe Divisions of the Cameroons for use as an exclusive cattle grazing area and over (b) an adjacent area of approximately 250 acres for farming and building purposes. The general intention of the Company is to extend its activities as regards production of beef cattle, dairy farming, market gardening, pig breeding and bacon production, activities in which it is already engaged in French territory, and the applications have the warm support of His Majesty's Consul General at Duala.

2. The applications have involved the consideration of a number of points, particularly :-

- (a) The amount of grazing land available in the Bamenda area and the danger of overstocking.
- (b) The benefit or otherwise to the local cattle industry.
- (c) The disturbance of Native rights.

I have caused careful enquiries to be made and with regard to these three points the position is as follows:

3. The total grazing area in the Bamenda Division amounts to, very approximately, 1,672,000 acres and according to the calculations of the Veterinary Department this should support at least 120,000 cattle. The estimated number of Fulani cattle at present grazing within the Division, based on the cattle-tax collected, is 95,000, but this is almost certainly an underestimate. On the face of it, therefore, there is a danger of overstocking and reports show that in some areas there is already evidence of this. It would appear, however, that this is due not so much to an excessive number of

cattle

THE RIGHT HONOURABLE
 OLIVER STANLEY, M. C., M. P.,
 SECRETARY OF STATE FOR THE COLONIES,
 &c., &c., &c.

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cattle, as to the improvident and unscientific methods of the Fulani cattle owners, who tend to graze one area to exhaustion and then repeat the process in another area. The question, therefore, of granting exclusive grazing rights to the Company could only be considered, and has only been considered, on the understanding that it shall conduct its activities on the most scientific lines and that its methods should, in fact, provide an example to the Fulani in the breeding of cattle and the use of grazing ground. This would normally be the province of the Veterinary and Agricultural Departments, but I am satisfied that investigations into, and the development of, this area by the Veterinary and Agricultural Departments on the one hand and the operations of the Company on the other are not mutually exclusive. On the contrary the activities of the Company, which has more experience here than have the two Government departments, should be of considerable advantage to the work of these departments. It is possible that eventually Government may be able to dispense with the presence of the Company. It is for this reason that it is proposed to limit the concession to the Company to twenty five years in the first instance. This, then, covers the first two points mentioned in paragraph 2 above.

4. As regards disturbance of native rights, I am satisfied that the grant of these rights of occupancy will not cause any hardship. In the whole of the area applied for as an exclusive grazing area the local natives have no habitations or farms and, in the area required for farming, only two small villages are affected and ample farm land will be left available for them. In so far as the local Fulani are concerned they will of course lose a part of their grazing areas but as in any case their activities would have to be curtailed in order to preserve the grazing ground, I am not prepared to withhold the grants on their account.

5. There is also the consideration that the Company is performing a most useful function at the present time towards the war effort. A large proportion of its products goes to the Army - it exports cattle to the Gold Coast - and with the added facilities provided by these grants its

products

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products will also be available for this country.

6. The applications have been considered by my Executive Council who have advised that, subject to the application for the grazing area being referred to you, they should be approved on the following conditions :-

£380. 8. 44
+ 12. 10/-

- (a) The term in each case to be for 25 years, renewable for a further period of 25 years with my consent.
- (b) The number of cattle over the grazing area to be limited to 3,000
- (c) The rents payable to be 3½d per acre in the case of the grazing area and a 1/- an acre in the case of the farming area. (These are economic rents judged by local standards).
- (d) Rents to be liable to revision every seven years.
- (e) The Certificates of Occupancy to contain clauses providing for the co-operation of the Company with Government in the interests of good husbandry.
- (f) The following rights to be reserved to the natives :-
 - (i) in the grazing area the right to collect honey and the right to collect sylvan produce, such right to include the cutting of bamboos, sticks and poles for house building and the collection of firewood.
 - (ii) in both areas the right to use existing footpaths.

7. In the case of the grazing area I am advised that, by reason of the provisions of Section 9 of the Lands and Native Rights Ordinance (Cap.85), which restricts the grant of a single right of occupancy to a non-native for grazing purposes to 12,500 acres, the proposed grant of 25,000 acres to the Company is not legally possible. I propose to amend this Section to provide either for grants to be made exceeding the limits prescribed therein subject to your approval or on the lines of section 11A0 of the Minerals Ordinance, which was enacted by section 3 of Ordinance No.5 of 1935, whichever you prefer. Accordingly, I seek your approval for the proposed amendment to the Ordinance and for the grant of a right of occupancy covering 25,000 acres to the Company for grazing purposes.

8. Meanwhile, as the Company is anxious to construct buildings on the farming area during the present dry season, I have granted immediate occupation subject to the usual conditions, namely, that the Company signs a written undertaking

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Cap 85

REVISED TO SEPT 1957

WITH REGULATIONS

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presented to in His Majesty's name in so far as the provisions hereon relate to the Colony and to the Southern Provinces of the Protectorate, and enacted by me in so far as the provisions hereof relate to the Northern Provinces of the Protectorate this 20th day of March, 1935.

J. A. MAYBIN,
Governor's Deputy.

(L.S.)

No. 5.

1935.



Colony and Protectorate of Nigeria.
IN THE TWENTY-FIFTH YEAR OF THE REIGN OF
HIS MAJESTY KING GEORGE V.

SIR DONALD CAMERON, G.C.M.G., K.B.E.,
Governor and Commander-in-Chief.

AN ORDINANCE TO AMEND THE MINERALS ORDINANCE.

Title.

[21st March, 1935.]

Date of commencement.

BE IT ENACTED by the Governor of the Colony and Protectorate of Nigeria, with the advice and consent of the Legislative Council so far as the provisions hereof relate to the Colony and to the Southern Provinces of the Protectorate, as follows:—

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Short title and application.

1. This Ordinance may be cited as the Minerals (Amendment) Ordinance, 1935, and shall apply to the Colony and Protectorate (including the Cameroons under British Mandate).

Amendment of section 2 of Chapter 93.

2. Section 2 of the Minerals Ordinance is hereby amended by the insertion in the definition of "holder" between the words "such licence" and the words "or a part" of the words "or right".

Amendment of Chapter 93 by insertion of new section after section 11.

3. The Minerals Ordinance is hereby amended by the insertion between section 11 and section 11A of the following section:—

" 11Aa. Notwithstanding anything in this Ordinance or any regulations made thereunder to the contrary, the Governor may, in special circumstances, grant an exclusive prospecting licence in respect of an area exceeding any area specified in sub-section (5) of section 11 and for a period exceeding one year, upon such special terms and conditions, whether in accordance with the provisions of this Ordinance and any regulations made thereunder or not, as he may think fit."

Amendment of Chapter 93 by repeal of section 45 and substitution of new section.

4. The Minerals Ordinance is hereby amended by the repeal of section 45 and by the substitution thereof of the following section:—

" 45. Before granting a mining lease or an exclusive prospecting licence, the Governor shall require the area of the land to be included to be surveyed by a Government surveyor, or if no Government surveyor is available then by a licensed surveyor, and the cost of such survey shall be paid by the person applying for the lease or licence in accordance with the prescribed scale; provided that in the case of an exclusive prospecting licence the area may be exempt from survey on the recommendation of the Chief Inspector of Mines."

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and in so far as the provisions thereof relate to the Colony and to the Southern Provinces of the Protectorate, is found by me to be a true and correctly printed copy of the said Bill.

K. A. SINKER, Clerk of the Legislative Council.

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Vol 7

CHAPTER 85.

LAND AND NATIVE RIGHTS. (Protectorate.)

AN ORDINANCE TO DEFINE AND REGULATE THE TENURE OF LAND WITHIN THE NORTHERN PROVINCES OF THE PROTECTORATE. [25th February, 1916.] Ordinances No. 1 of 1916, No. 18 of 1918.

WHEREAS it is expedient that the existing customary rights of the natives of the Northern Provinces to use and enjoy the land of the Protectorate and the natural fruits thereof in sufficient quantity to enable them to provide for the sustenance of themselves and their families should be assured, protected, and preserved;

AND WHEREAS it is expedient that existing native customs with regard to the use and occupation of land should, as far as possible, be preserved;

AND WHEREAS it is expedient that the rights and obligations of the Government in regard to the whole of the lands within the boundaries of the Northern Provinces of the Protectorate and also the rights and obligations of cultivators or other persons claiming to have an interest in such lands should be defined by law :

BE IT ENACTED by the Governor of the Protectorate of Nigeria as follows :—

1. This Ordinance may be cited as the Land and Native Rights Ordinance, and shall apply to the Northern Provinces of the Protectorate.

2. Definitions :—

“ Agricultural purposes ” includes the planting of rubber, cocoa and other trees and plants of economic value.

“ Grazing purposes ” includes only such agricultural operations as are required for growing fodder for live-stock on the grazing area.

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"Unexhausted improvement" means anything or any quality permanently attached to the land, directly resulting from the expenditure of capital or labour by an occupier or any person acting on his behalf, and increasing the productive capacity, the utility or the amenity thereof, but does not include the results of ordinary cultivation other than growing produce.

"Native" means a person whose parents were members of any tribe or tribes indigenous to the Northern Provinces and the descendants of such persons, and includes—

(a) any person one of whose parents was a member of such tribe, and

(b) any person who shall have obtained a certificate from the Governor in the form in the Second Schedule, which certificate the Governor is hereby authorised to grant, at his discretion, to any native of Africa who shall have declared his intention of making the Northern Provinces his permanent domicile and who shall have satisfied the Governor that he has obtained the consent of the native communities concerned.

"Non-native" means any person other than a native as above defined.

"Northern Provinces" means that part of the Protectorate which on the 31st December, 1913, was included in the Protectorate of Northern Nigeria, and includes any other part of the Protectorate which has been or may hereafter be included in the Northern Provinces, and which the Governor, with the consent of the Secretary of State, shall, by notice in the Gazette, direct shall be included in the Northern Provinces for the purposes of this Ordinance.*

"Public purposes" has the meaning assigned to that term by the Public Lands Acquisition Ordinance. (*As amended by 18 of 1918, s. 2.*)

Cap. 85.

*See Notice No. 81 of 1918 (Vol. III. p. 523).

3. The whole of the lands of the Northern Provinces, whether occupied or unoccupied on the date of the commencement of this Ordinance, are hereby declared to be native lands:

Native lands defined.

Provided that nothing in this Ordinance contained shall affect the rights of the Governor or of the Niger Company in, to or over the lands specified or referred to in the agreements or instruments mentioned in the Second and Third Schedules or either of them to the Niger Lands Transfer Ordinance.

Proviso as to rights of the Crown and Niger Company over certain lands.
Cap. 86.

4. All native lands, and all rights over the same, are hereby declared to be under the control and subject to the disposition of the Governor, and shall be held and administered for the use and common benefit of the natives: and no title to the occupation and use of any such lands shall be valid without the consent of the Governor.

Native lands under control of the Governor.

5. The Governor, in the exercise of the powers conferred upon him by this Ordinance with respect to any land, shall have regard to the native laws and customs existing in the district in which such land is situated.

Powers of the Governor to be exercised with regard to native customs.

6. A title to the use and occupation of land shall be termed a right of occupancy, and the grantee thereof shall be termed the occupier.

Right of occupancy defined.

7. It shall be lawful for the Governor*—

(a) to grant rights of occupancy to natives and to non-natives;

Power to grant land.

(b) to demand a rental for the use of any native lands granted to any native or non-native; and

To demand rent.

(c) to revise the said rental in the case of land granted specifically for building purposes at intervals of not more than twenty years, and in the case of all other land at intervals of not more than seven years.

To revise rents.

*Power to grant or renew rights of occupancy to non-natives, not being natives of Africa, up to and including a ten years' term, or to other non-natives or to natives on such general conditions as have been approved by the Governor and to revise the rent payable in respect of such rights of occupancy has been delegated to the Lieutenant-Governor, Northern Provinces, or in his absence from Kaduna, the Secretary, Northern Provinces.

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Liability for
improvements.Payment of
rent.Principles to
be observed
in fixing and
revising
rent.Exception
to general
rule as to
best rents.

Jurisdiction

granted to him, and to accept the ruling of the Governor as to the amount of such compensation;

(b) That the occupier binds himself to pay to the Governor the amount found to be payable in respect of any unexhausted improvements existing on the land at the date of his entering into occupation;

(c) That the occupier binds himself to pay to the Governor the rent fixed by the Governor and any rent which may be fixed on revision in accordance with the provisions of this Ordinance.

19. In determining the rent to be demanded for any given land, and on any subsequent revision of rent, the Governor shall take into consideration the rent obtained or obtainable in respect of any other like land in the immediate neighbourhood, and shall, subject to the provisions of section 20, fix the rent at the highest amount that can reasonably be expected to be obtained for the land, having regard to all the circumstances of the case: provided that in determining the amount of any rent, whether original or revised, the Governor shall not take into consideration any value due to capital expended upon the land by the same or any previous occupier during his term or terms of occupancy, or any increase in the value of the land the rental of which is under consideration, due to the employment of such capital.

20. The Governor, with the approval of the Executive Council (but not otherwise) and in respect only of an area not exceeding five acres, may grant a right of occupancy free of rent or at a reduced rent in any case in which the Governor shall be satisfied that it would be to the public interest so to do. When the grant to be made under this section is in respect of an area exceeding five acres, both the approval of the Executive Council and the sanction of the Secretary of State shall be obtained before such grant is made by the Governor:

Provided, however, that unless otherwise expressly provided in the certificate of occupancy, there shall be reserved to the Governor, by virtue of this Ordinance, a right to impose a rent in respect of the land the subject of such right of occupancy if and when he may think proper.

21. (1) If the right of the Governor to grant any right

of occupancy over any land should be disputed, proceedings may of courts be taken in the Supreme Court, which Court shall have jurisdiction throughout the Protectorate accordingly.

(2) All claims (other than claims against the Government) arising under the provisions of this Ordinance in respect of any rights acquired under a right of occupancy in respect of land situate within the jurisdiction of a Provincial Court, shall be prosecuted before a Provincial Court, and no appeal shall lie from the decision of such Court: Provided that the Governor may transfer any such case to the Supreme Court.

(3) Proceedings for the recovery of any rents payable under this Ordinance may be taken by and in the name of any administrative officer or by and in the name of any other officer appointed by the Governor in that behalf, and when the rent is payable in respect of land situate within the jurisdiction of a Provincial Court the proceedings may be taken in such Court.

22. Nothing in this Ordinance shall be deemed to affect the validity of any title to land granted to a non-native or any interest therein acquired by such non-native before the date of the commencement thereof, but all such titles shall have the same effect and validity in all respects as though this Ordinance had not been enacted.

23. An occupier under a right of occupancy shall have the sole right to and absolute possession of any improvements effected on his land, but shall be liable to forfeit any claim to compensation for such improvements if the right of occupancy be revoked under section 13 for any cause other than a cause mentioned in paragraphs (c) or (d) thereof.

24. The Governor may make regulations for the purpose of carrying this Ordinance into effect, and particularly with regard to the following matters:—

- (1) regulating the transfer by sale or otherwise of rights of occupancy;
- (2) the terms and conditions upon which special contracts may be made under section 8;
- (3) the grant of certificates of occupancy under section 17;
- (4) the procedure to be observed in revising rents:

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- (5) the survey and demarcation of areas the subject of rights of occupancy, and the maintenance of boundary marks; and
- (6) the fees to be paid for any matter or thing done under this Ordinance.

The regulations contained in the Third Schedule shall have effect simultaneously with this Ordinance: Provided that the Governor may alter, amend, add to, or revoke, any such regulations from time to time as he may see fit.

Repeal of
Laws of
Northern
Nigeria. Cop.
65.

25. The Land and Native Rights Proclamation is hereby repealed: Provided that such appeal shall not affect any certificate of occupancy granted under the said Proclamation, which certificates and the rights thereby conferred and the obligations thereby imposed shall continue to be governed by the said Proclamation as if this Ordinance had not been made.

FIRST SCHEDULE.

FORM OF CERTIFICATE.

Protectorate of Nigeria.

The Land and Native Rights Ordinance.

Certificate of Occupancy.

Certificate
of
Occupancy.

(Date) (Volume and page of register)
This is to certify that A.B. of is entitled to a right of occupancy in and over the land described in the schedule, and more particularly delineated in the plan annexed hereto (*for a term of years from the date hereof) according to the true intent and meaning of the said Ordinance and subject to the provisions thereof and to the following special terms and conditions, viz:—

1. (Commencing rent).
2. (Term of revision).
3. (Etc., etc., etc.).

L.S.

Given under my hand and the public seal of the Protectorate the day and year above written.

(Signed)

Governor.

* Omit where no term specified.

SECOND SCHEDULE.

This is to certify that A.B., having declared his intention of making the Northern Provinces his permanent domicile, and having satisfied me that he has obtained the consent of the native communities concerned, is entitled to the rights and privileges preserved to or conferred upon the natives of the Northern Provinces of the Protectorate by the Land and Native Rights Ordinance.

Dated this day of 19

Governor.

THIRD SCHEDULE.

Regulations under Section 24.

1. It shall not be lawful for any native holding a certificate of occupancy to sell, transfer possession, bequeath or otherwise alienate his title to a non-native except with the consent of the Governor.
2. Subject to any native law or custom to the contrary, an occupier being a native may sell, transfer possession or bequeath his title to a blood relation being a native: Provided that the transaction shall be null and void unless the change of title is duly registered within a period of six months.
3. Subject to any native law or custom to the contrary, an occupier being a native may sell, transfer possession or bequeath his title to any other native permanently resident in the same district, with the consent of the district headman and the approval of the head chief, subject to registration. (*As amended by Reg. No. 21 of 1921.*)
4. An occupier being a native may sell, transfer possession or bequeath his title to a native not resident in the district only with the consent of the head chief, and the approval of the Resident, subject to registration. (*As amended by Reg. No. 21 of 1921.*)
5. If the district headman under regulation 3 refuses consent, an occupier may appeal to the native court, and if the head chief refuses consent under regulation 4 he may appeal to the Provincial Court. (*As amended by Reg. No. 21 of 1921.*)

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CHAPTER 85.

LAND AND NATIVE RIGHTS
(AMENDMENT).
(Protectorate.)

Ordinance
No. 33 of
1924.
No. 23 of
1926.
No. 23 of
1929.
Date of
commence-
ment.

AN ORDINANCE TO AMEND THE LAND AND NATIVE RIGHTS ORDINANCE.

[Sections 2 and 3—2nd September, 1926.]

[Sections 4 and 5—17th October, 1929.]

[Remainder—21st August, 1924.]

Short title.

1. This Ordinance may be cited as the Land and Native Rights (Amendment) Ordinance, 1924 to 1929, and shall apply to the Northern Provinces of the Protectorate (including those parts of the Cameroons under British Mandate which are included in the Northern Provinces).

Amendment
of section 2
of Chapter
85.

2. Section 2 of the principal Ordinance is hereby amended by adding thereto the following definitions:—

“ A right of occupancy means a title to the use and occupation of land and includes the title of a native or native community lawfully using or occupying land in accordance with native law and custom, but does not include a licence granted under section 23A.

“ Occupier means the holder of a right of occupancy and includes a native or native community lawfully using or occupying land in accordance with native law and custom.” (No. 23 of 1926.)

Repeal of
section 6 of
Chapter 85.

3. Section 6 of the principal Ordinance is hereby repealed (No. 23 of 1926.)

Amendment
of section 7
of Chapter
85.

4. Section 7 of the principal Ordinance is hereby amended by deleting paragraph (c) thereof and substituting therefor the following:—

“ (c) to revise the said rental at such intervals as may be specified in the grant.” (No. 23 of 1929.)

New section
substituted
for section
19 of Chap-
ter 85.

Principles
to be
observed in
fixing and

5. Section 19 of the principal Ordinance is hereby repealed and the following substituted therefor:—

“ 19. In determining the rent to be demanded for any given land and on any subsequent revision of rent, the Governor shall take into consideration the rent obtained or obtainable in respect of any other like land in the immediate neighbourhood, and shall have regard to all the circum-

stances of the case: provided that in determining the amount of any rent, whether original or revised, the Governor shall not take into consideration any value due to capital expended upon the land by the same or any previous occupier during his term or terms of occupancy, or any increase in the value of the land the rental of which is under consideration, due to the employment of such capital.” (No. 23 of 1929.)

“revising
“rent.”

6. The principal Ordinance is hereby amended by inserting therein the following section immediately after section 23:—

“ 23A. (1) It shall be lawful for the Governor to grant a licence to any person to enter upon any land which is not the subject of a right of occupancy, or of a mining lease, mining right or exclusive prospecting licence granted under the Minerals Ordinance or of a lease or licence granted under the Mineral Oils Ordinance, and remove or extract therefrom any stone, gravel, clay, sand or other similar substance (not being a mineral within the meaning assigned to that term in the Minerals Ordinance) that may be required for building or for the manufacture of building materials.

(2) Any such licence may be granted for such period and subject to such conditions as the Governor may think proper or as may be prescribed.

(3) No such licence shall be granted in respect of an area exceeding 1,200 acres.

(4) It shall not be lawful for any licensee to transfer his licence in any manner whatsoever without the consent of the Governor first had and obtained, and any such transfer effected without the consent of the Governor shall be null and void.

(5) The Governor may cancel any such licence if the licensee fails to comply with any of the conditions of the licence.”

(No. 33 of 1924 as amended by No. 23 of 1926.)

7. Section 24 of the principal Ordinance is hereby amended by inserting after paragraph (3) thereof the following paragraph:—

“ (3a). The terms and conditions upon which licences may be granted under section 23A.”

(No. 33 of 1924.)

New section
23A inserted
in Chapter
85.

“ Licences to
“ take
“ building
“ materials.”

“ Chapter
“ 23.”

“ Chapter
“ 24.”

Amendment
of section
24 of
Chapter 85.

Reference:—

CO 583/257/30082/16

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Short title
and applica-
tion.

1. This Ordinance may be cited as the Land and Native Rights (Amendment) Ordinance, 1933, and shall apply to the Northern Provinces of the Protectorate.

Amendment
of Chapter
85 by
insertion of
new section
between
sections 23A
and 24.
No. 33 of
1924.

2. The Land and Native Rights Ordinance is hereby amended by the insertion between section 23A and section 24 of the following section:—

Delegation
to Native
Adminis-
trations of
powers of
Governor.

“23B. (1) It shall be lawful for the Governor to delegate to any Native Administration all or any of the powers conferred on the Governor by this Ordinance, subject to such restrictions, conditions and qualifications, not being inconsistent with the provisions of this Ordinance, as the Governor may specify.

“(2) Where under the preceding sub-section the power to grant certificate of occupancy has been delegated to a Native Administration such certificates shall be expressed to be granted on behalf of the Governor, and sub-section (1) of section 17 shall, for the purposes of such delegation, be read as if for the words “under his hand and the seal of the Protectorate” there were substituted the words “bearing the seal of the Protectorate and being also sealed with the seal of the Native Administration”.

“(3) No delegation under sub-section (1) to a Native Administration of any power shall affect the right of the Government to rents payable under this Ordinance.”

Vol III
44

successors in office are hereinafter designated and included in the term “the Governor”) of the one part, and (who and whose and assigns are hereinafter designated and included in the term “the lessee”) of the other part witnesseth that the Governor in pursuance of the powers conferred upon him by the Crown Lands Ordinance, doth hereby demise unto the lessee all that parcel of land situate at more particularly marked and delineated in the plan set out on these presents and coloured for the term of years from the day of 19 , subject to the provisions of the aforesaid Ordinance and to the covenants and conditions implied by virtue of the said Ordinance and of the regulations for the time being in force under the said Ordinance (and to the special covenants and conditions hereinafter contained).

Rent
Revision periods
Nature and value of }
buildings to be erected. }
Time within which such }
buildings are to be erected. }
Purposes for which the }
land demised may be used. }

2. The lessee covenants with the Governor as follows (a):—

3. Provided always that it is hereby agreed as follows (b):—

In witness whereof the parties hereto have set their hands and seals this day of 19 .

Signed, sealed and
delivered by the said

in the presence of

Signed, sealed and
delivered by the said

in the presence of

(a) Insert
any special
covenants
not implied
by virtue of
the Ordinance or
regulations.(b) Insert
any special
conditions
not implied
by virtue of
the Ordinance or
regulations.

CHAPTER 85.

LAND AND NATIVE RIGHTS.

(Protectorate.)

NOTICE UNDER SECTION 2 OF THE LAND AND NATIVE RIGHTS
ORDINANCE.Notice No.
81 of 1918,
9th May.

Notice is hereby given that His Excellency the Governor-General has, with the consent of the Secretary of State, directed that those parts of the Southern Provinces which have been transferred to the Northern Provinces by the readjustment of the boundaries notified in this Gazette, shall be included in the Northern Provinces for the purposes of the Land and Native Rights Ordinance.

REGULATIONS UNDER SECTION 24.

No. 8 of
1918,
28th
February.

1. These regulations shall apply to native reservations in townships in the Northern Provinces.

Reference:—

CO 583/257/30082/16

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2. The regulations in the Third Schedule to the Land and Native Rights Ordinance shall not apply to lands in such reservations.

3. In these regulations the term "native" has the meaning assigned to that term by the Interpretation Ordinance.

4. The local authority may cause any portion of a native reservation which is not required for public purposes to be divided into plots suitable for occupation by natives for business or residential purposes.

5. A right to occupy any such plot shall, unless the Governor shall otherwise order in any particular case, be sold by auction and shall be subject to the conditions set out in regulations 13 and 14.

6. The Lieutenant-Governor may direct the local authority to sell by auction a right to occupy any of such plots, having first determined the minimum rent to be paid and the building conditions (if any) to be complied with by the occupier.

7. The place and time of sale shall be notified by the local authority in the Gazette not less than four weeks prior to the day of sale, and the notice shall state:—

- (a) the number of plots and the situation and area of each plot;
- (b) the minimum rent to be paid in respect of each plot;
- (c) the building conditions (if any) to be complied with by the occupier; and
- (d) that the right of occupancy will be granted subject to the provisions of regulations 13 and 14 and that natives only may purchase the right of occupancy:

Provided that any plot may be withdrawn from sale by the Lieutenant-Governor at any time prior to the same being offered for sale.

8. The auction shall be conducted by the local authority who shall, before the commencement of the sale, read the terms and conditions of the sale (including the provisions of regulations 13 and 14), and all persons bidding at the sale shall be bound by the terms and conditions read.

9. The native who shall offer the highest rent for a plot shall be the purchaser of the right to occupy such plot and shall be entitled to be entered in the book hereafter mentioned as the registered occupier, provided that he shall forthwith pay to the local authority the proportion of the annual rent payable for the period from the date of the sale until 31st December next following. In default of such payment the right to occupy the

plot may be again offered for sale, and any subsequent bid by the person who has made default may be ignored or refused.

10. The local authority shall keep a book in which he shall forthwith register—

- (a) the date of the sale of the right to occupy the plot;
- (b) the name of the purchaser;
- (c) the number or other sufficient description of the plot;
- (d) the rent to be paid;
- (e) the building conditions (if any) to be complied with by the occupier.

11. Whenever the Governor shall authorise the grant, without auction, of a right to occupy a plot in a native reservation, subject to the conditions prescribed in regulations 13 and 14, the local authority shall register such right in the manner prescribed by regulation 10, but shall enter in the book the date on which the right of occupancy is granted in lieu of the date of sale.

12. (1) The local authority shall, if so required by the registered occupier of a plot and on payment of a fee of one shilling, issue to the occupier a certificate in the Form in the Schedule.

(2) On the transfer or termination of the right of occupancy the holder of the certificate shall produce the same to the local authority for cancellation, and in default of so doing shall be liable to a fine of ten shillings.

13. Every right of occupancy registered under these regulations shall be subject to the following conditions:—

(1) The right of occupancy shall commence on the day on which the same is sold or granted and shall continue for one year and thenceforward until the expiration of any three months notice of the determination of the right, given either by the local authority to the occupier or by the occupier to the local authority.

(2) The annual rent shall be payable in advance without demand at the office of the local authority on the 1st January in each year.

(3) The occupier shall comply with the building conditions attached to the right.

(4) The occupier shall at all times during the continuance of the right—

- (i) keep the plot and the buildings thereon in a clean and sanitary condition to the satisfaction of the local authority;
- (ii) maintain the boundary marks of the plot in substantial repair; and
- (iii) allow free access to the plot and the buildings thereon to the local authority or any person authorised by him to enter and view the same.

Reference:-

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(5) If the occupier fails to pay his rent when the same is due or fails to comply with any of the conditions of the right of occupancy, the local authority may, with the consent of the Resident of the province, by notice to the occupier, declare the right of occupancy to be determined, and thereupon all rights of the occupier and of any person claiming through him in respect of the land and buildings thereon shall forthwith determine.

(6) Subject to the last preceding condition, all buildings on the plot shall be the property of the occupier and may be removed by him at any time during the continuance of the right of occupancy: provided that the occupier shall make good any damage done to the plot by such removal.

Any building remaining on the plot after the determination of the right of occupancy shall become the property of the Governor.

(7) When the right of occupancy has been determined by the local authority under paragraph (1) before the end of December in any year, the occupier shall be entitled to a refund of the rent paid in respect of the unexpired portion of such year.

(8) Save as provided in regulation 14 the right of occupancy shall not be transferred.

14. If an occupier under these regulations desires to transfer his right of occupancy, he and the intending transferee shall attend at the office of the local authority, and the local authority, if satisfied that there are no objections to the transfer and that the intending transferee understands the conditions on which the right is held, may, with the consent of the Resident of the province, approve the transfer, which shall be effected by a note of the transfer and the date thereof being entered by the local authority against the entry relating to such right of occupancy in the book mentioned in regulation 10.

15. In the event of the death of a registered occupier the person on whom the right of occupancy shall devolve shall attend at the office of the local authority to be registered as the occupier of the plot. If within three months of the death of the occupier no person shall attend as aforesaid and satisfy the local authority that he is entitled to be registered as the occupier, the right of occupancy shall determine, unless the Lieutenant-Governor shall otherwise order.

16. Any notice to be given to an occupier under these rules may be given either verbally or in writing or by posting the notice on the land.

17. Nothing in these regulations shall be deemed to prohibit the Governor from granting a right of occupancy in a native reservation on any terms and conditions which he may think proper.

SCHEDULE.

This is to certify that _____ was on the _____ day of _____, 19____, registered as the occupier of plot No. _____ in the native reservation of the Township of _____ in accordance with the provisions of regulation No. _____ of _____ made under the Land and Native Rights Ordinance.

Rent _____
Building conditions _____
Dated this _____ day of _____, 19____.

Local Authority.

CHAPTER 86.

NIGER LANDS TRANSFER.
(No Subsidiary Legislation.)

CHAPTER 87.

LAND REGISTRATION.
(Colony and Protectorate.)DIRECTIONS AND APPOINTMENTS UNDER SECTIONS 3 AND 5 OF THE
LAND REGISTRATION ORDINANCE.

(a) COLONY AND SOUTHERN PROVINCES.

I. Notice is hereby given that the following directions have been given by the Governor:—

1. The registry office at Lagos shall be the proper office for the registration of the following instruments and documents in addition to those prescribed by section 3 (2), (a), (b) and (c) of the Ordinance:—

- (a) All instruments and other documents affecting land in the Provinces of Ondo, Abeokuta and Ijebu.
- (b) All instruments and other documents purporting to vest land situated in the Southern Provinces in the Crown or Government whether in perpetuity or for a term of years, and all instruments and other documents affecting land the subject of such instruments and documents.

2. The following registry offices shall be established in the Southern Provinces:—

- (1) At Calabar—which shall be the proper office for the registration of all instruments and other documents affecting land in the Provinces of Calabar, Owerri

Notice No.
3) of 1921.
1st April.

Amended by
Notice No.
82 of 1921.
1st September.

Reference:-

CO 583/257/30082/16

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proportion to the whole sum paid in respect of the months for which it is made, as the area of the said part bears to the whole area.

6. The Commissioner of Lands or the Resident in charge of the Province may authorise any Officer to carry out the provisions of these regulations.

7. A licence for the temporary occupation of Crown lands shall be in the form in the Schedule or to the like effect.

8. Regulations No. 22 of 1923 are hereby repealed.

SCHEDULE.

LICENCE FOR THE TEMPORARY OCCUPATION OF CROWN LANDS.

No. In consideration of the payment of £
is permitted to occupy the Crown Land at
containing an area of
square yards or thereabouts, and (here insert description by
referring to plan, if such exists, or if no plan by giving an
identifying description).

This licence expires on the 19
Provided that the Commissioner of Lands or other authorised
Officer may post on the said area a notice to the occupier to quit
the whole or any part of the said area from any date specified in
the notice and thereupon this licence expires upon the date so
specified in respect of the whole area or such part, as the case may
be.

In such case no refund is payable unless the area is required
for Government use.

Neither this licence nor any of the rights conferred by it shall
be transferred to any other person; nor shall the land hereinabove
described or any part of it be sublet.

Dated this day of , 19

Issuing Officer.

* The date must not be more than one year later than the date of issue.

CHAPTER 85. LAND AND NATIVE RIGHTS. (Protectorate.)

REGULATIONS UNDER SECTION 24 OF THE LAND AND NATIVE RIGHTS
ORDINANCE (AS AMENDED BY THE LAND AND NATIVE RIGHTS
(AMENDMENT) ORDINANCE, 1924).

No. 7 of
1925.
5th Febru-
ary as
amended by
No. 23 of
1925.
24th Decem-
ber.

1. These Regulations may be cited as the Land and Native
Rights (Building Materials) Regulations, 1925.

2. Applications for licences under section 23A of the Ordinance shall be made to the Secretary, Northern Provinces, and shall be in Form A in the Schedule.

3. The area in respect of which application is made must be rectilinear in shape and at least one acre in extent. (As amended by Regulation 23 of 1925.)

4. A licence under section 23A of the Ordinance shall be in Form B in the Schedule.

5. It shall be a condition of the grant of a licence that an annual rent of one shilling per acre shall be paid in respect of the land in respect of which the licence is granted. Such rent shall be payable annually in advance without demand and shall be paid to the Treasury Officer at Kaduna and shall be in addition to any royalties or to any surface rent.

6. The Governor may make it a further condition of the grant of any licence that such surface rent as he may decide in each case shall be paid in like manner as the above-mentioned annual rent.

7. It shall be a condition of the grant of a licence that any royalties which may be imposed by further regulations in respect of any material authorised to be removed or extracted under the licence shall be paid.

8. It shall be a condition of the grant of a licence that the licensee shall within six months of the date of the licence, or within such further time (if any) as the Lieutenant-Governor, Northern Provinces, may by writing under his hand allow, commence operations on the area and thereafter during the period of the licence, unless prevented by local disturbances or unavoidable accident, continuously, vigorously and effectually carry on operations on the said area.

9. It shall be a condition of the grant of a licence that the licensee, if not resident in Nigeria and in charge of the operations on the area, shall at all times have a responsible agent resident in Nigeria, and in charge of the operations, and shall forthwith notify the Secretary, Northern Provinces, in writing of every appointment and change in the appointment of such agent.

10. No licence shall entitle the licensee to cut down or destroy any protected trees except with the consent of the proper Forest Officer and on payment of the fees and royalties prescribed by the law for the time being regulating the cutting of such trees.

11. It shall be a condition of the grant of a licence that the licensee shall produce his licence whenever demanded by any officer of the Mines or Survey Department or by any administrative officer.

12. Every licence shall be duly registered by the licensee under the provisions of the Land Registration Ordinance.

13. The grant of any licence shall be subject to such further conditions as may be imposed by the Governor

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SCHEDULE.

FORM A.

THE LAND AND NATIVE RIGHTS ORDINANCE,
(CHAPTER 85).APPLICATION FOR A LICENCE TO REMOVE BUILDING MATERIALS.
To the Secretary, Northern Provinces, Kaduna.

Number of Application (to be filled in by Secretary)	
Full Name of Applicant	
Nationality of Applicant	
Address of Applicant	
Description of the Land in respect of which a licence is applied for	
Area of the Land	
Period for which the licence is applied for	
Substances for the removal of which licence is applied for	
Approximate quantity of material which it is intended to remove under the licence, if granted	
Purpose for which the material removed is intended to be used	

I hereby apply for a Licence to enter upon the above-described land and to remove Building Materials therefrom and I declare that the particulars hereinabove set out are correct and that to the best of my knowledge and belief no part of the said land is the subject of a right of occupancy or a grant made to a native in accordance with native law and custom, or of a mining lease, mining right or exclusive prospecting licence granted under the Minerals Ordinance, or of a lease or licence granted under the Mineral Oils Ordinance.

Dated this day of , 19

Applicant.

FORM B.
THE LAND AND NATIVE RIGHTS ORDINANCE,
(CHAPTER 85).

LICENCE TO REMOVE BUILDING MATERIALS.

Licence, subject to the provisions of the Land and Native Rights Ordinance and of the Regulations thereunder now in force or which may come into force during the period for which this licence is granted, is hereby granted to.....

of
to enter the land described below and to remove ^{and} extract therefrom stone
or ^{or} gravel ^{and} clay ^{and} sand ^{or} for a period of years
from the date hereof subject to the conditions set out on the back hereof
Dated this day of , 19

Governor.

Land in respect of which this Licence is granted.
[Insert area and description.]

CONDITIONS.

(To be printed on the back of the Licence.)

1. The licensee shall pay annually in advance without demand to the Treasury Officer at Kaduna the annual rent due viz.:—£ : :
- * 2. The licensee shall pay annually in advance without demand to the Treasury Officer at Kaduna the surface rent, viz.:—£ : :
3. The licensee shall pay all such royalties as may be due and payable in respect of all stone ^{and} gravel ^{and} clay ^{and} sand ^{or} removed and ^{or} extracted by him.
4. The licensee shall not transfer this Licence without the consent of the Governor first had and obtained.
5. The licensee shall within six months of the date of the licence, or within such further time (if any) as the Lieutenant-Governor, Northern Provinces, may by writing under his hand allow, commence operations on the area and thereafter during the period of the licence, unless prevented by local disturbances or unavoidable accident, continuously, vigorously and effectually carry on operations on the said area.
6. The licensee, if not resident in Nigeria and in charge of the operations on the area, shall at all times have a responsible agent resident in Nigeria, and in charge of the operations, and shall forthwith notify the Secretary, Northern Provinces, in writing of every appointment and change in the appointment of such agent.

* Strike out if there is no surface rent.

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7. This licence does not entitle the licensee to cut down or destroy any protected trees except with the consent of the proper Forest Officer and on payment of the fees and royalties prescribed by the law for the time being regulating the cutting of such trees.
8. This licence shall be produced by the licensee whenever demanded by any officer of the Mines or Survey Department or by any administrative officer.
9. This licence shall be duly registered by the licensee under the provisions of the Land Registration Ordinance.
[Add any further conditions imposed.]

No. 16 of
1925.
4th June,
as amended
by No. 29 of
1928.
18th November.

1. These regulations shall apply to the Cameroons under British Mandate as well as to the remainder of the Protectorate.
2. An assignment of a Right of Occupancy shall be in Form A in the Schedule or to the like effect.
3. A surrender of a Right of Occupancy shall be in Form B in the Schedule or to the like effect.

SCHEDULE.

FORM A.

ASSIGNMENT OF RIGHT OF OCCUPANCY.

The Land and Native Rights Ordinance.

WHEREAS under the provisions of the Land and Native Rights Proclamation Ordinance, a Right of Occupancy over the lands described in the schedule, and more particularly delineated in the plan attached, to the Certificate of Occupancy numbered..... and registered in volume.....page.....of the Register of Instruments affecting land at.....and dated the.....day of....., 19....., was granted to.....of.....

NOW THESE presents witness that in consideration of the sum of £.....*(A.B. on behalf of) the said.....doth hereby assign to.....right title and interest in the said lands acquired under the said Certificate of Occupancy at the rent and subject to the conditions therein reserved and contained from the.....day of....., 19....., for the residue unexpired of the term granted by the said Certificate of Occupancy.

* To be inserted when the representative of the assignor holds a Power of Attorney.

IN WITNESS WHEREOF the said*(as Attorney for the above-named.....by virtue of his Power of Attorney dated the.....day of....., 19....., and registered in volume.....page..... of the Register of Instruments affecting land at Kaduna) and the said†(as Attorney for the above-named.....by virtue of his Power of Attorney dated the.....day of....., 19....., and registered in volume.....page.....of the Register of Instruments affecting land at Kaduna) have hereunto set their hands and seals this.....day of....., 19.....

Signed, sealed and delivered by

the said.....
in the presence of.....
and by the said.....
in the presence of.....

Approved

Governor (or Lieutenant-Governor).

* To be inserted when the representative of the Assignor executes under a Power of Attorney.

† To be inserted when the representative of the Assignee executes under a Power of Attorney.

FORM B.

SURRENDER OF RIGHT OF OCCUPANCY.

The Land and Native Rights Ordinance.

WHEREAS under the provisions of the Land and Native Rights Proclamation Ordinance, a Right of Occupancy over the lands described in the schedule, and more particularly delineated in the plan attached, to the Certificate of Occupancy numbered..... and registered in volume.....page.....of the Register of Instruments affecting land at.....and dated the.....day of....., 19....., was granted to.....of.....

AND WHEREAS the said.....desires to surrender the said Right of Occupancy and the.....
Governor
Lieutenant-Governor
is willing to accept such surrender.

NOW THESE presents witness that *(A.B. on behalf of) the said.....doth hereby surrender all right, title and interest of the said.....in and under the said Certificate of Occupancy as from the.....day of....., 19.....

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NATIVE COURTS Co 583/257
LEGISLATION

Previous

1940

Subsequent 1941-43
1944-46

1947

R 302 25/10

Mr. Chamberlain ~~25/10~~

R 302 7/12

Mr. Amington-Smith ~~10/11~~
W. Salter ~~12/11~~
302 22/9

H 342

1-18-41-43
19-44-46

Reference

CO 583/257/30086

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Mr. Duncan here
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any, we can I think putly
(The work seems quite satisfactory)

J.B. Swarth
27/6.

See, Maunton.
I have no observations to make.

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J.B. Swarth
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1942

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4 ~~REGISTRATION~~ UNDER STATUTES. — 5-1-42

In general, proposals for giving to Native Courts jurisdiction under Ordinances needs very careful counsel, & in ordinary cases I shd. have regarded No 4 as somewhat sweeping. But in present circumstances the overriding consideration may well be the relief of European staff who would otherwise have to try these cases. ? put by FJ Pedler - 21/2

This is a matter which has been placed within the Gov's discretion.

Subject to your orders

I think we may put by

O.G.R.W 26.2.42

As you say, the Governor is acting within the powers conferred upon him by law.

With regard to Mr. Pedler's point, I assume that we can rest assured that he would not exercise those powers even at a time like this unless he and his legal advisers were satisfied that the Native Courts would not abuse their extended jurisdiction, and that the proper administration of justice was adequately safeguarded.

27/2/42 1/1.D.

I hope so. Put by at once
O.G.R.W 28.2.42

Reference:-

CO 583/257/30086

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? Put by
H. B. Lawrence
30/7

Under this Order District Officers
will no longer sit as Presidents
of Native Courts of Grade B.C. & D
in the Southern Provinces in the
circs. specified in Order No. 19 of
1934 (copy in volume annexed).

Subject to Mr. Duncan's Order
? put by

H. A. A. A.
1/9/42

The observations in my minute of
27/2/42 above apply, mutatis mutandis, to the present
case.

I hope it is all right; but, in the
circumstances, I think that it might be as well to
write to the O.A.G. saying that, while there can
of course be no doubt that this Order would not have
been made even at a time like this unless he and
his Legal Advisers had been satisfied that the proper
administration of justice in the suits and appeals
in

* No. 13 of 1942

Reference -

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* No. 194/1934

in question was adequately safeguarded, we should be glad if he would confirm that the reasons for making it were (a) that the native courts concerned are now regarded as being fully competent to deal with the matters specified in Section 23 of Ordinance No. 44 of 1933 without the District Officer sitting as President, and (b) that District Officers can therefore safely be relieved of this particular work.

H.D.

7/8/42.

Mr. Duncan.

I am afraid that it may be thought necessary, owing to the very great pressure of war work upon the Administrative staff, to take some risks with the native courts which under peacetime conditions would not have been thought desirable. At the same time, I am anxious that we should not appear to fail to appreciate the very great difficulties under which the Nigerian Government is carrying out the heavy responsibilities entailed upon it by the war.

I submit draft despatch after discussion with you.

OGRW

17.8.42.

Mr. Williams.

I fully appreciate the difficulties under which the Government of Nigeria are carrying on, and the heavy demands made upon them by the war - and hope that we should write as in the attached draft despatch.

17/8/42

H.D.

OGRW 18/8

~~28~~
~~44~~
7.

To Nigeria 260

Cons. 19.8.42.

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11.8.42 7

Miss Richards }
Mrs Duncan }

subject to any comments which
they may have made,
this may be sent by

no comments
A.L. Richards 1/10

Hamer
11.9.42

no comments
xsl
2/10/42

Hamer 2/10
Miss

9. Nigeria - ~~359~~ 359 - DESTROYED UNDER STATUTE

11.8.42

B. Cooper
Sham G. Cooper & Co by

Hamer
19.10.42
Miss

to reply to No. 7.

E. Knoff
19.10.42.

Wait a min worth

Hamer
20/10/42
Miss

still no reply to No. 7.

E. Knoff
20.11.42.

Remind of it
no reply received by
the middle of December

still no reply to No. 7.

E. Knoff
15.12.42.

Hamer
20/11/42
Miss

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10 To Nigeria Ad — Cons — 16/12/42

Re

to reply K Nos. 7 & 10.

S. Keiff
16.2.43.

Wait another month

A. 16/2
atm

Spares to 12. Nigeria — 450 — 20.10.42

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See S. Abrahams. Any comments?

Arthur...
16-3-43

(1st former in line)

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Abraham

17/3/43

Mr. Williams. I think you should see
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at 12
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Re

14 Nigeria 490 ————— 20.11.42

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18 Nigeria 266

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30086/43

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NIGERIA.

NO. 490

Government House,

Nigeria.

25th November, 1942.

21 NOV 1942

My Lord,

I have the honour to refer to your despatch No. 260 of the 19th of August and to inform you that the revocation of Order No. 19 of 1934 is a war-time measure designed to reduce unnecessary work and enable the Administrative Staff to devote more attention to the Nigerian war effort.

2. During the eight years since the Order was made there has been improvement in the efficiency of the courts in question as the result of increased experience, and the necessity for District Officers to sit as Presidents has decreased accordingly.

3. It should be mentioned that the District Officer can still sit as adviser in any Native Court in his Division and is thus able to sit in an advisory capacity should he consider it necessary in any particular land case; moreover by not sitting as President he will have extended power of review under section 25(7) of the Native Courts Ordinance, 1933, and will also be, according to section 29, an additional court of appeal in those cases in which he neither presides nor sits as an adviser.

4. I and the Attorney-General are satisfied that the normal powers of review and appeal from the judgments of the native courts concerned, together with the additional rights of review and appeal to the District Officer afford no less adequate safeguards for the proper administration of justice as existed prior to the revocation of the Order.

I have the honour to be,

My Lord,

Your Lordship's most obedient, humble Servant,

A. Harcourt
GOVERNOR'S DEPUTY.

THE RIGHT HONOURABLE
THE VISCOUNT CRANBORNE, P.C.,
SECRETARY OF STATE FOR THE COLONIES,
etc., etc., etc.

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NIGERIA.

N O. 450

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RECEIVED
19 FEB 1943

Secret

Government House,

Nigeria.

20th October, 1942.

My Lord,

I have the honour to transmit herewith, for the signification of His Majesty's pleasure with respect thereto, two authenticated and ten ordinary copies of Ordinance No. 22 of 1942 entitled "An Ordinance to amend the Native Courts Ordinance, 1935" together with the usual report thereon by the Attorney-General.

I have the honour to be,
My Lord,
Your Lordship's most obedient, humble Servant,

R. H. Anderson

G O V E R N O R .

THE RIGHT HONOURABLE
THE VISCOUNT CRAIBORNE, P.C.,
SECRETARY OF STATE FOR THE COLONIES,
etc., etc., etc.

Pa

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R E P O R T
on
A BILL FOR AN ORDINANCE TO AMEND THE
NATIVE COURTS ORDINANCE, 1933.

The short title of this Bill is the Native Courts (Amendment) Ordinance, 1942, and in my opinion the assent of His Excellency can properly be given thereto.

2. By subsection (1) of section 25 of the Native Courts Ordinance, 1933, certain powers of control of native courts are conferred upon Residents and District Officers to be exercised if they think fit. It is intended that the exercise of these powers shall be in the absolute discretion of these officers and since doubts have been expressed as to whether the present wording conveys that intention, it is to clarify the matter that paragraph (a) of clause 2 of the Bill has been passed.

3. By paragraph (b) of sub-section (1) of section 25 of the Ordinance both a Resident and a District Officer are given power to order re-trials but in all such cases the original proceedings should first be set aside so as to avoid the possibility of a plea of autrefois convict being successfully entered at a re-trial. Paragraph (b) of clause 2 of the Bill amends this paragraph by inserting a provision to that effect.

4. In 1936 sub-section (3) of section 25 of the Ordinance was amended by adding a proviso, under the provisions of which if a Resident took preliminary steps in the exercise of his powers of control provided by the preceding sub-sections within the period of limitation of six months after the date of the termination of the native court proceedings

Amend (13)

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proceedings, then he might continue, even though the period had expired before he had completed his review. It is desired that this privilege be conferred upon District Officers as well as Residents and the necessary amendment is shown in paragraph (c) of clause 2 of the Bill.

5. Finally it is desired to take power to impose fees for reviews and to make the imposition of such fees discretionary. Paragraph (1) of section 45 of the Ordinance enabling the Governor to prescribe fees by rule has already been amended once, and so, in order to avoid possible confusion, it is proposed to substitute a fresh paragraph which not only includes the power to impose the above-mentioned fees but also purports to clarify the existing powers. Clause 3 incorporates the amendment.

6. Similar amendments are necessary to the Native Courts (Colony) Ordinance, 1937, and will be made in due course.

K. C. A. R.
ATTORNEY-GENERAL.

Attorney-General's Chambers,
Lagos, Nigeria,
11th September, 1942.

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Assented to in His Majesty's name in so far as the provisions hereof relate to the Colony and to the Southern Provinces of the Protectorate, and enacted by me in so far as the provisions hereof relate to the Northern Provinces of the Protectorate this 23rd day of September, 1942.

B. H. BOURDILLON,
Governor.

(L.S.)

No. 22

1942



Colony and Protectorate of Nigeria.

IN THE SIXTH YEAR OF THE REIGN OF
HIS MAJESTY KING GEORGE VI.
SIR BERNARD BOURDILLON, G.C.M.G., K.B.E.
Governor and Commander-in-Chief.

AN ORDINANCE TO AMEND THE NATIVE COURTS ORDINANCE, 1933

[6th October, 1942.]

BE IT ENACTED by the Governor of the Colony and Protectorate of Nigeria, with the advice and consent of the Legislative Council so far as the provisions hereof relate to the Colony and to the Southern Provinces, as follows:—

1. This Ordinance may be cited as the Native Courts (Amendment) Ordinance, 1942.

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2 No. 22 of 1942 *Native Courts (Amendment)*

Amends section 25 of Ordinance No. 44 of 1933.

2. Section 25 of the Native Courts Ordinance, 1933, hereinafter referred to as the principal Ordinance, is hereby amended:—

- (a) by the substitution of the expression "or, in his absolute discretion on the application of any person concerned:—" for the expression "or on the application of any person concerned, if he shall think fit:—" occurring in sub-section (1) thereof;
- (b) by the insertion of the expression "set aside the conviction and sentence, or judgment or other order of a native court and" immediately before the expression "order any case to be re-tried" occurring in paragraph (b) of sub-section (1) thereof;
- (c) by the insertion of the expression "or the District Officer" immediately after the expression "Resident" wherever it occurs in the proviso to sub-section (3) thereof and by the substitution of the expression "the powers conferred on them respectively" for the expression "the powers conferred on him" occurring in the said proviso.

Amends section 45 of Ordinance No. 44 of 1933.

3. Paragraph (1) of section 45 of the principal Ordinance is hereby repealed and the following substituted therefor:—

- "(1) prescribing and providing for,
 - (a) the maximum fees which may be charged,
 - (i) in Native Courts of first instance and of appeal,
 - (ii) for reviews of any proceedings of such Native Courts, and
 - (iii) for appeals from such Native Courts and generally;
 - (b) the reduction of such maximum fees in respect of all or any Native Courts or proceedings, the application of such maximum or reduced fees to such Native Courts or proceedings and the manner in which and the persons by whom such reduction and application may be made;
 - (c) the remission in whole or in part of any maximum or reduced fee and the manner in which and the persons or Native Courts by whom or by which such remission may be made."

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Native Courts (Amendment) No. 22 of 1942

3

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and in so far as the provisions thereof relate to the Colony and to the Southern Provinces of the Protectorate, is found by me to be a true and correctly printed copy of the said Bill.

P. F. CAMPBELL,
Clerk of the Legislative Council.

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30086/42

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C. O.

Mr. Williams. 17.8.42.

Mr.

Mr. Duca 17/8/42

Sir W. Battershill.

Mr. G. L. M. Clauson.

Mr. C. J. Jeffries.

Mr. A. J. Dawe.

Sir J. Shuckburgh.

Permt. U.S. of S.

Parly. U.S. of S.

Secretary of State.

Downing Street,

19. August, 1942.

DRAFT. DESPATCH.

Sir,

NIGERIA

NO. 260

GOVERNOR.

I have the honour to inform you that my attention has been drawn to Order No. 13 of 1942, made under the Native Courts Ordinance, 1933, revoking Order No. 19 of 1934, which provided that the District Officer should sit as President of all Native Courts ^{of} Grades B, C and D in the Southern Provinces, whenever those Courts heard land cases in which the parties were not members of the same village or village group.

2. I am not aware of the reasons for the revocation of the 1934 Order. I appreciate, however, that the hearing of land cases in Native Courts is frequently a very lengthy business, and that the Nigerian war effort is bound to make great additional demands upon the time and energies of Administrative Officers. It seems possible, therefore, that it may have been thought necessary to relieve District Officers of this particular work in connection with ~~the~~ Native Courts, even though ^{because it may be doubtful whether} some of the Courts concerned ~~are not~~ ^{can} be ^{fully} regarded as being competent to deal with the matters specified in the Order. I

should be interested to know whether this is ^{the}

FURTHER ACTION.

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the case and, if so, whether you and your legal advisers are satisfied that the provisions with regard to appeal from the judgments of such Courts afford adequate safeguards for the proper administration of justice.

I have etc.,

(SIGNED) DRAMBORNE

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NIGERIA

No. 257

GOVERNMENT HOUSE, NIGERIA, 20/

6th June, 1942.

RECEIVED

29 JUL 1942

My Lord, — I have the honour to transmit herewith ten copies of
Order No. 13 of 1942, made under

“The Native Courts Ordinance, 1933.
(Chapter)” (No. 44 of 1933)

I have the honour to be, My Lord,
Your Lordship's most obedient, humble Servant,

~~XXXXXXXXXXXX~~

~~XXXXXXXX~~

ALAN BURNS
OFFICER ADMINISTERING THE GOVERNMENT.

THE RIGHT HONOURABLE

LORD CRAMBORNE, P.C.,

SECRETARY OF STATE FOR THE COLONIES, &c., &c., &c.

Sect 143

GP Lagos 1978.41.1.000 (R)

M. 6/6/42.

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NIGERIA

No. 13 of 1942

ORDER

MADE UNDER

THE NATIVE COURTS ORDINANCE, 1933

(No. 44 of 1933)

In exercise of the powers conferred upon the Governor by section 23 of the Native Courts Ordinance, 1933, the following order is hereby made:—

1. This order may be cited as the Native Courts (Order No. 19 of 1934) (Revocation) Order, 1942.
2. The order made on the 3rd day of April, 1934, published in the Gazette as No. 19 of 1934, and relating to native courts in which District Officers shall sit as president, is hereby revoked.

ORDERED at Lagos this 20th day of May, 1942.

By His Excellency's Command,

A. G. GRANTHAM.
Chief Secretary to the Government.

Lagos, 20th May, 1942.

20665/S. 7/262

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NIGERIA.
NO. 292

Government House,
Nigeria.
/ May, 1941.

RECEIVED
21 MINISTERS
NO. 292

no 2 on 1940 file
no 4 on 1940 file

My Lord,

With reference to Mr. Malcolm MacDonald's despatches Nigeria No. 122 of the 6th of March and No. 192 of the 9th of April, 1940, on the subject of the "Hyambuan" cult and the "Man" cult respectively, I have the honour to transmit herewith a statement of the number of prosecutions made under the various Orders in Council enacted in 1939 and 1940 to curb these manifestations.

C 29 no 2 on 20/35/1/39
" 30 } no 1 on 1939 file
" 31 }
" 35 no 1 on 1940 file

2. With regard to the "Hyambuan" movement the Residents of Benue and Ogoja Provinces report that the effect of Orders in Council Nos. 29, 30, 31 and 35 of 1939 has been entirely satisfactory. The extension of the jurisdiction of the Native Courts in Tiv, Nasarawa and Ogoja Divisions by Orders in Council Nos. 30, 35 and 31 respectively has not been attended by any undesirable features but has enabled the Native Authorities to bring the movement under control so that it no longer constitutes a serious menace to peace and good order and may indeed be described as virtually extinct.

See no 7 on 1940 file
See no 3 on 1940 file

3. There is little to report in connection with the "Man" cult but this also is under effective control. Order in Council No. 24 of 1940 was enacted to confer upon Native Courts of the Numan Division of Adamawa Province similar jurisdiction to that conferred by Order in Council No. 5 of 1940 upon Native Courts in the Muri Emirate because it was believed that the existence of the cult in the Numan Division was hindering its suppression in the Emirate; it is however noteworthy that no prosecutions occurred in the Numan Division during the six months in which the Order in Council was current.

I have the honour to be,
My Lord,
Your Lordship's most obedient, humble Servant,

C. C. Wooley

GOVERNOR'S DEPUTY.

THE RIGHT HONOURABLE
LORD MOYNE, P.C., D.S.C.,
SECRETARY OF STATE FOR THE COLONIES,
LONDON, S.W.1.

W.M.

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END

I.

RETURN OF PROSECUTIONS IN CONNECTION WITH
THE "NYALBUAN" CULT.

(a) In Protectorate Courts under Order in Council
No.29 of 1939 :-

Division	No. of Prosecutions	Maximum Punishment imposed
Tiv	1	12 months I.H.L.

(b) In Native Courts under Orders in Council
Nos.30, 31 and 35 of 1939:-

Division	No. of Prosecutions	Maximum Punishment imposed.
Tiv	320	12 months I.H.L.
Ogoja	24	£1 fine
Nasarawa	4	1/- fine

II.

RETURN OF PROSECUTIONS IN CONNECTION WITH
THE "LAI" CULT.

In Native Courts under Orders in Council
Nos. 4, 5 and 24.

Division	No. of Prosecutions	Maximum Punishment imposed.
Kuri	24	3 months I.H.L.

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NIGERIA

30092

Education Legislation

Previous 30092/38	98	4/10	Mr. Haskins (D.S.)	28/5
	Library (Legal)	5/10	Mr. B. L. Williams	30/5
	R. 302	23/12	M. P. Ibean	31/5
	Mr. Parkinson	22/12	216(D)	31/5
Subsequent 1944-45 1947	Library Legal	23/12	R 302	31/5
	Mr. Parkinson	23/12	Library (Legal)	4/6/45
	Mr. Foster	24/12	R 302	
	302	18/5		
	1) Library legal	19/5		
	R 98	7/8	2) Mr. Parkinson	22/5
	Miss Lawrence	7/8	Mr. Foster	26/5
	Mr. Davidson	10	Mr. Haskins	
	R. 98	13/8	Mr. Parkinson	30/5
	Miss Lawrence	3/8	216(D)	1 - 2 - 42 - 45
	Mr. Mayhew	14/8	Mr. Pillbeam	3/6
	Library Legal	14/8	216(D)	3/6
Mr. Davidson	15/8	R 302	5/6	
Mr. Cox B.	17			
R 91. Mr. Mayhew	22	Library (Legal)	6/6/45	
Mr. Davidson B.	9/3	R 302	16/11	
Mr. Mayhew	10	Mr. Parkinson	18/11	
Mr. S. Abraham	15	Mr. Fydale-Biscoe	20/11	
Mr. Mayhew	15	R. 302	19/5	
Mr. Breckley	24	Mr. Parkinson	22/5	
205 (7)	25/9	Mr. Robinson Mr. C. Cox (S)	25/5	

FILE A.

(1345) W.L. 237/35. 24.000. 8/59.
N.P.C. G.62/77a

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C.I.
Edlee.

1. *Meyoria* — 251 — 5-6-42
Mr. Davidson to see, then? put by 2
H. B. Lawrence
7/8

? send by 3.

See, thanks. This legislation, which
empowers various other things, powers (with
due safeguards) for the control of schools,
is regarded by the House as a model which
could with advantage be followed in other colonial
Dependencies.
Amendment
10-8-42.

? Jesse G-3
H. B. Lawrence
13/8/42.

Mr. Cox.

Please see definition of "Adult School":

- (a) It is not clear why any definition is required, as no reference to such an institution occurs in the Ordinance. Presumably they contemplate the case of regulations for Adult Schools under Sect. 21?
- (b) The definition, read in connection with the definition of "school" covers any institution receiving pupils of over 21 years of age - e.g. Training Institutions, Colleges, such as Lybce College, and technical or agricultural institutions for advanced instruction, as well as schools or classes brought into being by development of "adult education" in usual sense of that term.
Is it desirable that any such institutions should be governed by an Ordinance of this kind - e.g. school see sections 11-12 & 16?

See also definition of "vernacular school" - in which medium of instruction is solely vernacular - and compare with statement in legal Report that the intention is to distinguish schools which do and do not "provide instruction in English". Presumably this will adhere to the definition and treat as "vernacular" schools schools in which English is taught, if their medium is solely the vernacular?

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One of the difficulties with the more specific procedure prescribed for the closure of schools in sect. 16.

Presumably we may welcome the provision for grants to Native Authority Schools? I am surprised by the indication in Legal Report that such grants have not hitherto been given. I thought they were.

At the 17th Nov
14-5-52

On the first point raised by Mr Mayhew, the inclusion of the definition of an "adult school" has, I think, been prompted by the new definition regarding "school age". The inclusion of the institution mentioned in (b) of Mr Mayhew's minute is in keeping with Section 10 of the Ordinance. In both cases the main reason is administrative convenience.

As regards the definition of a vernacular school when I left Nigeria it was defined as a school which maintains a special register for vernacular teachers, i.e. for teachers who had not reached the standard of education which would render them eligible for admission to the main register of teachers and so to teach English. The status of these schools is now defined in the Ordinance - rightly in my opinion.

The procedure for the closing of schools was discussed recently by the African Republics but I am not sure and it was agreed generally that the Nigerian legislation was a model which might with advantage be followed in other colonies.

Grants have hitherto not been awarded from central funds to native administrative schools in Nigeria.

Amey Gordon
16.5.52

Mr Mayhew
I think Mr Davidson's answer is satisfactory?
C. G. G. G.
17/8

Sometimes the definition begins with definitions which subsequently have to be amended but are overlooked. The point is important.

A 1

I agree.
C. G. G. G.

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Mr Davidson. From A in your Minute I should infer that in a "vernacular" school as defined in the Ordinance the medium of instruction must be the vernacular - but (in the absence of any statement to the contrary in the definition) verbal English may be taught as a subject (i.e. a second language.)

But from the rest of your minute and from the fiscal Report I should infer that the Government's intention is ^{also} to exclude the teaching of English as a subject in "vernacular schools". If this is their intention does not the definition in the Ordinance need amendment?

Attorney-General
22-8.

Mr Hughes

I agree with your view that the intention is to exclude the teaching of English as a subject in "vernacular schools". The reason for this, unless the position has materially altered since I left Nigeria, is set out in para 2 of my minute of 10.8.42.

I am in no doubt that what is intended will be fully understood in Nigeria though I admit that the definition as it stands would be ambiguous to a reader with experience in say, Hong Kong and Malaya.

Whether this is a sufficient reason for pressing for an amendment to the definition I must leave to the Department to judge. As a "vent waster" I should be inclined to let it pass.

These papers have, I regret, been delayed owing to intense pressure of work during the absence of Mr Pitt & Mr Rowell.

Attorney-General
4-9-42.

A We can let it stand.

Subject to possible comments by J.A. we can signify nondisallowance.

Attorney-General
10-9.

From the point of view of legal interpretation the teaching of English as a subject is not excluded ~~from~~ by the definition of "vernacular school" any more than the teaching of Latin.

70 other observations by G. A. B. 11/9

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NIGERIA

No. 495

30092

GOVERNMENT HOUSE,
NIGERIA

30th November, 1943.

37

Sir,
I have the honour to transmit herewith ten copies of Regulations No.83 of 1943, made under "The Education (Colony and Southern Provinces) Ordinance, 1926 (No.15 of 1926)

RECEIVED : I have the honour to be ,
21 DEC 1943 Your most obedient, humble Servant,
A. G. GRANTHAM
Officer Administering the Government.

Colonel The Right Honourable
Oliver Stanley, M.C., M.P.
Secretary of State for the Colonies,
&c., &c., &c.

A

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NIGERIA

No. 83 of 1943

REGULATIONS

MADE UNDER

THE EDUCATION (COLONY AND SOUTHERN PROVINCES) ORDINANCE, 1926

(No. 15 of 1926)

In exercise of the powers conferred upon the Governor in Council by section 17 of the Education (Colony and Southern Provinces) Ordinance, 1926, the following regulations are hereby made:—

1. These regulations may be cited as the Education (Colony and Southern Provinces) (Honorary Teachers' Certificate—Amendment) Regulations, 1943. Short title.

2. Regulation 25 of the Education (Colony and Southern Provinces) Regulations, 1931, is hereby amended by deleting the first three words occurring therein and substituting the following therefor:— Amendment of regulation 25 of Regulations 6 of 1931.

"In those cases in which, in the opinion of the Director, the circumstances are exceptional and justify the issue of Honorary Teachers' Certificates, such certificates".

Made by the Governor in Council at Lagos this 16th day of November, 1943.

K. P. MADDOCKS,
Clerk of the Executive Council.

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NIGERIA.

NO. 251

9 //
Government House,
Nigeria.

5th June, 1942.

My Lord,

I have the honour to transmit herewith, for the signification of His Majesty's pleasure with respect thereto, two authenticated and ten ordinary copies of Ordinance No. 9 of 1942 entitled "An Ordinance to make better provision in regard to Education in Nigeria" together with the usual report thereon by the Acting Attorney-General.

I have the honour to be,
My Lord,
Your Lordship's most obedient,
humble Servant,

Alan Burns

OFFICER ADMINISTERING THE GOVERNMENT.

THE RIGHT HONOURABLE
LORD CRANBORNE, P.C.,
SECRETARY OF STATE FOR THE COLONIES,
&c., &c., &c.

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Assented to in His Majesty's name in so far as the provisions hereof relate to the Colony and to the Southern Provinces of the Protectorate, and enacted by me in so far as the provisions hereof relate to the Northern Provinces of the Protectorate this 20th day of May, 1942.

ALAN BURNS,
Officer Administering the Government

(L.S.)

No. 9

1942



Colony and Protectorate of Nigeria.

IN THE SIXTH YEAR OF THE REIGN OF
HIS MAJESTY KING GEORGE VI.

SIR ALAN BURNS, K.C.M.G.
Officer Administering the Government.

AN ORDINANCE TO MAKE BETTER PROVISION IN REGARD TO EDUCATION IN NIGERIA. Title.

[, 19 .] Date of commencement.

BE IT ENACTED by the Governor of the Colony and Protectorate of Nigeria, with the advice and consent of the Legislative Council so far as the provisions hereof relate to the Colony and the Southern Provinces, as follows:— Enactment.

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Short title
and com-
mencement.

1. This Ordinance may be cited as the Education Ordinance, 1942, and shall come into operation on a day to be fixed by the Governor by notice in the Gazette.

Definitions.

2. Definitions:—

- "adult school" means an institution in which pupils other than those of school age receive regular instruction;
- "assisted school" means a school other than a Government school to which, under the provisions of this Ordinance, a grant is made from the public revenue;
- "Assistant Director" means the person appointed by the Governor to be Assistant Director of Education for the Northern Provinces and the person appointed for that purpose for the Colony and Southern Provinces;
- "Board" means either of the Boards of Education constituted under this Ordinance;
- "class for religious instruction" means a class or assembly of not less than six persons receiving instruction in religious subjects and in one or more of such elementary subjects as are specified in a syllabus drawn up for the purposes of this definition by the Director with the advice of the Board, but in no other subjects;
- "Director" means the Director of Education for Nigeria;
- "department of a school" means infant classes or primary classes or secondary classes;
- "education officer" means an officer appointed by the Government to assist in the control of education;
- "Government school" means a school established by the Governor and maintained wholly or in part by the public revenue;
- "manager" in the case of a school or class for religious instruction which is conducted by the proprietor in person means the proprietor, and in the case of every other school or class for religious instruction means the person for the time being appointed by the proprietor to be the responsible local representative of the proprietor;

- "native authority school" means a school established by a native authority and maintained wholly or in part by the revenue of the native authority;
- "proprietor" in relation to a school or class for religious instruction means any person, society or corporation by whom or which a school other than a Government or native authority school is established or conducted;
- "school" means an institution in which not less than ten pupils receive regular instruction and includes any assembly of not less than ten pupils for the purpose of receiving regular instruction and any institution for the training of teachers; but does not include a Koranic school or any other class for religious instruction;
- "school age" means not exceeding 18 years in a school not proceeding beyond Standard VI, Middle II or Higher Elementary II, and not exceeding 21 years in a secondary school;
- "staff" in relation to a school or class for religious instruction means all persons engaged in teaching in the school or class for religious instruction;
- "supervisor" means a person appointed by a proprietor and approved by the Governor to assist in the supervision of schools established and conducted by such proprietor;
- "vernacular school or department" means a school or department of a school in which the instruction is given solely in the vernacular.

3. (1) The Governor may from time to time establish Government schools in any part of Nigeria. Any school established by the Government prior to the commencement of this Ordinance shall be deemed to be a Government school established under this Ordinance.

Establishment of Government and native authority schools.

(2) A native authority may from time to time with the consent of the Resident of the Province establish schools within its administrative area. Any school established by a native authority prior to the commencement of this Ordinance shall be deemed to be a native authority school established under this Ordinance.

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Constitution of Boards of Education for the Northern Provinces, the Colony and Southern Provinces.

4. (1) There shall be two Boards of Education, one for the Northern Provinces and one for the Colony and Southern Provinces.

(2) The Board for the Northern Provinces shall consist of—

- (a) the Director,
- (b) the Assistant Director, and
- (c) the following other persons to be appointed by the Governor,
 - (i) not less than three officers of the Government, or other persons,
 - (ii) not less than three representatives of missions or other educational agencies working in the Northern Provinces,
 - (iii) not less than two native authorities or representatives of native authorities.

(3) The Board for the Colony and the Southern Provinces shall consist of—

- (a) the Director,
- (b) the Assistant Director, and
- (c) the following other persons to be appointed by the Governor,
 - (i) not less than ten representatives of missions and other educational agencies working in the Colony and the Southern Provinces,
 - (ii) such officers of the Government or other persons as he may think fit.

(4) At least one member of each Board shall be a woman.

(5) There shall be a secretary to each Board who shall be appointed by the Director.

(6) The Director shall be the President of each Board; in his absence from any meeting of either Board the Assistant Director of Education shall be chairman, or, in the absence of both the Director and the Assistant Director, the senior official member shall be chairman.

(7) If any member is unable to attend a meeting of the Board, any other person, may, if the Director or the chairman of the meeting approves, represent him on the Board for such meeting and shall be entitled to vote.

(8) For the Board for the Northern Provinces the chairman and three other members shall form a quorum, and for the Board for the Colony and Southern Provinces the chairman and six other members.

(9) The Board may appoint committees of its members for the purpose of carrying out duties assigned to committees of the Board by this Ordinance or by any regulations which may be made under section 21.

(10) The Board may direct how many members of a committee shall form a quorum, but so that, in no case, the number be less than three.

(11) The Board may appoint the chairman of a committee or may leave the committee to appoint a chairman.

(12) Any question before a meeting of the Board or of a committee shall be decided by a majority of votes and the chairman of such meeting shall, in addition to his own vote as a member of the Board or of the committee, have a casting vote in cases where the votes of the members are equally divided.

(13) The Board shall meet at such times and places as the President shall appoint.

5. Members of the Board appointed by the Governor may be appointed for any period not exceeding three years, and shall be eligible for re-appointment thereafter:

Tenure of office of members of the Board.

Provided that the Governor may at any time revoke any appointment under sub-sections (2) and (3) of section 4, and any member appointed as aforesaid may at any time by notification to the Governor in writing resign his seat on the Board.

6. The President of the Board may invite, for the purposes of any particular meeting or meetings of such Board, any person to attend for such meeting or meetings.

President may invite persons to Board meetings.

7. It shall be the duty of the Board to consider reports of the proceedings of school committees established under section 8 and advise the Governor thereon; to recommend to the Governor any changes in the regulations; to make any reports to the Governor which it may consider necessary on matters of importance affecting education; and generally to perform such duties as may be prescribed or as the Governor may direct.

Duties of the Board

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Establishment of school committees.

8. (1) The Governor may establish school committees in the Colony and in any province or group of provinces in Nigeria, and may appoint chairmen of such committees.

(2) In the Northern Provinces three members and in the Colony and Southern Provinces four members of a committee shall form a quorum.

(3) Not less than two members of a school committee shall be selected from persons who are connected with schools in the area for which the committee is appointed.

(4) In areas where supervisors have been approved by the Governor, they shall be *ex-officio* members of the school committees established in those areas.

(5) School committees shall meet at least once a year upon dates to be fixed by the chairman and notified to the members by the secretary. Except in cases of urgency the agenda shall be circulated to members at least three weeks previous to the meetings. Any member unable to attend may send his views in writing with regard to any matter mentioned in the agenda to the secretary for the consideration of the committee at the meeting.

(6) Any question before a meeting of a school committee shall be decided by a majority of votes, and the chairman shall, in addition to his vote as a member, have a casting vote in cases where the votes of the members are equally divided.

(7) The minutes of each meeting, together with any written views sent by absent members, shall be forwarded by the secretary of the committee to the secretary to the Board as soon as possible after the meeting.

Duties of school committees.

9. The duties of a school committee shall be:—

- (a) to advise the Director and the Board as to the best methods of promoting and raising the standard of education in the area for which it is appointed;
- (b) to suggest to the Director and to the Board any variation in the curriculum or in the conduct of the schools which may, in its opinion, be suitable to conditions in such area; and
- (c) to advise—
 - (i) on the best methods of school housing;
 - (ii) on sanitation;

(iii) on the general welfare of the pupils in the schools;

(iv) on the provision of adequate playgrounds; and

(d) in general to perform such other duties as the Governor may direct.

10. (1) A register or registers of teachers in Nigeria shall be kept by an officer or officers appointed for the purpose by the Director. Registration of teachers.

(2) No person shall teach in any school in Nigeria unless he has been enrolled on a register of teachers, or after his name has been deleted from such register or during any period of suspension.

(3) A person may be registered as a vernacular teacher and any person so registered shall teach only in schools or departments of schools in which the medium of instruction is the vernacular.

(4) Any person who contravenes any provision of this section, and any proprietor or manager who permits any such contravention, shall be guilty of an offence and shall be liable to a fine of five pounds and to an additional fine of one pound in respect of each and every day during which such offence continues.

(5) The provisions of this section shall not apply to the teaching of religion by persons other than registered teachers, or to the teaching of any particular subject by a person who is not a registered teacher in cases where the approval of the Director has been obtained.

11. The proprietor of every school (other than a Government or native authority school) which is not conducted by the proprietor in person shall, in the case of a school established before the commencement of this Ordinance, immediately after the commencement of this Ordinance, and in the case of a school established after the commencement of this Ordinance, not less than three months before the school is opened for the reception of pupils, appoint, and notify the Director of the appointment of, some person connected with the school and resident in Nigeria to be the responsible local representative of the proprietor to whom any communication from the Government relating to the school may be addressed, and shall at all times thereafter have a representative in Nigeria and notify the Director of any change either in the

Appointment of managers of schools other than Government and native authority.

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person or the address of his representative. For a failure to comply with any of the requirements of this section the proprietor shall be liable to a fine of ten pounds.

New schools, departments of schools and the opening thereof in the Colony and Southern Provinces.

12. (1) In the Colony and Southern Provinces no new school or department of a school shall be established unless—

- (a) notification in writing giving the following particulars is sent by the proprietor to the Director not less than three months before the school is opened:—
- (i) the name and address of the proprietor of the school;
 - (ii) the name and address of the manager;
 - (iii) the situation of the school and plan of the buildings;
 - (iv) the type of school proposed;
 - (v) the numbers, qualifications and nationality of the staff;
 - (vi) such further information as the Director may require;
- (b) the consent of the Director has been obtained.

(2) If the proprietor of any new school or department of a school is aggrieved by the withholding of consent by the Director, or if no consent is given within two months from the date upon which the notification is given under sub-section (1), he may appeal to the Board who shall appoint a committee of the Board to consider the suitability of the person to be in charge of the school or department of a school and generally upon the particulars supplied in the notification under sub-section (1); and the Governor may, on the recommendation of such committee,

- (a) prohibit the opening of the school or department of a school where the committee is not satisfied that the person whom it is proposed to be the proprietor or manager or other person in charge thereof is a suitable person to be in such charge, and
- (b) prohibit the opening of the school or department of a school until such time as the committee is satisfied that the school or department of a school will be efficiently conducted, adequately staffed and is in other respects approved by the committee.

(3) Any proprietor who shall furnish particulars in a notification under sub-section (1) which are false to his knowledge shall be liable to a fine of ten pounds.

13. (1) In the Northern Provinces no new school or department of a school or class for religious instruction shall be established without the prior approval of the Resident of the Province in which it is desired to establish such school or class. Any application for such approval shall be made through the provincial education officer:

Provided that a class for religious instruction personally conducted by a person who is a member of the same tribe as that of the town or village in which such class is established, and who has been and is in permanent occupation of a dwelling in that town or village and is gaining a livelihood there shall not require such prior approval.

(2) A proprietor who shall open any school, department of a school or class for religious instruction without having conformed to the provisions of this section shall be liable to a fine of ten pounds and a further fine of two pounds for each and every day during which the school, department of a school or class for religious instruction is so opened and such school, department or class shall be closed.

14. (1) In the Colony and Southern Provinces the manager of every school shall send annually to the Director a return showing the following particulars:—

- (a) the number of pupils on the roll and the average attendance of pupils;
- (b) the numbers, qualifications and nationality of the staff.

Returns in respect of assisted schools must be so sent before the 15th January in each year and returns for all other schools in the month of July of each year. Such returns shall relate to the year ending on the previous 31st December.

(2) In the Northern Provinces the managers of schools or classes for religious instruction shall keep such records and furnish such returns to the Assistant Director as may be prescribed.

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New schools, departments of schools and classes for religious instruction and the opening thereof in the Northern Provinces.

Returns in respect of schools and classes for religious instruction to be made.

shall be liable on conviction to a fine of one hundred pounds, and if the offence shall continue after such conviction he shall be liable on a second or any subsequent conviction to a fine of one hundred pounds or to imprisonment for one year or to both such fine and imprisonment.

Government grant.

18. Subject to the provisions of this Ordinance and to any regulations made thereunder, the Governor may make to any non-Government school or native authority school or to a missionary or educational society or corporation for educational purposes in Nigeria a grant from public revenue of such amount and subject to such conditions as may be prescribed by regulations.

Grant, how made.

19. No grant shall be made except on the recommendation of the Director, but the amount of such grant shall be determined by the Governor.

Refund of grant in certain cases.

20. The proprietor and manager of a school to which a grant has been made under section 18 shall be jointly and severally liable to refund the whole grant made to the school if it should be found that the grant made was greater in amount than it should have been owing to any misrepresentation or false return wilfully and knowingly made by the proprietor or manager.

Regulations.

21. (1) The Governor in Council, on the recommendation of the Board, may make regulations for all or any of the purposes following:—

- (a) the functions and duties of the Board, of committees of the Board, of school committees, and of supervisors;
- (b) the making of grants to schools and missionary and educational societies or corporations working in Nigeria;
- (c) the buildings in which schools may be conducted;
- (d) the instruction to be given in schools;
- (e) the examination of teachers and the classification of the certificates given to teachers;
- (f) the registration of teachers and the removal, temporarily or permanently, of names from the register of teachers;

- (g) the inspection and examination of schools by fit and proper persons;
- (h) the records, including account books, to be kept at schools and the returns to be furnished by managers;
- (i) the relation between schools and Government departments in regard to apprentices;
- (j) the exemption of certain schools or classes from such of the provisions of this Ordinance and the regulations made hereunder as may be specified;
- (k) generally for carrying into effect the purposes and provisions of this Ordinance.

(2) Such regulations may be made in respect of the whole of Nigeria or separate regulations may be made in respect of the Northern Provinces or the Southern Provinces or the Colony, or any combination thereof.

22. The Ordinances set out in the Schedule hereto are hereby wholly repealed. Repeal. Schedule.

SCHEDULE

No. and Year.	Short Title.
No. 15 of 1926 ...	The Education (Colony and Southern Provinces) Ordinance, 1926.
No. 14 of 1928 ...	The Education (Colony and Southern Provinces) (Amendment) Ordinance, 1928.
No. 25 of 1929 ...	The Education (Colony and Southern Provinces) (Amendment) Ordinance, 1929.
No. 7 of 1931 ...	The Education (Colony and Southern Provinces) (Amendment) Ordinance, 1931.
No. 42 of 1933 ...	The Education (Colony and Southern Provinces) (Amendment) Ordinance, 1933.
No. 9 of 1934 ...	The Education (Colony and Southern Provinces) (Amendment) Ordinance, 1934.
No. 11 of 1931 ...	The Education (Northern Provinces) Ordinance, 1931.
No. 65 of 1933 ...	The Education (Northern Provinces) (Amendment) Ordinance, 1933.

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This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council, and in so far as the provisions thereof relate to the Colony and to the Southern Provinces of the Protectorate, is found by me to be a true and correctly printed copy of the said Bill.

P. F. CAMPBELL,
Clerk of the Legislative Council.

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ON

A BILL FOR AN ORDINANCE TO MAKE BETTER
PROVISION IN REGARD TO EDUCATION IN NIGERIA.

This Bill comes within category "A".

2. The short title of this Bill is the Education Ordinance, 1942, and in my opinion, the assent of His Excellency may properly be given thereto.

3. Until this Bill education in Nigeria has been provided for by two Ordinances, the Education (Colony and Southern Provinces) Ordinance, 1926, and the Education (Northern Provinces) Ordinance, 1931, and it is considered that the time has come when these two Ordinances may be conveniently consolidated into one Ordinance for the whole country. This Bill incorporates the consolidation and while the majority of the provisions are reproduced from the original Ordinances there is some new matter.

4. One or two new definitions have been inserted in clause 2 of the Bill and merit attention. New definitions of "school age", "adult school" and "native authority school" have been inserted. The definition of vernacular schools is necessary for their control under regulations to be made under the regulation-making powers in clause 21 of the Bill as it is necessary in the Northern Provinces to distinguish between the purely vernacular school and the school providing instruction in English.

5. Under the present Ordinances teachers registered in the Southern Provinces require to be registered in the Northern Provinces and vice versa; this will be no longer necessary under the provisions in clause 10.

6. Opportunity has been taken in clause 16 to lay down more specifically the procedure to be followed when it is proposed to

close

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close a school.

7. The present Ordinance for the Southern Provinces while laying down certain formalities to be complied with prior to the opening of new schools does not provide for the previous consent of the Director of Education to be obtained, while in the Northern Provinces the consent of the Resident of the particular province has always been a condition precedent. The machinery under the existing law by which the opening of a new school may be prohibited is cumbersome and there seems to be no cogent reason why in the case of the Southern Provinces the previous consent of the Director of Education should not be required, thus (as regards prior official consent) following the practice of the Northern Provinces, provided that adequate safeguards exist. Clause 12 of the Bill relates to this question and it will be seen that under sub-clause (2) provision is made for an appeal to be lodged against the Director's decision should the proprietor of the proposed school feel that permission to open is being unreasonably withheld.

8. It will be observed that provision has also been made in the appropriate parts of the Bill for departments of a school. This will not only enable extensions to be made to an existing school but also enable a measure of control to be maintained over new departments independently, if necessary, of the existing school.

9. Finally it will be observed that by the provisions of clause 18 grants may be made to any native authority school, as well as to non-Government schools, missionary societies,

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societies, etc., on the recommendation of the Director of Education.

G. L. Howz

Acting Attorney-General.

Attorney-General's Chambers,
Lagos, Nigeria.
2nd. April, 1942.

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NIGERIA

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R. 302
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Miss Evans 7/2
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MISCELLANEOUS ENQUIRY

REQUESTS INFORMATION CONCERNING
THE AFRICAN UNIVERSAL CHURCH
AND EBIBIRPIM LTD:

MINUTES

1 Nigeria S.T. 364 ————— 284 43

Mr. Malins

In my absence on tour,
will you please call at 86, Calinia Rd.
& have a look at his manifestation
please obtain an information as to you
can & make a short report so that
we can reply to (i). M/G action
[L.D.] please see.

R. Cummings
19/4.

1994

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I visited No. 86 Caledonian Road, N.1. today. The external appearance of the house resembles one of the many fish and chip shops which abound in that district, and this is accentuated by the sign "Fishers of Men" on the building. On the ground floor is a lounge at the back of which one could see what looks like a hall. I was led to the office of the Manager, a Mr. Banard, by name. On the table and the bookcases there were books on religion and Christianity together with pamphlets and magazines on Colonial questions, for example a report of the Stockdale Commission, and the Crown Colonist.

Mr. Banard explained the work of his organisation which is partly religious and partly commercial. In its religious sphere its insignia is "Fishers of Men", and it is undenominational with a Christian bias. I understand that at one time it had a boys club attached to it. The Society is apparently keenly interested in trade in West Africa, particularly Gold Coast and Nigeria. Ebibirpim Ltd., is the commercial name of the body. It is the London headquarters of the African Universal Church in Nigeria, a similar organisation which is partly religious and partly commercial, and the head of that body is a Nigerian, Bai Kwamin. I saw photographs of this man and representatives of the Nigerian section. I understand that most of the members of the Church are farmers, and through the Church they secure a unity of purpose in the religious as well as commercial sphere. The Church had been engaged in the cassava starch industry, still in its infancy in Nigeria, and the wild silk industry which is now only in its experimental stage. The policy of the United Africa Co. (Unilever), Cadbury, and the other cocoa ~~traders~~ ^{magnates} was severely attacked. Mr. Banard is quite familiar with some of the trading difficulties in the West Coast, and claims to have the power of attorney for the African Universal Church. "

J. Mahoney
27. 5. 43.

Mr. Parkinson.

I asked some people here to make enquiries. Mr. ~~At~~ Mahoney's ~~mind~~ ^{mind} is the result. I leave it to you to decide how much of it should be communicated to Nigeria.

Mr. Cummings to see after affairs.

Harman 1975

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Mr. Lincoln.

(1) - is anything known from the security point of view, pt?

A. L. L. L. L.
31.5.43

I have referred to the Security Service

but do not know

They have no record of the organization under either name.

It would be more curious than most if anything further is

discovered as to its activities we would be grateful if we might be advised.

A. L. L. L. L.
/6

Reply to (1) by Dawson enclosing copy of minute dated 27/5 for information and ask that further information possibly obtainable from G.I.C. when the organization is believed to operate.

Repeat to G.C. and ask for any information to be reported to us
A. L. L. L. L. 2/6

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- 2 To Nigeria Saw Tel 191 w/c of Report. — (10 and) — 5/6/43 4
- 3 To G. Coast Saw Tel 89 w/c of 1 + 2 + ends — 5/6/43
- 4 Gold Coast. S.T. 105 — 15.7.43

Hi Arnold to see another form by

Thanks for.
 A. Lee
 10-31/7

S. Lawton
 31.7.43
 at sea

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SAVING

54

FROM GOVERNOR, GOLD COAST

TO THE SECRETARY OF STATE FOR THE COLONIES.

DATE 15th July, 1943.

No. 105. SAVING

RECEIVED
29 JUL 1943
G. O. REGY

dup
3
30109/324/43

With reference to your Saving Telegram No. 89 of the 5th June, 1943, I enclose a note on the African Universal Church and Ebibirom Limited.

A copy of the enclosure is being forwarded to the Governor of Nigeria.

GOVERNOR.

mxv.

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EBIBIRPIM LIMITED.

The Church appears to owe its origin to "Princess" Laura Koffey, who in the late nineteen twenties visited America and sought to persuade Afro-Americans to return to the land of their forefathers. She died in America.

2. In 1929 the African Universal Church and Commercial League met in America to draw up its Constitution and Regulations. No mention is made of Princess Laura Koffey and the published Constitution and Regulations do not set out the aims and ideals of the Church and League.

3. According to "West Africa" (24.9.32) a party giving effect to the views of Princess Laura arrived off the Gold Coast in 1930 and, being refused admission, proceeded to Nigeria.

4. In 1932 one Bresi-Ando (a native of the Gold Coast) returned to the Gold Coast from Nigeria and commenced to establish the "Koffey African Universal Church (inc) of the U.S.A." Bresi-Ando posed as Bishop. The church claimed to have commercial, industrial and other branches.

5. In the same year Bresi-Ando, writing as Bishop of West Africa, informed Government that arrangements had been made to start an institution of learning under the designation "Ebibirpim" Academy to help in the educational work of the country. He commenced to collect funds, addressing "rally envelopes" (which regretably were never filled and returned) to the Colonial Secretary and to the Secretary for Native Affairs. There were no trustees for the church funds and they were not banked. Nothing was ever heard of the educational work nor of the academy of learning for which the funds were solicited.

6. The church next came to notice in 1936. It had then become the African Universal Church (Incorporating Koffey). Meanwhile Bresi-Ando had been to England. There he attempted to extend the commercial activities of the church and brought into being the African Church Stores. These Stores, he alleged, dealt in European and foreign manufacturers, and owned gold and other mineral concessions. In actual fact the stores never functioned. While in England he claimed to be a Wanti Primate with twenty million followers. His business activities came in for some adverse comment by John Bull and some of the West African papers. At the same time he got himself engaged to a London girl and obtained some publicity both on this account and on account of being taken to Court for failing to pay an instalment due on a piano. While in England he changed his name and title to that of the Right Reverend Mar Kwamin, Prince Patriarch of the Universal (Orthodox Catholic) Church of Africa.

7. In 1938 there was a schism in the church. A heretic appeared in the person of the Prince Patriarch's own brother, AINU BRESI-ANDO, Priest Superior of the Diocese of Saint Peter III of Antioch, the Ashanti branch of the church. (Ainu had been ordained by the Patriarch after one month's intensive Theological Training under him). Some of the Kumasi members of the church, inspired by brother AINU, found that they were no longer able to subscribe to the doctrines preached by the Prince Patriarch and announced that they had broken away and formed a church known as the Orthodox Catholic Church of Africa whose doctrines, they hoped, would bring them "an embracing success as Christians".

8. The Prince Patriarch acted with great determination. A Writ of Interdiction commencing "We, Kwamin, of the Order of

Antioch, /

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Antioch, By the Grace of God Prince-Patriarch, Etc., Etc., Etc.", relieved the Reverend Father Ainu of his priestly and ecclesiastical functions and (with laudable consideration) of his vows as well. The Prince Patriarch went on to order Ainu to be publicly disrobed and to be known thenceforth as a plain man. Should the heretic refuse to give up his licences and credentials (as he had done in the case of the account books), these, declared the outraged Patriarch, should be null and void. We never heard the eventual outcome of these disputes.

9. Nor was anything further heard about the church, as such. When Bresi-Ando again appears on the files it is as a would-be exporter of cassava starch. In this connection please see Mr. C.G.R. Williams demi-official letter to Sir George London, No. 18026/40 of June 13th, 1940, and the correspondence forwarded under cover of the Secretary of State's despatch No. 227 of November 9th, 1942. Ebibirpim Limited has, it is understood, actually exported cassava.

2
19009/9/42

10. It is reported that Bresi-Ando is now at Aba in Nigeria. He left the Gold Coast to escape his creditors. His debts of which the Police have information amount to over 3700. But it is believed that he owes a lot more. The Church has to all intents and purposes, ceased to exist and Ebibirpim Limited has been relegated to a small thatched room in Accra.

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Mr. Maynard 4/6/43.

Saving.

From the Secretary of State for the Colonies.

To the Officer Administering the Government of ~~the Gold Coast.~~

Date 5th June, 1943.

No. 89 Saving.

(No. 1) - I enclose a copy of a saving telegram received from the Governor of Nigeria requesting to be furnished with any information that may be available concerning the African Universal Church and Ebibirpin Limited whose London headquarters are at 86 Caledonia Road, N.1, together with a copy of my reply thereto.

(accompanying savingram to Nigeria & encls.) If further information regarding this organisation is available in the Gold Coast I shall be obliged if you will report such information to the Government of Nigeria and to me.

3 8

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Mr. Maynard. 4/16/43. *done*

Saving.

From the Secretary of State for the Colonies.

To the Officer Administering the Government of _____ NIGERIA.

Date 5th June, 1943.

No. 191 Saving.

Your saving telegram No. 364 of the 28th of April requesting information regarding the African Universal Church and Zbibirpim Limited.

I enclose a copy of a report on a visit made to the London headquarters of this organisation. Further information may possibly be obtainable from the Gold Coast where the organisation is believed also to operate and I am therefore sending a copy of the correspondence to the Governor with a request that he will furnish you with any additional information that he may have.

Copy with end of G. Coast with (3)

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SAVINGRAM

From : Governor Nigeria
To : Secretary of State for the Colonies
Date : 28th April, 1943
No : 364 Saving.

Grateful for any information available concerning
the African Universal Church and Ebibirpim Limited whose
headquarters are said to be at 86 Caledonia Road N1.

GNPZX

10
END

copy sent to G. Board with (3)

Am. of (2)

WLL

RECEIVED
10 MAY 1943
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