

Proposals for
The Revision of the
Constitution of
Nigeria



COLONIAL OFFICE

PROPOSALS FOR THE REVISION OF THE CONSTITUTION OF NIGERIA

*Presented by the Secretary of State for the Colonies
to Parliament by Command of His Majesty
March 1945*

LONDON: PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE
To be purchased directly from H.M. Stationery Office at the following addresses:
York House, Kingsway, London, W.C.2; 13a Castle Street, Edinburgh, 2;
39 King Street, Manchester, 2; 2 Edmund Street, Birmingham, 3;
1 St. Andrew's Crescent, Cardiff; Tower Lane, Bristol, 1;
80 Chichester Street, Belfast
OR THROUGH ANY BOOKSELLER

1945.

Reprinted 1949

Price 3 d. net.

Cmd. 6599

I. INTRODUCTORY NOTE

In the despatch from the Governor of Nigeria which is published herewith are set out detailed proposals which the Governor has prepared for the revision of the Constitution of Nigeria. The object of the proposed reforms is to set up a framework within which development towards responsible government can be planned and carried out on practical lines—a purpose for which it has become apparent that the existing political organisation is inadequate. The proposals have been designed to bridge the gulf between the people and the Government by a measure of decentralisation and by a widening of the basis of representation which will bring the established Native Authorities within the legislative machine. At the same time they provide, by the grant of unofficial majorities on the Legislative and regional Councils, for an immediate advance along the road to responsible government.

2. The Governor has had an opportunity of discussing his proposals personally at the Colonial Office, and he has been informed that favourable consideration would be given to reforms on the lines now put forward. But in view of the important place which Nigeria holds in the Colonial Empire, and of the far reaching effects which changes of such a fundamental nature as those now proposed are bound to have on the future development of the territory, it has been thought desirable that Parliament and the representatives of the people of Nigeria should be given an opportunity of examining and voicing their opinions on the proposed new Constitution before it is finally approved for submission to His Majesty the King. The Governor has therefore been authorised to lay a copy of his despatch before the Nigerian Legislative Council for consideration and discussion, simultaneously with its publication in this country, and it is hoped that it will be found possible to arrange for these important proposals to be debated in Parliament.

3. For the better understanding in the United Kingdom both of the proposals themselves and of the conditions which they have been designed to meet, it may be useful to add the following brief account of the existing administrative and political organisation of Nigeria.

4. The existence of Nigeria as a single political unit dates back only to 1914, in which year the Colony and Protectorate of Southern Nigeria were amalgamated with the Protectorate of Northern Nigeria under one Government. Originally the historical circumstances of British penetration into this part of West Africa had resulted in the establishment of three separate administrations under three entirely different authorities: in the south-west, the Colony of Lagos, ceded by treaty in 1861, had been administered under the Colonial Office, together with the protectorate later established over the tribes in the immediate hinterland; in the Niger Delta and further to the east, the Oil Rivers Protectorate had been established in 1885 under Foreign Office control and had later been extended inland and renamed the Niger Coast Protectorate; while deeper into the interior, up the Niger and Benue rivers, certain territories had been brought under British jurisdiction by the Royal Niger Company to which a Charter conveying administrative rights had been granted in 1885. In 1899, however, the Royal Niger Company's Charter was revoked and their territories in the north, consolidated and extended, became the Protectorate of Northern Nigeria. In the same year the Foreign Office surrendered control of the Niger Coast Protectorate to the Colonial Office and in 1906 this territory was amalgamated with those administered from Lagos to form the Colony and Protectorate of Southern Nigeria.

5. When all the Nigerian territories were brought under one Government in 1914, the division into Northern and Southern provinces was retained for administrative purposes and each group of provinces was administered through a Lieutenant Governor responsible to the Governor whose headquarters were

at Lagos. In 1939 the Southern Provinces were divided again and the title of Chief Commissioner was substituted for that of Lieutenant Governor, with the result that the present administrative organisation consists of three groups of Provinces, Northern, Western and Eastern, under Chief Commissioners whose headquarters are at Kaduna, Ibadan, and Enugu respectively. Each Chief Commissioner has his own Secretariat and a staff of Residents, with subordinate Administrative Officers, in charge of the individual provinces. He also exercises a general control over the work of the technical Departments (e.g., Medical, Education, Agricultural, etc.) which operate within his group of provinces, but the departmental officers remain responsible in technical matters to the Heads of their own Departments, whose headquarters are for the most part in Lagos. It has not always been possible to determine this division of responsibility satisfactorily in the past and this has at times led to over-centralisation which, in a country the size of Nigeria, is bound to have an adverse effect on the efficiency of government.

6. The Colony, which comprises the island of Lagos and a small area of the mainland in its immediate vicinity, has by virtue of its special status remained independent of the provincial groupings and is administered by a Commissioner directly responsible to the Governor through the Chief Secretary.

7. Since 1924 that part of the Cameroons which is under British Mandate has been administered as an integral part of Nigeria, the southern portion being treated as one of the Eastern Provinces and the northern portion as part of the Northern Provinces.

8. It will have been observed that the tripartite grouping of the provinces for administrative purposes has roots in the history of the British occupation. In fact, these roots go very much deeper. Sociologically the peoples of Nigeria fall into three broad divisions, which may in turn be related to physical and climatic differences in the north, west, and east, which affected early tribal movements within these areas. Thus, in the open plains of the Northern Provinces (which cover nearly three-quarters of the total area of Nigeria and contain over eleven millions of its total population of some twenty millions) are to be found the highly organised Hausa Emirates in which the civilisation of Islam has been established for centuries. There are also in the north, in certain mountainous areas, a number of isolated but important pagan communities which have survived the Moslem invasion or have been only partially assimilated. In the tropical rain forests of the South-West, which formed an effective barrier against the horse-borne invaders from the north, are also to be found considerable native states, such as the kingdoms of Yorubaland and Benin, whose political structure is equally highly organised but differs entirely from that of the Moslem Emirates; while the creeks of the Niger Delta and the hills and forests of the South-East are inhabited by tribes, numerically important, whose traditional social organisation recognises no larger unit than the family or kinship group.

9. Each of these areas presents different problems in administration. The policy of indirect rule, whereby the fullest possible use is made of the traditional Native Authorities in the administration of the country, was first systematised by Lord Lugard in the Northern Provinces of Nigeria, and has since been extended successfully to the Western and Eastern Provinces. Naturally the existence of well organised native states makes it easier to give effect to this policy, but where, as in the Eastern Provinces, no ready-made organisation exists, the attempt has been made to build one up on the foundation of local custom and tradition. The amount of responsibility which it is possible to entrust to any particular Native Authority naturally depends upon its efficiency. In many cases, particularly in the larger states of the North and

West, a very high standard has been achieved. Hitherto, however, the Native Authorities have been concerned only with local government and, although they have been encouraged to look beyond their own particular boundaries by the holding of annual conferences of Chiefs in the Northern and Western Provinces (as has been explained, there are few traditional Chieftainships in the Eastern Provinces) they have not yet played any part on the central Legislature.

10. When Northern and Southern Nigeria were first amalgamated in 1914 the jurisdiction of the Legislative Council which then existed was confined to the Colony, though there was also a Nigerian Council whose membership included nominated representatives of the principal progressive African communities in the Northern and Southern Provinces. The Nigerian Council, however, had no legislative powers and its activities were confined to debating such matters as might be put to the Council by the Governor or raised by the members themselves from time to time. In 1922 both these Councils were abolished and in their place was set up the Nigerian Legislative Council which exists to-day. This Council consists of the Governor (who as President has a casting as well as an original vote) ; not more than thirty Official Members (including the Chief Secretary to the Government, the three Chief Commissioners, and certain senior Administrative Officers and Heads of Departments) ; three Elected Unofficial Members representing the municipal area of Lagos ; one Elected Unofficial Member representing the municipal area of Calabar ; and not more than seventeen Nominated Unofficial Members. These last at present include ten Africans, who have been selected by the Governor, as prominent members of their local communities, to represent particular areas or communities in the Southern Provinces, and seven Europeans, appointed to represent commercial, mining, banking, and shipping interests.

11. Apart from the representatives of commercial and mining interests there is no unofficial representation of the Northern Provinces on the Legislative Council and the Council's legislative powers extend only to the Colony and the Western and Eastern Provinces. The Governor in Executive Council is the legislative authority for the Northern Provinces. In practice, however, the position must be regarded as anomalous, since the annual Budget which contains the departmental estimates of expenditure covering the North as well as the South is passed by the Legislative Council ; and other legislation passed by that Council in respect of the Colony and the Western and Eastern Provinces may equally affect the Northern Provinces, e.g., laws governing the imposition of Customs duties. It is therefore obviously desirable that there should be proper unofficial representation of the people of the Northern Provinces on the Legislative Council.

12. The Executive Council is an advisory body which the Governor is required to consult in all matters of importance affecting any part of Nigeria. Its present membership is as follows :—

Ex-officio Members.

- The Chief Secretary.
- The three Chief Commissioners.
- The Attorney General.
- The Financial Secretary.
- The Director of Medical Services.
- The Director of Education.

Appointed Members.

Four appointed members, consisting at present of one official and three unofficials, two of the latter being Africans.

March, 1945.

II. DESPATCH FROM THE GOVERNOR OF NIGERIA TO THE SECRETARY OF STATE FOR THE COLONIES.

Government House,
Lagos, Nigeria.

6th December, 1944.

SIR,

I have the honour to address you on the subject of the political and constitutional future of Nigeria. I shall endeavour to set forth my conclusions and recommendations with a brevity which is no measure of the time and trouble taken to form them.

As you are aware, I studied a number of relevant documents in London during November of last year and I had the advantage of many discussions with officers of your staff. Since assuming office in Nigeria I have read all the local memoranda on constitutional questions. During the very extensive travelling which I have undertaken in the past twelve months, I have kept the subject constantly in mind and have, I hope, retained an objective outlook. The background of the different races comprised within the area known as Nigeria and the diversity of their languages, customs, beliefs, habits, and aspirations have been drawn by many pens, among the most notable being that of Lord Hailey, whose writings have been the foundation for my study of the subject. I also wish to record my indebtedness to my predecessor, Sir Bernard Bourdillon; during his period of office he gave profound thought to the problems of constitutional development and the conclusions which he formed have been of the greatest assistance to me in framing my proposals. I have also steeped myself in the writings and the thought of Lord Lugard, who has had no equal in knowledge of the people and in grasp of the principles and practice of colonial administration. He was confronted with the difficult setting of an artificial unity which existed only on the map. His problem was to build a system which would allow organic growth and make the unity originally superimposed from outside into a living thing which might progress from varying stages of adolescence to adult nationhood. If I may be permitted the observation, Lord Lugard never allowed principles to become divorced from practice and he held always before him the ideal of natural growth.

2. I have made these preliminary remarks because I feel very strongly that political progress must be planned deliberately and that, while allowance must be made for changes and any constitutional experiment must be flexible in its provisions, there must be some framework of design. We cannot leave all the difficulties to Time and Fate. As I see it, the main test to apply to new political and constitutional proposals is—will they work and, if so, how? The problem of Nigeria today is how to create a political system which is itself a present advance and contains the living possibility of further orderly advance—a system within which the diverse elements may progress at varying speeds, amicably and smoothly, towards a more closely integrated economic, social and political unity, without sacrificing the principles and ideals inherent in their divergent ways of life. The present system of Government in Nigeria has many inconsistencies and by its nature is unsuited for expansion on a Nigerian basis. A governing factor in my thoughts has been the physical size of Nigeria—one-third of British India or the size of France, Belgium and the United Kingdom put together—with a population double that of the Dominion of Canada. Planning for such a country should, therefore, be on an Imperial scale, far different from the small-scale planning which is adequate for a Colony of the normal small size. We have been urged to take some risks and I agree that we should do so. To refuse to take risks is to admit

political insolvency. I have tried to avoid false analogies. It is not the Westminster model but the principles which lie behind it and make it work that I have tried to apply, and in doing so I have retained the fundamental principle of real and practical training by progressive stages based on Native Institutions.

3. In framing my proposals I have kept three objects before me ; to promote the unity of Nigeria ; to provide adequately within that unity for the diverse elements which make up the country ; and to secure greater participation by Africans in the discussion of their own affairs. At present no unity exists, nor does the constitution encourage its growth. The Legislative Council does not legislate for the Northern Provinces, so that more than half the population is outside its range. Even in the Western and Eastern Provinces, which are within its sphere, the mass of the people are insufficiently represented. What is wanted is a constitutional framework covering the whole of Nigeria and a Legislative Council on which all sections of the community are given representation. But however widely representative it may be, a Central Legislature by itself is not enough. Nigeria falls naturally into three regions, the North, the West and the East, and the people of those regions differ widely in race, in customs, in outlook and in their traditional systems of government. This natural division of the country is reflected in the machinery of administration, the three sets of provinces being grouped together each under a Chief Commissioner ; but this purely administrative arrangement, besides being incomplete in itself through the lack of an adequate regional organisation at each Chief Commissioner's headquarters, has no counterpart in the constitutional sphere. Apart from Chiefs' Conferences, no bodies exist at which public affairs can be discussed on a less narrow plane than the purely local or one less wide than the Nigerian. Nor is there any constitutional link between the Legislative Council and the Native Authorities. What are needed are bodies where the affairs of each group of provinces can be discussed, bodies which on the one hand are linked by membership with the Native Authorities, and on the other hand can send delegates to speak for each region in the Central Legislature. And these bodies must be so constituted as to be acceptable to public opinion in the regions where they are established. Having set up such bodies and widened the scope of the Central Legislature, it would still remain to secure a greater voice in their affairs for the Africans themselves. At present officials are in the majority on the Legislative Council, but I feel that the time has come to create unofficial majorities.

4. The recommendations which I put forward, with the support of all three Chief Commissioners, provide both for the widening of the scope and membership of the Legislative Council and for the establishment of Regional Councils for the Northern, Western and Eastern Provinces. The Northern regional Council would consist of two chambers, the House of Chiefs and the House of Assembly, while in the West and East there would be a single chamber in each case, the House of Assembly. The new Legislative Council would legislate for the whole country including the Northern Provinces. The whole range of Nigerian affairs would be open for debate, especially on the second reading of the Budget. The Legislative Council would be so constituted as to have an unofficial and an African majority and, while direct election would be retained where it exists at present, the majority of the unofficial members would be selected from their own bodies by the Northern House of Chiefs and by the unofficial members of the Houses of Assembly. Thus the regional Councils would act as electoral colleges for the Legislative Council apart from their other functions. The Houses of Assembly would themselves have unofficial majorities and the greater part of the unofficial members would be nominated

by the Native Authorities in each province from their own numbers. In this way a chain of representation would be created from the Legislative Council to the people through the regional Councils and the Native Authorities, and it would be a type of representation which would be in accordance with custom, would fit in naturally with existing institutions, and would be readily intelligible to the people themselves.

5. I do not propose that there should be any change in the constitution of the Executive Council, the functions of which are purely advisory, and which has recently been enlarged by the addition of three unofficial members.

6. The system of native administration would continue its evolution precisely as at present and the progressive devolution of authority and responsibility to Native Authorities would proceed. But if the Native Authorities are to play their full part in the constitutional framework, they must be prepared continually to adapt themselves to modern conditions. The system of indirect rule cannot be static; it must keep pace with the development of the country and it must find a place for the more progressive and better educated men. Only in this way can the Native Authorities retain the confidence of the people as education spreads and only in this way can local administration be effectively carried on. Progress in this direction has, of course, been taking place for some time. In the Eastern Provinces the absence of any traditional political organisation has made it possible to build up Native Authorities on democratic lines in the form of Councils on which all the individual family units within the larger tribal units have equal representation. These Councils include representatives of the political associations sponsored by the educated members of the community. In the Northern and Western Provinces also the traditional rulers have been encouraged to admit to their Councils representatives of progressive opinion. In the Western Provinces, in particular, only four of the Native Authorities consist of a Chief alone, the rest being "Chief-in-Council" or "Council" and the Councils include representatives of the educated element who are often in effect chosen by the local political associations. This progressive modernisation of the Native Authorities is an essential part of the policy which I put forward.

7. My proposals for constitutional development fit in well with the forthcoming reform of the judicial system, under which, instead of a Supreme Court for the Colony and a Protectorate Court for the rest of Nigeria, a single Supreme Court will be set up covering the whole country. The details of my proposals are set out in the paragraphs which follow.

Membership of House of Chiefs and Houses of Assembly

Northern Provinces House of Chiefs

8. I propose that the Chief Commissioner should preside and that the membership should be on the lines so successfully followed at present for the annual Chiefs' Conference. First-class Chiefs would sit as of right and other Chiefs would select a representative panel from among their own numbers, subject to the approval of the Governor acting on the advice of the Chief Commissioner. For the present Conference all First-class Chiefs (13) are invited. Second-class Chiefs are grouped Provincially and one from each group is invited, which results in an annual attendance of about ten out of a total of twenty-nine Second-class Chiefs.

Houses of Assembly

9. I propose the following membership :—

NORTHERN PROVINCES

Official Members

Senior Resident (President)
 All other Residents (12)—including Secretary, Northern Provinces
 Deputy Financial Secretary
 Deputy Director of Education
 Deputy Director of Agriculture
 Deputy Director of Medical Services
 Deputy Director of Public Works
 Crown Counsel

= 19.

Unofficial Members

Fourteen Provincial Members to be selected by Native Authorities from their members other than major Chiefs.

Six Members to be nominated by the Governor to secure adequate representation of the Pagan community, smaller Native Authorities, the Sabon Gari community, industry and commerce or any other important aspects of life not otherwise represented among the unofficial members.

= 20

WESTERN PROVINCES

President. The Chief Commissioner.

Official Members

Residents (7)—(the Secretary, Western Provinces, being raised to status of Resident.)
 Deputy Financial Secretary
 Deputy Director of Education
 Deputy Director of Agriculture
 Deputy Director of Medical Services
 Deputy Director of Public Works
 Crown Counsel

= 14

Unofficial Members

Three Chiefs. (To be nominated by the Governor after consultation with Western Provinces Chiefs.)

Seven Provincial Members to be selected by Native Authorities from their members, other than major Chiefs.

Five Members to be nominated by the Governor from prominent citizens representing important aspects of life not otherwise represented among the unofficial members.

= 15

EASTERN PROVINCES (INCLUDING CAMEROONS)

President. The Chief Commissioner.

Official Members

Residents (6)—(the Secretary, Eastern Provinces, being raised to status of Resident.)
 Deputy Financial Secretary
 Deputy Director of Education
 Deputy Director of Agriculture
 Deputy Director of Medical Services
 Deputy Director of Public Works
 Crown Counsel

= 13

Unofficial Members

Nine Provincial Members to be selected by Native Authorities from their members.

Five Members to be nominated by the Governor from prominent citizens to represent important aspects of life not otherwise represented among the unofficial members.

— 14

The President of each House would have an original and a casting vote, but there would be an unofficial majority in each. All the unofficial members would be persons of African descent domiciled in Nigeria. Nominations of unofficial members would be for three years.

Functions of House of Chiefs and Houses of Assembly

10. Although as stated below the regional Councils would not in the first instance have any responsibility for the enactment of legislation, they would be concerned with both legislation and finance in addition to their deliberative functions. The Houses of Assembly would debate motions and resolutions whether brought forward by the official or the unofficial members, although, in accordance with the usual practice, the unofficial members would not be entitled to propose money resolutions. The House of Chiefs in the Northern Provinces would equally have the right to originate motions and resolutions other than money resolutions.

11. In the first instance I propose that the Legislative Council of Nigeria should remain responsible for the actual passage of all legislation pending consideration by a committee whether legislative powers, and if so what powers, should be devolved on the regional Councils. Meanwhile all bills, other than purely formal bills or bills introduced under certificates of urgency, would be laid on the table of the regional Councils, before submission to the Legislative Council, for general discussion on the lines of a second reading debate and for the submission of advice by resolution should any amendments be desired.

Annexure I.

12. I propose to devolve upon the regional Councils a large measure of financial responsibility. Each would have its own regional budget, on which would be borne the cost of all Government services in the region, including the salaries of Government personnel. The only exception would be the cost within the region of services declared to be central services, such as the railway, posts and telegraphs, income tax and audit which would continue to be carried on the Central Estimates as at present, together with the central organisation of Government, the headquarters and central staff of all Departments and such charges as interest on public debt, pensions, etc. Regional revenue would consist in the first place of the share of the direct tax at present payable to the Central Government together with any receipts from fees, licences, etc., which might be allotted to the regional budgets, and in the second place of annual block grants from central revenue. The Houses of Assembly would debate the regional estimates in detail before passing them with such amendments as they desired to suggest. In the Northern Provinces the estimates would also be considered by the House of Chiefs, which would have the power to delete or amend items, but not to insert new ones. After passing the regional Councils the estimates would be submitted to the Governor, who would have the right to amend them if he thought this necessary in the public interest. When approved by the Governor they would appear in the central estimates as block votes, full details being given in the form of

appendices. A statement is attached giving in greater detail my proposals for the financial procedure of regional Councils and their relations with the Legislative Council on matters of finance.

13. The arrangements which I propose for dealing with regional revenue and expenditure would in no way detract from the responsibility of Native Authorities for operating their own local services and financing them from their own revenues. These revenues are mainly derived from the share of the direct tax retained by the Native Authorities, a share which the Governor has power under the law to increase or decrease. In order to simplify the system and to encourage Native Authorities to adopt progressive policies, I have recently frozen their contribution to central revenue from the direct tax at the amounts paid in by them during the year 1943-44. The remainder, and the whole of any additional proceeds from any increase in the direct tax, is to be retained by the Native Authorities themselves. They will thus be in a position to play an increasing part in the development of their own areas and the recent correlation of Native Authority and Government salaries will make it easier for them to secure the trained staff which they need for this purpose and will also help to prevent over-lapping between Government and Native Authority spheres of work.

14. I have referred to the financial functions and responsibilities of Native Authorities because I regard their relations with the regional Councils as equally important as those of the regional Councils with the Central Legislature. Under my proposals the Native Authorities and the regional Councils would share the direct tax as a source of revenue and the presence of Native Authority representatives on the Houses of Assembly should ensure a proper co-ordination between regional and purely local expenditure.

Meetings of the House of Chiefs and Houses of Assembly

15. The House of Chiefs and the Houses of Assembly would meet annually in January for their budget sessions. The place of meeting would be Kaduna for the Northern Provinces, Ibadan for the Western Provinces, and Enugu for the Eastern Provinces. The language would be Hausa in the North and English in the West and East. The present annual conferences of Residents and of Chiefs in the Northern and Western Provinces and of Residents in the Eastern Provinces would cease to take place. At first one annual meeting of the regional Councils would probably be sufficient, but the possibility of additional meetings would not be excluded and, in order that the members of the Houses of Assembly might keep in touch with administration and to obtain practical experience in special subjects, committees of the Houses would be formed to deal with such matters as education, development, etc. Finance Committees of the Houses of Assembly would also be established.

Membership of the Legislative Council

16. I recommend that the Legislative Council of Nigeria should have the following membership :—

President. H.E. The Governor.

Official Members

Chief Secretary

Chief Commissioners (3)

One Senior Resident each from Northern Provinces, Western Provinces and Eastern Provinces (3)

Attorney General
 Financial Secretary
 Development Secretary
 Director of Education
 Director of Agriculture
 Director of Medical Services
 Director of Public Works
 Commissioner of Labour
 Director of Marine
 Comptroller of Customs and Excise
 General Manager of the Railway
 Commissioner of Police
 Commissioner of Colony

= 20

Unofficial Members.

Four Emirs (to be nominated by the House of Chiefs, Northern Provinces).

Two Chiefs from the Western Provinces (to be nominated by the Governor from the three Chiefs who are members of the House of Assembly).

Five Members from the Northern Provinces (to be nominated by the unofficial members of the House of Assembly, from their own body).

Four Members from the Western Provinces (to be nominated by the unofficial members of the House of Assembly from their own body).

Five Members from the Eastern Provinces (to be nominated by the unofficial members of the House of Assembly from their own body).

One Member for Calabar (to be elected from the township area as at present).

Three Members for Lagos (to be elected from the Municipal area as at present).

One Member for the Colony (to be nominated by the Governor after consultation with the Native Authorities).

One Member to represent Banking	} To be nominated by the Governor.
One " " " Shipping	
One " " " Industry and Commerce.	
One " " " Mining	

= 29

The Governor would have a casting vote only and the Council would thus have an unofficial majority of twenty-nine to twenty, and, on the assumption that the four members representing banking, shipping, industry and commerce, and mining would as at present be Europeans, an African majority of twenty-five to twenty-four. The Governor would be provided under the Constitution with the usual reserve powers to be exercised, if necessary, in the interests of public faith, public order and good government. Nominations of unofficial members would be for three years.

Functions of Legislative Council

17. The Legislative Council's functions would be the same as at present, with the essential difference that it would legislate for the whole of Nigeria including the Northern Provinces. The Finance Committee of the Legislative Council would continue to operate as at present.

Meetings of the Legislative Council

18. The Legislative Council would meet for the budget session as at present in March, with other meetings during the year as required. The Budget Session would be held in successive years at Lagos, Kaduna, Ibadan and Enugu to demonstrate the Nigerian character of the Council. All other meetings would take place at Lagos.

The Position of Lagos and the Colony

19. Lagos itself, comprising its present town limits divided into urban and suburban areas with a population of about 210,000, would become a Municipality with extensive powers. The rural area of the Colony, with a population of about 200,000, would remain directly under the Legislative Council and would continue to be administered by a Commissioner, three District Officers and Native Authorities. Departmental activities in the Colony would remain as at present organised. The Colony budget, a small matter if the municipal area is excluded, would form part of the central estimates. The Lagos municipal budget would form an appendix to the central estimates like the regional budgets, only a block grant of such subsidy as might be considered suitable being included in the body of the central estimates.

Annexure II.

20. The Lagos municipal area would continue to elect three members to the Legislative Council and the Calabar township area would continue to elect one. The system of election by ballot is not, in my view, a suitable method in Nigerian conditions for securing the proper representation of the people, nor would it be understood by the mass of the population. I should therefore be opposed to any extension of election by ballot at present, but at the same time I do not propose any variation in the existing electoral arrangements either at Lagos or at Calabar, although the small number of voters in proportion to those entitled to vote does not indicate any great attachment to this method of selecting members. A note on the qualifications required for entry on the electoral roll at Lagos and Calabar is attached.

21. I have not overlooked the possibility of introducing municipal government in places other than Lagos, but I do not consider the time ripe for this development and indeed in the Northern and Western Provinces the municipal system has not yet taken the public imagination and runs counter to established ideas.

Administrative Machinery

22. I regard it as essential to the success of the regional Councils that adequate administrative machinery should be established at each regional headquarters. The constitutional proposals involve the creation of regional Deputies to the Heads of all the principal Departments and it is my intention that the Chief Commissioners, in consultation with these Deputies, should settle all local matters in the regions, only referring to Government on questions of policy and to departmental Directors on major questions affecting their departments. Regional Deputies would refer to their Directors where necessary on technical and departmental questions, but would be responsible to Chief Commissioners on all local questions. The Chief Commissioner and the regional Deputies would in fact form what would amount to a regional executive council, responsible, under the Government, for the co-ordination of all activities in the region and for its general welfare and development.

23. The appointment of regional Deputies is in any case long overdue. Excessive centralisation of authority in Lagos has left the Chief Commissioners without authoritative guidance on technical questions at their headquarters and has so over-loaded the Heads of Departments that they cannot travel as they should or give that full attention to major issues of policy which the interests of the country increasingly demand. It is impossible to over-stress the difference which would be made to administration by the courtesy of an occasional call on officers in the field, if Heads of Departments had time to travel, and by sympathetic discussion and explanation of policy and practice with local Chiefs and Administrative Officers. Under my proposals the principal Heads of Departments, with three Deputies in the provinces and another at headquarters, would be able to travel and to think.

24. I feel moreover that the interest of the Service would be stimulated by the establishment of regional Councils where all the Residents would be free to take an active part in the financial dispositions of their own Provinces and in the discussion of legislation affecting them. Although Nigerian policy would be settled at a higher level, the chance of public contribution to the making of such policy would always be present in the debates of the regional Councils.

25. My chief difficulty in considering how best to promote Nigerian unity and political progress has been the patent diversity of outlook between the different parts of Nigeria. As I have already said, it would be useless to pretend that unity exists at present, nor would clumsy attempts to achieve it result in anything but opposition. The individualism and the craving to paddle their own canoes, which distinguishes the people of the Eastern Provinces, finds no counterpart in the disciplined and conservative north, where respect and affection for their Chiefs is a very real factor. Progress is in the air and the pace can be accelerated, but too great haste or too little regard for ingrained sentiment and belief can only defeat its own object. In the Northern Provinces a very large section of the community has up to now shown no signs of the awakening of its political consciousness in the modern sense. The constitutional system which I propose will provide an outlet for political thought so far as it has emerged, and the representative character of the Legislative and regional Councils will be a safeguard against the domination of public affairs by any section of the community which may happen temporarily to be in a favoured position. This representative character should also ensure that political development will be in accordance with the wishes of the people themselves and so be of lasting value. But if the mass of the population are to play an effective part in the constitutional scheme, it will be necessary to foster more resolutely the formal meetings of village, district and, in some cases, Provincial Councils as part of the system of native administration. It is in these councils that the habit of political thought will be inculcated so as to make possible the wise choice of the provincial members of the Houses of Assembly. The encouragement of district and village councils will be particularly important in the Northern Provinces, where the main units of native administration are large, so that without these intermediate links there is a danger of the Native Authorities not being in close enough touch with the people themselves.

26. I propose that the new Constitution should remain in force for nine years and be reviewed at the end of that period; but that in the intervening years, at the end of the third and if necessary the sixth year, there should be a review of the system of direct nomination by the Governor for membership of the Houses of Assembly and of the Legislative Council, in those cases where

I have proposed this form of selection in the first instance, with a view to substituting a form of nomination by choice of the people represented wherever this might be found to be practicable.

27. In conclusion I ask for your authority to make these proposals public by laying a copy of this despatch on the table of the Legislative Council at the forthcoming Budget Session and by inviting a discussion in the Council.

I have the honour to be, Sir,

Your most obedient, humble servant,

A. F. RICHARDS,
GOVERNOR.

Colonel the Right Honourable Oliver Stanley, M.C., M.P.,
Secretary of State for the Colonies,
London, S.W.1.

ANNEXURE I

It is proposed that the financial procedure of the regional Councils and their relations with the Legislative Council on matters of finance should be as follows:—

(a) Accounting Arrangements.

The system of accounting would remain exactly as at present and there would continue to be a single accounting organisation for the whole of Nigeria and a single surplus and reserve. The regions would thus have no separate accounts and no separate surplus or reserve.

(b) Regional Estimates.

(i) *Expenditure.*—The regional expenditure estimates presented to the Houses of Assembly would consist of a detailed statement, in the usual form, of all items of expenditure borne on the regional budgets. These would include all the main services functioning in the regions, e.g., administration, medical, public works, agriculture, education, etc., but would exclude the cost within the region of services declared to be central services, such as the railway, posts and telegraphs, income tax and audit as well as such central expenditure as interest on public debt, pensions, etc.

(ii) *Revenue.*—The revenue side of the regional budgets would show revenue divided into two heads:—

(a) The revenue estimated to be derived from the regional Council's share of the direct tax (at present payable to the Central Government), plus any other revenue from fees, licences, etc., declared to be regional.

(b) The block grant from central revenue.

(iii) *Functions of Houses of Assembly with regard to estimates.*—The Houses of Assembly would consider the expenditure estimates presented to them and would pass them with such amendments as they desired to suggest. In accordance with the ordinary practice, the unofficial members would not have power to propose increases on individual items or heads of the estimates, but only reductions or deletions. In the Northern Provinces the budget, after passing the House of Assembly, would be considered by the House of Chiefs, which would have the right to veto or amend any of the items, but not to insert new ones. After passing the regional Councils the estimates would be submitted to the Governor, who would have the right to amend them if he thought this necessary in the public interest. When approved by the Governor they would appear in the central estimates as block votes, full details being given in the form of appendices. The regional Councils would at first not be given power to appropriate expenditure and the appropriation of regional expenditure would be in the hands of the Legislative Council. If, however, as the result of the recommendations of the Committee referred to in paragraph 11 of the despatch, it should be decided to devolve any legislative powers on the regional Councils, it might also in due course be decided to devolve upon the Houses of Assembly the power of legally appropriating regional revenue.

(c) Central Estimates.

(i) *Expenditure.*—All items of expenditure not included in the regional estimates would appear in the central estimates exactly as at present, while these estimates would include three block votes of expenditure covering the whole of the expenditure proposed for each region. The Central Council would be discouraged from discussing the details of regional expenditure.

(ii) *Revenue.*—The central estimates of revenue would remain exactly as at present.

(iii) *Future procedure.*—Should the Houses of Assembly at a future date be given the legal power of appropriating regional expenditure, as suggested under (b) (iii) above, a further change in the form of the central estimates would become necessary. If the Houses of Assembly appropriated their own expenditure, it would follow that the Central Council would cease to appropriate the *whole* of the regional expenditure and would appropriate only the block votes made from central revenue to supplement regional revenue (i.e., the difference between the total of regional revenue and the total of regional expenditure). Similarly the central revenue estimates would then exclude regional revenue, which would be shown on the regional estimates only.

(d) Colonial Development and Welfare Expenditure.

Colonial Development and Welfare expenditure would be shown in the central estimates divided up into central expenditure and expenditure in the three regions. The regional expenditure would also be shown, under a separate head, in the regional estimates, with a corresponding entry on the revenue side.

(e) Supplementary Expenditure.

Finance Committees of the Houses of Assembly would be set up to deal with supplementary expenditure. As wide as possible a devolution of power to the regions with regard to supplementary expenditure should be made. The exact arrangements would be a matter for consideration at a later stage, but as a general rule it should not be necessary to refer supplementary expenditure to the central Finance Committee unless an increase in the block vote for the region was involved.

ANNEXURE II

The qualifications for persons entitled to vote in Legislative Council elections are contained in the following Articles of the Nigeria (Legislative Council) Order in Council, 1922:—

Elected Members.

" VI. The Elected Members of the Council shall be elected as follows:—

- (1) Three Members by persons duly qualified as electors as hereinafter provided, who are resident within the municipal area of Lagos.
- (2) One Member by persons duly qualified as electors as hereinafter provided, who are resident within the municipal area of Calabar.

Qualifications of Electors.

" XX. Every male person shall be entitled to be registered as an elector, and when registered to vote at the election of Elected Members of the Council who—

- (1) is a British subject, or a native of the Protectorate of Nigeria;
- (2) is of the age of twenty-one years or upwards;
- (3) has been ordinarily resident for the twelve months immediately preceding the date of registration in the municipal area for which the election is being held; and
- (4) was during the calendar year immediately preceding, in possession of a gross annual income, from all sources, of not less than one hundred pounds.

Disqualification of Electors.

" XXI. No person shall be entitled to be registered as an elector, or when registered to vote at the election of Elected Members of Council who—

- (1) has been sentenced by any competent Court in any part of His Majesty's dominions or in any territory under his protection, to death, penal servitude, or imprisonment for a term exceeding six months; and has not either suffered the punishment to which he was sentenced, or such other punishment as may by competent authority have been substituted therefor, or received a free pardon; or
- (2) is, under any law in force in Nigeria, found or declared to be of unsound mind or adjudged to be a lunatic."