C O N T E N T S.

1 { 1. Report: Northern Nigeria Lands Committee. And Despatches relating thereto. (Chairman: Kenelm E. Digby.) 1910. (Cd.5102). pp.1-17. X9(J):(Z).654:N1t E0.1
{ 2. dto., Minutes of Evidence & Appendices. 1910. (Cd.5103.) pp.17-86. X9(J):(2654).N1t E0.2

2 3. Report: Amalgamation of Northern and Southern Nigeria, and Administration, 1912-1919. By Sir F. D. Lugard. 1920. (Cmd.468.) pp.87-130. V654:1.N2E. Fo

4. Correspondence re: Alienation of Tribal Lands. 1911. (Cd.5743.) pp.131-143. Z 657,211(Y72-7657):5.N1 E1

4 5. Report: Legislation Governing the Alienation of Native Lands in the Gold Coast Colony and Ashanti; with some observations on the "Forest Ordinance," 1911. By H. Conway Belfield. 1912. (Cd.6278.) pp.144-204. Z657,211(Y72-7657):5.N1t E2

6. Report by Sir Benjamin Robertson, dated 4th August 1920, regarding the proposed settlement of Indian Agriculturists in Tanganyika Territory and Letter from the Government of India to the Secretary of State for India, dated 10th February 1921. 1921. (Cmd.1312.) Y49(J):81.20k631.N2t F1

6 6. Annual Report: Agriculture Department, Uganda. 1921-22. 1924. pp.209-233. J.688r F3

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NORTHERN NIGERIA.

2003

REPORT

OF THE

NORTHERN NIGERIA LANDS COMMITTEE

And Despatches relating thereto.

(*The Minutes of Evidence and Appendices are printed separately as* [Cd. 5103].)

Presented to both Houses of Parliament by Command of His Majesty, April, 1910.

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NORTHERN NIGERIA LANDS COMMITTEE.

No. I.

REPORT to the Right Honourable the EARL OF CREWE, K.G., P.C., &c., &c., Secretary of State for the Colonies.

Terms of Reference.

The terms in which the subject of our enquiry has been referred to us are:—

> "To consider the evidence collected by Sir Percy Girouard, and any other evidence available as to the existing system of land tenure in Northern Nigeria; and to report (1) on the system which it is advisable to adopt, and (2) as to the legislative and administrative measures necessitated by its adoption."

Scope of Enquiry.

We apprehend that the duty with which we are charged is to report as to the leading principles on which legislation affecting land in Northern Nigeria ought to be based, and by which the Government of the country in the exercise of their proper functions in relation to land ought to be guided, and that, in reporting on the "legislative and administrative measures" necessitated by the adoption of the principles which we recommend, it is not desired that we should do more than indicate where necessary the general line of action to which our conclusions point.

Proceedings of the Committee.

We understand that the Colonial Office and the Government of Northern Nigeria attach much importance to an early decision on the points at issue. On this account, and owing to the fact that our colleagues, Mr. Temple and Captain Orr, are only available during the limited period of their furlough and to other circumstances, the time at our disposal has been somewhat short. We have, however, held thirteen meetings, in the course of which we have considered the evidence collected by Sir Percy Girouard in his two memoranda and their appendices, supplemented by the oral evidence of Sir Raymond Menendez, the late Chief Justice of Northern Nigeria, and of five experienced officers of the Political Department of Northern Nigeria, including our colleagues above mentioned. We have had before us also the various laws relating to land in force in the Protectorate and the memoranda on the subject of land, taxation and native revenue issued to his political officers by the late High Commissioner, Sir Frederick Lugard. Further it seemed of importance, as bearing upon the future development of the Protectorate, that we should be in possession of the views of firms and corporations possessing private industrial or commercial interests in the country with regard to questions affecting the occupation of land by Europeans for trading or other purposes. We accordingly invited the Niger Company, Limited, and Messrs. John Holt and Company (Liverpool) Limited, the two European firms who have been longest established on the Niger, and the British Cotton Growing Association, who, we understand, may be said to represent the interest of Lancashire in Northern Nigeria as a cotton-growing country, to send delegates to give evidence before us. Messrs. John Holt and Company and the British Cotton Growing Association responded to our invitation, and we have placed on record the views expressed on their behalf by Mr. John Holt and Sir Ralph Moor, K.C.M.G., respectively. The Niger Company elected not to give evidence.*

I.

SKETCH OF THE HISTORY AND PRESENT CONDITION OF THE PROVINCES OF NORTHERN NIGERIA.

1. For the purpose of the enquiry it seemed necessary, at the outset at least, to take separate account of the Mahomedan and pagan parts of the Protectorate, with a view to ascertaining whether any material differences exist as regards the native

* The reply of the Niger Company to the invitation of the Committee is printed in the Appendix, p. 137.

Girouard Memo. p. 26, Palmer 147, 154, &c. Gowers 870-873.

customs and practices relating to land and taxation between the parts where the inhabitants or ruling classes are mainly Mahomedan and the parts where they are mainly pagan. In order to explain the conclusion, which is, we think, to be drawn from the evidence, that such material differences do not in fact exist, we give a few brief historical notes compiled from the most trustworthy sources of information at our disposal, and verified from the personal knowledge and experience of our colleagues, Mr. Temple and Captain Orr.

2. Mahomedanism was introduced into Northern Nigeria by two stages. The Hausas and Bornuese, who, though they were not the aboriginal inhabitants, established themselves in parts of what is now Northern Nigeria very early in history, received the doctrines of Islam, as is generally believed, during the thirteenth century. A further religious movement obtained an impetus some centuries later from the race known as the Fulani, whose missionaries entered the country in considerable numbers from the North and North-West. This movement continued until it culminated at the beginning of the nineteenth century in a Holy War, the result of which was to place under Fulani rule the territory extending from Kano and Sokoto south to the Rivers Benue and Niger.

The provinces under Mahomedan rule at the advent of the British administration were:—

Gando (now included in Sokoto) Sokoto Kano (including Katsena and Katagum) Kontagora Nupe Bauchi Zaria Yola Ilorin Muri Bornu	Under Fulani rule.

An outline map showing the disposition of the various provinces is appended.

Of the provinces grouped together, all save Yola, Ilorin, Muri and Bauchi belonged to Hausaland, and were therefore to some extent Mahomedan before the Fulani occupation. Gando became one of the great seats of the Fulani Empire, but adjacent to it is the independent community of Argungu, which attained a relatively high state of civilisation under its pagan rulers. Bauchi, Yola, and Muri contain a large pagan population under Fulani rulers, and also large pagan communities independent of the Fulani. Yola is peculiar in that the Emir has been cut off by the Anglo-German boundary from the majority of his Fulani chiefs, and is left almost alone with a large unsubdued pagan population. Bornu succeeded in resisting Fulani aggression, and the larger part of it is at the present day ruled by a Bornuese Shehu (or Sultan). The remaining provinces of Northern Nigeria, viz., Borgu, Kabba, Bassa and Nassarawa, are all pagan in various stages of development.

3. The very complete system of native law and administration found to-day in Hausaland is believed to have been adopted by the Fulani from the Hausas under whom it had been built up. The result of this grafting of Fulani rule upon Hausa institutions has been to produce a very stable and coherent government in the Hausa provinces. In the non-Hausa Fulani provinces the central native government is less strong, and there are in every case large portions of the province over which its authority is merely nominal.

4. The system of taxation recognised by Mahomedan law admits of classification in four main groups:—

(*a*) Land and Crops;
(*b*) Trades and Crafts;
(*c*) Cattle;
(*d*) Tolls and Death Duties.

(*a*) Includes Zakka, a tithe of the staple crops, in theory levied only on Moslems; Kurdin Kassa, or land tax; and Kurdin Rafi, plantation tax, levied on other than the staple crops.

(*b*) Includes a multiplicity of taxes on trades and crafts more in the nature of licence fees than taxes. They did not exist in Sokoto or among the Fulani of Yola.

(*c*) Jangali, or cattle tax, is a proportional payment levied on herds.

(*d*). Gado (or Ushera) is a death duty.

In addition there was Gaisua, or present in recognition of sovereignty, paid principally to the rulers of Sokoto, and the Kurdin Sarauta, a fee payable on accession to office.

These taxes, subject to local variation, were levied throughout the area under Mahomedan rule. One of the most important local variations was in Bornu, where a general tax known as the "Haku Binirum," and described by the Resident as a graduated property tax, took the place of all but the Zakka and Jangali. In Zaria Orr 1079. the original basis of taxation was the hoe—that is to say, the amount of land which one man could cultivate. In Yola the only tax paid by the Fulani was Zakka.

In pagan districts subject to Mahomedan rule we have seen from the evidence that, in addition to the general land tribute or Kurdin Kassa, in some places at least Gowers 742-768. miscellaneous taxes on crafts, &c., were collected by the community and paid to the agents of the Emir. The general principle by which the Mahomedan rulers were guided seems to have been to exact from pagan communities living in subjection to Gowers 725 their authority as much by way of "Tribute" (Kurdin Kassa or other contributions) as they were capable of paying.

In districts subject to pagan rule the taxation assumed, generally speaking, a simpler form. But in Ilorin where Fulani methods and ideas had hardly modified the ancient system there was a very complete system of taxation. The taxes were payable to the Emir, whose power extended through a fairly well-organised system of government to almost the whole province. In Bassa, on the other hand, where the natives are mere savages, there was no taxation at all. This applies also to the greater part of Kabba, Nassarawa and Muri.

5. The British administration in its present phase dates only from the beginning of the year 1900, when the revocation of the Charter of the Royal Niger Company was followed by the establishment of government under a British High Commissioner. At first, only the river provinces, Borgu, Ilorin and Kabba, were under effective control. But the occupation of Kontagora, Nupe, Zaria, Nassarawa and Muri soon followed. Yola was brought into subjection in 1901, and in the following year Bauchi and Bornu recognised British supremacy. In 1903 the process was completed by the conquest of the Northern Emirates, of which Kano, Katsena, Sokoto and Gando were the principal. It has always been the aim of the British Government in Northern Nigeria to work through and by means of the native administration, where any regular system of native administration had previously existed as was the case in the Fulani Emirates and in Bornu. Many abuses had to be remedied, but in the main the native judicial and administrative systems were preserved and wherever possible strengthened. Where no regular native government had previously existed, the policy has been to endeavour to introduce some system on simple lines similar in character to the systems found in the more advanced parts of the Protectorate.

In the process of bringing the country under control care was taken to make quite clear the relation between the native rulers and the British Government. As each province submitted, the Emir, whether newly appointed or merely reinstated, received a letter of appointment from the High Commissioner explaining the intentions of the British Government, and stating clearly that the Government assumed the right to impose taxation and would in future hold the rights in land which the Fulani had similarly acquired at an earlier date. As in the case of the principal chiefs or Emirs, subordinate chiefs obtained their appointment at the hands of the Government, receiving a staff of office varying according to their rank. No distinction in this respect was made between Mahomedan and pagan. Early steps were taken to give legal sanction to the position thus assumed by the Government in relation to land and taxation by the enactment of laws on the subject. These laws will be discussed in detail at a later stage.

6. The question of taxation was taken up seriously as soon as the administration was placed on a firm footing by the conquest of the Northern Emirates. As a preliminary measure, the Land Revenue Proclamation of 1904 was passed; but this Proclamation, which dealt only with land and produce (including livestock)—groups (*a*) and (*c*) above—was soon superseded by a more comprehensive enactment, the Native Revenue Proclamation, which aimed at the substitution of a "general tax" for the multiplicity of taxes previously in force. The "general tax" was to be based

upon the sum of existing taxation, modified if necessary by the Resident, and was to be levied on the village as a unit "in accordance with the actual present wealth and ability of the village to pay." Jangali, which was largely collected from nomad herdsmen having no settled village, was of necessity kept separate. Gaisua and Kurdin Sarauta were recognised, but were reduced to nominal amounts and freed from the abuses which had attended their collection. The taxes were collected through the native administration, and definite shares were assigned to the various headmen, chiefs, and emirs.

7. In carrying out the provisions of the Proclamations above mentioned considerable allowance had to be made for local differences. In Sokoto, for instance, where there had been only Zakka and Jangali, a fresh assessment was necessary, and the taxation had to be light at first. Yola was in a similar position. In Kano, on the other hand, where the native system was very complete, that was taken as the basis, and the old taxes were collected and were to be consolidated gradually. In unsettled pagan districts, where there had been no taxation before, a small tax was imposed and was collected and paid to the Government by the representative of the community, who retained the proportion fixed by Government. The incidence of the tax was always light, but the importance was felt of accustoming the natives to the payment of taxes towards the support, and in recognition of the supremacy, of the Government, and as each new district was opened up steps were taken to secure that such tax should be paid.

Palmer 209.

Bowers 824.

II.

LAND TENURE.

8. In attempting to formulate in the words of our reference a description of "the system of land tenure in Northern Nigeria which it is advisable to adopt," it seems well to avoid as far as possible such technical phraseology as inevitably conveys ideas and associations in reality not applicable to the actual conditions prevailing in the Protectorate. The real question we have to consider is, what should be the actual powers and rights in regard to land of the Government; of the former ruling classes, Emirs, Chiefs or tribal authorities; and of the actual cultivators or occupiers of the soil; and how those powers and rights should be defined and protected by law and by methods of administration. We shall, therefore, avoid as far as possible the use of such expressions as freehold, copyhold, or leasehold tenure, tenancy at will, fief-holder, etc., all of which belong to a system of land tenure which, though it may in some respects present curious analogies with some of the Nigerian customs, has a peculiar and wholly different history.

Terms of Reference.

It is natural that in the first instance the Government of a conquered country should, in dealing with questions of land tenure, apply the ideas and use the phraseology which are appropriate to the law of their own country. We find that the language of the early Nigerian proclamations affords many instances of this tendency. On the other hand, these same proclamations will be found to lay down principles which, when worked out, are quite inconsistent with any idea that the law of land tenure in Northern Nigeria is to be framed on the model of the land laws of England.

(1) RELATION OF THE GOVERNMENT TO THE LAND OF THE PROTECTORATE.

9. Upon the occupation of the country a question at once arose as to the nature and extent of the rights acquired by the British Government over the land of the country. The main point for consideration which pressed upon the Government was in relation to the acquisition of rights in land by non-natives.

10. By Proclamation No. 8 of 1900, subsequently amended by No. 11 of 1906, it was provided:—

> 2. From and after the passing of this Proclamation, no person other than a native of the Protectorate shall, either directly or indirectly, acquire any interest in or right over land within Northern Nigeria from a native without the consent in writing of the High Commissioner first had and obtained.

3. Such consent shall state the nature of the interest or right acquired, and such other particulars relating thereto as the High Commissioner may from time to time deem necessary.

4. Any such interest in or right over land acquired without such consent as aforesaid shall be void.

11. So far as we are aware, the only important acquisition of lands by non-natives previously to the date of this Proclamation had been by the Royal Niger Company. A large amount of land had apparently before that time been *de facto* acquired by the Royal Niger Company. By the Crown Lands Proclamation, No. 16 of 1902, an Agreement dated 28th August, 1900, made between Sir F. Lugard as High Commissioner and the Representative of the Royal Niger Company, was confirmed, and the "lands, rights, and easements" in question were "to the extent and in the degree to which such lands, rights, and easements were vested in the Royal Niger Company vested in the High Commissioner for the time being in trust for His Majesty."

The Proclamation also provided—

4. (1) The High Commissioner for the time being shall have the management, control, and direction of such lands, rights, and easements, and may sell, lease or otherwise deal with the same in such manner as he may consider most conducive to the welfare and prosperity of the Protectorate.

(2) Conveyances and leases of such lands, rights, or easements shall be in such form as may be prescribed from time to time by regulations made under the provisions hereinafter appearing.

5. All moneys derived from such sales, leasing, or otherwise dealing with the said lands, rights, and easements as aforesaid shall form part of the general revenue of the Protectorate.

7. The provisions of this Proclamation shall apply in every respect to all other lands and to all rights or easements over lands situated in Northern Nigeria which are, or shall after the commencement of this Proclamation become the property of His Majesty his heirs and successors in the same manner as if they formed a portion of the lands mentioned or referred to in the agreements and instruments set out in the schedule.

12. A large amount of land, the particulars of which are given in the Schedule to the Proclamation, thus became "vested" in the Government and the language of the Proclamation, as indeed was probably necessary under the circumstances, deals with the transaction as if the title to the lands in question had been derived by the Royal Niger Company under the ordinary conditions of English Law. The nature and effect of this transaction is thus described by Sir F. Lugard. Lugard Memo. No. 16.

1. The Government of Northern Nigeria acquired the sole and absolute title to certain lands on the transfer of the late Chartered Company; they are set out in the Schedule to Proclamation 16 of 1902. These lands were stated by the Royal Niger Company to have been privately acquired, and held by them in their private right as a Commercial Company outside their functions of administration as a Chartered Company. They are very extensive, including, amongst others, a mile inland from either bank of the Niger from the Southern Nigeria frontier to Lokoja. The justification of the large sum paid by the Imperial Government to the Company at the time of their surrender of their Charter was probably considered by His Majesty's Government to consist largely in the acquisition of these extensive land rights.

These lands are, by presumption, the absolute property of the Government, though, as a matter of fact, native towns are situated upon them, the inhabitants of which, so far as I am aware, have no knowledge that their rights in the lands they occupy have ever been alienated. Since, moreover, the greater part are situated in pagan districts, where rights in the land are communal, it is doubtful whether it was in point of fact alienable by any chief under treaty. It must, however, in fairness to the Company, be borne in mind that the treaties under which they claimed to have acquired these lands, and also mineral rights, were often (probably almost always) the same by which they had acquired such political control as formed the basis of our claim to what is now Northern Nigeria, as opposed to the claims of Foreign Powers.

It does not appear that there is any other case of acquisition of lands within the Protectorate by non-natives, previous to the date of "The Lands Proclamation, 1900," which is likely to give rise to any question in the future.

13. The lands to which the Proclamation No. 16 of 1902 refers are called therein Crown Lands, and the Proclamation is styled "The Crown Lands Proclamation." In the same year a Proclamation (No. 13 of 1902), styled "The Lands Proclamation (Amendment) Proclamation 1902" was enacted. This Proclamation is to be read with "The Lands Proclamation 1900" which has been already referred to.

Public lands.

2. The High Commissioner may by writing under his hand and the Seal of the Protectorate declare to be public lands—

(1) All lands not in the actual occupation of persons or of the tenants, agents, or servants of

persons having an original or derivative title to such lands under any Proclamation enacted for the Protectorate, or under any law or custom prevailing in that part of the Protectorate where such lands are situated.

(2) Lands being the property of any conquered or deposed ruler.

3. Such written declaration may be registered under "The Land Registry Proclamation, 1901," in the same manner as a probate or any judgment of a Court relating to land.

4. All public lands and all rents issues and profits thereof shall be under the management, control, and direction of the High Commissioner, who may sell, lease, or otherwise deal with such public lands in the same way as if they were Crown lands.

5. All revenues derived from public lands shall form part of the general revenue of the Protectorate.

The Proclamation gives power to make regulations for the purpose of carrying out its provisions, and provides remedies for enforcing "The Lands Proclamation, 1900," for the recovery of lands occupied by non-natives in violation of the Proclamation, and for the punishment of any non-native who is in possession of any land belonging to a native contrary thereto.

14. The two Proclamations of 1902 appear to contemplate the establishment of two classes of lands; the first called Crown Lands, which are regarded as the absolute property of the Crown, and the second Public Lands as defined by section 2 of the Lands (Amendment) Proclamation. Whether it is desirable to retain this classification will be subsequently considered. Sir P. Girouard describes this classification of rights as, "from a legal point of view, cumbersome and in practice indefinite."

Girouard Memo. p. 6

The language and framework of this Proclamation evidently assume the recognition in the Protectorate of property in land according to the conceptions of English Law. The "rulers" are regarded as large territorial chiefs. The occupation of land is spoken of as resting on an original or derivative title, and the existence of the relation of landlord and tenant is in substance recognised. Lands which do not answer this description, which are neither the "property of any conquered or deposed ruler" nor in actual occupation by a person entitled thereto, are apparently regarded as "waste lands."

15. Reserving for the present the question whether it is desirable to continue to recognise the distinction made by the Proclamations of 1902 between Crown and other lands, the important point for consideration is what should be declared by legislation to be the true legal rights and obligations of the Government in regard to the whole of the land, whether actually occupied or not, within the boundaries of the Protectorate, with which must be considered the correlative question what should be the legal rights and duties of the cultivators or other persons claiming to have interests in the land. This, discarding the use of technical language, is what we understand to be meant by the question referred to us as to "the system of land tenure which it is advisable to adopt."

Lugard Memo. No. 16, pars. 3 and 4.

16. There is a general concurrence amongst all who have been concerned in the Government of the Protectorate that such a system must be as far as possible consonant with the ideas and customs prevailing in the country, and that legal conceptions borrowed from foreign systems of law, whether English or other, which are unsuitable to the conditions of the Protectorate, should, as far as possible, be excluded. Adopting these principles, we find that the fundamental bases on which the law should rest are (1) the paramount power and authority over the whole land of the Protectorate of the Government of the country (2) the preservation, with such definitions and modifications as may be found necessary, of existing native customs with regard to the use and occupation of the land.

17. The evidence before us appears to establish beyond question the fact that in the conception both of the Mahomedan and of the pagan portions of the Protectorate the fact of the acquisition of the country by the British Government effected a transfer to the British Government of whatever rights of control or superiority over the land were formerly exercised by Mahomedan or pagan chiefs or their subordinates. In so far as the chiefs continue to exercise control, they do so under the authority and subject to the supervision of the British Government. A number of instances where such control has been exercised without question will be found in the documentary and oral evidence. Indeed, the absence of serious difficulty or friction which has accompanied the transfer of authority from the previous ruling classes to

Temple, Girouard Memo. p. 11. Temple 547-563. Fremantle 995, 1,043.

the British Government is the strongest evidence both that the transfer accords with native ideas, whether Mahomedan or pagan, and that the actual power of the Government to control and regulate the use and occupation of the land is in fact the basis of the system of land tenure. Whether it is desirable formally to lay down by Proclamation this principle is considered later on. It is a principle which has already in many instances been acted on, notably in the Proclamation No. 8 of 1900 above referred to.

(2) NATIVE CUSTOMS.

18. There is also apparently complete concurrence in the adoption by the British Government of the principle that this control over the land within the Protectorate should as far as possible be exercised in accordance with native customs. This principle is embodied in the Supreme Court Proclamation No. 6 of 1902; Section 18 is in the following terms:— Menendez 52 etc.

> 18. Nothing in this Proclamation shall deprive the Supreme Court of the right to observe and enforce the observance, or shall deprive any person of the benefit of any law or custom existing in the Protectorate, such law or custom not being repugnant to natural justice, equity, and good conscience, nor incompatible either directly or by necessary implication with any Proclamation existing at the commencement of this Proclamation or which may afterwards come into operation. Such laws and customs shall be deemed applicable in causes and matters where the parties thereto are natives of the Protectorate, and particularly, but without derogating from their application in other cases, in causes and matters relating to marriage and the domestic relations and to the tenure and transfer of real and personal property, and to inheritance and testamentary dispositions, and also in causes and matters between natives and non-natives where it may appear to the Court that substantial injustice would be done to either party by strict adherence to the rules of English law. No party shall be entitled to claim the benefit of any local law or custom, if it shall appear either from express contract or from the nature of the transactions out of which any suits or question may have arisen, that such party agreed that his obligations in connection with such transactions should be regulated exclusively by English law: and in cases where no express rule is applicable to any matter in controversy, the Court shall be governed by the principles of justice, equity and good conscience.

Further, in Section 10 of "The Native Courts Proclamation, 1906," it is provided:—

> 10. Subject to the provisions of this Proclamation or any Proclamation in amendment thereof, the native law and custom prevailing in the territory over which a Native Court has jurisdiction, and any amendment of or addition thereto made under section 21 of this Proclamation shall be administered by such Court: provided that no punishment involving mutilation or torture, or which is repugnant to natural justice and humanity, may be inflicted.

Subject to the revision of the provisions of the Supreme Courts Proclamation which, as we shall point out hereafter, we consider necessary, these Proclamations clearly lay down the principle that so far as regards land tenure the law will recognise and enforce as far as possible native customs.

19. The late Chief Justice of the Protectorate, whose previous judicial experience had been in Southern Nigeria (the conditions of which dependency appear for this purpose to be similar to those prevailing in Northern Nigeria), informed us that there was practically no difficulty in proving the existence and character of native customs before the Government tribunals. They were generally known and agreed upon, and would be readily applied when necessary to such questions as possession, enjoyment, and inheritance of the user of land. Menendez 70-76.

Our colleague Mr. Temple, who has a very long experience of various parts of the Protectorate, emphatically states that so far as regards the control of the Government over the land and its use and enjoyment, the recognition of native law and customs presents no difficulty on the ground of the character of these customs. They are, in his opinion, "most equitable if they are carried out." Temple 566.

20. It appears to us, therefore, that the provisions of the Supreme Court and Native Courts Proclamations above set out lay down the true principles on which the law of land tenure should be based, and it may be doubted whether for the present, at all events, the "measures necessitated" by the adoption of those principles are not rather of an "administrative" than of a "legislative" character. It appears too early as yet to draw up a detailed code of land legislation. The first effect of the adoption of the principles (1) that the whole of the land, whether occupied or unoccupied, is subject to the control of the Government, (2) that that control is to be exercised, as far as possible, in accordance with native customs, seems to be to exclude the English conception of private ownership of land, or of any fixity of annual payment on account of the occupation of land. It is not necessary to stop to Terms of Reference.

analyse the English conception of private ownership. The analysis would involve an historical enquiry which would not be germane to our present purpose. It is sufficient to say that as the result of a long series of events English law has reached the conception of property in land, the principal characteristics of which are (1) for all practical purposes indefinite and exclusive rights of user and enjoyment; (2) rights of alienation, *inter vivos* and by will, conferring upon the grantee an indefeasible title limited only by the laws of perpetuity and mortmain; (3) intestate succession according to common law as modified by Statute. In most, if not all, other European countries certain further limitations on the right of property in land are imposed by law, but these are immaterial for the present purpose.

Temple, Girouard Memo. p. 11.

21. If the fundamental principles above stated are adopted and adhered to as the foundation of the law of the tenure of land in Northern Nigeria there is no room for the development of the conception of private property in land with which we in England are familiar. For though the Government may, in the exercise of its general powers of control, grant the use and enjoyment of the land to any person, whether native or not, on such terms as are not inconsistent with native custom, it appears that under native custom the power of revoking such a grant is retained.

Orr, Girouard Memo. p. 36, paras. 3 & 4.

This power of revocation or dispossession constitutes in effect, as Captain Orr points out, the dividing line between the cultivator of land who is a mere licensee and the occupier of land who has, as an English lawyer would say, a property in the soil. The licensee has in reality no such property. He has no legal right to security of possession; he cannot sell or mortgage the land so as to make a secure title to the purchaser or mortgagee. Nor does he transmit an indefeasible title to his heirs. He may do all these things by the permission of the Government, but the evidence shows that however usual it may be that he may so act without interference there is no custom which if turned into law would prevent such interference.

Mr. Temple therefore appears to be justified in saying:

> "Unless I am greatly mistaken the cardinal feature of native custom with regard to the tenure of land is that, under no possible conditions, can a private estate exist."

Orr, Girouard Memo. p. 36. Girouard Memo. p. 26. Menendez 94. Palmer 15. Powers 870-871.

Captain Orr expresses his substantial agreement with these views. That Mr. Temple's and Captain Orr's views are shared by other resident officers and by the present Governor, Sir Percy Girouard, will be seen on reference to the passages referred to in the margin.

Palmer 324.

22. It seems to be clearly proved that by the customs prevailing throughout Northern Nigeria grants of user and enjoyment of land are merely revocable licences to cultivate the land, though in fact such licences are subject to variable payments, and are in practice not revoked except for good cause, and are in some cases and under certain conditions permitted to be alienated, inherited, or even disposed of by a species of testament.

(3) APPLICATION OF ABOVE PRINCIPLES AND SUGGESTED AMENDMENTS OF THE LAW.

Lugard Memo. No. 16. Girouard Memo. p. 26.

23. Apart from differences of phraseology, we find that the views expressed in the memoranda both by Sir F. Lugard and by Sir Percy Girouard are in substantial accord in laying down as the fundamental principle that the whole of the land of the Protectorate is under the control of the Crown. Whether it is necessary or desirable to distinguish between Crown Lands and Public Lands, and to lay down that the former are under the absolute ownership of the Crown and the latter under the administrative control of the Crown may well be doubted. It seems to us that when once the broad principle above stated is laid down such distinctions become unnecessary and may be misleading.

Orr, Girouard Memo. p. 37, para. 8.

24. It seems better, we think, to approach the question from the point of view of the limitations which ought to be imposed by law or by administrative regulations and methods upon the general power of control over the lands inherent in the Government.

Temple 369a. etc.

25. The principle governing the exercise of its power of control is the interest of the native population, by providing security for the use and enjoy-

ment of the land now occupied by them and the reservation of sufficient land to provide for the requirements of the system of shifting cultivation and for the probable growth of native population. Second to this object the development of the country should be kept in view. This is dealt with in a subsequent part of our Report.

26. The question relating to the revenue to be derived by the Government from their control of the land of the Protectorate we deal with presently.

27. The first object of the Government is so to exercise its power of control of all lands as to secure to the native the undisturbed enjoyment of his occupation and use of land. No intermediate right to the land (nothing in the nature of a relation of mesne lord and tenant) is recognised. The native conception appears to be that each head of a family is entitled to the enjoyment of sufficient land within the limits of the village or other community to which he belongs for the support of his household. If the land he has occupied is exhausted he is entitled to permission to occupy fresh land. If he has no land, for instance, when he grows up and has a family of his own, he is entitled to permission to cultivate a new piece of land. It is the duty of the Government to protect the occupier from disturbance. His title to the enjoyment of land is that of a licensee of a Government, and he can only be deprived of his enjoyment by the Government. This is, as pointed out by Sir Frederick Lugard, a recognised consequence of conquest. Cases may occur where the Government for public purposes requires land actually occupied and cultivated. In that case the principle is that the occupier or licensee should have full compensation from the Government for the crops, buildings and improvements, though not for the land. According to native custom the right, if it may be so called, to dispossess the occupier for sufficient reason appears to be fully recognised, but the right to compensation is more precarious.

Menendez 94, 108, &c

Lugard Memo. No. 16, par. 5.

Menendez 94. Palmer 29

28. Probably the most important question is the method to be adopted with regard to the power of alienation: what restrictions should be placed on the power of the occupier of land to alienate his interest to a native or a non-native. It has already been pointed out that by "The Lands Proclamation, 1900," no land can be acquired by a non-native except by the consent of the Government. The evidence shows that in practice the transfer of the right of enjoyment to a native occupier also required the assent of the Chief. For the proper protection of the native it seems necessary that the consent of the Government should be required to any transfer of occupation and enjoyment from one native to another, and it seems that for this purpose legislation is necessary.

Palmer 16

If anything in the nature of free alienation of the rights of enjoyment and user of land were recognised by law the whole of the land in all probability would within a very short time be heavily mortgaged.

Girouard Memo. p. 2 Palmer 25

29. It seems probable that questions of the right to occupy definite portions of land or houses are more likely to arise in thickly populated areas. For instance, should the law make any difference in respect of the occupation of land in urban and in rural districts? We should answer this question in the negative. It is quite possible that some system of land registration may be adopted in urban districts before it can be carried out in rural districts. But it seems important that the principles that all land is under the control of the Government and that legal security for the validity of any transfer of rights of occupation and enjoyment can only be given under a contract to which the Government is a party should continue to be recognised in urban as well as in rural districts.

In urban and in rural districts there is a risk, especially as vacant land becomes filled up, that some sort of valuable title to bequeath and transfer land may grow up and be recognised by native law and custom; and this development of something akin to a proprietary right in land is a danger against which it is important to guard. It is difficult, if not impossible, to prevent it by legislation, but the variation of the assessment of both rural and urban holdings from year to year, which is in the administrative power of the Resident, should be so employed as to prevent as far as possible land from acquiring a marketable value other than that derived from the improvements made upon it.

30. As regards inheritance of the right of occupation, different customs appear to prevail in various parts of the country. In some a sort of nuncupative will is recognised. The general conception appears to be that one of the members of the family succeeds to

Palmer 32

analyse the English conception of private ownership. The analysis would involve an historical enquiry which would not be germane to our present purpose. It is sufficient to say that as the result of a long series of events English law has reached the conception of property in land, the principal characteristics of which are (1) for all practical purposes indefinite and exclusive rights of user and enjoyment; (2) rights of alienation, *inter vivos* and by will, conferring upon the grantee an indefeasible title limited only by the laws of perpetuity and mortmain; (3) intestate succession according to common law as modified by Statute. In most, if not all, other European countries certain further limitations on the right of property in land are imposed by law, but these are immaterial for the present purpose.

Temple, Girouard Memo. p. 11.

21. If the fundamental principles above stated are adopted and adhered to as the foundation of the law of the tenure of land in Northern Nigeria there is no room for the development of the conception of private property in land with which we in England are familiar. For though the Government may, in the exercise of its general powers of control, grant the use and enjoyment of the land to any person, whether native or not, on such terms as are not inconsistent with native custom, it appears that under native custom the power of revoking such a grant is retained.

Orr, Girouard Memo. p. 36, paras. 3 & 4.

This power of revocation or dispossession constitutes in effect, as Captain Orr points out, the dividing line between the cultivator of land who is a mere licensee and the occupier of land who has, as an English lawyer would say, a property in the soil. The licensee has in reality no such property. He has no legal right to security of possession; he cannot sell or mortgage the land so as to make a secure title to the purchaser or mortgagee. Nor does he transmit an indefeasible title to his heirs. He may do all these things by the permission of the Government, but the evidence shows that however usual it may be that he may so act without interference there is no custom which if turned into law would prevent such interference.

Mr. Temple therefore appears to be justified in saying:

> "Unless I am greatly mistaken the cardinal feature of native custom with regard to the tenure of land is that, under no possible conditions, can a private estate exist."

Orr, Girouard Memo. p. 36. Girouard Memo. p. 26. Menendez 94. Palmer 15. Powers 870-871.

Captain Orr expresses his substantial agreement with these views. That Mr. Temple's and Captain Orr's views are shared by other resident officers and by the present Governor, Sir Percy Girouard, will be seen on reference to the passages referred to in the margin.

Palmer 324.

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24. It seems better, we think, to approach the question from the point of view of the limitations which ought to be imposed by law or by administrative regulations and methods upon the general power of control over the lands inherent in the Government.

Temple 569a. etc.

25. The principle governing the exercise of its power of control is the interest of the native population, by providing security for the use and enjoy-

within the Protectorate by non-natives. It is, in our opinion, a most useful and necessary provision. The phraseology may, perhaps, be open to criticism as recognising a form of alienation foreign to Nigerian custom, and probably the Proclamation may be superseded by a wider declaration of the law to the effect that no right of cultivation or enjoyment of land can be acquired either by a native or non-native without the assent of the Government. We think it is desirable that a declaration of this principle should be made by Proclamation as the basis of the system of land tenure.

37. The Crown Lands Proclamation, No. 16 of 1902, is open to criticism on various grounds.

So far as relates to the transaction between the Royal Niger Company and the Government, we do not think that it is necessary that any revision of the language of the Proclamation should be made. But as regards the powers of the Government over land described in sections 4, 5, 6 and 7, we think that these provisions will become unnecessary and will be superseded by the declaratory Proclamation declaring the right of the Government over all the land of the country which we have above suggested. In effect the distinction created by this Proclamation and by "The Lands Proclamation (Amendment) Proclamation, 1902," between Crown Lands and Public Lands will be for all practical purposes superfluous. Accordingly, in our opinion, the last-named Proclamation, No. 13 of 1902 (which is now incorporated in the volume of statutes of the Protectorate as sections 5-12 of Proclamation No. 8 of 1900) should be repealed. It would be replaced by the Proclamation declaring the relation of the Government to the whole of the lands.

38. With regard to "The Land Registry Proclamation, 1901," that Proclamation, as already intimated, seems to have been somewhat premature and has, we understand, been acted on only to a small extent. That there should be a system of registration of instruments affecting land in Northern Nigeria is, of course, desirable and necessary. The Proclamation however appears to contemplate (see sections 6 and 7) that the instruments to be registered will be those familiar to the English conveyancer. It speaks of deeds of sale or mortgage, wills, probates, etc. The system of registration suitable to the country will, in view of the relation of the Government to the land which we contemplate, consist mainly of the registration of the licences or leases to the cultivators of the soil or other occupiers of land. If and when a survey of the land of the country or of any portion of it is undertaken and the boundaries of the different holdings are all noted in maps or plans a much more complete system of registration can be carried out.

The language and framework of "The Land Registry Proclamation, 1901," seem to have been adopted from some precedent which does not apply to the conditions now ascertained to prevail in Northern Nigeria, and should, we think, be recast.

39. There remains the question whether any special provision should be made by Proclamation with the view of defining and protecting the rights of user and enjoyment of the land by the actual occupiers. By native custom, as has been abundantly proved by the evidence, so far as the native occupier can be said to have any rights at all, these rights are in theory precarious, but in practice he usually possesses undisturbed occupation. He was, however, liable to be oppressively taxed, and also to arbitrary eviction without compensation, and in such cases he had apparently no remedy against the action of the ruler. But he had by recourse to native courts and appeal to native custom a remedy against any person other than the ruler who disturbed him in his use and enjoyment. The question arises whether it is desirable to give the occupier of land legitimate protection by special enactment, or whether this protection may be left to the care of the executive and the action of the existing tribunals enforcing native customs. We think some declaration of the rights of the occupier of the land should be made by Proclamation. These rights would in substance amount to a declaration that the occupier was entitled to freedom from disturbance in the use and enjoyment of his holding by any persons other than the Government.

Menendez 94. Palmer 293 Menendez 94, &c.

The right of the Government to revoke the licence must be retained, but it may, we think, safely be declared that the licence is not to be revoked without due compensation, unless for good cause, such as non-payment of taxes, transfer of enjoyment without permission, etc. The compensation should include compensation for crops, unexhausted improvements, and buildings, though not for the land itself.

Alexander M2, 124.

Palmer 257-258. Cowan 254.

the position as a sort of trustee for the others and thus a division of the inheritance is effected. The evils of subdivision are counteracted by the abundance of unoccupied fertile land available, which only requires the licence of the proper authority to enable any person who belongs to the village or other community to occupy and use an area sufficient for the support of his family. The enormous extent of this unoccupied land all of which, at all events in the more fertile parts of the country, according to the evidence before us, lies within the limits of some village or other community, raises some important questions in regard to the future development of the country which are dealt with later on.

31. It appears to be a necessary complement of the adoption of the principles above stated that there should be ultimately some system of registration. Provision is, indeed, made for this in the Land Registry Proclamation, 1901, referred to in "The Lands Proclamation (Amendment) Proclamation, 1902." The provisions of this Proclamation appear to be somewhat premature. No effective system of land registration can be adopted without a survey of the land and for this purpose the staff is at present inadequate.

32. We have stated our view that the system of land tenure which it is advisable to adopt in Northern Nigeria should rest on the two principles above stated:

(1) That all the land of the Protectorate is under the control and subject to the disposition of the Government.

(2) That the controlling power of the Government should be exercised in accordance with the customs prevailing throughout the country subject to local variations on the principle laid down in the Supreme Court and Native Court Proclamations above referred to.

The adoption of these principles as the basis of the system of land tenure will, in our opinion, involve the re-casting of some of the most important of the existing Proclamations.

33. One of the first steps taken after the establishment of British control was to enact by the Protectorate Courts Proclamation, No. 4 of 1900, section 34 (now No. 6 of 1902, sections 13, 14), that subject to the terms of this or any other Proclamation made for the Protectorate, the Common Law and doctrines of Equity, and the statutes of general application which were in force in England on January 1st, 1900, shall so far as applicable be in force in the Protectorate.

34. We think it will be necessary to limit the terms of this Proclamation so as to exclude the application of its provisions to the law relating to the tenure of land. As has already been observed the evidence appears to us to establish that the English conception of an estate in land is wholly foreign to Nigerian customs and ideas. That a ruler should control the land, should appropriate such share of the produce as custom allows, and should deprive for sufficient reason the occupier of his enjoyment of land and grant it to some one else is well understood, and the law and methods of administration should, in our opinion, be directed rather to measures for giving security to the occupier against outside interference than attempt to create the new and strange idea of an estate or property in the land itself.

35. We think, therefore, that the law of the Protectorate relating to the tenure, occupation and enjoyment of land within the Protectorate should rest on Proclamations specially dealing with that branch of the law, and not on the general introduction of the doctrines of English law and equity contained in No. 4 of 1900. We think, further, that it will be necessary also to repeal so much of the Supreme Court and Provincial Courts Proclamations as enables the parties by an express or implied contract to submit themselves to English law in matters relating to the tenure and enjoyment of any land.

36. The Lands Proclamation No. 8 of 1900 has already been quoted. This enactment prevents the acquisition of any interest in or right over land from a native by a non-native without the consent in writing of the High Commissioner first had and obtained. This, as has been already observed, is a strong assertion of the principle that the Government has the right and the duty of controlling acquisition of land

within the Protectorate by non-natives. It is, in our opinion, a most useful and necessary provision. The phraseology may, perhaps, be open to criticism as recognising a form of alienation foreign to Nigerian custom, and probably the Proclamation may be superseded by a wider declaration of the law to the effect that no right of cultivation or enjoyment of land can be acquired either by a native or non-native without the assent of the Government. We think it is desirable that a declaration of this principle should be made by Proclamation as the basis of the system of land tenure.

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Menendez 94. Palmer 293. Menendez 94, &c.

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40. As regards alienation of the right of use and enjoyment, we think it is essential that the Government should retain the power of preventing sales or mortgages without its assent. Every such transaction to which the Government has not assented should be void.

41. As regards succession, this we think may be left to the custom prevailing in the locality, but the person claiming either under a will, if any instrument in the nature of a will is recognised by custom, or as a representative of the deceased, should notify his claim to succeed.

42. It seems to us that if these simple and elementary provisions are laid down by Proclamation, the administration of the law may be left to the executive authorities and to the action of the tribunals, adopting and acting on native custom in so far as it is not inconsistent with the principles declared by Proclamation.

III.

REVENUE AND TAXATION.

43. In dealing with this section of our enquiry we have been able to take advantage of the Indian experience of our colleagues, Sir J. Digges La Touche and Mr. Theodore Morison. Problems similar to those which the authorities will have to encounter in Northern Nigeria have presented themselves in India, and the manner in which they have been solved has proved suggestive.*

44. In an earlier part of our report we have given an outline of the taxation which existed in Northern Nigeria before the advent of the British administration; from this it is evident that the Moslem rulers levied a very large number of separate taxes. Mr. Palmer told us that in Katsena there were, he believed, as many as 26 different taxes, and it is therefore not surprising to learn that the previous rulers of the Protectorate succeeded in bringing under contribution almost all forms of wealth.

Palmer 209.

The object which the Government of Northern Nigeria appear to have had in view in remodelling the system of taxation was two-fold.

(1) To preserve the continuity of the system of taxation which had grown up in the country before the British occupation.

(2) To simplify taxation by merging a variety of taxes under a few heads.

Both these objects appear to us desirable. The advantage of retaining the taxes which the natives had been in the habit of paying, and which had the sanction of native law and custom, is obvious. On the other hand the collection of a few taxes is not only less cumbersome than of a large number of imposts, but is at the same time less likely to lead to fraud and extortion. From the conditions actually prevailing in Northern Nigeria it is clear that fraud and extortion on the part of the tax collector is one of the dangers to be kept constantly in mind, and we are of opinion that the simplification of taxation which the Government have aimed at will effectually diminish fraud and extortion.

45. One of the most probable results of the peace and good government which follow upon British occupation will be a general increase of wealth, and the system of taxation now imposed should be such that the Government revenues will partake of this increase of wealth automatically without recourse to fresh impositions. We cannot, therefore, be satisfied with a system which does no more than ensure a revenue equal to that which was collected by previous rulers.

* A note on the revision of the Thathameda tax in Upper Burmah, prepared for the use of the Committee by Sir J. Digges La Touche, is printed in the Appendix.

46. One of the forms of wealth which is most likely to increase in value is land. All experience shows that in a progressive community the profits arising from the use of land tend constantly to increase. The construction of roads and railways, the introduction of new industries, and the general progress of Northern Nigeria, will, independently of the exertions of the cultivators, augment the profits derived from the use of land. It is desirable that taxation should be such as to aim at securing for the State this increment in value, but at the same time, while recognising this general principle, it is not clear to us that it has yet been accepted or forms any part of the indigenous scheme of taxation. The reason for this is no doubt that such an increase in the profits derived from land has not yet been experienced; there is still an abundance of good land not brought under cultivation, and rent in the economic sense, whether payable to the State or to an individual, has not yet emerged. But that, with the growth of population and the pressure upon the means of subsistence, it will shortly emerge appears probable, and it seems desirable before it has come into view and been made by native custom or legal decision the subject of private property to declare the right of the State in these expanding values. These considerations point to the imposition of a special contribution from occupiers of land which would rather be in the nature of rent than a tax upon agricultural profits. We are united in thinking that a land revenue, which would in fact be economic rent and would increase with the development of the Protectorate, should eventually form an integral part of the revenues of Northern Nigeria, but before such a land revenue can be accurately assessed the country must be surveyed; for this the Government of Northern Nigeria does not possess the necessary staff. The principles of a regular revenue assessment were indeed laid down by Sir Frederick Lugard in section 5 of the Native Revenue Proclamation of 1906, viz., "The principle on which the estimate or valuation of lands shall be made shall be the amount of produce or profit which can be annually obtained from and the number of live stock that can be annually raised and supported on such land by a person cultivating and using the same in the manner and up to the average standard of cultivation and use prevailing in the neighbourhood." But we have the evidence of Sir P. Girouard in his Memorandum on Land Revenue Assessment that "owing to the limited staff available in the provinces, their want of knowledge of agricultural matters, the lack of previous records or of a land measure of any kind, the assessment provisions of the Proclamation have not so far been applied in their entirety." The witnesses whom we examined were unanimous upon this point.

Girouard Memo. p. 48.

47. These practical difficulties prevent us from recommending the immediate introduction of a land revenue of the nature indicated, but we think that the way should be paved for it in the future, and, with this end in view, we recommend that the tax on the use of land should be separated from the taxes on trade and crafts which are at present returned under one head, General Tax, in Form W. 21, prepared in accordance with the instructions to Residents issued by Sir Frederick Lugard. Under this heading Land Tax or Land Revenue would be merged Zakka, Kurdin Kassa, and Kurdin Rafi, but not the miscellaneous taxes on trades and crafts. With regard to the manner in which this tax should be assessed, we recommend that the aggregate demand for each village should be arrived at in the following way. The Resident shall determine and notify the rate payable for each unit; this will vary from place to place, and from year to year, according to the richness of soil, proximity of markets, development of the country, &c. In crowded districts where there is a tendency for land to acquire a value the land revenue should have special attention and the rate per unit should be increased in order to secure to Government this increase in value. The rate for each unit, as determined by the Resident, multiplied by the number of revenue paying units shall constitute the aggregate demand of the village; the Resident shall declare that a certain lump sum, representing this aggregate demand will be levied from the village; the village headman, assisted by a council of assessors or village elders, shall distribute the tax among the individual units. Our reason for using the general term unit is that we do not wish to prejudge the question whether the revenue should be levied upon the hoe or the compound or the farm; it is probable that for some time to come the revenue-paying unit may be different in different provinces; in order to carry out our recommendation it is only necessary that the payment made to the State for the use of land should be kept distinct from other taxation and be recognised by the people to be assessed upon distinct principles.

48. If our recommendation is accepted, taxation in the Protectorate will fall under three heads, viz.—

I. Payment for the use of land, urban as well as agricultural.

II. A tax on the trading and industrial classes.

III. A tax on live stock:

(*a*) Jangali.

(*b*) On other live stock.

This tax may perhaps ultimately be merged in one or other of the preceding heads.

We believe that the taxes collected by Moslem rulers which it is desirable to retain might all be classified under one or other of the above heads. Under the second head we include those taxes which were levied by the Moslem Governments upon trade and crafts. This is a genuine tax, and differs in principle from I. in that the profits of the trading and industrial classes are not likely to be augmented to an important degree by the general progress of the country independently of their own exertions. The incidence of this tax will be such as to make the proportion of profits paid by trade and the various crafts approximately equal, but as the units upon which taxation is assessed, viz., dyepits, looms, forges, shops, &c., do not bear a constant relation to the profits of the trade or craft, the rate payable on the unit will vary in different crafts. The Resident will determine and notify the rate per unit; and this rate, multiplied by the number of paying units, will form the aggregate demand, under this head of taxation, of the village. As in the case of I., we recommend that this lump sum should be distributed among the tax-paying units by the village headman, assisted by assessors representative of the different crafts. The third heading of taxation is the tax upon live stock. Under this heading falls Jangali or Cattle Tax, which constitutes a very important source of revenue in the Protectorate. As a tax is actually levied upon sheep, goats, camels, &c., it would at first sight appear to be logical to extend the meaning of the word Jangali to include taxation upon all live stock, instead of confining the use of the term to the tithe upon cattle. We understand that there are strong administrative arguments against such a course, and we therefore recommend that for the present Jangali should be retained as a separate tax, and that the tax upon other live stock, which is, we understand, in some provinces levied under the head "general wealth," should be entered as a distinct sub-head.

Lugard Memo. No. 21.

49. We have indicated in very general terms the three heads of taxation which we recommend and the method by which they should be assessed upon the village. Leaving out of account Jangali, which, as we have indicated, must be kept separate, it remains for us to expand somewhat our recommendation with regard to the distribution of the land revenue and taxation among individuals. We are of opinion that, until the country is more settled and surveys have been made and records are kept, the duty of the Resident in regard to assessment should be confined to declaring the lump sum payable by each village, and that the task of distributing the burden of payment among individuals should be laid upon the village headman, though we think it desirable that the Resident should make known the rate per unit by which he arrived at his total. The rate per unit will serve as a general guide to the headman and his assessors in distributing the lump sum among the individuals of the village, but the rate will be an average rate only, which will be varied according to the capacity of each individual to contribute to the revenue. The differences in wealth between members of the same village cannot yet be gauged by the Resident, but they are known to the village elders, and on the whole we are inclined to think that the deviations from the average sanctioned by the village council will result in a more equitable distribution of the common burden than a rigid tax per unit determined by the Resident. A question very similar to this was considered by the Government of India in 1898, when they reviewed the Thathameda, a tax upon the household or family which the British Government adopted from their predecessors in Upper Burma. The Government of India have left it on record that they "considered that the distribution of the tax as among the component families of a village was exceedingly equitable, far more so than any assessment which Government itself could frame, and infinitely more so than an all round capitation tax. Their feeling was strongly in favour of leaving the people to manage their own affairs as far as possible and not to be in haste to bring in a more rigid and mechanical system. So long as the favouritism which always accompanies an indigenous system is kept within bounds and the people do not complain, it may be safely concluded that they think it a cheap price to pay for the permission to make their own distribution."

50. We do not imply that there is any analogy between the economic conditions of Upper Burma and Northern Nigeria, but we think that the general principles enunciated by the Government of India are of wide application, and that it is generally wise for an alien Government to leave the people, as far as possible, to manage their own affairs. We therefore recommend that at present the village headman, assisted by the village elders or council, acting as assessors, should be made responsible for the equitable distribution of both the land revenue and the tax among individuals or families, and that in making this distribution he should be interfered with as little as possible. The check upon injustice or extortion will be found in the appeal which will continue to lie as at present to the Resident. This appeal should, in our opinion, always be heard in the presence of the headman and the assessors, and their decision should not be upset without giving them an opportunity of justifying their action. In cases where experience shows that the headman cannot be trusted to distribute the tax equitably he should be dismissed; but as long as he is maintained in office there should be as little interference as possible with the decisions which he and the assessors have arrived at. As far as we are able to judge, the village community constitutes the natural unit of local administration. We are convinced that a sense of responsibility in the village community is, politically, of the highest value, and therefore it is our opinion that every effort should be made to strengthen and develop the village council. This we believe can best be done by assigning to it certain definite functions of administration, and, within certain prescribed limits, leaving the people to manage their own affairs.

51. We further recommend that the administration should be strengthened by the appointment at Government headquarters of an officer who will deal with revenue questions. This officer will discharge functions similar to those of a Board of Revenue or a Financial Commissioner in an Indian province. It will be his duty to visit the different provinces during the touring season, to review the settlements of the Residents, and to advise the Governor as to the equitable distribution of taxation and land revenue throughout the Protectorate. The smallness of the English staff and their necessary isolation one from another makes it desirable to introduce a co-ordinating authority at headquarters, who shall, from his central outlook, be able to bring taxation to one scale in the present, and in the future prepare the way for a regular system of land settlement based on survey. It may be, as Sir P. Girouard seems to contemplate, that for this appointment it will be found necessary to obtain the services of an officer with experience of Land Revenue assessment and administration in India. Upon this question the Governor and his advisers will be the best judges. We wish, however, to utter a word of warning. The land revenue system which will eventually be found suitable for the Protectorate will probably not be identical with that of any Indian province; it will be one founded upon the sentiments and the historical antecedents of the people of Northern Nigeria, and we deprecate the idea of importing from India or elsewhere methods which have been evolved out of different conditions. The officers of the Protectorate may get many useful hints from studying the manner in which problems similar to their own have been solved in India; but they will in the main have to work out a new system of their own, and the success of the system will depend upon the extent to which it is in harmony with the customs and sentiments of the people of Northern Nigeria.

52. There is, however, one lesson of Indian administration to which we venture to call attention. Indian experience is decisively adverse to putting revenue questions under the civil courts; it has there become a recognised principle that revenue assessments should be dealt with by the executive officers, and that they should not be touched by the civil courts.

53. There is, on the other hand, another point connected with settlements in which we do not recommend the adoption of Indian practice. It has been the practice in India, even immediately after annexation, to make settlements for a term of years. Where the country was likely to develop rapidly, or the English officers had little information of the local conditions, it was customary to make settlements for short terms, usually for three years; but in all cases it was thought desirable to avoid disturbing the people by annually recurring settlements. Our colleagues, Mr. Temple and Captain Orr, have convinced us that the retention in Northern Nigeria of annual revisions of the assessment is desirable. It appears that the revision of the assessment provides the occasion for an annual gathering of the district headmen in the presence of the Emir

and the Resident at which the rates of assessment are discussed, and if no changes are brought to notice the previously existing rates are renewed. We can well believe that these annual gatherings provide useful opportunities for discussing the condition of the province and a variety of administrative questions, and we are therefore not prepared to recommend any change in what we understand to be the recognised rule, that rates of taxation and land revenue are liable to revision every year.

54. In summarising his proposals for the Protectorate, Sir P. Girouard said—

Girouard Memo. p. 53.

> (3) There is every reason for the early replacement by fixed emoluments of the proportion of native revenue told off to the payment of salaries to native administrators.

This is a question of administration upon which the officers in executive charge of the Protectorate are the best judges. Unless the present system, by which the native administrators retain a fixed proportion of the revenues is modified, it is clear that with the progress of the Protectorate the sums which will be secured to the Emirs will be very large and that there is no security that they will be expended on objects beneficial to the people. On the other hand we recognise that weight should be attached to the argument that to place the Emir upon a fixed salary would be very materially to diminish his prerogatives, and to place him in a comparatively inferior position in the eyes of his people. We are therefore not at present prepared to go beyond the following suggestion: where the Emir's share of the revenue exceeds the income which is considered appropriate to his position the balance should be devoted to works of public utility under the direction of the Governor.

IV.

DEVELOPMENT OF THE PROTECTORATE.

55. There remains the question as to the development in the future of the agricultural, mineral, and sylvan resources of the Protectorate and what facilities for this purpose should be provided by legislative or administrative measures.

(1) AGRICULTURAL PRODUCE.

56. Mr. Temple, speaking in answer to a question as to the development of the country by concessions to individuals or associations for cotton growing or other purposes, says: "I am convinced that the interests of both (*i.e.*, of natives and white men) will
Temple 577. "be best protected by the Government if native law and custom be followed as far as "possible with regard to land tenure. It is only by so doing, I think, that the "prosperity of the natives, on which the prosperity of the non-native settler depends "(without which, indeed, the latter cannot exist), can be secured. The native system "of land tenure places the Government in the strongest position possible to forward "the interests of both, and to prevent undue advantages being taken by either."

In order to enable us to form an opinion as to the nature of the tenure or interest in land which it would be necessary to grant in order that adequate security might be provided for persons or corporate bodies desiring to invest capital in the development of the resources of the Protectorate, we invited evidence from the Niger Company, the British Cotton Growing Association, and the firm of Messrs. John Holt and Company, of Liverpool, who have large interests in Northern and Southern Nigeria and other parts of Africa.

The reply of the Niger Company to our invitation is printed in the Appendix.

57. Sir Ralph Moor, formerly High Commissioner of Southern Nigeria, now acting as adviser to the British Cotton Growing Association, attended as a witness to express the views of that Association.

The Association aims at promoting cotton growing in Northern Nigeria, and establishing an export trade in cotton. It is not the intention of the Association to
Moor 1167-8. apply for grants of large areas of land, or themselves to cultivate cotton, or establish plantations. Small areas for experimental or model cultivation for the purpose of

instruction of the natives, may and probably will be required, but their principal anxiety is to obtain sufficient security of tenure for the "ginneries," which it is proposed to establish in various localities for preparing the raw cotton for export. The Association aim at the extension of the area of supply of cotton for manufacturing purposes in Lancashire, and do not desire to establish a business making large profits in Africa itself; but in order that the requisite capital for the carrying out of the project may be secured, and a sufficient return be provided for, security of tenure is a necessity. This security, according to Sir Ralph Moor, requires that the Association should either receive free grants of land or be enabled to purchase it at a nominal rate, or should have a lease of the sites required at a practically nominal rental without any conditions as to revision during the term. Sir Ralph Moor in the *précis* of his evidence which he laid before us says in reference to the condition of such a lease—

> "On this point of nominal rental the Association feels very strongly, as its work is not likely to be remunerative for several years to come, the industry in which it is engaged being one that it has to make around every centre where it establishes. Its case is therefore quite different to that of a merchant opening at an established centre to compete in existing business, when it would be reasonable to charge a fair rental, or of a merchant creating a new centre for dealing in staple export products, when a smaller rental should be charged, for it has to undertake the risky enterprise of fixing on a centre suitable for an industry, which it is going to create, and in this it has not up to the present been always successful.
>
> "On general grounds the Association is of opinion that to attract fresh capital to territories such as West Africa, the Government would be wise to be reasonably liberal in the matter of land tenure, and to allow of freehold being acquired or leases of certainly not less than 99 years at low rates, without any question as to revision in cases of rental, which would seem to be the imposition of a tax on the individual or Corporation, on effort expended on the development of the Country—from which development the Government will have obtained ample additional revenue from the sources of general taxation."

58. Mr. John Holt, representing the firm of Messrs. John Holt and Company, would prefer that the law of Northern Nigeria should recognize the power of acquiring a freehold title from natives for commercial purposes with the supervision of an official "to see that the native is not being imposed on or defrauded." But assuming that freehold tenure is not to be recognised by law, the question is "how long the leases must be, and upon what conditions." Mr. Holt produced some specimens of leases of lands which had been already granted by the Government of Northern Nigeria. It was recited in these leases that the grant was of "Public Land," and they appeared to be of the ordinary type of an English lease, specifying the particulars of the land demised, the rent reserved, the term, and the usual covenants, including a covenant by the lessor not to assign or underlet without the consent of the Government, with the usual proviso that the consent was not to be unreasonably withheld. Holt 1254, &c.

Mr. Holt's views are thus stated in the *précis* of his evidence which he laid before us—

> If there are to be no freeholds, then there is the question of how long the leases should be, and upon what conditions. At present the leases granted vary in respect of time and annual payment, as well as in other conditions. The subject so far seems to have been treated in a very irregular manner. In some cases we are bound to maintain a 50-feet road in front of our premises. We can only hold them so long as we are trading in them. We are bound by certain covenants as to the kind of buildings we must put up and keep in repair, and in some instances provision is made for the disposal of such building at the end of the lease, whilst in others nothing is said about them, and we do not know whether such buildings would belong to us or to the owner of the land.
>
> In regard to charges for the use of the land, we have, in our opinion, been paying annually, in some cases, more than its freehold value, because of the position taken by the Government as monopolistic holders, able to exact their own terms. In our opinion the underlying principle should be that every facility is given for the occupation and use of land so long as the person taking it is going to utilise it within a reasonable time, and is not treating it as a speculation. Under existing trade conditions in Nigeria the lessee ought to have the power to remove his buildings and give up the land, as it is not an unusual thing for a trader to find that he has made a mistake in taking up land for trading purposes, and is compelled to make experiments elsewhere until he can find a position in which to trade at a profit.

59. On the importance of the Government keeping control of the land Mr. Holt says, "I like the idea of the Government having control of the land because I do "not want to see a number of men getting into Nigeria for the purpose of "holding land in order to speculate with it; I would not sell or grant land so that men "could use it for merely company-promoting purposes;" and, in reply to the question whether the result of that view is not that the power of resuming its control over the land must in some form or other be retained in the hands of the Government, he adds—"Yes; that is so. I would like to see the Government "keep control, but "give liberal terms to those who will actively make use of it." Holt 1329-1331

60. Besides the development of the Protectorate by the promotion of cotton-growing for export, the other directions in which development may be looked for are apparently the working of such minerals as are already known to exist or may hereafter be discovered, and the collection and treatment of sylvan produce.

(2) MINERALS.

61. As regards minerals, an examination of "The Minerals Proclamation, 1902," will indicate the principles on which it is apparently contemplated that rights of this character should be created and regulated. The following are in substance its principal provisions as amended by Proclamations Nos. 25 and 29 of 1904:—

62. No person may prospect for "minerals, mineral oils or precious stones" without a licence from the High Commissioner, which it shall be in his discretion to grant or refuse. Such a licence may be "general" or "exclusive" (Section 4). An "exclusive" licence entitles the holder to the "sole right" of prospecting within the area described in the licence, not to exceed 3,000 square miles, for the period mentioned in the licence, but the High Commissioner is not precluded from granting other exclusive licences within the same area for minerals not included in the licence (Section 5). A "general licence" entitles the holder "if and when approved by "the High Commissioner to prospect for minerals in such parts of the Protectorate not "being included in an exclusive licence as the High Commissioner . . . may declare "to be open to holders of general licences." (Section 7). Prospecting without a licence is made a criminal offence (Section 8).

63. Section 9 is in these terms:—

> "A licence to prospect shall, subject to rules and regulations to be made as hereinafter provided, entitle the person holding the same to enter upon any land, whether the property of Government or any other person, and prospect for minerals, mineral oils and precious stones, or some one or more of them as in the said licence is mentioned, and any person interfering with or obstructing the holder of a licence to prospect in the exercise of any rights given to such holder under the provisions of this Proclamation shall be guilty of an offence, and shall be liable to a penalty not exceeding twenty-five pounds, or to imprisonment not exceeding three months."

This section probably requires revision: (1) By providing for compensation for injury to any person in occupation or enjoyment of land; (2) by altering the phraseology, "property of any person."

64. With regard to licences to mine, applications must be made on a prescribed form, and shall not be for a greater area than five square miles, nor may any combination of licences relate to an area exceeding twenty square miles or last for a longer period than ninety years. Section 13 provides for the payment to the Crown of a yearly rent of 5s. for each acre or part of an acre so long as the licence remains in force. Licences to mine must be registered (Section 17), and penalties are imposed on mining without a licence. Then follow provisions (Sections 20 to 35) with regard to duties including a duty on profits subject to revision every ten years, and a number of miscellaneous sections, the most important of which for the present purpose are the definition of the rights incidental to a licence to mine, construction of roads, &c., (38) use of water, (39) right of the licensee to pasture such animals "as may be necessary for the purpose of exercising his rights under the licence," (40) and to cut down such timber not being shea butter, oil palm, or rubber trees, as may be necessary for carrying on mining operations and for use for domestic purposes. (42-45) Obligations are imposed on licensees to furnish the Government half-yearly with accurate lists of workmen, to keep accurate accounts and plans, and to make compensation "to the "owner" for all damage done to the surface or to houses or buildings, and the amount of compensation in case of dispute is to be settled by a District Officer. (46) "Exclusive" licences, but not "general" licences, are made transferable with the consent of the High Commissioner.

Section 45 seems to require revision by amending the term "owner."

Section 47 is in the following terms:—

> "47. In case of any breach on the part of the holder of a licence to prospect or to mine, or of any attorney, agent, or employee of such holder of any of the provisions of this Proclamation, or of any rule or regulation made under the provisions hereinafter set out, the High Commissioner may summarily revoke the said licence, and thereupon all rights conferred thereby or enjoyed thereunder shall as from the date of such revocation cease: provided always that the fact of such revocation shall not in any way destroy the liability of such holder, attorney, agent, or employee in respect of the breach of any provision of this Proclamation or of any such rule or regulation committed by him previous to such revocation.'

By section 51, power is reserved to the High Commissioner to—

"(*a*) Take possession of any part of any land in respect of which such licence to prospect or to mine has been granted which in his opinon may be required for the purpose of any works or objects of public utility or convenience without making any compensation therefor, except such as the Supreme Court may deem reasonable in respect of disturbance of, or interference with, the works or improvements erected or made by the holder of such licence to prospect or to mine.

"(*b*) Use for any purpose any roads made on any such lands.

"(*c*) Enter and inspect any such land for the purpose of ascertaining the condition thereof or for any other purpose which the High Commissioner may think reasonable."

65. The Minerals Proclamation appears to recognise in the provisions above quoted the principles that the control and dominion of the Government over the land which is the subject of the licence, should not be parted with, and that compensation for damage should be made. It may be doubted, however, as we point out below, whether it contains sufficient protection for the interests of native communities.

(3) SYLVAN PRODUCE.

66. We are not informed that any questions have arisen with regard to leases or licences of tracts of land for the collection of sylvan produce, but the principles of control and compensation which we are discussing would apply to such leases or licences as well as to those which have for their object the encouragement of the growing and export of cotton, and to the working of minerals.

(4) GENERAL.

67. If the view we have taken in the earlier part of this report be correct that the leading principles ought to be that the Government should retain the dominion and control of all the land in the country and that that control should be exercised so as to accord with native customs and to protect native rights, the first and most important consequence is that the law should not permit any dealing with the land which should deprive the Government of that dominion and control. In other words, to use familiar language, all grants of the occupation, use or enjoyment of land, whether for general or specific purposes, should be in the nature of leases or licences and not of grants of the absolute property or freehold interest. We do not think any distinction should be made in this respect in point of principle between urban or rural land, or building or agricultural land, or otherwise. The principle that no grant of a freehold interest should be permitted by law should be universal.

68. Next as regards the leading features of interests under leases or licences. We think for the purpose of avoiding misleading associations that the subject matter of such leases or licences should not be the land itself but the use and enjoyment of the land for the purposes for which it is granted. For instance, the ordinary right of the occupier to the use and enjoyment of the produce of the soil, should not, in our opinion, be inconsistent with the grant of a licence to mine beneath the surface, subject to the right of the occupier of the surface to any compensation he may be entitled to for damage to his interest on the surface.

69. The principal points in which the provisions of leases or licences would be affected by the main principles above referred to are the following:—

As to the parties to the lease or licence. These would be the Government on the one hand and the lessee or licensee, whether individual persons or bodies, on the other. There are, moreover, certain cases in which it seems that native consent in some form should be required. It would probably be impossible, and certainly undesirable, to require that this consent should be expressed in the document containing the lease or licence. The Government should retain the full power of conferring the title on its lessee. Where native interests are involved, native customs and the desirability of obtaining native consent may and should largely influence the Government, both as regards the localities which such leases or licences would affect and the terms as to compensation for disturbance. In the case of occupied

land when the occupier is disturbed in his enjoyment by reason of the action of the Government or of its lessees or licensees, it is clearly recognised in practice, and should, we think, be declared by law, that the occupier is entitled to full compensation for his crops, buildings, and improvements, though not for the land. When, however, the lands affected are not in the actual occupation of any person, but are within the limits of a village or other community there is no individual to be compensated, for there is no disturbance of any individual. But owing, as has been pointed out, to the necessity of shifting cultivation and to the growth of population, there is a possibility that the land may be required for cultivation. It is quite possible that an appropriation of a large amount of unoccupied land within the boundaries of the community might operate prejudicially to the members of the community by limiting the reserve of land available with which to replace exhausted land or to supply the wants of an increasing population. Some right of compensation, and probably some opportunity of objecting to the appropriation, should be given to the village or other community or its chief or elders, so that the whole question may be raised before the proper authority. The decision in particular cases would no doubt depend greatly upon the character of the part of the country in which the land was situated, the density of population, the extent of uncultivated land, and the mode in which it was intended to be utilised. The questions whether compensation should be given at all, and if so, the amount of the compensation, and to whom it should be paid, would depend upon a variety of considerations varying with the circumstances of each case. Such questions would seem likely to be more effectively dealt with by administrative than by judicial methods, as appears to be contemplated in the Minerals Proclamation (Section 45).

We think, therefore, that every lease or licence should contain a covenant on the part of the lessee or licensee whereby he binds himself to the Government to pay compensation for any injury done to individuals or communities in the exercise of the rights granted to him.

It is probable, however, that this question is not one of great practical importance, inasmuch as the adoption by the natives of improved methods of agriculture will no doubt lead to the discontinuance of shifting cultivation, and the ground, if any, for compensation on this head will tend to disappear.

As to the terms of the lease or licence, the principle that the Government should retain the control and dominion of the land involves consideration of the following heads:—

(*a*) The length of the term to be granted.

(*b*) The principal provisions of the lease.

(*c*) The conditions under which the lease can be terminated.

(*a*) The length of the term must be such as to afford adequate security for the investment of capital in the undertaking. If there are houses or machinery to be erected a term of 90 years, subject to provision for revision under (*b*), does not seem excessive. This is the length of term provided by the Minerals Proclamations of 1902 and 1904.

(*b*) We think that all leases should contain provisions to the following effect. They should include a rent revisable at fixed periods, which should be prescribed by the administration in a law of general application, and should be as short as may be found practicable. The principle on which the rent is to be revised should be clearly stated in the leases, and should be that the revised rent will be fixed independently of the capital invested, and will be based on the value of the land irrespective of any improvements made by the lessee during the term. With regard to the nature of the interest created by the granting of a lease or licence, it is, in our opinion, essential that that interest should not be transferable without the consent of the Government.

(*c*) The lessee should be enabled to surrender his lease if the rent is increased on revision, and should in that case be entitled to compensation for the value of his unexhausted improvements. He should be entitled to surrender his lease at any time on reasonable notice without compensation for his improvements. The lease or licence should be revocable without compensation on certain specified grounds, *e.g.*, non-payment of dues—whether in the form of rent or otherwise—breach of terms of contract, or non-payment of compensation duly awarded.

70. With regard to the law of inheritance, we think that in the case of the grantees being Europeans, the rights, if granted to individuals, should descend to the personal representatives of the grantee according to the law of their domicil.

71. With regard to corporate bodies, we think that their regulation and winding-up should be governed by the principles of English law.

V.

SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS.

72. We have embodied in the preceding sections of this report the principal conclusions at which we have arrived. We proceed now to give a brief summary of these conclusions and of the recommendations we make.

SYSTEM OF LAND TENURE.

(1) We think a declaratory proclamation should be passed to the effect that the whole of the land of the Protectorate is under the control and dominion of the Government, and that no title to the occupation, use, or enjoyment of any land is valid without the assent of the Government.

(2) We further think that the law should be amended or declared by providing that the control and dominion of the Government should be exercised in any particular case with due regard to lawful customs proved to exist at present in the province or district where the land is situated.

(3) That the person or community entitled to the occupation, use, or enjoyment of the land, hereinafter called the occupier, should have the exclusive right thereto against all persons other than the Government.

(4) That, except in so far as is specially provided by the terms of any lease or licence, the Government is entitled for good cause to revoke the title of any occupier and to assume possession or dispose of the land; and that the expression "good cause" should include—

(*a*) Non-payment of taxes or dues.

(*b*) Voluntary alienation by sale or mortgage or transfer of possession without the consent of the Government.

(*c*) Requirement of the land by the Government for public purposes.

(5) That in the event of any land being required for public purposes, due compensation should be paid by the Government to the occupier.

(6) That the devolution of the right of the occupier upon his decease should be regulated by any lawful custom existing in the locality in which the land is situated, except that in the case of non-natives the devolution of the interest shall be regulated by the law of their domicil.

(7) That the existing Proclamations relating to or affecting the tenure of land be revised, amended, or repealed as recommended in paragraphs 33-38, 63, 64, and 67.

(8) That the dominion and control of the Government should be subject to the terms of any contract to which the Government and the intending occupier are parties and which is duly registered.

(9) That the provisions of such contract should be in accordance with the recommendations contained in paragraph 69.

REVENUE AND TAXATION.

(10) That, in order to prepare the way for the introduction of a land revenue based upon survey, the tax now known as the Land or General Tax should be divided into two distinct taxes, viz.:—

i. Payment for the use of land, *i.e.*, rent payable to the State.

ii. Tax on crafts and trade.

(11) That in assessing, declaring, and collecting these two taxes, the procedure to be adopted should be that indicated in paragraphs 47-49.

(12) That the responsibility of distributing among individuals the demand assessed upon the whole village be assigned to the village headmen, assisted by the village Council.

(13) That an officer should be appointed to assist the Governor in dealing with revenue questions.

(14) That taxation should for the present be liable to revision every year.

(15) That in cases where the Emir's share of the revenue exceeds the income which is considered appropriate to his position, the balance should be devoted to works of public utility under the direction of the Governor.

73. We desire to acknowledge the very great asssistance which we have received, both in the conduct of the enquiry and in the preparation of our Report, from our Secretary, Mr. John Anderson, of the Colonial Office.

KENELM E. DIGBY.
J. DIGGES LA TOUCHE.
H. BERTRAM COX.
T. MORISON.
JOSIAH C. WEDGWOOD.
CHARLES STRACHEY.
C. L. TEMPLE.
C. W. J. ORR.

JOHN ANDERSON, *Secretary.*

29th July, 1908.

No. II

THE SECRETARY OF STATE TO THE GOVERNOR.

Downing Street,
10th August, 1908.

Sir,

I have the honour to inform you that the Northern Nigeria Lands Committee, of the constitution of which you were informed before you returned to Northern Nigeria, has now submitted its Report. Mr. Josiah Wedgwood, M.P., was appointed to the Committee after your departure.

2. I enclose copies of the Report, with Appendices and Minutes of Evidence, and it is proposed to lay these papers before Parliament in the coming autumn.

3. I should be glad to receive at your early convenience any observations which you may wish to make on the recommendations of the Committee, and as to the best means of carrying them into effect.

I have, &c.,

CREWE.

No. III.

THE GOVERNOR TO THE SECRETARY OF STATE.

(Received 23rd November, 1908.)

Zungeru, 17th October, 1908.

My Lord,

I have the honour to acknowledge receipt of your despatch of the 10th August, 1908*, enclosing a copy of the report of the Northern Nigeria Lands Committee, and, in accordance with your request, beg to forward the following observations theron for your consideration.

2. In the terms of reference the Committee's main function was stated to be that of recommending a system of Land Tenure suited to Northern Nigeria. In order to arrive at conclusions on the subject, they were asked to consider the evidence collected in my memorandum on Land Tenure and Land Revenue Assessment of the 2nd November, 1907,† and any other evidence which could be made available. The Committee after considering the evidence, have submitted a report under four main heads, viz:—

(1) Sketch of the History and Present Condition of the Provinces of Northern Nigeria.
(2) Recommendations as to a System of Land Tenure, and Changes necessary to effect it.
(3) Recommendations as to Land Revenue and Taxation.
(4) Recommendations as to the development of the Protectorate.

I.—*Sketch of the History and Present Condition of the Provinces of Northern Nigeria.*

3. I do not propose to offer any remarks upon the short outline history of Northern Nigeria. It would appear to be in every essential accurate, and to convey a proper appreciation of present conditions.

II.—*Recommendations as to a System of Land Tenure.*

4. In my Memorandum of the 2nd of November, 1907,† I strongly recommended that, as the institution of individual freehold tenure was not known to the natives of Northern Nigeria, it should not be set up by us, and that our aim should be the intro-

* No. II. † No. I. in [Cd. 5103].

duction of a national land system securing to the central and native administrations the accruing rents, and to the inhabitants of Northern Nigeria all rights of enjoyment and occupation.

5. The Committee, in paragraphs 16 and 17, state, as a primary fact, that "there "is a general concurrence amongst all who have been concerned in the government of "the Protectorate" that the system which it is advisable to adopt must be that which is "as far as possible consonant with the ideas and customs prevailing in the country, and "that legal conceptions borrowed from foreign systems of law, whether English or other, "which are unsuitable to the conditions of the Protectorate, should, as far as possible, be "excluded. Adopting these principles," the Committee find that the fundamental bases on which the land law should rest are:—

(1) "The paramount power and authority over the whole land of the Protec- "torate of the Government of the country."

(2) "The preservation, with such definitions and modifications as may be "found necessary, of existing native customs with regard to the use and occupation "of land."

6. In paragraph 18 the Committee state that "there is also apparently complete "concurrence in the adoption by the British Government of the principle that this "control over the land within the Protectorate should, as far as possible, be exercised "in accordance with native customs." In defining the native conception of rights, the Committee are very clear when they state in paragraph 27, "The Native conception "appears to be that each head of a family is entitled to the enjoyment of sufficient land "within the limits of the village or other community to which he belongs for the support "of his household. If the land he has occupied is exhausted, he is entitled to permission "to occupy fresh land. If he has no land, for instance, when he grows up and has a "family of his own, he is entitled to permission to cultivate a new piece of land." The Supreme Court Proclamation, No. 6, of 1902, section 18, and section 10 of the Native Courts Proclamation, 1906, clearly lay down the principle that, in so far as regards land tenure, the law will recognise and enforce, as far as possible, native customs. It appeared, therefore, to the Committee that the provisions of these Acts "lay down the "true principles on which the law of land tenure should be based, and it may be "doubted whether, for the present at all events, the 'measures necessitated' by the "adoption of those principles are not rather of an 'administrative' than of a "'legislative' character." It appeared too early, however, as yet to draw up a detailed code of land legislation.

7. The first effect of the adoption of the principles—

(1) "that the whole of the land, whether occupied or unoccupied, is subject "to the control of the Government,"

(2) "that that control is to be exercised, as far as possible, in accordance "with native customs,"

seemed to the Committee to be the exclusion of "the English conception of private "ownership of land, or of any fixity of annual payment on account of the occupation "of land," and if these fundamental principles "are adopted and adhered to as the "foundation of the law of the tenure of land in Northern Nigeria, there is no room for "the development of the conception of private property in land with which we "in England are familiar," and that although the Government might, in "the "exercise of its general powers of control, grant the use and enjoyment of the land to "any person, whether native or not, on such terms as are not inconsistent with native "custom, it appears that under native custom the power to revoke such a grant is "retained."

8. In considering the application of the above principles and suggested amendments of the law, the Committee are of opinion that it will be necessary to exclude the application to the Protectorate of the law of England in land questions, and, as has already been observed, the evidence appeared to them to establish "that the "English conception of an estate in land was wholly foreign to Nigerian customs and "ideas. That a ruler should control the land, and appropriate such share of the produce "as custom allows, and should deprive, for a sufficient reason, the occupier of his "enjoyment of land and grant it to someone else, is well understood, and the law and "methods of administration should, in our opinion, be directed rather to measures for "giving security to occupiers against outside interference, than attempt to create the "new and strange idea of an estate or property in the land itself."

9. The Committee therefore recommend "that the law of the Protectorate "relating to the tenure, occupation and enjoyment of land within the Protectorate "should rest on proclamations specially dealing with that branch of the law, and not "on the general introduction of the doctrines of English law and equity."

10. The principles which are thus laid down by the Committee are in substance a declaration in favour of the nationalisation of the lands of the Protectorate. These principles have my whole-hearted acceptance, and will, I feel sure, prove of unique and incalculable benefit to present and future generations of Nigerians, if they are adequately and legally protected in the occupation of such lands as are necessary for their well-being and expansion. By securing for ever the rentals on land for the upkeep of central and native governments, the principles, if applied, will prove to be the greatest developing factor in the future moral and material welfare and progress of the country and its inhabitants, whether native or immigrant.

III.—*Land revenue and taxation.*

11. I had hoped that the Committee would, after laying down the principle upon which the land law of the country should be based, have proceeded to establish the theoretical basis by which rents for these lands should be determined. They, however, passed to the consideration of the complex questions of Land Revenue and taxation and those more particularly involved in the old native assessments and their improvement. Last year my time was more particularly devoted to the tenure question, and although the second portion of the Memorandum submitted in November, 1907, dealt with assessment, it was presented more with a view to securing a general appreciation of the position, and the necessity of separating land revenue or rent on agriculturists from direct taxes on other walks of life, than with the intention of securing expert advice upon the conditions and future of revenue assessment. I agree that for the moment the suggestions of the Committee are inevitable. I think, however, that the dictum that taxation is to be collected from the individual through the village headman's knowledge of his wealth will, after consideration, be seen to be at present impracticable and dangerous in the pagan communities, and although I accept the village headman in Mohammedan states as the assessor for the moment, it is suggested that the sooner he can be relieved of functions which to-day may lead to extortion and oppression the better it will be for the individual landholder.

12. The limitation to annual assessments or revision of assessment laid down by the Committee would appear to be necessary for the moment, but here again I am of opinion that the gradual adoption of a more permanent basis of assessment will in the future render desirable an extension of the period of settlement.

13. I fully realise the spirit in which the whole question of assessment has been approached, and while recognising the value of the suggestions put forward with regard to land revenue assessment, would request that great latitude be accorded to the Government of this country in dealing with this subject in the best interests of the inhabitants, subject always, of course, to the concurrence of His Majesty's Government. The Committee have made several recommendations in connection with other matters not directly connected with assessment and collection which would appear to me very desirable of adoption.

IV.—*Development of the Protectorate.*

14. In paragraph 67 the Committee reiterate their recommendation as to the national character which the land law should acquire.

15. In paragraph 68 the leading features of interests to be acquired under leases or licences are considered, and it is recommended that the "subject matter of the leases or licences should not be the land itself, but the use and enjoyment of the land for the purposes for which it is granted," a condition of such a licence with which I entirely concur.

16. In consideration of paragraph 69, I find myself somewhat at variance with the Committee's proposals if they are to be interpreted in a manner hostile to native interests. In their recommendation as to a system of land tenure, and the changes necessary to effect it, the Committee have clearly laid down as a fundamental principle

that the control over the land should be exercised in accordance with native customs, and that the law and methods of administration should be directed rather to measures for giving security to the occupier against outside interference than attempting to create the new and strange idea of property in the land itself.

17. In my Memorandum of the 2nd November, 1907,* I stated that in most of the provinces of the Protectorate there would appear to be practically no land which was not subject to village or tribal claim and the Committee in other parts of their report adopt this view on the evidence taken. In other words the lands were national within each community or state.

18. The Committee have now desired to extend the national trusteeship from the Emirs or Chiefs to the Crown and to embrace the whole Protectorate. With this I must entirely agree as the only logical proceeding in nationalisation of the land. It is quite a different proposal to that of declaring vacant lands to be Crown lands, but I am inclined to think that paragraph 69 might be read to advocate this; although I can hardly suppose that this is the recommendation which the Committee intended to make. At the same time there are some grave difficulties in the way if sole power of disposition of national lands other than those in occupation is reserved to the Crown alone unless certain limitations, which the Committee may have intended to impose but do not clearly outline, are placed both upon the power of granting sylvan produce and pasturage rights and upon the area or extent of land which may be occupied for mercantile, industrial, agricultural, or grazing purposes by immigrants. Paragraphs 66 and 69 clearly indicate, as I read them, the possible granting of occupant rights over areas of so called unoccupied lands in Northern Nigeria. On many of the present unoccupied tracts, trees and plants of economic value are to be found, such as oil palms, shea butter trees, gum acacia, rubber vines, &c. The traders at present in the country have had long experience in its development but have wisely never sought to obtain any rights whatever to these sylvan products, having preferred to leave their collection to the natives themselves. The extreme caution which should be observed by the Government in granting rights to exploit sylvan produce in a tropical country partially, but not wholly, occupied by natives has been brought home to modern statesmen by the lamentable situation created on the Congo. If I interpret it correctly the position of antagonism with the natives in the Congo Free State would appear to have arisen from the claim by the State to "vacant lands," and by the definition that all lands outside the actually cultivated holdings of the villages were to be considered as "vacant lands." By this claim the Congo Free State also asserted ownership of the sylvan produce found upon such lands. Many large concessions for the development of these "vacant lands" were granted to immigrants and the inhabitants actually forced to gather for the concessionaires sylvan produce they had always looked upon as the property of the community.

19. I am strongly of opinion that the sylvan produce should be declared to be reserved for exploitation by natives of Northern Nigeria except in those areas to which occupant rights may be granted to immigrants, and that the area of such grants, mainly for agricultural or stock-farming purposes, should be limited to, say, 640 acres for any one individual. I am further inclined to think that the dangers which I have mentioned in the case of sylvan produce apply, but perhaps not so prejudicially, to the exploitation of pasture lands, and am most strongly of opinion that graziers' rights granted to settlers other than natives of Northern Nigeria should be limited to the area of an occupancy grant of, say, 640 acres.

20. There is no doubt in my mind as to the expediency of nationalising the lands of Northern Nigeria both in the interests of individual liberty and of national income, and I would feel no cause for alarm with regard to the future welfare of the native population if the declaratory proclamation stated clearly (1) the prior right of the natives for all time to acquire the right to occupy land necessary for the sustenance of their families (2) the limitation of the pasturage rights and the rights to exploit sylvan resources granted by Government to non-natives to the area of the grant of land leased for agricultural and pastoral purposes, and duly made use of for such purposes.

21. The Committee recommend in paragraph 69 that the term of leases should be such as to afford adequate security for the investment of capital, 90 years being

* No. I. in [Cd. 5103].

indicated as a reasonable period, and that leases "should include a rent revisable at "fixed periods which should be prescribed in a law of general application, and should "be as short as may be found practicable. The principle on which the rent should "be revised should be clearly stated in the leases, and should be that the revised "rent will be fixed independently of the capital invested, and will be based on the "value of the land irrespective of any improvements made by the lessee during "the term."

If the lands are to be nationalised, there would appear, on one condition, to be no objection to the leases extending to 90 years. Here I think the Committee primarily indicate leases to non-natives; registration of native leases will not be practicable for years, and their rights of occupation will continue until then to be dependent on the Emirs or Chiefs, checked, as at present, by the Political Staff. If we are to enforce the cardinal principle that rent is to be fixed or revised upon the unimproved value of the land—which meets with my concurrence, if this means, as I understand, the auction or market value of the land itself apart from individual improvements effected upon it during the term of the lease—the condition I consider essential in the granting of long leases is the power of frequent revision of the rent by Government.

22. It will, however, in the present financial condition of the country, be impossible to introduce the principle at once, though it may remain with us as a theory to be applied with the development of the country. A large proportion of the native population has for years been paying rentals or income taxes for the lands it occupies, probably in excess of their market value. Europeans certainly are also paying rents out of proportion to the market value of their holdings. To attempt to assess "economic rent" and depend upon it as a chief source of revenue for lands that have not yet acquired a market value is impossible. This course would not be practicable in the case of natives, and would be opposed to their native law and custom in the Mohammedan States at any rate, and if pursued in the case of Europeans would lead to considerable loss of revenue. At the same time I heartily concur with the recommendation of the Committee, which says "with the growth of the population and the "pressure upon the means of subsistence" (I take the latter to mean the demand for land to provide the means of subsistence) "that it (rent in the economic sense) will "shortly emerge appears probable, and it seems advisable before it has come into view "and been made by native custom or legal decision the subject of private property, to "declare the right of the State in these expanding values."

23. I submit, my Lord, that, provided always native rights of occupation and expansion are guaranteed for all time, and non-native rights restricted in accordance with my proposals in paragraphs 18 and 19, the recommendations of the Committee would inaugurate a system of land tenure of incalculable benefit to the interests of the natives of Northern Nigeria. These interests are, moreover, inseparably bound up with the interests of the European mercantile community, the latter being entirely dependent upon the prosperity and well-being of the natives for any success in their ventures. In this regard it might be urged by critics that the Committee's proposals would entail a situation analogous to that produced on the Gold Coast by the proposal to declare all the lands of the colony other than occupied lands to be "Crown Lands," or to that of the Congo, where all unoccupied lands were declared to be "vacant lands." With such contentions I cannot agree. The proposals of the Committee, as I interpret them, are that tribal rights liable in the past to extinction or destruction, and largely based upon the consequences of war down to the very day of our occupation, should now become general national rights. I feel that this policy must meet with the acceptance of all who have the interests of the natives and their liberty at heart. It will not alone benefit and protect the individual native, which, in my opinion, should be our first object, but will foster, develop, and encourage trade by ensuring the progress of legitimate mercantile or agricultural exploitation on the part of non-natives, and ultimately ensure the evolution of stable government over a highly prosperous and enlightened community.

I have, &c.,

E. P. C. GIROUARD,

Governor.

No. IV.

THE SECRETARY OF STATE TO THE GOVERNOR.

Downing Street,
22nd March, 1910.

Sir,

I have the honour to inform you that I have had before me the Report* of the Committee appointed to consider the general questions relating to land in Northern Nigeria, together with Sir Percy Girouard's despatch of the 17th October, 1908,† on the subject.

2. It was a matter of much satisfaction to me to find that Sir Percy Girouard's views on this important matter were so closely in accord with those of the Committee. The points of difference are neither numerous nor important, and, subject to the remarks which I shall proceed to make, steps may now be taken to carry the main recommendations of the Committee into effect.

3. A declaratory proclamation superseding "The Lands Proclamation, 1900," and "The Lands (Amendment) Proclamation, 1906," should be drafted on the lines suggested by the Committee in paragraph 72 of the Report, sub-heads (1) to (6) of the Summary of Conclusions and Recommendations. In this and any other proclamation on the subject it will be better to avoid the use of the word "dominion," which has misleading associations. I suggest a form of words declaring the land of the Protectorate to be "under the control and subject to the disposition of the Government." Sir Percy Girouard proposed that it should be declared further that the land is national land, and that the natives have a prior right to occupy such land as they may require for the sustenance of their families. I am inclined to think that a direct legal injunction couched in such terms would be likely to lead to misconceptions; but it appears to me that Sir Percy Girouard's views might be met by inserting in the preamble to the Proclamation some explanatory words such as:—"Whereas it is expedient that the "existing customary rights of the natives of Northern Nigeria to use and enjoy the "land and the sylvan produce of the Protectorate in sufficient quantity to enable them "to provide for the sustenance of their families should be assured, protected, and "preserved, together with all such rights to gather produce as have hitherto existed." Sir Percy Girouard suggested, again, that sylvan produce should be declared to be reserved for exploitation by natives of Northern Nigeria, except in those areas in respect of which occupant rights may be granted to immigrants, and that the area of such occupancy grants should be limited to 640 acres to any individual. It is hardly necessary for me to say that I sympathise with the view, very clearly stated by the Committee, that the natives of the Protectorate should have a first claim to the use and enjoyment of the land and produce of the country. It follows that, as Sir Percy Girouard also urges, the interests of the natives should rank before those of immigrants in any question involving the revocation of a title of occupancy. These matters appear to me, however, to be the proper subject of administrative rather than legislative action, and the declaratory preamble suggested above will, I think, be sufficient to ensure their sympathetic handling by future administrators. The recommendation of the Committee that the devolution of the right of the occupier upon his decease should, in the case of a non-native, be regulated by the law of his domicil is in accordance with established usage, and should, I consider, be adopted.

4. The remaining proclamations relating to or affecting land, viz.:—"The "Supreme Court Proclamation, 1902," sections 13 and 18, "The Provincial Courts "Proclamation, 1902," section 9, "The Crown Lands Proclamation, 1902," "The "Land Registry Proclamation, 1901," and "The Minerals Proclamation, 1902," sections 9 and 45, will require amendment in the manner indicated by the Committee. The Committee suggested that certain sections of "The Crown Lands Proclamation, "1902," should be preserved, mainly, as I understand, on account of the historical interest of the transaction to which the proclamation relates; but Sir Percy Girouard was in favour of repealing it altogether. I see no practical objection to this course.

5. I understand that Sir Percy Girouard concurred in the views expressed by the Committee in the section of their Report headed "Development of the Protectorate,"

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* No. I. † No. III.

provided that sufficient protection were given to native interests. As I have indicated in paragraph 3 above, I am entirely in sympathy with this attitude; and the Committee have given expression to the same view in unmistakeable terms in more than one passage in their Report. I cannot doubt that the explicit declaration of policy which it is proposed to include in the leading proclamation dealing with land will be a sufficient pledge in time to come for the security of native interests, and that future administrators may be trusted to observe the principles thus laid down in dealing with any question involving the grant of rights over land or its produce to other than natives of the country.

6. The recommendations of the Committee under the heading "Revenue and Taxation" embody the result of Indian experience, and are deserving of careful consideration. Sir Percy Girouard agreed with the Committee on the main principles, but dissented on certain matters of detail. He agreed, as I understand, that, so far as Mahomedan districts are concerned, the assessment should be carried out through the native administration, but he considered that in pagan districts the political staff should make the assessment directly, and that this should be aimed at during the course of time in Mahomedan districts also. As regards pagan districts where, with a few exceptions, the native administration is too primitive to be utilised to any extent, this conclusion is probably inevitable. In Mohamedan districts, however, the case is different. "We think," the Committee wrote, "that it is generally wise for an alien "Government to leave the people as far as possible to manage their own affairs"; and they went on to state their opinion that every effort should be made to strengthen the native organisation and develop a sense of responsibility in the village community. This opinion is not to be dismissed lightly, and I desire to express my strong sense of the importance of at any rate maintaining an open mind on the subject. It does not appear necessary to lay down definite lines of policy at present. The two systems (of indirect and direct assessment) must in any case be carried on for some time side by side in Mahomedan and pagan districts respectively; and the administration will be enabled to determine by experience which of the systems is best suited to the general requirements of the country. It is not unlikely that it may prove to be the better policy to extend the indirect system to the pagan districts and use it for the political education of the more backward communities. The question need not be considered now. I am fully prepared to allow your Government the wide latitude for which Sir Percy Girouard reasonably asked, but I would urge upon you the importance of proceeding cautiously, and endeavouring to accumulate the experience on which future policy may be based.

7. You will no doubt submit to me in draft, in accordance with the usual arrangement, the legislation required to give effect to the decisions arrived at in regard to land tenure. I have already asked, in connection with the application of the British Cotton Growing Association for a site for a ginnery at Ilorin, that a specimen lease drawn up in accordance with the views of the Committee may be submitted for my consideration. In regard to assessment I have no specific directions to give, but the development of the system should be carefully watched, and I rely upon you to keep me fully informed from time to time of any points of importance that may arise.

I have, &c.,

CREWE.

NORTHERN NIGERIA.

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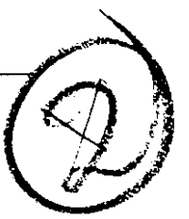
NORTHERN NIGERIA LANDS COMMITTEE.



MINUTES OF EVIDENCE AND APPENDICES.

(*The Report and Despatches relating thereto are printed separately as* [Cd. 5102] .)

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1,250.—Wt. L. 1622. 4/10. J. T. & S.

APPENDIX I.

MEMORANDA

ON

LAND TENURE AND LAND REVENUE ASSESSMENT IN NORTHERN NIGERIA;

BY

SIR PERCY GIROUARD.

CIRCULAR TO RESIDENTS.

In a previous Memorandum on Land Revenue Assessment and Land Tenure issued for Residents' comments and consideration the two questions were considered together. In consequence of replies received I have thought it desirable to re-draft the Memorandum in question, and to separate it under the two heads of Land Tenure and Land Assessment. The former is a debateable subject, the latter one of fact.

In the Memorandum on Land Assessment I have attempted to direct the attention of Residents to the existing condition of land revenue assessment and collection in Northern Nigeria, by contrasting it with the scientific system developed in British Burmah. I have not attempted to urge the immediate introduction of the Indian system (our financial position will not allow of it), but wish to emphasise that a land revenue policy once adopted will force its authors into the more accurate systems of interpretation found essential elsewhere.

In the Land Tenure Memorandum has been outlined what I conceive to be the situation in Northern Nigeria, a situation apparently allowing of a policy which would promise lasting benefits to the native population.

On both subjects I fear few of us can claim much practical knowledge, and I have therefore laid before you the views of two great Indian authorities. With your assistance it may now be possible to disclose the situation to the Home authorities, and impress the necessity of independent and expert advice upon a subject of such vital importance to the present and future welfare of the inhabitants of this country, and, in view of the early development of the country, calling for immediate solution.

E. P. C. GIROUARD.

Zungeru,
2nd November, 1907.

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LAND TENURE IN NORTHERN NIGERIA.

1. It is essential, before working out the eventual system upon which land revenue should be assessed and collected, to determine the policy of the Government with regard to land tenure in Northern Nigeria, more particularly native tenure. It would, moreover, appear indispensable to resolve the matter prior to the advent of Europeans in any considerable numbers. The construction of railways will very probably result in a large access to the white population, and a probable demand for land for plantation purposes. Should such a demand arise before the determination of native tenure, injustice to the present holders of the land might ensue, tending to unsettle the country and shake the faith in our rule now becoming firmly established. Regrettable results from failure or delay in the settlement of native tenures can be instanced in other parts of Africa where the customary right of the native inhabitants was by no means so firmly established as is the case in this Protectorate.

2. Northern Nigerian native rights in land must, in so far as the past is concerned, be generally considered under two heads, those obtaining in (1) Mohammedan or Fulani-ruled States, (2) Pagan States.

In the Fulani-ruled States the land was apparently by custom vested in the rulers who had conquered them. By custom and tradition, however, lands cultivated by their subjects, not being slaves, were usually left in the holders' undisturbed possession, subject (except in Sokoto) to the payment of tithes or tribute. The conditions prevailing in these States, more particularly in late years, undoubtedly led to arbitrary treatment of landholders, gross extortion of tribute, and the farming of taxes. The frequent change of rulers and more constant changes in court satellites to whom the taxes were farmed, gave no security of life or favour, and, consequently no practical continuity of tenure in the lands nor fixity in the rents imposed upon them.

In the Pagan States the lands were in a sense common, though each man usually received the products of his labour; custom and tradition apparently precluded the alienation of the lands by the chiefs to other natives or non-natives. So long as the tribal or clan feeling remained entire, tenure remained fixed. Conquest and re-conquest and internecine strife were, however, of common occurrence, the conqueror holding the lands for his people until in turn dispossessed.

Since the British occupation the principle of the right of the natives to their landholdings has never been questioned, Residents of Provinces usually maintaining individual right of possession, provided the rents or cesses upon it were forthcoming—thus securing to the landholder of cultivated ground continuous occupation of the land. In addition to the cultivated lands, which are in Northern Nigeria of vast extent, owing to the smallness of the population there is in places a greater extent of unoccupied or waste land, much of which has a high agricultural value. No serious investigation has been made as to the claims or rights in this unoccupied land.

The farmers, in so far as habitation is concerned, are usually found, as in India, collected in villages, frequently walled and defended. Adjacent to the villages are the lands they cultivate, but village claim is laid to far greater areas than the actually cultivated or fallow land, and the supposed boundaries of such claims can usually be pointed out by the villagers or their headmen. In most of the provinces there would appear to be practically no land which was not subject to such a claim.

Apparently, though there is no proof as yet available, certain areas of cultivated land are held by Emirs or their courts. These in the past have been worked by slaves. Some are probably attached to the office held, though it would appear that private and individual rights are asserted in others.

3. My predecessor in his Memorandum No. 16, "Titles to Land," defined the tenure in which the lands were held under the following heads:—

(*a*) Crown Lands.
(*b*) Public Lands.
(*c*) Difference between Crown and Public Lands.
(*d*) Rights of Government in Public Lands.
(*e*) Communal Lands.
(*f*) Government rights in lands of conquered Pagans.

(*a*) "The Government of Northern Nigeria acquired the sole and absolute title to certain lands, on the transfer from the late Chartered Company. They are set out in the Schedule to Proclamation 16 of 1902. These lands were stated by the Royal Niger Company to have been privately acquired, and held by them in their private right as a Commercial Company outside their functions of administration as a Chartered Company. They were very extensive, including, amongst others, a mile inland from either bank of the Niger from the Southern Nigeria frontier to Lokoja. The justification of the large sum paid by the Imperial Government to the Company at the time of their surrender of their Charter was probably considered by His Majesty's Government to consist largely in the acquisition of these extensive land rights.

"These lands are, by presumption, the absolute property of the Government, though, as a matter of fact, native towns are situated upon them, the inhabitants of which, so far as I am aware, have no knowledge that their rights in the land they occupy have ever been alienated. Since, moreover, the greater part are situated in Pagan districts, where the rights in the land are communal, it is doubtful whether it was in point of fact alienation by any chief under treaty. It must, however, in fairness to the Company, be borne in mind that the treaties under which they claimed to have acquired these lands, and also mineral rights, were often (probably almost always) the same by which they had acquired such political control as formed the basis of our claim to what is now Northern Nigeria as opposed to the claims of Foreign Powers.

"In addition to the lands thus theoretically acquired, certain other lands have been taken up for public purposes by the Government, and have become Crown Lands, such as the site of the Cantonment at Zungeru, and such part of Lokoja as was not already Crown Land, and the sites of the various Provincial Headquarters, &c. With the question of the formalities of titles to such lands and the delineation of their superficial areas, I will deal presently.

(*b*) "Apart from Crown Lands, which may be described as the private property of the Government, there are certain lands, the ultimate title to which is vested in Government by right of conquest, a right to which legal sanction was given by Proclamation 13 of 1902 (now incorporated with No. 8 of 1900). These lands are called 'Public Lands.' They became such owing to the fact that the Fulani, when they conquered the country, assumed the ultimate title to all land, and when, therefore, a Fulani Chief was conquered or deposed by Government the title vested in him lapsed to Government. The procedure laid down in the Proclamation has been given due effect to by means of Letters of Appointment to each Emir installed by Government, in which this ultimate title to the land was expressly reserved.

(*c*) "In my view, the difference between Crown Lands and Public Lands may be described thus. Crown Lands are the private property of Government, and any person entering or building upon them commits a trespass. Public Lands are held administratively by the Government, which in no way interferes with private titles or transfers and sales between individuals, but Government has the right at any time to take up any public land for public purposes, and Government can alone grant a title to a non-native for any public land. Money accruing from rentals and sales to persons other than natives of the Protectorate forms part of the revenue of the Protectorate.

"The Government has, in my opinion, the right to go still further, and to claim the right of disposal of all such land as is included in a district declared to be Public Lands, provided that it is not in actual occupation, and cannot be proved to be the private property of an individual. Conquest by a civilized government does not confer the right to confiscate private property. This right of disposing of waste lands is one which, in practice, the Government only rarely exercises, as in the case of denying permission to settle to freed slaves (Memorandum 6, paragraph 5). As a rule, the disposal of waste lands is delegated by the Government to the emir or chief who has been nominated to succeed the deposed ruler.

(*d*) "Thus, in practice, Government assumes the right in the case of Public Lands. (*a*) To take up any land required for public purposes without purchase, though, if private and individual rights were invaded, compensation would be awarded. (*b*) To be the landlord in respect of all non-natives who may desire to acquire title in a district declared to be Public Lands. When, therefore, the Government assumed the onerous and costly task of administering this Protectorate, it secured as a source of revenue these two assets—the right of granting licences to

exploit minerals, and the right of selling or leasing land to non-natives. The day will, no doubt, come when the value of this provision will be fully appreciated.

(*e*) "Practically all the territory under the Fulani rule is now Public Lands. There remains the enormous area which is occupied by Pagans. I have provided no legal instrument by which to formally legitimize to a hyper-critical legal mind the *de facto* consequences of conquest in this case. In the case of the Fulani we were dealing with acute intellects, and it was the straightforward and honourable course to declare to them publicly and frankly the consequences which resulted from conquest. But I have a strong dislike to going through formulæ—be they treaties or public proclamations—which are not understood by the parties concerned, are inapplicable to their conditions, and cannot be promulgated through any central authority or channel of general information. Thus, if a Pagan tribe, consisting of a congeries of little hamlets, each under a wholly independent chief, is conquered, it is of no use declaring that Government, in future, claims an ultimate right in the land. The phrases would convey no meaning to them, the land is, presumably, held in communal tenure, and the owners (so far as they can be called owners, who acquire to-day and are ousted to-morrow by a stronger tribe, and have no clear idea of ownership, whether individual or communal), are only partly present and are unconcerned. The rights given by conquest are well understood by primitive folk, and, since the Government does not desire to expropriate the owner of a single field unless it be for some public need such a road, railway or station, and there are limitless areas around equally good for cultivation, the necessity of any legal formality or public declaration does not appear to me to exist. The more advanced Pagan communities referred to in Memorandum 5, paragraphs 51 and 52, such as Boussa and Kiama in Borgu, Argungu and Jega in Sokoto, &c., form exceptions, and can be dealt with—having a paramount chief—under the terms of the Proclamation.

(*f*) "It follows that in Pagan tribes which have submitted in the face of superior force, or have been conquered in warfare, the Government assumes the same rights as regards lands which it does in a Fulani emirate, that is to say, it reserves to itself the right to grant titles to land to non-natives, and to take up land for public purposes, but does not otherwise interfere with the ownership or transfer of lands between natives, and money paid for sales or rentals by non-natives accrues to the public revenue—but in this case, for the reasons I have given, no public announcement based on a legal statute is made."

4. Both in definition as to class and in definition of rights, the foregoing would appear to me to be, from a legal point of view, cumbersome, and, in practice, indefinite.

The right of private or freehold ownership is apparently contemplated, private titles, transfers, or sales being described. No account is taken of village claims as to boundaries, and waste lands are held to be in the gift nominally of the Government, practically of the Emir. Government alone, however, can grant a title to a non-native or a native who is not a native of this Protectorate to any public land.

Up to the date of our occupation, there had been little or no question of titles to land. Land more than ample, in fact far in excess of the requirements of the population, was probably available. The population cleared and cultivated what they required, and so long as they did not personally offend their rulers or were unconquered by neighbouring States, they remained by custom in possession. What was of far more consequence to the free tiller of the soil or landholder was his property in man with which to work it.

My predecessor denies the right to Government of seizing cultivated lands or house property, or of interfering with private titles, transfers or sales between individuals.

In another Memorandum, in referring to the difficulty of the free labour problem, mention is made of the necessity of "the creation of a labouring class to till the lands of the ruling classes" and "the enforcement of proprietary rights in land." I can only presume that this meant the creation of a landlord class. Though I am altogether in favour of the definition and recognition of the native rights in land, I am not at all certain that it would be in their interest to create a landlord class where apparently they have been non-existent.

II. Public and Private Ownership of Land.

5. "To the economist the ultimate justification of private property rests upon the conviction that the surest way to bring about the abundant production of wealth

is to secure to the producer the free disposal of what his exertions have produced. This general agreement in favour of private property does not, however, afford any vindication of private property in land. Land is the free gift of nature, and its extent and productive capacities are not (except in rare cases) due to the exertions of the landlord, and therefore no privileges or disabilities imposed upon the landlord could affect the productiveness of the land. Indeed, there is no reason to suppose that the production of wealth would be impeded in a society which did not recognise private property in land at all, as long as the use of the land was guaranteed to the cultivator for a season.

6. But though the landlord cannot nowadays rest his claims to the exclusive ownership of land upon the same fundamental principle which justifies other forms of private property, it is probable that in earlier ages he rendered services to industry which fairly entitled him to a share of the product. Those services consisted in the protection of industry. In the lawless condition of early society, the chief who could assure the agriculturist security, and enable him to reap the crop which he had sown, performed a most valuable service to industry, for which, according to the strictest economic reasoning, he was justified in claiming a share of the profit. But with the growth of settled government, the necessity for the services of the local landlord has declined, his primitive functions are now discharged by the State, and therefore his claim to the exclusive ownership of a certain portion of the earth surface has not the economic justification which attaches to other forms of private property."*

7. Mr. Morison describes the above as the "Economic Doctrine of Land Tenure." In its use the State becomes the landlord, and any land tax becomes a "rent." The agriculturist would secure the right of *user* over a greater or less period No middleman or landlord would absorb any such "rent," all of which would accrue to the Government of the country for the benefit of the people.

8. With this theory may be contrasted the English and the Indian systems of land tenure.

Many people assume that the English system is based upon absolute ownership of land—in point of fact such a position is unknown in English law, by which no man can be absolute owner, though he may hold an "*estate*" in lands. By Roman law absolute ownership was recognised, and before the Norman conquest this probably existed in England. William the Conqueror assumed absolute property of all the lands in England, except Church lands, and the county of Kent, for the Crown. The Conqueror as sole proprietor granted to his followers certain rights of use in certain lands, and these "Rights" were termed "Estates." These persons had to render certain services in return, and were never called owners, but merely Tenants at will (Holders). If they failed in their services to the Crown, the "Rights" might be forfeited. The "Estates" were neither alienable, nor transmissible by will, but life tenancies reverting to the Crown on death. With time the estates (which can only be termed "leases") from being granted to tenants at will, tenants for a term of years, tenants for life, tenants by copy, were eventually "alienated" from the people, if not the Crown, when estate in fee simple was reached, which denoted a perpetual lease of land.

With estate in fee simple came into being the landlords: taking the place of the Crown they in turn granted estate rights at will or for a term of years, from which arose the tenant-farmer class, and the "Farm," which is merely the name for a form of lease. It was when towns sprang up that the value of the landlord's rights vastly increased. For many centuries now the land has been thus held, the fee simple or freehold landlord for all practical purposes having become absolute owner of the land as private property, to be treated like any other property. The "Jus utendi" or right of user having become the "Jus possidendi" or right of possession, and the right of securing the best bargain in its sale on short lease or fee simple is just as natural a feature of English dealings in land as the right to drive the best bargain in the sale of a horse.

9. "The Indian conception of landed property may be regarded as a compromise between these two extreme views. In India the landlord's title to the land is acknowledged, but it is a title subject to very considerable limitations. On the one hand, his ownership is limited by the claim of the State to a joint interest in the land, and, on the other, by the claims of the tenant to a semi-proprietary right (to fixity of tenure) in his holding. Theories of land tenure have always been to the

* Mr. T. Morison, late Principal of Aligarh College: "The Industrial Organization of an Indian Province."

Indian Government questions of great practical importance because *from time immemorial the revenue derived from the land* has been the mainstay of State finance. The land revenue is that proportion of the private landlord's income which is claimed by the State, and in determining the principles upon which this land revenue should be assessed the Government has been compelled to consider the theories governing the ownership of land. For convenience of reference, the three opinions which have principally influenced the discussion upon the ownership of Indian land will be referred to as (1) The Economic doctrine, (2) The English doctrine, and (3) The Indian doctrine. These names have not much claim to accuracy, but they are distinctive and convenient.

10. "The rigid application of the economic doctrine would seem to require that private property in land should be abolished, and that all land should become the property of the State; in other words, that the land should be nationalized. In old countries, however, this is hardly even a practical policy, because the State has usually recognised the rights of certain persons to a beneficial interest in the land, and these rights cannot be withdrawn without injustice. But although the State is pledged to maintain the existing privileges of the landlord, it might legitimately appropriate to itself all future increments in the value of land, and thus place existing landlords in the position of annuitants drawing a fixed income from the land, but having no power to control the use of it.

11. "This was the view taken of land in India by those who maintained that the land revenue was not a tax, but was rent. It was asserted that the State in India had never divested itself of its supreme proprietary right in the land; the most that could be asserted was that Indian rulers in the past had recognised the tenent's claim to fixity of tenure; but while recognising his right not to be dispossessed from his holding as long as he paid his rent to the paramount landlord, they had actually exercised their privilege of appropriating to the State the whole of the increased value of land. This view was fortified by the reflection that it is the State which now renders to agriculture, and to all industry, the services which the zamindar used in lawless days to perform; it is the State which now confers upon the agriculturist security in which to pursue his industry, and it is the State which executes most of the permanent improvements upon the land—such as irrigation canals, drainage-cuts, roads, and railways. According to this view of the relation of the State to land, the Indian zamindar was but an agent for the collection of the State revenue, and he was entitled to nothing more than a percentage of his collections as a recompense for his trouble. This view gained support from the fact that a considerable number of persons who are now recognised by the British Government as the owners of estates, were originally nothing more than farmers of the revenue, *i.e.*, persons who accepted the contract of collecting the Government revenue on condition of keeping to themselves a certain percentage of their collections. The practical application of this view would, of course, have been to raise the land-tax so as to take from the zamindar all profits in excess of those surrendered to him at the last settlement. The theory of State landlordism was opposed by all who wished to see a limit placed upon future assessments, and who looked upon the land revenue simply as a tax upon agriculture, to be kept within the same limits as taxes upon other industries.

12. "Interesting as is the question of the nationalization of the land, it is useless to discuss it any further here, because the Government of India has definitely repudiated such a conception of its rights in the land. 'The British Government has everywhere conferred or recognised a private right in land, and, in large areas of country—Bengal, Oudh, and the whole of Northern India, for example—it has expressly declared the rights of the landlord and the village owners. It is, then, impossible any longer to say broadly that the State takes a rent from the landholders regarded as tenants. There are no doubt cases where Government is the immediate owner of particular lands, as it is of all waste and unoccupied land in general; but we are speaking of cultivated lands in villages and estates. The Government is certainly not owner of this; the utmost it does is to regard the land as hypothecated to itself as security (in the last resort) for the land revenue assessed upon it.

13. "The economic doctrine has, therefore, never been applied to the ownership of land in India; and since the State has formally recognised private property in land, the landlords have as good a title to their estates as any owners of property. I hold most strongly that when once the State has recognised the legality of private property in any commodity, be it in land or slaves, or any other form of wealth,

the owner cannot be dispossessed of it without fair compensation. Whatever arguments may be found in abstract reason against private property in land, they do not release the State from the pledge which it has given by recognising the legality of this form of property.

14. "But if the economic doctrine may be considered to have now only an academic interest the same cannot be said of the English doctrine. . . . The English officials who took over this province at the beginning of the nineteenth century were anxious to create in India a body analogous to the landlord class in England. . . . . Soon after the acquisition of this province at the beginning of the nineteenth century, the Government therefore formally declared its intention of making a permanent settlement with the landholders—that is to say, of fixing in perpetuity the tax upon rent.

15. "For the Indian tenants it was a fortunate accident that the local officers, to whom the Commissioners addressed themselves in 1807, did not believe that the time had then come for making the settlement permanent.

"The local officers, in reply to the Commissioners, deprecated a permanent settlement as long as the country was so thinly populated. They foresaw that under a settled Government large tracts of land, then waste, would be brought under the plough, and that by a settlement made before this land was brought under cultivation, the Government would be debarred from all share in the profits of agriculture in these tracts. The Commissioners themselves, after an extensive tour, decided that a permanent settlement would be unwise 'while the population was so limited compared to the extent of its area.'

"The permanent settlement was, therefore, not rejected, but merely postponed. It is interesting to note that those who deprecated the immediate introduction of a permanent settlement did not foresee what was to Mill the greatest objection to fixing an immutable tax upon rentals—namely, that in a progressive society the value of land is always rising without any effort on the part of the landowners.

16. "But these arguments against a permanent settlement were not present to the minds of the English officers of the first quarter of the nineteenth century. They were in sympathy with the proposal to fix the land revenue in perpetuity, but they advised that the decisive step should be postponed until the country was more fully populated. The result of this postponement was that they became better acquainted with the Indian conception of land tenure, and as this acquaintance deepened they modified their preconceived notions of the absolute proprietary rights of the landlord. . . . They were conscious of their ignorance of essential facts; they did not know who the actual landholders were, and they directed their officers to make inquiries upon this point. . . . In reply to the Board's circular regarding tenures (1808) Mr. T. Balfour wrote from Gorakhpur: 'The ancient landlords, whether under the denomination zemindar, talookdar, rajah, or baboo, are admitted to have a proprietary right.' His neighbour, Mr. W. J. Sands, the collector of Bareilly, on the other hand, describes the 'talookdar' as a person who held estates in farm from the Government, and declares that the 'talookdar' usually asserted no claim to proprietary rights. 'There are, however, some,' he says, 'who from long possession assert a right, and deny the proprietary right of the village zemindars, who, on the other hand, assert claims on written documents, and as the acknowledged heirs of reputed proprietors of the soil.' Mr. Sands, however, fails to arrive at any very definite conclusions. 'The proprietary right in the soil of the acknowledged proprietors is extremely doubtful. From the great facility with which in this part of the country deeds are produced, it is difficult to decide the right, if any should really exist.'

17. "The result of their study of land tenures was to convince the English officers that there were in India sub-proprietors who had undeniable rights, and that these rights had been overlooked in the permanent settlement which was made with the landholders in Bengal.

"With the realization of the tenants' rights, it became clear that no settlement could be made in perpetuity which did not give legal recognition to these sub-proprietary rights. As it was impossible to attempt legislation until the Government was in possession of detailed information respecting the various forms of tenure actually recognised in the country, it was decided to prepare 'a record of rights' in every village or estate before settling the land revenue which it was to pay.

18. "Under Regulation IX. of 1833, settlements were made for a period of thirty years. The principle of permanent settlement was not officially discarded, but with the modification of the English doctrine of landownership the desire to

see it introduced declined, and the decision upon this point was therefore postponed. In the course of the ensuing thirty or forty years the rise in the value of agricultural produce, followed by a rise in rents, brought home to the officers of the Government the fact that there might be a rise in the value of land due to the progress of society to which the owner of the land had not contributed; it is probable, also, that they were influenced by the growth of economic opinion in England, and the writings of J. S. Mill, which predisposed them to sympathize with proposals for keeping all increase in the value of land in the hands of the State. . . . Opinion eventually came to rest on a compromise between the two extreme views, and the theory now generally held is that to which I have given the name of the Indian doctrine of landownership. The right to private property in land is recognised, but it is subject to two limitations, the first of which consists in sharing with the Government all increments in the income derived from land, and the second consists in the recognition of the semi-proprietary right of the tenant to fixity of tenure.

19. "The Indian landlord may well have thought that the distinction between rent and tax was a mere matter of words. What was of practical importance was the amount which the State collected from him in the shape of land revenue. The two questions of importance to him were (1) What was the proportion of his gross income from the land which he would have to surrender to the State, and (2) upon what principle the officers of Government would estimate his income. The last is of as much practical consequence as the first, for if his income is moderately estimated, the landlord can afford to pay a large proportion of it; whereas an assessment which professes to be only a small proportion of his income may be very burdensome in fact if that income has been over-estimated.

20. "The general conclusion to be drawn from the facts set forth in this chapter is that the Indian system of land tenure is something intermediate between complete nationalization of land and absolute private property in land. To the extent of one-half, the State is able to appropriate that unearned increment in rental incomes which is due to the development of the country, and to this extent to lighten the burden of the taxpayer. But except for this contribution to the public exchequer, the economic position of the landlord is not affected by the land revenue laws. He receives rent for the use of the natural and indestructible properties of the soil, and he raises that rent when the growth of population and the development of the country makes it profitable to bring poorer lands under cultivation. The object of the following chapter is to show how the growth of population has placed the landlord in a position of economic advantage when making a bargain with his tenants, and how the landlord has in the main followed his own interest with results not very dissimilar to those prevailing in Ireland. It will afterwards be shown what restraints have been placed upon him in dealing with his tenants, so as to give legal effect to the second limitation upon the power of the landlord, which I described as characteristic of the Indian conception of landed property."*

21. In India, to be brief, the original British officials, imbued with the sense that powerful landlords bound to the State constituted our safest policy, fostered the idea of proprietary rights in land. There is little doubt that in India these rights were not, as in England, acquired by any grant of leases in perpetuity, but by the gradual abuse of their positions by rent collectors, more than probably supported by supine and extortionate rulers. We mistook them for landlords, and at the outset gladly accepted them, having in view, it is to be feared, the safety of our own position and policy rather than the benefit of the people. Time has altered this, and later administrators have done all in their power to limit the practically unearned increment placed upon the land by the creation of the landlord classes.

III. Rights in Land.

The rights in land in Northern Nigeria are described as follows by Residents:—

(*a*) Mohammedan Provinces.

Sokoto Province.—(Mr. Temple).

22. "With regard to land tenure. Unless I am greatly mistaken the one cardinal feature of native custom with regard to the tenure of land is that *under*

* Morison: "The Industrial Organization of an Indian Province."

no possible conditions can a private estate exist. The essential basis of native custom is that the freehold of land belongs to the section of the population that has conquered and is in possession of that land. In nearly every case such sections had a recognised paramount chief, such as the Shehu of Bornu, Sarkin Musulmi, Sarkin Kebbi, of Argungu, &c., and in such cases the freehold of land was, in theory, vested in the person who filled the office of chief, although by no means could an individual who occupied the office alienate this right from the office or from his successors in the office.

"In cases where no such paramount chief exists, this power will invariably be found, I think, to have been vested in some kind of council, and as far as the native rights in land are concerned I cannot find that any radical difference exists between the customs obtaining in the pagan and in the Mohammedan States (I speak, of course, under correction).

"The chief had the power to grant the *use* of lands to private individuals, and he was competent to transfer this power to subordinate chiefs who in their turn could transfer this power to minor chiefs and so on. But these transfers did not prejudice the original power of the paramount chief.

"For instance, the Sarkin Musulmi transferred his power of granting the use to private individuals of lands conquered by the Filane in the Bauchi District to Yakubu. But, nevertheless, when any succeeding Sarkin Musulmi sent a letter to any succeeding Sarkin Bauchi to the effect that a certain individual should be granted a farm (or even given a horse, for the principle applied to personal chattels) the order was invariably obeyed.

"I take this as an instance, but, speaking under correction, I believe this procedure to have been the invariable rule, both before the Filane conquest and amongst tribes never conquered by the Filane at all.

"To return. Although the Paramount Chief had this power to grant the *use* of lands, neither he nor his assigns had the power to grant the freehold of an acre to any person whatever; he and his successors, or his assigns and their successors, had always the power to revoke any grant made. They were not expected to do so, however, unless there was some good reason.

"There is no individual in Northern Nigeria who can, I believe, say, 'According to native law and custom this piece of land belongs to me.' He can, if he is Paramount Chief, say, 'The power to grant the use of this land to whom I please is by native law and custom vested in me as chief of this tribe,' or a tribe, if they have no chief, can say 'This land by native law and custom belongs to *us*.'

"Although I cannot allow that any 'individual right of *possession*' existed, yet there is no doubt 'that an individual right of occupation' did exist up to a certain point, and eviction of a man from his farm or a population from their village for no good reason was considered by the community as an act of tyranny (on purely sentimental grounds, however). The privilege of individuals to transfer this right of occupation to other individuals *with the consent of the chief* was also recognized.

"The freehold of the land is vested in the British nation according to native law and custom, and the Government has absolute power to grant the use of land to any person it chooses, as it occupies the position of the Paramount Chief.

"With regard to the suggestion that waste lands, &c., should be declared Crown Lands, Your Excellency's arguments against this are, I think, very strong and conclusive. I would especially emphasise the fact that there is not an inch of land which is not claimed by one tribe or another. To draw any distinction between waste and cultivated land, as regards proprietorship, would be going against native law and custom, and in practice very difficult.

"With regard to the suggestion that all lands should be declared native lands in fee simple, I cannot say that this appears to me a possible course; it appears that it would place the Government in an anomalous position. There never has been individual ownership of land; to create this now would cause great confusion; in fact, it would render the Administration of the Emirates, or Bornu, on the lines on which they are now being administered almost impossible. It would render the Native Administration quite inoperative, and the lower classes quite irresponsible to the Native Administration. It would necessitate a direct European Administration at once.

"If the freehold should be returned to the various *tribes*, it appears to me that the Government might at some future date encounter legal difficulties, as some emir would turn round and say that he alone could enter into negotiations with a private individual *re* leases, &c., as his tribe was the freeholder, and his contention would be very logically sound, as far as I can see. Further, I do not think that the native rulers would understand the position of the Government if they were informed that the land had been restored to them.

"If I may suggest, I cannot think of more suitable terms than 'Crown Lands' and 'Public Lands.'

"*Crown Lands* are those of which the Government is the freeholder by right of conquest which it undertakes to administer directly, and in which it does not pledge itself to abide by native law and custom at all.

"*Public Lands* are those of which the Government is freeholder by right of conquest, according to native law and custom, and in the administration of which it pledges itself to abide (as far as is possible in accordance with justice and humanity) by native law and custom, retaining to itself and to its transferee all those powers which by native law and custom are vested in the Filane Emirs, in the Shehu of Bornu, in the chiefs of Argungu, Borgu, and other similar tribal chiefs, and in any native administrative assemblies or councils which may exist, and also in the native judiciary. The Government will not transfer its power to negotiate, as freeholder, with regard to the occupation or use of Public Lands to any native chief when a non-native is a party or interested in any such transaction. The term Public Lands seems to me to exactly fit the conditions existing when the country was conquered by the British.

"Under this or some similar definition, it appears to me that the Government would enter in a natural and logical manner into the native system of administration as the Paramount Chief.

"(There can, I think, be no doubt that the whole country was as a matter of fact occupied *manu forte*, and it would be hypercritical to say that the Government is not in possession of the whole by 'right of conquest.')

"By native law and custom the right of occupation granted to individuals is respected. It was only when these laws and customs were ignored that hardship occurred. The Government would see that native law was enforced, and might modify it slightly in favour of the land *occupier*.

"By holding the freehold, the Government has ample powers to take over any land it may require for public purposes, and the compensation to be paid is not a subject which can be made the basis of an action at law in a British Court (an important point, it appears to me). It can hardly be considered unreasonable that the Government should claim to be above all suspicion of wishing to invade the rights of individual natives by whose prosperity the Government itself will be judged.

"By occupying this position of Paramount Chief, the Government can logically, according to native law and custom, demand rent from any person using Public Lands, native or non-native. In fact, the whole of the Kurdin Kassa and Jangali, and all existing taxes, except those on trade and industry, could be logically grouped under the designation of 'rent.'

"Although there was no question of private titles to land, the ownership by tribe, chief, or fief-holder, was *the* important question in former times. Chiefs of every kind were most jealous of settlements being made on waste land which they considered theirs, unless very distinct permission had been granted. I may add that it is the *one* important consideration with them to-day.

"I am fairly certain that the rule that a farm is attached to every office is practically universal. It is that to the native mind the idea of holding an office is connected with the idea of having the right to a 'gandu,' or official farm attached to that office. Certainly every emirship, and headship of a district or village (even the smallest) has a 'gandu' attached. To every important court official's office a farm is attached, and very often even the galadimas or village sarkis will be found to have an official farm. This is the reason why people are so anxious to be made sarki this, or galadima that.

"(Unless I am quite mistaken there is one near Zungeru. Did not the present Sarkin Pawa Muhoma, when Ajuji Sarkin Pawa, of Ungwon Jebba, died, take over the 'gandu' from him, although Muhoma was not in any way related to Ajuji?)

"With the possession of such official farms generally goes the right to demand labour, free, from certain villagers (freemen). The right is not always exercised.

"The gandu or state farm goes with the office. The possession passes, when the holder of the office is deposed, to his successor. If he dies, to his official successor, not to his legal heirs. The official may have other farms of which he is the legal occupant by permission of a chief; these he retains when deposed; if he dies they pass to his legal heirs.

"(There is generally, in the case of important chiefs, a good deal of chattel personal which is attached to their offices (Kayan sarota). This passes to successive holders, just as the 'gandu' passes).

"This system, if cleared of abuses which have sprung up round it, appears to me a thoroughly sound one, and one to be supported. There must be native officials; the best possible way to remunerate them is to ensure them the opportunity of obtaining a living by either working a farm themselves (as is the case with some) or by overlooking the working of a farm by certain villagers (as is the case with others). The officials are remunerated at no actual cost, except labour, and agriculture is stimulated.

"The existence of these official farms will be an important factor when the payment of salaries to the native officials by Government comes to be considered.

"As a mere suggestion, I would say, therefore, let a suitable official farm be attached to every office, so that the office-holder has always sufficient food, at all events; and let a fixed, graded gratuity be paid to each district and village head per annum, the right of sale of privilege to occupy land to be maintained. All other sources of income cut off."

Kano Province (Mr. Palmer).

23. "For practical purposes the whole of Kano Province has settled village boundaries, which are well known and in many cases have been in existence for hundreds of years.

"Within the boundaries of the village land, cultivation rotates; manure is little used, and farms are resuscitated by letting them lie fallow, and cattle grazing on them. It is probably inaccurate to suppose, as some have, that the population has decreased, the explanation is simply that a farm if cultivated more than two or three years in succession grows barren.

"One great difficulty in making a permanent assessment will be to overcome this constant movement, which not only takes place within the unit itself but between different units. At present, of course, the individual caprice and character of different serikis cause much migration in addition to the above; but in the nature of things this will tend to decrease as our rule gets more effective.

"The theory of land tenure at present *in being* is this—as an intelligent native would expound it:—

1. "The Governor owns all the land. (Or, in other words, the Crown.)
2. "He gives it to serikin Kano on payment of a certain amount of tribute.
3. "The serikin Kano gives the village or unit to a seriki on payment of tribute.

"So far this is pure farming of taxes: but when we come to the individual proprietor of land, or farmer, the case is different.

(1.) "A farm is sold for 'user' by the seriki of a town or unit, with the implied condition that the occupier will pay to that seriki the customary taxes. If he does not do so, he is liable to eviction. The price paid is from 10,000 cowries to 20,000 cowries, according to the farm, but sometimes more.

(2.) "The farmer or proprietor may not alienate his farm to anyone else without the consent of the seriki (and cannot mortgage it because no mortgagees would be willing to lend on such a tenure).

(3.) "Strictly speaking, by native custom, a seriki and even the emir is bound to respect these rules. A farm once sold may not be sold again without default.

"Thus it is seen that though the peasant has not a 'fee simple' in his land, he has, in *theory*, even now a right of possession subject to the payment of taxes of a farm he has '*bought*.'

"In practice, much arbitrary dispossession takes place, but one is perhaps more apt to note the hundreds of cases where it does occur than the thousands where it does not.

"In order, however, to see that the theory was adhered to in practice with exactitude, it would be necessary—

(1.) "To make it compulsory on the farmer to permanently mark out the boundaries of his land in some way.
(2.) "To have an accurate survey.
(3.) "To determine by whom and within what area farms could, if unoccupied, be sold.
(4.) "To fix the price at which a farm can be bought.
(5.) "To regulate what was to be done with the purchase money of farms. (It would be a pity to abolish the *purchase* system, as to the mind of the native it *gives him a title*.)

"As appears above, the 'peasant' has not a 'fee simple,' but right of 'user,' subject to the payment of dues. I submit that to give the native a 'fee simple' in right of free alienation would be most undesirable; *they would all have mortgaged their farms inside a year.*

"For purposes of discussion, the whole of Kano Province cannot be regarded otherwise than as land 'permanently occupied by natives.'

"In the Hausa States there never were any regal lands till two years ago, except the emir's farm (say, 20 acres).

"To His Excellency's question, 'Is a *via media* possible,' &c., I would submit with respect, that neither—

(1) "Declaring waste lands, &c., to be Crown Land,
(2) "Declaring the lands to be the property of the natives,

would completely cover the case of Kano Province. It seems essential (as shown above) that whatever the system of tenure is, it should be of one kind in this Province.

"This being so, the land would either belong naturally (*a*) to the natives, or (*b*) to the Government or Crown.

(*a*.) "Now if the land is to belong to the natives, the question is—What natives? To the minority of Fulani rulers, or to the individual proprietor or peasant?

"The word 'belong,' I take it, means 'belong' in the sense of conveying the right to 'sell,' or, in other words, 'fee simple.' I think that most people would agree that to work out a practicable scheme on the basis of native 'ownership' would be very difficult in the Kano Province, and without a *very* large staff and a survey, quite impracticable.

"Still, there is no doubt that the native not only has a 'moral' but also an actual title *to the use* of his farm (by native custom) on certain conditions.

"There is also the fact that the natives look upon the Government as the owner of the land.

"With this is the question how Europeans shall (when they come) be able to acquire land?

(*b*.) "In England, at the present day, the King in theory *owns* all the land, and the 'fee simple,' which is usually called 'ownership,' is in origin a mere form of 'tenure.'

"In Northern Nigeria the Crown is, in fact, owner of all the land by occupation or conquest.

"It would then seem logical and in consonance with the theory of English

law that the Crown should become in theory also owner of all the land here, and from that could be developed whatever tenures were best suited to the country.

"In dealing with Kano Province the King (through the High Commissioner) would grant the right of 'user' or 'a lease' or a 'fee simple' if desired to any person whom he wished and subject to any limitations desired.

"In the initial stage of development it would seem desirable not to employ any tenure of the nature of fee simple, but to confine tenures to rights of 'user' (subject to payment of assessed taxes).

"This right of 'user' would cover the present peasant proprietor; he would hold his land subject to well known conditions; and he might be allowed to alienate it with the consent of the Crown, which would naturally be expressed or withheld by its deputies on the spot. This would effectually protect the natives against Europeans coming into the country, while at the same time native custom would not be interfered with, but rather strengthened, and no disturbing proclamations would have to be made, or a *fait accompli* disturbed.

"In practical detail such a scheme would not be difficult to work out on the same lines as in Lower Burmah.

"The 'sale' of farms would be a good feature to preserve, the price being handed to Government, *not* going to the serikis of the towns as now. Practically, the 'sale' would mean *taking out a licence to cultivate a particular farm*, in return for which a 'title deed' would be given, transferable with the consent of the Crown.

"There remains the question of land which the Government wants, in roads, railways, telegraphs, &c. The Government would naturally have a right of pre-emption by some statutory power made for the purpose, and could compensate the persons deprived of 'user.'

"I cannot personally see any moral obligation to compensate the chiefs concerned.

"If it is necessary to preserve a certain area of land on each side of the railway, the Government would pre-empt the strip, merely paying compensation to those who were deprived of the 'user' of land; the same way in regard to roads, &c., &c.

"These lands would then be vested in the Crown simply.

"If afterwards Europeans wanted sites for trading, they would buy a 'user' either (1) from the Government, if the land was pre-empted; or (2) from the natives subject to Government *veto* if the land was still in the 'user' of the native.

"Two things strike me especially,—

(1.) "In this province one could not differentiate between occupied and waste land.

(2.) "To give the native, either chief or talaka, power to 'sell' his land, would produce absolute chaos."

Kano Province (Dr. Cargill).*

24. "*Land Tenure.*—(*a.*) Starting upon the assumption that English law would be likely to be based upon existing native customary rights prior to our occupation, I would suggest that the lands in the Mohammedan emirates and those in the pagan areas come under different categories. First, as regards the Mohammedan emirates, land tenure there is subject to Mohammedan law and custom, which is that the land is the absolute property of the conqueror. The 'raj' has passed to us by conquest, and with it the vested ownership of the land. The Emir of Kano has repeatedly expressed this view to me. Owing to the transfer of suzerainty he refused to continue his tribute to Sokoto. He argued, 'Sokoto did not install me in my present position and he has nothing to give me. He, like myself, accepted his appointment from the British.' It would seem, therefore, that we are assuming the logical consequences of our conquests in declaring the Mohammedan Emirates to be 'Crown' or 'State Lands.' This was, I believe, the view taken by the Indian Government, who found themselves in a precisely similar position. The alternative would be to recognise the Emirates as 'Native States' controlling their own administration, including taxation, and paying, say, a fixed annual tribute to Government in return for 'protection.' In the case of the

* Dr. Cargill was not actually administering the Province when these notes were rendered.

Emirates, therefore, the system adopted in Burmah would seem to apply admirably, *i.e.*, declaring the whole country 'Crown Lands' and granting the natives 'landholders' ' rights.

(*b.*) "Secondly, as regards the pagan areas, it would hardly seem that we have any *de facto* rights as conquerors, as Mohammedan law does not apply here. I think that the lands should be regarded as 'tribal,' belonging to the different tribes by right of occupancy. I would suggest that in those areas the land should be proclaimed as 'native lands.' Further, it would hardly seem feasible to make a distinction between occupied and waste lands, as natives are constantly breaking fresh ground and forming new villages. I suggest therefore (1) proclaiming the Mohammedan Emirates to be Crown Lands and recognising landholders' rights; (2) proclaiming the pagan areas 'Native Lands,' and making special laws, based on purchase from tribal chiefs, for their acquisition as 'Crown Lands,' whether for Government purposes or for leasing to non-natives.

"Mr. Covey's notes on the custom having reference to land tenure in the Division of Argungu to the best of my belief apply throughout the Hausa States. It is *the* system of land tenure and would appear to point to a communal origin. With reference to *price* in Kano in the event of a man applying for a *vacant* plot he does pay a purchase amount to the local headman and the plot then remains his and is heritable so long as he or his heirs pay the land and produce taxes, or their land is not confiscated on account of crime. He may, however, be dispossessed by the Emir without compensation. Telekawa are not admitted to have proprietary rights outside the will of the Emir or suzerain. The fact that, contrary to the practice elsewhere, the Argungu chiefs do not touch the tithe, but leave it to the Mallams, shows, of course, that they adhere more strictly to Koranic law.

"I would like to bring out a point which I think has not previously been clearly brought out. The Kurdin Kasa, at Kano, is referred to by educated natives as 'Kharaji,' and is presumably, therefore, the 'Kharaji' of the Koran, and not the 'ghyzieh,' as stated by Major Burdon. 'Ghyzieh' is also known. It is called 'Kurdin ghyzieh,' and is levied from the pagan habes (known as 'maguzawa') instead of Zakka. To make it more clear—

(*a.*) Mohammedan Habes pay Kurdin Kasa ('Kharaji') plus zakka.
(*b.*) Pagan Habes pay Kurdin Kasa ('Kharaji') plus ghyzieh."

Muri Province (Mr. Ruxton).

25. "In the abstract I thoroughly agree with Dr. Cargill, but differ from him in considering it necessary to legislate for two different systems, one for Mohammedan states and one for pagan areas. All, I think, might be proclaimed Crown Lands. In the former case, such a right is conceded by the people themselves; in the latter it is not so conceded merely because the pagan has not the requisite reasoning power. If Government has a moral right over Mohammedan lands, it has an equal one over pagan areas.

"In the case of the pagans the unit would at first be the tribe or clan, and large provision would have to be made for expansion over the waste lands."

Yola Province (Mr. Barclay).

26. "All uncultivated land is vested in the emir or fief-holder, who alone can dispose of it.

"The emir has no control over land under the jurisdiction of a fief-holder.* Any one to whom land has been given becomes absolute possessor† of same, and cannot be dispossessed except through the alkali's court. If a man is convicted of serious crime his land may be taken from him.

"No rents are charged for land, but farmers must give a tithe of their produce annually, half of which is retained by the village chief, and half sent to the Emir or fief-holder, as the case may be.

"This tithe, called 'zakka,' must be devoted exclusively to charitable purposes, upkeep of the mosque and entertaining strangers. Surplus 'zakka' is used to clear poor people from debt, and sometimes to assist deserving slaves in purchasing their freedom.

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* This view does not accord with that of other residents.
† By possessor I think occupier is meant, is it not?—E. P. C. G.

"As a recognition of the suzerainty of the emir, a fief-holder must send the Emir half the 'zakka' of the town in which he, the fief-holder, lives. Fief-holders had also to supply soldiers and horses for war when called upon to do so.

"The limits of a village are fixed by the Emir or fief-holder, and the inhabitants only of such villages can farm within those limits.

"A man may not sell his land, but may give it away.

"A woman cannot inherit land, but her husband or father can give her land during his lifetime provided she has servants to work it. A death-bed gift of land to a woman is not recognised. In the case of a man dying without male issue a wife or daughter may apply to the chief of the village to be allowed to take over his land, and, if she can show she is in a position to cultivate it, the land is given to her.

The sons of a dead man divide his land equally between them. If one, or more, of such sons is a minor, the eldest son acts as trustee for him until he is of an age to be able to take over the land himself. In the case of all the sons being minors an uncle or other relative acts as a trustee until they are of age. In the event of a minor having no relatives the court appoints a trustee for him. A minor, however, can take possession of land if he has sufficient servants to work it for him.

"No man may occupy more land than he can cultivate.

"*Grazing rights* are communal, and flocks and herds are at liberty to graze freely over all uncultivated land. 'Zakka' is collected on cattle as under:—

On	30	head,	one	three-year-old bull.
,,	40	,,	,,	,, cow.
,,	50	,,	,,	,, ,,
,,	60	,,	two	,, bulls.
,,	70	,,	one	,, bull and one three-year-old cow.
,,	80	,,	two	,, cows.
,,	90	,,	three	,, bulls.
,,	100	,,	two	,, bulls and one three-year-old cow.

'Zakka" is paid by individual owners only, and not on the total number of cattle in a village. For instance, a village might contain 100 head of cattle belonging to different owners, but no 'zakka' would be paid if no individual owner possessed 30 head. If among above owners an individual possessed 30 head, 'zakka' would be paid by him on his cattle alone, the remainder being free from taxation.

"Should, however, two or more owners elect to herd their cattle together in one pen and the collective number reaches 30, 'zakka' must be taken from them.

"Cattle 'zakka' is divided and dealt with precisely in the same way as corn 'zakka.'

"An annual tax called 'jangali' was, until recently, levied on the herds of nomad Fulanis, the incidence being 10 per cent. of the total number of cattle in each herd. Unlike 'zakka' this was not a religious contribution, but a tribute tax, the proceeds being paid over to the Emir.

"There was no fixed rule as to the age and sex of the animal to be taken in every 10. This depended on the composition of the herd, and was assessed according to the proportion of bulls, cows and calves in the herd.

"*Pagan Tribes.*—As far as I have been able to ascertain, land tenure among the pagans is exactly the same as among the Fulanis, all land being vested in the paramount chief. Grazing rights are also communal."

(*b*) Pagan Tribes.

The Coast Colonies.

27. The question of the rights in land of the natives of the West African British Colonies along the coast has been the subject of much heated and bitter controversy. In the early days where the only requirements of individuals were for the establishment of coast factories or trading stations, land was obtained by treaty with the various chiefs, who, presumably, gave such rights as their tribal customs and laws—unwritten codes in all cases—could grant. After occupation by

conquest, cession or treaty, demands for land by Europeans were of a more varied character, and with the discovery of gold and the extension of agriculture, much confusion arose as to the rights in land and the validity of titles.

28. Broadly speaking, the endeavour of Government should be, and has been, to protect the native rights in land, but it was often thwarted or confused by an imperfect knowledge of these rights and native customs, and by the importation into the discussion by interested parties of the whole of the land laws of Great Britain, whether applicable or inapplicable.

29. There can be no hesitation in saying that the right of individual freehold tenure of land did not exist in West Africa. The lands were common, and the trustees for the people were ordinarily the chiefs, who usually *received a tithe of the product* or work on chiefs' farms in payment for their services as administrators and more particularly as organisers to prevent their being conquered by their neighbours. When such subjugation approaching to annihilation occurred, the victors assumed the same rights in land. In the history of West Africa there is not probably one inch of land which has not thus been conquered and over conquered for centuries. I think it is perfectly safe to say that the chiefs rarely, if ever, alienated their lands to neighbouring tribes, and with Europeans they had no dealings. On the advent of the latter by conquest, cession or occupation, they became gradually the agency whereby inter-tribal strife was made impossible and the peoples secured in their landholdings which now, for the first time, came to have any real value. Heretofore, all external trade had been in ivory, rubber, palm oil, or slaves, and land had no value, being absolutely in excess of requirements. To retain the trusteeship in the hands of the native chiefs was not only illogical but unjust to the people themselves. The lands acquiring values for the first time, the chiefs, (too often, it is to be feared, influenced by aliens or partly educated people of their own race having nothing to do with the tribe) parted with the lands on long leases, the proceeds, it is to be feared, going too often largely to the interested intermediaries and the chiefs themselves. This would appear in native law and custom to have been illegal, but now the English common law was brought in to support the idea. It is not to be supposed that the chiefs knew anything of its workings when they were induced to quote its provisions in the spoliation of their peoples. It would appear to me that after occupation by cession or conquest the Government became the natural trustees for the people, more particularly as they gave them security as users of the common property of West Africans,—the land of West Africa. If this intermediary had been chosen and rightly chosen, their full interests would have been secured, and accruing values would have flowed into the Treasury for years to come. By asserting that the lands were freeholds the opportunity for securing all the benefits of its own labours to the peoples of British West Africa was lost. Nor was there any necessity to impede progress by such action. Instead of granting any rights in land through the chiefs, leaseholds could have been granted through the Government,—the natives receive compensation, and accruing values remain with the Government to be applied for the good of the peoples. Users' rights in land only would have been given.

From the outset this principle would not seem to have been applied. On April 7th, 1891, Chief Justice Hutchinson, of the Gold Coast, in reply to a suggestion of Lord Knutsford's that the whole colony should be converted into Crown Land, replied as follows:—

The Chief Justice to the Governor.

30. "Your Excellency has asked me to state my opinion as to whether it is desirable to legislate with the object of making all the land in the Colony and the Protectorate Crown Land.

2. Mr. Meade, in his letter of the 4th of December, 1889, enclosed in confidential despatch of the 6th February, 1890, states that the Secretary of State acknowledges that there are 'many reasons in favour of making the whole of the Colony and Protectorate British territory, and therefore Crown Land.' I do not see how the making of the country British territory involves the making of the land Crown Land. Perhaps all that the Secretary of State means to suggest is that one result of making the country British territory would be to make the Sovereign the ultimate lord of all the land, all private rights being left untouched. If that

is the proposal, I see no objection to it. But if the Secretary of State means, as I think Your Excellency understands him to mean, that all the land should be appropriated by the Crown, with or without compensation, the Crown becoming the immediate, and not merely the ultimate, landlord, the case is very different. I will confine myself to this latter question, which I believe is the one your Excellency wished me to consider.

3. "Whatever shape the proposed legislation took, it would, I presume, not interfere with existing rights in land now actually occupied and not permanently abandoned (lying fallow, in short, according to the native practice of letting land lie fallow for several years); so that the Crown would only actually appropriate and take immediate possession of the unoccupied, or, as I will call them, 'waste' lands; but at the same time the Crown would assume the ultimate lordship of all the land in the Colony and Protectorate.

4. "The question is a very large one, and I feel that I am not yet fully master of it, and that I do not yet see all the good and evil that might result from legislation such as is suggested.

5. "I believe that all the land in the Colony and the Protectorate, whether occupied or not, has, according to native law, an owner. Some of it is stool land, some family land, and a very small part is private property. It can be alienated. The alienation may be absolute; but an absolute alienation of stool or family land can only be made under special circumstances, and for a particular object, as, for instance, to raise money for payment of a stool or family debt. Most commonly the alienation only gives a limited right: the right, namely, for the grantee and his family to occupy and live on or cultivate the land, upon the condition (often, but not always) of rendering or paying to the grantor and his representatives, as tribute, either part of the crops or an annual sum of money, and when the land ceases to be occupied it reverts to the grantor or his representatives. A money payment is sometimes made to the grantor before the grant is made, but in the case of limited grants such as I have described of stool or family land to natives, there is usually no money payment down, but only a gift of rum, and, perhaps, a sheep, or some cloth.

6. "Native rules and practice as to right and mode of alienation of land, and as to the rights of a squatter on it, vary in different districts; but I believe that what I have stated is generally true.

7. "A chief, therefore, has a substantial interest in the lands attached to the stool; for on each fresh grant he receives some small gift; and the money, rent, or produce annually received in respect of the grants made by him, and of former grants, serves for the support of himself and his officers. So with respect to family lands, the head of the family receives all tribute and payments from occupiers of the family land for the benefit of himself and the family. I use the word 'family' in the native sense, which includes in the term all persons related by blood, however remotely, through females, and also all 'domestics,' that is, persons who were formerly house slaves, and still remain attached to the house.

8. "Every member of the family has a right to live on the family land, and to have a portion of it assigned to him for habitation or cultivation. Similarly, every subject of a chief is recognised as having a right to have a portion of the unoccupied stool land allotted to him if he needs it. The chief can grant the stool land to one who is not subject to his stool, but only with the concurrence of his council; and the head of a family can grant the family land to one who is not a member of the family, but only with the concurrence of the family council.

9. "Natives appear to have a strong feeling of attachment for their stool or family lands. A large part of the litigation in the courts is about land; and I have often been surprised at the pertinacity with which they fight about the right to possession of small pieces of land, sometimes land which has hardly any value except the sentimental value arising from connection with the stool or the family, and perhaps from the fact of some chiefs or members of the family having been buried in it, or from its association with some tribal or family fetish.

10. "The above remarks apply to all the land in the country. The great tracts of unoccupied forest land, however, are probably a source of very little (if any) profit to their owners, and probably have less sentimental value also than the oper lands.

11. "Stool and family lands are thus a source of income and of dignity

and power to the chief or the head of the family, and they have also the further sentimental value which I have indicated.

12. "The advantage to be gained from the expropriation of the present owners by the Crown would be: (1) a possible increase of revenue from sales and leases of the land; and (2) a possible benefit to the community from the creation of indisputable titles derived from the Crown.

13. "I presume that the Crown would pay compensation to the present owners of the land, although it is at present lying waste. And in the case of family or stool land, it would not be fair merely to compensate the present life owner, that is, the chief or the head of the family. I doubt whether the people as a rule would, except on compulsion, part with the whole of their stool or family land to the Crown for any price; still, if a generous price were paid, they might reconcile themselves to the loss. When the amount paid for compensation is set off against the profit to be made from sales and leases, it is not unlikely that the Crown might be the loser. For this is not a country into which immigrants are likely to pour and take up the waste lands at good prices, and the amount of unoccupied land is everywhere so large that, except in the neighbourhood of the towns, it is not likely to advance quickly in value. The expenses of surveys and plans which would be necessary when Crown grants were made must also be taken into consideration.

14. "It would certainly be a great benefit to the community if indefeasible titles were created. At present an intending purchaser of land, or a merchant wishing to lend money on mortgage, has great difficulty in finding out who is the owner or person entitled to sell or mortgage; the greater part of the land in the country is stool or family land, to which a perfectly good title *can seldom be made to a purchaser or mortgagee;* and outside the towns there is the further difficulty of identification, owing to the absence of fences and boundary marks. The first step towards remedying this would be a survey of the whole country. But that is probably too large and costly an undertaking to be entered upon at present.

15. "Perhaps the most important effect of expropriation by the Crown of the present owners of the waste lands would be that it would permanently lower the dignity and importance, and, therefore, the power, of the chiefs and heads of families. At present the chief or head is the life-owner of all the land, unoccupied or waste, belonging to his stool or family; it is he who has power to make grants of it upon the customary native terms and tenure; and he receives the customary presents and tributes due from the grantees. If this power and these emoluments were taken from future chiefs and heads of families, it is impossible that their estimation in the eyes of their people should not be lowered. This consideration alone would, in my opinion, be enough to make us reject the proposed legislation, unless the reasons in favour of it are overwhelmingly strong.

16. "I conclude that the gain to the Government from appropriation of the waste land would be doubtful, and that the injurious effects of it in lowering the importance and influence of the chiefs and heads of families, and in raising a sense of injustice and consequent hostility to the Government in the minds of the people, outweigh any probable gain that could accrue to the Government from it.

17. "But I think there are good reasons why the Crown should take possession of the minerals and of the unused and unoccupied forest lands. Minerals in this country have not been a source of revenue except to a very few owners; and I cannot imagine that any sentimental value can attach to their possession. There can, therefore, be no hardship, and no likelihood of rousing the hostility of the people in an appropriation of them by the Crown for the public benefit, provided that mines now worked and concessions already made are not interfered with. The forest lands also have not been a source of profit to any one; and, although they may belong to a stool or family, I doubt whether they have the same value in the eyes of the owners as the open lands have."

31. It would appear to me that the learned judge laboured under a misapprehension of ideas. The lands of the Gold Coast were apparently by native law and customs chiefs' or "stool" lands, not personal, but held by chiefs acting as trustees, and to all intents and purposes Crown Lands if individual freehold tenure was not to be introduced. The Chief Justice, though disapproving of the Crown Lands theory, saw many reasons to support the conversion of the waste or forest lands into Crown Lands, and a bill was drafted by him in 1894 vesting all waste and uncultivated lands and minerals in the Government. Strong opposition followed,

and the chiefs pointed out that it was quite impossible for them or their people to register their lands, and disputed the right of the Crown to take over the lands. In 1896, Mr. Chamberlain, in consequence, instructed Governor Maxwell that the Bill should not be proceeded with. Sir William Maxwell, in 1896, thus describes the position on the Gold Coast:—

MESSAGE from HIS EXCELLENCY the GOVERNOR to the LEGISLATIVE COUNCIL, to be brought up and read by the Colonial Secretary at a Meeting of the Council to be held on Wednesday, the 10th March, 1897.

32. "The Governor has the honour of commending to the most careful consideration of the Legislative Council a Bill which has been prepared to regulate the administration of public land, to define certain interests therein and to constitute a Concession Court.

"At various times during the last 20 years grants and concessions have been made by persons claiming to be chiefs or headmen, and to be entitled under native law or custom to grant or lease tracts of land for various purposes, chief among which are gold-mining and the felling of mahogany timber.

"The Government has not admitted or recognised these grants or the power of native chiefs to make them, but has not declared their invalidity further than appears by a notification issued on the 10th of October, 1895, which is as follows:—

> "'Whereas grants and concessions have been made by chiefs within the Protectorate without the consent of the Governor of the Colony;
>
> "'Notice is hereby given that no document hereafter made purporting to grant or convey any right over or interest in land save and except the right to occupy agricultural land for the purposes of native husbandry or the right to occupy building land for the erection of a native house, will be recognised in any way by the Government unless it shall bear the signature of the Governor, or of such officer as he shall appoint for the purpose, in token of Her Majesty's approval.
>
> "'Grants and concessions already made without such consent will be recognised only to such extent and on such conditions as may hereafter be determined, but the grantees of rights in respect of which there is a reasonable prospect of efficient and continuous work being done within a reasonable time will receive all due consideration.'

"There is good ground for believing that the practice adopted by native headmen of making grants to strangers,, particularly to Europeans, of waste land and of minerals, and of concessions of forest land (which is quite modern) is illegal according to native law and custom.

"The Government, which has undertaken the protection of the tribes within the area included in the Gold Coast Colony, has not, up to the present time, exerted, except in one particular, the right of regulating the disposal of public land which may be properly claimed as one of the attributes of the paramount authority. The exception referred to is that contained in Section 7 (Sub-section 6) of Ordinance 8 of 1876, where it is laid down that where land is taken for a public purpose compensation shall not be awarded to any party in respect of unoccupied land.

"For some years past, however, it has been made increasingly clear that native chiefs cannot be permitted to deal uncontrolled with public rights, and that the transactions by which it is alleged that private rights have been created over public land, in a manner wholly unknown to the native tenure of West African tribes, require examination and possibly extensive modification.

"A Bill, entitled 'An Ordinance to vest waste lands, forest lands, and minerals in the Queen,' was read a first time in the Legislative Council on the 14th November, 1894. Section 3 of this Bill provided that 'all waste land and all forest land in the Colony are hereby vested in the Queen for the use of the Government of the Colony.' The principle which it was thereby sought to lay down has been the subject of criticism, and under the direction of the Secretary of State it has been abandoned. The Bill of 1894 has, therefore, not been proceeded with.

"It will be remembered that soon after the first reading of the Crown Lands Bill of 1894, various petitions against it were addressed to the Secretary of State, and that the Governor (Sir W. Brandford Griffith) in person received a deputation of the chiefs and headmen of Accra and Christiansborg, and was made fully aware of the representations which they desired to make upon the subject of the measure.

"The objections raised received the attention and careful consideration of the

Secretary of State, and the petitioners were in due course informed that, in the opinion of the Secretary of State, the provisions of the intended law did not bear the construction which, possibly owing to defective translation, the petitioners had placed upon them. Whilst fully respecting the objections put forward by the native authorities, the Secretary of State expressed, nevertheless, his unaltered opinion that, in order to protect the forests from injury by the reckless felling of timber, and in order to preserve waste and forest land and minerals from being improvidently dealt with, it is necessary that some law on the subject should be passed; it was stated, however, that no interference with native rights of property was contemplated, or will be made, wherever such rights can be shown to exist. An assurance was further conveyed that, in the administration of the law, the Colonial Government would deal with care and prudence and with a conciliatory disposition, and remedially where necessary, and on their merits, with any cases of hardship submitted to it.

"The occupation of Kumasi and the conclusion of treaties of protection with all the Ashanti States has enlarged the field within which traders and miners may safely and profitably carry on commerce and industry. These events have also contributed to the urgency which now exists for some settled understanding in regard to rights arising out of land, the manner in which rights of various kinds may be created, the authority which is necessary, and the terms and conditions upon which such rights may be enjoyed.

"In the House of Commons in July, 1896, the Secretary of State for the Colonies stated that he had sanctioned the policy under which it would be made impossible for native chiefs to make any concession of land without the sanction of the Governor. Mr. Chamberlain said: 'The land laws and land customs of West Africa are different from the law of land tenure in England, while the concessions are framed in the language of English conveyancing, and purport to convey the fee simple, or to grant a lease with the conditions which are incident to such transactions here, but are probably unintelligible to the native signing the instruments. It is uncertain how far native chiefs possess the right of making alienations of this character for their own benefit, and in some instances concessions have been brought to the local Government for approval which have proved to be signed by men who had no title in the land. In the interest of all the native tribes and chiefs, as well as of British investors, it is essential that the local Government should be able to see that such transactions are made in good faith and on reasonable terms, and that the conditions are thoroughly understood by the natives.'

"It was in anticipation of the introduction of a new Lands Bill in the present year that the Governor, in his address to this Council, in November, 1896, said:—

"'The Land question still remains to be dealt with, and it becomes more and more evident that it will be necessary to render impossible concessions of mining and timber rights except upon conditions which will ensure the payment of a substantial contribution to the revenue of the Colony, the native chiefs entitled to it receiving a proper share. It will probably become necessary to examine such concessions as may be claimed under documents already executed without the approval of the Government in order that *bonâ fide* enterprises may be distinguished from merely speculative concessions, in respect of which no real work is being done or improvement effected.'

"The Governor desires to state to the Legislative Council the main principles of the Lands Bill, 1897.

"As already stated, the intention of vesting waste and forest lands in the Crown has been abandoned, but the Government of the Colony must hold that what may properly be called 'public land' must be administered for the general advantage, and, while allowing local chiefs all reasonable authority within the limits of their jurisdiction, the paramount protecting power must still remain the guardian of public rights and may fairly claim to exercise everywhere, on behalf of the chiefs and people, all such authority as may be necessary to secure that private rights are not improvidently created over 'public land.'

"It is believed that the rights of the natives, to which constant reference was made in the discussion which followed the introduction of the Crown Lands Bill, 1894, have been fully preserved. One of the speakers who addressed the Governor (Sir W. B. Griffith) at the interview already referred to described the native system of tenure as follows: 'The custom of the country is that the farmers . . . have the consent . . . of the chiefs . . . to cultivate lands indiscriminately; when he cultivates a plot of land and that plot becomes barren he removes to another

plot, without the consent or permission of the chief, still it is an understood thing that he holds his rights from the head chief' . . . 'Then, so far as forest lands or timber-growing lands are concerned, they form a source of revenue to the chiefs themselves. The chiefs do not, excepting in cases where European companies have come to the country, lease minerals, but they give the people certain rights to cut down timber. If the land becomes Crown Land, the chiefs will be deprived of their revenue.'

"It will be convenient now to sketch the rights which are recognised by the Lands Bill, 1897, to exist in the people, the chiefs, and the Governor respectively, in order that it may be made clear that all existing native rights are preserved, so far as it is possible to ascertain what they are, and so far as the recognition of what may be claimed is consistent with due respect for good administration.

Rights of the people.

"The system of cultivation which is generally followed in the Gold Coast Colony is that which is known as 'shifting cultivation' in India, where it is only practised by the most backward tribes.

"Civilised communities in Asia are accustomed to the continuous occupation and cultivation of their lands and to the practice of good husbandry. The Bill about to be introduced, while preserving to the natives of the Colony their right to use public land for shifting cultivation in the manner to which they are accustomed, encourages them to settle permanently on cultivated land by assuring to them the right of proprietorship therein (a 'settler's right') if occupation is continuous.

"The mere fact of periodically resorting to the same land for 'shifting cultivation' does not give to a native any right to the land itself. His right is to the crop alone, and it is in respect of the crop only that he will be compensated if the land happens to be dealt with at any time as public land.

"But land is occupied by the people of the country for other purposes than 'shifting cultivation,' and among these may be named building purposes, permanent cultivation (such as palm trees and coffee), mining, quarrying, &c. For all such purposes the native will continue to have the right, at his will, to occupy public land, and, what is more, he may by occupation acquire a good title, as against any chief or anyone else, of any land which he develops in this manner by his own industry, though forfeiture results upon abandonment. 'Squatting' is not, of course, permitted in respect of town land or reserved land.

"Further, a native may, without asking the permission of anyone, collect rubber, palm-kernels, kola-nuts, and other natural produce on public land. He may also take what timber he requires, and may dig for minerals in the native manner.

"It is believed that these sections amply secure to the people of the country all the rights in land which they now possess, and that their position is in fact improved, for industry and continuous occupation will enable them to acquire a permanent, heritable, and transferable right of proprietorship which the Supreme Court of the Colony will enforce.

"It is to be understood, however, that a settler's right can only be vested in a native, and no one who is not a native can acquire, without the approval of the Governor, improved land which is the subject of a settler's right.

Rights of Chiefs.

"The rights of the people to help themselves to such public land as they require for their actual use are only exerciseable where native custom permits this to be done without the express authority of a chief. Custom probably varies according to locality, and there are perhaps parts of the Colony where the permission of a headman is a necessary preliminary to the occupation of land by a native in his district.

"Recognised chiefs will continue to have this power of giving out to their people, for occupation, cultivation, and improvement, allotments of public land not being town land. They may also allot land for shifting cultivation.

"But if they have, by native custom, any power to deal with public land otherwise than in the manner provided for in the two sections last quoted, such power will only be exercisable in future with the written consent of the Governor thereto first obtained.

"Legal effect is given in this way to the declaration announced in the notification of the 10th October, 1895, which has already been quoted in full.

Powers of the Governor in respect of Public Land.

"In the interests of good government and for the greater security of persons (especially those who are not natives) who may desire to acquire rights over public land, it is necessary that the paramount power should exercise, concurrently with local chiefs where necessary, the power of allotting land and interests in land to applicants. Power is therefore given to the Governor to authorise (by a document called a Land Certificate) the occupation of public land for any purpose by any person or persons, and on such terms and conditions and for such consideration and either in perpetuity or for a term of years, absolute, conditional, or defeasible, as he shall think fit. The bed of a river or lagoon is declared to be 'public land,' so the right of dredging for gold may be the subject of a land certificate or a licence.

"It must not be supposed that the enforcement in future by the Governor of powers which have sometimes been exercised by persons claiming to be chiefs or native authorities will be injurious to the latter. The Governor will, where necessary, consult with recognised native chiefs before creating private rights over public land in the districts of the latter, respectively, and it may be accepted as quite certain that the Governor will ordinarily secure for the Colony at the hands of investors better terms and more appropriate conditions than natives would get for themselves. Allusion has already been made to the intention of the Governor to secure for native chiefs a 'proper share' of the revenue arising from land disposed of in their districts. Payments to chiefs, which will take the shape of a moderate rent or annuity, will be paid to them by the Government, and direct dealings between them and the holders of concessions will not be permitted.

"All necessary rules for giving effect to this policy will be made hereafter and power to make rules for various purposes is given to the Governor in Council.

"Land in respect of which a Land Certificate is issued will be subject to English law exclusively, and as this tenure will probably become popular, because land so held will be more readily marketable than land under the native tenure, it is provided that a recognised proprietor may exchange his native title, whatever it is, for a Land Certificate. But this can only be done where there has been preliminary survey and on proper conditions (which may include a small quit-rent).

"Allusion must also be made to the powers given to the Governor to set apart portions of public land for public purposes merely by a Proclamation in the 'Government Gazette' containing the necessary description."

33. The views of Sir William Maxwell as to the rights in land upon the Gold Coast are confirmed in so far as the Colony of Lagos is concerned by Sir Henry McCallum in the following despatch addressed to the Secretary of State in June, 1897.

"I have the honour to forward, for your information, six copies of a notification which I have published in the 'Government Gazette,' relative to the consideration which will weigh with me in submitting to you for approval applications for any concession in the countries within our sphere of influence. This notification has been based mainly upon instructions given by you to Sir William Maxwell in your despatch, No. 61, dated March 13th, 1896."

"Gazette" Notification No. 242, 1897—(Lagos).

"'Gazette' Notification, No. 396, of 13th June, 1896, is hereby re-published for general information.

"Whereas grants and concessions have been made by chiefs within the sphere of influence of the Government of Lagos, without the consent of the Governor of the Colony;

"Notice is hereby given that no document hereafter made purporting to grant or convey any right over or interest in land save and except the right to occupy agricultural land for the purpose of native husbandry or the right to occupy building land for the erection of a native house, will be recognised in any way by the Government, unless it shall bear the signature of the Governor, or of such officer as he shall appoint for the purpose, in token of Her Majesty's approval.

"Grants and concessions already made without such consent will be recognised only to such extent and on such conditions as may hereafter be determined, but the grantees of rights in respect of which there is a reasonable prospect of efficient and continuous work being done within a reasonable time will receive all due consideration."

"Gazette" Notification No. 243, 1897—*(Lagos).*

"'In reference to "Gazette" Notification, No. 242, of this date the attention of investors, merchants, engineers, pioneers, and others is directed to the following considerations which will guide the Governor in dealing with any proposed concession or monopoly in countries and districts within the Lagos Protectorate or sphere of influence:—

(*a*) "In July, 1896, Mr. Chamberlain speaking in the House of Commons of the policy which he had sanctioned, under which it would be impossible for native chiefs to make any concession of land without the sanction of the Governor of the Colony, said, 'The land laws and land customs of West Africa are different from the law of land tenure in England while the concessions are framed in the language of English conveyancing and purport to convey the fee simple or to grant a lease with the conditions which are incident to such transactions here but are probably unintelligible to the native signing the instrument. It is uncertain how far native chiefs possess the right of making alienations of this character for their own benefit, and, in some instances, concessions have been brought to the local Government for approval which have proved to be signed by men who had no title in the land. In the interest of all the native tribes and chiefs, as well as of British investors, it is essential that the local Government should be able to see that such transactions are made in good faith and on reasonable terms, and the conditions are thoroughly understood by the natives.'

(*b*) "In a message from Governor Sir William Maxwell to the Legislative Council of the Gold Coast Colony, dated 10th March, 1897, the relative rights of the people, the chiefs, and the Governor are expressed in a clear and masterly manner and its perusal is recommended to any one interested in the conditions of West African land tenure as they apply equally to the countries within the Lagos Protectorate and sphere of influence.

(*c*) "Sir William Maxwell very properly criticises certain transactions on the Gold Coast by which it is alleged that private rights have been created over public land in a manner wholly unknown to the native tenure of West African tribes and he proposes certain remedial measures. He goes on to say that the 'Government of the Colony must hold that what may properly be called "Public Lands" must be administered for the general advantage and, while allowing local chiefs all reasonable authority within the limits of their jurisdiction, the paramount protecting power must still remain the guardian of public rights and may fairly claim to exercise everywhere, on behalf of the chiefs and people, all such authority as may be necessary to secure that private rights are not improvidently created over public land.'"

34. Nothing has since been done to alter the position as to the tenure of lands both in the Gold Coast and in Lagos. In the former Colony the Ordinances of 1876, 1878, 1883, 1884, 1892, 1894, and 1898 hold good; in Lagos those of 1878 and 1883 whereby, subject only to the Government Notices previously detailed, the land rights are held to be those in the hands of native chiefs or councils. In old Southern Nigeria the law is much the same, though grants by natives to non-natives may be declared void if not registered within six months.

35. In Northern Nigeria the law is somewhat different; here, by Proclamation No. 8 of 1900, Section 5, the High Commissioner may, by writing under his hand and the seal of the Protectorate, declare to be public lands:—

(1) all lands not in actual occupation of persons or of the tenant's agents or servants having an original or derivable title to such lands under any Proclamation enacted for the Protectorate or under any law or custom prevailing in that part of the Protectorate where such lands are situated;

(2) lands being the property of any conquered deposed ruler.

Under Section 7 all public lands and all rents issued and profits thereof shall be under the management, control, and direction of the High Commissioner who may sell, lease, or otherwise deal with such public lands in the same way as if they were Crown lands.

36. Under Class (1) would undoubtedly come the cultivated and waste lands of nearly all the pagan or negro tribes; under (2) those of the conquered or deposed Mohammedan Emirs.

As to Class (1) there would appear to be very little doubt indeed that though there is no individual claim to lands there is a tribal one, and that this claim extends not only to cultivated lands, but, in most cases, to village or tribal areas, embracing cultivated or fallow lands (the latter often reverting to bush for years) to sylvan produce, hunting, and fishing rights, pasturage, &c. Paragraph (1) would seem to denote a claim on the part of Government to so-called "Waste Lands," a term absolutely impossible of definition, and one which caused all original troubles on the Gold Coast. What does certainly appear to be the case is that the lands are truly national, and that the chiefs act as trustees for the people, and though no rent was paid, as was the case in the Mohammedan States, the chiefs received other incomes in presents, labour, and, in a few cases, tithes for their services as administrators and protectors. Paragraph (2) would appear to all intents and purposes to have nationalised the lands of all the Mohammedan Emirates.

IV.—Conclusions.

1. From the reports which have been rendered as to the conditions of land tenure both in the Pagan and Mohammedan States, there would appear to be little doubt on one most important point, and that is the non-existence in Northern Nigeria of any system approaching the English position as to land tenure, viz., the proprietary rights of individuals.

2. Moreover, it would appear that in the Mohammedan States a system of nationalisation does exist. Here, unlike India, there were no Zemindars, Taluqdars, or Rajahs claiming private or landlord's rights, but a species of fief holder resembling in position the original grantees of William the Conqueror, holders of estates by pleasure and at will, for which in the past they had to render certain services to the Crown, and notably to collect, on a percentage basis, the Crown Rents from the agricultural population. To-day the fief holders, not necessarily the persons who formerly occupied the positions, have become District Heads appointed by the State, frequently, but not necessarily, on the advice of the Emirs, and carrying on purely administrative functions as native administrators, amongst others the collection for Government of the rentals fixed on the farms held by the agriculturists. Nor is it to be assumed that the fief holders in former times occupied any different position with regard to the people. They certainly at times exercised arbitrary powers both as to confiscation and alienation of land, but such action was entirely subject to the approval of the reigning Emir, and indicated in no way a proprietary right in land on the part of the fiefholder.

The agriculturists apparently held their lands at pleasure, but were ordinarily granted continuous occupation and the right of user unless they seriously misbehaved, or fell under the great displeasure of their ruler. In the taking up of new land, the custom obtained of what is called the "buying" of a farm, amounting in reality to the grant of a licence to farm.

If the above general description of the condition of land tenure in the Mohammedan Provinces is accurate, there would appear to be no difficulty, and without change of legislation, in establishing the "Economic" theory of land tenure. On one point I would desire as much further information as possible, and that is the law or custom of inheritance in land, which would appear to have a considerable bearing on the subject of the rights in land.

3. In the Pagan states the question of land tenure would not appear to be any less clearly defined. Leaving aside all idea of right by conquest, and dealing with it simply on the basis of the good of the peoples, it would appear to me, more particularly after consideration of the results which have accrued on the coast, that the legitimate and best trustee for the people in their dealings with aliens is the Governor of the Protectorate, acting for the King. There would, therefore, seem to be no reason why these lands, apparently held in patriarchal tenure, should be treated in a different manner to the lands held under the more progressive Mohammedan tenures.

4. Now, though there is no individual right in land, there is undoubtedly in existence a common claim as to village boundaries, embracing not only the agricultural lands in the occupation of individuals, but considerable areas outside the cultivated ground, these areas being utilised either for a change of soil after a farm has been tilled for some years, for pasturage, for the collection of sylvan produce, where it exists, and for the provision of construction materials or firewood. So long

as the country does not witness European immigration, there will be no impediment to the maintenance of existing rights over these areas of so-called waste or forest land. With the advent of Europeans, and probably demands for the use of agricultural lands, the position will be otherwise. There would, however, appear to be no difficulty in dealing with the newcomers without any loss to the native population if the lands are to be considered as national. Should land be required for agricultural purposes, which was standing as waste or forest land, not bearing sylvan produce, a licence to farm might be granted to an applicant on a lease for a term of years subject to (1) the payment of Crown Rents after the lapse of three years, on a settlement extending over a period of years; (2) the right of Government in all minerals; (3) a reversionary right to Government of the land should it remain in an uncultivated condition on the expiry of the three years, or for a settled period in the duration of the lease. Should the land so acquired by a newcomer contain sylvan produce, the licence to farm the land or exploit the natural products should be of higher value, and cover compensation to the village community for any mutually agreed deprivation of the present value of such sylvan produce, pasturage rights, &c.

5. If leases in perpetuity are unknown, and a landlord class does not exist, which certainly appears to be the case in the Mohammedan States of Northern Nigeria—if, in dealing with Pagan tribes, the issue is not confused by the importation of British law, tending to upset an appreciation of patriarchal systems which can even more readily assimilate an economic or people's system of tenure, and from which British Land Law is divorced by a thousand years of private rights, laws, and litigation—why introduce a system of tenure which modern nations are spending untold millions to bring more into accord with an economic system, securing to the nation for all time the full rental values of the land?

6. If lands were nationalised, and alienation in fee simple made impossible, they would, for the time being, be best described, in my opinion, as "Native Lands," the description "National Lands," which might suggest itself, being, to-day, for obvious reasons, a misnomer. As the native or national lands would include the requirements of their government, there would appear to be no necessity for the term "Crown Lands."

7. By a method such as the one outlined, or one analogous to it, the people could apparently secure (1) recognition and registration by the State of their rights of occupation; (2) through Government expenditure the full benefits of any rentals in land and rentals of any subsequent newcomers; (3) compensation for disturbance in any rights, and immunity from disturbance except by mutual agreement; (4) that as the leases fell in, succeeding generations would benefit by any rise in the value of land due to the progress of society, all increases being retained in the hands of the State; (5) the exclusion of the land speculator and the usurer.

E. P. C. G.

Government House,
Zungeru.
2nd November, 1907.

APPENDIX I.

YOUR EXCELLENCY,

I CONSIDER Mr. Temple absolutely correct in stating that a private estate cannot exist in the Sokoto Province. The right to dispose of, give, take away, or transfer, land is vested in the rulers—in former days the emirs, now by native custom the British Administration. The native rulers had the right to deprive an occupier of his "property," whether farm land or dwelling site, for non-payment of dues, for crime, for failure to render service required, or for reasons of State. The fact that this right was frequently exercised oppressively and without justification does not disprove the fact that the right itself existed. Other Residents have spoken of eviction for non-payment or for crime, but I do not see the other two grounds mentioned. I will, therefore, go in to them in some detail.

2. If an occupier refuses to perform the services which his ruler has the (native) right to demand of him, he can be ejected without legal process, whether from farm land or house. Prior to our advent, the commonest form of service demanded would be military service, and failure in that respect would be punished by eviction. I have known such eviction ordered and recognised as just and customary by both ruler and subject for such acts as failure or refusal to perform the allotted share of work in road cleaning and wall building. In such cases the holding, whether house or farm, falls in to the ruler for disposal. Apart from the value of this custom as showing the absence of legal property in land, this knowledge teaches us how the authority of native rulers was maintained of old, and how it could, subject to modifications, be upheld in future.

3. A ruler has the right, by native custom, to demand a man's house for the accommodation of anyone for whom the state requires it, *e.g.*, the headman of a subordinate town is deposed and brought in to the capital. The emir calls on one of his subjects to surrender his house or part of it for this political exile's use. The subject concerned could not refuse, and, though he might grumble or try to evade the order, would not feel that he had a legitimate or legal cause of complaint. Again, in taking up land for the Government stations at Sokoto and Bida, the respective emirs told me that it was theirs to dispose of and that the farmers concerned had no right to it and no ground for grievance over their eviction. In the case of Bida this was confirmed by the Alkali and by the farmer himself. The latter was most surprised at being compensated for his loss and most grateful to me for having exerted myself to get him given a good farm elsewhere. At Sokoto, the emir's representative, in whom the land was vested, the Marafa, considered compensation entirely unnecessary. He said in effect: "I 'owned' the land and could give it as I liked—now, you 'own' it and have the right to take what you like.' The moral of this appears to be that though compensation is necessary, from our point of view and as a matter of conscience, it is not demanded by native custom, and its non-payment would not be regarded as a breach of faith by the native until the latter knew enough of English character, law, and custom to look at rights of property from the English standpoint.

4. I would suggest a slight modification of Your Excellency's statement that tithes and tributes were not paid in Sokoto. Zakka, which is nominally a tithe on certain crops, 10 per cent. of the harvest, was universally paid in Sokoto.

5. Mr. Palmer says: "I cannot personally see any moral obligation to compensate the chiefs concerned." In this I do not agree with him. Land taken up by Government, whether for Government stations or alongside roads or railways, would be of value owing to its position, and if not occupied by Government would be occupied by rent-paying natives. A share of this rent would go to the native Administration, and I think there *is a moral* obligation to compensate the native Administration (as well as the individual holder ejected) for this loss. In order that Government may be acquitted of the charge of buying or seizing native property and afterwards making a pecuniary profit on it, this compensation, in the case of lands leased to non-natives, should take the form of payment of a portion of the rent derived from the lease. In the case of land taken for Government stations, railways, or other public works, from which Government receives no rent or direct pecuniary gain, the compensation should be a lump sum down, and not a yearly charge. But where Government takes a rent, a share of it should go to the native ruler, just as a share of native rents goes to him; for the non-native who pays the rent increases the duties and responsibilities for which the share of rents is the native ruler's salary. To my mind there is no difference in principle between the rent paid by the native and that paid by the non-native. The variation in the method of payment seems due to the fact that payment by the non-native to the native ruler would undoubtedly be resented by the former, would be difficult to enforce by Government, and would lend itself to exploitation of the native by the stranger.

6. I agree with Captain Ruxton that no difference in principle should be made between Mohammedan States and pagan areas. The Government should hold all land in trust for the native in *both* cases.

7. I entirely concur with Your Excellency's conclusions. The present nationalised land system of Northern Nigeria should be upheld. The Administration should hold the land in trust for the natives, upholding (where necessary, appointing) native rulers to act as its agents towards the native population, but dealing through its European officers with non-natives; and the cost of administering the country should be principally met by payment for the use of the lands, *i.e.*, rent.

Natives should be granted continuous occupation subject to the customary native provisions as to cultivation—payment of rent and performance of service. For non-natives, lease and licence to farm should be for a term of years. Alienation and sale (except in the nature of transfer of "user") should be prohibited.

8. And I agree that the term "native lands" conveys the best description of the land of Northern Nigeria and of the system under which it is held and administered. But I would suggest the retention of the terms "Crown Lands" for lands in actual occupation or use by the European Administration, *i.e.*, Government station sites, railway stations and tracks, &c.

ALDER BURDON,
Acting Secretary.

January 2, 1908.

APPENDIX II.

From the ACTING RESIDENT, Niger Province, to the SECRETARY, Zungeru.

I have the honour to submit my notes on Land Tenure obtaining in the Nupe Province.

HERBERT S. GOLDSMITH,
Acting Resident, Niger.

Resident's Office, Choiwa Angulu,
January 2, 1908.

With reference to land tenure obtaining in the Nupe Province, I am, generally speaking, in accord with what Mr. Temple (Sokoto) has written on the subject, and I only propose to give a brief *résumé*, dating it from the advent of the Fulani into Nupe territory.

2. After the conquest of Nupe by Malam Dendo, he interfered as little as possible with the existing system of pagan tenure, which was more or less communal. The land belonging to the different tribes was distributed amongst various fief-holders appointed by the emir, who was the paramount chief of the conquered provinces.

3. The fief-holders, in return, were bound to perform all duties of a vassal to the emir, and more especially to furnish a contingent of armed men to support him in time of war. Default in these duties involved forfeiture, but if these duties and other arbitrary exactions were performed with anything like punctuality, the fief-holder was supreme in the district granted to him.

4. Neither the fief-holders nor the councils representing the different communities had any power, as far as I can gather, to sell land. The emir often transferred the power to his fief-holders to grant the use of lands to private individuals, and in like manner the fief-holders transferred, generally on payment, this power to the council acting for the community. The right to occupy land existed only as long as certain taxes were paid and the occupier of such land remained loyal to his chief.

The fief-holder, or headman of a town, could not take away the land of an occupier and give it to another, nor would the emir ever do so except in the case of crime committed. Therefore, I would suggest, since the advent of the Fulani, the tendency every year has grown towards individual tenure or right to occupy and farm certain lands; and the occupier has generally been allowed to profit by his industry, except in the case of his farm being overlooked by a vexatious and extortionate fief-holder.

5. For land farmed by an office-holder or followers of the ruling dynasty, only the tithe, viz., 10 per cent. of the crop, was given to the emir. For land in possession of a pagan community, in addition to the tithe on all crops, a tribute of so many bags of cowries was also levied and paid through the fief-holder to the ruling emir. A percentage of the tribute and zakka was allocated by the emir to the fief-holder for his immediate requirements.

6. I have always maintained that the tithe or zakka in Nupe was nothing less than rent, or its equivalent. It may also be described, as elsewhere, as a licence to farm certain lands. A portion of the tithe was sometimes set aside for the maintenance of paupers in large Mohammedan towns, but the amount of charity dispensed was purely optional and depended in a great measure upon the generosity of the ruling emir.

7. The right to sell the use of a farm apparently never existed in Nupe, I presume, owing to unoccupied lands, suitable for farming, being abundant and more than sufficient to meet the necessities of the existing population. The right to sell the use of sylvan produce existed, but only at the pleasure of the ruling emir.

8. The emirs of Bida and Agaie both positively state that the land is the property of the conqueror, that the title to all land is vested in the ruling emir as paramount chief (and now, owing to the transfer of suzerainty, vested in the British Government).

9. They state that: A ruling emir could only grant the right to occupy and use certain lands; he could not sell an acre of land, nor was he in a position to grant a lease of land in perpetuity. He had the power to revoke any grant made by his predecessor in office. Again, he could only grant land for a specified purpose, and if the lessee put the land to some other use than what it was granted for, the licence to use the land could be withheld.

10. A case illustrating this point occurred in 1892, in the reign of Etsu Maliki of Bida, when the District Agent for the Niger Company at Egga ignored "this specified purpose clause." Etsu Maliki attempted to enforce this part of the contract, and only desisted when a satisfactory settlement appeared imminent.

11. With regard to the inheritance in land, I submit a few questions put to the emirs and alkalis of the province, and their replies to same.

Q. When the occupier of a farm dies, who succeeds?—A. His son or heirs.

Q. If the land or sylvan produce is very limited, is it always divided?—A. Yes, however small it is.

Q. Can any of the heirs sell their share?—A. Only to one of the other heirs. Not to any one outside the family.

Q. If one heir refuses to take up his share, who takes it?—A. The remaining heirs would divide it?

Q. If none of them wished to take it up?—A. It reverts to the donor, *i.e.*, the chief to whom the emir had transferred his right to use such land.

12. Q. If the heirs return and find a new occupier holding the farm or laying claim to valuable sylvan produce?—A. The case would be settled by the Native Court. If the former occupier had held the land for any length of time, and had been away, say, 13 or 14 years, it would be given back to him on his return, generally on the basis of compensation being paid for growing crops, or a percentage value of one year's collection of sylvan produce; or again, the former owner might be ordered to wait entering his farm until the occupier had harvested his crops. Generally speaking, the right to re-occupy would always be allowed.

Q. Suppose the new and the old occupier agreed to divide it?—A. Unless the arrangement was made in Court it would not as a rule be upheld.

Q. If they did divide it, and the old and new occupier died, could the son of the old occupier come to Court and, saying he did not agree to the division, claim the whole?—A. The Court would not upset his father's arrangements, even though his father had no right to make it.

13. Q. A has an extensive strip of palm bush, more than he can use, and B wants to rent a portion. A refuses. Can anyone compel A to let it?—A. The emir would call them and arrange it between them.

J. If A still held out, could the emir compel him?—A. Yes.

14. Q. Two villages are 20 miles apart; whom does the intervening land belong to?—A. The two villages know their boundaries; there is no waste land, *i.e.*, implying lands absolutely unclaimed.

Q. The boundaries are only marked on the road, not in the bush. If anyone settled in this presumably waste land could they say whose land it was?—A. Probably not; but nobody would settle without asking the local chief or the emir.

Q. Who fixes the boundaries?—A. The chiefs of villages with the consent and sanction of the emir of the province.

15. The preceding notes cover most of the questions raised in His Excellency's memorandum. I do not consider that the nationalisation of lands in Nupe presents any difficulties, nor will it dislocate the present organisation. The description "Native Lands" appears to me to be exceptionally suitable.

16. Under such a scheme as presented by His Excellency prosperity should be assured to all occupiers of land. And when the "Native Lands Proclamation" becomes more generally known, the native chiefs themselves will recognise the benefit and protection afforded them by the British Administration. The mere fact of the right to occupy the land being recognised by the State, and the permanency of such right guaranteed will, in my opinion, induce the occupier to improve his land and profit by his industry and also act as an incentive to further effort.

HERBERT S. GOLDSMITH,
Acting Resident, Niger.

Resident's Office, Choiwa Angulu.
31st December, 1907.

APPENDIX III.

YOUR EXCELLENCY, The Residency, Birnin Kebbi, 20th December, 1907.

I HAVE the honour to transmit herewith notes on Your Excellency's memorandum on Land Tenure, as ordered.

I have, &c.,
C. L. TEMPLE.
Resident, Sokoto.

His Excellency
The High Commissioner,
Zungeru.

MEMORANDUM "LAND TENURE" (MINUTES ON).

End of para. 2.—There is no doubt at all about the existence of these state farms attached to practically every office in every province. They are known as "gando."

Mr. Palmer is quite wrong (if he means by "royal lands" these gando) in supposing that they are a new institution; they have existed from time immemorial. The fact can be easily verified, but I can hardly suppose that it is disputed.

End of para 4.—I entirely agree with Your Excellency. If the ruling classes were made landlords the rights of the private individuals would be infringed. If private individuals were made landlords, or were given title to their holdings, the influence of the rulers (on the maintenance of which the Government to a great extent depends) would disappear.

Para. 23.—I entirely agree with Mr. Palmer *re* the population.

Re difficulty, permanent settlements, I quite agree. I think a system of fluctuating assessments to be revised each year (*vide* Hewby's and Temple's comments "Land Revenue" Memorandum) similar to those of the Punjab and Burma (*vide* Baden Powell, page 192) will be necessary.

The statement of facts as to existing land tenure appears to me very correct, and I quite agree with Mr. Palmer's conclusion.

Paying a small price gives the native a certain claim to fair treatment by the ruler. I do not think, however, that it would be practicable or advisable that the price should be paid to the Government. It is not *advisable*, because the European Administration is likely to depend for many years to come on the assistance of the native administration. To give this assistance the native administration must not become a cypher. Mr. Palmer's suggestion, if followed, would greatly weaken the moral hold of the native administration. I think that as the native administrations improve, under the guidance of the British Administration, the rights of individuals will be amply protected. In point of fact, I do not think that gross abuses occur even now, as the evicted individual has the right, which he uses, to take his case to native and British courts. It is not *practicable* because we have not the staff to cope with the registration. Has Mr. Palmer thought of what this registration would mean?

I entirely agree with the statement that the peasant has only a right of user and also as to probability of natives mortgaging their land if given the freehold of their farms.

The Government would, I think, weaken its case by special legislation to enable it to exercise a right of pre-emption. By native law and custom it *has* the power.

I quite agree in thinking that the native ruler could not claim compensation by native law and custom. The "user" could, as Mr. Palmer states.

It would be impossible to differentiate in any province between occupied and waste land, I think.

Para. 24 (*a*).—I do not agree with Dr. Cargill. My experience in Bauchi was that the traditions of the conquering pagan gave him the same right as that claimed by the conquering Mahomedan. As there comes to be more intercourse between pagans and Mahomedans, any difference in the treatment of the pagan and Mahomedan will be noticed by the natives, and possibly (or even probably) resented.

I have not seen Mr. Covey's notes. Generally speaking, this officer's notes on native customs are not reliable, due no doubt to the fact that he is obliged to employ an interpreter.

Para. 25.—Muri Province. I certainly agree with Captain Ruxton.

Para. 26, *second sentence.*—Mr. Barclay is quite mistaken. Why, even the Sarikin Musulmin has a control over all lands conquered by the Adamawa Filane in former days.

It is impossible that Mr. Barclay's account of the law of inheritance should apply in the Emirate of Yola. Koranic law, as regards inheritance, is invariably in force in the Mahomedan states. It may be a pagan custom.

Final paragraphs.—I think Your Excellency's description is most accurate, and I entirely agree with Your Excellency's deduction. Throughout the Mahomedan states the Koranic law of inheritance is strictly in force as regards private individuals.

I entirely agree with Your Excellency's conclusions.

C. L. Temple,
Resident, Sokoto.

Birnin Kebi,
December 20, 1907.

APPENDIX IV.

Your Excellency,

In reply to Your Excellency's request I forward the following notes on land tenure in the Central and Eastern Provinces of Southern Nigeria.

According to native law and custom lands are vested in the chiefs as trustees for the communities under them.

Under no circumstances may a trustee part with the fee-simple. This can only be done with the consent of the community. However, the idea of disposing absolutely of their lands has always been most repugnant to the pagan communities, and I am confident that on investigation it will be found that the grants have been in the nature of a licence to occupy, the duration of which would depend on the observance of the invariable conditions that the land—

(*a*) Must be utilised immediately or within a reasonable period;
(*b*) Must be utilised only for the purpose for which it was granted;
(*c*) Must not be alienated by the grantee;
(*d*) Must not be abandoned.

The breach of any of these conditions entails a reversion to the grantors, *i.e.*, the chiefs.

There is a further condition (confined to native grantees) that the commission of any serious offence (according to native ideas) determines the grantee's interest.

If and as long as the above conditions are fulfilled, the grantee will have the beneficial use and may remain in undisturbed possession of his farm, &c.

The grantee has always recognised an obligation to make an annual return to his landlord (the chief), but in some, at least, of the pagan communities (*e.g.*, the Sobos), there is a disinclination to ask or accept a fixed rent lest it should be mistaken for an indirect admission of private ownership.

The return is annual, it is (in some instances) in the nature of a rent, but usually it is regulated as to amount by the needs of the moment, and the general conception as to what is fair and reasonable, and in the case of a native grantee is regarded more as a present than a rent.

When the grantee has been a non-native (*e.g.*, a trading company) rent has generally been fixed, but this and some other variations of native tenure must certainly be attributed to the introduction of English ideas of tenure by merchants and natives who have been called to the English bar. I may add here that contact with non-natives and with the principles of English law (in relation to land tenure) is also largely responsible, in my opinion, for the growing sense of individual legal right on the part of the local chiefs.

In the larger communities the chief, in return for protection afforded to industries (mainly agricultural) and for other duties performed by him as head of the community, takes annually a definite proportion of the yield or estimated yield of each farm.

In Southern Nigeria, as far as I am aware, there has never been any serious attempt to deal with the subject of land tenure; but efforts have been made from time to time to exercise some control and supervision over agreements affecting the acquisition by non-natives of the interests of natives in land.

Under Proclamations No. 1 of 1900 and No. 1 of 1903, the control of the Government over land agreements between natives and non-natives was asserted.

What must be regarded as a declaration in the nature of claim by Government to unoccupied lands is found in section 14 of the Public Lands Acquisition Proclamation, 1903, where it is laid down that "no compensation shall be awarded in respect to . . . . land, the beneficial use of which has not been had for a continuous period of at least six months during the 10 years preceding" the acquisition of the land.

Under Proclmation No. 5 of 1903, native law and custom has been expressly modified in the case of lands required for public or Government use. The High Commissioner is authorised to take and acquire (on payment of compensation), and a native chief is compelled to convey, if required, the fee-simple in communal lands.

One may reasonably infer from the attached copies of judgments that the conditions affecting the native ownership and tenure of lands in the Lagos or Western Province are practically, if not identically, the same as those obtaining in the Central and Eastern Provinces of Southern Nigeria. Whether one point of difference (which occurs to me at the moment of writing) is of native origin is open to doubt, but at the present time a native occupier in Lagos may mortgage his interests in land with a right of redemption unlimited in point of time.

In the other Provinces of Southern Nigeria, so far as I know, this power does not exist. Every member of a community appears to be entitled to an allotment of as much land (within reason) as he requires, and the conditions attaching to his tenure suggest that he is entitled to hold, use and enjoy his allotment as a licencee in perpetuity—subject only to the reversionary conditions above-mentioned under which (*inter alia*) there is denied to him the power of alienation, the exercise of which would indicate individual ownership.

M. R. MENENDEZ,
Chief Justice.

9th January, 1908.

IN THE SUPREME COURT OF THE COLONY OF LAGOS.

Before His Honour Smalman Smith, Chief Justice.

AJOSE, heir-at-law of Ladega Ashogbon, Plaintiff, *v.* The QUEEN'S ADVOCATE, EFUNDE, and others, Defendants.

JUDGMENT delivered July 14th, 1892.

* * * * * * * * * * *

It therefore becomes important to ascertain (1) what were the extent and nature of his rights of property in this land under the native law previous to 1861, the date of the cession of Lagos to the British Government, and (2) what change, if any, was brought about by the cession, and to what extent those rights were affected thereby.

The absolute ownership of territory has never, so far as my experience teaches me, been acknowledged in this Yoruba land as inherent in the sovereignty of the kings of the country, but there is undoubtedly a national proprietary right which is vested in the king and his chiefs or council, as representing the community who elect and appoint them originally, and who conjointly may exercise the right of alienation. The titles of king and chief descend generally according to the native law of inheritance, but not necessarily. The chiefs as a body with their king can depose a chief, as the chiefs may depose a king. It is unnecessary to enquire closely into the methods adopted, suffice that they are generally summary and effective. The white-capped chiefs who are charged by the king and the community with the disposal of land have each allotted to them a portion of territory within which they might exercise their powers. These powers are described by the white-capped chief, Faro, in his evidence. Faro was made a white-capped chief in the time of King Adele of Lagos (1832-34); he was chief of Ojora, and was deposed by Governor Glover in 1864 for attempting to enforce his control over land contrary to the established law. He states that he is now a white-capped chief of Lagos. He says: "The white-capped chiefs have the power to dispose of land. They cannot sell land; no chief can sell land. If land is given to a man and he builds on it a house, he could not be turned out if he did not do anything wrong (that is to say, for example, if he took the wife of a chief or tried to poison the chief who gave him the land); if he died and left no heir, but had slaves living on the land, the slaves could not have the authority over the land. The chiefs would give someone else authority over

the land and the slaves, and the land would descend in the same way as before, subject only to good conduct. The slaves who live on the land, as long as they live in the house, may live there, but they have no rights as against their master or his family, and might be turned out if they misbehaved."

The foregoing is a crude but tolerably accurate statement of the native law. As a rule the tenure of land among this people represented merely the right to the beneficial use of the land, subject to the obligation of service to the chief who granted it, or the payment of tribute, as the case may be. The chief can neither alienate the land nor dispossess the grantee so long as these obligations are fulfilled. Should the grantee cease to cultivate the land or abandon it, all his rights therein were determined, and the chief could re-grant the land. (Woodcock, A.P.J., judgment in Callamand *v.* Vaughan, June 20, 1878.)

* * * * * * * * * *

There are usages and customs relating to the conditions under which land may be used or occupied peculiar to certain localities to which I need only refer in passing. (*See* judgment of Marshall, J., in Idewu *v.* Ogubiyi, May 9, 1878.)

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IN THE SUPREME COURT OF THE COLONY OF LAGOS.

Wednesday, the 29th of July, 1903.

Before His Honour Edwin Arney Speed, Acting Chief Justice.

SHANGOTOLA *v.* IDOWU and YARO.

* * * * * * * * * *

(5.) All (*i.e.*, assessors) agree that the head of the family holds all the property as trustee for the family. He has his rights also as a member of the family and relative of the deceased.

(6.) All (*i.e.*, assessors) agree that the head of the family has no right to sell except with consent of the whole family.

A brother by the same mother succeeding as head of the family has no more right than any other head.

* * * * * * * * * *

(Intd.) E. A. S.

APPENDIX V.

YOUR EXCELLENCY, Katagum, December 8th, 1907.

IN returning the new Confidential Memoranda on land tenure and land assessment, I have the honour to append hereby an expression of opinion, as requested.

2. The conclusions arrived at in my humble opinion, disclose very clearly the existing situation with reference to the system of land tenure in Northern Nigeria; and I feel sure that the policy outlined therein is admirably adapted to meet the needs of this Protectorate.

3. In illustration of my particular view of the matter, I would quote para. 11.: "It was asserted that the State in India has never divested itself of its supreme proprietary right in the land, the most that could be asserted was that Indian rulers in the past had recognised the tenant's claim to fixity of tenure." This doctrine might, I think, be truthfully asserted of Northern Nigeria. The distinction between the land system in this country and in India would lie in the absence of a landlord class in Northern Nigeria and the recognition of the State as the supreme owner of the land; the analogy would lie in the recognition of the tenant's sub-proprietary right to fixity of tenure.

4. Your Excellency, in my opinion, correctly defines the true *status* of the fief-holders on p. 26.* The Kano term "Hakimi" (Arab Al Hakim) correctly expresses their present functions. If I might be allowed to develop my own theory of the present position of the emirs, I would say that they were native rulers with limited jurisdiction; and that the Hakimai are their district representatives.

5. With regard to the sub-proprietary rights of the natives to their ancestral "holdings" in land, as Your Excellency observes, the native laws of inheritance have a most important bearing. I can testify to the fact that the deprival of a legal heir of the right of pre-emption of a farm, creates a very strong sense of grievance, and is usually the subject of complaint or litigation.

6. Your Excellency states (final para.) that under the policy outlined, natives would secure recognition and registration by the state of their rights of occupation. This raises the question, which authority is to sell the right of "user" to natives, the emir or the Government. I would note, in this connection (*a*) Your Excellency wishes to retain the

* *Supra.*

emirs *qua* rulers; (*b*) to deprive them of the right of sale of "user" would be to diminish their importance and have a tendency to convert them into mere "salaried officials."

7. I would suggest that the Hakimai should keep district registers of native land-holders, that the right of disposal of "user" should be vested in them, and that the proceeds of sale should accrue to district revenue. This would not, I submit, create any monopoly over land; the Hakimai are not empowered to pilfer public revenue, and themselves only occupy the position of salaried governors of districts.

8. In order to guard against the subtleties of coast lawyers, I would make the sale of "user" to exogenous natives subject to the veto of the Resident. For instance, a Kano Hakimi would be unable to allot a farm to a Katsina native without reference to the Resident of the province.

9. In order to guard the native land-holder against possible injustice at the hands of his Hakimi, I would make it illegal to evict a tenant from his farm, except in accordance with native customary law, and upon an order by an authorised alkali. I would further enforce the native laws of inheritance with reference to land.

10. I would say that it is immaterial whether the official farms (gandus) are taxed or untaxed; I would regard them as mere perquisites of office. The farms are public property; and, if the State allows the use of them rent-free to the headmen of villages, this fact would probably be taken cognizance of in settling their fixed gratuities or stipends.

11. I have the honour to attach some further "Notes" by Mr. H. R. Palmer.

I have, &c.,
FEATHERSTON CARGILL,
Resident, Kano Province.

His Excellency
The High Commissioner.

LAND TENURE.

To RESIDENT, Kano, from ASSISTANT, Katsina.

His Excellency condenses the main outlines of the present system of land tenure in the Hausa countries on p. 26.

On p. 13, Mr. Temple advocates the retention of the right of sale or privilege to occupy land in the hands of the governing classes.

Now the *unfettered* right of sale of "user" would, when land became valuable, be just as profitable to an owner of the right as a fee-simple. If the country developed, coast lawyers would soon find a way of getting round legal difficulties, and *nomine mutato*, the same result would ensue as if a fee-simple were given them. A landlord class would, *in fact* if not *in theory*, be created, owning all that is valuable about land, viz., the margin of profit on increased values.

If this is not what Mr. Temple proposes, then it would appear he advocates a compromise such as was made in India, and division of profits between Government and the ruling classes.

Regarding this for a moment as desirable, there appears one great practical difficulty, viz., how is a distribution to be made for this purpose.

At present land is divided into large fiefs. It is comparatively of little value, and unless a chief sell *user* of land wantonly and contrary to custom, the income derived from sales is not large, but (since their incomes are curtailed owing to Government share of revenue) even now the practice of selling farms is on the increase. When land becomes more valuable the right to sell will be a subject of fierce dispute among native officials.

Putting on one side the questions which would be raised by frequent changes in the *personel* of office-holders in the case of any given village, who would have the right to sell?

(1) The head of the village, or
(2) The Seriki of the town it was under, or
(3) The Hakimi or District Headman in whose district it was, or
(4) The Emir.

In practice, I believe, we could only do one thing,—give the proceeds of sale to the Emir.

But if valuable monopolies such as these are to be created, there should be some good reason either moral, or of expediency, or of economy. That in a European country such monopolies would be uneconomical is evident. It might be urged that owing to the character of the people great territorial magnates are necessary to stimulate industry. But in reply one would suggest that such a rule is quite foreign to the Fulani character, and that such a class created out of the present ruling caste would not help but rather retard industrial development.

On moral grounds there does not seem any reason. Our right to the land is on an equality with that of the Fulani—*vis major*.

There remains the question of expediency, or, in other words, is it necessary to preserve a caste of "rulers" whose power was already waning when we came into the country, and who view the productive classes of the country as only existing to supply them with what they want?

At present no doubt we cannot do without them, and they will always have a certain value as "officials," which it would be a pity to lose.

But in order to retain their services as "officials," is it necessary to retain them as "landowners" and princes?

I venture to think that it is *not*, and that we shall get better results by gradually abolishing privilege, than by maintaining the governing class *as a class*.

The arguments for maintaining the "kingship" in pagan and other communities hardly apply to a country like the Hausa, which has been conquered and reconquered for centuries, and where the present ruling class are but one "phase."

I believe in the value of the Fulani to us—but *not* as princes—and, I believe, the more we put a stop to "regal pomp" and turn them into Government officials pure and simple, the better results we shall get.

It would seem that the passage in paragraph 21, beginning, "We mistook them for landlords," is very much to the point.

Land Assessment.

In making any suggestion under this head, one must take one of the theories of land tenure as a basis.

Assuming that the economic theory is the ultimate goal, I would suggest the following practical steps:—

(1.) Make all farms, including the "gandu" of Serikis, pay *rent* (kurdin kassa) to Government. The "gandu" might be put on a nominal rent of 1*s.* a year.

This is already the case is most districts in this division, *i.e.*, at Ingawa; the District Headman, Dambo, paid in 4,000 cowries, and then told all his heads of towns to do likewise for their "gandus."

(2.) Insist on all money accruing from the sale of farms being brought in to the Emir *as the receiver for Government.*

(3.) Pay every recognised official a fixed salary according to his position, and repress all the others.

Naturally, with the present staff, evasion would occur, but the principle would be established, and future developments would follow naturally.

It seems to me that to allow these "gandu" to be land pertaining to offices but not subject to the form of tenure common to the rest of the land, would create a kind of "mortmain" estate, with all the disadvantages of such a form of holding, which once established would be a thorn in the side of Government as it was with the Plantagenets.

It would seem preferable to grant liberal terms to Serikis as regards the *user* of "gandus," but to retain the right to dispose of them *unfettered* to Government.

Inheritance.

Hausa Custom.

1. It is generally admitted that the kin of a deceased occupier of a farm have a prior claim to the *user* of that farm as against a stranger.

It is usual when a farm passes on death to make a present to the chief of the community. He presumably has the *right* to give the farm to whom he wishes, but is bound by custom to admit the prior claims of kindred.

2. If the farm is *indivisible.*

(*a.*) If deceased is a *male*—

(i.) If he has a child of mature age, that child, or, if he has several children, the eldest (all males coming before any females) would inherit.

(ii.) If he has no children, his next brother would have a prior claim (or (sister).

(iii.) The remaining degrees are indeterminate, but probably his *father* would be the next in line of succession.

(*b.*) Where deceased is a female, her kin (brother or father) would inherit. Her husband or his kin have no claim. In all these cases it is assumed that deceased died *intestate.*

3. It is *customary*, however, to make a nuncupative will before members of the family, which, if duly made, is observed, whether the testator be male or female.

4. Where the farm is *divisible*, all the sons, or even sons and daughters, and other relations, divide it up, and each cultivates a portion. Thus, one person often has a portion of five or six different farms.

5. For purposes of relationship and inheritance, the full brother or sister and half-brother or sister are on an equality.

6. Married women.—No native woman is by custom *in manu* of her husband. She inherits, acquires and disposes of property as a *femme sole.*

7. A *special property* in certain crops (*e.g.*, lelle, henna) is recognised. These crops are productive for many years. In native view a chief of a community would be acting more contrary to custom in depriving a beneficiary of a field of lelle than of an ordinary farm.

8. The house built by or inhabited by an occupier of land is his *property*, which he can remove if he wishes, and may be disposed of by will.

II.—*Effect of Moslem Law.*

The native courts observe the *customary law* with regard to land as far as it is a *subject* of inheritance, that is to say, as far as the prior right to user *can* be inherited.

In theory, as regards the order of succession and questions between the would-be inheritors *inter se*, the Moslem law is administered if the parties are Moslems; "native customary" rules of succession, if they are not.

In practice, however, great diversity prevails between different courts, and courts at different times give conflicting decisions.

The subject is one of a good deal of importance it seems to me. The fact that frequently on a change of Alkali or Seriki large migrations occur is often due to his being known as enforcing Moslem law without regarding the customs of Maguzawa (pagan Hausas) or Kitiju (pagan Fulani).

The best native authorities supported, I believe, by considerable authority in Moslem legal text books, hold that "custom" in matters of inheritance, marriage, &c., should be regarded.

But at present the whole subject is ruled by individual caprice.

H. R. Palmer,
Assistant Resident, Katsena.

24th November, 1907.

APPENDIX VI.

The Resident, Zaria, Northern Nigeria, to the Secretary to the Administration, Zungeru.

Land Tenure.

The questions at issue are, I take it, (*a*) whether a system of State ownership of land as against individual ownership, is in accordance with, and suited to, the ideas and customs of the inhabitants of this Protectorate; and, (*b*) if so, whether it is in itself desirable.

2. So far as pagan communities are concerned, I think it may be taken for granted that the State may at once assume the right of ownership of the land. As Sir Frederick Lugard says: "The rights given by conquest are well understood by primitive folk," and I do not think that any pagan community which has accepted British control would for a moment dispute the right of the Administration to the ultimate ownership of all the land.

3. With the more advanced Mohammedan communities which inhabit the Hausa and Northern States however, it is necessary to weigh very carefully the question of land tenure. I find myself in the main in accordance with Mr. Temple in thinking that it is a "cardinal feature of native custom" that private property in land does not exist: and that "the freehold of the land belongs to the section of the population that has conquered and is in possession of that land." Mr. Temple appears to me to give a most clear exposition of the root principles underlying the custom of land tenure, and points out that the recognised ruler "had the power to grant the use of land to private individuals, but had always the power to revoke any grant made. He was not expected to do so, however, unless there was some good reason."

4. It is evident that there is a very narrow dividing line between a recognised right to use a certain plot of land, and the actual ownership of that land, provided the right of use can be transferred, sold, or inherited. The actual difference appears to me to consist in the power to revoke the original grant. So long as this right exists, the land cannot be said to be the property of the user.

5. The right of transfer, sale, and inheritance undoubtedly exists in the Mohammedan portion of this Province. The use of land descends from father to son, and may even be disposed of to a stranger in return for a sum of money paid down, or an annual payment, usually in the form of a portion of the produce. Such transactions may be entered into without the knowledge or previous consent of the chief, though it is usual to report them, in order to provide a kind of verbal registration of the fact, to avoid future disputes. But one very curious fact emerges. If a native wishes to sell his right in a plot of land which he may have inherited from his ancestors or acquired in some other way, in order that he may go and settle elsewhere, he is at liberty to do so, provided he settles in a place within the territory of the paramount chief. If he wishes to settle outside such a territory he cannot sell his land: it must revert to the paramount chief in the same way as it would do if the user died without leaving any heirs to inherit his property.

6. This appears to me conclusive proof that no such thing as individual right in land exists, and that State ownership of land is the very root of native ideas and customs regarding land tenure. But it is equally evident that a custom has grown up of considering the grant of a "right of use" as a saleable or transferable asset, and that this constitutes in a sense an individual proprietary interest. But it is a curious fact that throughout nearly five years of experience in the Hausa States I have never known a single case of dispute in the matter of individual claims to land, whether in the Native Courts, or in appeals to executive or administrative powers, European or native. Furthermore, it has been admitted to me by natives that a man who sold his land right and then migrated to another country could not be punished: he would be execrated and possibly refused permission to return, but would not be arrested or tried and punished, either judicially or executively. Thus it is evident, I think, that the right

of transfer is merely a custom which has grown up, and partakes of the nature of a private contract between individuals for mutual convenience and in no way over-rides the principle that all land belongs to the State, which can alone grant rights of use, and can at any time withdraw or revoke such grant.

7. Whether or no State ownership of land to the total exclusion of any individual right in land is economically advisable is a question which belongs to political economy, and I fear my opinion in the matter is of no great value. I believe, however, that it is the principle of land tenure in this country and is acceptable to the native mind, and on these grounds I urge it most strongly. If found unworkable it can be cancelled by a stroke of the pen, but I submit that it should be maintained until it be found impracticable.

8. As regards the detail of nomenclature, I confess I am unable to follow the suggestions made in His Excellency's memorandum. Mr. Temple would call certain lands "Crown Lands" and all the rest "Public Lands." Dr. Cargill apparently agrees. His Excellency appears to favour all lands being declared "Native Lands." But surely if the principle is once admitted that all land belongs to the State—that none can be sold but only leased from Government—there is no necessity for introducing any nomenclature at all? In such countries as Canada I presume all waste unclaimed land is held to belong to the State, which gives or sells it to individuals, companies, or corporations. It appears to me that in Northern Nigeria the State would be the permanent landlord of all land. Cultivated lands would be leased to farmers and individuals, who would be given certain rights as to transferring the lease to heirs or others: land required by the State for purposes of public utility would in reality be leased by the State to itself, rent free.

9. One point remains to be discussed. Mr. Temple states that "every Emirship, and headship of a district or village has a 'gandu' attached. To every important official's office a farm is attached. . . . The gandu or State farm goes with the office." This has up to now been my impression, but I can find no evidence of its existence in this Emirate except in cases of village headmen. I am assured that there are no official farms attached to the office of Emir or any other office of State, but that every family has its land, which descends in the family from father to son. Thus the family of the late Emir retains its farms, which are situated in a different part of the Province to those belonging to the present Emir. What was attached to the various offices of State was not property in land but property in men to work them, *i.e.*, slaves. These passed with the office.

10. This, of course, is in accordance with the principles of the patriarchial system. The Hausa States appear to me to be at this moment passing from a purely patriarchial system direct to a system of individual proprietorship in land by a natural evolution. The natives do not yet see that the idea which has been growing up, unobserved, of individual right in land, is directly antagonistic to their root principle of State ownership. The difference between "jus utendi" and "jus possidendi" must therefore be defined and explained.

11. The conclusions I would draw after most careful consideration of the whole problem are, briefly, that the Administration should assume the entire right in all the lands of the Protectorate, maintaining the present rights of use enjoyed by the inhabitants, but conserving the right to revoke such a grant: where non-natives desire to take up land the Government should lease, not sell it, after making full enquiries into the native rights in the land and compensating any individuals or communities whose claims may be considered deserving of compensation: and that a similar procedure should be followed where the State desires to take up land for public purposes. Such a policy would, I believe, be in accordance with native ideas and customs, and would afford the best means for developing the country in the interests of its inhabitants, whilst securing for Government the maximum return for the energy and capital expended on it.

C. W. Orr,
Resident, Zaria Province.

Zaria, 14th November, 1907.

APPENDIX VII.

Land Tenure.

With reference to His Excellency's minutes upon this question, I have the honour to make the following remarks:—

I regret that I had not received the land tenure papers a month or two before I left Bornu, in order that I might have better studied the usages of native tenure of land in the Province, a subject which has not been of pressing importance, and in the details of which I am not well posted: and for this reason I would like the completed memorandum to be sent to Major McClintock.

To begin with, I may say that the Province of Bornu probably stands alone in the Protectorate, in being taken over by us in 1902 as a ruined country—a great contrast to Kano and Sokoto, taken over as "going concerns." Probably half the population had been killed or sold by Rabeh between 1893 and 1900; ancient records had been destroyed, and systems largely abandoned; and finally the destitute country was ransacked to raise an indemnity for the French.

I have had the privilege of seeing the Memoranda of Mr. Temple, Dr. Cargill, Mr. Palmer, and others, and I do not see that the principles of native tenure in Bornu differs from that in other provinces mostly Mohammedan, substituting "Billama" for "Seriki."

In a large proportion of Eastern and Central Bornu, a "village" consists of a *group* of hamlets, frequently scattered over miles of country, under "Mbarmas," who are under the

village "Billama" (defined by Barth as a "Mayor"), who may be under a "Lowan" of a larger group (common in some districts), or directly under the District Head ("Ajia"), a title and office chiefly created by Government on its insisting three years ago upon resident district heads. Probably every village can show its agricultural boundaries, and every farmer can show the limits of his fields, clearly marked by ridges of uncut grass tufts, unchanged for generations. There is, however, plenty of waste land which could not, I believe, be claimed fairly by any people or villages of the present day.

With regard to waste lands: Probably almost the whole of Bornu Proper has at some time been under cultivation, and the extensive waste lands therein (which contain next to no "forest" or virgin bush), are largely the result of the wars of centuries, with consequent depopulation: and, with the exception of (neglected) gum in some districts, there is little in the bush products of value to the native, other than the food obtained in parts from baobab and locust trees.

"Royal" or personal lands belonging to the rulers or members of their courts, apart from the huge estates held under the quite impossible and now extinct fief-system, were insignificant; but farms were attached to most appointments, and are to-day to many district offices and practically all village appointments. In many parts of Bornu, the head of a hamlet has the right of farming the deserted site of a hamlet migrated; and consequently he takes care to keep the hamlet moving a mile or two every two or three years, in order to gain the manured land: this is one of the reasons for unnecessary migration that, while unchecked, is so pernicious to so-called taxation, which His Excellency describes as Government Rents

Farms are acquired on application and payment to a Billama, or Ajia; but I do not know of a case of a man owning a private farm or estate, except by the right of occupation and not of possession, carefully defined by Mr. Temple, obtained theoretically from the Shehu generally in the person of the village or district head.

The question has never definitely cropped up, but I feel quite sure that the Shehu and all his subjects thoroughly understand the position of Government as lord of the soil, and that there would be no feeling in his mind such as Major Festing attributes to the Emir of Kano.

Native rights in land in Bornu would come into two classes: the districts of Bornu Proper, inhabited by Kanuri and other Mohammedans directly under the Shehu (the greater part of the province); and the pagans on the southern and western borders, whom we have maintained independent: though I really do not see that they need require different treatment from Government: it might perhaps be better so for the Protectorate, but in Bornu I would prefer one scheme. I note that the Kano view seems to be in favour of all land being declared Crown property and present native occupiers being given licences. I should not have thought this necessary outside of the Kano Province; and Mr. Temple seems to favour the maintenance of the existing conditions, though I do not follow his method of legitimising them, except as adapted "Native Law and Custom." A difference to be noted is that in Bornu the ruling caste is practically of the country and not alien invaders.

If the "Economic Theory" or adapted "Native Law and Custom" can be legitimised into a working system, as I gather from His Excellency's last minutes, may be possible, I should prefer that. If this were not possible, I would take the line of declaring all unoccupied and waste land to be "Crown Land," with the most liberal treatment of natives in the matter of alternative farming land; and the remainder to be "Native Lands," Government to retain the freehold of both, with all necessary powers for dealing with non-native transactions in land, while interfering as little as possible in purely native matters.

W. P. HEWBY,
Resident, Bornu.

Zungeru,
26th October, 1907.

APPENDIX VIII.

From the RESIDENT, Bauchi Province, to the SECRETARY TO THE ADMINISTRATION, Zungeru.

With reference to your memorandum, No. 4205/07, of 5th November, forwarding memoranda on land revenue, land tenure, and incomes of chiefs.

I have duly received the above, and herewith my replies, tenure only.

W. F. GOWERS,
Acting Resident, Bauchi.

Akwiam, 24th November 1907.

E carefully read Your Excellency's latest memorandum on land tenure, and also
's "Land Systems of British India."
not, I think, any real divergence between the views which I put forward as
enure in this country and those of the Residents quoted (with the excep-
fined myself to the *theory* of tenure according to the Mohammedan
y, whereas other Residents have dwelt at more length on the
in practice modified.
uite correct in saying that the *Emir* hell the lands in trust
should have said that the Serikin Musulmi did so, delegating
he Emirs, as pointed out by Mr. Temple.

4. Any further differences are due chiefly to the variety of senses in which the words "freehold," "estate," "proprietor," "possessor," &c., appear to be used.

5. I am still unable to regard the "fief-holders" of this country as having estates in the lands ruled administratively by them, and I gather that Your Excellency concurs, from the statement that their former actions "indicated in no way a proprietary right in land on the part of the fief-holder."

6. I think the right of the free agriculturist was better than a tenure at pleasure in the eyes of the law. I think a native court that was not corrupt would have upheld the right of a land-holder who duly paid his rent to the State (kurdin kassa).

7. Therefore I quite concur that the "economic theory" should be aimed at. I take it this will mean that practically the whole country would be treated on a "Rayatwari" basis, to borrow the Indian parallel term.

8. It would appear that a landlord class must, to some extent, be maintained in the persons of those who own serfs attached to the land. These would naturally become free tenants of their master in course of time (cf. the development of copyhold from villein tenure). I think it would be only fair to recognise the rights of the master in the land as compensation for the loss of his rights in the men.

9. From paragraph 6 I gather that the suggestions set forth in paragraph 33 to 50 of my previous memorandum on the subject are not very far divergent from those of Your Excellency. All natives, I hold, should be confirmed in their present holdings, not as owners of the fee-simple, but as "land-holders" or "occupants," as in the tenure described in "Land Systems of British India," p. 126, &c.

10. Non-natives should, as at present, only acquire rights from the Government as trustee for the people of the country.

11. Natives should be allowed to acquire fresh holdings without restriction, subject to payment of the land revenue or rent to the State at which they might be assessed.,

12. A native might, I suggest, be allowed to alienate his "land-holders'" right to another native, though not to a non-native.

I have, &c.,
W. F. Gowers,
Acting Resident, Bauchi.

Dugu Sabongari, 22nd November, 1907.

(2.)

LAND REVENUE ASSESSMENT IN NORTHERN NIGERIA.

The inception of the Northern Nigeria Land Revenue eventually merged into a so-called "land revenue" or "general tax," is described by Sir F. D. Lugard in his "Memorandum on the Taxation of Natives in Northern Nigeria."*

The following extracts from this Memorandum and the Proclamation on which it is based, clearly show how land revenue and land revenue settlement stands at the present moment in the Protectorate.

History.

1. "The Mohammedan population of Northern Nigeria had from time immemorial been accustomed to pay certain tithes in accordance with Koranic Law, and had imposed taxation upon their Pagan vassals. Residents of provinces were directed to enquire into the methods of taxation in vogue in their provinces, and to submit reports. These were necessarily very imperfect, but they revealed the fact that the original system had been extraordinarily complete and well organised, and that it had attained a high development, embracing death duties, complicated taxes on traders, class taxation on special industries and crafts, special taxes upon lucrative crops, market dues, and an almost endless variety of other imposts in addition to the tithe on the staple crop paid by Mohammedans, and the tribute claimed from Pagans. They revealed further that the original system, which appeared to have been singularly fair and well apportioned, had, to an extent which varied in each province, become debased by oppressive additions, by the system of collection, which consisted either of 'farming out' taxes to individuals who paid a certain sum for the privilege, and made all they could by extortionate demands from the taxpayers, or by the appointment of tax-gatherers (named jakadas or ajele), who, in many provinces, lived on the people, and exercised a very oppressive tyranny."

Land Revenue Proclamation, 1904.

Land Revenue Proclamation, 1904.

2. In June, 1904, the first Land Revenue Proclamation was issued, giving legal effect to a system under which the Government would share in the taxes. This Proclamation, which is very short, covers taxation and assessment, under the following heads:—

2. *Interpretation.*

"In this Proclamation, if not inconsistent with its context,

"'Chief' means any person who is in receipt of the profits, or any part of the profits, arising out of any land whether as tribute, taxes or rent.

"'Community' means any town, village, or body of individuals forming a community which does not, or has ceased to, pay any tribute, tax or rent for the use, occupation or enjoyment of any land occupied by such community to any chief.

"'Resident' means the Resident or Assistant Resident in charge of any particular province in question, and shall include any other Resident, Assistant Resident or Revenue Officer authorised by the Resident or Assistant Resident in charge as aforesaid to perform any of the duties imposed upon any such Resident or Assistant Resident in charge by this Proclamation.

Assignment and Collection.

Chiefs to pay proportion of their tribute.

"Every chief in the Protectorate shall, on or before the 31st day of March in each year, pay one-quarter of the amount received by him during the last preceding twelve months in respect of any tribute, tax, or rent arising out of any land to the Resident of the Province in which such land is situated or such other proportion as shall be fixed by the High Commissioner in accordance with Section 5 hereafter, and all such payments when and as made shall form part of the general revenue of the Protectorate.

Payment by communities.

"Every community in the Protectorate shall, on or before the 31st day of March in each year, pay to the Resident of the province in which the lands used, occupied or enjoyed by such community are situated, a sum equal to one-tenth of the annual value of such lands, or such other proportion as shall be fixed by the High Commissioner in accordance with Section 5 hereafter, and all such payments shall when and as made form part of the general revenue of the Protectorate.

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* Colonial Report [Miscellaneous], No. 40

5. *Settlement.*

High Commissioner may exempt portions of the Protectorate from the operations of the Proclamation.

"It shall be lawful for the High Commissioner to partially or wholly exempt any chief or any community from the provisions of the Proclamation, and subject to the approval of the Secretary of State to increase the proportion payable from time to time, and to alter, amend, or revoke any such total or partial increase or exemption.

6. *Assessment.*

Periodical assessment by Residents.

"It shall be the duty of the Resident or the person deputed to act on his behalf from time to time to assess the amount of the annual value of lands from which tributes and rents are paid to any chief, and used, occupied, or enjoyed by communities situated within his province.

"The principle on which the amount of such assessment shall be fixed shall *be the amount of produce or profit* which can be annually obtained from, and the live stock that can be annually raised and supported on, such land by a person cultivating and using the same in the manner and up to the average standard of cultivation and use prevailing in the neighbourhood."

Native Revenue Proclamation, 1906.

Supersession of Land Revenue Proclamation, 1904 by Native Revenue Proclamation of 1906.

3. The Land Revenue Proclamation, No. 4, of 1904, was superseded early in 1906 by a more elaborate proclamation, under the title of the "Native Revenue Proclamation." In his covering despatch to the Secretary of State my predecessor described the object of the new Ordinance as follows:—"The essential difference between this Proclamation and the one it supersedes is that the former Proclamation was limited to land and produce, whereas this includes all forms of taxation known to the country, and makes any taxation not authorised by it illegal and punishable. While the former Proclamation was only a tentative one, with the object of securing to the revenue a certain proportion of the taxes on land and produce levied by the native chiefs, and did not in any way touch the nature of those taxes or restrict the power of chiefs as to the extent to which they might tyrannise over, or extort from, the peasantry, the object of the present Proclamation is to lay down limits to taxation by native chiefs, to define and legalise the various taxes, and to place them under the supervision of the Administration, and at the same time to assign an adequate portion of the revenue so collected to Government."

4. In his "Memorandum on the Taxation of Natives in Northern Nigeria," mentioned before, Sir Frederick Lugard describes the provisions of the new Act:—

"The system thus introduced may be briefly summarised. In the first place it has been my desire, while promoting a general uniformity in matters in which it is essential that a common policy should prevail throughout the Protectorate, to give as large a latitude as possible to the varying conditions of each Emirate. As years go by these divergencies will tend to disappear, and a single uniform system will be developed, but too drastic a change is, above all things, injudicious in Africa, and amongst a people so conservative of tradition as the population (and especially the Fulani rulers) of Nigeria. The inauguration of British rule is beyond doubt the right moment to introduce important changes which are essential, for at no later time would it be so easy to introduce them, but all that is non-essential can best be introduced gradually.

"The first essential was that so far as Government is concerned, the innumerable petty taxes should be amalgamated in one or more single taxes to which legal sanction should be given by an Ordinance of the Government. This involved a truly colossal task, for it meant that each Resident should visit every town and village in his Province, and by the help of the native authorities should assess its tax-paying capacity. This has been the task of the past year, and . . . . . very great progress has been made. The basis upon which this assessment has been carried out varies very greatly in different provinces, but generally speaking, it is framed upon the former scale of taxation shorn of its later extortions and unauthorised additions. The rulers (who share in the tax), are naturally ready to give all information, and this can be checked by the information derived from the former collectors, from the former fief-holder, and from the village itself. Finally, since the village may have increased or decreased in wealth and importance, the Resident

himself exercises an original discretion, ... subject to confirmation by the High Commissioner.

Administrative Organisation.

"To give effect to the scheme of reform alike in matters of taxation and in general administration of a province some administrative changes were necessary, more especially in order to decentralise executive authority, which had hitherto been concentrated in the hands of the Emir and his head slaves on the one hand, and in the Resident on the other. Each province was now divided into three or four 'administrative divisions,' according to its size and the staff available, and each of these divisions became the immediate sphere of an Assistant Resident under the general control and supervision of the Resident-in-Chief. The whole province was also to be divided into a number of 'districts,' each under a 'district headman,' who was responsible for collecting the tax from the village headmen (who, in turn, were charged with the duty of distributing the tax imposed upon the village among the individuals in proportion to their wealth and ability to pay). . . . . In order to check any extortion or abuses every village headman is to be provided with a statement in Hausa and Arabic of the amount at which his village is assessed. The villagers, on the one hand, could demand to see this list if their headman collected more than the authorised tax, and on the other hand, the district headman could not claim from the village more than this sum. In the event of any excess demand, village headman and peasantry alike had a right to appeal to the Assistant Resident of the division. These safeguards have been welcomed by the people, and it is reported that little or no extortion now exists. . . . .

The "Land Revenue" or "General Tax."

"Turning to the actual taxation. The main taxes of the country were those recognised by the Koran, viz., a tithe of the produce of the land, and of cattle and flocks, and an impost upon the Pagan vassals, which varied in severity chiefly in proportion to the ability of the suzerain to collect. But these taxes had become modified . . . . . In addition to these regular taxes innumerable other imposts were levied—taxes on each dye pit, on artisans (cloth weavers, blacksmiths, &c.), market dues, taxes on butchers, grain sellers, &c., &c., &c. The new system aimed at consolidating all these taxes into a single "land revenue" or general tax. The former name is not strictly correct, since it would be paid in proportion to wealth by artisans as well as by agriculturists and nomad pastorals. In principle it is, in fact, an income tax.

* * * * * * *

"The assessment of the new general tax was based upon the sum of the existing taxation (where that taxation existed) modified by the Resident after careful personal enquiry, and in accordance with the actual present wealth and ability of the village to pay. It was thus neither a mere consolidation of existing taxes—increased or decreased as the case might require—nor was it (except in hitherto untaxed districts) an arbitrary assessment, *de novo*, by the Resident. Its merit, in my view, was that it partook of both characters. So far as it was based on tradition and custom, it ensured ready acceptance among a conservative people, and its collection presented no novel difficulties, while so far as it was modified by the Resident, and consolidated and fixed alternatively at a money value, payable only once in the year, it inaugurated the beginnings of principles recognised in more advanced communities, and enabled the collection to be made in a manner in which the proceeds could best be utilised by the Administration, and accounted for in accordance with financial instructions, while it ensured a more just incidence and greater uniformity.

"The general tax thus embraced all taxes upon the village community. If the village was rich in herds and flocks, it paid proportionately to its wealth. If it was an industrial community, which gained its livelihood by smelting and working iron, or by dyeing cloth, it similarly paid in proportion to its tax-paying capacity. The unit, so far as Government is concerned, is the village, and the proportion to be paid by the individual is left to the village headman, as in India.

"I believe that under the Act of 1856 the Magistrate in India appoints a 'panchayet' (native council of five) to apportion the tax imposed upon a village to the individuals. This is done (*a*) by actual valuation of property, which is rare,

or (*b*) by their general knowledge of the circumstances of each individual, a system which works much better. The latter is the system of Northern Nigeria.

Jangali (Tax).

"The taxation of nomad herdsmen, who have no settled village, had, however, to be undertaken separately, and for this reason a second tax, applicable only to them, viz., the Jangali or cattle tax, was recognised. It was fixed at 5 per cent. instead of the former 10 per cent., and for the sake of facility in assessment, large herds, though not strictly nomad, were included in this category. The taxation imposed under the 'Native Revenue' Proclamation, No. 2, of 1906, is, therefore, shown under two heads, viz., the 'general tax' and the 'Jangali,' though they are identical in principle, and in the course of time will probably be merged into one.

Assignment of Tax.

"The proceeds of the general and the jangali taxes are divided between the British and the Native Administration. In 'settled' areas, under 'Principal Chiefs,' or minor Emirs, Government takes half, and half is assigned to the Native Administration, except in the Emirate of Sokoto, where, in consideration of the position held by the Emir as 'Serikin Muslimin' (Head of the Mohammedans) Government takes only 33⅓ per cent. of the general tax, and leaves 66⅔ per cent. to the Native Administration. 'Unsettled districts,' viz., Pagan tribes which are not under any principal chief, pay a larger proportion to Government."

PROVISIONS OF THE NATIVE REVENUE PROCLAMATION, 1906.

5. The extracts from this Proclamation which deal with the taxes which may be levied, and the method of their assessment, settlement, and collection are as follows:—

Native Revenue Proclamation of 1906.

Interpretation.

"In this Proclamation, if not inconsistent with its context—

Interpretation of terms.

"'Chief' shall mean any native ruler acknowledged as such by a community.

"'Recognised Chief' shall mean any chief whose position as a native ruler has been recognised and approved by the High Commissioner, whether by the bestowal of a symbol of office or otherwise.

"'Community' shall mean any town, village, settlement, or body of individuals other than an unsettled district.

"'Unsettled District' shall mean any district which has not heretofore paid or has ceased to pay tribute to any chief.

"'Resident' shall mean the Resident or Assistant Resident in charge of the particular province in question and shall include any other district officer authorised by the Resident or Assistant Resident in charge as aforesaid to perform any duties imposed upon any such Resident by this Proclamation.

3. *Levying of Taxes.*

"From and after the date of this Proclamation there shall be levied and collected, in manner hereinafter mentioned, such sum or sums as, in accordance with the provisions of this Proclamation, the Resident of each province, with the approval of the High Commissioner shall fix and assess—

Tribute and taxes may be levied.

"(*a*) As tribute payable by any community or unsettled district within the province; and

"(*b*) As taxes payable by any native or natives residing or being within the province and known as Kurdin Sarauta, Gaisua, and Jangali.

Assessment and Settlement.

"In making an assessment, the Resident, acting in co-operation with the chiefs of each district or, in the case of an unsettled district, with the elders or other persons of influence in such district, shall first estimate or compute—

Valuation of lands, &c., to be made by Resident.

"(*a*) *The annual value of the lands and produce in each community* from which tribute and taxes have been paid under native custom to any

chief, or which are used, occupied, or enjoyed by an unsettled district; and

"(*b*) The annual value of the profits or gains from any trade, manufacture, office, or employment in which the members of a community or of an unsettled district may be engaged; and

"(*c*) The value of the flocks and herds of nomad shepherds or herdsmen; and

"(*d*) The value of such sources of income as, under native custom, is liable to the tax known as Gaisua.

Valuation of lands, etc.

"The principle on which the estimate or valuation of lands shall be made shall be the amount of produce or profit which can be annually obtained from, and the number of livestock that can be annually raised and supported on, such land by a person cultivating and using the same in the manner and up to the average standard of cultivation and use prevailing in the neighbourhood.

Assessments.

"The assessment of tribute and taxes shall be based upon the estimate in the fourth section of this Proclamation mentioned, and, as to amount, shall, as far as circumstances will permit, be in accordance with native custom and tradition, and shall be subject to the approval of the High Commissioner, who may from time to time alter or amend such assessment as may appear just or expedient.

Assessment to be notified.

"When such assessment shall have been approved by the High Commissioner, the Resident (in such manner as the High Commissioner may direct) shall publicly make known to each community and unsettled district and other persons concerned the amount at which such community, unsettled districts, or persons have been assessed for tribute or taxes, and the time or times at which such tribute or taxes shall be collected.

9, 10, 11. *Collection.*

Appointment of district headman and village headman.

"A Resident may from time to time appoint chiefs or other suitable persons to be district headmen and village headmen for the purpose of supervising and of assisting in the collection of tribute and taxes under this Proclamation.

Duties of district headman.

"It shall be the duty of a district headman—

"(*a*) To supervise the collection of tribute in his district;

"(*b*) To receive from the village headmen in his district all sums collected by them, and to pay and deliver the same to such recognised chief as the Resident may direct;

"(*c*) If so directed by the Resident to supervise, collect, or receive any Gaisua, Jangali, or Kurdin Sarauta in respect of which any person or persons in his district may have been assessed, and to pay and deliver the same to the Resident, or to such recognised chief as the Resident may direct;

"(*d*) To render to the Resident returns of tribute and taxes received by him at such times and in such form as the Resident may direct.

Remuneration of district headman.

"Every district headman shall be entitled to receive as remuneration for services rendered, such proportion (not exceeding one-fourth part) of the tribute or taxes received by him, as a Resident of the province, with the approval of the High Commissioner, may direct.

Duties of village headman.

"It shall be the duty of a village headman—

"(*a*) To collect and receive from each member of the community to which he has been appointed, such proportion of the amount at which the community has been assessed for tribute and taxes, as may be right and proper according to native custom;

"(*b*) To pay and deliver to the district headman of the district in which the community may be situated, or to such other person as the Resident may appoint, all tribute and taxes collected by him;

"(*c*) To communicate to such district headman the name or names of any person or persons who may have refused or persistently neglected to pay his or their proportion of the tribute or taxes.

Remuneration of village headman.

"Every village headman shall be entitled to receive as remuneration for services rendered such proportion (not exceeding one-fifth part) of the tribute collected by him as the Resident may direct.

Assignment.

Recognised chief to pay moiety of tribute to Resident.

"Every recognised chief in the receipt of tribute or taxes under this Proclamation shall, at such time or times in each year as he may be required by a Resident so to do, pay and deliver to such Resident one moiety or such other proportion as the High Commissioner may from time to time determine of the amount received by him as tribute."

RECORDS.

6. There are no village records. A statement in English and Arabic of the total tax to be levied is furnished by the Assessing Officer to the village headman or elder. The provincial records consist of sheets denoting the total assessment of villages, the list of the officials, and the assignment of the tax. These are forwarded for the High Commissioner's approval and central record.

THE LAND REVENUE SETTLEMENT IN LOWER BURMA.*

7. The revenue history of Lower Burma is brief and simple. Under the native rule, as under ours, there were three kinds of cultivation:—

1st. Permanent cultivation.
2nd. Palm groves and gardens.
3rd. Shifting cultivation, mainly in forest country.

The latter was, necessarily, excluded from anything like a settlement. The area, always altering, could not be subject to any field survey, or record. To meet this latter class a tax was usually imposed on the number of knives used in clearing. At the present day it is similarly dealt with. Every male person of 18 years practising this cultivation has to pay an annual tax.

Permanent cultivation in the plains need alone engage our attention. The old Burma Government levied a rice land tax, not assessed on the land, but, generally, upon the number of cattle employed in working it; or, in some districts, a rough calculation was made every season of the gross product of a district, and the cultivators were required to convey a proportion, generally 10 per cent., to the Government granaries.

There was a further tax on families, assessed according to their reputed wealth. It was seldom, however, that any record existed to show the method of assessing the family tax, or the amount collected under the item, or of the amount of the tax.

The English officers began, as usual, by following, for a time, the native method, but, after a few years, a measurement of the land was found necessary.

A native standard of measurement existed. The headmen of village tracts were called on to state what rates per doom (the native land measure) the village lands could bear, and the result was that large tracts of country had a certain rate per doom imposed upon them as the rate for all cultivation.

On this primitive principle, rights were obtained for large areas of country. If the rate was low, the inequalities that resulted from such wide generalisation were not of any consequence, but when the rates were high, and the soil valuable, great inconvenience resulted. It was then proposed that there should be a survey, and that the village should be adopted as the unit of assessment, after a proper classification of soils.

Under the early system, for every village a uniform rate per British acre, which was adopted as the standard, was fixed on all cultivated land, no regard being paid to internal differences of fertility. Gardens and palm groves were dealt with somewhat differently. The right of the State was from then fixed at one-fifth of the gross produce, valued in money.

The Act gives persons in possession of culturable land the right of settlement of the land tax for a period of years, usually not more than 15.

* Baden-Powell: "Land Systems of British India."

Assessment and Settlement.

The modern practice of settlement is now very clearly defined. The objects of such settlement are declared in the directions to be:—

(1) The complete survey of all lands.
(2) Registration of all cultivators of land with specification of their various interests under the law.
(3) The equitable assessment of the land revenue on sound principles and on a uniform system.
(4) Punctual registration of all transfers and of all changes in the occupation and use of land.

The Burman system corresponds very closely to that adopted in Indian villages where individual land-holdings are recognised.

The first step in settlement is demarcation of the village, which includes all its cultivated lands or other lands which it can fairly lay claim to.

After demarcation a survey is made which details every individual holding.

The whole tract which the village comprises is then classified, care being taken to include its position with regard to facilities for transport, its convenience with regard to markets, and other matters.

This is followed by a classification of soils, which goes into great detail. The assessment is proceeded with on the basis of an annual money rate per acre, and to continue unchanged for a stated period.

The older theory was that the State is entitled to one-fifth of the gross produce of land. The modern rule is that one-half of the net produce may be taken. The net produce is held to be the balance of the gross produce, after deducting the cost of cultivation, and also the cost of living.

Records and Collection of Revenue.

There are executive headmen of villages, but they have no revenue functions. The records of the village settlement are entered in a settlement register. It forms a complete Domesday Book, recording accurate information regarding every separate holding, whether large or small. The area is given in acres, and hundredths of an acre, and the assessment thereon stands in parallel columns.

A single field on the Survey Map may be actually divided amongst twenty persons. From the register is prepared a ledger, which gives each man's personal account with the Government, the total area of his holdings in the village, and the total assessment due thereon by him to Government.

A copy of this, his personal account, is given to each person, with a note as to the date on which each instalment falls due.

The revenue is collected by means of tax tickets prepared and served on the persons liable, with the sanction of a British officer. No revenue can be demanded except after the issue of a tax ticket. For all revenue paid a receipt is given.

LAND TENURE AND LAND REVENUE IN UPPER BURMA.

8. Upper Burma was added to Her Majesty's dominions by annexation in 1886.

In taking it over, it was clearly intended to ultimately assimilate its law and government system with that of Lower Burma; but, under existing circumstances, a simpler form of administration was indispensable.

As regards land revenue administration, the local or native administration of revenue collection and assessment, and the local administrative divisions, were directed to be maintained in the first instance, and the native to be employed where possible.

The old native revenue was derived from (1) capitation tax—a tithe levied on households—(2) a land tax on royal lands, amounting to 25 per cent. of the gross produce.

The capitation tax, or "tithe," was continued under the British Administration, but has, I believe, been abolished, and a regular land revenue substituted. Its levy, according to the old native custom, was carried out as follows:—

Its assessment was effected by a district headman, who submitted a census, or roll, showing all persons, or households liable to pay. The roll was subject to being tested by the Assistant Collector. The Government fixed the rate by notices from

time to time; these rates, multiplied by the number of tithe-paying households, gave the total assessment of the village, or other local area.

Another official called "Thamadi," or assessors, "appointed according to custom," distributed the total over the families or households, according to their circumstances, or ability to pay, and lists of the payments were afterwards published. Objections to this list had to be made within ten days of its publication.

State or Crown Lands.

All the royal lands are State property, as are also lands held on condition of rendering public services, or as an appanage to some public office. Custom has added a right of the State to certain other lands, which is a right universally found in India—unconnected with any other custom of "royal farms." Thus, the State is entitled (as royal lands) to islands and alluvial formations in rivers, to all forest and waste land, and land which has been abandoned and to which no claim has been made or is preferred within two years.

Rules are provided to be made for the disposal of waste State lands, for regulating the temporary occupation of such land, and for the treatment of it where needed as grazing ground to villages. Land required for public services, or likely to be required, is not to be leased, except from year to year. Other waste land is leased for not exceeding 30 years, and with reservation to Government of mineral rights and tea trees. It is subject to paying revenue, taxes, or rates; but, to enable the lessee to establish first cultivation, there are rules allowing exemption from the revenue for a term of years, as well as conditions as to bringing a certain proportion under cultivation in a certain time. The consequences of failure to act up to the lease are provided. State land, being the property of the Government, pays rent to the Government as its landlord or owner. All other land which is private property (in some sense) pays land revenue; but where the landholder already pays capitation or "tithe" this latter is either forgiven, or "adjusted," so that a double burden is not imposed.

Assessment.—The land revenue is to be assessed on considering such sources of income, with effect from such date and for such period, as the revenue officer may propose subject to the approval of the Local Government.

This provision allows latitude for a skilful officer to devise the best form of assessment, instead of being tied down by theoretical rules (of which no experience can have been had). In this way a workable theory and practice of assessment will gradually develop itself in a natural manner.

The regulation provides for the exemption of monasteries, schools, and pagodas, and land in towns, &c., from land revenue assessment.

Land Records and Rights in Land.

With the assessment of land revenue, records of rights are to be prepared, and, when prepared, are to be maintained correct by the Collector. With this object, a simple "Register of Mutations," that is, a list of all changes by succession, agreement, &c., has to be kept up as the main instrument.

It will be observed that this regulation says nothing about defining the nature and extent of the right in land, as the Lower Burma Act does.

The record of rights will simply set out the facts; and it is provided that every person whose rights or liabilities are required to be recorded is bound to furnish all information necessary for the correct compilation of the record.

Provision is made for the settlement of disputes as to right, adopting the usual plan of regarding the person in *bona fide* possession as entitled to be entered in the records, subject to any decision as to its right, by a competent court or authority.

Practically, therefore, everyone, though not legally defined as "occupant," or "owner," has the enjoyment of his land, according to the principles of liability, on showing his possession and his right thereto, and on it appearing that the land is not State or royal land.

REVENUE ASSESSMENT AND SETTLEMENT IN NORTHERN NIGERIA.

9. In Lower Burma, on the inception of British Administration, it was found necessary to amalgamate a variety of taxes. In so far as the land was concerned these were merged into a land revenue of one-half of the net produce. To ascertain

this net produce, the village was taken as the unit; individual land tenure was granted; the village boundaries demarcated; the British standard of land measurement adopted; an accurate survey prepared showing every land-holding; the village's general value for taxation as compared with other villages noted; a close examination of soils made and fields graded accordingly; the value of crops over a period of years ascertained; and finally, after deducting cost of cultivation and living, *the net produce of each holding* determined, and a rent equal to the half, imposed upon it over a fixed number of years, the capabilities of the villages as a whole as compared with other villages determining the general incidence for revenue. The system is elaborate and costly, but affords the only method of scientific and equitable land revenue.

10. In Northern Nigeria the position was a more difficult one. Unlike Burma, where a great river had already permitted of the development of a large export trade, the provinces accustomed to taxation were, and are, cut off from development, and largely relied for labour upon the institution of slavery, and their rulers, for their incomes, upon extortionate taxation or slave raiding. The abolition of slave-raiding and the manumission of the slaves placed the ruling class in a very difficult position, and threatened their incomes.

The first necessity was to place the existing taxes on a better footing, and to share them with the Native Administration. Land tenure was not a matter of pressing consequence, and was, therefore, neglected for the moment.

The principles adopted for the purpose of assessing land revenue in Northern Nigeria have been as follows:—

Where it existed, the native assessment was taken as the basis for the valuation of the land revenue. A native system was found to be in operation in all Mohammedan Emirates except Sokoto, which had no land revenue system. It existed in none of the pagan provinces. As time permitted, Residents were enjoined to visit every village, amalgamate them into districts, and fix the land revenue. The procedure for Residents is laid down in paragraphs 4, 5, 6, and 7 of the "Native Revenue Proclamation," and more particularly in the words: "The principle on which the estimate or valuation of land shall be made shall be the amount of produce or profit which can be annually obtained from, and the number of livestock that can be annually raised and supported on such land, by a person cultivating and using the same in the manner and up to the average standard of cultivation and use prevailing in the neighbourhood."

Owing to the limited staff available in the provinces, their want of knowledge in agricultural matters, the lack of previous records, or of a land measure of any kind, the assessment provisions of the Proclamation have not, so far, been applied in their entirety. In those provinces which have a native assessment, and more particularly Kano and Zaria, Residents have rightly made no move towards a revision of the native system until they ascertained what the system in vogue was. In so far as I can gather, it has been found that in both these provinces the native system is based upon the profits made out of the land. Possibly, it may be advisable to continue on the existing system, under the careful revision of the Residents, and this is what I intend to convey when I use the word "Resident's Assessment." At the same time, delay in the revision of such assessments, though unavoidable, should be remedied at the earliest possible moment. In Kano, for instance, a district which was returning only a few hundred pounds in revenue, has been valued for land revenue purposes at many thousands, the latter sum having, undoubtedly, been collected by the native authorities.

In Mohammedan provinces or Emirates, which have no real system of native assessment, and in pagan States, I fear that, with the existing staff, it will be quite impossible to carry out the provisions in paragraphs 4, 5, 6, and 7 of the "Native Revenue Proclamation." Here a "Resident's Assessment" is being carried on which has practically resulted in the imposition of a poll tax. The Residents, as they find time from their many other duties, visit each village and proceed to assess them. They can, however, only obey the Proclamation in the widest sense.

11. Instructed to assess the lands on the basis of the three old taxes, the tithe on guinea corn and millet, the land tax, and the tax on other crops outside guinea corn and millet, the usual procedure is to take the "Native Assessment," add to it certain direct taxes on trades, and divide the total by the number of adult inhabitants. As the number of inhabitants is not accurately known, it is usually estimated by counting the number of compounds or householders. If the figure

of taxation thus obtained does not exceed what is considered to be reasonable incidence per head it may be adopted or the old "native assessment" increased to produce a fair figure. Such a proceeding appears to me in effect to produce a hut or poll tax. Without accurate surveys and statistics and the expenditure of much money there would appear to be no other solution for the moment, though doubtless experience will give each assessor a more accurate general knowledge of what burdens can be safely and fairly imposed. "Native Assessment" still obtains largely in the Protectorate, notably in the richest and most populous province of all, Kano. "Resident's Assessments" have, however, been carried out more or less completely in various provinces, particularly Zaria, Nupe, Illorin, Sokoto, and, I believe, in Bornu. There are as yet no statistics available for me to determine how far this first crude improvement has been instituted. Lack of staff is alone responsible for delay in improvement on native conditions.

12. In Sokoto, for example, very considerable progress has been made. The following assessment instructions issued in the province, go far, however, to prove that the tax imposed is not an income tax on landholders or rent, but a form of hut or poll tax combined with a trade and cattle tax:—

> "The population and resources of a town having been approximately arrived at, the difficult question of the assessment of the tribute to be paid has to be decided. In doing this please follow as carefully as possible the directions given in the memorandum, bearing in mind the following points:—
>
> "If you have a difficulty in arriving at the amount that 10 per cent. of the total crops would represent (*vide* paragraph 47) by turning to paragraph 50 of the memorandum you will see that for pagan communities (*i.e.*, the least wealthy) a poll tax of 3s. per adult male and 2s. per adult female is considered to be a very reasonable tribute.
>
> "Now in each compound you have counted there must be a *minimum* of one adult male and one adult female. The total tribute therefore (irrespective of Jangali), *i.e.*, Kurdin Kasa, Zakka, Kurdin Korofi, and any other items (except cattle) that may be entered in the "How arrived at" columns in E./21, should not total to less than 5s. for each compound in the town. I am aware that this will cause a very considerable increase in the assessment in this province, so I am prepared to allow of a *minimum* of 4s. per compound.
>
> "I wish to impress on you that this is not to be interpreted as a fixed 'Compound Tax.' It is only a basis for the calculation of the *minimum* amount to be paid.
>
> "To take a concrete example, say, an average village with 100 compounds without any unusual wealth. The minimum (not including Jangali or tax on cattle) it should pay is £20. You inform the headman of this at the same time you impress upon him that the larger compounds should pay more than the smaller ones. He will collect, say, 10s. a head from 20 of the wealthier compounds, leaving £10 only to be collected from the remaining 80 poorer compounds. So that the average small compound holders will only be called upon for 1s. 3d. a head. This will be paid by a minimum of two adult persons. In practice the actual rate would work out at much less than the 1s. 3d. per couple, as of course very few compounds contain only two adults in this province. I should say six to eight was a fair average per compound, including children."*

The assessment being completed on the above system, it is subject to the approval of the High Commissioner, who may alter it from time to time—thus no settlement over a period of years is made.

Apportionment and Collection.

13. It is, however, in the apportionment to individuals that the objections to, and defects of, the personal system become most apparent. In the memorandum of Sir F. Lugard, which I have quoted previously, he says:—"The unit, so far as Government is concerned, is the village, and the proportion to be paid by the individual is left to the village headman as in India. I believe that under the Act

* Memorandum on assessment—issued to Political Staff by Resident, Sokoto, 20th May, 1907.

of 1856 the Magistrate in India appoints a 'panchayet' (native council of five) to apportion the tax imposed upon a village to the individuals. This is done (*a*) by actual valuation of property, which is rare, or (*b*) by their general knowledge of the circumstances of each individual, a system which works much better. The latter is the system of Northern Nigeria." This description would appear to be a strange interpretation of the elaborate Indian systems which are invariably based upon an accurate knowledge of the net produce of the lands held either by individuals as in Bombay, Madras, Assam, and Lower Burma, or by villages working more or less on a communal system, which obtains in many parts of India. To compare the absolutely crude system necessarily adopted in Northern Nigeria, and which cannot be said to give much protection against extortion, with the highly developed system of British India, which gives every protection to the individual tenant, is not in any way possible and somewhat misleading. The panchayet described have apparently disappeared from the Indian land system,* nor would they ever appear to have had the functions ascribed to them.

The village headman in India has practically no revenue functions and he most certainly has not the duty of apportioning the tax by his general knowledge of the circumstances of each individual.

The method was adopted as a necessity in Northern Nigeria, but by no stretch of imagination can it be termed a system. It bears, however, a close resemblance to the native method continued in Upper Burma when annexed in 1886, but subsequently amended on a "Resident Assessment" system in 1899, and I understand now superseded by an approximation to the system of Lower Burma. Its practical working is only too clearly exemplified by the following extract from an assessment report from the Sokoto Province:—

> "There is one point in connection with the assessment which, I would submit, needs special consideration. A village is assessed and the amount to be paid fixed, the village headman is told the amount in the presence of his 'Sarakuna,'† if they exist, or the village elders; he is told that a fixed amount per head must not be levied, but that a graduated scale must be adopted; *i.e.*, that everyone must pay according to his means; the amount written in Arabic is given to the headman and that portion of the work is finished.
>
> "What happens afterwards is usually as follows:—Assuming the assessment was 20,000 cowries and there were 25 'Maigiddas'‡ in the village, 2,000 cowries per head are levied on every 'Maigidda,' resulting in the collection of 50,000 cowries. The 20,000 are taken to the district headman, who, having received the right amount, is too lazy and indifferent to make enquiries as to how it has been collected and thus fails to discover the extortion, and the balance of 30,000 is divided among the 'Sarakuna.'"§

Future Development of Land in Northern Nigeria.

14. The comparisons which have been entered into in this memorandum are not intended in any way to convey disapproval of the manner in which the land revenue system was instituted or is being developed in Northern Nigeria. After examination of the history of the country, and of the particular problem, I am firmly convinced that the taxation is suited to the inhabitants, has the traditional approval of the majority, and is being applied on a method vastly superior to that which obtained when the country was taken over. The wisdom of its re-introduction is undoubted, and had it been allowed to lapse or continue in its native condition grave results might have ensued. The method adopted has permitted all Residents not only to become closely acquainted with the inhabitants and their wants, but to secure a hold on them through a sense of our undoubted justice if not as yet through their affection for us. I can conceive no measure which could have achieved such important political, administrative, and financial results in such a short lapse of time. The unceasing labour and vigilance which has produced them can only command the highest admiration.

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* "Land Revenue in British India."—Baden Powell. † Officials. ‡ Householders.
§ Extract from Report on Assessment of Fokka District, Sokoto Province, 1907.

"The general effect of taxation has been to stimulate industry, to increase the circulation of currency, and to decrease the difficulty due to the variation in the rate of exchange of cowries. It depends for its success on the close and tactful supervision of the district headmen by the British staff.

"The benefit to the peasantry of this reform is reported as immense, and it has almost equally benefited the upper classes and the traders. In no case does it weigh heavily upon the tax-paying communities. The classes which do not benefit are the former tax collectors and the head slaves and satellites of the Emir's Court."*

15. As in Burma so in Northern Nigeria it has been found essential at the outset to adopt the native system, and it is not improbable that the exactions of the last native ruler of Upper Burma were even more intolerable than those which had grown up in Northern Nigeria in the later stages of Fulani rule.

The wonder is that any such advanced system of land revenue, quite unknown in the Coast Colonies, was to be found in a country which has been in all time out of touch with anything but the crudest civilisations. Its presence and acceptance grant every opportunity for successful administration.

As in Burma, however, the native system must gradually give way to something more in accord with British ideals of justice to individuals. A first modification has been introduced by what I have termed "Residents Assessment"; here, again, the conditions exposed and comparisons instituted in these papers were made with the intention of denoting how far the method in vogue is divorced from accurate systems, such as those of British India.

16. The provinces of Lower Burma have been in our hands since 1824, and were united in 1862 under one administration. The Land Law or Land Revenue Act, which I have described, was not enacted until 1876, fifty years after our occupation.

Upper Burma, when conquered and united in 1886, had a developed native system of land revenue, which we carried on until 1889, when it was superseded by the Land and Revenue Regulations previously described, subsequently, I believe, amended to closely resemble the Lower Burma Land Act.

Though fifty years elapsed before the establishment of a precise system in Lower Burma, Upper Burma had abandoned the primitive native methods within three years of its annexation. It is to the history of its Land Revenue Laws that we ought to look for immediate guidance, just as the laws of Lower Burma would seem to afford an example of what might obtain in process of time. In both these countries the British Government did not hesitate to continue the native methods of assessment and collection until they could be gradually superseded by systems more in accordance with the British-Indian ideal.

17. The essential assessment difference between the two countries would appear to be the fact that whereas in Burma the entire proceeds of land revenue accrues to the British Administration, in Northern Nigeria a varying proportion is allotted to the Native Administration. This would appear to be one of the first points to demand attention. The original Land Revenue Proclamation of 1904 had a very marked effect upon revenue. The Government's proportion, which, in 1903-04, was £8,000, increased to £21,000 for 1904-05, and to £34,000 for 1905-06. In 1906 the Native Revenue Proclamation was enacted, and every effort made to secure more equable assessment. The result has been remarkable, for in 1906-07 the Government share rose to £62,000. Further progress will undoubtedly lead to a considerable annual increase.

Under the circumstances there would appear to be every necessity to carry out Sir F. Lugard's proposal, to determine salaries for the native administrators. The balance of the revenue to accrue to Government or provincial revenues, and be devoted to general objects of expenditure.

18. Under existing conditions, by which Residents are carrying out a personal assessment, or a revision of native assessment, the results of such assessments are sent to the High Commissioner for his approval and settlement. The practice is for the latter to approve or amend them with no settled period, *i.e.*, no "Settlement" is made. The High Commissioner is at present personally responsible for corelating the efforts of Residents, and producing similarity of method, in so far as is compatible with varying conditions of the provinces. This is a task I find myself

* Sir F. Lugard's Memorandum on Taxation in 1906.

incapable of carrying out, both from want of knowledge of the country and lack of technical training in land or land revenue methods. A central co-ordinating authority is, therefore, an absolute necessity. He would advise the High Commissioner, visit, and advise the Residents, and review all assessments. For these purposes he should be a fully competent land and revenue official, more especially as on him would devolve the task of gradually guiding the land revenue and land questions into more accurately defined systems. A land revenue system dealing with a rapidly increasing sum, now amounting to £135,000, will have to be extricated from very difficult situations unless taken in hand at once by a competent central authority controlling and co-ordinating its efforts. At present the instructions of audit and Treasury cannot be fully applied, owing to the methods of collection adopted. These Departments should be able to look to a competent central authority for explanations of general discrepancies, and the procedure necessary for gradual improvement.

19. Though a co-ordinating central authority is an essential, it is no less important to improve assessment in the provinces. Kano, the greatest and richest province of the Protectorate, is still assessed by the native administration under native conditions. I have not been as yet enabled to ascertain what proportion of the various provinces are to-day (1) unassessed; (2) native assessed; or (3) Resident assessed. This is not a matter of surprise when the staff available in the province is considered. In the Kano Province of 30,500 square miles, with a population of 2,700,000, there are to-day six Residents available for the entire review of its administrative and judicial working. They constitute, moreover, the Provincial Judiciary apart from the Native Judiciary. With a vast mass of administrative details for review is it to be wondered that little time can be spared for land revenue? Where healthy seasons have, by reason of non-invaliding, permitted of continuous assessment or the formation of assessment parties much good work has resulted. The Sokoto Province, for instance, assessed in 1905-06 at a total of £7,135 (Government share, £2,457) has, as a result of one season's working of an assessment staff, produced for Government share in 1906-07 about £7,500 and a probable total of £15,000, the Resident reporting the incidence as being still very low in this province.

20. To improve matters in the provinces, a small assessment staff should be added to the central authority. They would devote themselves to all the various objects I have outlined previously, and more particularly for a portion of each tour of service, to assisting in the assessment of backward provinces. I have no doubt whatever of the financial results. Such a staff would cost nothing whatever if the increased revenue which will undoubtedly result from their labours be considered. They will achieve at an earlier date, moreover, the consummation of our earliest improvement, the "Resident's Assessment," and guided by an authority in land assessment, will doubtless suggest many sound improvements on any existing methods.

21. If this staff is necessary under present conditions, how much more necessary will it be in those initial steps which will gradually lead up to a more clearly defined and accurate survey and system. I have outlined the Indian system, not because I should recommend its immediate adoption, the financial position of the Colony could not permit it, but as an indication of the eventual lines along which we will be forced more or less quickly. If communications are improved, my conviction is that its inception will be necessary at a comparatively early date. What I would therefore urge is that a definite proportion of the land revenue should be set aside for the purposes of a land department.

There would thus be provided a continuously improving sum for land revenue and land survey, and I have no doubt whatever that the result of its working would furnish a very large and legitimate increase in the revenue, whereby eventually, with the growing prosperity of the country, the land revenue or rents could be collected in the manner adopted in India. Such a revenue, based on national land tenure, to my mind appears the most equitable yet devised in the history of our dependencies.

22. Summarising the position and proposals for the Protectorate—

(1) The existing method of land revenue is based on long-established methods of taxation having the traditional acceptance of the bulk of the population.

(2) In its present form of "Resident Assessment" it is a great improvement on the superseded or corrected native method.

(3) There is, however, every reason for the early replacement by fixed emoluments of the proportion of native revenues told off to the payment of salaries to native administrators.

(4) A competent central co-ordinating authority is urgently required.

(5) A fixed proportion of the land revenue should be devoted to the purposes of land administration and revenue, whereby the "Resident's Assessment" could be quickly completed, and with improvement in revenue, gradually ameliorated.

(6) The land revenue should be considered as a "rental" for national lands and be kept distinct from all other forms of taxation.

E. P. C. GIROUARD,
High Commissioner.

2nd November, 1907.

APPENDIX I.

EXTRACT from Mr. Temple's Confidential letter, No. 703/07, to High Commissioner, dated 12th August, 1907.

ASSESSMENTS: "NATIVE" AND "RESIDENTS."

37. There is one point to which I would draw Your Excellency's attention. It is that although the assessment officers are able up to a certain point to work independently of the Native Administration, it is to a very limited extent. That it is not even more limited than it is, is due to the amazing confidence which exists in the mind of the average native as to the incapacity of the "Whiteman" to fathom his secrets.

38. For instance, a herdsman will not hesitate to declare 50 cattle when he has a thousand. The assessment officer can in many cases (but not in all) detect the existence of such a margin as this. At the same time, when it comes to the question as to whether the man has 800 or 1,000, the officer has to depend on the evidence of natives and not of his own eyes. To take another case: when a village head declares 60 compounds, 7 goats and 5 sheep (as he is often not ashamed to do), the officer can directly contradict this. But when it comes to knowing whether there are 50 goats or 30 he has again, as a rule, to depend on native evidence.

39. The point which I wish to make is that the difference between the "Native Assessment" and "Residents' Assessments" is a difference in degree and not in kind. It always must be so, I think, until there is a staff (and it would have to be a very large one) competent to actually count cattle, &c., measure farms, &c., without calling in the assistance of the natives at all.

40. There is a point which I think should be remembered when any sort of "central authority" (short of a complete Land Revenue Assessment Department able to cope with the whole Protectorate, or at all events sections of it) should be established, composed of a limited number of expert land revenue officials. The fact being that, under present conditions, the important qualification for an assessment officer is the capacity of sifting and turning to account native evidence and of insisting on the production of true evidence by natives—in fact, it is the qualification developed by political work. A capable political officer, who is not an expert land revenue official, will probably under present conditions, assess a *province* more justly than an expert land revenue official who had no experience of political work; though he would have no chance against the latter in the assessment of a *farm*.

41. I do not wish to imply that expert land valuers would not be useful, I think they would be useful, but within limits. For instance, the yield per acre of land sown with various crops and on various soils in the Protectorate has not, I believe, been scientifically investigated as yet. Many other technical points would be most helpful to assessment officers. At the same time I feel bound to say that I think the general assessment will have to be left, for some time to come, to the political staff, for the reason that we shall be for many years dependent chiefly on the information supplied by natives.

Fixed Emoluments to the Native Administration.

42. This is an immensely complicated subject on which I do not feel that I have sufficient knowledge to enable me to write with any certainty.

43. It seems to me that a complete "Residents' Assessment" of a province or division at all events is a primary necessity, before any steps could be undertaken; as a complete roll of village heads would be the first thing required. There will be thousands of names on the roll.

44. At present the incomes of native officials are more or less in proportion to the importance of their offices, to the size of the territory which they control, or the number of people who follow them.

45. These proportions would have, I take it, to be maintained were any new arrangements made.

46. The incomes of native officials are made up from the following sources:—

(*a*) The Gandu, or official farm.
(*b*) "Sale" of farms (*i.e.*, of the privilege to occupy farms).
(*c*) "Fines" which headmen impose and which are often paid: in some case illegal, but not always.
(*d*) Gaisua, or presents (more or less voluntary).
(*e*) Portion of taxes (now granted, formerly merely retained).
(*f*) Seizure of property *ultra vires* (illegal and now comparatively rare).

47. (*a*) This, I think, is a thoroughly satisfactory source of income and ought to be made the basis of any new scheme introduced, in the cases of all village heads and district heads, the headman being paid out of the produce of the land and the labour of the people. There is land to spare and the labour to spare in the Protectorate. It is a distinct incentive to labour and production.

APPENDIX II.

YOUR EXCELLENCY,

THE present method of assessing taxation cannot be called a scheme of land revenue. It is either an amalgamation of many pre-existing taxes or a capitation or hut-tax. In either case wealth gained by agriculture plays the principal part in both assessment and payment. But the scientific measurement and valuation on which a land revenue must be based have been

impossible so far, and therefore present taxation can only be called taxation of land in that it aims at deserving its name in the future. That it should do so as soon as possible is urgently necessary. But to effect this a special staff is essential, and the heads of this staff should be experts, for the purposes of advising Your Excellency and of instructing the Political Staff.

2. I would suggest the engagement of three land revenue experts (two to be present in the country at a time), who, to commence with, would form a third branch of the Secretariat. One of the two would tour the provinces, learn from the Residents and from the natives the actual conditions, while the other would do the office work at headquarters, and the compilation of the mass of information scattered through Residents' reports. The necessity for a spare expert in the country arises from the unhealthiness of the Protectorate and the resulting uncertainty of life. After a year or two of this experimental work, Your Excellency would obtain advice, based on both scientific training and knowledge of actual conditions as to the form which a possible Revenue Department should take, and the way in which it should work in with the Political Department.

3. The revenue to be derived from land will undoubtedly be the most important source of revenue, at any rate politically. It will not be the only tax derived from the natives—but its establishment on a scientific basis will greatly lighten the difficulties connected with other taxes. I am most strongly of opinion that steps to this end should be undertaken at once; and I entirely agree with Your Excellency that the cost of the necessary Department or staff will be far more than counterbalanced, and that immediately, by the equitable increase of taxation that will ensue.

ALDER BURDON,
Acting Secretary.

17th December, 1907.

APPENDIX III.

LAND REVENUE.

The instructions relating to the method of assessment to be adopted by Residents have hitherto been, I believe, purposely vague, and are contained in the Land Revenue Proclamation, 1906, and in Political Memoranda, Nos. 5 and 21, where they are further elaborated. Roughly, these instructions are that Residents, in collaboration with native assistants, should estimate the taxable value of every town and village, fix the sum thus arrived at as the tax on the village as a whole, and order the village headman to collect it from the inhabitants in proportion to their wealth and ability to pay. Not only should the wealth derived from agriculture and livestock be taken into account, but that derived from other sources, such as arts and crafts. "The assessment once arrived at would be recorded as a single tax levied on the village as a whole, and it would, as already explained, be left to the village headman to collect it from the individual *pro rata*. . . . The sum will be a fixed one, amended and brought up to date from time to time (but not too frequently), as the Resident has opportunity to visit the town, according to the increase or decrease of wealth, due very often to inter-village migration." (Memorandum 5, paragraph 26.)

2. The disadvantage of this system is obvious, and its working in practice is admirably exemplified in the extract from the report on assessment of Fokka District, Sokoto Province. It differs in fact little, if at all, from the farming of the tax by the village headman, and opens an avenue for endless extortion and injustice towards the individual.

3. The Habe system, which is at present in vogue in the Hausa States, protects the individual from such extortion. It consists in this province in a tax levied annually on each "hoe," *i.e.*, each adult agricultural labourer, besides certain annual licence fees levied on each individual engaged in certain trades, such as blacksmiths, butchers, dyers, &c. Such extortion or injustice as existed consisted in the method of collection, and did not inhere in the system itself. My object, therefore, has been to maintain the system, and to purge it of the irregularities in its application.

4. The system cannot be retained if a fixed sum is levied on a village. The population must obviously vary each year, and, since each individual pays a specific tax, the sum total of the tax of the village must vary likewise. The village headman must therefore be made responsible that a correct list of all individuals liable to taxes is compiled annually, and the correct tax or licence fee recovered from each individual. The Resident's duty would be to check these lists and see that each individual knows and pays the tax or licence due from him. The assessment of a village will thus vary each year, but the individual tax or licence fee is for the time being a fixed sum, known to everyone, and approved by the High Commissioner.

5. The rate per hoe may be different in different villages, according to the fertility of the soil, proximity to markets, &c. In course of time it may be possible to vary the rate according to the soil farmed by each individual, but for the present it may be assumed that in any one village every farm is equally profitable. There are already certain rates for special crops which can only be grown on special soils, such as onions, rogo, sugarcane, tobacco, &c., but for the staple crops of guinea-corn and millet every farm in a village is supposed to be of equal fertility.

6. So far I have only dealt with the system of taxation prevailing in Hausa districts. It did not exist in pagan communities, which, if they paid any tax, usually paid in slaves, and whose inhabitants were for the most part entirely agriculturists. Here, I think, there is at present no alternative but to levy a tax per hoe, or in other words a poll tax. Crude as the method may be it possesses the great advantage of ensuring that every individual knows precisely the amount which he will be called upon to pay every year, and thus protects him from extortion by his superiors. The rate per hoe may again be varied for different villages, or

possibly communities or tribes, but for the present it must be the same in any one village. It is this system which I am introducing into the Gwari districts of this Province, and the Political officers report that it is favourably received by the people, who recognise the protection it affords from extortion by village and district headmen.

7. There remains the question of very backward pagan communities which up to recently have been "tawai" or lawless, and have only just been brought under control, mainly by force of arms. In my opinion it is most important that such tribes should pay a small annual tribute, partly as an acknowledgment of their acceptance of British control, and partly as an inducement to exchange their produce for the wherewithal to pay their tax. As a rule, however, these communities do not use money or cowries, and I consider that the tax should be fixed for the present at a very low figure, so that they will have no difficulty in collecting it each year. In these cases, therefore, I have fixed a small annual sum to be paid, in some cases, by the tribe as a whole, and this sum is calculated more on their ability to collect such a sum than on a careful estimate of their population.

8. I would point out that a tax "per hoe" entails a direct incentive to indutry: for the man who farms a large plot of ground, or by abnormal industry reaps an abundant harvest pays no greater tax than his slothful neighbour who grows only sufficient for his own eeds. It is true that the Mahomedan Fulanis have placed a further burden on the farmer by ruleting him of a tithe of his produce in the form of "zakka," but this is nominally a gift f charitable purposes, enjoined by the Koran, and formed no part of the original Habe system.

9. I would submit that the schemes which I have outlined and which I hav introduced throughout this province, though perhaps differing somewhat from the system escribed by Sir Frederick Lugard, form the best method at present possible of protecting the individual from extortion and injustice, and present no obstacle to the gradual evolution of a mor precise and scientific system of taxation, or of land revenue as at present existing in India and urma. The work of re-adjustment of assessment each year devolves on the native administrion, subject to check by Political officers as they tour their districts. The system is understood l the people, and is no innovation, and therefore demands no assimilation of fresh or strange leas by the natives, whether of the ruling or the subject classes. It is therefore in entire accdance with the policy of administering the country through the natives themselves in conrmity with native ideas.

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SIR, The Residency, Sokoto, 9th Decem

I HAVE the honour to transmit, as requested, the following remarks on His E memorandum on land revenue, enclosed in your Confidential letter of 18th November,

2. *Page* 49, *paragraph* 12.—If I may be allowed to say so, I think the follow the instructions contained does result in a kind of *graduated* compound tax, which is income tax. The cattle tax is kept quite separate.

3. *Page* 49, *paragraph* 13.—There is no doubt that the *individual* is not prote extortion by the village head or from extortion by the head of his household, except as that he can appeal individually or collectively to the Resident. I may add that t fairly often. I have had many cases during the past two months. In no case ha however, that the individual had any real cause for complaint.

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4. The only way that I can suggest to protect the individual, after giving the most careful thought, is the imposition of a poll tax pure and simple. The amount each individual would be published far and wide, and although the headmen, migh cealing the existence of a certain number of individuals, secure illegal gains, the l be to the Government and not the villager. Many arguments could be brought forward of such a poll tax; and I am not sure that it would not be welcomed by the population though not by the ruling classes.

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5. The educational value of the present system for the Native Administrati however, be lost, as well as the undoubtedly valuable results secured in bringing th staff into close touch with the natives, as stated in para. 14 of the memorandum.

6. *Central Co-ordinating Authority*, para. 18.—I would ask to be allowed to an remarks in my letter, 703/07, on this subject.

legal,

To be brief, I regard the establishment of yet another Civil Department with gr hension. Even as it is, what with the Transport Department, the Constabulary D Intelligence, &c., inter-departmental correspondence interferes to an appreciable e the work of the Political Department.

The government of the country is, when all is said and done, in the hands of th Department; and progress in civilisation, the increase of revenue, the establishmen factory relations between the natives and the Government, depend principally, if no on the manner in which this Department carries out its duties. I think that the the Department requires consolidating, whereas (and I think that most Residents w with me) the creation of each fresh civil department tends to weaken it.

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7. I would venture to emphasize the point that until a detailed survey, detail extent of demarcating the area of each farm, shall be carried out, *assessment work* is *political work*. Here I entirely agree with Mr. Hewby's remarks,* "Under existing c

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* Page 60 *post*.

a juster assessment is generally arrived at by the village and district heads coming in together for discussion and settlement of the rents immediately payable in the coming year, than by an officer attempting to visit every hamlet at some time during the year."

7a. I would further add, in this connexion, that as almost the only form of accumulated wealth in this country is cattle (which are taxed separately), the amount of the General Tax which can be paid by the people depends very much on the annual crop. Hence I think that an annual meeting of the district heads and the Residents in order to adjust the annual tax is most necessary.

8. I do not say that a very senior and experienced Resident travelling from province to province would not greatly assist in co-ordinating the assessments of various provinces. His work would, however, be essentially *political*. Although the Residents may not have a great knowledge of agricultural matters, the Native Administrations have. To get this information from them is the secret of assessment, I think—until, that is to say, a survey can be made.

9. Should a Revenue Department, with a head at Zungeru (and presumably a staff, European and native) and a representative in each province (who would be under the general orders, but not directly responsible to, the Resident, and would therefore consider himself as Head of a "Department," just as each District Superintendent of Constabulary now considers himself Head of his "Department") be started, I venture to think that an unnecessary and unproductive expense will be incurred.

10. *Para.* 21.—Most of the increase in revenue in Sokoto during 1906/07 is due to the fact that practically the whole of the 1905/06 revenue was collected during that year. The *assessment* (including Jangali) of the Sokoto division (which supplies three-quarters of the total) stood at £14,149 on March 31, 1906. I make special note of this point, as, without taking into consideration the fact that the province is paying a tribute in 1907/08 more than double to that paid 1906/07 would be lost sight of. The assessment for 1907/08 as revised stands (for Sokoto division) at £29,000, including Jangali.

11. *Para.* 21.—Might I suggest an increase in Political Department?

12. *Resident Temple's letter, No.* 703/07. Page 54, para. 46.—I should like to add another source of revenue (*G*) Death Duties.

Mr. Vertue has drawn my attention to the omission of the Death Duties, *i.e.*, 10 per cent. on chattels—personal, collected sometimes by Native Courts, sometimes by District Heads, hitherto es by Sarikin Muslimin.
tion, 1906, certainly comes to an appreciable yearly sum for the whole province. I am most Roughly, t) obtain reliable data in order to estimate the amount, as possibly a stricter super-estimate th n has hitherto been exercised should be exercised over this. I am ordering each on the villa eadman to report to the Sarikin Muslimin the property of deceased persons in his proportion t t present we are quite in the dark as regards the matter. Possibly the matter has ture and lives ial attention elsewhere.
crafts. "Th . *Hewby's letter.* 28.10.07. I say in paragraph 7 I entirely agree with Mr. Hewby, as a whole, not reconcile this with his paragraph 13. With all due deference to Mr. Hewby's the individ perience it appears to me important that each Assistant Resident should obtain from time experience of political work; for this reason it appears to me unadvisable to detail according icular officer to a particular branch for more than a limited space of time.
(Memoran *Mr. Hewby's paragraph* 11. It is not so much the District Heads as the *Village*

2. Th *heads of households* who are liable to err in this respect. The amount on each exemplifi ly small, but in the aggregate would probably be considerable.
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C. N. TEMPLE,
Resident, Sokoto.

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APPENDIX V.

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HERBERT S. GOLDSMITH,
Acting Resident, Niger.

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LAND REVENUE AND ASSESSMENT IN THE NUPE PROVINCE.

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did not e arrive at a fair estimate of the progress that has been made in assessment and the
whose in of land revenue in the Nupe Province, it is necessary to go back to the year 1901,
present n the Nupe Province was for the first time effectively occupied.
method m After the Niger Company's campaign in 1897, the province rapidly deteriorated into
cisely the of chaos owing to the existing form of rule being upset and nothing in its place
extortion uted. The Niger Company deposed the ruling Emir (Abubekri) and installed the

present Emir (who was then Makum). After the Niger Company's forces had left the province, Abubekri returned to Bida at the head of a large following and reinstated himself once more as Emir.

3. During the hiatus, between 1897 and January, 1901, a general state of unrest prevailed. The native rulers were aware of the fact that their time was short, and that if they wished to increase their wealth in slaves and property they had little time to lose before British occupation would become permanent, and put an end once and for all time to their raiding and extortionate practices.

4. The result was that, on our advent, we found the province in an absolute state of chaos. There was no recognised authority, and the country districts had become "tawaie" (rebellious). No tribute or taxes had been paid for the previous 7 years.

5. In 1902 we began the task of investigating the system of taxation in existence prior to 1897. We found the system of Fulani rule was more or less a feudal one, the right to all land was vested in the Emir of the province, and fief-holders paid rent or tribute to him as overlord. As far as the Fulani holders and court followers were concerned, the tax or rent consisted of a tithe of the produce on all crops. The pagan communities were arbitrarily assessed; the amount of their tribute depended in a great measure on the influence, for good or bad, of the fief-holder in charge at the court of the Emir of Bida.

6. During the year under review we did what was possible in procuring for the native administration payment of its taxes, shorn of irregular exactions by the subordinate divisions and districts constituting the province. The local district headman was substituted for the ajele and messenger system pertaining to the absentee fief-holder, which was a great improvement, as it tended to create confidence in our desire to establish a pure administration in the semi-pagan districts.

7. In 1903 we started what is now known as a "Native Assessment." Information was collected from the fief-holders and checked again by the district and village headmen. The tribute formerly paid by the three Emirates, Bida, Agaie and Lapai, to Gando (as their suzerain) was transferred to Government.

8. The tribute or taxes consisted of a tithe of produce on all crops and was paid in bundles of corn, measures of rice, palm oil, shea nuts, kolas, &c., &c. Presents, voluntary and otherwise, in cowries and live-stock were made. There was also the jangali, or tax on cattle. In addition to the above, the pagan communities paid a further tribute in cowries.

9. Difficulties in collecting these taxes in kind were at once apparent. It was therefore, necessary, if the limited staff in the province was to cope with this gigantic task, to prepare for a cash settlement at once. To do this, it was evident that a process of merging taxes would have to be brought about.

10. The method of our "Native Assessment" (based on native information) on a town, village or farm, was (*a*) to make a record of the various taxes paid, (*b*) to arrive at a fairly accurate estimate of the population of the unit, and (*c*) to determine the ability of the particular unit to pay.

11. After this information had been obtained, a cash settlement was made to cover all the old taxes. The reason, in the first place, for adopting the cash settlement basis, was in order to provide a system of revenue accounting that could be checked and audited.

12. In 1904 the task of supervising the collection of the tribute in cash was all important. Towns and villages belonging to pagan and semi-pagan districts had been so harried in the past by the Bida ajeles and even by their own headmen (when acting under direct orders from Bida) that it was considered essential to guarantee them the fullest possible security against any exaction by dealing with them individually.

13. To effect this, villages and farms were registered, and numbered discs (corresponding to a survey number in Bombay) issued to them. Villages and farms were often found with three or four different names attached to them, and until an assessment staff was organised and maps prepared of the various districts, it was a hopeless task trying to find out whether certain villages owning to several names had paid or not. This simple check proved efficacious from our point of view, and it also afforded the occupiers of the unit some protection.

14. The detail necessary in collecting this tax from the individual village was enormous, *but absolutely necessary*. There was no adequate native machinery existent. Such as there was, was unwieldy, insufficient and hopelessly corrupt.

15. The fief-holders, who would not leave the town of Bida and go out and reside on their fiefs and so become useful district headmen, were now abolished. If proprietary rights in land had existed they might have been described as absentee landlords, with their inevitable train, in a primitive country, of unpaid agents. The fiefs had to support their masters in the big towns as well as a host of messengers. Demands for supplies of every description were continuous. There was no opportunity, even if inducement offered, for natives belonging to the fief to become prosperous, knowing that as soon as they did so messengers would arrive with fresh demands from their masters.

16. There was thus no alternative, as a beginning, but to get the individual headmen of each unit to bring his own tax into Bida and there pay it to the central authority. Had the taxes been paid into the Emir's hands altogether—at the end of each day paying Government his half share—hopeless confusion would have resulted. The Emir had no staff of Arabic writers capable of keeping intelligible accounts.

17. In dealing with the unit at that time, disputes as to payment were easily settled by a reference to the books and to the individual's receipt and number. The idea was to temporarily organise the work until time was available to personally visit each village and farm.

The system paved the way afterwards for a territorial organisation, and, as is rapidly obtaining to-day, with its complement of district headmen (chiefly chosen from the Sarakuna of Bida, as being more intelligent and better qualified to perform the duties of such) in a

position to materially help with this important work of assessment under a British administration.

18. In 1905, owing to the increase of the political staff, a preliminary assessment staff was formed, whose duties were to visit every village and farm, district by district and in geographical order, and to check former statistics which were based on native information. This information was proved on personal hamlet to hamlet visits to be erroneous, a great number of villages and farms had not been reported, and the population and taxes had been considerably under-estimated.

19. The basis of the preliminary assessment is that laid down in Memorandum 5; all native taxes (except jangali) being merged into one general tax paid once a year, and equally divided between the Emir and the native administration and Government.

20. As soon as personal knowledge of a district was obtained, the plan has been to appoint a district headman (as mentioned in paragraph 17) in charge of a well-defined area. Many of the districts are of great size and densely populated; they have again been sub-divided in order to allow the district chiefs with their subordinate staff to efficiently supervise the administration of their various charges.

21. Although the average political staff in 1905 was only 2·18, and in 1906, 3·15, considerable progress has been made with the Resident assessment, *vide* map attached,* which includes assessment work for 1907.

22. The preceding notes cover an up-to-date history of assessment work in the Nupe Province. As to future progress with this most important work, I maintain, it is first of all necessary to *complete* the Resident assessment of the province. When this is accomplished it will then have to be decided what financial assistance is necessary and forthcoming to provide for a Land Revenue Assessment Department.

23. I entirely agree with what Mr. Temple says when he writes: "Under present conditions the important qualification for an assessment officer is the capacity of sifting and turning to account native evidence, and of insisting on the production of true evidence by natives—in fact, it is the qualification developed by political work. A capable political officer, who is not an expert land revenue official, will probably, under present conditions, assess a province more justly than an expert land revenue official who had no experience of political work." The process of determining the assessment is, in fact, not one of arithmetical calculation, but of judgment and sound discretion.

24. I quite realise the fact that a central co-ordinating authority is a necessity whose chief duty would be to advise Residents as to the best methods to be adopted in the re-assessment of provinces, although a system of assessment and land valuation suitable to one province or district could seldom be accepted without modification for other parts of the country.

25. By drawing our attention to land revenue in Lower Burmah, its system of making records, its particular methods of assessment and collection of revenue, and also by issuing such books to provinces as "Land Revenue in British India," and "Indian Industrial Organisation," His Excellency has rendered us very material assistance and has provided matter for serious reflection.

26. Before we can make very much further progress on Indian lines, the present political staff will have to be considerably augmented; and, until this increase in staff is sanctioned, I maintain we should continue our present methods of assessment and collection, endeavouring each year to arrive at greater accuracy in registering village records.

27. I should personally like to see fixed settlements for at least two or three years. During this period the assessment staff of a province would have time to carefully revise the previous assessment. The native would be more contented and would not be tempted to abandon cultivation on the approach of a revision of settlement in order to reduce ostensible "assets."

28. The "Imperial Gazetteer of India," Vol. IV., p. 214, states: "The solid advantages connected with fixity of the demand, the opportunities it afforded for the extension and improvement of agriculture, and the immense relief which it usually provided after the harassing variations of pre-annexation days, have made the Indian Government somewhat chary of allowing departures from the principle of a fixed revenue."

29. It has always been recognised that a fixed demand, however light in itself, is apt to press hard on small holders in bad years in areas where the produce varies considerably from harvest to harvest. But I maintain it is quite easy for a Resident (with His Excellency's sanction) to postpone or remit in bad seasons a portion of the whole of the fixed revenue in tracts affected by agricultural distress.

30. I am of an opinion that with an assessment subjected to yearly revision it will, to a certain extent, stifle individual industry. An occupier of land would say to himself, Why should I work hard and improve my land if I am to be made pay according to the results of my industry?

31. I am well aware of the loss of revenue that the Government would suffer with a permanent settlement over a number of years, as at present sufficient information is not available for a long term settlement. I am in no way advocating such a step, but I strongly maintain that experimental settlements for short periods, once a province is Resident assessed, would be highly beneficial.

32. In conclusion and with regard to determining the salaries for the native Administrators I am not yet in a position to say what should be considered an adequate salary for the Emirs of Bida, Agaie and Lapai, or other native Administrators. I am of opinion that their share from the land revenue tax at present is quite inadequate to keep up their positions as Emirs. For 1906/1907 the Emir of Bida received £657, Emir of Agaie, £147, Emir of

* Not reproduced.

Lapai £122, and the Kuta of Mureji, £108. With the exception of the Kuta of Mureji, the amount received from other sources by the Emirs is very limited now-a-days.

HERBERT S. GOLDSMITH,
Acting Resident, Niger.

Resident's Office,
Choiwa Angulu,
2nd January, 1908.

APPENDIX VI.

LAND REVENUE AND ASSESSMENT.

I beg to submit the following remarks upon His Excellency's memorandum on this subject.

The following is briefly the *history* of the assessment and taxation of Bornu from our arrival there in 1902 up to now:—

1. The Shehu was called in from Dikoa in April, 1902, and appointed by Colonel Morland. The impoverished country had just been bled of 80,000 dollars levied by the French as their expenses in destroying Rabeh and his son; and the Acting Resident had declined to allow any tax collection before I arrived in October of that year. There was no groundwork to go upon, and as a mild way of giving the Shehu some revenue to live upon, I allowed him to collect tribute at the rate of $1 per compound, which was mostly completed by his fief-holder collectors by the following spring; of this, Government took one-eighth.

2. In 1904, things were beginning to settle down, and the Shehu had furnished a rough list both of his fief-holders or district heads, and of the tax-paying groups. I limited the "Binirum" to a total for a village based upon a rate of $2 per compound; and Government took a quarter of this. Lists were furnished by the collectors of the taxed village groups, and the amount paid by each, representing the only tax in the country (except the "Sadaka" grain tithes and the cattle tax), known as "Binirum," or a tax levied in the cold weather upon every householder, the incidence being determined by the Billama, or village head. Where to be found, the original native assessments of villages or groups were generally either unreliable arbitrary levies, or else had become of no value through the altered circumstances of the country and its depleted population.

3. In the spring of 1905, every one of the district heads, mostly newly appointed, came into headquarters with all the village heads of his district, and the Resident, together with the Shehu, arranged with these native officials, working from the lists furnished the previous year, and hearing all that each had to say for an increased or decreased amount, what was considered a fair assessment of the tribute payable by each village; each village getting a slip bearing its assessment. This was the first comprehensive assessment of the proper districts of Bornu; the collection was made by the village and the *resident* district heads; and Government took a quarter again.

4. In 1906 the last year's assessments were continued subject to certain increases and modifications found necessary by officers on tour during the year, and Government messengers were sent to every village to announce publicly its payable tax; but this year Government took half of the whole amount.

During these years the "Sadaka" was collected separately, and apportioned like the "Binirum."

5. In February and March, 1907, every district and village head again came into headquarters, and the Resident and the Shehu again went into the assessment payable by every village in Bornu proper. The result of this was a thorough revision of the assessments, which were now amalgamated with the tithes (estimated at an average harvest's value); and though considerable reductions and increases both were found necessary, the assessment of Bornu proper remains about the same, viz., about £13,500. The chief progress shown during the year is an increase in pagan districts of £1,500, and in "Jangali" (stock tax on nomads) of £1,000, due chiefly to the increased political staff. The assessment of Bornu should not exceed its present figure of about £20,000 for a few years to come; but it should be annually examined at the end of the financial year.

6. The foregoing describes the manner in which the whole of Bornu proper has been assessed, and the assessments are considered satisfactory, being checked and revised personally in the more important cases on the spot by a Resident when on tour; in which case much the same procedure is adopted as is described in Mr. Temple's instructions of 20th May, 1907, to the Sokoto officers, taking $2, or 6s. per compound as the basis in average cases, and making allowances for obvious wealth in stock, &c.

7. In the pagan areas, where possible, the same method has been adopted, but from lack of cohesion and district authority, it has been necessary for the assessing officer to personally inspect the villages in nearly every case.

8. I submit that to have endeavoured to literally carry out instructions and the law would have meant mostly waste of time, and the province not yet half assessed; in many of the agricultural districts of Central and Eastern Bornu, dotted with thousands of hamlets, only a trained assessor could deal with the matter; and when he had done so, his work would be valueless in one or two years. Under existing conditions a juster assessment is generally arrived at by the village and district heads coming in together for discussion and settlement of the rents immediately payable in the coming year, than by an officer attempting to visit every hamlet at some time during the year. These remarks, of course, refer less to the compact or walled villages met on the western frontier than to the far larger proportion

of the province. I trust His Excellency will agree that the best line practicable in the circumstances has been followed; no place in Bornu now pays land rents upon an unrevised arbitrary native assessment; and I hope the foregoing remarks, together with the map submitted with my August Report, will afford the necessary information asked for.

9. I have the honour to thoroughly agree with Mr. Temple's remarks upon "Assessments: Native and Resident's."

10. By far the wealthiest community in Bornu are the semi-nomad cattle-owners, the Abore Felata ("Bororo Fulani") and the Shuwa Arabs, who are at present the most difficult to deal with.

11. While admitting that the extortion in the Fokku District described by Mr. Vertue is common in some districts of Bornu, and is most difficult to check, I deliberately state that there are now no large sums privately levied and pocketed by district heads.

12. The "Capitation Tax" of Upper Burma was superior to the method in use in Bornu to-day, and is much what the latter, if continued, would arrive at in a few years' time. I must say that if the present method of taxation generally in vogue in the Northern Provinces is to be called a poll-tax, I cannot agree with Major Festing and Mr. Palmer that it will never be accepted; the natives object to it no more than to taxation of any kind. The term "Capitation" should be dropped, and be covered by the "latitude allowed to the skilful officer." The land revenue assessment seems very elastic by law, and the system seems to be a natural development of the methods at present in vogue in Northern Nigeria.

13. I thoroughly see the necessity for a central land revenue authority, who I would hope would have an assistant in each province, until when perhaps the most suitable officer in each might be detached as provincial assessor; in which case, of the present Bornu staff, I would name Assistant Resident Thomson as the most fitted for the work.

W. P. Hewby,
Resident, Bornu Province.

Zungeru, 28th October, 1907.

APPENDIX II.

MINUTES OF EVIDENCE

TAKEN BEFORE THE

NORTHERN NIGERIA LANDS COMMITTEE.

FIRST DAY,

Monday, 1st June, 1908.

Colonial Office, Downing Street.

PRESENT:

SIR KENELM E. DIGBY, G.C.B. (*Chairman*).

Sir J. DIGGES LA TOUCHE, K.C.S.I.
Mr. THEODORE MORISON.
Mr. C. L. TEMPLE.
Mr. H. BERTRAM COX, C.B.
Mr. CHARLES STRACHEY.
Captain C. W. ORR.
Mr. JOHN ANDERSON (*Secretary*).

Sir RAYMOND MENENDEZ, called in and examined.

1. (*Chairman.*) You are Chief Justice, are you not, of Northern Nigeria?—Yes.

2. For how long have you been Chief Justice?—Since January, 1905.

3. For three years and a half?—Yes.

4. Would you kindly give us an account of what your judicial system is? What court do you preside over?—The Supreme Court.

5. What is the Supreme Court composed of?—At present there is only one Judge there, the Chief Justice. The jurisdiction of the Supreme Court is limited geographically, and with reference to the causes that may be submitted.

6. It is limited both geographically and as to subject matter?—Yes.

7. What would be the geographical limitation. Will you show us on the map?—I could only tell you by referring to the Orders. It is limited according to the discretion of the Governor expressed by means of an Order. I do not know what Orders have been made recently.

8. But practically what is it?—Practically the home provinces—the two cantonments, Lokoja, and Zungeru.

9. You reside at Zungeru?—I reside at Zungeru.

10. And your principal Court is at Zungeru?—Yes.

11. Do you entertain appeals in any form from the courts of the other provinces?—Generally speaking, no. The provincial courts are quite distinct. Latterly their cause lists have been submitted to the Chief Justice, who only acts in that instance on behalf of the Governor, who is practically the Court of Appeal.

12. The Governor is technically the Court of Appeal, and I suppose he refers appeals to you?—Yes.

13. It is very much like the Judicial Committee of the Privy Council here?—He does not actually refer the appeals. The appeal from the provincial courts arises on the Cause Lists being forwarded to him. They are forwarded periodically with the minutes, and he reviews the cases. Whenever he has been particularly busy he has simply transferred them to me and asked me to exercise his powers under special proclamation.

14. May I take it that the Appellate Jurisdiction is primarily vested in the Governor?—It is primarily vested in the Governor. In civil matters there is appeal to the Supreme Court.

15. Appeals go to him, and he either entertains them himself or refers them to you?—Yes, in which case I simply act for him and not as Chief Justice.

16. Have you no statutory Appellate Jurisdiction except under proclamation?—In a few civil cases.

17. They will mostly concern us, will they not?—Yes. As a matter of fact there have been no appeals in the past.

18. Is it open to the litigant to appeal from the provincial Court directly to you?—It is in civil matters.

19. But you say that it has not been the practice to appeal hitherto?—I cannot remember any appeal. There has been none in my time, I think.

20. Have you jurisdiction in the first instance?—Yes, to a limited extent. I have limited jurisdiction in criminal matters only, the limit of punishment being six months.

21. I think that we may leave criminal matters altogether. I do not see that they come within our inquiry. What we are really driving at and concerned with is what the land law is and what the nature of the administration is?—Exactly.

22. In civil matters you have original jurisdiction?—Yes.

23. That is to say, if anyone claimed that he had been wrongfully turned out of his land or anything of that sort, it would come before you?—Yes, provided that one of the parties was a non-native.

24. Supposing that both parties were natives, what would happen?—Within the limited jurisdiction they can come into the Supreme Court. The jurisdiction is geographically limited.

25. The jurisdiction of the cantonments?—Yes.

26. (*Mr. Strachey.*) There are only two cantonments?—Yes

27. (*Chairman.*) In the case of those cantonments you have original jurisdiction in the first instance?—Yes.

28. But not elsewhere?—Not elsewhere, except in cases in which a non-native is concerned. The limitations in Northern Nigeria are very unusual. There is limitation as to the class of person who is the plaintiff, and there is limitation as to the causes, and there is geographical limitation, the idea being, I believe, that the Supreme Court really should remain in the background, to be referred to by the Governor whenever he deems a case sufficiently important to go up. Generally speaking, the provincial courts deal with nine-tenths or ninety-nine-hundredths of the litigation.

29. When you speak of the provincial courts, do you mean the native courts?—No, courts presided over by residents. You see they have a very large jurisdiction.

30. Supposing that a case arose elsewhere than in the cantonments, that would in the ordinary course of things first of all come before the resident?—Yes.

31. There is no direct appeal from the resident to you, is there?—Only in civil matters.

32. In civil matters there is?—Yes. There is a small limitation there. I forget the amount.

33. (*Mr. Temple.*) £50?—Yes. The limitation as to causes the value of which exceeds £50.

34. (*Chairman.*) When the amount is over £50 there is a right of appeal from the resident to you?—Yes, from the resident to the Supreme Court.

35. An appeal as of right?—Yes.

36. You have told us about the relation between the Supreme Court and the Court of Residents. Now as to the native courts?—I have nothing to do with them.

37. Nothing comes to you from the native courts?—No.

38. Can you tell us something about the native courts or shall we get that from another witness?—I think one of the residents could give you far more accurate information than I could upon that subject.

39. You would rather not speak about the native courts?—I would rather not, because I have had nothing to do with them really.

40. Is the larger part of your work criminal or civil?—It has been criminal hitherto.

41. What sort of cases relating to land have come before you? Have you had any question as to the tenure of land?—I do not think any case at all affecting the tenure of land has ever come before me in Northern Nigeria. In Southern Nigeria it has.

42. You cannot remember any case affecting tenure coming before you?—No, I cannot remember any.

43. No case with regard to testamentary disposition, or anything of that sort?—No.

44. Or inheritance?—No.

45. Or mortgage of land?—No, none.

46. May I take it generally that no case affecting land has in any way come before you?—I cannot recall a single instance. I am speaking now, of course, with reference to Northern Nigeria only.

47. Certainly. We are only concerned with Northern Nigeria. Although you say that no case has come before you, I suppose that if any case had come before you it would have been under the fundamental law relating to land. No. 8 of 1900, as far as I can see, is the proclamation. It may be cited as the Lands Proclamation, 1900. Section 2: "From and after the passing of this proclamation no person other than a native"—and a subsequent proclamation inserts "native of the Protectorate"—"shall either, directly or indirectly, acquire any interest in or right over land within Northern Nigeria from a native without the consent in writing of the High Commissioner first had and obtained." Section 3: "Such consent shall state the nature of the interest or right acquired and such other particulars relating thereto as the High Commissioner may from time to time deem necessary." Section 4: "Any such interest in or right over land acquired without such consent as aforesaid shall be void." I suppose that I may call that the fundamental law relating to land?—Yes, it is really. There has been very little legislation. The only three are, that proclamation, the proclamation relating to Crown lands, and the proclamation relating to public lands. This is a sort of protective legislation copied from Southern Nigeria with a view to keeping speculators out and protecting native interests generally.

48. That, as I understand it, as the law now stands prevents any person who is not a native of the Protectorate from acquiring any interest or right over land in Northern Nigeria without the consent in writing of the Governor?—Yes.

49. Is it a general principle of the law of Northern Nigeria that, except so far as it has been modified by proclamation the Court would act upon English law?—Yes.

50. That is so?—Yes.

51. Therefore with regard to any peculiarities of the law of Northern Nigeria we must look to the proclamations?—Yes.

52. If you regard the customs of the natives as forming part of the law of the land, that principle also can be found in the proclamations?—Yes. That is expressed in two of the proclamations—the Supreme Court and the Provincial Court Proclamations.

53. Let us get on the notes what those are, because this is very important. I do not want to go into detail, but merely to get the facts. It will be convenient to get them through you, if you do not mind. Section 10 of the Native Courts Proclamation, 1906, is this: "Subject to the provisions of this proclamation, or any proclamation in amendment thereof, the native law and custom prevailing in the territory over which a native court has jurisdiction, and any amendment of or addition thereto made under Section 21 of this Proclamation, shall be administered by such court." That is native law and custom?—Yes, native law and custom solely.

54. "Provided that no punishment involving mutilation or torture, or which is repugnant to natural justice and humanity, may be inflicted. Subject to such rules as may be made under Section 22, Subsection (3) of this Proclamation, the jurisdiction conferred on native courts shall (as regards practice and procedure) be exercised in accordance with native law and custom." That is what binds the native court?—The idea, I think, is that native law and custom shall be solely administered, but that the judges of the native courts shall have power, and they are given power under one of the later sections or sub-sections, to adopt any of our proclamations or any part, and enforce them as though they were native law.

55. The 13th Section is this: "A resident shall at all times have access to the native courts, and, on application from either a plaintiff or defendant, or from any person or persons convicted by any of such courts, or of his own motion, may:—(*a*) Suspend, reduce, or otherwise modify any sentence or decision of a native court; or (*b*) order a re-hearing before any native court in his province; or (*c*) transfer any cause or matter, either before trial or at any stage of the proceedings, to the provincial court." That gives a tolerably complete right of appeal?—It is a very large and thorough supervision.

56. It enables them to alter, or modify, or suspend any sentence, or to transfer a cause?—Yes.

57. The provincial court is the court of the resident?—Yes.

58. He could only entertain suits between natives under this power, I suppose, under the Provincial Courts Proclamation?—There is a proclamation dealing with that. There is a possibility of a cause originating in a native court coming to the Supreme Court in a very indirect way by means of a re-transfer. It can be transferred by the resident to his own court if he thinks it desirable, and then the chief justice himself can, or the Governor can, or the resident himself can, transfer that to the Supreme Court.

59. Has the chief justice the power of transferring a cause before one of the residents to the Supreme Court?—Yes, he has.

60. Have you jurisdiction, quite independent of the Governor, to do that?—Yes. There is one section under which the chief justice can transfer causes from the provincial court to the Supreme Court. That is under the Supreme Proclamation.

61. I refer now to the Supreme Court Proclamation No. 6 of 1902, Section 25: "Any cause or matter arising within the jurisdiction of the Supreme Court, or belonging to any class or classes of causes or matters over which the Supreme Court has been declared to have jurisdiction in the manner hereinbefore provided may, at any time and at any stage thereof, and either with or without application from any of the parties thereto, be transferred by the chief justice from any court to the Supreme Court, and such cause may be transferred, either entirely, or in respect of any part thereof or procedure required to be taken therein." That certainly does give the chief justice independent power of transferring?—Yes.

62. Have you had applications of that kind?—I do not think I have exercised the power at all since I have been out there. I do not know whether it had been exercised previously.

63. Now supposing that a cause was transferred to you (you not having actually exercised the power, I am putting to you rather an abstract question), and supposing that the native custom was the one way and the English law was another, what would be your notion of your duty in such a case? I do not want an answer that will bind you in any particular case, but I want to know whether you would deal with it according to English law or according to native custom?—We always respect native custom as far as we can. Section 18 of the Supreme Court Proclamation, I think, makes special provision for that.

64. That is the same proclamation?—Yes.

65. That is the section with regard to the application of native law and custom:—"Nothing in this proclamation shall deprive the Supreme Court of the right to observe and enforce the observance, or shall deprive any person of the benefit of any law or custom existing in the Proctecorate, such law or custom not being repugnant to natural justice, equity and good conscience." You have had no experience, I suppose, of the actual method of proving these customs? It has not come before you?—None in Northern Nigeria. It has in Southern Nigeria.

66. The analogy is sufficient, I think?—We were always allowed to call the chiefs of the districts affected and take their statements under oath as to the details of the native custom affecting any question. It is a pagan country, and there are no documents down there. In the North we are allowed to accept any manuscript of apparent authenticity, and chiefs of standing are also allowed to be called, I think, to prove any particular native custom.

67. That is the kind of evidence which would be admissible to prove native custom?—Yes.

68. Have you had considerable experience of Southern Nigeria?—Yes.

69. Is there much difficulty attaching to it? Is it very difficult to get at native custom, or is it generally pretty well recognised and admitted?—It is very well recognised. It is perfectly well known to all the chiefs.

70. Have you ever known of a dispute as to what the custom was with regard to inheritance or anything else?—No, I cannot recall any instance in which there was any dispute on any special point. There was, as a rule, perfect agreement between the chiefs. Where natives are concerned, chiefs might be called on one side or the other to contest the statements of the first chiefs.

71. Would you say that your experience in that part of the country would be more or less applicable to the parts that we are considering?—I think that it would with regard to the pagan portions.

72. You say that the custom is pretty well known and recognised?—Yes.

73. And apparently easily proved?—Yes. I have never had any difficulty really.

74. Do the customs vary much in different parts?—Customs among the natives, do you mean?

75. Yes?—No. My impression is that customs prevailing amongst the pagan communities in Southern Nigeria are practically, if not altogether, the same as those in the pagan communities of Northern Nigeria.

76. As far as you know, there is not much difference between the customs of one province and another?—So far as I know there is not.

77. I suppose that there would be certain general differences between Mohammedan provinces and pagan provinces?—Yes. I have had very little experience of Mohammedan provinces. Southern Nigeria is all pagan.

78. Has the Resident's Court, like the Supreme Court, the power to recognise native custom?—Yes. There is a corresponding section in the Provincial Courts Proclamation No. 9 of 1902.

79. As far as I can see, No. 9 (1) is in the same terms?—I think it is in exactly the same terms.

80. I think that it is substantially the same as what we have already read. What you were saying just now comes in in the second sub-section of Section 9:—"In deciding questions of native law and custom, the Court may give effect to any book or manuscript recognised by natives as a legal authority, and may call to its assistance native chiefs or other persons whom the Court considers to have special knowledge of native law and custom"?—Yes.

81. That is in the provincial courts, or in other words, the courts of the residents?—Yes.

82. I do not know whether you have anything special to say about the proclamation as to registration. There is a system of registration of land?—Yes. There is provision made for the registration of instruments affecting land.

83. I do not think we need trouble to go into detail. I have marked as possibly important, two sections of proclamation No. 10 of 1901: "(6) Any instrument affecting land in the Protectorate may be registered under this proclamation subject to the conditions hereinafter mentioned." Then there is a provision that no instrument except a will or probate shall be registered unless it contains a description which shall include a statement of the boundaries, etc. "(8) No instrument affecting land granted by a native to any person other than a native shall be registered unless the registrar is satisfied that the conditions of the 'Lands Proclamation, 1900,' have been duly complied with and unless there is produced for the inspection of the registrar the consent in writing of the High Commissioner to the granting of such instrument." "(21) Registration shall not cure any defect in any instrument registered or confer upon it any effect or validity other than that provided in the two preceding sections." It does not affect the title?—No, it does not affect the title at all.

84. (*Mr. Cox.*) 19, 20, and 21 are common forms, are they not, and are to be found in other West African possessions, notably the Gold Coast?—Yes, and in some of the West Indian colonies.

85. (*Chairman.*) The proclamation as to Crown lands is No. 16 of 1902?—Yes.

86. I do not know whether you are familiar with the Crown Lands Proclamation of 1902. That purported apparently to vest in the Governor certain lands which are set out in the schedule and which had been acquired by the Royal Niger Company?—Yes. It does not set out the interests that had been acquired by the Royal Niger Company.

87. No, it does not. It merely sets out the fact that the Royal Niger Company had certain lands granted to them, and they are described as the grantees of 35 different blocks of land?—Yes.

88. And then this proclamation sets out the agreement between the Governor and the Royal Niger Company by which these lands are declared to be hereby vested in the High Commissioner for the time being in trust for His Majesty, his heirs, and successors, and upon the death, resignation, or removal of any High Commissioner, all such lands, rights and easements as aforesaid shall become vested in and held by the succeeding High Commissioner in trust as aforesaid. Then there are other provisions as to the powers of the High Commissioner with regard to lands and

so forth. The 7th Section is this "The provisions of this proclamation shall apply in every respect to all other lands, and to all rights or easements over lands situated in Northern Nigeria which are or shall after the commencement of this proclamation become the property of His Majesty, his heirs, and successors, in the same manner as if they formed a portion of the lands mentioned or referred to in the Agreements and Instruments set out in the Schedule." Has any practical question arisen out of that proclamation in any way?—No; there is nobody to ask any question. The natives would never come forward against the Government to say anything. No question has actually arisen in the courts, at any rate.

89. Those lands have been regarded as Crown lands?—Yes, as Crown lands.

90. (*Mr. Cox.*) Do you mean that the native naturally regards these lands as having been sold to the Royal Niger Company?—There always has been some little dispute as to whether the Niger Company acquired all their lands from the proper authority. The Atah of Iddah claims jurisdiction over Lokoja.

91. (*Chairman.*) Does anything turn on the Minerals Proclamation, which is No. 5 of 1902. It seems to have been amended in 1904. I have marked three sections in that as possibly being of importance. That proclamation provides for the prospecting for minerals. I think that the third section is of importance as showing the sort of control exercised by the Government: "It shall not be lawful for any person after the commencement of this proclamation to prospect for minerals, mineral oils or precious stones without having first applied for and obtained either a general or an exclusive licence to prospect in the prescribed form. It shall be in the discretion of the High Commissioner whether to grant or to refuse an application for a licence to prospect." Then as to the rights which are to be conferred by an exclusive licence, Section 4 says: "An exclusive licence shall entitle the holder thereof and his duly authorised agents if and when approved by the High Commissioner to the sole right of prospecting for minerals, mineral oils and precious stones, or some one or more of them as stated in the said licence, within the area named therein not exceeding 3,000 square miles, for the period mentioned in the said licence; provided always that the grant of an exclusive licence to prospect for particular minerals, mineral oils or precious stones shall not prevent the High Commissioner from granting other exclusive licences in respect of the land or any portion thereof affected by such first named licence to prospect for minerals, mineral oils or precious stones not included in the said licence." I think that by a subsequent proclamation that is rather enlarged. 8 is this: "A licence to prospect shall, subject to rules and regulations to be made as hereinafter provided and to the provisions of Section 52 hereof, entitle the person holding the same to enter upon any land, whether the property of Government or any other person, and prospect for minerals, mineral oils and precious stones, or some one or more of them as in the said licence is mentioned, and any person interfering with or obstructing the holder of a licence to prospect in the exercise of any rights given to such holder under the provisions of this proclamation shall be guilty of an offence and shall be liable to a penalty not exceeding twenty-five pounds or to imprisonment not exceeding three months." That is protecting the right of prospecting. 10 is: "No such application shall be granted which shall be for a greater area than five square miles." Then come regulations which deal with the application for a licence to mine, the form of the licence and the rights of the holder of the licence. A general power is given to enter upon the land and dig for, mine and work minerals, mineral oils or precious stones not mentioned in the first named licence, and so on. Then 15 is a limitation of those rights. 9 is: "Any person desiring to acquire the right to dig for, mine and work minerals, mineral oils and precious stones, or some one or other of them, upon or under any land, other than the land mentioned in Section 52 hereof, shall make to the High Commissioner an application in writing which shall be in the prescribed form." Section 17 is this: "Any person digging for, mining or working any minerals, mineral oils or precious stones without such licence as aforesaid shall be guilty of an offence, and shall be liable to a penalty not exceeding five hundred pounds or to imprisonment not exceeding twelve months." Section 19 says: "Subject to the provisions of Section 52, every holder of a licence to mine shall from the commencement of this proclamation be charged with the payment to His Majesty of a percentage on the annual amount of all profits made on the capital employed in or about the exercise of the rights conferred by such licence and of a royalty or percentage on the gross value of all minerals, mineral oils, and precious stones gotten in the exercise of the said rights, and provisionally and until such percentages or royalties shall be fixed and determined by any proclamation hereafter to be enacted it shall be lawful for the High Commissioner, subject to the approval of the Secretary of State, to fix and determine the same." The law seems very clear that no person can mine without first getting a licence to prospect; and, secondly, a licence to actually mine?—That is so. That is very definite.

92. I think that is all that concerns us in that. I do not know whether there is anything else that you think you ought to put before us?—No. You have already referred to Section 8 of the Minerals Proclamation, in which the question of property is raised. The Government admits, through the proclamation, that there may be property in somebody else. It is only with a view to amendment. It says: "whether the property of the Government or any other person."

93. It is a statutory admission that the lands may possibly belong to somebody else than the Government?—Yes, that is all. I only mention it with a view to possible amendment. I might add, with reference to tenure generally, that I should not be at all surprised to find—in fact, I believe it to be so—that the conditions of tenure prevailing among the pagans in Southern Nigeria are the same as those in Northern Nigeria and *vice versâ*, because the people who would be affected by the influence of the Atah of Iddah would include the Nupes as far as Bida in the old days, and the primitive tenure, I am quite certain, is always the same.

94. Would you follow that up at all by bringing in your experience of Southern Nigeria on that?—I am absolutely convinced of one thing; the idea underlying tenure in the native community is that land is the property of the people, and that their chief is a trustee for the people, and that every head of a family, every freeman in the community, is entitled to as much land as he can reasonably require to support himself and his family, and is entitled to keep that land as long as he cultivates it, as long as he uses it for the purpose for which it was granted, and as long as he behaves himself. It is liable to reversion if he misbehaves, if he is guilty of any criminal offence in the eyes of the community, but as long as he behaves himself in a decent way he really is a licensee in perpetuity.

95. But still there is no idea that the land is his in any other sense than that he has the use of it under these conditions?—No—simply as a member of the community.

96. Supposing that by force or by fraud he was deprived of that land, would he have a right of recovery?—Strictly speaking, he would, only it might be very difficult to enforce it.

97. Let us take it in two ways. Would he have a right of recovery against a wrongdoer who did not represent the tribe or the chief of the tribe?—Yes, he has the right of possession and user of the land.

98. Do you often have suits of that kind?—We have had some, but usually they are settled out of Court. The Resident or District Commissioner would visit the spot, call the parties together, hear the evidence, and decide: "The land belongs to 'so and so.' You are a trespasser." They are perfectly content with that.

99. Do you think that the customs with regard to inheritance, possession and so on, are the same?—They are subject to a little variation in detail, but generally they are the same, I think. There is never any written will amongst them, but the possessor or the licensee has the right to dispose of his property to any member of the family whom he constitutes the head of the family when he is passing on. Otherwise it generally goes to the eldest son.

100. Is there anything in the nature of a testamentary disposition recognised?—Not among the pagans. Nothing is recorded in the way of a written testament.

101. (*Sir J. Digges la Touche.*) The younger sons would have a right to the land too, would they not?—Yes. There is the house system, and a very good system it is too, by which the man who is the head of the house has to provide for everybody in it. He would be given enough land to provide for the support of the entire house, including the family, and those who have been brought up in the house as domestic servants.

102. (*Chairman.*) How does it work? Does it result in a great deal of sub-division of land?—Yes. A man will take enough land to supply himself and all his sons, and divide it up. In that way you gradually get the smaller village formed, and that would account, I think, for the village boundaries. They gradually extend in that direction.

103. When you say that it belongs to the chief as trustee, you mean for the community?—I am speaking of the primitive native tenure. Take a community where we have not penetrated, for instance. The head chief holds all land in trust for the people themselves. He cannot dispose of it.

104. By "the people" do you mean the village community?—Yes.

105. (*Captain Orr.*) Or several village communities where you have a federation?—Yes, where you have a federation. There you have the senior chief, who is in the position of king—the Emir.

106. (*Chairman.*) You say that it is split up into villages, and that the boundaries are known?—Yes, they are known.

107. Would this right belong to the village community, or to the general tribe?—Each village has a chief?—Each village has a chief, and the chief would exercise rights over that tract. Each member of the community would in turn have his right to a proportion of the village land.

108. (*Mr. Cox.*) To a defined proportion?—To whatever he requires. It is defined temporarily, but he has a right to ask for more if he needs it, and if it is reasonable it will be given to him.

109. (*Mr. Morison.*) You said that he had a right to the continued possession of a certain amount of land. Is that subject to any payment for the benefit of the tribe?—Yes. They have a very hazy conception as to rents and taxes. They always regard the payment as more in the nature of a present or contribution to the head of the tribe for expenses of government and upkeep and looking after them generally. It is usually assessed at the end of the year when the crops are taken in.

110. Something is always taken?—Yes.

111. Does it vary?—Yes, it varies according to whether it is a good year or a bad year.

112. If a man refused to pay the contribution, the sense of the tribe would convict him?—Yes. He has his rights as a member of the community, and he also has his duty, which is to assist in paying the expense of government.

113. You are speaking of the tribes in Southern Nigeria?—Yes.

114. (*Mr. Temple.*) Can a chief not allow a member of another neighbouring tribe to settle on the land of his own tribe?—Only with the consent of all the chiefs. In the event of a stranger coming in a council of the community has to settle that question.

115. You mean in the event of a grant by the chief to a stranger of another tribe?—Yes.

116. (*Chairman.*) Would it occur to any native not in the position of a chief to convey in any sense either the use of or the property in his land to a stranger, a non-native?—No, he has no right.

117. It would not occur to him as a possibility?—Only if he came into contact with the native barrister.

118. (*Sir J. Digges la Touche.*) He might transfer it to a man of his own tribe?—In theory it would revert to the chief, who would regrant it. It is probably done in a very simple way by consent.

119. He could not sell his rights. He could not take a present to give possession?—No. The land is given to him for the support of his family. As long as he uses it for that purpose he can keep it, but as soon as he discontinues that it reverts.

120. He has no transferable right?—No, no right of alienation. There is no right of mortgage, except at Lagos.

121. (*Mr. Strachey.*) Supposing that a desirable stranger came along who, it was thought, would add to the wealth or strength of the tribe, could the chief provide a place for that stranger on the tribal lands?—Not on his own initiative. It would have to be referred to the Council.

122. I meant that. I meant, could the village community do it?—Yes.

123. Always?—Yes. It is not easy to gain admission as a stranger in that way, but there are exceptions, as you suggest.

124. (*Sir J. Digges la Touche.*) There is an amplitude of waste land, is there not?—Yes. But they always like a lot of land reserved because they have shifting cultivation.

125. Strangers may come in and make presents and tempt them?—Variations of tenure are always possible under those circumstances. The tenure that you find on the coast is not the real primitive tenure, because contact with English notions of land tenure, especially when there has been the assistance of a native barrister, has its effect.

126. (*Chairman.*) What is the unit. Is it the village?—There is a village unit. You find a large federation of villages, but you often in pagan countries, more often than not, find comparatively isolated villages, and then the head of the house, as he is called, the head of the family, is the unit.

127. Does that depend upon long established custom, or upon what does it depend?—It depends on custom.

128. The area or composition of the community will depend on custom?—Yes. The question is inevitably mixed up in pagan countries with slavery. A slave will have land, but he has not the rights of an ordinary licensee. Down in the south the head of the house includes in his house not only blood relations and the men who have properly married into the family, but also those persons who are called slaves, but who are really domestic servants. They are given portions of land to cultivate. He (the Head) always represents the family in any question affecting that land.

129. With regard to a whole village community, does the idea of kinship come in at all?—Yes, very largely. You can trace common descent.

130. Does any question ever arise about the limits and extent of a village community. Does the question arise as to who belongs to a village and who does not?—Yes, there are frequently questions of that sort, because they have no definite demarcation. The older people always know where the confines are, but gradually the trees are felled and disappear, and it is very difficult to find out the limits. They are apt to overlap.

131. Suppose that a man's family increases so much that his holding is insufficient for him?—He simply goes to the chief and tells him that he needs more land and he gets it. He is entitled to what he can reasonably require.

132. Would he have to pay anything for that?—Strictly speaking, no; but there is always the open hand.

133. Practically he would have to do something for the chief?—It depends on the circumstances of the moment. Bribery is very very common there, but the payment has nothing to do with the law of the country. The theory of the law is that the man is entitled to the land for no payment whatever except the payment at the end of the year, which is regarded as a present to the chief.

134. The man asks for more land as one of the community, and the chief is regarded as the trustee of the community?—Yes. The man is entitled to what he requires.

135. Would that be the view taken by the native court if a dispute arose?—Yes. The lands are all national.

136. What you have been saying applies, I suppose, to a pagan community?—Yes. I have had very little experience of Mohammedan communities.

137. (*Chairman.*) I do not know that there is anything else to ask you. We are much obliged to you, particularly for the last part of your evidence, which is very useful.

The witness withdrew.

Mr. H. R. PALMER, called in and examined.

138. (*Chairman.*) You are a resident in Kano Province?—Yes.

139. For how long have you been there?—Since October, 1904.

140. What is the character of that province?—It is agricultural.

141. But I mean with regard to whether it is pagan or Mohammedan?—Mohammedan mainly.

142. Kano is the northernmost province?—Yes, on the French border.

143. Can you give us approximately the area and the population?—The population is between two and a half millions to three millions, roughly.

144. (*Mr. Temple.*) The area is about 35,000 square miles?—I have not the figure. Kano is a big town of 50,000 inhabitants.

145. (*Chairman.*) Are there any other big towns?—Katsena, about 15,000, and Katagum, about 10,000.

146. What do you think caused them to grow up?—I suppose the desert trade from Tripoli focused there, and Mohammedan influence began to penetrate about the fifteenth century. Industries began to grow up there. It acted, I suppose, as a sort of outpost to Mohammedan civilisation among the pagan tribes which surrounded it.

147. How far does the description which the Chief Justice has been giving of the customs and practices in Southern Nigeria and the pagan portions of Northern Nigeria apply. I suppose that it will require considerable modification?—To a certain extent, but I think that the basis of everything really is the village community.

148. Whether it is a Mohammedan province or a pagan province?—Yes, I think so. They prefer to be taxed by the community, and not by the individual, but Mohammedanism has modified it a good deal.

149. Did the Mohammedans come in in a rush or gradually?—Gradually—I think about the fifteenth century Islam was introduced. Then about 1800 the Fulani conquered the country. They revived the Mohammedan religion—at least, so it is said.

150. Did that much affect the law of the country. We have heard about the customary laws prevailing so largely. Did the Mohammedans introduce another system of law at all?—No, I do not think so. I should say that the native system of tenure as it is to-day in Kano has been the same for the last 400 years.

151. (*Mr. Morison.*) What do you say to the law with regard to inheritance?—There is a considerable conflict between Moslem law and native custom now in almost every case before the native courts. There is a question whether the Mohammedan law should be applied or whether it shall go by native custom.

152. Will a Cadi administer native customs or Mohammedan law?—There is a tendency to administer Mohammedan law. At the same time they in principle hold that in matters of succession the customs of the people should be regarded. It is so laid down in their text books. Moslem law prevails where parties are Moslems.

153. With regard to their daughters, do they adopt the Koranic law or not?—As far as I have seen, it mainly depends on who bribes the judge most. It is about half and half. The judge can hold either way and sometimes they hold one way and sometimes the other. You cannot lay down a definite rule as to what happens in practice. In theory Moslem law (Malekite rite) is applied by the Cadi to all Moslems, social custom to non-Moslems.

154. (*Sir. J. Digges la Touche.*) You would say that Mohammedan law has not affected land tenure?—No, practically not.

155. It is just the same as it was before?—Yes.

156. Whatever other law has grown up with regard to personal rights?—Yes, I should say so.

157. Land is still looked upon as belonging to the community?—Yes, that is how they regard it.

158. Have they chiefs and an Emir?—Yes.

159. Would they look upon him as a trustee?—Yes. What Sir Raymond said about that view is certainly the same everywhere, I think—that the chief is the trustee for the community.

160. Both with regard to Mohammedans and pagans?—Yes.

161. (*Chairman.*) The chief in the Mohammedan country would correspond in position and power and so forth with the chief of the community in the pagan country?—Yes, practically so, but as regards individual tenure there is a good deal of difference in Kano. There is a certain right of buying the user of a farm which is undoubted, which confers a certain right of occupation or possession. It is considered as contrary to the sense of the community for a chief to take away a farm from a person who has held it or his descendants, but he often does it in practice.

162. Supposing that an arbitrary action of the chief came before the Court of a Resident, what would the Resident consider himself bound to do? Would he recognise it as legal?—He would endeavour to influence the chief not to do it.

163. But suppose that he had to decide it as a matter of law with the Court of Appeal hanging over him. I take it that practically he avoids doing that as much as possible?—Practically one avoids doing it. The chief will sell a farm to half-a-dozen different people.

164. Do individuals do it?—No, the chief does it sometimes, and he leaves them to fight it out, but in theory that is wrong.

165. (*Mr. Morison.*) Does it actually happen that holders or users of farms transfer them from one to the other?—Not without the consent of the chief. No man has a right to transfer the limited right of occupation that he has to another man without the consent of the chief.

166. If he gets the consent of the chief does he then exact a price for it?—Yes, he does.

167. There is a qualified right of transfer?—Yes, in practice they do transfer. I have known cases where a chief has said that he objected to a certain transfer because he had not been consulted.

168. (*Mr. Strachey.*) Does what you are saying apply to the pagan or the Mussulman when you say "Chief"?—What I really meant was a local chief.

169. (*Mr. Morison.*) The village headman?—Yes, the village headman. You have the Emir, and then under him large landowners, much as in primitive England, and under them you have the head of each town. Nominally the Emir has the right of veto on any exchange or transfer of land, but in practice he delegates that to a large extent to the subordinate local chiefs, and it is from them generally that the people purchase this right to use farms.

170. What exactly do you mean by the subordinate local chief? I do not quite grasp. Is he the head of a

village or has he jurisdiction or power over a larger area?—Practically the Emir in theory would own all the land, and he gives to his Grand Chamberlain, as it were, a certain district, who again gives land to village headmen.

171. Does he give him only one village?—No. He may give him perhaps 20 towns—a large area. This district chief very often lives in the large town, Kano, for instance, or Katsena.

172. He is an absentee landlord?—He is an absentee landlord, or he was. We have been trying to get him into residence, but it was so formerly. This man has perhaps 20 towns under him. Each has a head of its own. With regard to the peasant, he in practice acquires his rights from the head of the town.

173. Not from the absentee?—Not as a rule. No doubt he has the right to sell a farm if he wishes to, but in actual practice that is all left to the local chief, as a rule.

174. (*Chairman.*) Suppose that a tenant wanted to transfer his land to somebody else?—In practice he would be doing all that was necessary if he got the consent of the district headman.

175. Then so far as it could be done he could give a good title?—Yes.

176. (*Sir J. Digges la Touche.*) Can he apart from the value of the actual land make improvements on it by digging wells and so on and add to the value?—Do you mean with regard to houses built on the land?

177. I am not thinking so much of houses as of digging wells and of the irrigation of the land?—I think that there would be no objection to wells being made, and they are made, but I do not think there is any special property in them.

178. A man who has made a well for irrigating his land will not be supposed to have a greater right of transfer than a man who has only run a plough over the land?—No, I think not. These wells have a certain sacredness as a rule, and they are only made by big people. You never hear of a small man making a well. It requires a pretty big chief with a good many people.

179. When it is only for drinking purposes?—Yes.

180. (*Mr. Temple.*) Have you not found wells with private owners?—In towns, yes. In big towns like Katsena there are wells built between two houses, the occupants of each of which have an easement, so to speak. They are built in the middle of the party walls; but that is only in Katsena and large towns like that.

181. (*Mr. Cox.*) Supposing that in a large town like Kano a person wants to transfer his land, does he have to go to a chief, and if so, to what chief?—In Kano itself?

182. In Kano itself?—To the Emir of Kano, I should say.

183. Does the custom with regard to having sufficient land to use for the family apply in the town as in the country?—No, I do not think so. It is very difficult to lay down any very definite rules. One sees, of course, in all the arrangements, the influence of the primitive community, but they have been a good deal modified by the growth of towns like Kano. I believe that in Kano there is individual property in houses and ownership in the English sense, but only of houses, not land.

184. That is what I wanted to get at. The fact that people have been forced into closer communion in towns has got rid of the idea of tribal ownership to a greater extent than it has in the country?—To a certain extent. I would say so with regard to Kano, because I know it is so, and it is so in Katsena, but it is not so in other places, I believe.

185. Does a man who has a house in Kano have land outside attached to it, appurtenant to it, to cultivate?—No, he would have land outside the town under the ordinary farm tenure from the district or village headman. Round Kano there are district headmen right up to the walls. His house would be in the town. His garden outside, where he would grow onions and so on, would be in the district of a district headman.

186. He would hold it from the headman rather than from the Emir of Kano?—Yes.

187. (*Mr. Morison.*) With regard to his house in the town, has he a right of sale?—Yes, he has undoubtedly. Whatever it was originally it is so now.

188. Houses are bought and sold in Kano?—Yes.

189. (*Chairman.*) Without reference to the Emir?—Yes.

190. (*Mr. Temple.*) Kano is very exceptional?—Yes, it is. There has been a large Arab community there for many years, and they have modified it.

191. (*Mr. Cox.*) Do they regard their taxes in Kano as a present to the chief in the same way as they do elsewhere?—No.

192. How are the taxes exacted?—Originally each town paid taxes, and these taxes were divided into three before the British occupation. The Emir took a third, the district headman of the town took a third, and some people called Jakadas—that is tax gatherers—took the other third.

193. The taxes were farmed out?—Yes, practically speaking.

194. The persons who collected the taxes were persons who had for consideration acquired the right from the Emir?—Yes. It was purely and simply farming out. An "office" was bought, the right to collect going with it.

195. They collected the taxes and they reserved a third to themselves, a third went to the intermediate chief, and a third to the paramount chief?—Yes, there are many minor variations.

196. (*Mr. Morison.*) Did it vary in fixed proportions according to the produce of the land?—Yes.

197. In practice it did?—Yes, it varied very much with the season. Crops formed the main basis.

198. It was a fixed proportion of what the crops amounted to?—Yes. I should say that there were really three bases of taxation—first of all the ordinary contribution, which Sir Raymond mentioned, of the individual to the head of the community; then when the Mohammedans came there was what they call the Jizia—the land tax—from what were called non-Mussulmans—whether they were or not—from the agricultural people to the ruling caste; then finally there was what they call the Zakka, which was in theory a Mohammedan tax. All those three mingled together.

199. They are not collected separately?—The jangali is a cattle tax.

200. (*Mr. Temple.*) It is really the Zakka?—Yes, it is a sort of jumble.

201. (*Mr. Morison.*) Preserving the Mohammedan names?—Yes, that is exactly it. They called it Zakka and Jizia, but they did not take much notice in the case of Jizia whether a man was a heathen or whether he was a Mohammedan.

202. Was the Jizia taken from the Mohammedan?—Yes.

203. You think that these taxes would be varied and that in times of greater or less prosperity the chief would take a greater or lesser proportion?—Yes. Each village was assessed. The Jakadas had wonderfully good memories, and when you went to them they would tell you the taxes of many hundred towns down to the smallest details. They carried all these in their heads. They would tell you in a wonderful way what each village produced. When it came to the actual collection, if there was a short harvest or anything special they would strike off a certain amount of taxes. The Emirs did not mind very much, because they got quite as much as they wanted. It fact, it was a system of big fleas and little fleas, and it went right up to the Emir. The amount that got to him depended on the rapacity of his subordinates.

204. (*Sir J. Digges la Touche.*) You have made an amalgamation of all the small taxes in the Resident's assessment, have you not—I mean the small taxes that have come down from old custom?—In Kano province we have in one sense, from the point of view of the Government, but practically the incidence of the taxes is just the same. The taxes are collected on the old principle.

205. (*Mr. Temple.*) Is the jangali kept separate?—That is a separate tax.

206. Entirely separate?—Yes. We have maintained all the old taxes—the tax, for instance, on barbers and

the tax on sellers of honey and everything. They are all collected in the same way as they were formerly collected.

207. Have you separate registers for those in the office?—Yes.

208. For each one of these taxes?—Yes, pretty nearly. I cannot be sure with regard to the exact state of affairs in the Kano office, but as regards my own office I think that at the present moment the tax is collected just the same as it ever was. I cannot speak absolutely definitely with regard to how the books are kept.

209. (*Chairman.*) The village headman, whoever he is, collects all these different taxes?—Yes. Formerly a different tax collector collected every different tax, and there were about 25 or 30 different taxes, but now there is this difference—that the whole thing has been put on a territorial basis. Each community has one man.

210. Is that by proclamation?—Yes. That is recently—within the last four years.

211. (*Mr. Morison.*) Do you ever make a Resident's assessment yourself?—I have settled the taxes for the time being. Personally I sent these district headmen out and asked them to make me an assessment, and then I went through their assessment with the Emir, and we settled what we considered was a fair amount for the towns to pay, but I have never tried to assess any village myself. I have never counted the fields or anything of that kind.

212. (*Chairman.*) There are all sorts of taxes—not merely on land, but on bees and everything?—Yes, but the main tax is the land tax per farm. It is about 4s. a farm.

213. Is the question raised at all of discontinuing the taxes?—I think that the idea is to gradually simplify the matter, but it is very difficult at the present moment. You have more check under the present system of collection on extortion than you would have if you simply made a lump sum for a village and said to the chief of the village, "You must produce so much." Then you would not know how the incidence of the tax would be arranged. These old taxes are understood by the people, and you have a very fair check on what is happening.

214. Are accounts kept by the chief?—Yes, more or less. They keep accounts in Arabic, but they are not very accurate, as a rule.

215. (*Mr. Morison.*) Where is the record of the different taxes and of the amount collected kept? Is it kept by the headman or in the Resident's office or by the Emir?—All three. In my case each headman has a list for his own district, and the Emir has a copy of all the lists, and I have a duplicate.

215*a*. A duplicate of the Emir's list?—Yes. I have had a new list every year for the last three years. I have found it impossible to put down a definite amount.

216. (*Chairman.*) The principal tax is the direct tax on the land?—Yes.

217. (*Mr. Morison.*) Why do you vary it every year? Is it according to the produce of the harvest?—Yes, and the extent of the land. There are no definite boundaries of fields as a rule.

218. You are not aware of what changes have taken place in the cultivation if you do not go round the district?—Not in exact detail, but, roughly speaking, we have a very fair check on it by ascertaining whether people are leaving a district or coming into it, and by consultation with the headmen and the Emir we can form a fairly accurate idea, but not an absolutely accurate one.

219. (*Chairman.*) With regard to dealing with land, I understand that there can be no dealing with land without the consent of either the Emir or some person who represents him?—Yes.

220. I refer to agricultural land. That is a most important thing. I would like to go back to your evidence where you said that sometimes Mohammedan law would prevail, and sometimes customary law. I can quite understand that simply looking at it as an administrator you would try to settle any dispute, not by any legal method, but by trying to get people to agree to some arrangement themselves. But supposing that you had to decide such a question as a judge sitting in Court, have you any test by which you would decide whether in the particular case the decision should be according to Mohammedan law or according to customary law. I do not know whether it ever comes to that?—Where the two are different it would depend upon whether the parties were Mohammedan or not.

221. If the parties were Mohammedan, would you apply Mohammedan law?—Yes, the "personal" law.

222. If they were Mohammedan and non-Mohammedan, what would you do?—I do not know. It would depend very much on circumstances. One of the most frequent cases is the question of wives. As a rule the non-Mohammedans do not allow anything to their wives on death as of right, and the Mohammedan wife or wives would get one-eighth of the property. That is how the question frequently comes up, but the whole thing is very nebulous, and it depends very much on the individual choice of the native judge. It depends on whichever side he happens to wish to favour.

223. You have no general rule where the parties are Mohammedan and non-Mohammedan?—No. Nominally our Emirs are Mohammedans. I have generally gone and asked them themselves what they say is their law, and they generally say that their law is that in cases of inheritance and matters of that kind where the parties are non-Mussulmans, you shall administer their native custom if you can find out what it is.

224. That is what the Mohammedans themselves say?—Yes. That is in text-books of quite considerable authority.

225. Then really it depends on the parties. Difficult questions may arise where parties are neither both Mohammedans or both non-Mohammedans?—Yes. Very few of the native judges at present have what you may call a really sound grasp of legal principles.

226. Have you much difficulty of the sort of which we have been speaking?—I think there is not very much difficulty. There are a great many questions of that kind, but, practically speaking, if they are treated in a common-sense way, they do not lead to much difficulty.

227. They are generally arranged in some way?—Yes

228. No strict rule being laid down?—No.

229. That is the general principle?—Yes, that is the general principle.

230. Are there many cases of complaints of unjust and illegal evictions? Do people complain of being turned out arbitrarily?—There are a certain number, but if one considers the total number of farms, the number of cases of complaint is small. One has a certain amount.

231. This is what you say: "In practice much arbitrary dispossession does take place, but one is perhaps more apt to notice the hundreds of cases where it does occur than the thousands where it does not"?—Yes.

232. Is there any notion at all of compensation, supposing that a man has property taken away from him. Has he any claim to compensation, or is there any practice of giving compensation?—From the Emir?

233. Yes. Supposing that the Emir more or less arbitrarily takes his land away?—I should not think there is.

234. A man would think it hard lines, but he would not have a claim to compensation?—He certainly would not have any right that he could enforce.

235. (*Mr. Morison.*) A good Emir would not confiscate, and a bad Emir would not compensate?—That is what it comes to, yes.

236. (*Chairman.*) In your memorandum you say: "Thus it is seen that though the peasant has not a fee-simple in his land"—that is to say, not the absolute property in his land—"he has in theory, even now, a right of possession subject to the payment of taxes of a farm that he has bought." Then you say just below: "In order, however, to see that the theory

was adhered to in practice with exactitude, it would be necessary (1) To make it compulsory on the farmer to permanently mark out the boundaries of his land in some way. (2) To have an accurate survey. (3) To determine by whom and within what area farms could, if unoccupied, be sold. (4) To fix the price at which a farm can be bought. (5) To regulate what was to be done with the purchase money of farms. (It would be a pity to abolish the purchase system, as to the mind of the native it gives him a title)" ?—Yes.

237. Are those changes which you recommend?—It depends very much on how big the staff is to do it. With our present staff it would be absolutely impossible.

238. You think that it would be?—Yes, absolutely.

239. Do you think that it is desirable to go on as you are doing now—that is to say, with a very scanty staff, doing the best you can to settle these disputes either judicially or administratively, or do you think that you want a more regular system of law. I mean, has the country advanced sufficiently for distinct rules to be laid down?—I doubt it. I think that enough material has not been collected yet to satisfactorily lay down any definite rules with regard to native custom.

240. As far as I can see from the proclamations, whenever a rule is laid down, you have a saving clause which says: "This rule is not to be observed except in so far as it is in accordance with native law and equity"?—Yes.

241. That gives very wide power?—Yes. With regard to Mohammedan law, it is the same. After all, there is no authoritative body in the country which can say that such and such a thing is lawful, and such and such a thing is not.

242. You may have too much law?—Yes. At present, in practice, things work pretty well.

243. It might be difficult to apply it?—I think that it would be very difficult to codify native custom or the rules of Mohammedan law which are in force.

244. (*Mr. Morison.*) You say, I see, that if the people were given a free right of alienation they would mortgage all their farms inside a year?—I am sure they would.

245. They at the present moment borrow money?—Yes. They are all in debt.

246. Are there usurers or money-lenders?—No, but every native is in debt to another. I have never come across one who was not. They are all in debt.

247. Mohammedans and pagans alike?—Yes. They are all of them always in debt.

248. Do Mohammedans lend money at interest?—No, but it is their way of living. They are, as a rule, quite improvident. You come across A who is in debt to B, and B is in debt to C, and so on.

249. They do not lend money at interest?—Not as a rule. Those that have been in contact with Europeans sometimes charge interest.

250. Generally the Mohammedan law is in force in the matter, and they do not take interest?—I could not say very definitely, but as a rule, not. They are always borrowing.

251. There is no moneylending business?—No, no regular moneylending business, as a rule.

252. There are no professional moneylenders?—No.

253. A man does not ask what security he is to get for the loan?—No.

254. It is more friendly lending?—Yes. It is their character. I am quite sure that if they had farms which they could mortgage they all would do so at once.

255. (*Chairman.*) Do you advocate that unoccupied land should be separated from occupied land and declared to be the property of the Crown?—No. I think that whatever the tenure is, it ought to be all of one kind.

256. And should apply to every piece of land?—Yes.

257. Would you draw any distinction between waste land and occupied land?—No. I do not see how you possibly can do that.

258. It is an important point. Would you give your reasons?—Taking Kano province, which is where I have been, there are village boundaries throughout the whole province. A piece of land goes in and out of cultivation simply by rotation of crops.

259. You mean to say that if you looked into it minutely enough you would find that the whole of the province was divided up amongst different villages?—Yes, every inch of it.

260. Therefore in your view to appropriate a portion of the waste lands would be just as objectionable from a native point of view as to appropriate occupied lands?—Yes. They usually manure very little. They cultivate a field for perhaps three or four years—it depends on the nature of the soil—and then they move to another piece of ground. Sometimes a whole village moves to another piece of ground.

261. (*Mr. Strachey.*) How often would they do that?—It depends very much on the nature of the soil. Land which is in a valley will produce good crops for say seven or eight years, and on the other hand, if it is a stony soil it will not do so after three years.

262. (*Chairman.*) Would the idea of a whole province being divided amongst certain village communities afford at all a practical difficulty in the way of extensive immigration and people coming in in large numbers and taking up large tracts of land?—You mean from other provinces outside?

263. Yes, from outside?—It does to a certain extent, but there is still a fair amount of room, except very near Kano. There is enough room for large increase in population without any great overcrowding, I think.

264. Is the land there suitable for cotton?—Yes, I believe so.

265. In regard to crops and minerals, in which direction are the natural resources of the country most likely to be developed?—Kano province would be mainly cotton-producing and corn-growing. The northern parts are the best corn-growing land in the country.

266. (*Mr. Strachey.*) Is not it the case that for a very long distance round Kano every bit of land is under cultivation?—Yes, it is very closely cultivated. It is very difficult to be definite on the question of the tenure of the farms. Owing to the influence of Arabs and so on, near Kano the tenures have a tendency to become far more definite than they do in the country districts. I should not say that there is such a thing as ownership of the fee simple in the English sense, but there is, no doubt, a tendency that way which is more marked near Kano than it is further away.

267. (*Mr. Morison.*) Is that due to crowding? Many of these questions do not arise when you have an abundance of land. There is no difficulty in giving a man security of tenure and depriving him of the right of sale, if there is an abundance of land of the same quality to be had in the neighbourhood?—Most of the farms near Kano would belong to big men in Kano, who would naturally wish to keep them.

268. (*Chairman.*) At the end of your memorandum you rather advocate the adoption of a more regular method of sale or parting with the use of lands by the Government to persons for the purposes of cultivation and so on. You say: "The sale of farms would be a good feature to preserve, the price being handed to Government, not going to the serikis of the towns as now. Practically the sale would mean taking out a licence to cultivate a particular farm, in return for which a title deed would be given, transferable with the consent of the Crown." That is practically the sale of the use of the land?—I should say that all of this was written without very much reference to what staff there would be available, and what money there would be available. These are ideals perhaps, but how far one would go depends very much on how big the staff is, and how much money there is.

269. (*Sir J. Digges la Touche.*) You do not advocate the transfer of the right of user with the consent of the Crown, do you?—Yes.

270. But you said that if once they had the right of transfer they would get into debt?—I meant trans-

fer in the sense of parting with the fee simple or the ownership.

271. That does not matter. Do you suggest that a man shall be able to transfer his right and put another man into possession?—When I say "transferable with the consent of the Crown" I simply want to guarantee to the tenant that his user shall not be interfered with as long as he behaves properly and pays his taxes. He would have a title deed to show that he had the right, and if the chief wished to dispossess him he would have to have some valid reason.

272. But that is not the question. The question is the question of his being able to transfer to another person the right which he gets by the title deed?—I simply meant transferable in the sense that another person could acquire it—that is all. I do not mean necessarily that he should be able to sell it for valuable consideration to a second person.

273. (*Mr. Morison.*) If you gave him a right which he could part with to somebody else, do you not think that the result would be that he would raise money on it, or sell it, and that you would have conditions very much like the conditions with regard to private property in land?—That would depend on how far it could be safeguarded.

274. (*Chairman.*) When you say "with the consent of the Crown," you take it that the Crown would not allow it to be so transferred?—I take it that it would rest with the Resident. I do not contemplate the idea of a man transferring at all for valuable consideration. I simply meant, one man having a farm, if a second wished for it, they could both go, as it were, to the chief, and the property could be transferred into the name of the second. If the person having "user" is, so to speak, a "tenant-at-will" of the State, I do not see that the first man has anything to sell to the second man.

275. The man might pay him for transferring the right of user or whatever right he had?—When I wrote that I was not thinking of that.

276. Would you prefer that the tenant should go to the chief and say, "Here is another man to whom I am willing to give up this land." Then there would be no sale or transfer. He would give up the land to the chief, and the chief would re-grant it to the other man?—It is done now, or it may be done. A man may receive valid consideration from another, and leave his farm and give it up to him. I have known cases of its being done.

277. You would not recognise that. You propose that he should give it up to the chief, and that the chief should re-grant it?—Yes, that is what I propose. I have mis-used the word "transferable," or I have not made it clear.

278. (*Chairman.*) At the end of your memorandum you speak of land being acquired for certain public purposes or trading purposes. Have you anything particular to say about that? As I understand you, you regard it as important that the Government should be looked upon, whether you talk of them as owners of the land or not, as having the power of making it legal to dispose of land. If the Government wants land for roads or telegraphs, do you think that the right course is for the Government to acquire land by the exercise of the power of supreme control which they have over the land?—Yes.

279. And compensate the owner?—There arises the question of who should be compensated. The native chief, no doubt, takes property or anything that he wants, and I do not think that he pays compensation as a rule.

280. Is it your view that the Government has stepped entirely into the position of the Emir?—Yes.

281. And that the Emir is out of it altogether?—Yes. I do not see any valid reason for compensating the Emir.

282. He has nothing to be compensated for, you think?—It does not seem to me that he has anything.

283. The Government, by its acquisition of the land, has stepped into the shoes of the Emir?—Yes, and would have the unearned increment.

284. What is the position of the Emir now in your view? Is it that he has no interest in the land whatever—that whatever interest he had has passed to the Government?—It is very difficult to say what position he is in at present. The theory with regard to the Fulani Serikin Muslimi would be that the land belonged to the Mohammedan community. That was their theory, and no doubt it would be so when we abolished the suzerainty of Sokoto, and it is a question to whom the land belongs, unless it reverts to the people of the different states.

285. Could you support the theory that the Emir has ceased to have any interest in the land other than such as the Government may allow him to have as an administrator under the Government, who has payment for his services to the Government, and retains a portion of the produce of the land?—I should say that the land reverted to the peoples of the different political units as soon as we stepped in and abolished the suzerainty of the Emir of Sokoto, and that each Emir is simply the trustee of the political units, of which he is Emir.

286. (*Mr. Strachey.*) I think it was held that when we stepped in behind the Emir of Sokoto we got his privileges with regard to the land?—My point is rather that he himself did not own the land, but that the whole Mohammedan community owned the land. I think that is the Mohammedan theory.

287. (*Mr. Cox.*) You think when the British Crown stepped in it succeeded to whatever rights the Emir had?—Yes.

288. They were not in absolute possession of the land, but in trusteeship?—Yes.

289. All that they got was the right to be in the Emir's shoes, so to speak, and to become trustees in lieu of the Emir?—Yes, exactly.

290. (*Chairman.*) From your reasoning, you think that he is not entitled to any compensation?—I do not think so.

291. And never was?—No.

292. But the tenant of the land, the actual user, would be entitled?—Yes, that rather seems to be dictated by humanitarian considerations. These people are poor people.

293. There is no right to it under native law?—No, but I think most Emirs would give poor people lands somewhere else if they required those people's lands for certain purposes. I do not think that there would be a specific right.

294. (*Mr. Cox.*) There was no code of laws reduced to writing?—No; it was the custom of the country.

295. Yes. All that could be said would be that under certain circumstances the Emir would act in such and such a way?—Yes.

296. And from the fact of his generally or very frequently acting in such an such a way, you say he practically came to be in the position of a trustee for his people?—Yes.

297. But there was nothing in the actual custom of the country or the law, written or unwritten, which would have prevented the Emir from acting precisely as he pleased if he was strong enough to do so?—Subject to revolution.

298. That is common to all states, civilised and uncivilised?—Yes.

299. There was no written or unwritten law which compelled the Emir to act as trustee, but it was the custom of the Emir to act in certain conditions in a certain way?—Yes.

300. As long as he did not violate the natural feeling of the community no objection was taken?—No.

301. (*Mr. Temple.*) The Emir was selected in the first instance by the people?—Yes.

302. (*Chairman.*) Have these Emirs large territories of land which they use themselves and cultivate by slaves?—I should not say large. Every responsible chief has a farm of his own. They vary in size. I know that in Kazauri, for instance, one of the chiefs had a very big farm, and formerly in Maradi, which is now French territory, the chief had very large estates.

303. His revenue would depend more on what he collected from cultivators of the soil than upon any property of his own?—Yes. Practically speaking, he had nothing in the way of private estates. His farm was a mere toy. He might grow less or more corn on it. His income was derived from taxes.

304. Would that income be more properly represented by what we call rent or tribute or tax or something of that kind. You understand the idea attaching to rent?—Yes.

305. Ownership of the land—payment by the tenant of a fixed sum as tenant of the land, and not as subordinate of the Emir?—Tribute rather expresses it.

306. (*Mr. Morison.*) What in practice is the proportion of the taxes which the Emir now keeps to himself?—He at present has a half.

307. (*Mr. Strachey.*) It varies?—Yes.

308. (*Mr. Temple.*) Do you mean the Emir himself or the native administration?—The native administration?

309. (*Mr. Morison.*) I meant the native administration.—One distributes in consultation with him. Half goes to the Government.

310. (*Mr. Temple.*) Do you think that the Protectorate is wealthy enough or is likely to be wealthy enough during the next fifty years or even more to bear the weight of a staff that would be sufficient to carry out a survey on an accurate method?—No, certainly not. I would like to say with regard to what I have written here, that it was not written with any particular plan in view. It was simply written generally with regard to what I thought were ideals to be aimed at rather than what could practically be done in the near future.

311. (*Chairman.*) We should like to have your experience a little with regard to native courts. Could you tell us what the character of the proceedings in the native court is? Who constitute the judges, so to speak, of a native court?—In the big Mohammedan cities like Kano and Katsena there is an alkali, a Mohammedan judge, and he, as a rule, has with him two or more muftis, as they are generally called. They formerly were under the control of the Emir, that is to say, the alkali was the Emir's alkali. There is a certain tendency now for the alkali to become independent of the Emir and to rely rather on the British resident for support in cases where the alkali is at variance with the Emir. There is a tendency for the judiciary to become independent of the executive. Nominally, I suppose, there is no appeal from native courts to the resident, but one could always, as the proclamation says, transfer a case, and in practice one makes a point of knowing what is going on, and if one hears that a serious miscarriage of justice is taking place, transferring the case.

312. Do you often exercise that power? Do you often interfere with the native court?—No, not now. It depends very much on the Emir. In the time of the ex-Emir of Katsena I had very frequently to do it. He endeavoured to influence cases for his own purposes. Each of these places like Katsena and Kano has in the district round a certain number of native courts—about twelve—which are nominally speaking under the chief alkali of the head town. Round Katsina there are twelve country alkali's courts. The natives are supposed to go to the country courts first, and if they do not obtain redress they go to the chief town.

313. Do they resort much to the native courts or do they come to you. If a native suffers what he thinks is an injustice, does he come to you?—As a rule they find it cheaper to come straight to headquarters.

314. And more effective?—Yes, but one tries to encourage the country courts.

315. Is there much vitality in those courts, do you think? Would they survive the inroad of British civilisation?—I doubt it. There are unfortunately very few people in the country who are really sound lawyers. The majority sit with a large pile of books in front of them, more for the sake of appearance than anything else. I think that they really go more by custom than by the principles of Mohammedan law.

316. Have you experienced much difficulty in proving native custom or ascertaining what it is?—Yes. One has to be very careful not to jump to conclusions.

317. What sort of evidence do you get?—I find that if one asks a leading question, or at least if one asks a question at all, one very seldom gets a reliable answer. I find that the only reliable information is, as a rule, information which is volunteered, or which slips out, as it were.

318. What do you say with regard to customs of inheritance, for instance?—What I say on page 35 I think is fairly reliable. There is a distinct difference between Fulanis and Hausas, but the tendency of all the native rules and customs seems to be to keep the property one and indivisible. That is the tendency I think.

319. (*Mr. Morison.*) Is that the tendency of the Mohammedan law?—Yes.

320. The Mohammedan law of inheritance, for instance, seems to me to divide property?—I meant the Hausa custom. I did not quite follow.

321. I thought that you meant both the Hausa and the Mohammedan?—No, they have opposite tendencies.

322. I beg your pardon; you say that it is true of the Hausa?—Yes.

323. But not of the Mohammedan?—No. Mohammedan law gives a share to the wives, and a share to all sorts of people.

(*Chairman.*) Thank you.

The witness withdrew.

(Adjourned to Thursday, 11th June, at 11.30.)

SECOND DAY,

Tuesday, 16th June, 1908.

At the Colonial Office, Downing Street.

PRESENT:

SIR KENELM E. DIGBY, G.C.B. (*Chairman*).

Sir J. DIGGES LA TOUCHE, K.C.S.I.
Mr. J. C. WEDGWOOD, M.P.
Mr. C. L. TEMPLE.
Mr. H. BERTRAM COX, C.B.
Mr. CHARLES STRACHEY.
Captain C. W. ORR.
Mr. JOHN ANDERSON (*Secretary*).

Mr. H. R. PALMER, recalled.

324. (*Chairman.*) I understand that you wish to add some observations with regard to what you said in your evidence about inheritance at page 151?—Yes. It is with regard to what was printed in the memoranda at page 35, about Hausa custom. There is apparently a distinction between the devolution of the right to control the property, the family land, and the devolution of the beneficial interest in the land. For reasons of policy there is a desire very often given effect to by a nuncupative will that the most capable member of the family should, as it were, manage the family estate, and so he steps into the shoes of his father or other relation as regards managing the estate, the family land, much as the heir did in Roman law. But he cannot deprive his brothers or sisters of beneficial interest in the estate. In one sense they are all co-parceners or joint tenants, but in another sense he has the management of it, and within certain limits can do what he likes.

325. Do you mean that that form of primogeniture is confined to the management of the estate?—There is no primogeniture as regards the beneficial interest in the land.

326. Not as regards the beneficial interest in the land, but as regards the management?—As regards the management, the idea is that they prefer to have the most competent member of the family. If the children are very young, undoubtedly the brother becomes the manager.

327. As to the beneficial interest that would go to them all?—That is divided between the children. In the case of Mohammedans the males get more than the females; that is all.

328. Is there anything else you wish to add?—I have used the word "divisible." As a rule there is no division made of the farms. They simply continue to hold much as co-parceners in England, or joint tenants.

329. They do not have separate portions of the land, but it is distributed amongst them?—If there is a lot of farms each takes a joint interest, and in the next generation it is again divided up, I think; but they do not actually divide the farms.

330. (*Sir J. Digges la Touche.*) It is not customary for them to divide?—I do not think so as a rule. There is no separate mark made or anything of the kind.

331. (*Chairman.*) At the close of your evidence the other day it was suggested that we should deal somewhat more fully with the question of assessment?—Yes.

332. I suppose we may take it that the law relating to assessment is to be found in the 1906 Proclamation?—Yes.

333. That now comprises the law applicable in Northern Nigeria?—Yes.

334. That, I understand, repealed altogether the previous law No. 4 of 1904?—Yes.

335 I see that on page 41 of Sir Percy Girouard's Memoranda* there is a quotation from Sir Frederick Lugard's covering despatch to the Secretary of State. It states the point very clearly, so I will read it:—

> "The essential difference between this Proclamation" (that is the Proclamation of 1906) "and the one it supersedes is that the former Proclamation was limited to land and produce, whereas this includes all forms of taxation known to the country, and makes any taxation not authorised by it illegal and punishable. While the former Proclamation was only a tentative one, with the object of securing to the revenue a certain proportion of the taxes on land and produce levied by the native chiefs, and did not in any way touch the nature of those taxes or restrict the power of chiefs as to the extent to which they might tyrannise over, or extort from, the peasantry, the object of the present Proclamation is to lay down limits to taxation by native chiefs, to define and legalise the various taxes, and to place them under the supervision of the administration, and at the same time to assign an adequate portion of the revenue so collected to Government. In his 'Memorandum on the Taxation of Natives in Northern Nigeria' mentioned before, Sir Frederick Lugard describes the provisions of the new Act: 'The system thus introduced may be briefly summarised. In the first place it has been my desire, while promoting a general uniformity in matters in which it is essential, that a common policy should prevail throughout the Protectorate, to give as large a latitude as possible to the varying conditions of each Emirate.'"

Do you substantially agree with that statement?—Yes.

336. Now to take the language of the Act itself, it begins by reciting:—"Whereas heretofore in the Protectorate tributes, rents, taxes, and other dues have been levied and collected according to native custom by certain chiefs". Am I right in supposing that that preamble rather points to this: that what is to be aimed at is the ascertaining of what rents, taxes, and other dues have been levied and collected according to native custom by certain chiefs. In the next paragraph it goes on: "Whereas it is considered advisable to legalise and regulate the levying and collection of such taxes and dues aforesaid, and to promote such uniformity of taxation as may be possible in the Protectorate." Is the first object of the proclamation to ascertain what taxes and other dues have as a matter of fact been collected, to regulate their collection, and as far as possible to produce uniformity of taxation?—Yes.

337. Those two things are rather different. You have a great variety of taxes?—Yes, we have.

338. As a resident, is your first object to ascertain what, according to native custom, the taxes are?—Yes.

339. What native customs there are, what the amount of the tax is, and on what principle they are levied?—Yes. It has taken us all our time hitherto to find out that.

340. You have not got to the stage of promoting uniformity?—No, not in Kano.

* Appendix I. *supra.*

341. I am speaking of the province of Kano—your own province?—They deliberately endeavour to disguise and conceal the taxes as much as possible, and it has taken us four years to really get a very fairly accurate idea of how much the taxation is.

342. (*Sir J. Digges la Touche.*) With regard to previous taxes there is a section here, 23, that prohibits the collecting of any tax except in accordance with this proclamation, and section 4 of the proclamation seems to lay down only one tax; that is on the annual value of the lands and produce, or on the annual value of profits or gains from trade, manufacture, and so on. The assessment of the tax is made in that way, and the amount of the tax is fixed by the High Commissioner, say 10 per cent., or whatever it may be. But as far as I understand you are not obliged, under this proclamation, to inquire what were the previous taxes at all?—No, we are not in theory, but in practice we are. Hitherto, in Kano province, our whole taxation has been simply what we considered had been collected by the native rulers. We have made no attempt hitherto to introduce any fresh system of collection.

343. Have you established that as a valuation? Do you try to work it under this proclamation, or do you perpetuate the old taxes? Do you consolidate the taxes?—Up to the time I left we had not interfered with the old method of collection of the taxes at all, except in this way: Formerly they were all collected by tax gatherers, who went out from the chief town and collected from every village, and then came back to the chief town. Now we have made every chief of a unit, that is, of a town, territorially responsible for all the collection of all the previous taxes in the unit. That is the only difference that there is actually in practice.

344. (*Sir J. Digges la Touche.*) It seems to me to be quite contrary to the provision.

345. (*Chairman.*) That is rather the point that I wanted to get to. Let me see if I have drawn the right inference and come to a right conclusion with regard to what I have read. If I understand Sir Percy Girouard rightly he would quite agree with Sir James la Touche that you have not yet got to the stage of carrying out, according to their terms, provisions 4, 5, 6, and 7, that is to say, of altering and simplifying the mode of assessment, but that you have only got as far as ascertaining what the taxes are to which the people are accustomed, and on what principle they are regulated. You are devoting your attention mainly to collecting those taxes in a just and proper manner, preventing extortion, and so on, not yet having got to the stage which has been reached in Burmah, India, and elsewhere, of consolidating the taxes or of simplifying them, substituting a single tax or a simple mode of taxation for these miscellaneous taxes. Is that right?—That is so. We are not told definitely in this proclamation what we are to collect.

346. (*Captain Orr.*) Paragraph 6 of the proclamation says most distinctly that the assessment of tribute and taxes, so far as circumstances will permit, shall be in accordance with native custom and tradition?—Yes.

347. That gives latitude?—Yes.

348. (*Chairman.*) At this point I would rather like to refer to what Sir Percy Girouard says in his memoranda. Will you turn to page 48. I think that he answers the question which has been raised: "The principles adopted for the purpose of assessing land revenue in Northern Nigeria have been as follows: Where it existed the native assessment was taken as the basis of the valuation of the land revenue. A native system was found to be in operation in all Mohammedan Emirates except Sokoto, which had no land revenue system. It existed in none of the Pagan provinces. As time permitted, residents were enjoined to visit every village, amalgamate them into districts and fix the land revenue. The procedure for residents is laid down in paragraphs 4, 5, 6, and 7 of the 'Native Revenue Proclamation,' and more particularly in the words 'The principle on which the estimate or valuation of land shall be made shall be the amount of produce or profit which can be annually obtained from, and the number of live stock that can be annually raised and supported on such land, by a person cultivating and using the same in the manner and up to the average standard of cultivation and use prevailing in the neighbourhood.' Owing to the limited staff available in the provinces, their want of knowledge in agricultural matters, the lack of previous records, or of a land measure of any kind, the assessment provisions of the proclamation have not, so far, been applied in their entirety. In those provinces which have a native assessment, and more particularly Kano and Zaria, residents have rightly made no move towards a revision of the native system until they ascertained what the system in vogue was." That seems to me to be a very important statement. "In so far as I can gather, it has been found that in both these provinces the native system is based upon the profits made out of the land. Possibly it may be advisable to continue on the existing system, under the careful revision of the residents, and this is what I intend to convey when I used the word 'resident's assessment.' At the same time delay in the revision of such assessments, though unavoidable, should be remedied at the earliest possible moment. In Kano, for instance, a district which was returning only a few hundred pounds in revenue, has been valued for land revenue purposes at many thousands, the latter sum having undoubtedly been collected by the native authorities." The province of Kano is, I suppose, one of the most advanced?—Yes, from the point of view of native taxation.

349. You have there the elements of a fairly complete assessment?—Yes.

350. You know what taxes the native ought to be expected to pay if he is not subject to extortion?—Yes, we do now, fairly well.

351. Up to the present time you have left that system in existence, and you have done your best to collect the taxes according to that principle?—Yes—to see that they are fairly collected without extortion.

352. You have not advanced towards simplifying the system of taxation or substituting one or more general taxes for all these various taxes?—Our view has rather been with regard to taking the native figure that it is much more liable to be a just and right amount of taxation than if we ourselves tried to assess. We rather doubted whether we were competent to do it.

353. In other words, if that was to be done by you it would require a very much larger staff?—It would require a very much larger staff, and it would have to be done scientifically. For instance, if you go out to assess a town, you see a vast amount of cornfield, but you have no clue as to where the boundary of one farm ends and another begins, and the land is unsurveyed. We consider that we are more likely to be right by taking the figures given by natives and checking them with other natives—with the Emir in particular. We think that we are more likely in that way to arrive at a just assessment than by taking an arbitrary standard of our own with defective information of the conditions and value of the land. It has remained in that way to the present time.

354. You have not got beyond that stage?—No.

355. (*Mr. Wedgwood.*) Is there any clear idea in your minds when you make these assessments that the amount of tax collected annually from any particular unit should be the annual land value? Is that what you are working on when you talk about land taxation?—Roughly speaking, from the native point of view as regards the land there are two taxes—the land tax per farm, which I suppose was originally a contribution from the various members of the family to the head of the family and also a tax which they call zakka, modelled on the Mohammedan tax, but which is not now in practice, one-tenth of anything. It is an arbitrary amount of corn from each field paid in addition to the land tax.

356. But I take it from the Proclamation of 1906 that you are trying to get back towards the definite basing of your taxation on the annual value of the profits or gains from any trade, manufacture, office, or employment in which the members of a community or of an unsettled district may be engaged. "(*a*) The annual value of the lands and produce in each community from which tribute and taxes have been paid under native custom to any chief, or which are used,

occupied, or enjoyed by an unsettled district." That amalgamates the zakka and the land tax, does it not?—It does, and we have done that. We have in certain districts abolished the zakka altogether and made a compound between the zakka and the land tax. But then there are many other taxes which have nothing to do with the land. There is a tax, for instance, on dye pits and many other things. In Katsina there are 26 different taxes I think.

357. When you are assessing a unit do you find out what the total of the zakka and the land tax and all these other taxes is for that particular unit, and compare it with the combined result from other units? Do you raise one or reduce the other?—Yes. Hitherto what we have done is: first of all we would ask the district headman to make an assessment of all his towns—so many farms, so much money. Then we would take that to the Emir and ask his opinion on that, and whether he considered, from his knowledge of the people and of the country, and the richness of the farms, and so on, that it was a fair amount to be paid. If he said that it was, we accepted that as being a just figure, and that is what is called here a "Resident's assessment" with regard to Kano province.

358. That is a lumping together of all the taxation?—Yes, but preserving the incidence as it was.

359. Do you mean the incidence between town and town?—No—between every farm.

360. Between individual and individual?—In each of these Mohammedan provinces there is so much tax per farm. A farm is rather a vague thing. It practically means so much per household—that is what it comes to. It may be 4s. or 5s. That is what is called the Kurdin Kassa or land tax. I think in Zaria it was on the "hoe," so much per "hoe."

361. According to the value of the land?—No, so much per worker, or as in England, so much on the man employing the plough.

362. Would that mean that good land paid more than bad land?—No, so much per farm. It is very vague altogether. The zakka on good land would be more.

363. (*Chairman.*) Would you take Section 3 and explain it to us, because we are not all familiar with the phraseology. "(*a*) As tribute payable by any community or unsettled district within the province." What would be the tribute payable by any community? Community is defined just above?—By "tribute" I should say is primarily meant the taxes from Pagans.

364. It would not apply to Mohammedans?—It is very difficult, I think, to define terms. I should understand by "tribute" the contributions of feudal inferiors, as it were, to superiors.

365. Would that be distinct from the taxes specially mentioned just below?—No distinction would be drawn between them in the Mohammedan provinces.

366. Would "tribute" include the tax known as zakka?—They would call all by the same native name.

367. I only want to know whether there is any specific meaning to be attached to the word "tribute" which is used in the proclamation?—I think so.

368. (*Captain Orr.*) I think that Sir Frederick meant tribute from pagans. He says particularly, "Community or unsettled district"?—Yes, I think that he would mean that.

369. (*b*) is "As taxes payable by any native or natives residing or being within the province, and known as Kurdin Sarauta, Gaisua and Jangali"?—Yes.

370. (*Mr. Wedgwood.*) Is the tribute what you would call taxation only levied on the native community? Is it the same as taxation or rent?—Yes. I should draw no distinction between the three as used in the proclamations and as used by us. One cannot insist on the English definitions. They are used almost indiscriminately.

371. (*Chairman.*) I think that Captain Orr's explanation of it is probably correct?—Yes.

372. It is a tribute, as I understand, or a payment by a Pagan community to a Mohammedan?—The term would apply more appropriately to Pagan areas.

373. (*Mr. Wedgwood.*) Is the tribute not paid to the resident in any case?—Yes, ultimately.

374. (*Mr. Temple.*) We include all these under the term "tribute." They are differentiated in the proclamation, but we should term them "tribute"?—Yes.

375. (*Sir J. Digges la Touche.*) Where a resident's assessment has been made all the other taxes cease to have validity, do they not? They are included in the resident's assessment?—Yes, that is so, where it has been done.

376. (*Chairman.*) How far has it been done?—Nothing has been done in Kano except that the zakka and the land tax, or Kurdin Kassa, have been merged, and there is one single tax on each farm instead of two.

377. Has less been done in Kano in the way of simplifying taxation than in other provinces?—I am afraid that I do not know.

378. If less has been done in Kano than in other provinces in that respect, the reason is because you have a more complete and more highly developed system of taxation in Kano, is it not?—Yes.

379. A system, therefore, more workable and more ready to the hand?—Yes. It presents a good many differences in detail in different parts of Kano. There are considerable differences in different districts.

380. To sum this up, because it is a very important question, may we take it that in Kano little or nothing has been done towards what I may call the unification of taxation—towards getting rid of a number of separate taxes of varying character, and so on, and unifying them or simplifying them into one or more general tax or taxes?—Practically nothing. Very little has been done.

381. (*Mr. Wedgwood.*) But is it your aim to reduce them to the single tax?—Ultimately, but at the present we cannot proceed very rapidly.

382. You are not trying to stick to the present system?—No. We cannot help ourselves at present. One thing which I would like to say about all these taxes is that the idea of taxation to the native is more of a tax on the family than a tax on the individual. He is concerned with the family, and he rather resents taxes on the individual.

383. He does not like an inquiry into the number of his wives?—No. He does not like that.

384. (*Chairman.*) Perhaps the better way of putting it is this: you, for your purposes, when you are dealing with the Emir or the chief, whoever he may be, treat all these various taxes more or less as amounting to a single fund to be dealt with, if I may say so—that is to say, as if they were a single tax, but when it comes to the actual collection of them by the district headman or by the village headman, he still collects them in the form which the natives have always been accustomed to?—Yes, that is just it. The Emir comes to me, for instance, and says: "So-and-so, the head of a town, has not paid his taxes."

385. Let us take a fixed sum. Supposing that it was a pound, the Emir would say, "He has not paid his taxes, amounting to one pound"?—Yes. Then I deal with the village headman. If a *villager* comes to me and says: "I have had two sheep" or "three goats taken from me, which is in excess of the right amount," then I look into the native assessment, and see whether under the native assessment the village headman has collected too much or too little.

386. Under what head would he collect the two sheep or the three goats?—It might be almost anything. It could be in shillings—I mean for any tax.

387. When you went to the village headman he would say: "I took it for one of the special taxes?"—Yes. The tax is a definite amount, so that you have a check on the village headman, whereas if you have a lump sum for the whole village you leave the incidence of the tax in the hands of the headman entirely.

388. The important point with regard to these taxes, from the point of view of good government, humanity, and so on, is that you may have a check upon the headman of the village. When you bring him to book he may say, "I took this as such and such a tax, because he owed so much under that tax." Then you

refer to your records, if you have any, or your traditions, if you have not, and you see whether the two sheep or three goats were too much in that particular case?—Yes. I think that there is a good deal to be said for it, on the ground that one has some check.

389. (*Mr. Temple.*) In your native records is there a statement as to the amount to be paid by each family?—No, but they have a statement as to the amount due per farm, dye-pit, trade, etc.

390. For each person?—Yes.

391. With regard to the case of the sheep and goats, could you trace an individual's indebtedness in your native records?—Not the total amount that he is liable to pay every year—but the "rate" is constant.

392. What is the unit in the native record?—A tax per head or per dye-pit, or whatever it is. "So many people pay," is entered in the native record.

393. My point is that it is very hard to protect the individual. Can you protect the individual by your native records?—I think so, fairly well, under this system. If a man owns 20 dye-pits, and his village headman collects for 50, if the man comes to the resident to complain, it only means going and counting the dye-pits. It is a very ready method of arriving at what is proper. The same applies to plantations, etc.

394. (*Mr. Cox.*) May I take you back for a minute or two to this proclamation? Section 3, Sub-section B, says: "As taxes payable by any native or natives residing or being within the province and known as Kurdin Sarauta, Gaisua, and Jangali." What is "Kurdin Sarauta"?—It is really a fee paid on a man's succeeding to office, much the same as the fee payable on a patent of nobility. It is the same sort of thing.

395. What is "Gaisua"?—That is nominally and in theory a present made from an inferior to his superior; that is to say, from a feudal inferior to a feudal superior.

396. For services rendered?—In theory it is a voluntary gift.

397. (*Chairman.*) Benevolence?—Yes.

398. (*Mr. Wedgwood.*) Does it partake of the nature of a heriot or rent in any shape or form?—No, I do not think it means anything but that you salute the recipient. You do not come empty-handed—that is it.

399. (*Mr. Cox.*) Under what circumstances is Gaisua given, and to whom?—It is simply a present.

400. A present from an inferior to a superior?—Yes, and on no special occasion. For instance, any ordinary man may come——

401. When a European comes to a village and the chief presents him with a goat, that is Gaisua?—Yes.

402. What is Jangali?—That is a tax which is paid on cattle. It varied a good deal in amount in different parts of the country.

403. Under what circumstances is it paid in respect of the cattle?—It was a tax paid in former times by the owner of a herd in the native sense. For instance, the Emir of Kano would have under him a certain number of Fulani chiefs. Each of these men would have a great many herds under him. Jangali is a tax paid per head of the cattle to the chief of the herd.

404. To the chief?—To the chief, and then from the chief to the Emir.

405. Does the chief take any of it himself, or does it all go to the Emir?—In practice, I should say he does almost invariably.

406. As payment of the cost of collection?—On the general principle there with regard to everything.

407. I thought that it might be like poundage on income tax, or something of that kind?—No. I do not think that it is that.

408. (*Mr. Temple.*) He is entitled to a certain amount?—Yes, under the proclamation now, but I thought you meant under the old system.

409. (*Mr. Cox.*) I am speaking of the old system. I want to get, if I can, first of all, at what prevailed before this proclamation, and secondly, at what prevailed after?—I do not know that formerly he had any *right* to any special amount, but now he has under the proclamation.

410. Is there a recognised right in the case of Jangali, which is a tax paid on cattle, for the collector to take some portion of the tax for himself; that is to say, certain cattle for himself?—That is a rather difficult question to answer. I suppose that it is so in other provinces. In the particular province where I am, the district headmen are the *collectors* of Jangali as well as the collectors of all other taxes—that is to say, we have made each district a complete unit in itself for Jangali and every other purpose, but it is not so in other provinces, I understand.

411. Let us keep it to your province, where you have most experience. Jangali, you said just now, was a tax paid on cattle?—Yes.

412. And paid in kind?—Generally paid in kind.

413. That is to say, certain cattle were handed over by way of taxation to the Emir?—Yes.

414. They were collected by the sub-chief?—Yes, the sub-chief.

415. And he had under the custom or law of the province—whatever you may call it—the right to take certain of those cattle which he collected for his own use?—I should not say he had the *right*.

416. He did in fact take them?—Yes.

417. I used the word "right" because you said just now, I think, that it is recognised?—Everybody would know that it went on, but I do not suppose the Emir would admit it.

418. It is done by tacit consent of the Emir and the people?—Yes. In my particular province it so happens that nearly all the district headmen were, before we introduced this change, also big Fulani chiefs, so that no injustice had to be done. In other districts it might not be so.

419. I am not suggesting that injustice is done to anybody, but I want to know the nature of the payment, taking it generally?—But that point is rather important with regard to putting Jangali on the same footing as the other taxes.

420. Section 15 was a consolidation of these various dues, as I understand?—Yes.

421. (*Chairman.*) As I gather, neither Section 15, nor a great many of the other provisions, has in fact come into operation?—Not in Kano.

422. (*Mr. Wedgwood.*) Has not Section 15?—Yes.

423. (*Chairman.*) Section 15 is: "Every recognised chief in the receipt of tribute or taxes under this proclamation shall at such time or times in each year, as he may be required by a resident so to do, pay and deliver to such resident one moiety or such other proportion as the High Commissioner may from time to time determine of the amount received by him as tribute, one moiety of the amount received by such chief as Kurdin Sarauta and Jangali taxes, and the total amount received by him as Gaisua or suzerainty tax"?—A half share of what is collected is paid to the Government.

424. (*Sir J. Digges La Touche.*) He has to give up the whole of Gaisua?—In Kano we do not acknowledge Gaisua at all. Officially we do not regard it.

425. (*Mr. Cox.*) Does it not exist in Kano?—To a very small extent.

426. Is the quantity of Gaisua collected in Kano so insignificant that it is practically negligible?—Yes.

427. (*Chairman.*) You cannot speak for other districts?—No, I cannot.

428. (*Mr. Strachey.*) Section 15 is perhaps the most important thing in the whole proclamation from the point of view of revenue. That is the section under which we really get the money. It is in force everywhere?—Yes.

429. (*Mr. Temple.*) Do you think that the present system, as carried out by the proclamation, tends to the establishment of a graduated income tax? When that is carried out, will it tend to the establishment of a graduated income tax more or less?—You mean if *ideally* carried out?

430. Yes, if ideally carried out on those lines?—Yes, if it was ideally carried out, but I do not see how with the present staff it could be.

431. But do you think it would have that tendency?—Yes, if it was ideally carried out, but I do not think it could be ideally carried out.

432. (*Mr. Wedgwood.*) On that point, would it not rather tend to be the collection of rent under the name of a tax, and be simply no income tax whatever, but solely the collection of rent by the State and the devotion of the money so collected to national purposes?—Yes.

433. It is not so much in the nature of the rich man paying more, as of the man who has the more valuable land paying more?—Yes.

434. The rich man would pay more if it was graduated income tax?—Yes.

435. (*Sir J. Digges la Touche.*) Jangali is 4 (c) of the proclamation?—Yes.

436. (*Chairman.*) It is not confined to flocks and herds in modern times?—Not now to nomad flocks.

437. (*Mr. Wedgwood.*) The point that I want to get at is that you do not agree to the idea of the graduated income tax?—My point is this, if I may explain: I do not think that any, or I will not say any, but I do not think that the average person is capable of going to a large native village and assessing a graduated income tax. If I myself was told to do it, I should be in despair. I do not think I could do it, and I think that very few people could do it: in fact, I do not see how it could be done with the present staff. We have had two political officers in Kano Emirate during the last few years to look after two millions of people. Under the circumstances it is quite impossible.

438. (*Chairman.*) Under the circumstances you say that you can only accept the native assessment?—Yes, accept the native assessment, and check it wherever we can

439. Now we come to a rather different group of sections, 8, 9 and 10, which deal with the organisation of districts, and so on, and the process of collection. How far has a new state of things been introduced by those sections? Section 8 is the formation of districts, 9 is the appointing of a district headman and village headman, and 10 is the duties of the district headman?—In the Kano Emirate it has been done in the letter, in Katsena Emirate it has been done in the letter and in the spirit more or less, and in Katagum it always was done.

440. Does this operate by way of recognising something already existing? Were these district headmen already chiefs of the particular districts, and do you recognise them as satisfying the requirements of the section, or are the appointments new appointments?—The state of things which it was designed to remedy was this: formerly the big chiefs lived in the big towns like Kano, and they were absentee landlords. They owned towns which were scattered about. One town would be east, one town would be west, another would be north, and another south. Sir Frederick Lugard's plan was to form districts with towns belonging to one chief, all grouped together, and that the chief should reside on his estate for half the year, and in the chief town, like Kano, for the other half of the year. The actual division—the actual change from the old system to the new—has been completed throughout the whole province with varying degrees of success. In Katagum they had never ceased to reside at their towns. In Katsena it has been carried out in the spirit and letter. In Kano it has been carried out in theory, but the place is so big that it has not been really successful yet. The headmen had not actually gone out and resided, when I left.

441. Were these headmen in the position of chiefs and subordinate chiefs before. Have you recognised persons who were in that sort of position before the proclamation came into force, or have you appointed new people?—For the most part the same class of people are still in office. They have been, more or less, weeded out. Some of the titles have been abolished or have been allowed to lapse. Most were really simply Court officials, *e.g.*, the Wazir. There were a number of tites. In Katsena there were 73 different titles, and each man holding a title had certain towns and certain land. Some of these titles have been retained, and some of the titles have been simply done away with. So that the theory is that you have the Emir in Kano with his various councillors, his chief men who have each a district in different parts of the Emirate, and they go out to reside and come in. That has been done, or is in process of being done.

442. How does it work?—Very well, I think—at least it promises to work very well, if the staff is large enough to keep these chiefs in check. There is rather a tendency for them to be inclined to become independent.

443. Section 9 says "a Resident may from time to time appoint chiefs or other suitable persons to be district headmen and village headmen." Is it the practice to select persons for that purpose who were not in a position of authority to begin with?—No.

444. Would you prefer a person who was in a position of authority?—We should prefer a person of some standing.

445. What would be the relation of these people? Next to the Emir comes the district headman, I suppose?—Yes.

446. And the district headman hands to the Emir the produce of his district?—Yes, or he ought to have done so. One of our difficulties was this: In process of time the head slaves of these Emirs had got into a position where they interposed between the free district headman who was a man of birth, and the Emir. Affairs in Kano had got to such a point that the head slaves were all-powerful and the district headman a mere cipher. We are trying to fight against that now and to counteract it.

447. What is the position now. Is there any person in a position corresponding to that of the head slave?—Yes. The Emir's household officials. I am afraid that in Kano up to the time I left the position had not been very much improved. It is very difficult.

448. (*Mr. Cox.*) The legal status of slavery has been abolished in Nigeria?—Yes. The "Head Slaves" never were *slaves* in any real sense. They were very powerful.

449. Technically free?—In the native sense, I mean, they were slaves.

450. The native does not see very much difference between the man now that he is free and the man when he was a slave?—No. It was regarded as a great honour to be a Head Slave.

451. But as a matter of fact the man is a free man?—Yes.

452. (*Chairman.*) Legally free?—Yes, since the British occupation is free in every particular—and even before was practically so.

453. There is no such thing as slavery?—No. I simply used the word "slave" in the native sense, it means high official of the Emir's Household.

454. Now with regard to the village headman, I suppose that he is the man who actually has to get the money from the taxpayer?—Yes.

455. Is one of your principal difficulties met with in dealing with the village headman?—The difficulty is to get him to stand up against the old Jakadas or tax gatherers. Formerly the Jakada or tax gatherer belonged to the Emir, but since that has been done away with in that capacity, he, as a class, has attached himself to the district headman, the territorial magnate that we have created, who prefers to have the taxes collected by the Jakadas. The difficulty is to get the village headman to be sufficiently strong to collect his own taxes, and not to allow these men, who are the servants of the district headman, to come in and collect his taxes for him and put him on one side.

456. (*Mr. Wedgwood.*) Have you any record in your books of what the village headman ought to pay?—Yes. We have a list for each village.

457. You know what each ought to pay?—Yes.

458. Is the trouble that if he does not collect the tax the Jakada does it instead?—That is the form which the trouble generally takes. The village headman comes to us and says, "I am willing to collect the taxes, but they will not pay the taxes to me. They will only pay them to the Jakada." The natural remedy is to say: "We will make the Jakada the village headman"; but the Jakada himself does not

like that. He will not agree to that. The point is that you have a clique, viz., the governing class. In Kano it is specially large. There are thousands of men who formerly were the myrmidons of the Emir, and who collected the taxes. Under the new system you displace them all. They have nothing to do, and they roam about the country, or they are inclined to do so, and they are very much in the way. That is the great difficulty in Kano with regard to changing the system of taxation and introducing this new system. A very large proportion of the population of Kano are of this tax-gatherer class—the upper classes. In fact, I know one little town which has a hundred tax-gatherers—Dan Zabua.

458*a*. (*Mr. Temple.*) Do you think that the present system that we are introducing will correct these abuses?—Yes, if it can be carried out I think it will, but a great point is what is going to become of the Jakada, because he seems as if he will not settle down.

459. (*Chairman.*) I think that you have covered the ground now very thoroughly. Have you any definite views of your own which you wish to put before us? Have you any definite suggestions to make as to assessment or otherwise?—I believe in the retention of the native system for the present, as has been done in Kano, unless there is to be a very very large increase in the staff. I think that on the whole it will work much better, and will provide much less opportunities of extortion than if a new system is started.

460. (*Mr. Cox.*) Stating it in as brief terms as possible, what would you recommend that system to be? Who would collect the taxes?—The native Government as before—the district headman for his district and the head of the town under him. He is responsible for the unit. I would work the whole thing on a territorial basis, the local headman paying to the district headman, and the district headman paying to the Emir. The Emir would collect and pay to the Government, receiving a fixed salary for himself and his officials.

461. (*Mr. Wedgwood.*) Each of these people would retain a certain portion for their own local government, so to speak?—I would not put it in that way. I would say that the Emir should pay them a certain sum for their services. There is a distinction between their retaining it and the Emir getting all the money and then paying them a salary.

462. (*Sir J. Digges La Touche.*) Possibly the Government would not get much of the tax?—Exactly.

463. (*Mr. Wedgwood.*) Is it not understood that Sir Percy Girouard's object is to find out what the revenue will amount to definitely over a few years, and then to allow these headmen and Emirs, not a percentage of what they collect, but a fixed amount under a definite Civil List based on the average for a certain number of years?—Yes. That is my point with regard to your last question.

464. Gradually the percentage system will go to the wall, and the Civil List with definite proportions will take its place?—The Emir of Katsena suggested that himself before I came away. He said that it would be better to pay a fixed salary .

465. (*Chairman.*) Do you think that that will be accepted?—Yes, I think so.

466. You do not see any danger of the Emirs and district headmen and so on becoming intermediate landowners?—Not unless they acquire some power of dealing with the property as owners, which at present they have not got.

467. That resolves itself into a question of tenure?—Yes.

468. (*Mr. Wedgwood.*) It would also be obviated, would it not, by giving them a fixed salary instead of a percentage?—Yes. I think that it would be very difficult for some years to absolutely fix the taxes. There is so much migration that the tax varies from year to year, and as regards auditing the taxes or anything of that kind it is very difficult to draw up a revenue book and say, "These are the taxes."

469. (*Chairman.*) "These are the taxes, and they shall be the taxes in three or five years' time"?—Yes.

470. You think that you could not have a periodical settlement?—I think that for a year or two yet it is advisable not to commit oneself, because we are really only beginning to know the truth. The Emir of Kano deliberately disguised the taxation for the first year or two—in fact, the Emirs all over the country did.

471. Do you think that you have now a good deal ascertained the facts?—I think so. I think that, roughly speaking, we have now arrived at about the truth.

472. You feel pretty confident that you know what taxation the people can properly bear?—Yes, I think so, roughly speaking. There is a point with regard to the taxation formerly paid, which is rather misleading. They do not always pay in cash. A village may be said to pay so much, but a large proportion of that is paid in kind, in entertaining the tax gatherers and in entertainment of chiefs, and so on; and I think with regard to Kano it will be found that it will not be possible to realise in cash as much revenue as it is rightly assessed at under the old native assessment.

473. Do I understand that you do not contemplate anything in the near future beyond ascertaining what are the existing taxes which people should properly pay, and taking care that those taxes are collected as far as possible in a proper manner?—Yes. It seems to me that with the present staff we cannot go very much farther than that.

474. That you cannot take any further steps in your view towards simplification of taxation?—Except minor steps. I suggest for instance the merger of the Zakka and the land tax. Then I think that we might merge some of the other taxes gradually, but I think it would be a mistake in Kano to say that we assess the village at so much, according to wealth, leaving the headman to settle the incidence of the tax. That is really the point. I am sure if that was done we should have no check on what was going on. They would simply tax people they did not like, and the people they liked would pay nothing. In other words their own families would pay nothing.

475. Supposing that there was a case of a village headman who exacted too much and a great deal more than he paid over to the Government, taking far beyond his proper share. What chance would there be of finding that out and of being able to prevent it or remedy it?—At present they know exactly what they ought to pay. It is so much per farm. It may be 4s. in the district or 3s. They know the rate at which each farm is taxed, and if the local chief or village headman wants to make a man pay 6s., that man comes to the resident or the Emir and complains.

476. He does at the present time?—Yes, he does, because he knows what he ought to pay. Again, under a system of lumping the taxes, unless every individual was told what he had to pay there would be no check of that kind.

477. (*Mr. Wedgwood.*) I want to know about the selling of houses in Kano with regard to which you gave some evidence last time. Do you know whether houses have actually been sold, and if so, how do the sales come before your notice?—I cannot say that a case has ever come into court, but I do know that houses are sold and I do know that they are the private property of individuals.

478. I suppose that there is a certain amount of vacant land in Kano, that is to say, land not built upon?—Yes.

479. Is that land transferred from owner to owner?—No, I do not think the land is the subject of ownership, but the house is.

480. Merely the house?—Merely the house.

481. And the wells?—I should say the wells, but I am not sure about that point.

482. If you wanted to put up a new house in Kano, would you purchase the land in any way?—No, you would ask the Emir. He would have the disposal of any land not built on. You would ask him if he had any objection to your building a house. If he said no and you built the house, the house would belong to you.

483. And the land?—I do not suppose that point of view has ever occurred to the native.

484. Has the case ever occurred where the Emir has said "You must pay me a quit rent of so much a year for the right to put the house there"?—I think not. I have never heard of a case. I should

say in general that every native's house belongs to him. On each farm they build houses. The distinction between land and houses is drawn much in the same way as, in Sir Kenelm Digby's book on the history of real property, he mentions to have been the case among early Teutonic communities.

485. The Emir's permission is required for the building of a house?—Yes, the Emir's permission is required.

486. Once you have that permission you have a permanent right to sell the house or to bequeath it?—Yes, I should say so—to do what you like with it.

487. That does not extend to any land not actually built on?—No.

488. It would not cover land used for garden purposes or agriculture?—I should not say so, but it is approximating to that. As Captain Orr says in one passage, "A change from family rights to individual tenure is in process." On page 87 you will see "The Hausa States appear to me to be at this moment passing from a purely patriarchal system direct to a system of individual proprietorship in land by a natural evolution." I think that is very true.

489. You regard it as advantageous to keep to the patriarchal system or the collective system of ownership in the land in the country?—Yes, as regards the land.

490. Do you think that it is advisable in the town, or do you think that individual ownership is necessary?—I think that before long there will not be any towns. The tendency is now for the towns to become deserted and for all the people to go to live on their farms. As regards the ownership of a house. I think it is just the same in the country as in the towns. Every native, I think, owns his house. In early days a house was only built of straw, and would be a moveable thing, and in many cases it is now.

491. (*Mr. Cox.*) The natives are going back to the land?—Yes, decidedly.

492. (*Mr. Wedgwood.*) There is another point that I want to get at. No land has ever been sold round Kano, I suppose, so that you do not know the price of land round there?—No, I have never heard of land being sold.

493. Can you form any estimate as to the value of land per acre within, say, half a mile of the walls of Kano?—I do not know about the value near the walls of Kano.

494. I want to know whether anybody knows the value of the land?—The annual value of a farm in a good position some distance north of Kano I calculate at about £4 per acre.

495. That is the capital value, not the annual value?—The annual value of the crop.

496. What proportion of the annual value of the crop is taken in taxation?—About 5s. for Zakka would be taken and another 4s.—about 10s.

497. (*Sir J. Digges La Touche.*) 10s. an acre?—About. Perhaps 8s. would be better.

498. (*Mr. Wedgwood.*) That is one-tenth of the value is taken in taxation with regard to the particular farm?—Yes.

499. Do you think that that proportion is maintained for other less valuable farms?—I should say so. I should say that the proportion is about the same.

500. Do you aim at keeping the proportion about the same?—I think that one-tenth is about their figure. It has the influence of the Moslem taxes.

501. Ten per cent.?—About that.

502. (*Mr. Strachey.*) We must remember that that includes rent, when we say that that is taken in taxation?—Yes.

503. It might be misleading to call it taxation merely?—Yes.

504. (*Mr. Wedgwood.*) Yes. You say that the value of the crop is £4 a year?—That is the estimate of the value of the bundles of grain produced.

505. Supposing that the land was let for agricultural purposes you would not get a rent for that of £4 per acre. You would probably only get 10s. as rent, and the rest would have to go in labour and seed?—Yes, exactly.

506. £4 is the value of the produce. The amount of the rent would probably be about the same amount as you take in taxation?—Yes.

507. So that practically, with regard to agricultural land, you take the rent as taxation?—Yes.

508. In the towns you do not do that?—No, unless land in a town amounted to a "farm."

509. Then is it not unfair between the country and the towns. You take the whole land value in the country, but in the towns such as Kano the Emir does not charge anything. He gives permission to a man to build a house or to put up a shop without charging any rent or without taking any tax from him?—Yes.

510. If a man lives in a house he pays nothing at all—no land tax, no Zakka, no Jangali—none of these taxes?—But then he is sure to have a farm outside. It is merely the house in the town. The town wall is simply built to prevent the inroad of other people. A large wall is built. It is probably built before the houses inside are built.

511. Do you not think that it would be advisable to charge the tax in the towns as well as in the country?—I think that we shall be forced to guarantee to people, in some way, their houses and the land they are on, but no distinction ought to be made between "town" and "country."

512. The only way in which to guarantee is to charge rent for the use of the land?—Yes.

513. It would give a man a guarantee with regard to his house if a ground rent was charged?—Yes.

514. (*Sir J. Digges la Touche.*) The man must have some occupation?—I think that practically every class of the community is got at by the native taxation.

515. (*Mr. Wedgwood.*) Is there any reason why land in the towns should not be tackled in the same way as you are tackling the land in the country?—No. I think that it all ought to be on one footing.

516. (*Chairman.*) A man builds a house in the town, but he does not pay more?—He would go and ask the Emir, and he would very likely give the Emir a present. All the vacant land in the town is farmed just as the land is outside, and in between the houses the land is all farmed. It is recognised that if a man wants to build a house inside the town, that overrides the right of a man who is merely farming land inside the town. He builds his house and owns the house. The town was a refuge from enemies.

517. He simply builds his house and perhaps gives the Emir a present for not interfering with him?—Yes.

518. He does not get a lease?—No, but he is looked upon as the owner of the house.

519. He does not pay the Emir anything because he is taking a bit of the Emir's land, or land which the Emir has the exclusive right over. He simply builds the house because he is a native who wishes to live there?—Yes—a member of the community.

520. Yes?—I think so. The Emir, as trustee, has a certain veto on it. I take it that he could forbid a man to build a house in the town if he wished to forbid it.

(*Sir J. Digges la Touche.*) That quite corresponds with the custom in India. No villager pays rent.

521. (*Mr. Cox.*) Are not all the people who live inside Kano possessors of land outside, as a matter of fact?—The bulk are—yes. Kano is a rather exceptional town, however, with a large floating population.

522. What class of people are there living in the town who do not hold land outside which they farm?—Very few of any respectability if permanent residents.

523. Therefore the people who live in the town, in most cases pay taxes of some kind, but not in respect of the house in the town, but in respect of their farms outside?—Yes. Nearly every man has a farm of some kind. They may also be dyers ,or weavers, or blacksmiths, or butchers. In every case they would pay the special tax for their trade.

524. (*Mr. Wedgwood.*) In the sample farm which you gave you said, "We take in taxation about 8s. per acre." The rent would be about 8s. per acre?—Yes.

525. In that case has a man anything to sell if he wants to transfer his farm to another person? In your previous evidence there is a good deal of questioning as to whether a man has anything to transfer. If the whole of the rent is taken in taxation he has no tenant right, if I may say so?—No.

526. He is not in the position of a landlord at all. Has he anything which he could transfer if he had a title? Has he anything that he could mortgage?—No, I think not. In practice they never charge anything. A man can lend his farm to somebody else with the consent of the local chief, and it is done very commonly.

527. The very fact that it is liable to this tax makes it valueless for transfer or for bequest, and it enables a chief to give a farm to anybody he likes and to withdraw it without injustice to anybody. There is no tenant right in the tiller of the soil at all?—No tenant right. There is simply a right of user which ought not to be interrupted except for some good reason.

528. A right to the crops?—Yes. He is entitled to continue in occupation of the land unless there is good reason to the contrary.

529. The fact that the land has no definite value makes the question of the selling of the land by natives much simpler. It is subject to the tax, and has no value to the occupier of it except with regard to the crops, and it has no value to a white man or to a black man coming in to purchase it?—These taxes have a tendency to become permanent settlements, and constant revision is necessary if the proportional tax is to be maintained.

530. You want to prevent their becoming permanent and to prevent their becoming a quit rent?—Yes.

531. (*Chairman.*) Take the case of £4 annual value and the taxes amounting to 10s. which was mentioned just now. The use of the land is a valuable thing?—It depends upon how a man farms it. He may farm it badly or he may farm it well.

532. (*Mr. Wedgwood.*) You said that the rent was 10s. and the produce £4. The difference would be the reward of the man's labour and the interest on his capital?—Yes. I think that for practical purposes under present conditions what you put to me is so, but one point which is raised by Sir Percy Girouard is what would happen, for instance, near the Kano railway station or near the Zaria railway station.

533. That is a question of town land again?—Yes.

534. Do you think it would be advisable that near the Kano railway station and in Kano the Emir should charge a ground rent for the house and land for building?—I doubt it. I would not say that.

535. (*Chairman.*) The question really comes to this I think: ought there to be any difference in point of law between property in land in a town and property in land in the country?—I should say there should be rather undefined. I suppose that the origin of it is ought to be the same in the country, because the walls are falling down and there will soon be no difference. The purchasing of a farm does, from the native point of view, convey a certain right to stay there. It is rather underfined. I suppose that the origin of it is a man going to the chief of a community and asking for a farm and giving the chief a present.

536. (*Mr. Wedgwood.*) It is rather like copyhold tenure in England?—Yes.

537. In the interest of the community one wants to avoid the copyhold tenure becoming a fixed rent with heriots instead of Gaisua, and to make the rent approximate to the actual rent of the land?—Yes. My idea is that there should simply be a registration fee.

538. (*Chairman.*) As a matter of fact you have not in your province had any land taken up by any non-natives have you?—No. We have only one firm of non-natives, and in order to obviate any difficulty they hire a house from the Emir. That is the London and Kano Trading Company.

539. They are in Kano?—They are in Kano.

540. You have no cotton growing or anything of that sort by outsiders?—No, not so far.

541. (*Mr. Wedgwood.*) Have whites applied to purchase land and been refused?—I am afraid that I do not know.

542. (*Chairman.*) Is the land suited for cotton-growing?—Yes, I believe so.

543. Have you valuable minerals?—Not very much, I think. A good deal of cotton is grown, but that is all consumed by the natives. They dye it themselves and use it themselves.

544. So far as the development of the country is concerned it will more probably take the form of cotton-growing than any other form?—Yes, corn and cotton.

545. Is there anything that you wish to add?—I cannot think of anything.

546. You will let the secretary know, perhaps, if anything occurs to you?—Yes.

The witness withdrew.

Mr. C. L. TEMPLE (a member of the Committee), examined.

547. (*Chairman.*) You are resident at Sokoto, are you not?—Yes.

548. Will you kindly state the points which you wish to bring before us?—May I just state a few leading facts with regard to native law and custom?

549. If you please?—The land of Northern Nigeria is national to or the property of the conquering or occupying tribe. The whole of Northern Nigeria was claimed for some tribe or another before the occupation by the British. Each individual belonging to the conquering, conquered, or occupying tribe has the right to occupy, in so far as this is possible, such land belonging to his tribe as is sufficient for his support on the conditions that he observes native law and custom.

550. You say that he has the right to occupy. Do you mean that he had before the British occupation, or is it recognised under the British occupation?—Before. This all relates to before the occupation. The power of deciding the locality and extent of each holding is vested by the individuals of the tribe conquering or occupying in the office of their representative or representatives, that is the Emir, chief, or council. The Emir, chief, or council is therefore trustee to the individual members of the tribe, whether the tribe is conquering, conquered, or occupying. The Emir, chief, or council has power to appoint nominees who are vested with certain powers, and possibly equal powers. The Emir, chief, or council, or their nominees, are in almost all cases empowered to grant occupancy rights to strangers. The chief of a conquering tribe could not grant even to members of his own tribe land belonging to a tribe which he had conquered to the exclusion of the members of the latter. The members of his tribe would be strangers. He could grant away waste land claimed by the conquered tribe.

551. (*Mr. Wedgwood.*) Subject to payment?—I will come to that.

552. (*Chairman.*) With regard to what you say about Emir, chief, or council, you intend that to embrace all descriptions, whether Mohammedan or Pagan?—It is applicable to the whole protectorate.

553. (*Sir J. Digges la Touche.*) Would it include strangers or people not of the same tribe?—Yes—of a different tribe. It comes in later. We come in as strangers.

554. (*Mr. Cox.*) Strangers to the district, you mean?—Yes, strangers to the particular Emir or the particular chief.

555. (*Chairman.*) Not belonging to the particular tribe?—Not belonging to the particular tribe.

556. The theory is that a certain area of land belongs to the tribe, and anyone who does not belong to the tribe is qua that piece of land a stranger?—Yes.

557. (*Sir J. Digges la Touche.*) The stranger can only occupy it subject to the right of each member of the tribe to get enough land to live on?—Yes.

558. (*Chairman.*) I believe you have experience over the whole Protectorate. You have travelled about it a great deal?—I was for five years in Bauchi, and I had a year and a half in Sokoto, and some time in Bornu. I have been to Kano too.

559. You have been to different portions?—Yes, I have travelled a good deal. The Emir, chief or council, or their nominees, are entitled to demand from the tribe individually or collectively, certain dues in the form of rents, taxes, payment for the right of occupancy or labour in lieu thereof, or any service necessary to the well-being, organisation and protection of the tribes whose representatives they are. The Emir, chief, or council has the power to expropriate an individual for failure to satisfy these conditions without compensation. Even should these conditions be fulfilled they have the right to expropriate the individual for any good reason whatever, but not without compensation. Subject to the above exceptions, the right of occupant passes from father to son. As regards inheritance, right of occupant, subject again to the above conditions, is treated as if it were a freehold. Occupancy rights once granted are transferable for valuable consideration or without by the individual with the consent of the tribal representative. Those appear to me to be the leading points with regard to native tenure, and I have a certain number of points to submit.

560. When you say that a person has the right or power to transmit, and so on, do you mean that according to the native ideas and native custom that would be generally recognised as a proper step to take, and that the transferee or heir, or whoever he is would, under the ordinary state of things, come in without disturbance?—Yes.

561. Supposing it was disputed or supposing any injustice was done, what would be the remedy under native customs. Is there any court which would practically enforce a right of that sort?—Practically every Emir, chief, or council has a court of a sort attached even in the most primitive tribes. For instance the Kibyen and the Sura. The cannibals have a certain jurisdiction of their own.

562. And would have actual power to enforce the customary rights?—Quite so—very much power.

563. Will you kindly go on, please?—I would submit that the native laws and customs be recognised by His Majesty's Government. The land then becomes national to, or property of, the British, being the conquering tribe. The power of granting rights of occupancy is vested in His Majesty's Government as representative of the tribe.

564. (*Mr. Strachey.*) When you say "is" you mean would be?—Yes—would be. The power to grant rights as occupant and the responsibility of safeguarding the individual's right of occupancy would lie with the Government. The Government would have the power to appoint nominees with powers and responsibilities equal to or less than its own. The Government or its nominees would be entitled to demand in return for occupancy rights, rents, taxes, etc., necessary for the wellbeing and organisation of the country.

564*a*. (*Chairman.*) When you say "native law and custom is to be recognised," are there any native laws or customs which a civilised community like ours could not recognise—which are so immoral or bad in other ways that we could not recognise them?—Yes. I only mean that they should recognise these particular points.

565. No difficulty of that sort arises in respect of these particular points?—No.

566. Not in reference to the tenure of land?—No. The native arrangements are most equitable, I think, if they are carried out.

567. You have no fault to find with them from the point of view of equity or morality or civilisation?—No. If I may I will give you a few reasons to support what I have proposed. Northern Nigeria is not, and probably never will be, wealthy enough to bear the weight of direct European administrations. It is, therefore, necessary that the Government rule the individual through native administration. For the efficient working of such administrations in these circumstances two conditions are necessary: (1) that they be effective, that is; that their authority be recognised by the individual; (2) that their acts should be readily controlled by the Government and not regarded as irreversible by the individual. It is sufficiently hard to fulfil these two conditions. The granting of the freehold of land to individuals would render both impossible of fulfilment. The authority of the native administrations rests chiefly on their power to grant or deprive right of occupancy. Should the native administration be empowered to grant freehold in land their acts would be insufficiently controlled by the Government. A natural sequence of the establishment of freehold in land or of the guaranteeing of occupancy rights for any fixed term would be the mortgaging of land and the advent of the professional moneylender. The latter cannot exist under the conditions created by native law and custom. It is extremely hard to value land at present. It is practically impossible to foresee what value land may acquire in the near future. By recognising native law and custom the Government is placed in the strongest possible position to enable it to protect itself and all classes of the community. The individual is protected by the right to acquire occupant rights when possible under certain conditions. As he can be punished by losing these rights if he fail to fulfil them the authority of the Government is secure. The Government has the right of expropriation when land is required for public purposes. With regard to the native administation responsible to the Government for the welfare of the individual they are both supported and controlled. The least possible alteration in the best traditional customs of the natives would be caused by the adoption of the native customs. There are special considerations necessary with respect to tenure by non-natives. There is no reason why, generally speaking, native law and custom should be departed from in the case of non-natives. By native law and custom the Government has in almost every case the right to grant occupancy rights to strangers, and all my point is that the Government, having constituted itself trustee for the individual members of every tribe, the responsibility of reserving sufficient land for these natives lies with the Government. The importance of not alienating the freehold is thereby enhanced. For various reasons it is necessary that the occupant rights should be granted by the Government itself—that is to say, to non-natives, and not through a native nominee. That is simply a matter of expediency. With regard to whether any dues paid for such occupant rights should be shared by the native administrations, that is a matter of detail. The Government is responsible for the proper maintenance of the native administration in any case. There is one factor which native law and custom does not, however, take into consideration, and that is improvements on land. This factor will render it necessary in the case of non-natives that the occupant rights should be granted for a certain number of years on condition that improvements are effected. In view of the responsibility on the part of the Government to reserve sufficient land for the use of the natives of Northern Nigeria, and the likelihood that the population will increase rapidly, it is all important that the term of the lease should not be a long one.

568. (*Mr. Wedgwood.*) Could you not provide in your lease for the exemption of the improvements from any increase in rent—provide for renewable leases so as to give people indefinite tenure, and exempt from any increase of rent the value of the improvements effected? Otherwise you would never get people to invest their money for 33 years even?—I am looking at the responsibility of the Government to reserve sufficient land in any case. In that case they might have to evict.

569. I do not think that the difficulty in regard to improvements is so great as you make out. I think that you might have a short period and renewable leases?—Yes. That is rather a matter of detail.

569a. (*Chairman.*) If I gather rightly, what you have prominently in your mind is the interest of the native and reserving sufficient land for the increase of native population?—Yes.

570. You put that as the first responsibility of the Government?—Yes, I put that as the first responsibility of the Government.

571. In fact, you put that before, if I gather rightly, the development of the country by grants of leases or whatever it may be to companies of white men or to associations of white men for cotton growing or anything else?—Yes, I put that first.

572. You put the reservation of land for natives first? Yes.

573. (*Mr. Strachey.*) You regard it as following naturally from the assumption by the Government of the position of paramount chief, one of whose duties is to see that every person has sufficient land to support himself?—Yes, I do.

574. (*Captain Orr.*) And those who are living in the country now should have a prior right to that of a stranger entering the country. That is what it comes to?—Yes.

575. A prior right to the Concessionnaire?—Yes, I say this—the right of pre-emption at the end of the term might be granted to the original occupier non-native as opposed to any other non-native; not, however, as against the Government should the land be required for natives of Northern Nigeria.

576. (*Chairman.*) We shall be greatly assisted if you will kindly treat the question of assessment as you have treated the question of tenure, so that we may see how far the two are bound together?—Very well.

The witness withdrew.

Adjourned to Tuesday next at 2.30 p.m.

THIRD DAY,

Tuesday, 23rd June, 1908.

At the Colonial Office, Downing Street.

PRESENT:

SIR KENELM E. DIGBY, G.C.B. (*Chairman*).

Sir J. DIGGES LA TOUCHE, K.C.S.I.
Mr. THEODORE MORISON.
Mr. J. C. WEDGWOOD, M.P.
Mr. C. L. TEMPLE.
Mr. H. BERTRAM COX, C.B.
Mr. CHARLES STRACHEY.
Captain C. W. ORR.
Mr. JOHN ANDERSON (*Secretary*).

Mr. C. L. TEMPLE, recalled.

577. (*Chairman.*) I think that the better plan will be to ask you to go on with your evidence, please. Will you follow your own line?—With regard to Questions 570, 571, and 572, I answered those rather briefly at the moment. I should like just to say that I am firmly convinced that mutual benefit will result from the occupation, to the natives themselves and to the British. I think that in time there will be good opportunities for planters and traders—European. I am also convinced that the interest of both will be best protected by the Government if native law and custom be followed as far as possible with regard to land tenure. It is only by so doing, I think, that the prosperity of the natives, on which the prosperity of the non-native settler depends (without which, indeed, the latter cannot exist), can be secured. The native system of land tenure places the Government in the strongest position possible to forward the interests of both, and to prevent undue advantages being taken by either.

578-582. That is an explanation of your previous answers?—Yes, it is an explanation, because I wanted to make it clear that I think there is an opening for settlers, or will be an opening for settlers. May I comment on Mr. Palmer's evidence on one point?

583. Yes, certainly?—In reply to Mr. Wedgwood's Questions 431, 432, and 434, Mr. Palmer states that the tendency of the instructions in the Memorandum on Taxation* by Sir Frederick Lugard is to establish a system of taxation based on land values and not on income. The instructions are summarised as follows in the Memorandum on page 110, paragraph 37†: "In assessing any town a resident will have to take into consideration the taxable capacity of (*a*) the agricultural population based on the three old taxes and depending on the extent and value of the land under cultivation." I wish to lay emphasis on the word "*cultivation*" there. "(*b*) The industrial population (including collectors of sylvan produce) based on the old taxes on the various crafts and depending on the profits made with due regard to the remission of old taxes and the imposition of any special licences." I wish to emphasise the word "*profits.*" "(*c*) The cattle flocks and other wealth." I wish to emphasise the word "*wealth,*" which formerly paid Jangali or arbitrary levies."

584. Let us clearly understand. This is the Memorandum of Sir Frederick Lugard that you refer to?—Yes, on which the present assessment is based. It is carried out according to these instructions. Of the three old taxes two are Zakka and plantation taxes, both of which are proportional to the annual crop, that is, income taxes. Kurdin Kassa was an indefinite or rather arbitrary amount paid by the village. It is the only one of those formerly levied which is not definitely dependent on income.

585. (*Mr. Morison.*) On the whole village and not per head?—No; paid per head individually on the village but paid by individuals.

586. You mean that?—Yes, I mean that. These taxes are all paid by head, generally speaking. The remainder, including Jangali, are obviously income taxes. In paragraph 459, Mr. Palmer says: "I believe in the retention of the native system for the present." From the general tenure of his evidence it is evident that the native system is being retained in Katsena and Kano, and he is therefore, in spite of what he says in 437 to the effect that he could not assess people on the system of an income tax, actually both assessing and collecting tax on this basis. I lay particular stress on this point, as it is a matter of historical accuracy. The native did not evolve a system of taxation based on land values. No such system has been, up to the present, established in Northern Nigeria. Whether such a system can

* Appendix III. *infra.* † Page 181.

be established in the future is a question as yet undecided. I am going into this question in my evidence on land revenue.

587. (*Chairman.*) Will you go on now with your evidence with regard to assessment?—Yes. With regard to assessment, collection, and record of land revenue, the Emir, chief, or council, and their nominees had by native law and custom the right to demand certain dues from the persons to whom occupant rights have been granted. In all probability these dues were originally (they still are in the case of pagans not yet thoroughly controlled) very light. They were not proportioned to the land occupied or the crops or property of individuals. In fact they were paid rather as an acknowledgment of authority than as contributions towards what might be called administrative expenses. Gradually, however, a more elaborate system came into being, and these contributions became proportionate to the property and income of the individual. Even at an early date, before the advent of Mohammedan missionaries, a number of distinct taxes are said to have been collected by the Chiefs of Kano (*vide* History of Kano, translated by Mr. Palmer). With the spread of the Mohammedan religion and the conquests by Mohammedan tribes these dues and taxes took more or less the forms prescribed by Mohammedan law. At the time the country was occupied by the British, in many of the Emirates a complicated system of taxation was found to exist. In Kano the system was remarkably complete. It is not possible to detail these taxes here, but they fall under eight distinct heads:—(1) Zakka: Payment of one-tenth of the crop in the case of cereals. (2) Kurdin Rafi or Plantation Taxes. Payment of a proportion of special crops planted on the banks of the Rafi (that is, brooks), such as sugar canes, manioc, onions, etc. Cotton was included, I think, in this class. Perhaps Captain Orr will know that better than I do.

588. (*Captain Orr.*) Cotton was never taxed?—Cotton was taxed with us.

589. Anyhow, these were not the staple food crops?—They might be, such as yams in places. Generally speaking, it is not the staple, I should say.

590. The distinction between these two is between a particularly valuable crop and the common ordinary crop which is the food of the people?—Quite so; that is the distinction.

591. That is about the distinction?—Yes, that is about it. (3) Jangali: Contribution of a proportion of their cattle by owners; in some cases of flocks also. (4) *Kurdin Kassa or haraji*: Payment of a sum for the right to occupy, not proportionate to the size of the holding, the jizia of the Koran, but levied in many cases on Mohammedans as well as pagans. (5) *Taxes on trades and industries*: In addition to these four main taxes there were levied a host of minor contributions known by various names, from artizans and traders, such as dyers and dye-pits, smiths, weavers, caravans, etc. (6) *Kurdin Sarauta*: Contributions from persons who were appointed to official posts on appointment. (7) *Caisua*: Presents expected from practically every person by his superior as a token of the recognition of his authority. (8) *Ushera*: In theory 10 per cent. death duties shared by the chiefs and judges, not shared at all by the Government at present.

592. What is the distinction between Ushera and Zakka? I understood that Zakka was a kind of death duty?—Ushera is a 10 per cent. death duty. It is for the administration of the estate. It is taken by the chiefs.

593. (*Sir J. Digges La Touche.*) It properly means "alms"?—Ushera is one-tenth part.

594. Yes, one-tenth part. But take Zakka?—Zakka must have a meaning, but I do not know what the Arabic meaning is.

595. It is an Arab word. It is the same word as Zakat in India, that is "charity" with us?—It is a religious tax enjoined by the Koran.

596. (*Chairman.*) It is mentioned in one of the memoranda that it is for the purpose of alms.

597. (*Captain Orr.*) I thought there was a confusion between Ushera and Zakka. I thought that Ushera was a tithe levied in Bagdad say (that is my recollection—I may be wrong) and went into what was originally intended to be a charitable fund?—Ushera in Northern Nigeria may be termed death duties collected by the Judge for the administration of the estate of deceased persons.

598. It is not levied annually?—No.

599. It is not a tithe of annual profits?—No. It is a death duty.

600. (*Chairman.*) How is it assessed—in what sort of proportion?—Ten per cent.

601. Have you finished the enumeration of the taxes, because a question occurs to me to ask upon it. I will put it later?—There is, I think, a great deal to be said in favour of levying all these contributions with the exception of the Gaisua and Kurdin Sarauta. For the collection of these taxes a complicated system was created which need not be detailed here. Logical enough in theory, it lent itself to great abuse. At the time of the occupation, although the actual contributions levied probably did not weigh heavily on the people, yet the manner of their collection and the extortions of the collectors, that is Jakadas, called for reform. In a memorandum the political department was directed to effect the following reforms. Each administrative unit, that is each Emirate, or section which possessed a separate native administration to be divided into districts of convenient size. In each district a resident district headman to be appointed responsible to the head of the native administration for the collection of the taxes from the village headmen. The collection from the individual to be in the hands of the village headmen. The sending of collectors, or Jakadas, by the head of the native administration or the district headman to individuals to be prohibited. These reforms have been to a great extent effected. They have to a considerable extent reduced extortion. Each village head knows how much he is to hand to the district head. I think it most unlikely that he will pay more. Each district head knows the amount to be paid by each village, and the total amount which he is to hand to the Emir. Again, I think it most unlikely that he will pay more. The two principals who were formerly in a position to extort are therefore prevented from doing so. The village headman is, however, as yet under no effective check. This is one point on which we look for advice and assistance from the Indian and Burmese experience.

602. (*Captain Orr.*) Do you mean by the two principals—the Emir and the district headman?—Yes.

603. (*Chairman.*) Then you have also a third source of extortion, that is to say, the messengers whom the Emir or the district headman sends to the villages to collect?—Yes, quite so.

604. There are other sources, as I understand, of extortion besides the village headman?—Yes, quite so—the Jakadas. I might have put that in. The Jakada also is abolished, and that reduces extortion.

605. I gather from some of the memoranda that that is about the most fertile source of extortion?—Yes, I think so.

606. (*Mr. Strachey.*) Mr. Palmer told us that there was a large class of Jakadas?—Yes. That will not settle down.

607. A very large number of people?—No doubt there are a great number, but they are nothing as compared with the population, and they must be made to settle down.

608. You do not think that they present a real difficulty?—Only a purely local difficulty.

609-10. (*Chairman.*) These are the ex-slaves of the Emir, are they not?—They might be slaves or they might be poor freemen. Referring to the fact that the district headman is not checked. In order to make this clear I will briefly explain the system of assessment and record now employed. In the memorandum quoted above the political department is directed to make a "Resident's Assessment" of each province. A "Resident's Assessment" is made as follows. It is made by districts. Each village in a district is visited by a political officer (that is to say, a resident or assistant resident), who furnishes the

following returns for the district: (1) A map, or rather prismatic compass survey showing as much detail as possible. Up to the present, generally speaking, it has not been found possible to show more than the boundaries of each district, the locality of each village, the roads, streams and rivers, and the general topographical aspect of the districts. It is not possible with the present staff, or, indeed, without a large expert survey department to ascertain the boundaries of the land attached to each village or the extent of individual farms, or the extent of cultivated or uncultivated land with any accuracy. (2) *Provincial Record*: A return giving a list of towns and villages and all details ascertainable about each village. (3) *Tribute Register*, $\frac{E}{3T}$: A return, giving a list of towns and villages. The gross amount assessed payable by each village as "general tax," that is, all taxes except Jangali, Ushera, Kurdin Sarauta and Gaisua. The shares due to Government and to the native Administration. Also an explanation as to how the gross amount is arrived at, that is, how much as Zakka, Kurdin Kassa, tax on dye pits, etc. The amount payable as Jangali is not included. (4) *Return of Jangali*, $\frac{X}{3T}$: A return similar to the tribute register, but relating only to cattle. (5) $\frac{W}{3T}$: A *resumé* in brief of the tribute register and Jangali return showing the gross amount due from the district as general tax and Jangali (which together are called tribute) and the apportionment between Government and the Administration. (6) A general report on the district. $\frac{W}{3T}$, the *resumé*, is sent to the Governor, who legalises the taxation by attaching his signature. It is then returned to the resident and kept in the "Guard book" in his office, where it is liable to inspection and comparison with the cash book by the auditor. The main difficulty lies in the assessment of the gross amount of general tax payable. The directions given in Sir F. Lugard's memorandum are summarised as follows. I repeat what I said just now. "A resident will have to take into consideration the taxable capacity of (*a*) the agricultural population based on the three old taxes, and depending on the extent and value of the land under cultivation. (*b*) The industrial population . . . based on old taxes . . . and depending on profits made . . . (*c*) The cattle, flocks, and other wealth . . . (Page 110.) In carrying out the instructions contained in the memorandum a considerable divergence has, I think, occurred in the practice followed in each province.

611. (*Chairman.*) You are referring to Sir Frederick Lugard's Memorandum?—Yes.

612. Perhaps you will identify it by its date, or it may lead to confusion when we come to deal with it?—Very well.

613. (*Captain Orr.*) These memoranda were revised in September, 1906, by Sir Frederick Lugard?—Yes, and this is Memorandum No. 5.

614. You are still dealing with $\frac{W}{3T}$?—Yes. To return. This divergence is due partly to different conditions, and is accepted and allowed for in the Memorandum itself, *vide* page 124, paragraph 63. I would here briefly note a few facts with regard to assessment, collection, and record of taxes which have come to my notice, and the conclusions which I have drawn from them. The following opinions are personal, and I am quite prepared to allow that they may be wrong. Although the right to demand contributions from the individual is based on the "occupant rights" granted to him, I do not see any means of at present basing a practical system of taxation on the value of the land actually granted, the reasons being (1) that the extent of unoccupied land is so great that it has to all intents and purposes no monetary value as compared to the crops raised on it, or the cattle and flocks raised upon it. (2) Cattle, which constitute the only accumulated wealth of the people, are continually changing their pastures. They are frequently grazed hundreds of miles away from the farms or habitations of their owners, on land which does not belong to the latter. (3) The farmer himself is continually moving if not the locality of his house the locality of his farm. These conditions will probably alter. In the neighbourhood of Kano I believe they have altered to a certain extent. As this takes place and fixity of tenure increases and land acquires a value proportionate to the use it can be put to, this value should, I think, be taken as a basis for all taxation. In the present circumstances there exists a most important feature with regard to the value of direct taxation. It is that not only is the necessary revenue raised but its payment has an educational and disciplinary effect on the population. The immense vitality of the African races renders them prone to despise authority. They have not the natural respect of authority characteristic of Asiatic races. The individual negro does not consider himself responsible to an authority unless that authority is strong enough to demand something from him. This fact is well known to the native rulers. I am strongly of the opinion, therefore, that, to secure this educational effect, it is most important that every single individual—agriculturalist, breeder, artisan, and trader—should be called upon for a contribution to the revenue, more or less proportionate to his property or income. With regard to the machinery required for the assessment, collection, and record of these contributions, I think it most important that the limitations of the British staff should be realised. I may add that the same limitations would exist were the present staff doubled. For instance, take the case of the assessment and collection of Jangali in Sokoto Province. There are now registered about 240,000 head of cattle scattered over an area of 35,000 square miles. It is obvious that six political officers—the present staff—cannot deal with this number in detail. Twelve could not do so. They can exert a general supervision only, and depend to a very great extent on the native administrations. To turn to the other contributions, which combined are called the General Tax, there are, in any of the three northern privinces, from 3,000 to 5,000 villages and towns scattered over 30,000 square miles. The present staff can locate these and obtain a general knowledge concerning them. It can even obtain a detailed knowledge of a certain number, and by this means check gross misrepresentation by the natives. Generally speaking, however, for the data on which to base the assessment it must depend on the native administration. When it comes to the actual collection the British staff depends to an even greater extent on the native administration. The Emirs, chiefs, district heads, and village heads have between them all the detailed local knowledge necessary for a just assessment. It is only necessary to insist on their supplying this information to arrive at a just assessment. To obtain this information from the native administration it is necessary that the British staff have a personal knowledge of and influence over each individual native official. In other words, assessment, or collectors' work, is political work. To enable the present small British staff to do this work efficiently it is important that the clerical work expended on the records should be reduced to the absolute minimum actually required. In my opinion it is impossible to register separately the assessment, and record the payment of even half the former contributions each under a separate head, without impairing the efficiency of the political work. Jangali (from which nearly half the amount collected as tribute is obtained) must be kept separate for assessment, collection, and record. I am strongly of the opinion that all other contributions (with the exception of death duties, of which we have not as yet detailed knowledge, and Gaisua, which we do not recognise) should be lumped under the general term "General Tax" or some similar designation for purposes of record of payment, at all events. Personally I strongly advocate that they should be lumped for purposes of assessment and collection also, as far as possible. Other political officers of experience do not, I believe, hold with this, and I am quite prepared to allow that, under certain conditions, it may be impossible to do so. I advocate this for the following reasons: For the data on which the assessment is based the British staff depends chiefly on the information supplied by the village heads, supplemented by that of the district head, and possibly the Emir or Chief. For the collection he depends almost entirely on the village head. I maintain that even should the village head be directed to collect all the former contributions and bring them in separately (and this would entail an impossible

amount of clerical work), he could still conceal a part of what he had actually collected; should he be told to collect separately and bring in the total there is still no guarantee that the amount which he says he has collected, say on dye pits, has not been collected from smiths. In brief, as the village headman has to be trusted in any case, I think it most important to make the collection as simple as possible for the headman, and the assessment and record as simple as possible for the British staff. I recommend, therefore, that as far as it is possible without going contrary to native sentiment, the total sum assessed for a village based on former taxes and modified to suit actual conditions, should be told to the headman with the directions that he is to distribute the payment among individual members of the village, each paying an amount proportionate to his property, crops, or income. If an individual considers himself over-assessed he can appeal to the district head, the Emir or chief, and the resident. The revenue of Sokoto Province was collected under this system in 1907-8.

615. (*Chairman.*) Do you think that you can rely on the right of appeal? Has the village headman any power or any means of making it so disagreeable for the appellant as to deter him from exercising the right of appeal? You see what I mean?—Yes.

616. Would the people as a matter of fact freely exercise the right of appeal?—Yes. They do appeal very readily against the village headman, but not so willingly against the Emir, or district headman. My point is that we have to trust to the village headman in any case.

617. You have to trust the village headman, but your real check on the village headman, as I understand, is the accessibility of a Court of Appeal?—Yes.

618. And the power of the people to avail themselves of that Court of Appeal?—Yes—and I would add, the jealousy of the district headman and the Emir, who are overlooking him.

619. (*Mr. Wedgwood.*) These village headmen at present are new to their job, and have not got quite the power they will have in a few years' time. They are not like the Emir and district headmen, who have been of old their chiefs. The village headmen are taking the place of the Jakadas, and therefore have not yet quite the position or the power they will subsequently hold?—The Jakada formerly depended a great deal on the village headman.

620. But you see my point?—I see your point. I do not say that he may not get more important. He may get more important as time goes on, and if it is found impossible some other scheme will have to be adopted, but it is very hard to know how. At present we still hope to educate the headmen in their duties.

621. (*Mr. Morison.*) Will the principle upon which he settles the incidence of taxation be known, because if not there will be no appeals. Is it made known to the whole village?—It is made known to the whole village that any man who thinks he has good reason to complain is at liberty to do so.

622. But he will not know that he has reason to complain unless he knows the principle on which the taxation is assessed?—He is very ready with his complaints.

623. I believe that, but if he is over-assessed 10 per cent., that will seem fairly right, and unless he knows exactly the principle upon which the taxes are imposed he will not appeal?—I think it will be very hard to educate the natives up to understanding the principle on which they pay any taxes. They would understand a Poll Tax.

624. (*Sir J. Digges La Touche.*) It is rule of thumb. There is no principle at all laid down by the headman. There is no actual principle laid down even in this memorandum of Sir Frederick Lugard, except that the taxes have to be based on former payments, as far as I can make out.

625. (*Chairman.*) Supposing he was exercising any particular trade, butcher, dyer, or so on, he would be taxed on the sort of amount that he must pay in respect of that particular trade?—That would be a licence. I have collected six different licences in Bauchi Province. The amount of clerical work entailed in recording these was so enormous that it had to be dropped, and it is of no value unless they are recorded separately.

626. Supposing a man says to the assessor: "I am charged too much." He knows enough to know he is over-charged, and supposing he says: "I have so many cattle;" or "I am carrying on such and such a trade," or "I have so much land." He will compare himself with his neighbours. Is not that the sort of case he would bring to the resident?—He does bring that sort of case to the resident, and the resident goes into the detail of his property and decides more or less by rule of thumb whether the assessment is too high.

627. If it was too high the village headman would have to explain?—The village headman would have to explain.

628. He would be called upon for an explanation of his principle?—Yes.

629. (*Mr H. B. Cox.*) You would have as far as the Government itself is concerned one single tax, so to speak one lump sum coming into the European Government, which would be based on certain dues levied by the village head man?—Yes.

630. Would it be for the village headman in each case to say what form of tax the individual was to pay?—I am against it personally.

631. (*Mr. Morison.*) Is it to be lumped together?—Yes.

632. Right down to the end?—Right down to the end (except Jangali) and an income tax levied.

633. (*Mr. H. B. Cox.*) The Government would say to the village headman, "You are to levy Zakka on a certain village." The village headman would then decide on his responsibility in respect of what property the individual in the village was to be taxed?—He is to be taxed on every kind of property.

(*Mr. H. B. Cox.*) No matter what he has?

(*Mr. Wedgwood.*) One headman might differ from another as to the subject of tax.

634. (*Mr. H. B. Cox.*) Do you propose to do away with the old form of native taxes?—I do. Where it can be done without violating native sentiment. Zakka, for instance, presents a difficulty.

635. The tax paid by dyers, the tax paid on cattle, and so on?—Jangali must be separated. I would put all the other taxes into one.

636. The village headman would go to the individual, and say, "You must pay so much"?—The village headman, as a matter of fact, calls together the village elders, and he divides the lump sum assessed amongst them again, and they really collect it from their relations.

637. (*Chairman.*) All that the Government is concerned with is the total sum that is leviable from a particular village or district?—Yes.

638. As far as contribution is concerned that is all that the Government cares about?—Yes.

639. Then comes the question which comes before the resident, or whatever other authority may be exercising judicial functions there, whether this tax is fairly apportioned amongst individuals?—Yes.

640. And there, I understand, you trust to the individual who may have been unduly charged by the headman coming forward to raise the question and appealing to the proper authority?—Yes.

641. On that appeal the questions would arise, first of all, was it an excessive amount, and, secondly, why was he charged that amount?—Yes.

642. There you would to some extent come back to the old native customs of taxation. The question would be whether or not this man was carrying on business in some way or other which made it fair and just that he should be taxed the amount which he was charged. In those sorts of instances the old native customs might come in as elements on the appeal which the resident would have to decide as between the village headman and the taxpayer?—Yes, the question of native customs might come in, but the present conditions would probably modify them.

643. (*Sir. J. Digges la Touche.*) If the village elders collected the tax from the village headman there probably would be very rare cases in which an individual would appeal?—The village elder would appeal because he had to collect. If he thought that it was more than he could collect from his particular entourage he would appeal.

(*Sir J. Digges la Touche.*) It is not a case of the individual appealing.

644-5. (*Mr. H. B. Cox.*) He would say, "I dare not collect such and such an amount"?—Or he would come and say, "My group will not pay this."

646. (*Mr. Morison.*) Does the elder represent a craft or a family? Would one elder represent people owning dye-pits, for instance?—There is certainly a tendency for a particular individual to represent a craft. Then, again, each elder has a certain family of relations whom he represents.

647. Who are not always in the same business?—Agriculturists.

648. (*Mr. Wedgwood.*) Your view is that this is the most economical way of raising the tax?—Yes, it is the most economical way of raising the tax, and the only one that will work properly in practice.

649. (*Captain Orr.*) Do you consider that it protects the individual from extortion?—Better than any other system, because it is simple and gives the Political Officers time to inquire as to what is actually being done by the native administrations instead of sitting all the time at their desks.

650. (*Mr. H. B. Cox.*) Would not they tax the people they did not like?—I do not claim perfection for the system for a moment. Of course they would, but they would do that in any case.

651. (*Chairman.*) Would you look at answer to question 384. I rather gather that you do not altogether agree with that?—I disagree with it, because I do not think that it is scientific, to say the least of it, that we should have a set of records in our office which do not represent what is actually being put into practice.

652. Would you just expand that a little further. To what particular part of the answer do you refer?—It says that they are for Government purposes regarded as a single tax, but when it comes to the actual collection of them by the district headman, or by the village headman, he still collects them in the form which the natives have always been accustomed to. I do not think that we should have one system recorded by us, and another system carried out in practice.

653. All the record you would have would be the total amount due?—Yes.

654. And distributed amongst these various sources?—Yes. We could not possibly keep a detailed record.

(*Chairman.*) It is too complicated. I can see that.

655. (*Mr. Wedgwood.*) Is it not rather this: If once you let the individual know what he ought to pay, then any variation in the number of individuals paying from year to year ought to mean a variation in the lump sum tax?—Yes, it ought.

656. Are you anxious to keep the lump sum tax constant from year to year?—No, certainly not.

657. You collect a definite sum from the village headman, and that is all you know about it?—I will come to that presently. I think that the taxes should be re-assessed annually, as they are in the Punjaub and in Burmah, fluctuating assessments.

658. In the annual re-assessment would you go down to the natives and see whether there were more dye-pits, or more blacksmiths, or more agricultural labourers?—As far as possible we should, or we should obtain the information as best we could.

659. But in any case if the native headman is to collect 2s. 6d. from every home in the village, he may raise, perhaps, £30 in that way from his village, and you may only be asking him for £25, in which case he would pocket the difference, and nobody would have a right to appeal against his tax. That is what you want to avoid, is it not?—Yes, that is what I want to avoid. I cannot keep a register of the whole in my office. I want my officers to have time to go to the villages and find out what is being done.

660. Therefore the individual must know what he is legally entitled to pay, because as you have got no record of the number paying, there would be an illicit profit to the village headman under that system?—Yes. You will get this illicit profit under any system I suggest.

661. (*Mr. Morison.*) You contemplate that there will be some principle under which it is divided amongst the different classes of the community. You call it all one tax, but you contemplate a principle of assessment with regard to the weaver, the blacksmith, and the agriculturist?—I think it ought to be assessed by the village headman according to the property and income of each individual.

662. A sort of income-tax?—Yes, an income-tax, I think.

663. (*Chairman.*) Just look at the answer to the next question 385, and see how Mr. Palmer says he himself would act where an excessive amount was levied and collected. Do you think that would be practicable?—That implies that there is a native assessment and a record to which you would be able to refer to see whether a special exaction had been excessive or not?—This implies, I think, a native assessment and a record of that assessment.

664. Yes, it does?—Of a very perfect kind—more perfect than exists.

665. There are more perfect records of native assessments in the province of Kano than in other provinces, I suppose?—Yes, but that means a very unusually perfect record—quite up to any records kept in England.

666. (*Mr. Strachey.*) Do you consider that it would be an improvement to separate the revenue derived from land entirely from these various sources of revenue raised under the present proclamation and derived from dye-pits and other things. Would it not be better to keep the revenue from land completely separate under a separate law of its own?—I think it would be better, were it possible, but I do not think it will be possible until a cadastral survey has been made. We have very little knowledge really at present as to the quality of the soil—what it produces—or the extent of the cultivated land.

667. It would simplify things very much to have the land revenue or rent separated from the taxes proper. Do not you think so? I mean that if we are going to regard the revenue derived from land as a kind of rent, surely it would be an improvement to have that collected under a different law from a thing which is practically a licence, for instance, a dye-pit. Do not you think that it would be advisable as soon as possible to put the land revenue into a separate category from these sources of taxation, some of which may perhaps vanish altogether?—I think it would be advisable as soon as possible to attach the revenue to the soil, but it cannot be done until the land has a marketable value proportionate to the use it can be put to.

668. (*Sir J. Digges la Touche.*) You have been speaking a good deal of the value of land and the marketable value of land. You do not mean that people should have the right of property in land which they can transfer and sell. You agree in your former statement that you do not want them to have that. Then the assessment would not be on the value of land, but on the actual profits of the produce of cultivation?—Once the occupant rights are granted and when there is fixity of tenure of any kind there will be a certain struggle to obtain land. Therefore it will acquire a value of a sort without the necessity of a freehold being granted.

669. (*Mr. H. B. Cox.*) But if the occupant has no power to transfer, does it not make a difference?—He has power to transfer.

670. (*Mr. Morison.*) But it makes no difference, does it? You can impose the tax on the profit of cultivation whether he has permanence of tenure or not. It may be very uncertain, as Irish rents are?—Yes.

671. (*Sir J. Digges la Touche.*) My point is that you speak throughout of the value of land, and it has no value?—Not at present, but it will acquire it.

672. Under the system that you advocate I do not see that it could acquire any?—I think it would, because there would be competition for the right of occupancy.

673. (*Mr. Wedgwood.*) At present when the village headman gives a native the right to occupy a piece of land in his village he exacts from him a certain payment?—An arbitrary payment.

674. Which the village chief judges absolutely arbitrarily also. Is not that in effect a payment for the right to use land?—Yes, but not proportionate to any value of the land or the crops.

675. Is it not roughly proportionate to what the chief thinks is the value of what he is giving the other man a right to?—I cannot say that it is. It is very arbitrary, and in the vast majority of cases practically nothing is paid.

676. Is not the annual tax that the chief extracts from the inhabitants in the village that you have mentioned to all intents and purposes the annual value of the land which the chief gives to his followers to cultivate?—I did not quite catch that.

677. What I mean is this. Is it not a fact that land has a certain value, which value is paid by the native to his headman every year in the form of taxes?—I cannot answer that straight off.

678. Although you say that the land has no value it has a value which is represented by what the native is prepared to pay every year in taxation rather than go elsewhere outside the village?—I do not feel that I can answer that straight off. I am very sorry. It is deep water rather.

679. (*Chairman.*) Directly you begin to talk about rent of land, survey of land, and so on, and at the same time say that your leading principle is that there is no such thing as private property at all, and that the State is to have the control, you must beware that you do not get into inconsistencies?—Yes. To return, I am aware that the village head has a certain latitude and can favour his friends under this system. He has, I maintain, equal, if not greater, opportunities under the other more complicated system. The village heads are not regarded with great fear by the population, and complaints against them are readily brought forward. They are watched by a jealous district head and a jealous Emir. These checks (such as they are) are more effective if the system of taxation is a simple one than if it is complicated. I believe that a simplification similar to that which I have outlined above was found necessary in some cases in India, when the Government started to collect revenue. (I speak subject to correction.) *Assessment of holdings granted to non-natives*: When speaking of land tenure I said that for various reasons the Government could not leave the granting of occupant rights to non-natives in the hands of native administrations, its nominees. Also that improvements not coming within the scope of native law and custom the Government would be compelled to guarantee their rights for a certain period. I have stated that I think that as fixity of tenure increases and the land acquires a value, this value should be taken as the basis of all taxation. In the case of non-native holdings the fixity of tenure may be assumed. It will probably be many years, however, before the land (setting aside exceptional instances, in the present cantonments or the town of Lokoja, for instance) acquires a market value. I think that these holdings should be taxed on the basis of land values irrespective of crops or improvements, where the land has a value. Where it has none, that empirical rates should be imposed for the time being, calculated approximately on a basis of 10 per cent. of the crop which such land would produce were it put under the staple cereals of the neighbourhood, or in the districts where cereals are not cultivated on 10 per cent. of the staple crops of the neighbourhood. Whether any share of these rates shall be given to the native administrations is, I think, a matter of detail to be decided locally. The native administrations are merely the nominees of the Government. The members have no claim on the Government, strictly speaking, other than those rights of claiming "occupants' rights" (shared by all members of the conquering and conquered tribes), and of payment for services rendered. It is probable that in a short time they will all become salaried Government officials.

680. (*Mr. Morison.*) Do you include the Emir amongst them?—Yes, the Emir and the whole of the native administration.

681. The Emir and all his subordinates?—Yes, right down to the village headman.

682. But you specially mean that the Emir may become a salaried official?—Yes.

683. (*Mr. Wedgwood.*) That agrees with Mr. Palmer's evidence?—Yes; we are all agreed on that point.

684. (*Chairman.*) That has, to some extent, taken place. The matter has, at all events, been discussed with the Emirs?—I believe it has.

685. Mr. Palmer said with regard to Katsena that the Emir had agreed already to accept a salary?—Yes, he did say that.

686. (*Mr. Morison.*) You contemplate, then, that the Emir will fall into the position of an official of the Government?—Yes. With regard to taxation Settlement, the political staff is enjoined in the memorandum on taxation to avoid giving the natives to understand that any settlement has been made. It is out of the question, I think, at present, to make any settlement without incurring the risk of doing great injustice either to the Government or the native. It is stated on page 148 of Baden-Powell's "Land Revenue in British India" that the general requirements for a settlement are a survey, a detailed valuation of land, a record of rights, statistical information. We have none of these at present. The amount that can be paid as "general tax" depends entirely on the crops. There is little accumulated wealth in the country. A yearly revision by the political staff, with the assistance of the native administration, based on the "Resident's assessment," but modified to suit the amount of the harvest is, I think, absolutely necessary. There is one precedent in the Punjab and Burmah (vide Baden-Powell, page 192) (vide also Hewby's letter-page).

687. (*Mr. Wedgwood.*) You say nothing about the crops round there. Some of the crops are more valuable than others—sugar cane, and so on?—Very much more valuable.

688. Do you put an extra tax on them?—The man who owns the sugar field should pay more than the man who owns the cornfield. It is for the village headman to decide.

689. Why does not everybody grow sugar cane if it is more valuable?—Sugar cane requires special land. But this is not the only reason, for there is plenty of suitable land lying fallow or unused. Native practice is rarely logical.

690. And therefore that man pays a special tax?—It would work out that he paid a special tax.

691. Based on the value of the land?—It tends to create a value.

692. (*Chairman.*) Does that end what you have written?—Yes. That ends what I have written.

The witness withdrew.

Adjourned to Friday next, 2.30 o'clock.

FOURTH DAY,

Friday, 26th June, 1908.

At the Colonial Office, Downing Street.

PRESENT:

SIR KENELM E. DIGBY, G.C.B. (*Chairman*).

Sir J. Digges la Touche, K.C.S.I.	Mr. H. Bertram Cox, C.B.
Mr. Theodore Morison.	Mr. Charles Strachey.
Mr. J. C. Wedgwood, M.P.	Captain C. W. Orr.
Mr. C. L. Temple.	Mr. John Anderson, *Secretary*.

Mr. C. L. TEMPLE (a member of the Committee), further examined.

693. (*Chairman.*) You desire to make some additional observations?—Yes. With regard to the payment of fixed salaries to the members of the native administrations, I perhaps used an unfortunate comparison when saying that they will become Government officials. I do not mean to convey that the present relations between the British and native administrations would be altered or even modified. In the letters of appointment handed to the Emirs, and in the explanation of the conditions on which they are appointed given verbally to chiefs and headmen of less importance, it is clearly laid down that they are liable to be removed from office should they fail to carry out the orders conveyed to them by the Government through the political department. As a matter of fact, many have been removed for obstruction or inefficiency. For instance, recently an Emir (Katsena) was not only removed, but the succession was broken, the whole family having proved itself unsatisfactory. These conditions would probably not be modified in any way. The idea of giving each a fixed salary is to promote efficiency and provide an extra guarantee for the purity of the administration, more especially of the judiciary. That native judges should be subsisted by fines and fees only, and that native officials entrusted with the collection of taxes should be paid in proportion to the taxes they collect is not an ideal arrangement. Further, as the revenue is increasing, it is found that the more important chiefs are receiving excessively large remuneration. I understand that it is desired as soon as possible to make the Emirs accept a civil list, to apportion a fixed amount of the revenue to be paid out by the Emirs to the officials of the native administration, and to devote the remainder of the tribute other than the Government share and the amount required for the upkeep of the native administration to carrying out public works, such as roads, sanitation, etc. The sums required under these heads of expenditure would be actually paid out by the Emirs, but under the general directions of the residents who would admit them. The question of seniority as between the heads of the native administrations and British officials would not be raised under this arrangement any more than it exists under the present conditions. I understand that Captain Orr concurs.

694. Is there anything else you wish to add?—Yes. In reply to Mr. Wedgwood's question: "Has not land everywhere a value to be judged by the tax the tenant is willing to pay rather than leave the land on which that tax is imposed."

695. What is your answer to that question?—I agree that, generally speaking, it has, and that the value of land may be calculated on that basis for theoretical purposes. This cannot be taken as a basis in practice, however; in order to arrive at the absolute value of the land, before any result could be arrived at, it would be necessary to increase the tax experimentally until the utmost that the individual would pay before relinquishing his holding were reached. This is not possible under existing conditions. Even were this possible, it would probably be found that sentimental reasons would influence tenants differently, and so upset the accuracy of the calculations that the calculations would be erroneous. In a country advanced in civilization, land can be sold in the open market for a value proportionate to the use it can be put to. In Northern Nigeria, generally speaking, it commands no such value in the open market. A native may be prepared to pay a considerable tax rather than relinquish his holding, especially if he has reason to fear that he will be equally taxed wherever he may go. If, however, he decides to go elsewhere, he cannot sell his occupant rights for anything like the value of even one year's crops. Nobody will buy when there is plenty of land available for practically no cost. The land is to the cultivator what his tools and iron are to the blacksmith. For assessment purposes the value of the crops and stock and fruits of industry are, therefore, the only basis on which taxation can be calculated, because it is only they that have a market value. In computing the tribute as a whole, I hold that if the Government reserves to itself the right of granting rights of occupancy for valuable consideration, the whole amount paid may be regarded as rent for the land; that is to say, if the Government holds the right of granting rights of occupancy. Have I made that clear?

696. Yes.—For instance, the owner of a herd of 100 cattle is assessed at £7 10s. per annum, because it is impossible to locate or value the pastures which he is using in any other manner than by verifying the existence of the cattle and their market value. He is apparently paying income-tax, but he may be said to be paying the Crown for occupant rights proportionate to the land which he is as a matter of fact occupying, as is proved by the fact that he has cattle.

697. Is that all that you wish to say?—Yes.

698. (*Mr. Wedgwood.*) There are some questions which I want to put to you (I do not quite know whether they would be in order) on the white settlers in Kano. No whites have had leases of land in Northern Nigeria up to the present time for trading houses?—I could not answer that. I am afraid I am very ignorant about those points.

699. In your own province there have been no leases granted to whites for trading purposes?—No, not in Sokoto.

700. Do you think it would be possible to distinguish between leases to whites who are traders and leases to whites who are planters?—As regards what rent they pay?

701. No. As regards the terms of the lease?—Well, it would be possible, but I think that there would be a good deal of grumbling if that were done.

(*Mr Wedgwood.*) If you have not come across any cases never mind.

702. (*Chairman.*) Nothing has been done as far as you know?—Nothing has been done as far as I know.

703. Up to the present, as far as you know, there has been no distinction made at all between town property and agricultural land?—No.

704. There has been no more right of property recognised in one than in the other?—No.

Mr. W. F. Gowers, examined.

705. (*Chairman.*) What is your position?—I am a Second Class Resident.

706. In what Province?—I was in Bauchi during my last tour. I have been in Yola and in Muri.

707. For how long?—It is five and a-half years since I first went to Northern Nigeria. I spent nearly two years in Yola Province, and about six months in Muri, and nearly a year in Bauchi.

708. What is the character of those Provinces; are they Mohammedan, or pagan, or what?—They are very diverse.

709. Would you give us an idea?—Bauchi is ruled by a Mohammedan Emir. The majority of Bauchi Province is under the rule of a Mohammedan, but most of Yola Province is not. The head-quarters of Yola is a Mohammedan town. Most of Yola Province is not under control, or was not when I left.

710. What do you mean when you say "not under control"?—It was impossible to collect any taxes and almost impossible to visit many parts of it without a considerable escort.

711. Has that province ever been conquered by Mohammedans?—No, the pagan parts of it, the more hilly parts, never have been, I believe.

712. In those provinces a portion may be said to be Mohammedan and a portion pagan?—Yes, in all three provinces.

713. (*Mr. Strachey.*) Is it the case that in all three provinces, although Yola and Bauchi are under Mohammedans the vast majority of the population are pagans?—About half in Bauchi, considerably more in Yola and Muri. Do you mean independent pagans?

714. No, pagans by religion. The population is not Mohammedan although they are under Mohammedan rule?—No.

715. Muri is almost entirely pagan?—Yes. It is very difficult to say what is pagan and what is not at the present time. It is very difficult to say of any given town that the majority of its inhabitants are Mohammedan.

716. (*Chairman.*) Does that mean that there is very little difference in the customs and ideas and practices of the people whether they are under Mohammedan rule or not?—There is so much mixture of professed Mohammedan belief with pagan customs that is very difficult to say of any one person that he is either Mohammedan or pagan. He is sometimes one and sometimes the other.

717. (*Mr. Morison.*) When you ask him, does he profess one or the other. Would he say that he was a Mussulman?—Many of those who would tell you that they were Mohammedans should hardly be classed as Mohammedans.

718. But a considerable proportion would call themselves Mohammedans?—Yes.

719. (*Chairman.*) As regards their ideas about tenure of land, and so on, would there be a difference in the Mohammedan portions and in the pagan portions of these provinces, or are the customs and practices which are followed uniform?—I should say that the imposition of Mohammedan ideas and the Mohammedan religion must have considerably modified the original ideas about land tenure. Yola was originally the head-quarters of a very large Mohammedan district, and on the delimitation of the boundaries of Northern Nigeria the head-quarter district round Yola was cut off from the Mohammedan subjects of the Emir of Yola, who were given to Germany, and it happens that the country to the west and north-west and south-west of Yola is inhabited by pagans whom the Emir of Yola never conquered.

720. Taking a portion of the province that is partly Mohammedan and partly Pagan, is there any great difference in the position and authority of the Emir and the powers of the Emir, between the Mohammedan portion and the pagan portion. Does he collect taxes, and so on, in the pagan portion?—Yes, he did from all the pagan portion whom he could control.

721. It is a question of power and authority?—Yes. He would have done it if he could with regard to others.

722. (*Mr. Morison.*) May I ask what taxes the Mohammedan Emir collected from the pagans when he could in Yola. Could you specify at all how much he took and why he took it?—He took it as tribute from pagans conquered by Mohammedans.

723. But I want to know whether he took a land tax or was it tribute from a conquered people?—It was tribute from conquered people. You may call it a land-tax, in that presumably it was a payment for the right to live at peace on the land.

724. Blackmail?—Blackmail.

725. But then it was not collected on any principle. He took what tribute he could get?—I think so. I do not know that there was any definite scale of assessing it. He took as many slaves as he could get probably, before the British occupation. He took as many as he thought the people would stand giving, I think.

726. (*Captain Orr.*) The tribute would be naturally in slaves, not in money?—Not in money. If a tribe happened to have iron ore in its hills and worked iron, they might supply him with arrow heads or spear heads, or hoes.

727. (*Mr. H. B. Cox.*) I take it that what you state is this—that the Emir levied certain dues upon the people?—Upon the pagans.

728. Taking the pagans first, he levied certain dues, that is to say, certain things were paid to the Emir in virtue of his authority and power to exact them such as slaves, iron, and so on?—Yes.

729. Were these goods or these slaves paid or given to the Emir at any stated times of the year?—I cannot say. Presumably it was when the collection was easiest, after the rains were over, when he could enforce payment more easily if it became necessary.

730. Were there any particular occasions on which it was regarded as the duty of the people of the province to make presents or payments to the Emir?—If they came to see him on the occasion of one of the feasts they would bring a present with them.

731. If they came to visit the Emir at a general feast or on other, so to speak, State occasions, they brought dues with them?—They would bring a present with them.

732. Were those presents known by any particular name?—In Hausa they would be called Gaisua.

733. Were there any other presents or payments made to the Emir by any other names than Gaisua?—By the pagans?

734. Yes, by the pagans?—Yes. His tribute would not be called Gaisua.

735. What would that be called?—Well, it would represent, I presume, the Arabic Jizia. It might be called Kurdin Kassa, or it might be called Gandu. The ruling class are all Fulanis, and they use the Hausa equivalents for the various forms of taxes very loosely. You cannot infer anything from the use of a particular word as to the true nature of the payment.

736. Was there nothing regularly paid which you might call a tax?—The Mohammedan portion of the population paid the Zakka.

737. (*Mr. Morison.*) Was there any voluntary payment?—There was a theoretically voluntary payment by the Mohammedan portion of the population.

738. (*Mr. H. B. Cox.*) Were there recognised payments of any kind made to the Emir by Mohammedans as distinguished from pagans?—There was the Zakka.

739. What was the nature of that?—In theory it was a tithe of all produce and a tax on stock.

740. Was the tax on stock known as Zakka?—Yes, if paid by a Mohammedan.

741. In other words, Zakka was a tithe on the goods or produce of the payer?—Yes. It is not exactly a tithe on the stock; it was approximately a tithe on the annual produce of the stock. It was about three per cent.

742. Was any other payment made by the Mohammedans to the Emir except Zakka?—Irrigation taxes and certain taxes on fishing-canoes and ferries.

743. What was the nature of the tax on irrigation?—Irrigated gardens were taxed somewhat as they are said to be in Kano.

744. If a man took water from a stream to irrigate his garden he paid something for the privilege of doing so?—I do not think that it applied to all streams, but it applied to certain specified ones, and if he grew a crop on the banks of the river from which the water had receded he would pay an additional tax.

745. Was the amount of the tax based on any fixed calculation, or was it merely what the Emir thought was proper under the circumstances?—There was a fixed rate.

746. Of what nature?—I am afraid I cannot tell you. It is a long time since I left Yola Province, and I have not looked up my information on that point.

747. At all events, there was a fixed rate of payment you say made for irrigation of lands or cultivation of lands on the banks of a stream from which the water had recently receded?—Yes, in the case of the Binue and certain other rivers.

748. Was the fishing tax confined to particular rivers?—It was chiefly paid by the pagans, who lived on the banks of the Binue, not independent pagans, but those who had become quite tame, if I may say so.

749. Was that tax based on any fixed rule or regulation?—I could not say.

750. Was it a large tax?—No, it was not an oppressive tax.

751. Was it paid by the individual or by the village?—It was paid, I think, by each individual who was engaged in fishing.

752. Whose duty was it in the village to ascertain what individual was fishing, and whether he had paid his due. Was that the duty of the village headman or of someone else?—The village headman would be held responsible, but the Emir's agent would keep his eye on the whole village. A particular official of the Emir was responsible.

753. Did the Emir then always have some person representing his interest in each village?—If the representative did not live in the village he visited it frequently.

754. That is to say an officer of the Emir visited the village if he did not himself reside there?—Yes.

755. Was there any specific name by which that officer was called?—It corresponds to the Jakada in other provinces. The word was not used.

756. Did he supervise other payments beside fishing?—There was one official for each of the separate taxes.

757. One official for irrigation, one for fishing, one for ferries, and one for canoes?—Yes.

758. Now under what circumstances would a tax for ferries be paid. Would it be paid by a village or would it be paid by an individual?—I am not certain.

759. Take the case of a ferry connecting two sides of a stream, on each side of which was a road which could be travelled. What was the nature of the ferry; was there a boat kept there with a man which could be used by passers by?—If there was a village near, several canoes would probably be available.

760. Canoes belonging to the same man or to different men?—To different men.

761. And would each of those men pay something to the Emir for the right to keep the canoe for that purpose?—I think it probable that the village would have to pay.

762. And presumably the Emir's officer in the village, the Jakada, would see that that due was paid to the Emir when the time came round?—Yes.

763. Would that be an annual due?—Yes.

764. In what month would it be paid?—I do not know. I should like to say that it is about three years since I left the province, and these details are very vague in my mind.

764*a*. (*Mr. H. B. Cox.*) I quite understand that.

765. (*Mr. Strachey.*) Is it not the case that all these things have been abolished now?—They have.

765*a*. (*Mr. H. B. Cox.*) But I am trying to get at the previous history.

766. (*Mr. Morison.*) Are there any other crafts or trades besides fishing among the tame pagans which were taxed?—Iron working, for instance.

767. Did the people who were engaged in working iron pay any tax to the Emir?—Do you mean the blacksmiths in the villages?

768. Yes?—They paid the tax, I think, as they did in the other Emirates, and the weavers and the dyers also paid.

769. I am talking about pagans. You said that these people engaged in fishing were the tame pagans?—Yes.

770. Were the people engaged in iron work and dyeing and tanning pagans?—They might be or they might not. Their religion would not make any difference as to the tax they paid.

771. They would pay a tax for plying their craft?—Yes, if they were in the settled part of the Emir's district.

772. In other words if he could get it?—Yes.

773. (*Mr. H. B. Cox.*) You mentioned a tax just now on canoes?—Canoes which were used in fishing or ferrying I meant.

774. There was no general tax on canoes apart from their use for the purpose of fishing or for the purpose of a ferry?—Except that the Emir levied a toll on canoes bringing trade, goods, or produce up the river.

775. If a trader came up the river in a canoe bringing produce, was a tax levied on the canoe or on the produce?—On the produce or the trader. It is the same as a caravan tax in other provinces.

776. You mean that there was a tax really paid for the privilege of trading?—Yes.

777. Whether the goods were carried in a canoe or in a caravan?—Yes.

778. There was no canoe tax then, but there was a trading tax?—Yes.

779. A kind of toll?—Yes.

780. Was that levied at any particular places? Were there any recognised portages or landing places

on the river where the toll would be exacted?—It was collected at the landing-place at Yola.

781. (*Chairman.*) Are there any records at all of these taxes?—No written records that I know of.

782. (*Mr. H. B. Cox.*) To go to another point, you said just now that dues were levied on iron workers, that is to say, on blacksmiths, and weavers, and dyers, and other persons exercising particular trades?—Yes.

783. Were they supervised also by the village Jakada?—Each trade would have an official supervisor.

784. Not each village, but each trade in each village?—Each trade of the special trades, and each village occupation would have a special supervisor.

785. That is to say that one blacksmith in a village would be supposed to look after the dues of the blacksmiths in that village?—No. I mean that the officials at headquarters would look after all the blacksmiths or one of them would.

786. (*Mr. Morison.*) In many villages?—Yes.

787. (*Mr. H. B. Cox.*) I quite understand that, but in the village itself, the general supervisor of the Emir, who looked after fishing canoes, ferries, and so on, would look after the traders?—The Emir would not bother about the trader in a small village. He only took the trade in bulk as it came up the river or in large caravans.

788. Take a blacksmith in a village. Who would see that he paid his due?—The Emir's officer, whose duty it was to look after all blacksmiths.

789. But who in the village?—The village headman would probably get into trouble if there were unlicensed blacksmiths about.

790. It would be the duty of the village headman to see that the dues on trades exercised in the village were properly collected and paid?—Yes.

791. (*Mr. Morison.*) Who collected these?—The collection would be made by the Emir's official.

792. When he came round?—When he came round.

793. If he did not come round no collection was made?—No.

794. Do you mean that?—I do.

795. If he did not come round for a couple of years the village head blacksmith would not get into trouble because he had not levied and remitted?—I do not think he would.

796. (*Mr. Temple.*) The blacksmiths would have one village elder whom they look to, would they not, and the butchers would have one whom they look to?—Yes.

797. The village headman would look to these elders for the collection from the individual blacksmiths and butchers?—Yes, there would be a senior blacksmith in the village. That is simply a matter of convenience among themselves rather than anything else.

798. (*Mr. H. B. Cox.*) It was the province of Yola you were speaking of?—Yes.

799. In the other provinces that you have worked in does the same system prevail?—Yes.

800. Practically what is true of Yola is true of the other provinces?—Yes. Taxation is rather more developed in Bauchi.

801. What do you mean by that; do you mean more easy to collect and more definite in character?—A land-tax had to be paid in Bauchi which does not seem to have been paid in Yola.

802. That is to say that in Bauchi a land-tax was levied as well as these other taxes?—Yes.

803. Levied on whom—on pagans and Mohammedans alike?—Yes.

804. On what basis was the land-tax levied?—In theory, I think on the fertility of the man's holding or on the value of his holding.

805. (*Mr. Wedgwood.*) It was not raised on the hoe?—I am not prepared to say that it was not, in some cases.

806. (*Mr. Morison.*) Can you tell us whether there were variations between the amounts paid by different men, and if so, why? Did everybody pay the same or were there variations?—There were variations.

807. Could you make a sort of guess why one man paid more than another?—I should say because he was considered by the authorities to be better off. He had a larger holding or a more fertile holding or more slaves to work it for him.

808. (*Mr. Temple.*) You came to Bauchi some years after the occupation, did you not?—Yes.

809. (*Mr. H. B. Cox.*) With regard to the land tax which is payable in Bauchi, was that paid at any definite times of the year?—It was paid on two occasions in the year.

810. Approximately on what dates?—Really my information with regard to that is largely derived from Mr. Temple's early reports.

811. We have no reason to doubt their accuracy?—Mr. Temple could answer from his own knowledge of what he has written much better than I could from my recollection of what he wrote.

812. We shall have his reports. I only want to get it approximately from you. Was it in the spring and autumn or summer and winter?—It varied every year. It was not always collected at the same period of the year.

813. (*Mr. Morison.*) Irrespective of the harvest?—Yes. They were paid on the dates of the two principal Mohammedan festivals, the Baban Salla and the Karamin Salla.

814. (*Mr. H. B. Cox.*) Was that land tax paid by Mohammedans and pagans alike?—I believe so.

815. In Bauchi?—Yes, but it was not paid by all pagans.

816. Was it paid by all pagans that the Emir could get it from?—Not exactly. It was really rent paid for the privilege of occupying land which had been conquered by the Mohammedan community. There were tribes on the border whose land had not been effectively occupied who would pay a tribute, but it would not be what they call Kurdin Kassa—money for the land.

817. That is to say there were certain tribes who had been brought into subjection and on them a levy was made in virtue of the land. There were other tribes who were more or less brought into subjection on whom the assessment was not made on the land but whose payment was rather made as a present?—Yes—an entirely arbitrary blackmail, as it was called.

818. (*Mr. Strachey.*) There were other pagans who paid nothing at all?—There were other pagans who paid nothing at all—outside the limits.

819. (*Chairman.*) They were not under control at all?—They were not under control at all.

820. Are they under control now?—Practically the whole of the Bauchi Province is now under control.

821. (*Mr. Morison.*) Have you been among the hitherto untamed pagans?—I have been among some of those who were not under the Emir's control.

822. Are any taxes collected from them now?—They are being taxed by us now.

823. (*Chairman.*) On the principle of making them pay their old taxes?—No; we do not know that they paid any.

824. Then how do you assess the amount that they have to pay. What do you base it on?—It is not supposed to be assessed up to their ability to pay. It is a very low rate, such as 3d. a man a year, so as to accustom them to the idea of paying taxes for one thing, and also to get a small contribution towards the revenue.

825. Did you make any difference in respect of the inability to pay?—No. The staff is not sufficient to go into the details. It is assessed on an average.

826. You know how many people there are?—We know approximately how many males there are.

827. And you assess them at so much a male?—At so much a male.

828. (*Mr. Strachey.*) Is that fixed per man or is it a lump sum paid by the village?—It is practically a poll tax.

829. (*Chairman.*) You must trust to the headman of the village to give the numbers of the contributors correctly?—You can count the huts.

830. (*Mr. Wedgwood.*) Do the individual natives themselves know how much they ought to pay?—They would always be told by the district officer going round that the tax on the village was so much, and that it amounted to so much per head. They would be told what it was equivalent to per man.

831. (*Mr. Morison.*) Pressing that a little more, there would be a lump sum on the whole village, and you arrive at that by a rough guess at the number of adult males, counting the houses, or whatever the method may be. Or is it really a poll tax of so much per head. For convenience do you or do you not say: "This village can probably pay £25," and do you check that by the number that you estimate. Do you say to the village: "You have got to send up this definite amount." If you found there were 30 or 40 males, more or less, would you charge it or not?—Next year they would have to pay a different tax.

832. If you found that the £20 that you had assessed was being paid with ease you would not necessarily increase it, but if you found a great deal more than could pay it with ease you would increase it?—It is not intended to be a poll tax. The headman in theory collects it from each man according to his ability to pay, or what he thinks is his ability to pay.

833. (*Mr. Wedgwood.*) The native himself cannot check the amount extorted from him. He does not know whether the village headman is putting the right tax on him or twice as much as he ought to bear?—No, he cannot tell.

834. (*Chairman.*) Supposing the village headman makes one man pay more than he ought and spares his neighbour, having some reason for that, would you hear of that. Would people make complaints freely if they were taxed unduly, or if their neighbours were not taxed as they should be?—I do not think they would make complaints freely, because for one thing the authorised tax is a good deal less than they really could pay if they were pressed, so that they would not think they were being unjustly treated.

835. Have you any reason to suppose that there is such unfairness?—No, I have no reason to suppose there is such unfairness; I have no evidence that it exists. One would consider it probable.

836. (*Mr. Morison.*) Is our knowledge of the untamed pagan sufficient to enable us to judge?—No, it is not. I was thinking more of the question of the system as applied throughout the province.

837. I am dealing particularly now with the recently tamed pagans on whom you say the tax is very light, and over whom I suppose control is very slight?—Yes.

838. (*Mr. Wedgwood.*) There are no means of checking the village headman, I suppose. He can collect if he likes twice as much as he has to pay over to you. In farming the taxes, he can collect more than he passes on, and so makes a big profit?—You can always inquire in the village how much various people have paid. Are you speaking of pagans now?

839. Yes?—If the people are told what the assessment of the village is and how much it works out at per man, I should have thought that was sufficient protection against the exactions by the village headman?—The assessment among the hitherto untaxed pagans in Bauchi is so ridiculously small that there is no chance of anyone being unduly taxed, and the question of individual payments is not one that matters much now. Amongst one large tribe the incidence is about three halfpence a year per adult male.

840. (*Mr. Morison.*) Are the pagans able to make any mathematical calculation at all—otherwise these checks are not of much value?—I do not suppose they have much knowledge of division.

841. (*Chairman.*) These people have only recently been brought under control?—Yes.

842. So they are paying taxes probably for the first time?—Yes.

843. Do they object to paying any taxes at all?—No. They recognise that it is the due of the people, who are stronger than they are, to receive a tax of some sort from them.

844. As far as these people are concerned, then, there is practically no difficulty in collecting the tax?—There might be a little difficulty, but it certainly is not due to any unfairness in the incidence of the tax or the heaviness of it.

845. There is no objection to the introduction of the principle of taxation at all?—No, when they have once recognised our authority.

846. (*Mr. Temple.*) Do you not think that the imposition of a tax is actually stimulating industry amongst them? That is, to say, they do more work in order to pay the tax?—I think it is stimulating industry and trade, because they travel further in order to sell their produce; further, they are learning to work for wages.

847. In order to pay the tax?—Yes.

848. So that the tax is not penalising industry in any way?—No.

849. On the contrary, it is rather encouraging it?—I think so, certainly.

850. (*Mr. Morison.*) You have seen the untamed pagans in their homes? Could you tell us anything at all about the system of land tenure under them?—No, I am afraid I could not give you any facts.

851. Is there an abundance of untilled land round the villages?—Around the untamed pagan villages there usually is, because they were always at war with the Mohammedans, or with their neighbours, till we came, and they never dared go down into the valleys to till them, so that the land which they could safely till was very restricted.

852. That land in the valleys is not claimed by anybody, or at least there is no effective ownership of it?—No, there was not. Take the case of a valley, a stretch of low-lying land between two hills occupied by different tribes. There would be no effective ownership of it, although each tribe would probably claim half of the valley, or both might claim the whole valley.

853. On the border land?—Yes.

854. (*Mr. Temple.*) It is all claimed by somebody?—Yes, it is all claimed.

855. (*Mr. Morison.*) Is there a chief in every village—a headman?—In every pagan village, do you mean?

856. Yes, in every pagan village. How do they collect for war, and decide any question of peace?—There is a leader in every village. The villages are sometimes extremely small.

857. Is there a separate leader to each village, or is there one headman to a district occupied by pagans?—There would probably be one leader recognised in war by a group of villages. He would hardly be recognised in times of peace. The bond between them is very slight.

858. Does the headman receive, in times of peace, any form of payment from the rest of the pagans?—I think not.

859. (*Mr. Temple.*) Are you quite sure?—No. He would receive presents.

860. (*Mr. Morison.*) For instance, suppose that within their restricted area there was a dispute as to who should have possession of a particular piece of land to cultivate it, would the chief decide it, or how is it decided? Is it decided by the strong hand?—It would be decided by the chief, I presume, with or without his council, the elder men of the village.

861. (*Chairman.*) There is a council?—He would call in advisers, I think, or he might do so. The question might be settled by ordeal.

862. (*Sir J. Digges La Touche.*) There would be a free fight first?—I think that is more than probable. It very often happens, at any rate.

863. (*Mr. Morison.*) There is no payment by anybody for the lands which they occupy?—I have never heard of it.

864. (*Chairman.*) If a man wants to get fresh lands does he have to get the consent of the chief, or does he simply go and take it? I mean, is there any sort of practice as to regularising the acquisition of land?—I should think he would have to get the consent of the chief, but I know very little about it.

865. (*Mr. H. B. Cox.*) Does that apply to all the provinces that you have served in?—Yes, among the pagans.

866. (*Mr. Morison.*) I see that in the memorandum there is a good deal of reference to tenure in common among the pagans. Is that how you would describe the tenure which you have just been speaking of?—No.

867. You mean something different. Do you ever come across tenure in common?—No, I never have.

868. (*Chairman.*) Do you say that even in the case of these untamed pagan communities the village boundaries are pretty well ascertained, or are they restricted by fear of their neighbours to comparatively small parts which can be protected from their neighbours, and otherwise?—Yes, they have been hitherto, but they would claim the land up to a half-way line in the unoccupied country between them and their next-door neighbours, and they would, perhaps, hunt over it.

869. But they could not occupy it because of the state of war which perpetually existed?—Exactly.

870. So far as you can use the term "theory" at all, is there much difference between the theory of the tenure of land in a pagan community, and lands such as you have been describing and the theory in more civilised, more ordinary, communities? Is there the same sort of idea that land can only be occupied by consent of the chief, or the council, or whoever it may be, and that all that a man has is the use of the land, and no property or ownership in the land?—Yes, I think so.

871. You think that that idea is common to the whole country?—Yes, I think it is.

872. Whether Mohammedan or pagan?—Yes, I think so.

873. Have you come across any special customs with regard to inheritance or anything of the kind?—No.

874. What is your experience of local courts, village courts, and so on? Have they much power or influence in settling disputes, and things of that kind? They seem to settle disputes over land?—I do not remember a single case where a dispute over land has come before me.

875. (*Mr. Morison.*) What sort of questions are involved in these disputes over land which are settled by them?—One that I recollect was a question where a man had gone on a pilgrimage to Mecca and left his farm. The question was whether he had definitely abandoned it or whether anyone else could be allowed to occupy it.

876. When he came back can you remember whether he claimed a right in his farm?—Yes. He claimed the right to leave it for a certain time, at any rate.

877. Yes, but he claimed also when he came back the right of recovery?—Yes.

878. (*Chairman.*) The question would be whether, when he left, he intended to abandon it?—Yes; I think that would be the question.

879. That is a very good instance?—It would be presumed that he had intended to abandon it if he had been absent for more than the prescribed time, whatever it is.

880. It looks as if the native courts did apply something in the nature of a principle?—Yes.

881. It is exactly the same legal principle as has to be decided in a civilised country. I do not know whether you have looked at the shorthand notes of what the various witnesses have said here?—I have.

882. Does anything occur to you that you can usefully tell us?—No. It only occurs to me that I am in agreement with the views expressed by Mr. Temple and Mr. Palmer on the general question of the native ideas of tenure.

883. I rather gather that from your letter here of the 22nd November, 1907*—Comments on Sir Percy Girouard's Memorandum?—Yes.

884. That expresses your views on tenure?—Yes.

885. We know that slavery has been abolished. Has that produced a very great change in the position of the Emir—that he can no longer own slaves or exact tribute in slaves. I suppose we are gradually substituting a system of taxation in money for taxation of that kind?—Yes.

886. Is there much unrest or trouble in the countries that you have had to do with arising from the abolition of slavery?—No, not in the parts that I have been in.

887. I mean, there has not been much difficulty in substituting money payments for contributions of that kind?—With regard to the relations of master and servant the slave is quite content to receive his payment in kind in the form of board and lodging and clothes, instead of in money, and in the right to cultivate a portion of the farm and work for himself on certain days. In a very great many cases he has no desire to run away. He does not in the least mind whether you call him free or whether you call him a slave. It makes no difference to him. He knows that in the ordinary course of events he will not be sold or transferred.

888. (*Mr. Morison.*) It has not made very much practical difference then to the slave?—To the slave who was well treated it would make very little difference. Some slaves who had been badly treated have run away.

889. Slaves were used to a large extent for cultivation. You had not only domestic slavery but slaves in the fields?—Yes.

890. What in India we used to call agrestial slaves were fairly well treated?—Yes, I think very well treated.

891. Did you ever make a "resident's assessment"?—I never tried to measure the acres under cultivation.

892. But you have settled the amount of taxes which were to be paid in your province?—Yes.

893. Could you tell us how you did it?—I did it in consultation with the Emir and his headmen and the chiefs, and the people in the villages concerned on a capitation basis.

894. Would you mind telling us a little more in detail exactly how you set about it? First of all, what facts did you find in the Emir's office—if I may put it in that way?—I did not initiate the tax in any one province. I only modified what my predecessors had done. I made very slight changes. I found that a certain village was bound to pay a certain sum. With the view of seeing whether it could be modified at all I went to the census of the village and found out how many men, women and children there were, and what the incidence of that tax would be. If it was below the general average of the taxation of the province I would ask the people concerned why it was so. If they had any valid reason why that village should pay less than others the tax would remain as it was, but if they had not it would be raised to the average of the province.

895. Did you find there was a good reason why one village should pay much more than the other? Is there a considerable difference which you recognised in villages?—I think that the chief difference is in the ownership of stock, and that pays separately in Bauchi.

896. (*Mr. Temple.*) The villages vary in size very much?—Yes, of course they do.

897. (*Mr. Morison.*) Yes, but I mean in the capitation rate?—I think that the rate does not vary very much, and I do not think it is necessary that it should at present, as long as it is as low as it is at any rate.

898. (*Sir J. Digges La Touche.*) It is between 2s. and 3s.?—Yes.

899. You expect to get that, and you do get it?—Yes. It is considerably less than that per head of the population in Bauchi Province, I think.

900. (*Captain Orr.*) Do you mean per adult male it is two or three shillings?—Yes, I mean per adult male it is two or three shillings.

901. (*Mr. Temple.*) While we are on practical details will you take assessment? Do you remember the town of Badiko, for instance? I want to collect 5s., say, from a butcher there; Serikin Fawa has returned to me ten butchers, and I think he is not telling the

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truth, but that there are really 20. If you were sent from Bauchi to Badiko, could you verify whether there were ten or 20 without the help of the native administration?—Certainly not; it is impossible.

902. Could you verify the number of dye pits at Katagum yourself?—I might do that.

903. And the number of compounds in Katagum?—You could count those which were inside the walls, but you would not arrive at any valuable result by doing it.

904. You could arrive at some idea of the number of compounds without the help of the native administration, could you not?—Yes—of the number of compounds.

905. With regard to manioc farms, say, that you doubted whether the village headman was telling you the truth at Bula. Take the town of Bununu, do you remember how their farms are all interlaced?—Yes.

906. I want to collect 3s. from every cassava farm in Bula. Could you possibly, without the assistance of the native administration, arrive at the number of cassava farms?—Not in any time that you might happen to give me.

907. But could you ever do so; I mean to say, are one man's farms distinguishable from others, or are they all together, without boundary marks?—I think there are generally some boundary marks distinguishable by the natives.

908. But distinguishable to you?—No; without somebody who knew the place I could not find them.

909. (*Mr. Morison.*) But if you had a man who knew the place, could you check whether the native was telling you the truth or not?—It would be an enormous labour. If I lived at a place for a month I might manage to measure the farms and check the acreage.

910. But short of checking them absolutely by yourself, could you, by a few test questions, find out whether a man was lying altogether or whether he was near the truth?—I think by a few test questions you could.

911. (*Mr. Temple.*) Could you, with your native staff, without the assistance of the native administration, given that you were free to call in any man of the village, really verify the number of manioc farms and trace each cassava to its owner?—With the assistance of the village headman?

912. No, not with the assistance of the village headman?—Of the owners of the farms?

913. Yes—given the assistance of the owners of the farms, if you can get it?—And the villagers?

914. If you can get it?—It would be a very lengthy process, but I think it is possible.

915. Supposing the village headman were lying to you as to the number of cassava farms, do you think you could get the assistance of the owners in counting them? You have your political agents and your couriers?—It would be a very lengthy process, as I say, but it would be possible. I should not expect to be refused all assistance.

916. Have the farms boundaries?—I believe they have.

917. Visible to you or to your native agents?—Yes.

918. Visible to yourself?—Yes, some farms. I do not say all farms have boundaries visible to me at sight, but they are visible to me if they are pointed out to me; it is often a little scratch for the boundary.

919. But they are very hard to notice?—Very hard indeed.

920. (*Chairman.*) Are there any workable minerals in any of the provinces you have had anything to do with, as far as you know?—There are minerals in Bauchi Province.

921. What minerals?—Tin.

922. Is there an extensive tin field?—Yes.

923. In what portion of the province?—In the south-west portion. Naraguta is the mining centre.

924. What is the extent of the known tin field there; is it large? Can you give us any idea?—Tin is found in the beds of most of the streams within the field, but I cannot say from memory what its area is.

925. Is it worked by the natives at all?—It was. It is not worked now, because various companies have mining rights over most of it, or they have prospecting rights.

926. From whom have they got those?—From the Government.

926*a*. (*Mr. Wedgwood.*) Do they stop the natives working?—Yes. They have an exclusive prospecting licence that prevents anyone else from prospecting or working the minerals.

927. Have they stopped the natives working where they were already working?—I think they have stopped them working in a certain portion.

928. (*Mr. Temple.*) Are you sure?—They have not stopped them working altogether.

929. (*Mr. Wedgwood.*) The whites are not working them themselves?—Yes, they are. The Niger Company are working.

930. (*Mr. Temple.*) Where the natives were working they are still working?—They work a great deal less than they used to at any rate. There is not nearly so much produced by natives as there used to be. They used to work the tin a great deal lower down than the Niger Company work.

931. (*Chairman.*) Is there iron in the Bauchi Province?—Yes.

932. Whereabouts is it?—Chiefly to the south.

933. Is it worked at all?—Yes, it is worked by natives.

934. (*Mr. Wedgwood.*) Has the Niger Company got the sole right of prospecting for minerals in Northern Nigeria?—No; it is open to anybody to apply for an exclusive licence to prospect over any given area. He can get a general licence to prospect over any country not covered by an exclusive licence, and he can get an exclusive licence for a number of years which will prevent any one else from prospecting.

935. Does he make any annual payment for that?—He pays £1 an acre or £1 a square mile. I am not sure what the Proclamation says.

936. (*Chairman.*) Are the natives working tin or other minerals without a licence now?—They are working tin without a licence, but in a very small quantity, and no licence is needed to work iron.

937. (*Mr. Temple.*) Is that so?—I think that is so.

938. (*Mr. Morison.*) Does that apply to whites?—No. I think there is an exception made in favour of natives working salt and iron in the Minerals Proclamation, or in an Amending Proclamation, speaking from memory. No one has ever tried to restrict the working of salt or iron.

(*Mr. Strachey.*) Yes, that is so.

939. (*Chairman.*) It appears from Section 3 of the Minerals Proclamation, 1902, that natives may mine for iron without a licence?—Yes.

940. I do not know whether that has been modified since?—I think not.

941. (*Captain Orr.*) With regard to assessment, do you consider that a system of taxation which fixes a lump sum on a village and leaves it to the headman to divide it as he thinks best amongst the villagers can afford any protection to the individual against unfair division of that tax?—No. The system affords no protection, but protection may be afforded by the action of a resident. None is afforded by the system itself.

942. (*Mr. Wedgwood.*) But in what sense other than by the system may protection be afforded?—By continual test questions and inquiries in certain villages there is a certain amount of protection afforded; but as a whole the answer is—No.

943. (*Mr. Strachey.*) If a man finds that he is taxed one year more than the last year he can go and ask why it is?—Yes.

944. (*Chairman.*) As a matter of practice do the natives complain when they think that the village headman has charged them too much, or do they submit to it?—Unless they were very heavily taxed they would probably submit. My own experience, such as

it is, does not lead me to believe that the village headman has been very unfair in the villages I have made inquiries in. As to the amount each individual paid, I have gone through some villages and taken the name of each occupant and asked him how much he paid. I have done that in public, and I have found out that many compounds were exempt because they were inhabited by blind men, or old men or women On the whole it is fairly done, I think, but there are cases where the people will be taken advantage of.

945. (*Mr. Strachey.*) There is great scope for that?—Yes, there is great scope for that. I am not trying to say that it is an ideal system.

946. (*Captain Orr.*) Have you come across any system which does afford protection to each individual by laying down the scale on which each is taxed?—A hut tax or a poll tax would afford protection. I was concerned in the collection of a hut tax in Rhodesia, and that certainly protected the individual.

947. I meant in Northern Nigeria have you come across any system, worked by the natives before we arrived there, which does afford protection by laying down a scale?—Taxation by the hoe would afford protection, certainly.

948. (*Chairman.*) Have you had experience of such a tax?—The land tax in Bauchi was in some cases assessed by the hoe, I think, and very often probably on the number of hands available for cultivating the farm.

949. (*Mr. Strachey.*) The hoe practically means one agricultural labourer?—Yes.

950. (*Chairman.*) It affords an indication of the value of the land?—I have heard of a tax reckoned by the bow; that means by the able-bodied youth who is fit to carry a bow.

951. (*Mr. Wedgwood.*) That would mean that every individual engaged in agricultural labour in a certain town paid at the same rate?—The individual who used the hoe did not necessarily pay at all. He was usually a slave. The landowner's wealth was measured by the number of hoes used in cultivating his land.

952. But one town might pay at a different rate per hoe from another town?—Yes.

953. Was that variation accidental, or did it depend on the nearness to a market or to the river?—As the taxes were usually paid in kind, nearness to a market would not very much affect them. The distance it had to be brought to headquarters might affect it.

954. (*Captain Orr.*) Then how do you account for the variation?—By the poverty or otherwise of the land and the difficulty in cultivating it.

955. (*Mr. Wedgwood.*) Did it depend at all upon whether you could grow manioc, tobacco or sugar cane?—Those crops would largely be taxed separately, independently of the general incidence per hoe. I am talking of the time before we came.

956. Yes. I am talking of the original taxes before the British occupation?—Just so. I was told that the land tax was in some cases assessed by the hoe. I could only go on native information.

957. (*Mr. Morison.*) The native information was that the land tax was assessed by the hoe?—In some cases, not always.

958. Sometimes by the hoe and sometimes by the bow?—Yes. That would hardly be in the nature of a land tax. It would be more in the nature of a poll tax.

959. (*Mr. Temple.*) You might almost say it was a tax per adult cultivator, or adult male, as the case might be?—Yes.

960. (*Sir J. Digges La Touche.*) What is the difference between the incidence of the poll tax and that of the hoe tax?—There are no records available to show.

961. But would they both be on the number of adult males and females, or on adult males? Apparently the poll tax was supposed to be on adult females as well?—I do not think it was levied on females. It would always be on the males.

962. In an agricultural community would the poll tax and the hoe tax be identical?—Yes, practically.

963. (*Mr. Morison.*) In the countries that you have had to deal with if each individual user of the hoe paid, people who did not make their living by agriculture, or did not employ agricultural labourers, would not pay anything. So there is a difference?—Yes; large numbers of well-to-do traders or artificers would pay nothing.

964. (*Chairman.*) Is there anything else you wish to say?—I think not.

The witness withdrew.

Mr. J. M. Fremantle, examined.

965. (*Chairman.*) Will you give us your experience in Northern Nigeria?—I have been in the country for some time, during which time I have served at Kano, Zaria, Kabba, Borgu, and Yola.

966. You have had experience both of Mohammedan and pagan provinces?—Yes, a slight experience of both.

967. You have, I think, seen the notes of evidence?—I have not had time to take them in properly, but I have just read them.

968. Are there any particular points you wish to call to our attention?—I feel diffident in putting them forward, because my acquaintance with each province came to an end just as I was beginning to see my way to knowing anything about them.

969. Do you find great differences between those various provinces, or do the same customs prevail generally throughout the country with which you have been acquainted?—They are all very much alike, in that they recognise authority and channels of responsibility and the authority is vested, I should say, more in communities in pagan districts, whereas in more civilised districts the ruler has more individual power, and is looked up to.

970. By more civilised districts you mean Mohammedan districts?—Yes.

971. (*Mr. Morison.*) What does "vested in the community" mean? Does the community express a definite will by means of a council that regulates affairs?—Yes. The chief himself has much less individual power, I should say, in a savage community. He cannot go against the will of the people so much.

972. But the amount of authority is not less; it is only exercised by a different body. Would you say that the amount of authority was more or less in a Mohammedan than in a pagan district, or about the same?—I think the same—autocratic in one case, democratic in the other.

973. (*Mr. Strachey.*) Any pagan authority exercised by a community would only extend over perhaps a village or two, or a group of villages, whereas Mussulman authority might extend over a province?—Quite so. It is a matter of degree.

974. (*Mr. Morison.*) If a Mussulman might take away land from an individual would you say that the village community might do the same thing?—If a stranger wanted land he would have to apply to the community in a pagan district, I should say; whereas, with Mohammedans the individual chiefs would have more say in the matter, but it comes to the same thing with regard to rights.

975. There is power either to give or to take away land?—Yes. I am talking of strangers. They are

very tenacious of their rights as regards strangers, I think.

976. Can you conceive of a village community taking away land from one of the people in the village—not a stranger?—Yes—for misbehaviour.

977. I mean for misbehaviour. You can?—Yes.

978. (*Chairman.*) Do you know an instance of that?—I can think of several. I should say that in Mohammedan communities a man who misbehaved would very likely first be tried by the native judge, and he would be expelled from the country with the consent of the Emir. It would be referred to the Emir first.

979. (*Mr. Morison.*) What would be the procedure, if I might call it so, in a pagan community?—Mere force.

980. Would the village elders sit and consider the question, or would the mob turn him out?—Yes, I should say that the elders decidedly would.

981. And then he would be kicked out?—Yes. In former days he would very likely be handed over in payment of "slave-tribute."

982. Now, what would be likely to happen to the land that he possessed. He has been *ex hypothesi* deprived of his farm. Suppose that somebody else applied for it?—He would take it up with the consent of the community.

983. Would he pay anything?—Yes, he would pay a due.

984. To whom would he pay it?—He would pay it to the chief who would represent the community and be responsible to the community for the way in which he had disposed of the dues.

985. What would he actually give; a couple of hens?—Something very small.

986. What does it mean—a dozen eggs, or what?—Yes, or corn or chickens or goats. It depends on how close they are to civilisation or trade settlements. The chief would be recognised as having a claim upon those dues for his personal use, because that is his position as being *primus inter pares*.

987. (*Chairman.*) The land would not belong to the chief or to the Emir in that case?—No, I do not think so.

988. It would not be a transfer of ownership?—No, but it would be settled more by an individual like an Emir than by a headman of a pagan community.

989. Rather as an act of administration than as a transfer of ownership?—Yes.

990. (*Sir J. Digges La Touche.*) The so-called due would be in the nature of a present, would it not?—There is not much distinction, I think.

991. (*Mr. Morison.*) In a pagan country, after he has once been admitted on payment of two hens or a goat, does he make any other payment in future for his land? I am thinking of a man not subject to a Mohammedan Emir?—The village would pay slight dues every year to a bigger chief, if there was one, and each individual would no doubt contribute something.

992. Make it up?—Yes.

993. If the village did not have to pay tribute he would pay nothing?—Nothing.

994. He would pay nothing except his share of the village tribute if there is any?—Nothing at all, unless they were being raided in the old days, but that is another question.

995. (*Chairman.*) During the time that you have been in the country have you seen any change in the conception of land? You spoke of being in the Kano Province. Has the idea of property in land been developed at all in towns?—With regard to their conception, certainly it is becoming more individual when it is near a town. But may I say that their sense of our right to the land is being shown more and more. They feel that the land belongs to us in spite of their former rights.

996. (*Mr. Wedgwood.*) Is it shown by the willingness with which they pay taxes? Do they pay their taxes more willingly now?—I was thinking more of cases where we have allowed other communities to spread themselves from their districts into other districts not so thickly populated, but which belonged to another tribe. This would have ended in tribal fights a few yars ago, whereas now they just do not like it at first, but they understand.

997. In Katsena have you known of a house changing hands for a money payment?—I believe it has been done, but I hesitate to answer definitely, because I was only there a month. You have Mr. Palmer's evidence, I believe.

998. Have you been in any town for any period? Have you lived in Yola?—Yes, I have lived in Yola a short time.

999. Have you known of a house changing hands in Yola?—No. When a house is left by its owner it is generally because he wants to go into the country. He has the right to go back there, but in the meantime it stands empty.

1000. Supposing that you yourself wanted to put up a house in Yola, would you have to ask anybody's permission to build that house?—The Emir's permission.

1001. And if you wanted a big garden, or a larger garden, attached to it whose permission would you ask?—The Emir's.

1002. If you were a black man would you pay the Emir anything?—Yes.

1003. Every year, or only once?—Once—that is a a definite claim on the Emir's part.

1004. Would it outrage the native sense of justice if the Emir proceeded to demand an annual payment for the right to have land inside Yola, whether with or without a house upon it?—No, if it was a small one I think the principle would be accepted without demur.

1005. Does a person who lives in Yola, that is to say, a shopkeeper, pay any tax at present?—Yes.

1006. A licence?—No, not as such. He pays a tax which we have instituted.

1007. Assessed on what? Suppose he is a witch doctor?—In Yola?

1008. Yes?—He would pay simply on his compound, but not *qua* witch doctor.

1009. No, not *qua* witch doctor, but *qua* occupying the hut.

1010. (*Mr. Temple.*) Have you a poll tax on doctors, because that is what you said?—No.

1011. (*Mr. Wedgwood.*) The doctor pays according to the hut tax, I understand?—Yes, simply as a member of the community having a compound of his own.

1012. (*Mr. Temple.*) Is it a graduated compound tax or a fixed amount for each compound?—There is a fixed amount as a basis. If he was a doctor and was making money as such, we would expect the head of the ward of the town in which he lived to take that into consideration.

1013. (*Mr. Wedgwood.*) My point is would every person who had a compound in Yola pay the same amount whether he was a witch doctor or whether he was a baker or whatever he was?—I think I have answered that. Five shillings a compound is a kind of basis, but the total assessment might be higher than that, taking into consideration the incomes derived by different people from their various callings.

1014. That is to say, if a man had a compound on the main square in the centre of Yola, he would pay more than the man who had a brand new compound in the outskirts?—You mean because of the position of the compound?

1015. Yes. Would the position of the compound affect the tax?—We have never put it to the Emir in that way, I think, but it might unconsciously work out in that way.

1016. It might, you say?—It might, because he would be a bigger man for one thing, if he had his house close to the mosque, for instance.

1017. (*Mr. Morison.*) Are there good and bad sites in Yola?—No, not in themselves.

1018. But are there some sites of more value than others in Yola?—Incidentally, yes.

1019. (*Sir J. Digges La Touche.*) Giving greater opportunity for making profit?

1020. (*Mr. Morison.*) Nearer the bazaar?—You would certainly find that the people who were nearer the centre of things would be paying, if our system is carried out rightly, on a rather larger scale than people further out, because they would be the principal people in the town.

1021. (*Captain Orr.*) You speak of our system. Then what you are telling us is what we are introducing, and not what you found when the British occupation first began?—Exactly.

1022. (*Mr. Temple.*) Is not this what we have been ordered to introduce?—It is what we have introduced.

1023. It is in the Memorandum?—Yes; but we leave a great deal of latitude to the chiefs as regards the incidence on the individual.

1024. (*Chairman.*) Do you know any case in which an increased value has been in any way attached to the value of the site of the house or land, or is it a value which merely depends on the position of the taxpayer and the amount of income that he makes and so on, and what he is able to pay. I know it is rather difficult to answer these questions unless you have some concrete instance in your mind. Do you know any cases?—Certainly. If you have a man occupying a big house in Yola and he is expelled from any reason, that house as such would give a claim to the Emir to demand a present from the man who occupied it.

1025. Whatever his profession might be or whatever his trade?—Certainly; it would be a well-known house.

1026. (*Mr. Morison.*) Did you ever know anybody paying anything except to the Emir for being introduced to a house or holding? One man goes out and another man is brought in. In that case have you ever known any payment made to the outgoing holder or tenant?—Not if he has got land from the Emir in some other place. The Emir would grant him, or the chief of the village would grant him land elsewhere.

1027. But between the two parties is what I mean?—Independently of what happens with regard to the Emir?

1028. Yes. A man goes out from his good house in Yola and surrenders it or goes out anyhow, and another man comes in. Would the man going out exact anything, or would he be able to get anything from the incoming tenant?—It would be like surrendering his licence?

1029. Yes?—I do not think so. I have never met with it.

1030. You do not in your own experience know of any such case?—No, but that does not in the least mean that it is not so.

1031. You have never come across any such payment?—No, I have not.

1032. As you say, it may have occurred?—Yes. I qualify it in that way.

1033. You have never met with it?—No. In Yola they never had any land tax before our advent—paying on ground.

1034. No, but if a man had a good house, and perchance wanted to leave it, he presumably would realise that he was giving up some value, and he might want to get it back again?—I do not know of any case of a man leaving a house like that.

1035. (*Mr. Wedgwood.*) Do they ever dispose of their goods by will in Yola?—Not often by recorded testament, I fancy.

1036. But by unrecorded testament—do they dispose of their slaves for instance and cattle?—Yes, the Mohammedans do.

1037. Have you ever had any cases dealing with testamentary dispositions?—Yes. The old Alkali of Yola died just before I came away the other day, and we were looking into his testamentary disposition. He had only told two people to whom he was leaving the third of his property that he had a right to distribute. This was not published until some time after his death.

1038. Do you know what he bequeathed under that third?—Yes. The stock on his private lands was divided between his wives who had been to Mecca with him.

1039. (*Chairman.*) Was that acted on?—It would be.

1040. (*Mr. Wedgwood.*) There was first of all no question of slaves?—I do not think so.

1041. I did not know whether slaves might still survive in these testamentary dispositions. There was no mention of houses that you heard of?—His private farms went to his family. His official house went to his son, because his son succeeded him.

1042. And his other houses are now occupied by his wives?—And his other sons.

1043. (*Chairman.*) What is your experience with regard to the relations between the residents and the Emir—do they work harmoniously together, or is there much bickering?—They recognise our power, and they know on which side their bread is buttered.

1044. Are they willing to take their butter in the form of an annual payment—a proportion of the tax, or something of the sort? Are they willing to accept a fixed annual income?—They would be willing to accept it in some cases, but in others I should hesitate to say.

1045. (*Mr. Morison.*) Are they looking to the rising values of their estates?—No. I should say that in places where they have not had any regular system of taxation until it has been introduced by us it would be a matter of very little difficulty to give them fixed incomes at once.

1046. (*Chairman.*) Would you apply that to the subordinate officials, the district headmen and so on?—Yes.

1047. Could they be turned more or less into assistant administrators or something of the kind?—Yes, I think it would be fairer to them, and they would feel it to be so.

1048. Do you believe that any change of that sort would be consistent with the proper administration of the country?—Already they consider that their share of the taxation, as it is called, is a reward. They call it "lada."

1049. (*Mr. Strachey.*) Is that confined to Yola?—I should say that it was true of any places that I have had experience of where we have instituted taxation ourselves, because there they look upon it as receiving income or money from us, whereas in the other Emirates, where they have had an established system, it is rather considered that we are taking a share from them.

1050. (*Captain Orr.*) We divide the spoils—is that what you mean to convey?—Yes, but they collect the spoils first.

1051. (*Mr. Morison.*) And they resent the division?—They may or may not; but in the other places that I am speaking of, where they have not had a system before, they look upon it as mere wages given to them, and that is why I feel that a definite income would be more satisfactory to them.

1052. More satisfactory to them, but do you think it would be more satisfactory to the people who had hitherto had the spoils?—No. I am speaking of places where they have not had any.

1053. (*Mr. Morison.*) Do you think that the people who have hitherto had the spoils would think that transition to fixed wages would be satisfactory. I think that that was the question.

1054. (*Chairman.*) I suppose that that might depend upon a variety of considerations. It might depend on the degree to which the district headman or the village headman, or the messenger of the Emir was brought under control and unable to carry on in the same way as before. He might be willing to compromise and to take a fixed salary in lieu of a more or less precarious position of possible extortion. Putting it generally, do you think that the arrangement of

turning these persons in the position of Emir, district headman and village headman into assistants of the British Government for the collection of taxes is likely to work well?—I would not destroy their authority for anything, but consistent with that, I do not see why a system of salaries would not be possible. A good deal depends on what opportunities they have now for extortion which we do not know of.

1055. (*Mr. Morison.*) Do you think it would be possible to maintain their position on a salary?—Yes, I think so, certainly.

1056. Does the prestige depend partly upon the power to extort?—It depends on your power, which you may abuse or not abuse.

1057. (*Mr. Temple.*) Has the Emir of Yola any power to deal with the individuals at all?—Yes; through his minions.

1058. Through the district headman and the village headman, and through other channels?—Yes, his minions—his favourites.

1059. That still exists in the Yola Emirate?—There are no Jakadas, but his own favourites are sent out into the country if we are not very careful to stop it.

1060. But on the whole you do stop it?—Yes.

1061. (*Chairman.*) That may probably make the Emir more willing to take a fixed payment?—I think so. At present the Emir does not know on what principle he receives his own personal share. What I mean is this: at present the Emir will accept anything that we give him as his share, and it is difficult for him to check it, and he feels that we may very often not give him the whole amount. Under a system of proportionate shares when assessments are being continually revised or by short collection are not fully realised, with liability to forfeit under certain conditions, it is too vague for him to follow, and from that point of view I am sure that he would prefer to know where he is.

1062. (*Mr. Strachey.*) It is the case, is it not, that the Emir of Yola is in rather a curious position. Yola is a rather exceptional place, and the Emir is rather unlike other Emirs with regard to his powers, and so on?—The chief difference can be explained by the fact that he is the son of the original founder of Adamawa, who was a contemporary of Othman Dan Fodio, the conqueror of Sokoto, and his connection with the past is so close that we must not expect too much of him.

1063. Yes, but what I meant was that it would not be right to argue from what the Emir of Yola was prepared to do or to agree to, and to assume that other Emirs of provinces would be likely to agree to the same thing simply because of his exceptional position?—Certainly not. It is an Emirate where we have instituted taxation ourselves.

1064. Unlike the other Emirates they had not got this rather elaborate system of Mussulman taxation?—No, they had not got it.

1065. (*Captain Orr.*) I do not understand your saying that the native chief has no idea on what principle the taxes are divided. He gets half, does he not? He collects the taxes himself; he knows exactly how much the taxes are, and he receives half?—I am afraid I have worded it badly. He knows that the Native Administration gets half, but he knows that other chiefs—smaller chiefs—gets certain shares, and they cannot work it out. The details are complicated; they simply wait and see how much each one is paid. Therefore, as an individual, he would be much more sure of his ground if he knew the exact money that was going to be due to him. I should like to see fixed salaries allotted to all, but subject to revision according to their efficiency.

1066. (*Mr. Morison.*) The taxes, I understand, go first to him?—They are collected by us. They are brought to us in Yola.

1067. (*Mr. Strachey.*) Yola is exceptional?—Yes. We aim eventually at having them entirely collected by the native administration.

1068. (*Chairman.*) You do aim at that?—Yes.

1069. (*Mr. Morison.*) And deposited first in his treasury?—In the initial stages it has been considered unwise to leave it in his hands, because he being a tremendous slave raider (a way in which they used to get their wealth before we came), if we put it into his hands a new system which he could run by his own authority, it would be almost impossible to expect him not to abuse that power.

1070. (*Chairman.*) It is an exceptional case because of the condition the country was in when we took it over?—Yes. Yola is a colony of Sokoto; it is considered as such.

1071. Therefore you had not in Yola the same organisation, if we may call it so, as exists in other provinces?—No. They were allowed to get their wealth from extending the empire of Sokoto, if I may put it in that way.

1072. (*Chairman.*) Is there anything else you wish to say?—No, I think not.

1073. (*Chairman.*) Thank you.

The witness withdrew.

Adjourned to Tuesday next at 2.30 o'clock.

FIFTH DAY,

Tuesday, 30th June, 1908.

At the Colonial Office, Downing Street.

PRESENT:

SIR KENELM E. DIGBY, G.C.B. (*Chairman*).

Sir J. DIGGES LA TOUCHE, K.C.S.I.
Mr. THEODORE MORISON.
Mr. J. C. WEDGWOOD, M.P.
Mr. C. L. TEMPLE.
Mr. H. BERTRAM COX, C.B.
Mr. CHARLES STRACHEY.
Captain C. W. ORR.
Mr. JOHN ANDERSON (*Secretary*).

Captain C. W. ORR (a member of the Committee), examined.

1074. (*Chairman.*) Where are you resident?—At Zaria.

1075. In these memoranda appended to Sir Percy Girouard's Memoranda, you have one on Land Tenure on page 36 of the document before us, and another on Land Revenue on page 55?—Yes

1076. Those, I understand, contain your views on those two subjects?—Yes.

1077. I think that you have a statement?—Yes.

1078. Will you read it, please?—"There is little to add to what I have written in my two memoranda to the High Commissioner, one on Land Tenure, the other on Assessment. I do not see that any amplification is needed of what I have said about Land Tenure. Exhaustive inquiries amongst natives of all classes have led me to believe that what may be described roughly as State ownership of land is at the root of all native ideas in Northern Nigeria, whether the natives be primitive pagans or enlightened Mohammedans. But I believe that wherever land, owing to pressure of population, has acquired or is acquiring a value, the practice of freehold is beginning automatically to creep in. As to whether or no any country can be developed without granting to individuals a freehold in land I cannot express an opinion; but I hold strongly that the experiment should be made, or rather continued in the case of Northern Nigeria. If the system fails in practice, a stroke of the pen will suffice to alter it. But the converse obviously does not hold good, that is to say, if freehold is granted in the first instance, the reversion to State ownership is practically impossible." That is all I have to say about Land Tenure. As regards assessment, my idea is that for practical purposes the population of Northern Nigeria may be divided into three classes—(1) Mohammedan States where a regular system of taxation has existed for many years; (2) communities of pagans, which have reached a certain standard of civilisation, where markets have been established and where a system of tribute to some conquering tribe has been usually paid; (3) unsettled pagan communities which have up to now been in a more or less constant state of warfare and where civilisation, as we know it, is practically non-existent. In every case I strongly advocate as little interference with the customs of the people as is possible. In other words I would aim not at inaugurating some possibly admirable system which is the outcome of our European experience, but at conserving the systems we find, and devoting our energies to purging these systems of any injustice and oppressions we may discover in them and safeguarding the individual from extortion by his social superior. In my province I have examples of all three classes I have described. I will deal with them separately." That is to say I have the example of the Mohammedan communities and the pagan communities settled and unsettled—"(1) In the Mohammedan Emirate the Hausa communities have long been taxed on a basis of the hoe by which, I mean, every individual agriculturist capable of using a hoe has paid a fixed sum annually, or the head of a household has paid the sum on each individual—whether free or slave—using a hoe. Each 'hoe' has been granted the use of as much land as he can and will cultivate. The result is that a direct incentive is given to industry—for a man who, by working all day long, cultivates a large area and grows and sells a large surplus of corn, pays no higher tax than his indolent neighbour who cultivates just sufficient to keep himself and his family from starvation and has no surplus to sell. Besides this tax, there is an additional tax payable by those who grow certain crops for which a special soil is required and which are specially valuable, *e.g.*, sugar cane, tobacco, cassavi, and onions. This amount, again, is so much per 'farm,' irrespective of the amount of soil used. Furthermore, every industry or craft paid an annual licence, for example, blacksmiths, dyers, hawkers, etc. I would for the present conserve all these taxes, making the district headman responsible that each year a list is made out in Arabic for each village showing the number of hoes, the number of farms of special crops, the number of craftsmen, etc. The village headman would be responsible for giving the correct facts to the district headman and for collecting the tax. The resident need, I think, keep no list of details in his office, but only the gross amount of the total tax on each village." That, of course, is by way of preventing an overplus of clerical labour. "This is the system which, at the moment, is being carried out in the Emirate of Zaria, and I think the Emirate of Katsena, and it is extraordinary how keen an interest the district and village headmen take in their work, whilst the peasant is thoroughly satisfied, feeling as he does that no violent alteration in his old customs has taken place under British rule, but that he has been quietly safeguarded from the former extortion from which he used to suffer. As regards advanced pagan communities I advocate the substitution of a tax per hoe for the old system by which a village or tribe paid a lump sum of tribute annually collected by means of a general subscription whereby the village headman and elders probably profited when they were strong and unscrupulous, though the reverse happened where they were weak and lacking in authority. The tax per hoe should, I consider, be varied when local conditions vary. In my province the tax is as high as 5s. per hoe in a district close to the headquarters station where corn and produce is in immense demand and prices are very high, while it is as low as 1s. 6d. in a more remote district away from markets or trade routes."

1079. That is per annum?—Yes, that is per annum. "The peasants have welcomed this system and method of collecting their tax, since each knows precisely what he has to pay each year, and is not subject to constant calls for unknown sums. Finally, in the case of wild pagan tribes only just brought under control, I would for the present do no more than levy a very small annual sum, payable through the recognised head, and would leave the collection to the community. These pagans are the most democratic people I have ever met in any part of the world, and I have no fear at present of any extortion by their own headman. In assessing such tribes it has been my constant endeavour to fix a sum which I feel certain can still be so easily collected that there will be no necessity of bringing physical force to bear to ensure payment. In some cases the sum fixed works out at less than a halfpenny per head, and I have

known cases where one householder has paid the annual tax for his entire village without question. As this was a community which formerly paid an annual tribute of a slave, I have no doubt that this householder was the man whose turn it would have been to provide the slave." In that way you see the tax passing from the slave to currency. "In parenthesis I should like to note a curious fact, namely, the dislike of many pagan tribes to our innovations regarding slavery. When this first came to my notice I found it impossible to believe that a pagan tribe which had never owned slaves and only suffered from having its members enslaved, could do otherwise than rejoice in laws which put a complete stop to any future enslavement. I then discovered that they had for centuries been in the habit of getting rid of their bad characters, and, above all, their suspected witches and sorcerers, by selling them into slavery, and resented fiercely a new system by which this practice was made illegal. I mention this because it seems to me an excellent example of the danger of jumping to conclusions with our scanty knowledge of native methods of thought, and our invariable habit of applying our logic to tropical conditions. The two important points which it seems to me necessary to bring before the committee are, firstly: That I do not believe in a system except in the case of very backward pagan communities which levies a lump sum as a tax on a village or community, and leaves it to the village headman or council to distribute as he thinks fit. Secondly: That the basis of taxation, so far as my experience goes, is the hoe, *i.e.*, it is a tax levied for the use of the amount of land which one man can cultivate. This is, of course, at present, very vague, simply because land being so plentiful and population so scanty land has practically no particular value. Perhaps, later on, the hoe could be defined as a plot of land of a fixed area, the area being the amount which one man working a reasonable number of hours per diem could cultivate. When the time came for an cadastral survey all land would then be leased to cultivators in plots of this size. I do not put this forward as a carefully-considered proposal, but as a somewhat vague suggestion of the method by which it appears to me the present vague native methods of assessment may develop into a highly-organised system which may accord with the most modern ideas of trained economists."

(*Captain Orr handed in the following Table*):—

VILLAGE OF X.

Rate per hoe, 2s. 6d.

Invariable rate throughout the Emirate.	Blacksmith's licence	5/- p.a.
	Dye pits	1/6 per pit p.a.
	Butchers	10/- p.a.
	Tobacco crop	2/- ,,
	Cassava	3/- ,,
	Onions	3/- ,,
	Sugar cane	5/- ,,
	Broker's licence	2/- ,,
	&c., &c.	

256 hoes at 2/6	£32	0	0
10 blacksmiths at 5/-	2	10	0
2 butchers at 10/-	1	0	0
5 tobacco at 2/-	0	10	0
6 sugar cane at 5/-	1	10	0
	£37	10	0

N.B.—These are rates taken at random, and do not pretend to any accuracy.

1080. (*Mr. Strachey.*) In your land tenure memorandum on page 36 and in what you have just read to us, when you say "State ownership of lands," and when you say "The State may at once assume right of ownership of land," you mean the Government of Northern Nigeria by "the State," do you not?—Yes. When I say that the State may at once assume the right I mean the Government of Northern Nigeria..

1081. But you also mean that the Government of Northern Nigeria should assume, as it were, the position of trustee for the entire native community?—Yes, that is what I mean.

1082. In paragraph 5 you say: "The right of transfer sale, and inheritance undoubtedly exists in the Mohammedan portion of the province." That does not mean the right of transfer, sale, and inheritance of land. It means of user?—Yes, of user.

1083. (*Sir J. Digges La Touche.*) Is that subject to sanction by the chief?—I am not clear on that point. The evidence is conflicting. Personally, I should have said that it was, but they assured me that in some cases there was no necessity to refer to the chief at all.

1084. (*Mr. Strachey.*) I am not quite sure about the tax per hoe. Does that refer to the women as well?—In some cases it does and in some cases it does not. I cannot be clear on that point either.

1085. Women do hoe in the field, do they not?—Yes.

1086. (*Sir J. Digges La Touche.*) Do you apply the same principle to people who are non-agriculturists? Is that tax distributed by a village council under the village headman?—I am proposing only the one tax on agriculturists, because nearly all pagan are either agriculturists or hunters.

1087. What would you do for the Mohammedan community?—I would keep the craft taxes.

1088. Would you distribute that by assessors?—No; that is all laid down already. Each craft pays so much, and it is the duty of the village headman to see how many craftsmen there are and collect the tax.

1089. I thought that they paid varying rates according to their craft and according to their ability to pay? No.

1090. (*Mr. Temple.*) That is so in Sokoto, but not in Zaria?—Yes.

1091. (*Sir J. Digges La Touche.*) As I understand your great object is to get a fixed hoe rate. All individuals of the village ought to pay one rate?—All agricultural villagers.

1092. Yes, the whole is entirely agricultural. I understand that. Then, for the craftsmen and other people, would you let the village headman aided by his council distribute the total over different crafts, or was it the custom to have a separate rate for each craft?—The custom was to have a separate rate for each craft. A blacksmith would pay so much. If he had an assistant he would pay double; if he had two assistants he would pay treble, and so on, and in the same way a man with dye pits would pay so much and the hawker would pay so much. It is a licence, not a tax at all.

1093. It varies with different trades, and, as I understand, different villages, too?—I think that the rate is constant throughout, but I will not say for certain.

1094. (*Chairman.*) If I understand you rightly, it not only varies from village to village, but it might vary with regard to individuals, because a man who employs more labour would pay more?—No, I do not mean that for a moment. I mean this: Supposing I am an individual in a village, and I have no sons or slaves or servants but only myself, I pay half-a-crown as hoe rate. If I have two sons working with me, that is three hoes, I pay 7s. 6d. It is simply per hoe.

1095. (*Mr. Morison.*) How does that apply with regard to dye pits?—As regards dye pits it is so much per pit.

1096. If the craftsman employs several men or works alone, the tax is the same?—I believe so.

1097. (*Chairman.*) It depends on the number of pits that are used?—Yes, it is on the pit.

1098. (*Mr. Wedgwood.*) I understand that the distinction between the tax on the hoe and the licence on the trade is that the tax on the hoe varies from place to place and from time to time, and that the licence is constant from year to year?—Yes, that is my idea.

1099. Could you tell me what the variation in the tax per hoe was approximately?—I should say that it varied from 1s. 3d. to 6s.

1100. Would it be possible for the residents to notice when land acquired any value in exchange in the village?—Yes, I should say so.

1101. And would it be possible to increase your tax per hoe in villages where that took place?—Certainly.

1102. Do you see any substantial difference between a tax based on the hoe and a tax based on the

agrestial compound—the compound in a village which is occupied by agricultural labourers?—No.

1103. They would be the same in principle, would they not. If you took the village compound, you would get approximately the same results?—Yes, you would certainly.

1104. With the advantage that you could check the number of compounds more easily than you could check the number of hoes?—You mean that ten people might be living in one compound and five in the next. In the compound where ten people are living the tax will be ten hoes. In the next compound, where five people are living, the tax will be five hoes. You do not propose to tax both the same?

1105. I was asking whether, if you taxed them both the same, it would have the same result; you say it would not?—No, because the compounds would vary.

1106. You could not put on a village compound a tax and allow the village headman to distribute it according to the actual size of the compound?—No.

1107. (*Mr. Temple.*) You could not trust the village headman?—No.

1108. With regard to Jangali, would you allow it to be collected?—Yes, I should continue to collect the cattle tax as before.

1109. It is Income Tax, is it not?—I do not know.

1110. It is 1s. 6d. per beast say. Has Zakka been collected in Zaria?—Yes; I mention that.

1111. You would allow Zakka to be collected as Jangali is collected. You would allow it to continue to be collected?—I do not like the tax, but I should continue it because the people have always paid it.

1112. Yes, quite so?—Zakka is one-tenth part of the corn crop.

1113. (*Sir J. Digges La Touche.*) Would you combine it with the whole tax on the agriculturist?—I do not want to at present.

1114. Is not the great object to simplify taxation and get rid of a lot of these taxes?—Yes, it is; but the people are accustomed to paying one-tenth of their produce in kind, and I think it is a mistake to do away with the tax.

1115. (*Mr. H. B. Cox.*) You said just now that in the pagan villages all the people were either agriculturists or hunters?—Yes.

1116. I do not think we have heard of the hunters before. Do they form a large class of the population?—I think that nearly all pagans are hunters, but they are probably agriculturists as well.

1117. Is there any class of hunters who do not cultivate the soil at all?—I could not say. I fancy myself that all hunters have a farm as well.

1118. If that were not the case, any portion of the population that were not agriculturists would escape taxation?—Amongst the pagans—yes.

1119. (*Mr. Wedgwood.*) Would it not be just to say that they escape paying rent.

1120. (*Mr. H. B. Cox.*) They would escape paying a hoe tax if they did not use the hoe?—But then they have got to buy their food from their fellow-agriculturists who have to pay the tax, and therefore they would pay indirectly.

1121. Do you think that the agriculturist would raise the price of his food to the hunter? Certainly, he has to raise the price of the food if he has to pay the tax.

1122. You do not quite follow my point. He has to do that, but would he not raise the price of food indiscriminately?—Certainly, not to the hunter alone.

1123. That is what I meant. Therefore the effect would be to raise the price of food all round?—Yes.

1124. To the agriculturist, the tanner, the man with the dye pit, and to all?—Yes.

1125. Therefore, while the hunter would have to pay more for his food, he would not be paying more for his food than anybody else?—No.

1126. Therefore, the hunter, so to speak, would escape a form of taxation which other people were subject to because, while his food price was raised, so would the price of food be raised to everybody else, and he would not pay a special tax?—Except the agriculturists who grow their own food.

1127. You say, as a matter of fact, there are practically no hunters who are not agriculturists?—As far as I know. I do not like to dogmatise, because I do not know.

1128. There is no hunter who has not a farm?—I should not say so. Every young pagan hunter probably has his farm. Until they begin to come into line with us and begin to see the benefits of British rule, I would put them on the same basis as the more advanced pagans.

1129. (*Chairman.*) You say there is a difference with regard to the Province of Zaria between what you call the official farm and what exists in other places?—Yes. I am surprised to find it, but it seems clear from the evidence that I have seen that it is so.

1130. (*Mr. Wedgwood.*) Is the village headman elected or is he hereditary?—He is elected. He is appointed by the Emir.

1131. For life or during his pleasure?—During his pleasure.

1132. (*Chairman.*) Is that the case in pagan communities also?—I believe so.

1133. Is he appointed by the chief?—Yes, I believe so.

1134. Therefore the practice of appointing him by the Government does not strike the natives as a novelty?—No.

1135. (*Sir J. Digges La Touche.*) Is the Council under the village headman recognised at all in Zaria?—I do not think so.

1136. We have heard a good deal about the council?—Unquestionably the senior men of the village meet and discuss these things, and no doubt the elders limit the authority of the Chief to a great extent, but as to whether there is any actual council I do not think there is.

1137. I meant the elders under the village headsman. I did not meant any council?—The council is not actually a fixed thing, I think. There may be five men one day or ten the next. They are very democratic, as I have said.

1138. (*Mr. Morison.*) With regard to the tax per hoe and the craft tax, do you recognise these things as distinct?—Yes.

1139. Do you think that at the present moment the incomes of the people following these different professions minus the tax are about the same? I mean to say, having taxed them, do you leave them in about the same relative positions to one another. Do you make a heavier tax on an agriculturist than on a craftsman? Do you annex the same percentage of the profits?—I could not say whether the idea is to leave them in the same relative position. They have probably worked it out during preceding centuries, and what we find there is the suitable thing. You follow what I mean?

1140. Yes, but my point is this: supposing there was a very great rise in the price of agricultural produce, the present condition might not continue. The man paying the tax per hoe might be let off very much more lightly than a man paying a tax on dye pits?—Yes, certainly, that is so.

1141. Do you propose that the tax per hoe shall be varied quite independently of the craft tax?—Yes.

1142. I only want to know what you contemplate in the future. Do you contemplate an alteration in the hoe tax, quite independently of the tax on the dye pit?—Certainly, I do contemplate that.

1143. So that the two must be kept very distinct?—Yes.

1144. You are against lumping?—Yes, I am against lumping.

1145. (*Mr. Temple.*) Why should they vary? Ought not the blacksmith to pay as much as the agriculturist, or vice versa?—It is a question of expediency. For instance, if I wanted to encourage blacksmiths, I should lower their tax. Why not? If I want to encourage agriculturists, I can lower their tax. That is the whole point of it.

1146. (*Chairman.*) With regard to this system of taxation by hoe, do you know whether it prevails in other parts of the country as well as in Zaria?—No, I do not.

1147. Therefore, you would introduce it as a new thing if it was not in existence already?—I would not introduce it as a new thing where a system of taxation on a different basis had been in existence before; but I would introduce it amongst pagan people who have never been taxed before, because I think it is a sound one. I believe that the system is almost exactly the same as the Kano Katsena system, but they call it a tax per farm, and I call it a tax per hoe.

1148. (*Mr. Wedgwood.*) Is it not essential whether it is by compound or by farm, the tax varying from year to year, that the same principle should be followed?—Yes.

1149. (*Chairman.*) In practice, must not a good deal be left to the Government?—Yes.

1150. It must be regulated on the spot?—Yes.

1151. (*Mr. Wedgwood.*) But you would have some general principle laid down?—Yes.

1152. (*Mr. Morison.*) You would keep the taxes separate?—Yes.

1153. You desire to keep up, under some name or other, these two taxes?—Yes. I merely desire that because I found it, and I am anxious to do away with nothing that I found until I see it is really bad.

1154. (*Chairman.*) You would have two sets of books, one for taxes, which may be lumped together under the name of taxes on agriculture or produce of land, or what not, and the other for taxes on industry —dyeing, weaving, and so on?—I should not necessarily have two sets of books. I think I could do it with one set of books, but I would keep them apart.

1155. You would keep separate accounts in the books?—Yes; for simplification of my own accounts. I suggested that the tax should be as far as the resident is concerned, a lump tax on the village.

1156. That would embrace both?—That would embrace everything. Under the circumstances my books would only show a lump tax on the village. For instance, £37 10s. is the tax on the village, including the hoe tax, the special tax, and the craft tax, licensing and everything. The total comes to £37 10s. for this particular year. I should put that in my books as the tax on village, X., in order to simplify my books.

1157. Suppose that a question arose with regard to any particular village or individual taxpayer in the village as to whether an excessive amount had been levied, or anything of the sort? It would be useful, would it not, to be able to refer to details of that kind to test whether it was excessive?—It would be useful to have these full details, but it entails so much clerical labour to keep them in my office.

1158. (*Mr. Morison.*) Do you think they should be kept in Arabic, but not in your office?—Yes.

1159. Is the Arabic record not kept in your office?—No; the village headman has it.

1160. (*Mr. Wedgwood.*) I think it is rather important to keep the tax on land in town and country, and not only in the agricultural districts separate from the other taxes. You understand that this tax should be increased as the land becomes more valuable, but would your successors understand it?

1161. Might it not tend to become a fixed tax?—Yes, but then I should have the rate per hoe—which is really what we are dealing with—recorded.

1162. Your successor might say, "This village has always paid so much." As the land filled up, and there was no vacant land round, and land became valuable to the occupier, the rent would tend to become stereotyped, and you would have in this country all the evils of private ownership again?—No. We lay it down that the tax must be varied as the land becomes valuable.

1163. That it what you lay down in Zaria, but if you lump all your taxes together you get away from the whole thing?—I see your point. I had not thought of it. It will be necessary to add that the rate per hoe in that village will be so much this year.

(Adjourned.)

SIXTH DAY,

Friday, 17th July, 1908.

At the Colonial Office, Downing Street, S.W.

PRESENT:

Sir KENELM E. DIGBY, G.C.B. (*Chairman*).

Mr. Theodore Morison.
Mr. J. C. Wedgwood, M.P.
Mr. C. L. Temple.
Mr. Charles Strachey.
Captain C. W. Orr.
Mr. John Anderson (*Secretary*).

Sir Ralph Moor, K.C.M.G., called and examined.

1164. (*Chairman.*) I do not quite know what position you hold with regard to the British Cotton Growing Association?—I am named their official adviser. I attend to any business which they may have with the Government Offices in London, either the Colonial Office, or the India Office, or the Foreign Office.

1165. Do you take an active part in the management of the Association itself?—Not beyond that. All the meetings and all the business which require attention in London they forward to me, and all correspondence with the offices in London passes through my hands.

1166. Have the British Cotton Growing Association any *locus standi* in Northern Nigeria, or are they merely contemplating operations?—They already are established in Northern Nigeria, at Lokoja and Shonga.

1167. What is the nature of their operations? Are they concerned in the growing of cotton at all, or merely as dealers in it?—They are not actual growers of cotton, and they do not wish to be growers of cotton, because their view is that cotton growing, to be successful, must be established as a native industry. Their line has been the pioneer work of teaching the natives, or assisting them in growing it, establishing ginneries, and creating market centres so as to make the cotton crop a staple export crop.

1168. What would be their requirements with regard to the acquisition of land. Would they merely

want land for their ginneries and their other establishments, or would they want land for the purpose of cultivation?—Their requirements would be very limited. They would merely want small suitable sites for ginneries, and for buying centres. In no case would they require an area of beyond five or six acres at the most.

1169. Would those be scattered over the country or would they be concentrated in towns?—They would be mostly centres where there was the possibility of creating a cotton market.

1170. It is not necessary to have them at the same place where the cotton is grown?—No, but they try to establish them in a centre around which the cotton industry is already established as a native industry, in order to extend it as a staple export industry.

1171. I rather gathered from the answer which you gave just now that the first requisite for them would be to have their ginneries or factories, or whatever it may be, established at a place near where the market would be, at which to dispose of the cotton?—No—where they can purchase the raw cotton. Their business is not that of selling manufactured cotton goods at all. They do not take any hand at all in that competition. They are merely there to purchase the raw cotton and to gin it and to forward it to this country.

1172. That is after the ginning process?—Yes; in the state of lint—and the seed they also export for crushing.

1173. (*Captain Orr.*) The Association has an experimental plantation near Lokôja of 500 acres, has it not?—Nothing like the extent of 500 acres, I think. They have a small experimental plantation for hybridising and trying to produce a class of cotton suitable to the territories.

1174. But they might wish to take up land at various points for growing cotton experimentally. That is my point—rather than having merely a buying station?—I think I may say emphatically, no. They did originally, in Southern Nigeria, take up land with the view of establishing a European cotton plantation such as you suggest. The experiment was not successful, and they did not carry it any further. They restricted their efforts to a small area sufficient for carrying out experimental work in hybridising, and so forth, and testing the various classes of seed, and trying to arrive at a suitable class of cotton for growing there.

1175. (*Chairman.*) That was merely for experimental purposes?—Purely.

1176. You have had a long experience of Southern Nigeria, have you not?—Yes.

1177. As High Commissioner?—Yes.

1178. But not of Northern Nigeria?—No. I know a good deal of Northern Nigeria from report, and so on, and knowing many of the officers there. Several officers who served with me are serving in Northern Nigeria, and I hear a good deal of it, so that I am not entirely a novice in the matter.

1179. If I understand you rightly, what the evidence which we have before us deals with mainly is this—sites for these ginning establishments, and not areas of land for cotton-growing purposes?—Not at all for cotton growing, but purely for the ginneries and buying centres.

1180. (*Mr. Strachey.*) You would make the exception, perhaps, of a few acres for hybridising and experiments?—Yes, a few acres for hybridising—a small area. That class of work is carried out more or less in consultation with officials of the Agricultural Department of the Government, and probably if an area was required for that purpose it would be more or less on the suggestion of the Agricultural Department of the Government. The Cotton-Growing Association certainly would not embark on cotton plantations on their own accord. It is not their policy, at all events at present, and I do not think it is ever likely to become their policy.

1181. (*Mr. Morison.*) If you wanted to introduce the growing of cotton in any part of Northern Nigeria, where it has not hitherto been the habit, would you set about it by establishing experimental farms? Supposing you thought that a particular area where cotton had not been introduced was very suitable for the kind of cotton which you wanted to develop, how would you show the benefits of it to the natives except by running a farm of your own?—In that case the course pursued would probably be an experimental plantation. It might, perhaps, extend to 50 acres, more or less, as an object lesson, but immediately the industry was established as a native industry, the Cotton-Growing Association would not extend its own operations. It would be rather inclined to restrict them to purely experimental work.

1182. You did something of the kind, did you not, in India? Did not you actualy plant a small area in India?—No. The Cotton-growing Association contributed to the Indian Government £10,000, only about £3,000 of which was drawn. That was expended in experimental plantations.

1183-4. It was run by another company, not by the Government of India?—It was really a third party.

1185. (*Mr. Wedgwood.*) Is the Association a commercial undertaking, does it pay dividends, or is it intended to be a commercial success?—Under the Articles of Association they undertook not to pay any dividend for seven years? They were quite safe in doing so, because they certainly would have had no opportunity of paying them for seven years, but it is intended that eventually the Association shall pay a dividend on the funds subscribed, if possible.

1186. Who subscribed the funds?—They are mostly all obtained in Lancashire.

1187. You do not confine the selling of your cotton to any particular firms?—It is sold on the open market.

1188. (*Chairman.*) Then may we take it that your suggestion with regard to the terms which you say are necessary for the proper establishment of your business relates not to areas of land for cotton growing, but to places where the ginneries and factories can be established?—Yes, entirely.

1189. Now, first of all, about the nature of the tenure, what do you say?—The Cotton-Growing Association contend that they are in a different position from everybody else engaged in commercial undertakings in Northern Nigeria—that they are there to create an industry. They have not gone there to compete with other merchants in established industries dealing with staple export products. They have got to establish the growing of cotton which they wish to export, and for that purpose they have to take the risk of establishing centres which may turn out to be entirely wrong centres. They do it to the best of their ability and endeavour to select the right ones. Then they have to establish an industry all around that centre of growing cotton in which they are to deal. They have avoided going into any competition with the merchants, and they have gone even further than that; they have entered into a contract with the merchants to act as buyers for them, allowing the merchants a reasonable commission for doing so.

1190. How do you contemplate promoting the growth of cotton?—It will be grown by natives, you say?—Yes.

1191. You will encourage that?—Yes.

1192. And teach them how to do it?—They know how to do it more or less, because they have grown cotton there from time immemorial.

1193. Would you trust to what I may call the natural operation of the surrounding circumstances to promote the growth of cotton, or would it be necessary in any way to put the natives under any obligation to grow cotton. Do you think that there would be sufficient inducement for them to take it up?—We do not trust to local circumstances at all, otherwise it is not probable that the industry would extend, at all events, at the rate that Lancashire wishes it to. On the other hand, the Association employs a certain number of agriculturists who go round and call meetings with the consent, as a rule, of the Provincial Commissioners and district officers, and explain to the natives the value of growing cotton for export. It is grown for native manufacture now. The advantages

have to be explained to the natives. The Association beyond that undertakes the distribution of the best seed that it can procure for the natives. It does everything in that direction to induce them to grow a crop which will be a staple export product. The Association has been considering for a long time the establishment of some form of agricultural bank in Northern Nigeria, in which it would take a hand, for the purpose of making advances to the natives, to improve the class of agricultural instruments that the native uses, and to pay for labour so that he can get a larger area under cultivation.

1194. Have advances been made?—Advances have not been tried in Northern Nigeria yet.

1195. (*Mr. Wedgwood.*) Have you any ginneries in the Soudan at all?—No operations outside what is actually British territory.

1196. You do not get any cotton from the Soudan at all?—No, they do not deal beyond the territories where they are operating.

1197. (*Mr. Morison.*) One great inducement which you offer to them is a certain market for their cotton if they will grow the kind of cotton that you want?—Yes.

1198. That is the principal inducement. "If you will grow this kind of cotton that we want we will buy up all that you have"?—Yes, and not only that, but "We will buy it at a fixed price so that you can calculate whether it is profitable for you to grow it, or whether it is not."

1199. It is very much the same system as the Indian indigo planter adopted, only he bound them to him by making advances to grow indigo?—The native is not bound to the Association in any way, but under the agreement entered into with the merchants the Cotton-Growing Association only has the option of putting up ginneries, so that the cotton all has to come to them for ginning. By the arrangement with the merchants with regard to buying on commission, they obviated competition which might depress the price to such an extent as to render the growing of cotton an unremunerative one to the native. They have assured to him a price which will enable him to grow it.

1200. You get the advantage that there is no competition among buyers which will force up the price?—Of course, on the side of the Association there is that advantage, or they would not enter into the arrangement.

1201. (*Mr. Wedgwood.*) Do you think it possible that the Government of Northern Nigeria could do the work you propose to do?—Which part of the work?

1202. The establishment of ginneries and the encouragement of the growing of cotton?—It would be a purely commercial undertaking, which I do not suppose any Government or Administration would be likely to enter into.

1203. Your object in founding the Association is to increase the supply of cotton for Lancashire?—Yes.

1204. Not to make dividends?—Exactly, but in carrying on an operation of that kind, in order to ensure yourself against loss you must place yourself in the position of making a small profit; that is essential. And after the period of seven years those who subscribe to the funds of the Association would expect to get some return on their capital if the business showed any return.

1205. Do I understand that you advanced money to the Government of India to get the growing of cotton improved there?—Yes. The Association guaranteed a grant—not an advance—to the Government of India of £10,000, and the Government of India drew only up to £3,000.

1206. You intended, therefore, in that case, that the Government of India should do the work that you are proposing to do yourselves in Northern Nigeria?—It was the doing of experimental work and improving the class of cotton grown in India which at present is not suitable for the Lancashire mills. It is too short in the staple. The object was to induce the Government of India, through their Agricultural Department, to establish a better class of cotton of a longer staple, so that it might come to Lancashire.

1207. Provided that the Government of Northern Nigeria would undertake this pioneer work, would your Association be willing to assist them not with money but with advice?—Undoubtedly with advice.

1208. (*Mr. Strachey.*) The Cotton Growing Association received a grant from the Government?—Yes, both in Southern Nigeria and in Northern Nigeria, but one of the conditions of the grant is that the Cotton-Growing Association shall expend a sum of its own money equal to the amount of the grant annually in experimental work, and that money is actually sunk capital expended without any possibility of a return. I have here the figures of the whole of the operations since the beginning. With regard to Government grants, in Nigeria they amounted to £17,750, and the expenditure on the experimental and pioneer work of cotton growing, which is an entirely unremunerative expenditure—that is, directly—has amounted to £37,046 12s. 6d. So that the Association, although it gets £17,000, has spent £20,000 of its own money.

1209. (*Chairman.*) We are not concerned very much, I think, with the policy of grants one way or the other with regard to the Cotton-Growing Association. We are dealing with the tenure of land more especially, and we want to get your views upon the question of security of tenure and the terms which you think are essential if the country is to be developed in this direction?—The Cotton-Growing Association are very firm on that point. I submitted a *précis* to the Executive Committee, and I had this letter this morning from them: "With regard to pragraph 2 which deals with the tenure of land, you might intimate to the Committee that the Association has resolved not to enter into any further expenditure in the way of erecting ginneries unless they obtain the tenure indicated."

1210. That tenure indicated being what?—Either a free grant or a freehold obtainable at a nominal rate or leasehold property for 99 years at a nominal rental.

1211. That is practically the same thing?—Practically.

1212. (*Mr. Wedgwood.*) The Northern Nigerian Government pay you a grant at present. Would that grant cease if you invested no more capital in Northern Nigeria?—No, I think not. It is for a period of three years, and the Association has undertaken to go on carrying on this experimental work for the period, and would have to do so, I think.

1213. If the tenure of land was put upon all fours with the tenure granted to other white traders and planters, and you were at the same time guaranteed an extended grant in cash, would that meet the views of your Association. Supposing that instead of the peppercorn rent for 99 years you were put on ordinary terms, and against your pioneer work was set off an extended grant for the encouragement of cotton growing?—I do not think I could quite commit the Association in that direction, because you see an extension of the direct grant carries with it an extension of their expenditure. The condition is that for every pound of Government grant the Association expends a pound of its own money, and it is entirely a sinking of capital.

1214. Pioneer work can be rewarded in two ways, either by a land grant or by a cash bonus to start with. You recognise that?—Yes, but the Association rather contends that it is not on all fours with any other commercial undertaking in the country, as I have tried to explain in the latter part of paragraph 4 of my *précis* of evidence.

1215. (*Chairman.*) Perhaps you will just read that in order to get it on the notes?—Yes. "Its case is therefore quite different from that of a merchant opening at an established centre to compete in existing business, when it would be reasonable to charge a fair rental, or of a merchant creating a new centre for dealing in staple export products, when a smaller rental should be charged, for it has to undertake the risky enterprise of fixing on a centre suitable for an industry which it is going to create, and in this it has not up to the present been always successful."

1216. (*Mr. Strachey.*) When you say "which it is going to create," you mean export industry?—Yes, export industry.

1217. Everybody agrees that there is cotton growing there?—Yes.

1218. (*Mr. Wedgwood.*) I wanted to know whether you could suggest any scheme which would be equally palatable to the Cotton Growing Association, and yet would not be an exception to the general tenure of land in the country. You see the difficulty with regard to the tenure of land?—But I would submit in that matter the point whether you would have a system of general tenure which would be applicable throughout the entire country.

1219. (*Chairman.*) That is one question we have to consider?—I have tried to differentiate here. I had the same question to consider when I was administering Southern Nigeria, when we took over the Niger Company's territories. There were in those territories certain centres established where there was a trade and where there was a market, and all the risk which a man establishing took was the competition with his neighbours. He did not sink any capital which would be unremunerative. All his risk was a competitive risk. I charged a fair rent at such an established centre. In the next case I took the man who said, "I am not going to this established centre, but to a new place which I will pick out for myself, 50 miles from any established depôt. I want land in order to establish a centre of trade." I said to that man, "I will let you have land at a much lower rental because you are going to create a new centre for trade." Whereas the man at the established centre probably paid £25 or £30 a year for the land, I let to the other man who was creating a new centre for himself, the land for a few pounds, as far as I remember, not exceeding £5. There are those two classes. Now there is the third class, which is the British Cotton-growing Association, which has to establish not only a centre, but to create the growth of cotton as a staple export product. The growth of cotton had not existed in Northern Nigeria as an export trade until the Cotton Growing Association operated. In settling the rentals in Northern Nigeria it would be fair and just, I submit, to contemplate these three classes.

1220. I feel the force of the argument as far as it goes, but does it really carry with it the necessity of a lease for 99 years at a practically nominal rental without any conditions as to revision during the term. 99 years is a very long time, and the trade, before a third or a fifth of 99 years have passed, may be in a very different condition. The thing may take root and flourish, and the Government would have parted with its control over the land for a very long time. Ought there not to be a shorter period, in other words.

1221. (*Mr. Strachey.*) If we are to look at anything like what the British Cotton-Growing Association have anticipated, that is the transformation of Northern Nigeria into a sort of Texas, it may become very profitable?—I think it is reasonable to ask in this case for that term, for this reason: they are doing pioneer work in a new land. The man who does that has probably to sink a very large amount of capital at the start which will give him a very poor return for some years. The man who simply competes in an existing trade takes a small risk only, but the pioneer sinks his capital, knowing very well that when he has created the centre, and sunk a lot of capital in so doing, others will come and establish alongside him and enter into competition. He faces not only the risks of the moment in sinking his capital, but he has to face the competition of others who will come there to compete with him directly he has established a centre and created a trade. So that I would contend on their behalf that they are entitled to special consideration as an entirely distinct class from practically any other in Northern Nigeria.

1222. (*Captain Orr.*) The Association is not going to create the cotton industry, so it is not quite fair to describe it in that way?—I have not said that they are going to create the cotton industry. They are going to create the export industry. There are enormous difficulties in doing that, not only in the growing of the cotton suitable for Lancashire, but you have to face the enormous difficulties of the transport to get your produce out at a rate that will admit of your buying and paying to the native a remunerative price. He will grow plenty of cotton to use for himself, but when you ask him to grow cotton you have to assure him a price which will be remunerative, and you have to face the difficulties of getting it to market at a rate that will cover you. The difficulties are enormous in Northern Nigeria.

1223. (*Mr. Morison.*) Supposing that you offered an advance of 20 per cent. on the local rates, could not you get the cotton they actually grow at the moment? Is not that suitable to your requirements?—The great majority of it is eminently suitable to Lancashire requirements, but the native is growing that for his own consumption.

1224. But he would sell it to you if you offered him more than the ordinary price, would be not?—I do not know that one can afford to offer a very much enhanced price.

1225. Would it not be available to you if you offered an enhanced price?—If I can offer a price above the local price it is available to me, but I have to regard in offering such a price the price at which I could sell it in Lancashire, and I do not think it would be possible at all events to offer them such a price as would induce them to sell the crop grown for the home industry. Captain Orr can give evidence better on that than I can, because he knows the local prices and the particular circumstances as to the local industry of weaving.

1226. Unless you are offering particular advantages I do not see why they should extend their cultivation of cotton in the future?—Their present production meets local requirements.

1227. Except for an enhanced price they will not increase it?—They have never had an opportunity of export. There has been no one to buy it for export. We say: "We will give you the best price that we can, and a remunerative price, if possible, if you will put additional areas under cotton." So far they have been prepared to do it, and it is hoped that when the railway line is extended through Zaria to Kano they will get very large areas under cotton.

1227*a*. It is a question of transport to a great extent?—Yes.

1228. Which will be settled, I suppose, by the building of the railways rather than by the Cotton-Growing Association?—Yes.

1229. (*Mr. Wedgwood.*) What sort of title do you want with regard to land. Do you want a registered title. Do you want anything that you can transfer or sell or sublet?—No, I do not think so.

1230. It is a purely personal title?—I think that the Cotton-Growing Association would be perfectly content with a purely personal title without any right of transfer except to a ginning company that was connected with it.

1231. (*Chairman.*) Would the Association accept a lease containing a covenant not to assign without the consent of the Government?—I think I may say that they would. They are perfectly honest in their intention. They do not want to acquire a title which they can sell in the market.

1232. (*Mr. Wedgwood.*) Would you consent to the insertion in your lease of the condition that the land shall not be used for anything except a ginning establishment, so that it can not be sold off for buildings or stores?—That it was not to be used for any purpose except the specified purpose for which it was acquired? If that is what you mean, I think undoubtedly the Association would accept that with a proviso. You would not say that a buying centre, for instance, might not be turned into a ginning centre.

1233. But you would not turn it into a butcher's shop?—No; or you might dismantle your ginneries and leave the site merely as a buying centre.

1234. (*Chairman.*) Supposing that you have a lease for 99 years for practically a nominal rental, without revision during the term, you are getting that in consideration of your pioneer work, we may say?—Yes, practically.

1235. I suppose that the Cotton-Growing Association would not be aggrieved if the Government granted similar terms to any other commercial association?—I think not at all, provided that such commercial association was on all fours as regards its work with the Cotton-growing Association, that is to say, if it was creating a centre where no industry existed, and

creating the industry in which it was going to deal around that centre.

1236. Do you think that this is a typical kind of interest which the Government might properly create in favour of any association or body of persons who took the initiative in the development of a staple industry?—That is my contention, and I have tried to define the three classes which appear to me to require special consideration, the merchant who is going to a centre merely taking the risks of competition, and the merchant again who is going to a centre which he is creating himself to carry on a trade in the staple export of the country, and then the Cotton-Growing Association.

1237. Therefore if we recommended 99 years at a nominal rental, without any condition as to revision, those terms might be very largely accepted, and might become typical of a great number of similar grants?—I would rather doubt that. I do not think that you would find a large number of corporations with the capital, or who, if they had the capital would be prepared to go into Northern Nigeria to start new industries or to establish centres of this kind. Where the grants are made the Association is quite ready to spend any reasonable sum of money that the circumstances seem to justify, and to put up any class of buildings required by the Government. The kind of structure erected might be taken into consideration in settling the tenure. One man may say, "I will put up a brick and stone building with good piers or whatever may be required, and spend a large capital." The tenure might be greater to that man than to the man who would only put up wooden and iron structures. I would give him a longer term.

1238. (*Mr. Wedgwood.*) You argue throughout that the Cotton-Growing Association is an exception to the general rule, and that you want special terms because you are not on all fours with the ordinary competing commercial enterprise?—I make the three classes distinct, and I say that the Cotton-Growing Association at present is alone in its class.

1239. (*Mr. Strachey.*) Has not the Association accepted in Southern Nigeria across the border 99 years subject to revision at intervals?—Yes. They were the best terms they could get, and they did not contemplate spending any large sum. It is doubtful whether the cotton industry in Southern Nigeria proper is going to last. It is really still in the experimental stage. There is no question with regard to Northern Nigeria that it will go as long as Lancashire can afford to pay the price—there is no doubt about that.

1240. (*Mr. Morison.*) It seems to me that it follows from your principle that if you have somewhere succeeded in establishing this industry, any new comer who wants to take advantage of the industry which your pioneer work has created may fairly be charged a much higher rental than yourself?—So I contend, because he would not have to sink any of the capital that I have had to sink in the work of creation.

1241. The Chairman said that it might be a precedent for many other industries. As to this particular industry which you have created, subsequent traders may come in who really do not need to do any pioneer work, because it has all been done by the Cotton-Growing Association. You say that they ought not to come in on the same favourable terms?—I contend that they might reasonably be charged a higher rental. It is purely a question of figures and the capital expenditure it takes to establish a business. If I have to spend £2,000 in creating an industry, at five per cent. I have sunk £100 a year there, which I have to cover. The next man who comes in when that is established does not have to cover that £100 a year. He does not have to sink the £2,000. Therefore he might pay a very reasonable value.

1242. (*Mr. Wedgwood.*) You have created a value in the land?—I have created a value in the centre.

1243. And in the land in that way?—It is a value which you transfer to the land.

1244. (*Chairman.*) Is there anything which you would like to add?—I would like to emphasise the view which I express in this minute with regard to revision in paragraph 5:—"On general grounds the Association is of opinion that to attract fresh capital to territories such as West Africa, the Government would be wise to be reasonably liberal in the matter of land tenure and to allow of freehold being acquired on leases of certainly not less than 99 years at low rates, without any question as to revision in cases of rental, which would seem to be the imposition of a tax on the individual or corporation, on effort expended on the development of the country from which development the Government have obtained ample additional revenue from the sources of general taxation." This revision of rental would appear to me to be really another form of tax on the man who has expended his energy in arriving at that development from which the Government has really benefited as much as he has.

1245. But is not that a question which might at reasonable intervals be considered on its merits. A man might be getting an undue return for the expenditure of his capital, and the Government might fairly claim that there should be revision. I do not see that it quite follows that you should have so long a period as 99 years.

1246. (*Mr. Morison.*) Once in a generation seems a fair time, but three generations seems to be rather long?—I am instructed that the feeling with regard to that is very strong in Lancashire. 99 years and 999 years are terms which we are familiar with. Leases largely run in nines, when you reverse it and make it 66, people begin to shy at it. Long tenure is certainly a great inducement to people to sink their capital. It gives them, at all events, 50 per cent. longer to recoup themselves for their capital outlay. That is really the point. You have not to charge yourself so much a year consequently.

1247. (*Chairman.*) Thank you. We are very much obliged to you for your evidence.

The witness withdrew.

Mr. JOHN HOLT, called and examined.

1248. (*Chairman.*) You have had a long experience, I believe, in trade in Northern Nigeria?—Yes.

1249. Correspondence has passed between the Colonial Office and Messrs. Holt and Company, I believe, on the question, amongst others, of whether it is desirable that the tenure of land in Northern Nigeria for commercial purposes should be of a leasehold or freehold character. We should be very glad to have your views on that question?—I take it that in Northern Nigeria it is possible to have freehold land. Does the native tenure allow of freehold being granted by the Government?

1250. At present we have a blank sheet of paper before us. We are asked what we think the tenure ought to be?—I have before me a map that has just been published by the Niger Company, in which they state that the areas marked green are their freehold, whilst those that have been opened since 1900 (the date of the transfer of the Charter) are all leasehold. Therefore it would appear that up to the time of the transfer of the Charter there was such a thing as freehold in that country.

1251. It was so regarded and so treated, and certainly the language used in proclamations and otherwise would seem to assume that it is so, but it is an open question now?—The point I want to get at is whether the Government should recognise native land tenure; that is, the right of the community to the land.

1252. The evidence before us is that if you look only to native customs and do not import English law there is nothing in the nature of freehold at all?—If it is possible to have freehold land we as merchants would prefer to have freehold, that is the point.

1253. Whether you call it freehold, or whether you call it leasehold, or whether you do not use either term, we want to know what is the extent and nature of the security for the occupier or person actually in use and enjoyment of the lands that you think necessary to encourage him to develop the country?—I have tried sometimes to regard myself as the owner of the country, and to ask myself, What would I do to develop the resources of the country if it belonged to me?

1254. That is exactly the point?—I certainly would not place before a man who is willing to put his energy and his brains and his capital into that country such a document as the Government has put before us in their leasehold propositions. On the contrary, if it were my country and I wished to attract people to develop the resources of the country, I should, as a Government, go out of my way to assist them by clearing land and placing land at their disposal.

1255. What document are you referring to, because I have not seen it. Is it a draft lease?—No, it is an actual lease signed by the Government of Northern Nigeria. I have several of them.

1256. Was that in Sir Frederick Lugard's time?—Yes, I think it would be. I have some signed in his time, and others in Sir Percy Girouard's time. Here is a recent one for Northern Nigeria (*handing the same to the Committee*).

1257. So far as I can see this is in the ordinary form of an English lease. The operative words are that "The Government doth hereby demise unto the lessee all that piece of land forming part of the public lands of the Protectorate situated at ——, in the Province of ——." And then there is a description of the area and of the term. It exactly follows the form of an ordinary English lease. And then there are covenants in exactly the ordinary common form, and there is the ordinary covenant to surrender at the end of the lease?—I have taken out an abstract from one lease. It includes licence to use the River Bank for loading and unloading, but not exclusive right, and it is subject to such rules and regulations as the High Commissioner may from time to time fix. In addition to rent, to pay all rates, taxes, etc., that may be imposed by the Government who are of course our landlords; "not to erect buildings without consent in writing or make any alteration in plan or elevation of any such building without consent; keep buildings in good repair, insure within two months of erection against fire in approved Office, and replace any building destroyed by fire; Director of Public Works or other authority has permission to visit, twice or more often in each year, the premises, to examine condition of same, and order any necessary repairs, which repairs must be effected in three months. Must obtain consent to assign or under-let; at the expiration of lease the buildings and fixtures must be handed over in good repair, reasonable wear and tear excepted." Then the next clause is: "May move buildings or erections, provided the lessees make good all damage to the premises caused by such removal, and shall give one month's notice to the Public Works Department before causing any such removals."

1258. What buildings does that refer to—buildings of a portable character?—It depends. In one clause it says that they shall be handed over. In another clause it says that they shall be removed, subject to the Government having the right to purchase. The Public Works Department is to have the option of buying any such buildings. A curious thing which struck me is that if a man becomes bankrupt the lease terminates, and the buildings and everything belong to the lessor.

1259. That is common form?—Is that common form here?

1260. Yes.—It does not seem quite fair.

1261. Those covenants follow almost word for word the form of an English lease?—Then there is great variety in the payments that we are compelled to make when we take the land. In some cases we pay £20, in others £60, and in others £5, and in others as low as 5s. Take Lokoja, the capital of Northern Nigeria. We have in a street some quarter of a mile away from the riverside a store recently taken, 22,500 square feet, 21 years' lease; annual rent, £20. In the same town we have land fronting the riverside containing 54,450 square feet on a 21 years lease at an annual rent of £60. It is calculated at a pound per yard per annum, I understand, for the land facing the river. In Agreenya we only pay 10s. a year, and we have 15,000 feet.

1262. (*Mr. Wedgwood.*) Do you know whether other traders are charged approximately the same prices?—I do not know for certain, but I believe that in Lokoja they have to pay the same.

1263. Do they have a certain scale of prices?—I have never seen it. It is not published. It would be better if they had a scale so that everybody knew, and would be put on a fair footing.

1264. You are anxious as a trader that everybody should be put on the same footing, so that competition should be fair and equal?—Quite so. I ask for nothing more than that.

1265. (*Chairman.*) What we are more concerned with is the nature of the tenure and not particular leases. All those documents, I suppose, are leases from the Government?—Yes. We have no leases from anybody else.

1266. As far as your experience goes, it is the Government which has always assumed the right to deal with the land?—Yes. If I had no Government in the way I could make much better terms with the people who own the land or who say the land belongs to them.

1267. But you have the Government in the way. You know the terms of the Proclamation with regard to dealings between natives and non-natives?—I am a foreigner in the country, and I cannot make a treaty with a native man to let me have the use of his house.

1268. That is thoroughly established and understood?—Yes. That applies to everybody.

1269. You do not ask us to report that that is wrong, do you? Would you rather have a system of dealing direct with the natives?—Why should not I deal with him direct in regard to land just as I deal with him direct in commerce?

1270. It depends on whether he has it to deal with?—If you do not admit the native right, very well; but he had the right to deal with it before the British Government came there. He has the right in every other part of West Africa except the Niger. He is treated there as if he had no brains.

1271. (*Mr. Wedgwood.*) What you want is lower rents and the permanent possession of the buildings in order to encourage trade?—I would not put it that I want it, but for the benefit of the country it would be better to put everybody on the same footing, and make the rent as low as possible to induce people to come in.

1272. And permanent possession of your improvements?—Yes.

1273. Do you think that the reversion at the end of 21 years to the Government discourages traders from going there?—Yes.

1274. And therefore prevents free competition amongst traders?—Certainly.

1275. (*Chairman.*) Supposing the Government should adhere to their policy of not granting freeholds, what tenure of land do you recommend? The last witness said 99 years?—The general feeling amongst commercial men is that 99 years is a reasonable lease if you are going on the leasehold principle.

1276. Would you have that without revision?—If it were recognised that the Government has a right to the unearned incremental value of land, it is only right that they should, after a number of years, revalue the land, but they must not take into that valuation the value of the improvements by the lessee.

1277. (*Mr. Wedgwood.*) You regard it as impossible that anybody would invest capital in the country without something in the nature of a lease. If freehold is out of the question, you must have some transferable title?—Certainly.

1278. It must be transferable—not personal? A licence personal to yourself would be of no use to traders?—I do not understand.

1279. Something that you cannot transfer or sell?—Why should I not? Why must not I transfer my land, or my right to the remainder of the lease?

1280. Without a lease which you can transfer you will not put a penny into the country?—Naturally I cannot.

1281. (*Mr. Morison.*) But that is not what I understood you to say just now. Supposing that you are given compensation for improvements that you put in, and you are granted a lease for a long term, a lease that is not to be devised, are you not satisfied with that even if the Government say "You may not surrender it to anybody else. If you want to give it up you must surrender it to the Government, and the Government will pay you compensation for improvements that you have put in"?—Anything that is fair I should not object to.

1282. Does that strike you as fair?—Yes, that strikes me as fair.

1283. Even on such terms you think it is possible that commercial men would invest money?—Yes, as long as they will repay me what I have put into it when they turn me out.

1284. Or when you surrender it?—Yes; quite right—or when I give it up.

1285. Suppose that they would not sanction your transferring it to a third party?—I think that would be right as long as they give me fair value for what I put on it. Then I think they should have a right to stop me from transferring to someone else.

1286. (*Chairman.*) You mean a right during the term?—Yes; during the term.

1287. At any time during the term?—Yes.

1288. (*Mr. Wedgwood.*) Do you think that commercial people would be satisfied with something which they could not mortgage?—Is that the proposition?

1289. There are two propositions, either that the land should be let on licence personal to the one who has the licence, like a public-house licence, or else that it should be on what we understand in England as an ordinary lease. Do you think that the commercial classes in England would invest their money in an ordinary personal title which they could not mortgage and which they could not transfer without the consent of the Government?—Is the case which you put before me, the case of a thing that they could not mortgage or could not get an advance upon?

1290. Yes?—In the proposition that was put, you have a value there which you could certainly mortgage, because, if the Government take it from you, they are going to pay you the value of that which you put on it.

1291. Yes; but not the value of the land?—No, not the value of the land, because that belongs to the Government. In any case, the increased value of the land belongs to the Government, does it not?

1292. I am only asking you which the commercial classes would prefer?—If it had the effect of preventing the commercial man from mortgaging, there would be a difficulty because the commercial man would prefer something which he could mortgage. At present the class of merchants in West Africa do not require to mortgage their property, and they are not mortgaging it or getting advances. They want simplification of title, something that they can make use of when they have got it, and they want to be sure of the tenure, and to be sure that when they leave the land, or it is taken from them, they do not lose anything by it. If you said, "What would you like?" I would sooner that the Government said: "We will let you have the use of the land for so many years on payment of so much money down." It is far better for me than to go on paying for years under lease for a place out of which I may have to go to-morrow to go somewhere else because of the exigencies of trade. The places change by the current of trade, and you may want to go somewhere else.

1293. (*Mr. Morison.*) That is an argument against freehold, is it not?—A man going in must take a certain risk, but he does not want over his head for 99 years, or whatever it may be, a payment which has to be made whether he is making use of it or not.

1294. (*Mr. Wedgwood.*) Would you accept a lease, the rent of which was reviseable from year to year, the lease going on for 99 years, the rent being reviseable according to the economic rent of land in the neighbourhood, but entirely independently of your own improvements on the land?—Yes; I should not object to that. That would be fair.

1295. So that if the town became very important your rent would rise?—Yes.

1296?—But if it was given up, the rent would cease?—Yes.

1297. The increase would be entirely independent of the buildings you put on the site?—Yes.

1298. (*Mr. Morison.*) According to what Mr. Wedgwood puts to you, you could surrender at any time? You would not have the danger that you suggest of having the payment extending over a number of years?—No. Would the other side have the power to turn me out any year.

1299. (*Mr. Wedgwood.*) No; you would have permanency of tenure provided that you paid the land value rent?—That would be fair, but the difficulty would be in fixing it yearly. That is a difficult problem, if that is the idea.

1300. It is not more difficult than to fix the rent they are asking you to pay at present?—It is purely arbitrary now.

1301. It probably means that you are being more heavily taxed?—Yes. I do not think it would be practicable to fix rent year by year. It would be much better to fix it after a certain number of years.

1302. Say seven years?—Yes, if you like. The German Government, in a similar case in the Cameroons, are proposing that every five years it should be revised.

1303. (*Chairman.*) I do not know that I quite follow your view. We are talking of leasehold tenure now?—Yes.

1304. You would have a lease for 30 years, say, at a rent revisable at every five years. Do you say that you should have within that time the right of surrendering your land at any time?—Yes, I would like that because of the exigencies of my trade.

1305. And conversely you would give the Government the right of revoking the lease on payment to you of compensation for improvements. Did I understand that?—Yes, I think it would be fair.

1306. So that practically after notice on either side, the length of which could be agreed upon, the term might be put an end to?—Yes.

1307. And you would have periodical revisions every five years?—Yes.

1308. (*Mr. Wedgwood.*) Do you think that the Government should pay something extra if it disturbed a growing business?—That would be included in the compensation, would it not?

1309. You would not be content if they paid you merely the value of your buildings. You would want a little more than that. You would want compensation for disturbance?—Yes. I do not know that it would be calculated to induce people to come in if the Government exercised the right.

1310. (*Chairman.*) That is the difficulty?—It might deter people from bringing money into the country.

1311. (*Mr. Morison.*) You mean if the Government exercised their right to disturb them?—Yes.

1312. But supposing, for instance, the Government in ordinary circumstances let them alone and offered them this tenure which has been described, do you think that that would be fairly satisfactory to the ordinary commercial man? You have said that it would not be as satisfactory as freehold?—I do not know that I can speak for the ordinary commercial man. I think I take rather a liberal view as compared with that taken by him

1313. That is what I wanted to get?—I like, as far as I can, to preserve natives' rights in their own country. I have had the views of ordinary commer-

cial men put before me in a resolution that they are proposing to put before the Chamber of Commerce on this question. They would like a lease for 99 years, and in such a form that the land cannot be taken from them. But at the same time they recognise that if the Government has been spending money in making railways, and the land is alongside the railway, or something has been done which has created the value of the land, the Government has a claim on any increased value which has accrued to the land in consequence of the railway. They recognise that the Government has the right to increase the rent after so many years if land similarly situated has increased in value in the neighbourhood, and that increased value has not been due to anything done by the tenant.

1314. The revision of the rental therefore is recognised as fair?—Yes, that is recognised as fair.

1315. So long as it is not done arbitrarily?—Yes. We have felt that the Government officials there have acted as if they were afraid we were going to run away with the country. It is not so much in Northern Nigeria as in Southern Nigeria. For instance, in Southern Nigeria we ask for a grant of a piece of land and are shown a place where the land cannot be found. It is a swamp where you can make the land, and when you have done that you must allow 50 feet for public purposes in front of the dwellings that you are going to put on it. You have to create it first of all and then pay an annual tax. That seems extraordinary.

1316. (*Mr. Wedgwood.*) That is distinctly contrary to the scheme which I have put before you where merely the land value would be charged?—Yes. Another point is this: The Government want a frontage between the merchant's premises and the river. I do not know why they have that idea. Is it taken from some common law idea in this country? Is the right to a roadway in front of premises where there is a river, a recognised condition of land tenure in this country? A merchant wants sometimes to have his house alongside the lagoon or alongside the creek so as to get the stuff from his boats or put it into his boats, and a roadway intervening would interfere with the utility of the land.

1317. (*Mr. Strachey.*) We were told that, by native custom, there is a right of way along the bank of the river, and that we ought to preserve that?—I never heard of it, and there can be no possible road or path through a swamp.

1318. At any rate, along the Niger. I do not know that it would apply to the creeks. Therefore, provision is made to keep a free right along in front between the houses and the water, and not to cut off any of the bank?—But you will recognise that it takes away from the value of the land for trading purposes and seems quite unnecessary.

1319. (*Mr. Wedgwood.*) Because you cannot get anything out of the boat into the warehouse?—Yes.

1320. (*Mr. Strachey.*) As rivers rise and fall so much, you would be far away from the water?—In the upper river, not in the lower. In some cases, in addition to so much per annum, we have to pay so much entrance fee as a consideration or a fine for the grant to begin with, and so much a year afterwards. We have had to pay £15 for entering one place, and £5 a year. I do not know on what principle they go in exacting this.

1321. (*Captain Orr.*) As far as I can remember, that is because you have been squatting on the place for three years. You recognise that leases take rather a long time in getting through?—Yes. They have taken seven years to grant me a lease, but that fine I speak of has no connection with squatting.

1322. If you have been trading for three years at a station without taking out a lease, the Government gets that back out of you when you take out a lease? —You may have reason for saying that in one case perhaps, but I know of a case where I have had to pay £117 10s. to begin with before occupying the land.

1323. (*Mr. Morison.*) That was Southern Nigeria? —Yes, that was Southern Nigeria.

1324. (*Mr. Wedgwood.*) It is a way of raising revenue of course, instead of putting it to capital account?—Yes.

1325. (*Chairman.*) Is there anything else that you wish to call attention to?—No.

1326. What we are mainly concerned with is how we ought to advise the Colonial Office, how land that is required for the purposes of trade for the development of the country should be dealt with, what the tenure should be, and on what principle it should be granted?—It is difficult to decide whether you should grant leasehold or freehold.

1327. The main question is, whatever you call it, whether you call it leasehold or whether you call it freehold, whether the Government ought to have the power of regulating its grant and exercising its dominion over that land, and, if so, on what terms? —Without doing injustice to anyone?

1328. Yes; without doing injustice to anyone, and in the interests of the country?—I would suggest to the Committee that they put themselves in the position of men who have got money, and who are ready to go to Africa. On what conditions would the different members of the Committee be prepared to put money into it, because, what applies to them would apply to me?

1329. The attitude of the Government is that they do not intend to part with the land; in other words, they do not intend to grant freeholds; that is the tenour of the correspondence. If you grant freeholds, you have tied your hands. It would be different with a leasehold?—I like the idea of the Government having control of the land because I do not want to see a number of men getting into Nigeria for the purpose of holding land in order to speculate with it.

1330. You have had great experience, and I would like your opinion. Do you think that it would be possible for the Government to retain that control which you think desirable if they granted freeholds? —I would not sell or grant land in large quantities so that men could use it for merely company promoting purposes.

1331. Is not the result of that view that you must in some form or other retain in the hands of the Government the power of resuming its control over the land?—Yes; that is so. I would like to see the Government keep control, but give liberal terms to those who will actively make use of it.

1332. (*Mr. Wedgwood.*) Do you think that they would keep the control best by this power of revising the rent every five years say?—That seems a fair thing. They should give as long a lease as possible on low terms if you like. They should be fair terms to induce people to come in. Let the lease be of a simple nature, and let everybody be on the same footing. Let there be no partiality and no favouritism.

1333. (*Chairman.*) With regard to plantations, do you say that inducement should be offered to white settlers to develop those?—I do not altogether say that. I say that if the Government intend or wish to induce white people to come in there with capital to develop the country agriculturally, they will have to give them the land at a very low value to induce them to do it.

1334. And to give them security of tenure?—And to give them security of tenure.

1335. Would you look upon it as desirable that the white man should come in?—I am not altogether sure that I would. I rather favour the idea of the country being developed agriculturally by the native himself.

1336. That is what I was going to ask. Sir Ralph Moor rather seemed to think that as far as agricultural work was concerned, the growth of cotton, and so on, the right policy was to encourage the native?— I think we ought to encourage the native as far as we can to develop agriculturally his own country.

1337. Would you favour that which tends to encourage white men to come in, or would you make it more or less difficult for them to come in?—I do not think so. I would make it easy for anyone to come into the country and put his capital into it, because there is room. It is a big country with very few people in it.

1338. That would be met by saying that it shall not be done without the consent of the Government?—Yes.

1339. (*Mr. Wedgwood.*) You would be quite satisfied if the conditions of the lease which you would accept as a merchant, were also applied to those who invested their capital in agricultural work, say, 99 years with annual revision of the rent based on the value of the land, apart from the value put on to the land?—With regard to agriculture you can get it in another way. You have the power to tax. Therefore they are not exactly on the same footing.

1340. The tax is the same as the rent charged to you?—It is quite competent to the Government to at any time tax cultivated land or its produce in such a way as to get all that they could get by such a system.

1341. The annual revision of tax, you mean to say, would be just the same as the annual revision of rent in your lease?—Yes. My company have plantations in other parts of Africa where we can get the freehold of the land without difficulty. There should be equal simplicity in Southern Nigeria or Northern Nigeria, or you will not attract European capital.

1342. (*Mr. Wedgwood.*) You said that the German Government revised the rent in the Cameroons every five years?—I said that they are proposing to deal in that way now with a question that I have with them in regard to land used for commercial purposes in one place where they want to get control of the land for railway purposes.

1343. You do not know whether that applies to plantations as well as to trading stations?—I do not think it does. The position is this. They found us there with freehold land which we got from the natives. They are now proposing to build a line of railway from the sea coast to the interior. They want to control our land for the terminus. They said: "We are going to turn your freehold land into leasehold. We will pay you the assessed value of the freehold. We are going to charge you a rent leased on that value. We are going to revise the rent every few years." It is an extraordinary position.

1344. (*Mr. Strachey.*) Can you get freehold in the Cameroons?—I have had no difficulty in getting freehold land there when it was wanted. In Fernando Po, Spanish territory, I am getting freehold; and also in French and Portuguese territory.

The witness withdrew.

APPENDIX III.

MEMORANDA BY SIR F. D. LUGARD.

MEMO. No. 5.—TAXATION.

REASON AND SCOPE OF GOVERNMENT ACTION HITHERTO.

1. During the first three years of the British Administration of Northern Nigeria, it was the aim of the Government to acquire as much information as possible about the existing methods of taxation in this country, the nature of the land tenure, and the relations between the different classes (more especially between masters and slaves) and the rights which are attached to the position of Suzerain, so that a scheme of taxation, when formulated, might be based on knowledge of local customs and traditions, and organised under officers who had acquired some local knowledge and training. Some immediate effort to secure to those native chiefs with whom we were in contact the payment of their ancient dues was, however, imperative, since the revenues they formerly derived from slave raiding, from heavy taxes on traders, and from arbitrary and extortionate levies upon the people, had all been interfered with by Government to a constantly increasing extent. They were, moreover, unable any longer to enforce their demands upon their subjects, to some of whom in past times encouragement had been given by the former Administration to revolt and become "Tawai." The elucidation of these points has been the object of former memos. on this subject.

It would have been premature to draw up any scheme under which Government should participate, until the Northern Hausa States [Sokoto, Kano, &c.] had been included under Administrative control, but, when that event took place in the beginning of 1903, the Suzerainty of the British became unquestioned by its former rulers throughout the length and breadth of Northern Nigeria, and the time was ripe to collect precise data, and to consider the steps which should be taken. In pursuance of this policy, I obtained the sanction of the Secretary of State in 1903 to introduce some tentative and experimental measures, and, on my return to Northern Nigeria from leave in 1904, the Land Revenue Proclamation was enacted. This Proclamation made no pretence of dealing adequately with the subject, since Residents have not yet had sufficient experience in the new provinces or time to study the complicated systems in operation in the country, nor had I myself had time to digest such information as had come to hand. It appeared, however, imperative not to delay. The conquered Fulani Emirs held their positions on Letters of Appointment, the terms of which (fully explained to them) included the stipulation that the right of taxation henceforth appertained to Government, as well as the ultimate title to the land, which, in accordance with their own traditions, is vested in the Suzerain power. On the assumption therefore by Government of that Suzerainty, they expected a declaration of policy, especially in regard to taxation, and it was even reported that there was a wide-spread feeling of unrest pending its announcement. There was, moreover, an imperative necessity either to sanction, or to forbid, existing forms of taxation where they were being enforced, and to enforce those which were legitimate where the Emirs lacked the power to do so. This had been temporarily met by the Land Revenue Proclamation, and I am now about to draw up and submit to the Secretary of State a new Proclamation* based on the conclusions arrived at in this memo., which, however, cannot be considered as final, pending the receipt of this sanction, and the enactment of the Proclamation.

GENERAL PRINCIPLES OF TAXATION.

2. In a country where the manufactures are limited to the most primitive wants of every day life, and are not for export, and where, in consequence, the exports are limited to raw material in payment for the manufactured goods received, it is obvious that indirect taxation in the form of Customs is the simplest and cheapest mode of taxation. The disadvantage of limiting taxation to this source lies in the fact that, when a further stage of progress has been reached, it becomes difficult to inaugurate those direct contributions towards the cost of the Administration which are recognised among all civilised nations as justly due from the individual, in proportion to his wealth, and the protection and benefits he receives from the State. This principle of direct taxation has been, I think, adopted by the French in all their African Colonies, and by the British in South and East Africa, but not, hitherto, in West Africa, except in Sierra Leone, where (probably because of its introduction at a late stage, instead of simultaneously with the assumption of rule) it produced trouble. If then it be assumed that direct taxation ought in some degree to be introduced at some not remote time, it appears to me to be the more far-seeing policy to introduce the principle simultaneously with the inclusion of the country under British control, when it is looked upon as a natural corollary to the assumption of rule.

On the other hand, direct taxation is unsuitable to a people who are held in a state of slavery or serfdom, for the responsibility of the individual is then assumed by the slave-owner. A serf or slave cannot be expected to recognise or understand his obligation to the Government when the results of his labours are not his own, and the produce of his fields belongs to his master. He ceases to have an individual responsibility to the State for his actions, or an obligation to maintain the efficiency of the State by his contributions, however small; these obligations pass to his over-lord.

APPLICATION TO NORTHERN NIGERIA.

3. In Northern Nigeria, it is, in my opinion, especially necessary for Government to recognise the principle of direct taxation without delay:—(*a*) Because we inherit here an ancient civilisation, derived from the North, in which this direct taxation is already an accomplished fact and well understood, being based chiefly on the Koranic model; (*b*) Because the system had fallen into gross abuse in the greater part of the country, and the Administration could not, on the one hand, tolerate the extortion and corruption which had become prevalent and had driven the people to repudiate their taxes, nor could it, on the other hand, allow the absolute impoverishment of the ruling classes, who were now without arms and without power to enforce their dues. The abolition of the slave trade had also decreased the wealth of all the Emirs, and altered the whole basis of taxation, while the abandonment of the "Sokoto Gaisua" (*see* § 10) had left the most important chief in the country without a revenue at all. Government, therefore, was compelled to take action of some kind, and this could mean nothing else in practice but a reorganisation of the system of taxation of the whole country; (*c*) Because Northern Nigeria is an interior country with no coast-board, and hence with no means of levying Customs duties at all commensurate with the great cost of maintaining the military force and Civil Administration needed in the country.

"Experience" (I wrote in a former memo.) "seems to point to the conclusion, that in a country so fertile as this, taxation is a moral benefit to the people, by stimulating industry and production. Hitherto, the male population has been largely engaged in tribal war, and the men have depended on the labour of their women and the great fertility of the soil to supply their needs in food. Where taxes were formerly paid (as in the Kabba Province) and have lapsed, I am informed that large areas have gone out of cultivation, and the male population, deprived of the necessity for producing a surplus to pay their taxes, and of the pastime of war, have become indolent and addicted to drinking and quarrelling. The pres-

* The Native Revenue Proclamation, drafted April 1905. Enacted April, 1906.

sure of population is the corrective in most countries, but in this country, devastated by years of war and slave raids, no such pressure at present exists."

That it was wise to introduce the scheme tentatively, as soon as possible after the conquest of Sokoto and Kano, has, I think, been proved by the reports I have received from all sides of its ready acceptance by the chiefs, and of the quieting effect that its inauguration has had upon the people. It has been welcomed by the former as moderate and just, and as evidence that the Government desires to support their position, to associate them with ourselves in the Government of the country, and to secure to them an adequate revenue which they recognise that they are no longer able to wring from the people, and it has already relieved the almost desperate straits in which the upper classes found themselves in almost every Mohammedan Emirate, by providing an income for those who *earn* it by taking a share in the administration of the country. The peasantry, on the other hand, are reported to be greatly pleased at the relief from the uncertain exactions of the past, and have benefited much. Both classes were expectant that the new rulers would impose taxation of some kind to pay for administration, and they have found the burden less heavy than they feared it might be. The returns of revenue have meanwhile increased rapidly.

Summary of Reasons and Outline of Scheme of Reform.

4. The general principles, then, which are dealt with in this memo. are as follows:—

(1.) The disarmament of the armies of the great chiefs, which has been necessary in order to stop slave raiding and internecine war and to enable us to hold the country with a comparatively small force, has, at the same time, imposed upon the Government the obligation of enforcing the taxes by which alone the native rulers are able to maintain their position and dignity.

(2.) Simultaneously, the Government declares its intention of sharing these taxes with the native chiefs; (*a*) because it is necessary to raise a revenue; (*b*) because this is the best and most politic time at which to announce and introduce this claim, which is admittedly just and in accordance with the usage of all nations; and (*c*) because by this means the British rule becomes closely associated with the native administration, which will now form an integral part of it. The interests of the native rulers are thus identified with those of the Government, and they will bear their share of the work of administration (upon which they are now dependent for their existence) with definite duties and responsibilities. It is a better system than a separate tax by Government, involving two separate collections from the people, and great expense to the administration. The Government's function (in the Mohammedan districts under a central chief) is thus to check and restrain malpractices, instead of collecting through its own agents, who would inevitably practice them.

(3.) The Government, therefore, is responsible that these taxes (in which it shares) are just and reasonable. It must also see that the modes of collection are such as a civilised Government can tolerate, and, by a re-organisation of them in detail, must satisfy itself that they are so, before it can lend the force of its arms and its police to enforce them upon any who may decline to obey their rulers.

(4.) The object in view is to retain, as far as possible, the ancient forms of taxation known to the people, and sanctioned by tradition; to utilise the existing machinery, while simplifying the mode of collection, which in the past lent itself to great abuses, and was extremely wasteful; to introduce, as far as possible, some uniformity and equality of taxation in the different provinces; and, finally, to preserve the old jurisdictions as far as possible, and to maintain the individuality of the institutions of the country.

(5.) To emancipate the people by promoting in a greater degree communal and individual responsibility, which, as a natural result of the gradual extinction of the institution of slavery, must be foreseen and provided for in good time. With this object, the peasantry of the Mohammedan States are still taxed through the Mohammedan chiefs, while among independent pagan communities the tax is a communal one—not levied on a man's hut or cultivated land (to neither of which has the State any right, and any claim to which he will cordially resent), but on the general wealth of the community, to be paid by each individual at the behest of his own chief or village council, according to his degree.

(6.) This policy has been continuous, and involves no change of principles from those laid down in 1902—and this continuity of policy I regard as of vital importance in Africa—but is only an amplification based on fuller information.

Existing Forms of Taxation.

(a) *Mohammedan States.*

5. The forms of taxation which were in operation formerly in the Fulani States were many of them based on the Koranic law, and they were probably inherited by the Fulani from their predecessors, the Habe (who had also largely accepted Islam). Bornu also had adopted the system of Islam as its basis. The well-known forms of taxation laid down in the Koran had, however, been largely added to by irregular imposts, and their character and mode of collection had become diversified in different provinces, until we find to-day such a bewildering number of differences as to make it an almost impossible task to summarise the subject in a memo. such as this. I propose, therefore, in the concluding paragraph to make a few separate notes regarding various provinces.

(b) *Pagans.*

In independent pagan areas there were no taxes. In those which had been conquered by the Fulani or the Bornu dynasty, taxes were imposed in varying degree according as the Moslem conquerers were able to exact payment. Generally speaking, it may be said that the areas untaxed were looked upon as slave preserves, and were annually raided for slaves, unless the tribe occupied inaccessible mountain fastnesses and were able to defy the raiders, in which case women and children, and occasionally men, were kidnapped whenever opportunity offered. The cessation of these raids under a stable Government gives that Government the right to impose a fair and just taxation on these tribes. Communities which were fully conquered and ruled were very heavily taxed, while others, which held an intermediate position, paid such taxes as they chose, or as the Moslems could enforce.

Principal Taxes.

(a) *The Zakka.*

6. The principal taxes were as follows:—

Zakka takes its origin from the Koran, and was originally, no doubt, confined to Moslems, being one-tenth of their substance. It was imposed probably for religious and charitable purposes, and also (as I think) for purposes of administration.

The tax here has been limited to a tithe on two crops only, viz.:—*Dawa*, viz., guinea-corn or durra (sorghum) and *Gero*, viz., millet (penesetum), the staple grain crops of the country, and to the herds of cattle (*vide* para. 9). All other crops and live stock and forms of wealth appear to have been exempt from Zakka, and it would also seem that this tithe has been levied upon the affiliated pagan tribes, in addition to their proper land tax, in most of the Emirates (*e.g.*, Bauchi, Kano, etc.), or that such people have been compelled to work farms gratuitously on which Zakka was levied. The Zakka was in no sense a *Rent*, nor was it a voluntary tax. Throughout almost the whole country it has lost any religious significance it may ever have had, and I understand that the substitution of a cash payment would be popular (as it has proved in Nupe, where it had already come to be paid in cowries or fowls or other produce, and not strictly in grain).* In recognition of the purpose to which, in part at least, it was intended by the Koran to be devoted—viz., charity, education, hospitality to travellers, and building of mosques—I propose that a certain percentage of the taxation should be set aside for these objects, if desired by an Emir. From statistics collected by Dr. Cargill and Mr. Goldsmith, the tithe is probably worth from 1d. to 2d. per acre, according to the value of the crop. Mr. Gowers

* The complete secularisation of this tax is shown by the fact that, at Yola, slaves pay *Zakka* on their holdings to their master, of which he credits no part in his payment to the Emir.

estimates it, however, at 1s. 1d. The Zakka should properly depend on the value of each year's crop, and is so assessed in Kano, but in most places it has become a fixed amount per village.

(b) *Kurdin Kasa.*

7. The *Kurdin Kasa* or Land tax was originally the impost on conquered pagans who had not embraced Islam—perhaps the Jizya of the Koran. It was, in Kano, levied on the assessed value of arable land (even on land left fallow), and not on the produce, nor was it a householder's tax (though notices of the amount due were served on householders). In this province the rate did not vary, being fixed from time immemorial, and was from 6d. to 1s. per acre. In Zaria, the Resident (Capt. Orr) is unable to say whether it was assessed on the land, or as a capitation or an income tax. Elsewhere, it seems to have been rather a general tax on the agricultural classes. The amount paid by towns did not depend on their population alone, and varied from 10s. (for small villages) to £100 or more.

The inequality of the incidence may be due to the fact that the tax had been doubled for some revolt in the past, or that neighbouring small farm hamlets were included, or that part of the population of a village paid to some town from which they had migrated, or to a part being fixed in slaves, or to the increase or decrease in the size of the town owing to migration. In Ilorin, the Emir denies that it was levied as a poll-tax, stating that the amount varied according to the general wealth of the village, being increased if it was on an important road, and had a good market, etc. In some provinces it seems to have become a simple poll-tax, as throughout Bornu and Kabba, etc. It was, strictly speaking, a tax on the agricultural population, other industries being taxed separately. Like the Zakka, it was essentially a tax and not a rent, since the farms were acquired by purchase, and, in default of male heir, lapsed to the Chief. (Cargill.)

(c) *Plantation Tax.*

8. The *Plantation Tax* was an impost levied on all or most of the crops which did not pay Zakka (viz., other than Gero and Dawa), and more especially on irrigation crops. It was a very lucrative tax in the Provinces of Kano and Zaria, in the former of which it was called Shukka-Shukka. It does not seem to have been so prevalent a tax in most other provinces. The crops on which it was levied in Kano were rice, cassava, tobacco, wheat, indigo, onions, sugar-cane, lali, sweet potatoes, ground-nuts, and beans—most of these being planted in the dry season and irrigated. Dr. Cargill estimates the average tax on these plots as about 1s. per acre, and the tax appears to have been paid in lieu of Kurdin Kasa on those particular plots, the rate being a higher one. Each farmer in Kano, therefore, paid all these three taxes. In Zaria, Captain Orr states that the application of this tax is limited to sugar-cane, onions, cassava, and tobacco. The plots were taxed, irrespective of size, at 4s. for cane, 2s. 6d. for onions and cassava, and 1s. 6d. for tobacco.

(d) *Taxes on Stock.*

9. The *Jangali*, or Cattle Tax, was a tithe of the herds of cattle, and, curiously enough, it does not appear to have been levied on any other live stock. Though usually 10 per cent., it had, in some districts, been decreased to 3 per cent., and, in others, a fixed number of cattle was paid in lieu of a percentage, or a certain rate in cowries per ox (as in Kano). It was levied alike on the wandering herds of the Borroro (nomad Fulani) and on stall-fed oxen and village herds. Moslems and pagans paid it alike. It was payable to the chief from whose stock the herd first emanated, irrespective of the ownership of the grazing lands which the herd frequented. But, if the herdsmen settled down and built a village, they would pay to the Emir in whose territory they had settled. The 10 per cent. taken as Jangali consisted of two- or three-year old animals, and 10 per cent. of these were to be cows. If the herd numbered less than ten, it was paid *pro rata*.

(e) *Sokoto Gaisua.*

10. The *Sokoto Gaisua* was also called the "Gandu" or "Tudu," and consisted of a yearly payment to Sokoto or Gando. Major Burdon suggests that the "Gandu" or "Tudu" was originally a payment of a half of all the slaves acquired in war, which later became a fixed payment in slaves or money, and that in those Emirates where there were no slaves to raid, a portion of the Kurdin Kasa was substituted for it. He adds that the "Gandu" was a secular tax kept quite distinct at Sokoto from the religious "Gaisua." I am not quite clear why any "secular" payment should have been made from Moslems to Sokoto,* but however this may be, they had, elsewhere than at Sokoto, long become identical. It seems to me more probable that while the Gaisua was the contribution of the Moslems to the central state, Gandu or Tudu was the similar contribution of the subject races. In its origin, the Gaisua was a religious payment from all other Emirates to the Chiefs of the Faith from whom their ancestors obtained their "flags" of victory, when the Emirates were formed. It was a recognition of suzerainty, and non-payment meant an abandonment of allegiance—but, being from Moslems to Moslems, it was not, properly speaking, a tribute. In return, the prayers of the Serikin Muslimin were invoked on behalf of the donor. (Burdon.) That it has ceased to have any religious significance, however, was shown by the unanimous discontinuance of it by all the Emirs, though I left it wholly at their discretion, and, especially, by the action of the Emir of Kano, who entirely refused to pay it, saying he had not been installed by Sokoto but by myself, and he insisted on bringing it himself to me at Zungeru early in 1904. The Emir of Gando had certainly not received his from Ilorin and Nupe for many years, and is well satisfied with the fixed income which he is likely to receive in lieu of it, under the new scheme. The tax was levied in the following way:—After all the proceeds of the various taxes had been received, the Emir called in the principal men, and each (including the Emir himself) made a donation towards this Gaisua. It consisted largely of horses and slaves, and hence has given rise to the erroneous impression that a horse tax existed in Kano. The Emir retained a portion, and remitted the rest to Sokoto. Major Burdon, from documents found at Sokoto and from inquiry, estimates it at possibly £25,000 per annum, of which Kano's contribution was fully £4,000. These figures are, however, hypothetical. The Emirate of Sokoto was, in consequence, exempt from taxation, and depended on this annual subsidy (*see* para. 64). Its collection gave rise to much extortion, and was a great burden on the poorer classes.

(f) *Kurdin Sarauta.*

11. *Kurdin Sarauta* was an accession duty paid by the person selected to fill an office—which resulted in the frequent deposition of office holders, and the sale of offices to the highest bidder. This is not possible now, since appointments are subject to the approval of the Resident, and the most important require the concurrence of the High Commissioner. It is valuable as an acknowledgment of the supremacy of the Emir, and, if it were abolished, he would lose all influence over sub-chiefs, who would only acknowledge the Government official who had nominated them.

(g) *Taxes on Crafts and Kurdin Korofi.*

12. Every form of handicraft, I think without exception, had its special tax—smiths, weavers, leather-makers, saltmakers, canoe-men, ferry-men, dyers, hunters, etc. In Zaria, a native liquor tax was collected by the "Serikin Mai" on fourteen towns near Zaria, but not on pagans. The majority of these taxes were, I think, universally levied by the Fulani, though Katsena, Kano, and Zaria had many special ones. Of these taxes on industries, that on dyers (Kurdin Korofi—6d. to 1s. or more per dye-pit) was the most lucrative. In some places, the name Kurdin Korofi seems to have been used to include most of these taxes, and even extended to the tax on crops watered by irrigation (market gardeners). A tax was also levied on each date-palm in Kano, and especially in Katsena; and each bee-hive, as well as collectors of jungle-honey, paid a tax. In Zaria, and elsewhere, most of these taxes were "farmed out" to an official who paid a fixed sum and made what he could by extortion.

(h) *Market Dues.*

13. Corn sellers were very heavily taxed in Kano, and also vendors of food and natron. Brokers and stall-holders each paid from 4d. to 8d. per mensem. There were also royalties on various articles sold;

* See para. 32, where the payment is explained as a War Tax, with no religious significance.

butchers paid 9d. or more for each ox, and 3d. for each sheep or goat slaughtered, in addition to a fixed licence fee. Dr. Cargill states that in Kano these dues accrued entirely to the local chief, and were not shared by the Emir, who does not admit their validity under the Koran, but there is no doubt that the Emirs received considerable income from the market in their capital cities through the Serikin Kasua (chief of the market) and Serikin Dillali (chief of the brokers), as well as substantial presents from wealthy merchants. In Zaria, the Serikin Dillali collected a tax of about 1s. from every cloth, natron, and leather-seller, and paid the Emir £12 per annum; but Captain Orr writes that "there is no evidence that Dillalis in towns other than Zaria collect or pay any tax."

(i) *Caravan Tolls.*

14. These were exceedingly heavy, and were levied at every town through which a caravan passed. They have now been entirely superseded by the tolls levied by Government under the Caravan Proclamation.*

(j) *Death Duties (Gado.)*

15. In addition to the fee for administration of estates claimed by the native judge, varying amounts were paid to the Emir. This tax has no sanction in the Koran so far as I am aware, and the Emir of Kano says it is illegal. It appears to have been levied on Moslems and pagans alike, and separate rates were, in some instances, taken on property accruing after appointment to office, and on private property. In Bornu, as every "Kachella" of a district was a slave of the Shehu, his whole estate (including the wealth he had amassed by extortion) fell in to the Emir. In some provinces, it would appear that this tax, by extortionate methods, had been made to yield a considerable revenue. It is a large subject in itself, with which I hope to deal separately. In certain Emirates, I think that, in default of heirs within specified degrees of relationship, the entire estate fell to the Emir if the deceased died intestate, and a large proportion if there was a will. I propose that at present, at any rate, this custom shall not be interfered with, but the Emir shall in all cases be compelled to inform the Resident of the total value of an estate, and the amount he proposes to take, and that this amount shall be subject to the approval of the Resident, who will see that it is not extortionate.

(k) *Arbitrary and Casual Taxes.*

16. In addition to these taxes, the chiefs, and also the principal office holders who owned estates (or fiefs), were in the habit of demanding forced levies to meet their needs, more especially from the subjugated pagans. Frequent and irregular fines were imposed outside the regular process of the native courts while much of the proceeds of these courts also appears to have accrued to the Emirs, as well as bribes to avoid conviction. Collections were made in the market for a chief or "big man" passing through a town, in addition to presents, and he paid nothing for supplies wherever he went. The villages were called upon annually to build or repair the houses of the Emir and chiefs, and the city walls, etc. Every man, great or small, had to bring a gaisua or present in his hand when he came to see his superior, and, more especially, at the periodical festivals. These latter tended to become a fixed sum for each town. Added to these exactions, and probably more onerous than all of them put together, were the extortions of the collector (Jakada or Ajele), who, with his staff of messengers, lived on the country without payment, and demanded what he pleased. (Para. 20).

(l) *Other Taxes.*

17. It would seem as if this bare enumeration would have exhausted the possibilities of taxation, but Residents are continually reporting some new and obscure tax in their provinces, which may, or may not, be common to others. In Sokoto, I learn that a prominent chief made a considerable revenue by keeping a large number of slave girls as public prostitutes, and this may be the origin of the "Bori tax" on dancing girls in Zaria. Dr. Cargill reports that a poll tax of 1s. to 4s. per head was levied by the local chiefs of towns as a "thanksgiving" at the end of the harvest, and shared between them and the Jakada. In one instance, that of the "Kurdin Gamu," Dr. Cargill reports a donation (dignified by the name of "tax"), which the chiefs imposed upon themselves as a salve to their consciences, for the support of the Mallams and holy men of the city. Others are the "chappa tax" on certain persons in the Zaria province, the Garin Yaki, or war tax, reported from Keffi (Webster), the gamblers tax (5 per cent. of winnings levied in two houses set apart for "chacha") which is reported from Ibi in Muri (Lobb), and the tax on sewers of cloth collected by the "Serikin Dunki" in Bauchi (Temple).

* The Caravan Tolls have been abolished since this Memo. was written.

BASIS OF DEVELOPMENT OF THE SYSTEM

18. The fanatical Fulani herdsmen, who had spread the Faith throughout Nigeria, had professed to institute the strict Koranic system of taxation. By this they were bound to pay the annual tithe themselves, and to devote it wholly to religious purposes or to the maintenance of the State, and to contribute annually to the support of the centre of their organization at Sokoto and Gando, while they levied a fixed and proper tribute from the unconverted.

As the desire for wealth and power, however, gradually supplanted the early religious zeal, the efforts to convert the pagan races to the Faith, which are enjoined by the Koran, ceased, and the collection of Kurdin Kasa from all of them, irrespective of any nominal adhesion to Islam, became universal. The annual razzias were no longer wars waged for the extension of Islam, in which the vanquished are given the option of becoming one with the victors if they embrace Mohammedanism, but degenerated into mere raids for slaves. The rulers thus grew to look upon the peasantry merely as a means of acquiring wealth, and these, for the most part, remained pagans. Latterly, when the ability to raid distant districts for slaves was curtailed in the Southern Emirates by the advent of Europeans, they even took to selling their own peasantry, while the levies upon the pagans grew so heavy that they could only be met by payment in human-kind.

Irregular taxes were invented, or obsolete taxes of the Habe were revived, according to the need or the greed of each Emir, and these were imposed regardless of creed, while extortion and corruption increased in every grade. The Emirs came to regard themselves as rulers first, and only afterwards as Moslems. Many of them were of very mixed blood, and though they one and all professed themselves to be devout Mohammedans, the primary object of their rule was to aggrandise themselves, their personal entourage and satellites, and their clique of office-holders, dignified with high-sounding titles, at the expense of the people whom they misgoverned. The extent to which the misgovernment, and the perversion of the original conception of Koranic taxation, took place, varied, of course, in different Emirates.

SYSTEM OF RULE AND MODE OF COLLECTION OF TAXES.

19. In order to follow the method of collection, it is necessary to understand the outlines of the system of rule which grew up in the majority of the provinces, varying, of course, to some extent in each. It was, as I said in my annual report for 1902, practically a feudal system. The country was parcelled out into estates held by the principal chiefs as fiefs from the Emir, in whom was vested the ultimate title to the land. The fief-holder was called the "Hakimi" in Kano, the "Ubandaiki" in Zaria, and the "Kofa" (or "gate") at Sokoto—in so far as the system in the latter could be said to correspond with that which was universal in the minor Emirates (*see* para. 64). The fiefs belonging to one chief were often small, and scattered over the Emirate at great distances from each other. They usually pertained to the office, and not to the individual. The result was that the fief-holder (who might own a dozen or a score of such estates) could not, of course, reside on his estate and administer a self-contained district, but became an "absentee landlord," resident at the capital. He appointed as his representative an "Ajele" or "Jakada," who, however, in Nupe (being constantly in attendance on his chief) delegated his powers to a deputy. In some cases (such as Katsena) the estates seem to have been farmed to middlemen by the Emir or the Hakimi, and these middlemen took the place of the Jakada. The latter was supposed to be paid by the fief-holder, but he also lived on the people, and his extortions proved the ruin of the country. His power was unlimited.

for he alone had the ear of the chief, and all taxes passed through his hands. He assessed the taxes which were collected by the local headmen of the fiefs or the local "Seriki" of the town. The latter were the theoretical rules of the district, and apportioned the tribute among the different subordinate villages, and held judicial powers for the suppression of crime, but only a very small portion of the revenue was assigned to them, and the Emir and fief-holder divided the bulk of the tribute, while the Ajele or Jakada received a share, in addition to what he could make by extortion. The fief-holder was, however, supposed to collect the tax on behalf of the Emir, and had no actual claim to a share. In Zaria he was supposed to take 10 per cent., and the Jakada 10 per cent., the Emir taking the remainder. The fief-holders naturally had a tendency to multiply as the numbers of place-hunters, favourites (especially head slaves), and relatives increased, and as a natural consequence of diminished holdings, the exactions grew more heavy in order to support the rival establishments of the courtiers.

THE TAX-COLLECTOR.

20. The office of Jakada or Ajele comprised many other duties than that of tax-collector, and, in what I shall have to say regarding this office, it will be necessary to carefully distinguish between these functions. He acted as the agent and spy of the Emir and fief-holder (each of whom in some provinces had separate Jakadas), and reported to him the deaths of influential men with a view to assessment of Gado (death duties). He was the accredited messenger for all purposes, and in some pagan districts in the Zaria Province, he appears to have become a resident and recognised ruler. Except in this latter instance, the Jakada appears to have been resident at the capital, and was only sent out to the district at the time the tax was due, where he remained at free quarters till it was paid in full, whereas the deputy Ajele of Nupe had become resident in the district, where his power for evil had, in consequence, become enormously increased. Even at Kano, where the Jakada was probably at his best, Dr. Cargill states that he had great opportunities for extortion, and there was practically no check on him, if dishonest. So intolerable had the oppression of these men become, that already most of them had been expelled in Nupe, and a rising against them in Kano had to be suppressed by force by the administration. They were, moreover, a danger to the Government, for they had often formed part of the Emir's standing army, and it was to their interest to magnify the power of the Emir, and to decry the Government (Cargill). As the Emirs can no longer support the Ajele by force, the system naturally collapses.

THE NEW POSITION OF THE FIEF-HOLDER.

21. It is, in my view, necessary, in the first place, that the whole of the estates belonging to a Hakimi or Ubandaiki (or whatever the local designation of the fief-holder) should be grouped together in one self-contained district, of which he will when possible be appointed the "headman," and in which, as such, he should reside for the greater part of the year. He should, however, own a house at the capital, and should be equally compelled to reside there at intervals, in order that the Emir may retain his hold over him, and that these districts may not break off into separate commands, more or less independent of the Emir. The authority and power of the latter over these chiefs should be supported strongly by the Resident, and will be maintained by two powerful factors:—(*a*) The apportionment of the tribute is in the Resident's and Emir's hands, and any exactions whatsoever by the district head will be treated as a criminal offence. (*b*) The fief-holder (viz., district head) can be at any time deprived of office by the Resident, on the advice of the Emir, for good cause shown.

This grouping of estates already exists to a large extent in Sokoto, Katsena, Katagum, and some other Emirates, and I understand that a re-distribution with this object would present no insuperable difficulties in Kano, Zaria, Bauchi, and elsewhere (*See* § 24). In some provinces, however (as in Nupe), the fief-holders altogether refuse to leave the capital and to reside in the district. In that case, they must be replaced by district headmen, chosen from among the most influential of the local inhabitants of the district. They will then become attached to the Emir's entourage at the capital, or traders or farmers resident on their own estates, as many, I believe, have already done in Nupe. This in itself will tend to check the multiplication of useless offices. Now that Emirs are relieved of the cost of their armies and of most of their former expenses, and their incomes are assured to them, the payment of the "unrecognised" office holders becomes the chief call upon the Emir's revenue, which, in many cases, is very considerable.* It will be noted that I have no desire to arbitrarily and summarily "abolish" this class, but they must take their choice, of remaining (under pain of deprivation) as substantive rulers in their districts for the greater part of the year, or of residing at the capital as part of the entourage of the Emir, unless "recognised" and paid by Government (*See* § 22, 39, and 40). Provided that a former fief-holder fully performs his duties as district headman, there is no reason why he should not hold one of the titular and honorary titles of rank, which are so prized by the Fulani. This is, in fact, I believe, to restore the Hakimi to his proper place and duties—a place he still retains in some Emirates—and from which in others (as in Kano) he has been ousted by the appointment of favourite head slaves to the position he ought to hold.

OFFICE-HOLDERS.

22. If, however, the office compels continuous residence at the capital, and renders the discharge of the duties of a district headman impossible, it cannot be held simultaneously with the latter appointment. There are, in each important Mohammedan Emirate, a certain number of officials at the capital who perform really useful duties, and whom it is as important to retain and utilise as it is to retain the principal chief himself. Such are the Alkali (judge of the native court), the Waziri, Galadima or Yerima (the chief native official next to the Emir), the Liman (the religious head), and some three or four others who should form the Emir's council. Of these, in some Emirates—but not in others, such as Kano, Sokoto, and Gando—the Alkali derives a certain income from fines and fees of court. It is reported that in most cases these officials derive an income from estates pertaining to their office, but, except at Kano and close to large cities, where the value of land renders it, perhaps, possible for a landlord to receive rent for his land, the term "estate" is somewhat of a misnomer in the present condition of the country. For, as I have pointed out elsewhere, the land itself has little or no value, and the value of an estate consists in the extent of the property in slaves to work it, and not in the land itself. Even the fact that an area has been "brought under cultivation" does not add to its value, but, on the contrary, impoverishes it. Since, therefore, property in slaves is constantly decreasing in value, and will, in the course of time, disappear, it is clear that the possession of "estates" is no adequate and reliable source of maintenance for a native chief, and that it is necessary for him to have some certain source of income, wherewith to maintain his estate and to hire free labour for its cultivation if need be. There has, I think, also been a loose idea that the owner of an estate would receive certain dues from the cultivators, even if they were not in the position of slaves or serfs working on the estate of a master. But it must be remembered that all such dues as are included in the list of taxes (Zakka, etc.) which I have enumerated, are now included in the Land or General Tax payable to the Emir and Government alone. They are apportioned to the native and British administration, and no estate owner as such may touch any portion of them, and is liable to be dealt with by the courts if he does (*See* para. 30). An exception to this condition of things no doubt exists, as I have said, around all the great cities, where land has acquired an intrinsic value, and could probably command a *rent*. This process of enhancement of land values will, no doubt, continue as population increases, and I therefore think that, in addition to the fixed salary given to the office-holders who are recognised by Government, it would be a good policy to assign estates near to capital cities to these officials, who are necessarily resident at the capital, and the rents derived from such estates would later, if not now, form a part of the emoluments of the office. In each Emirate, therefore, which is under a "principal chief," some half-dozen of the principal officers of State will, with the concurrence of the High

* The net income of the Emir of Kano, after the Government has taken its share of the revenue, and the district and village heads have been paid, is estimated at not less than £12,000 to £13,000 per annum.

Commissioner, be selected for recognition by Government, and a sum will be assigned for the salary of each out of the revenue apportioned to the native administration. All other office-holders will, like the entourage of the Emir, be paid at his discretion out of the sum assigned as his net income.

District Headmen.

23. I will, throughout the rest of this memo., use the term district headman, and not that of fief-holder, premising that he may be either one of the old fief-holders, resident on his estate and responsible for the collection of the taxes, or a local chief selected to perform the same duties in a given district. He will be the executive head of the district, responsible to the Resident and Emir for its control and good order, and must always be a free-man. I hope that Residents will succeed in inducing many of the old fief-holders to take up the duties of district headmen, for they are an influential class, and, in some districts, the peasantry are very loyal to them. As district headmen, they will have real powers as subordinate rulers. With this object, I would concur in not pressing too severely at first the rule about residence—especially in the Northern Hausa States, which were well organised and had an effective system, provided they resided in their districts during the time of tax-collection. One of the first and most important tasks of a Resident will be to determine and mark on the map of his province these various districts in charge of headmen. This should be done in consultation with the Emir and local chiefs of towns. The district headman will be responsible for the collection of the revenue, and will personally bring it to the Emir or Resident at the administrative headquarters of the division* of the province (*see* para. 48). It will be his duty to make the reports of crimes and complaints, and of deaths (for collection of Gado) to the Emir or Resident, which were formerly made by the Jakada. The increased number and the recognised position of the native courts (Memo. 8) will relieve him of judicial work, unless as a member of the court. The assessment of the towns and villages in his district will be undertaken by the Resident with his assistance, and he should accompany the Resident on tour in his district. The Hausa term "Serikin Kaoge" perhaps best expresses his functions. In Bornu, I understand that the title of "Ajia" is exactly appropriate. District headmen may be of two classes—(1) those collecting on behalf of an Emir and obtaining their salary through him; and (2) those who are themselves independent Emirs, but not of sufficient importance to rank as "principal chiefs," and who, therefore, collect from an independent community on behalf of Government direct, and obtain their percentage from the Resident. In pagan districts, if there is no man of sufficient local influence, it may be advisable to introduce a district headman from outside, but he must be acceptable to the people, and not forced upon them. The district for which a "district headman" is responsible will not be confused with the administrative *divisions* into which the province is divided, each of which is under one of the European political staff, who will closely watch the actions of the various district headmen in his division. The different divisions and districts must be shown on the political map of the province, which should also show the areas over which independent chiefs have authority, and the tribal boundaries. (*See* Memo. 21, para. 2.)†

Extra Territorial Jurisdiction.

24. It may be inferred from what has been said in the preceding paragraph that a district headman is the sole executive chief of a self-contained district, and that all the villages in the area placed under him should recognise his authority and pay their taxes through him. This, indeed, is the ultimate end in view, but the existing conditions of the country do not admit of its immediate and complete realisation in some provinces. Even after the consolidation of the scattered fiefs into one self-contained district under a headman has been accomplished, it may be found that there are many communities included in this territorial area which refuse to recognise the authority of the district headman, and adhere to their allegiance to their own clan chief. In Sokoto and Bauchi, and throughout the greater part of the Hausa States, the unit is, in fact, not a local settlement, but a clan or family with its own chief. The reason is that, since in the greater part of the Protectorate there are immense areas of land available for settlement, the right of occupation was little regarded, and a batch of immigrants obtained permission to settle and take up land wherever they wished, in return for a small present to the local fief-holder, who claimed no rights of taxation or jurisdiction over them, while the settlers considered that they owed their allegiance only to their former chief, however distant. In other words, territorial claims are practically inoperative, and the ties of the family or clan are the only recognised bond of cohesion. This factor renders the formation of self-contained districts, paying their dues through a district headman with a territorial jurisdiction, very difficult.

In districts where the pressure of population has rendered land valuable, territorial claims, as in other countries, begin to supersede the patriarchal or clan ties. Thus, in Kano, little difficulty has been found in re-grouping towns under the district headman. Clearly the clan system must, in the course of time, give way to territorial divisions of jurisdiction, but, like all other changes, it must be gradual, and must be evolved rather than imposed upon the people. Until these changes have been evolved, the application of British Crown Colony rules of accounting and audit to the native system will be difficult, but the whole object of this system of taxation in Northern Nigeria is that it should be based on native tradition and custom to an extent probably hitherto untried in any Colony or Protectorate.

The reasons which prompt a community to repudiate the authority of the district headman may, as I have described, be due to the fact that they are migrants from a distant clan, and recognise the authority of their clan chief only, or it may be that they are aliens of a different race from their neighbours, the remnant, perhaps, of a tribe ousted or annihilated in the wars of the past, who have been allowed to remain under their own chief, enjoying autonomy, provided that they paid their taxes. Only communities which have long exercised this privilege under such valid claims as these will be accorded exceptional treatment, and in no case may particular coteries in a city set up a chief of their own. The payment of the city tax through a Maiungwa (§ 52) is, of course, a wholly different question. Where the tradition of a separate allegiance, or of autonomy under their own chief, is very strongly felt, it will be necessary at first to defer to the prejudice and to allow such communities to pay direct to Government through their own chiefs; but the penalty incurred by a failure to pay promptly, or by an exhibition of lawlessness, should be their immediate inclusion under the local district headman. Wherever possible, however, without violating a very strong native sentiment, such communities should be required to pay their tribute *through* their own chief to the district headman, if they are aliens under a chief of their own, or through the district headman to their own chief if they are migrants, but in any case—pending default or misconduct—the right to pay through their own chief to Government direct should not be denied to them. Gradually, as they realise that no advantage whatever accrues from persisting in the old tradition, they will become merged in the territorial jurisdiction of the local headman. All future immigrants will, however, be required to settle on land within the "district" to which they belong, and they will be warned that they will not be allowed to take up land in another district unless they agree to pay their taxes to the head of that district.

The Jakada and Ajele.

25. With the transfer to the district headman of the responsibility not only for the collection but also for the delivery of the tax to the Emir or Resident, the *raison d'être* of the Ajele or Jakada ceases. As a *tax-collector*, he will be abolished, and as the name is inevitably associated with this—his first and chief duty—it will be abolished too, for as long as the name remains, the villagers will submit to his exactions. He will be replaced by accredited messengers from the Emir, carrying a symbol or wearing a dress of office. These will be registered by the Resident, and no one except the Emir will be allowed to employ them. They will be paid a fixed salary out of the Emir's income, and they will not be allowed to make any demands whatever upon the peasantry.

* Even in Kano itself this system has successfully worked in at least one instance (Dan Tube), and is, therefore, understood, and in accordance with native custom (Cargill.)

† Page 132.

It will be a primary duty of the Resident and his staff to make known to each town what amount it has to pay, and to inform the people that if the district headman, the Emir's messenger, or any other person, calls upon them for an amount in excess of this, they should report the matter to the Resident. By this means there will, I hope, be an effective check. It will be noted that the collection will thus be left in the hands of each village headman (Hausa, *Degitchi*, Bornu *Bulama*), the district headman, and the Emir (if any), and not in the hands of Government agents or aliens; but it will be well for the Resident to send also a Government courier or other native agent at the time of collection, to act as a check by reporting independently. He will not, however, take part either in the assessment or collection. In Bornu, now that all tax-collectors, other than the village and district headmen, have been abolished, the Shehu has appointed an agent to reside with the "Ajia" (district head), but he may exercise no executive power whatever. This appears to me a useful plan in enabling a head chief to keep in close touch with his district headmen. The agent, however, must not be allowed to interfere in any way with the headman, or to issue any orders whatever with respect to the taxes. His duties should be confined to reporting deaths for the collection of Gado, and generally keeping the chief informed of what goes on in the districts. He should be a man of no social importance, and the Resident would take special care that no accusation by him against the headman is listened to, unless the latter has a full opportunity of stating his case. Such agents, if appointed, should be frequently changed, and should acquire no status above that of a mere messenger or subordinate.

ASSESSMENT.

(a) *How arrived at.*

26. (*a.*) The amount which each village has to pay must be finally decided by the Resident and his European staff, and full details showing how it has been arrived at will be entered in the Tribute Register. The assessment should be in cash, but the equivalent kind (cowries, etc.) must also be entered, pending a more universal use of coin. This is a long and difficult task, in which, however, great progress has already been made in some provinces, especially Sokoto and Nupe. Pending its completion, a Resident will (in the case of all villages included in an Emirate, *i.e.*, "settled districts") have to accept the appraisement made by the Emir, but he will gradually verify and adjust each one. When fixing the new assessment he will first ascertain from the Emir, the fief-holder, and the old tax-collectors the amount which the town in question was supposed to pay under each form of tax (including non-agricultural taxes), noting at the same time the population of the town. It may sometimes perhaps be possible to secure the services of the former head of all the tax-collectors, where such existed (as in Bornu), whose knowledge of the country and the taxable capacity of each town would be invaluable as a guide. The amount stated by him can then be checked by reference to the village headmen.

In order to promote uniformity and equality in the assessment and for subsequent reference, a Resident may find it useful to provide himself with a number of printed forms (bound as a book if preferred), which might be in the following form, modified as he may find suitable to his province:—

Administrative Division. No..... District of..... Village.....

Class.	Approx. amount former Taxes.	Quantity.	Persons engaged or owning.	Rate.	Amount of Assessment.	Notes.
1. General crops	—	—	200	—	—	Soil poor, market good.
2. Special crops	—	—	20	—	—	Wobe River irrigation.
3. Sylvan produce	—	—	—	—	—	No rubber. Some shea and gum.
4. Produce for Export	—	—	—	—	—	Chillies.
5. Butchers	—	—	—	—	—	Supplied from caravans.
6. Dyers	—	—	—	—	—	20 dye pits.
7. Other crafts	—	—	—	—	—	6 smiths, 5 weavers, &c.
8. Cattle	—	—	—	—	—	Good grazing and market.
9. Sheep and Goats	—	—	—	—	—	Ditto.
10. Horses	—	—	—	—	—	A few bred here.
&c.						
Total	£63	—	500*	—	£50	*Adults.

1. Includes dawa, gero, yams, mazzarua, cotton (?), indigo (?), etc.
2. Includes onions, wheat, tobacco, sugar-cane, cassava (?).
3. Rubber, shea, gum, palm-nuts, beeswax (?).
4. Capsicums, beniseed, cotton (?).

The Resident will decide which crops he includes under 1, and which under 2. The tax on 3 and 4 should be light to encourage production. On the remaining heads practically the old scale; 8 and 9 are, of course, exclusive of those which pay Jangali. A summary of the information gained would be entered in the Provincial Tribute Register.

This form would, of course, only be used as a means of arriving at the taxable capacity or wealth of a village. The assessment, once arrived at, would be recorded as a single tax levied on the village as a whole, and it would, as already explained, be left to the village headman to collect it from the individual *pro rata*.

(b) *Adjustment of Inequalities.*

(*b.*) He may thus find that the old assessment should be increased or diminished, in consequence of the increase or decrease in wealth or population of the village, or because of a former unjust assessment. In consequence, moreover, of the abolition of the extortions of the tax-collector, and of arbitrary levies, and the other burdensome additions described in para. 18, it is possible that the amounts which nominally prevailed in former times can be somewhat increased and yet afford great relief to the peasantry, especially where these burdens weighed with great severity upon the people. In some cases (*e.g.* Abuja), every village, whatever its size, was, I am told, assessed at a uniform rate; in others, the tax had been doubled or trebled for some ancient revolt. It will be the business of the Resident to adjust these inequalities, and to consolidate the whole of the taxes into an annual sum payable, when possible, in cash. The Resident, Nupe, has found it useful to issue a numbered disc to each farm hamlet for identification, since so many have the same name. Such matters are left to the discretion of each Resident.

(c) *Personal Assessment necessary.*

(*c.*) I lay great emphasis upon the personal assessment by the political staff, both because of the injustice and inequality of the former levies, and because of the difficulty of getting at the truth from the native chiefs. In one instance, it was reported that the Emir had ordered that the Resident should be told that the tax was only half what it really was, in order that he might secretly collect the rest himself. In another, a Resident found many villages of which the Emir knew nothing. Pending, however, a personal assessment by the British staff, there is no alternative but to accept the native assessment, checked as described above, as a temporary measure.

In some provinces the assessment was made annually, according to the value of the crops each year. Under the new system the sum will be a fixed one,

amended and brought up to date from time to time (but not too frequently), as the Resident has opportunity to visit the town, according to the increase or decrease of wealth, due very often (especially in Bornu) to inter-village migration. This fact should be carefully explained to the peasantry, who otherwise might fear that increased industry and production would involve them in higher taxation, as was, I understand, the case in Illorin. The Emir will keep his own register of assessment separately in Arabic, and the Resident will inform him of all corrections and alterations for entry in it.

(d) *Each member of Staff to undertake share.*

(*d.*) A Resident should take each one of his British staff with him in turn when engaged on this task, so that the latter, when he has thoroughly learned the method and the nature of the questions asked and private inquiries set on foot through the native political agent, would be competent to carry out the same system in his own division, and so expedite the assessment of the province. The preliminary list obtained from the Emir and the old collectors will be of value for comparison, both as giving the names of villages, and enabling the Resident to test the *bona fides* and loyalty of the Emir.

(e) *Assessment to be reviewed and explained.*

(*e.*) When the assessment has once been completed, each Assistant Resident should, as I have said, constantly check his own division, and bring any proposals for alterations to the notice of the Resident. No assessment will be final until approved by the Resident and by the High Commissioner. The announcement of the assessment should be made by the Emir's representative in the presence of the Resident. The assessment so made, and received with satisfaction by the village, may (as I have said) be modified by later experience and further knowledge, and by the causes I have already named. No pledges of immutability should, therefore, be given, either of the assessment or of the division between Government and the native administration. Though the *normal* assessment is fixed (subject to modification for these causes), it may, of course, in any particular year be suspended or decreased, with the sanction of the High Commissioner, on account of famine, or other special reason. It should be fixed rather too low than too high at first, and it should be fully explained to all, from the Emir to the peasantry, that the tax is to meet the expenses of administration, and is not a perquisite of the High Commissioner or Resident (as they are apt to imagine), and is paid in return for security to life and property, and the consequent increase of trade and wealth. It may be pointed out also to the chiefs that, as population and wealth increase, the share of the tribute assigned to the native administration will increase *pari passu*, while the leniency of the tax and the advantage to them of sharing with Government, instead of having a separate tax to collect for themselves, may also be noted. The object should be to convince their judgment of the superiority of the new methods to the old. The ability of a Resident and of his staff, and their influence with, and control over, the people of the Province will be largely indicated by the care which has been taken in the assessment, the contentment of the chiefs and peasantry, and the absence of friction in the collection of the revenue. These matters are of more importance than the actual amount collected.

SETTLEMENT OF DISPUTES.

27. In the prosecution of this task, a Resident will probably be besieged by appeals for restitution of ancient rights—in more than one instance the High Commissioner has received such appeals dating back to 100 years ago. The general principle should be that the jurisdictions, as they existed when the British administration was set up, should be upheld. Having, with the approval of the High Commissioner, come to a decision with regard to rival claims, a Resident will (if he anticipates any interference on the part of the losing claimant) issue a declaration that such and such a village with its fields, etc., belong to, or are within the jurisdiction of, the chief or district headman (as the case may be) who is adjudged to have the better title; at the same time, an order will be issued to the rival claimant to desist from interference with the ruling contained in the declaration. If the order is disregarded, the chief may be summoned for conduct likely to produce a breach of the peace, and dealt with under Sec. 18 (13) of the Schedule to the Criminal Code Proclamation. If, however, the circumstances demand a more speedy method, he may, with the concurrence of the High Commissioner, be deprived of his position as an administrative act, the more so that in most cases the lands of the Emirate will have been declared to be public lands under the Lands Amendment Proclamation, 1902.

VILLAGE HEADS.

28. In a densely populated province like Kano, and in a less degree in the other Hausa States, where there are large walled towns in the rural districts, the sub-chiefs under a district headman must vary greatly in degree, from the powerful Seriki of a large town having many subordinate towns and villages under it, with perhaps "Mai-Ungwa" responsible to the Seriki for various areas,* down to the headman of the small farm-hamlet consisting only of half-a-dozen huts. There are also the representatives of independent communities, to whom I alluded in para. 24. The Native Revenue Proclamation, 1906, and the system to which it gives sanction, recognises, however, only three grades (exclusive of the office-holder) in the Native Executive, viz., the principal chief, the district headman, and the village headman. Every Seriki, and every chief of an independent community (unless he has been appointed a district headman), must therefore be graded as a "village headman" in all returns, but the percentage of the tax assigned to him will, of course, vary in proportion to his position and importance, and may be shared by him with his subordinate headmen. The term "minor district head," or similar ranks unprovided for in the proclamation and the forms, will never be used. It is for a Resident to decide whether any particular Seriki is important enough to be made a "district head," and if not, what proportion of the amount assigned to him as a "village head" he shall retain, and what proportion he shall give to village heads under him. Now that the tax no longer varies annually with the crop, the duties of the Mai-Ungwa and of the village heads are less onerous.

INCIDENCE UPON THE INDIVIDUAL.

29. The district headman, as I have said, calls on the village headman to collect the tax from the individual. It is extremely difficult to enforce absolute fairness in this matter by the village headman. Captain Larymore asserts that in the Kabba province each individual pays as he likes, and many escape payment by threatening to desert the village. He proposes, as a remedy, that the headman should issue red receipts from a counterfoil book to each person—these to be different for men and women, and changed each year—the Resident to check the counterfoils; and Mr. Lumley proposes a similar plan in Bassa. It does not seem to me that this would be possible, or, if possible, effective, among an illiterate population, while the amount of clerical work involved would be enormous. I am not, however, averse to the adoption by Residents of any plan which they may consider suitable to the circumstances of their Province, and of the success of which they feel confident. It is by such experiments that the best scheme will ultimately be evolved. The only remedy, however, it seems to me, is to encourage villagers to make reports of unfair exactions, and to equally encourage the headmen to report those who refuse to pay. By selecting good village headmen, and by letting it be known that the system is uniform everywhere, and cannot be evaded by deserting the village, time will, I hope, remedy this evil. Meantime, village headmen should be told approximately how much they are to collect from each class (agricultural and industrial); nor will this be so difficult as might be imagined, since the country has from time immemorial been accustomed to pay taxes, and the people have a very shrewd sense of equity. The head of each craft or industry may generally be held responsible for the taxes due from his particular industry. It will thus be seen that craftsmen (dyers, weavers, etc.,) each individually pay as of old to the village headman, but for the purposes of official statistics, their contributions are merged in the general or "tribute" tax. The approved assessment of each village will always be written down in

* The Kano Maiungwa, in return for their work of collection, paid no tax themselves, and, as there was one to every ten or twelve taxpayers, this was equivalent to giving them 9 per cent. of the tax (Cargill). This system should now cease.

Arabic and English, and given both to the district and village headmen, and the villagers will be told that they can demand to see it if they think that their headman is collecting tribute in excess of the authorised amount.

Former Taxes: How Dealt with.

(a) *Land and Produce.*

30. The first three of the ancient taxes, which I enumerated in paras. 6 to 8, viz.:—the Zakka, the Kurdin Kassa, and the Plantation Tax, were levied on the agricultural population. The Zakka having now almost universally lost any special significance it may ever have had (*see* para. 6), these three can be treated as one, and a cash equivalent for the total of the old taxes (according to the value of the land and produce) can be assessed on each village* (para. 48). The mortgager of a farm is responsible for its tribute. Chiefs and others who own estates (whether private or official) will, of course, pay their tribute tax to the State. The exemption of estates held in virtue of an office would, in point of fact, constitute these office-holders as independent tax-collectors, and would open the door for a revival of the old abuses. It would, moreover, be difficult to distinguish between such "estates" and the old fiefs, and would vitiate the statistics of the total amount of tax paid, and the incidence on the population. (*See* para. 22.) New settlements, if of natives from foreign territory, or established with the sanction of the Resident, will be exempt from taxation for the first year.

(b) *Live Stock.*

31. The tax on stock (cattle, sheep, and goats) will be added, except in the case of the nomad herds, when it will be levied as a separate tax. In the case of these latter, I propose that the rate should be uniformly 5 per cent., and entirely of 3-year-old bulls. That it shall, according to custom, be levied by the Province to which the herd belongs, irrespective of where it grazes. If the herd is in another Province when the time for collection comes, the Emir (or owner) will send a messenger to the Resident of that Province, who will send with him a representative of the Emir of the district where the herd is grazing, and a messenger of his own to assist him. The tax will belong to the Province of ownership, and will be divided equally between the native administration and Government. (*See* Memo. 21, paras. 4 and 11).† The tax will be levied only on recognised "Borroro" (Bornu "Abore") herds, each of which has its distinctive name, which should be registered and the ownership decided, together with the number of cattle it comprises. If the ownership is in dispute, the whole tax should be taken for Government by the Province in which the herd grazes, pending settlement of the question. Herdsmen, who have settled in one spot and acquired a town, should be assessed with that town (*e.g.*, Zagga and Kaura Wanta in Sokoto), but, if they remain in the district only, and are of a different race (*e.g.*, Giru), they will pay Jangali as nomads. If a herd has become domiciled in another Province, and does not merely graze there (returning periodically to the Province which claims its ownership), and if at the same time the Fulani who tend it repudiate their allegiance to the original clan from which they emanated, it appears to me that there is no alternative but to include them (and their taxes) in the Province in which they are domiciled. In that case they must be regarded as migrants who have thrown off their allegiance (*See* para. 24), and since the Government only recognises the clan allegiance as superseding territorial allegiance in deference to the strong feeling of such migrants (and not in deference to the claim of the clan chief to the tax), there appears to be no grounds for enforcing it when the migrants themselves repudiate it. If, however, the chief of the place from which the herd emanated claims a right of ownership in the cattle, and is in a position to prove that they are his personal property, and not the property of the persons who are tending them, he can, of course, bring an action against them for restitution of his property. As such a case would affect two Provinces, Residents should report the matter before granting the summons asked for, in order that the High Commissioner might, if he thought fit, appoint a special tribunal (probably consisting of the Residents of both the Provinces concerned) to investigate the matter. Kano herds graze in Sokoto, Hadeija, Katagum, Bauchi, Zaria, and even Keffi and Nasarawa, and since there is no grazing land in Kano, these herds must in many cases become domiciled beyond the Province. Their loss would be regarded as a great injustice by the Emir of Kano, and since they cannot graze there, restitution is impossible. The matter, therefore, is one which would require close investigation, with a view to arriving at some solution which would be acceptable to all parties. Since the various Emirates have thrown off their common allegiance to Sokoto, and preferred to become wholly autonomous, it is clear, as I said in para. 24, that the clan jurisdiction must rapidly give way to territorial jurisdiction, and with that change the right hitherto exercised of taxing herds permanently domiciled in another province must inevitably become obsolete. Where proprietary rights *in the cattle* can be proved by the Emir of the district from which they emanated, a solution could perhaps best be found by a valuation of those rights, and their purchase by the Emir of the district in which the herd is domiciled. This valuation would be assessed by the special tribunal of which I have spoken, and the debt on the part of the purchasing Emir would be registered by the court, and the Resident would see to its gradual payment, or the payment of interest upon it. This, in practice, might become the payment of all or a part of the tax derived from the herd, and the result would be to regularise the payment and solve the question of ownership, jurisdiction, and domicile. If the owner is not an Emir or chief, the better solution would be for him to transfer his domicile to that of his herd. Where large herds graze separately, though not strictly nomad (especially in unsettled districts), the Jangali may be levied upon them for convenience, in lieu of their inclusion in the Land Tax. Stall-fed and village cattle will, however, ordinarily be included in the general assessment of the town or village, as part of its wealth and taxable capacity. The tax will also include all similar flocks of sheep and goats (some of which I am informed go from Sokoto as far as Bauchi and Bornu to graze, and are absent a year), but not village flocks. The Emir of Sokoto fully concurs in this extension of the tax to all live stock, and it is in accordance with Mohammedan law. When the herds or flocks are, at the time of collection, in the province to which they belong, the native official usually employed for this purpose (in Zaria there are four such) will go out accompanied by a Government official, and assess the tax with the "Serikin Ruga," and bring in the cattle to the Emir, who will account for them, as for other tribute, in kind. There is no objection (other than diversity of system, where the object is to promote uniformity) in collecting this tax in the form of a payment per head of cattle, as has become the custom in Kano, Bauchi, and elsewhere. In that case, the amount per head should depend on the local value of stock, and should be regulated so as to produce the same amount as 5 per cent. of the herd.* The same principle could be applied to assessing nomad flocks; and the same basis adopted in calculating the tax on village live-stock.

(c) *Sokoto Gaisua and Charity.*

32. The annual payment to Sokoto—whether the "Gaisua" of the chiefs, or the "Gandu" or "Tudu" of the peasantry—has now altogether lapsed as a regular tax; and the Emir of Sokoto derives his income from his share of the new scheme of taxation. If any Emir desires to send a complimentary Gaisua to the head of the religion out of the income assigned to him, he should be encouraged to do so, but the tax as a separate impost should, I think, be allowed to fall entirely into abeyance, and its collection treated as illegal. It is, I think, important to encourage the Emirs to send a small and strictly religious offering to the "Serikin Muslimin," for the influence of Sokoto as the local religious head is valuable to Government as being opposed to Senussism, and to the ever-recurrent Mahdis. Captain Moll states that the influence of Sokoto, as the Chief of Islam in the Western Sudan, extended from Agades to Timbuktu. On the other hand, since it is denied by many that

* The proportion in one of the largest Kano towns (Gaiya) works out as follows:—Kurdin Kassa 78 per cent. of the whole, Zakka 15 per cent., Shukka 7 per cent. (Cargill.)

† Pages 133 and 135.

* Thus, if 3-year-old bulls were locally worth £1 10s. each the amount of the tax on a herd of 100 cattle would be £7 10s., which would be equivalent to 1s. 6d. per head.

this Gaisua had any religious significance whatever, even in its origin—the Kano and Katsena Mallams treat the theory with ridicule, and assert that it was originally a war fund, and was a great evil—any Emir who prefers to devote the money to local charity will, of course, be free to do so. All Emirs will be left free to arrange their own charity donations, and it is, I think, advisable that no assignment from the tax should be officially made for this purpose, and that Government should altogether refrain from interference or participation.

(d) *Kurdin Sarauta.*

33. The Kurdin Sarauta is not a tax, properly speaking, but rather a fee on appointment, and is, therefore, outside the purview of taxes included under the Native Revenue Proclamation. Opinion is much divided among Residents as to the advisability of this fee, concerning which I have myself always been doubtful. Residents may, for the present, do as they think best in the circumstances of their Provinces, either sharing the fees between Government and the Emir, abolishing them altogether, or allowing them to remain as of old, but claiming no share for Government.

(e) *Industrial Taxes.*

34. The profits made by crafts (including dyers) will be included in the taxable capacity of each town or village; regarding those in large cities, *see* para. 52. The proposal to license each separately would involve an impossible amount of work, and require too large a staff, but they can still be collected on the old basis by the village headman. In this country it is not uncommon to find villages almost entirely occupied with a special non-agricultural industry—such as blacksmithing, dyeing, smelting of iron, or weaving. The special taxes on these industries, including the large profits made by the owners of the principal ferries (pending any special legislation on this subject), and on the collectors of sylvan produce, will now be amalgamated with, and form part of, the general tax, since it is obviously just that they should contribute to the revenue according to their taxable capacity equally with agricultural communities, as they have always done in the past. Those industries which are now separately taxed by Government in the form of licences under special proclamations (canoe-men, hunters, etc.), probably already pay their full share to the revenue, and would not be taxed again. But it is probable that these specific licences will be abolished and merged in the general tax, so soon as it becomes fully effective.

(f) *Market Dues.*

35. *Market Dues.*—In so far as these refer to cities, they are separately dealt with (para. 52). In regard to rural markets and those in towns not classed as cities, I am inclined to abolish them altogether, except in so far as any licence imposed by proclamation may take their place. The dues collected would then be limited to what may be necessary for the control, sanitation, and repair of the market, and the payment of an official (not under Government)—the "Serikin Kasua," or head of the market, who would be held generally responsible for it, and would collect the authorised dues, from which, for the present and pending a better arrangement, his salary would be paid. In these rural districts the Serikin Kasua would be under the district headman, who would report any irregularities, exactions, or laxity on his part. No part of these dues would accrue either to Government, the Emir, or to any local chief. They would usually be fixed by the Resident.

(g) *Tolls, Gado, and other Taxes.*

36. Caravan tolls* have altogether ceased to be included in the revenues of the native chiefs. They are a monopoly of Government, and the Emir is precluded from demanding or accepting presents from traders. Death duties, as I have said, will not, at present, be interfered with. Arbitrary and casual levies, and all other unauthorised taxes, including those named in paras. 16 and 17, will entirely cease. For the present, however, the customary annual labour for building the Emir's houses will not be prohibited. With this exception, all forms of forced labour for public works will absolutely cease. The labour employed on repairing the town walls will not be so employed, except in the case of capital cities, and, in its place, the repair of the roads will be substituted under the Roads Proclamation. The disposal of the fines and fees imposed by the native court is dealt with in Memo. 8, para. 27. Fines imposed by the Resident or provincial court are, of course, included in Government revenue. Of course all taxes which are superseded by Government licences (*e.g.*, on canoes,* native breweries near a Government station, etc.) will absolutely cease, and licences will only be issued by Government officials. Voluntary presents (if small and really voluntary), made at festivals and as salutation presents, need not be forbidden. Special traditional perquisites, such as the royalty on Labozi Kolas in Nupe, and the monopoly in turtles and manatae elsewhere, will not be interfered with, but will be reported for formal approval and record. No other tax may be levied by the Emir or by any chief, nor may they demand free services without payment.

SUMMARY OF ASSESSMENT.

37. Thus, in assessing any town, a Resident will have to take into consideration the taxable capacity of (*a*) the agricultural population, based on the three old taxes, and depending on the extent and value of the land under cultivation; (*b*) the industrial population (including collectors of sylvan produce), based on the old taxes on the various crafts, and depending on the profits made, with due regard to the remission of old taxes, and the imposition of any special licences; (*c*) the cattle, flocks, and other wealth which formerly paid "Jangali" or arbitrary levies. The only other authorised tax, of which Government receives a part, is the Jangali from nomad herdsmen. In calculating the amount of former taxes, those levied in slaves will, of course, be appraised at their equivalent value, but it is hardly necessary to add that the present value of slaves cannot be taken as a guide in arriving at the value they represented under the old system.

APPORTIONMENT BETWEEN GOVERNMENT AND THE NATIVE ADMINISTRATION.

38. As I have said in a previous paragraph, the abolition of the arbitrary impositions, together with the exactions of the collectors (which, in some cases, probably equalled the regular taxes in amount, and was incomparably more vexatious in its incidence), form together so great a relief to the peasantry, that they would welcome an increase of the nominal tribute, the extent of which they know, and which, when once paid, absolves them from all further dues. The object in view is not, however, to increase the incidence on the peasantry at present, but to render it less burdensome to the taxpayers and more remunerative to the administration by a better system of assessment and collection. On the other hand, the native rulers, from lack of organisation and owing to frequent revolts, were in many places unable to collect the full taxes, and even where they were fully collected received less than a half of the nominal amount. It appears, therefore, that even if the nominal tax is somewhat increased, and the native administration and Government take half each, the peasantry are well pleased, while the principal chief has practically as large a revenue as he ever had, and even, in some cases, as Emirs have frankly stated, much more. Out of the moiety assigned to the native administration, the principal chiefs will pay their allotted shares to the recognised office-holders and to the district and village headmen. The amount assigned to each native official is at present a definite percentage of the tax, but later on when, on the one hand, the system has become fully established and effective, and, on the other hand, it has become more clear what incomes are required by the various grades and individuals in order to maintain their position, these percentages will be converted into fixed salaries, and the native administration will then, as in India, become incorporated with the British. The total tax can then be shown on the estimates as revenue, and the salaries of the native officials will appear under the expenditure as personal emoluments of officials. Until the reform is more matured, however, this is not feasible.

(a) *Amount of Principal Chiefs.*

39. Only those native rulers will be recognised as principal (or "paramount") chiefs who have an important capital city, with office-holders (recognised by Government) exercising functions of state, and a Court *entourage*. Minor Emirs (as has been said in

* The Caravan Tolls and Canoe Tax have been abolished since this Memorandum was written.

para. 23), even though independent of any suzerain but Government, will rank only as district headmen. A principal chief receives the whole of the tax, and pays half of it into the revenue. Under the supervision of the Resident he pays their salaries to the subordinate native officials out of the other half, and retains the balance (usually nearly half the amount assigned to the native administration, viz., a quarter of the whole tax) as his net income. Since he has no longer to maintain a standing army, and the Government bears all cost of police, road construction, and other expenses of administration, he has now comparatively few calls on this income. From it he pays all unrecognised state officials, and his messengers, and Court expenses, and meets the expenses of entertaining strangers, of religious and charitable donations, and all other outlay incurred by his position. As these chiefs gradually recognise that the retention of a number of ornamental and useless officials (in addition to those recognised by Government and assigned salaries), together with a number of head slaves and Court satellites, forms a heavy drain on their incomes, they will doubtless be more disposed to reduce their number than they are at present. Apart from this recognised income assigned to a principal chief out of the proceeds of the taxes (which also include the fines and fees of the Native Court paid in to the revenue), he receives at present certain sums from Gado (death duties), from voluntary presents at festival times and from visitors, and in some provinces he also receives the special royalties, etc., referred to in para. 36, the fees paid as Kurdin Sarauta. In future years, as the sum obtained from the taxes increases, while the number of dispossessed fief-holders and superfluous office-holders, etc., who are at present private retainers of the Emir, decreases, it is probable that the income assigned to principal chiefs under this tentative method of a percentage of the tax will be larger than is necessary, and it will then, as I have said, probably be converted into a fixed salary sufficient to maintain his position without extravagance. The chiefs are well aware that without Government support they could no longer collect any revenue at all; moreover, the money spent in the country by Government, in payment for labour and supplies, &c., has greatly added to the wealth of the people. An exception to the rule that Government in all cases takes half the taxes paid to a principal chief is made in favour of the Emir of Sokoto, in recognition of his exceptional position as "Serikin Muslimin." In the actual Emirate of Sokoto (exclusive of other districts in that Province), Government only receives 25 per cent. of the general or land tax, but the Jangali is divided equally. Each Resident will submit to the High Commissioner the names of the Emirs whom he considers should rank as "principal chiefs" for approval.

(b) *Amount to Office-holders.*

40. A portion of the sum assigned to the native administration, usually perhaps about 12 per cent. (viz., 6 per cent. of the whole tax), will be assigned to those office-holders who, as I have described in para. 22, have been selected for recognition by Government as necessary officials of the native administration. Such state officials will not, of course, be allowed to hold districts as well—their whole time being devoted to the duties of their office. The amount paid to those who do not hold any recognised office will be at the discretion of the Emir, and will be paid out of his own income. Residents should endeavour to see that these men are fairly treated, and have a sufficient subsistence until they have found some new occupation. Those who have become district headmen will, of course, be paid as such.

(c) *Amount of District Headmen.*

41. The proportion of the tax which the Emir should pay to the district headman will be settled by him in each case in consultation with the Resident. It should vary from 10 per cent. up to 25 per cent. as a maximum of the amount collected by the headman (inclusive of the payment to the village heads), according to his standing and reliability.* As the assessment and the assignment of each district to a headman is completed, the Resident should fix, and obtain sanction for, the amount which he proposes to assign to the headman. I propose this maximum of 25 per cent. because even an independent district headman has no expenses of state (such as the payment to ex-office holders) which absorb a considerable part of a "principal chief's" income. I think it very desirable that the district headman should have official estates in accordance with the old custom of assigning estates to various offices, the profits of which accrue to the holder of the office during his tenure of it. In cases in which he was the original fief-holder, he will already hold such estates in virtue of some office; in other cases he should, when possible, be assigned the official estate pertaining to some office which has become obsolete, or other means should be found of assigning lands to the office. This will render him, to some extent, independent of, and supplement the income derivable from, his share of the tribute, but in this connection *see* para. 22.

A principal chief only gets on an average about 22 per cent. of the whole tax as his net income, and out of this he has to meet many expenses. The maximum of 25 per cent. to the district and village headmen should, therefore, never be exceeded in the case of those who pay to an Emir. But in the case of those minor Emirs who, though independent and separate "units of taxation," do not rank as principal chiefs, but as district heads (*see* paras. 23 and 39), the proportion assigned may, if necessary, be somewhat increased, and the 75 per cent. share of government decreased, but such cases should be rare. The amount alluded to in this paragraph as assigned to the district headman includes in all cases the share which he pays to the village heads.

(d) *Amount of Village Headmen.*

42. The amount assigned to village headmen (including Serikis of towns who, though heads of groups of villages, do not rank as district heads, and including rural maiungwas, etc., *vide* para. 28), will be fixed by the Resident, the Emir, and the district headman, and should usually vary from 3 per cent. to 6 per cent. of the amount he collects.

SUMMARY OF APPORTIONMENT.

43. The proceeds of the land tax is therefore apportioned as follows in settled districts: If there is a principal chief, Government receives 50 per cent, the principal chief about 22 per cent., the district headmen about 17 per cent., the recognised office-holders about 6 per cent., and the village headmen about 5 per cent. If there is no principal chief and the district headman pays direct to Government, the shares would probably be Government 70 per cent., district head 22 per cent., village heads 8 per cent. In unsettled districts which have not been placed under a district headman, Government would receive 90 per cent. or 95 per cent., and the village chiefs from 5 per cent. to 10 per cent., according as they represented individual or groups of villages.

DIVISION OF JANGALI.

44. The cattle tax is divided on the same principles, Government taking half, the principal chief about 35 per cent., the head of the Ruga about 10 per cent., and the collectors about 5 per cent. If the principal chief is the owner of the herd he pays the tax in the latter capacity, but receives back his percentage of it as part of the income assigned to him in payment for the duties he performs as head of the native administration. If the herd is not included in the jurisdiction of a principal chief, but in that of an independent district headman, the shares would probably be, Government 75 per cent., district head 20 per cent., collectors 5 per cent. Since the office-holders, district heads (unless independent), and village heads receive no part of the Jangali, it is clear that this tax should be confined to the nomads alone as far as possible, and that all other herds should be included in the land (or general) tax.

REFUSAL OR NEGLECT TO PAY.

45. Refusal or neglect to pay any authorised tax can be dealt with under the new proclamation. A Government messenger, accompanied by one from the Emir, should first be sent to any town which is in arrears to call upon both the district and village headmen to show reason. Neglect will make the town liable to a fine, or increase in the amount payable for that year. Any such fine (or increase) must be shown in the

* It may not seldom happen that a village C pays to a small town B. and that B. in turn, pays to a large town A, and that A pays to the Emir. In such a case, the Seriki of A would probably be the district headman, and a man of importance who would, perhaps, have the full 25%, of which he would keep say 15%, and give say 6% to the chief of B, and 4% to the chief of C, of what each had collected. The chiefs of B and C would rank as village heads, *see* § 28.

revenue returns under the head of fines, and not included in the proceeds of the tax. In order to uphold the prestige and authority of the Emir the fine may be imposed in his name, and he should be consulted regarding it—but it will be credited to revenue.* The district headman—or, in the case of the communities discussed in paragraph 56 *et seq.*, the responsible chief—will be held primarily accountable for neglect or refusal to pay the assessed tribute, and, if enquiry should show that he is to blame, he can be fined under the proclamation, or, if necessary, deprived of office (Memo. 7). If, however, the community as a whole refuses to pay, and the village chief (or district headman) is *bonâ fide* unable to collect it, the probability is that one of the other is not fit for his place, being lacking in influence, but the community must be dealt with as a whole. An immediate report will be made to the High Commissioner, who, if the case appears to demand such action and to be beyond the reach of conciliatory measures, may impose a fine upon the community, to be enforced, if necessary, by police coercion and the arrest of the ringleaders. In such a case the Resident may see fit to recommend the transfer of the village to a group under a stronger authority, or, if independent under the conditions described in para. 24, its inclusion under the local district headman or, if an independent pagan community, its inclusion, with the High Commissioner's concurrence, under a neighbouring Emirate. A judicious Resident, however, should be able to prevent matters coming to this pass. If tact is exercised in the original assessment, and it is just and fair, and if taxation is not prematurely imposed upon tribes not properly under control, I think such cases will rarely occur. The conditions, however, of the innumerable communities and native jurisdictions in this Protectorate vary, both as regards their own system of land tenure, and in the circumstances under which their chiefs now hold their appointments from the Suzerain, and their relations to each other have also undergone modification. It will therefore be advisable for Residents to refer any difficult cases to the High Commissioner.

General Results.

46. The general result of these reforms, as they gradually become fully operative, will, I trust, be as follows:—

(*a*) A substantial revenue will be secured to native chiefs to replace the loss by slave raiding and slave trading, and the levies on traders which crushed trade. This (taking into consideration the expenses they have no longer to bear) will leave them sufficiently well off, and in future they will *earn* their salaries by discharging responsible duties for the Administration.

(*b*) A considerable and increasing revenue will be secured to Government, partly due to better organisation and economy in collection, partly to the greater universality of the collection, and partly to increased taxes on certain wealthy classes. And coin currency, with its immense influence for progress and trade, will be greatly promoted.

(*c*) The peasantry will be emancipated to an even greater extent in the true sense of the word than by the abolition of serfdom or domestic slavery. They will not be more heavily taxed than formerly, looking to their immunity from arbitrary exactions. Industry and personal initiative and effort will be encouraged instead of being the mark for spoliation.

(*d*) The absentee landlord will be abolished, and, in his place, the district headman will gradually assume a position as executive head of a district (instead of being an idle place-holder), which will facilitate the devolution of powers by the Emir, a matter of the first importance, apart from the question of taxation. The concentration of power in the hands of the Emir overweights him with work if he is a just ruler, and, if unjust, increases opportunities for evil and oppression, which the Resident cannot control. By decentralisation, the prestige of the Emir should even be increased, while the power of supervision of the Resident can be made fully effective, since he can refer to the district headman (especially when on tour in the district) without having to take every single question to the Emir. It will thus become more feasible for Government to rule through the native chiefs themselves, to control them, and to delegate power to them, with confidence that it cannot easily be abused.

(*e*) The old fief-holders, who had in many cases become the blood-suckers of the country, and had in consequence themselves greatly deteriorated, will now be saddled with the responsibilities due to their position, either as district headmen or as holders of executive offices at the capital. Those few who obtain neither post will become farmers or traders, and lead a life dignified by personal exertion. They have also their private estates (of which they will not be deprived), worked by their own retainers.

(*f*) The old tax collectors will either become salaried officers of Government, or farmers, &c., on their own account.

The previous tendency was to multiply these feudal chiefs by assigning a fief to any relative or favourite (especially to favourite slaves), which he might squeeze dry by his exactions. The tendency in future will be to limit the number of State officials and to abolish all unnecessary ones, since their salaries are derived from the Emir's share of the revenue. Finally, a large economy of revenue will be effected by the abolition of the various superfluous middlemen, who formerly (as far as we have data to go on) appear to have absorbed over 50 per cent. of the revenue before it reached the Emir's hands.

Time of Collection.

47. As regards the time at which the taxes should be paid, I gather that the consensus of opinion is that there should be only one collection of the tribute tax in the year, viz.: immediately after the harvest, from the end of October to January. I have, however, a misgiving that if the Emir and chiefs thus obtain the whole of their income at one time, they will probably run short before the year is out, and be driven to illegal methods of acquiring sufficient to carry on with, or to asking loans from Government. The collection, however, will be spread over some months, and there seems no other possible time to collect it. This difficulty is also met by the system described in Memo. 21, § 7 (*b*). The Emirs' custom was generally to leave the Zakka (grain) in the villages, and call for it as they required it. They would not thus receive the whole year's income at one time, but if a cash payment is substituted for grain, it will be difficult to retain the custom. In some provinces the Jangali seems to be collected at the end of the dry season, which would thus be at the opposite time of year to the general tribute. It should be collected, according to custom, either after the harvest, when the herds return to graze on the stubble, or at the end of the dry season, when the herds are concentrated at some waterside grazing ground.

Mode of Payment.

48. The tribute tax will be collected in the name of the Emir by the village headmen, and paid by them to the district headman, who will bring it to the Emir, at the capital, accompanied when possible by a representative from each village. If, however, the Emir's capital is very distant, a political officer may accept the tax at his *divisional* headquarters, or when on tour (being accompanied by the Emir's messenger), but the latter course will rarely be necessary or advisable. He can, of course, always collect from the communities who do not pay to a district headman (viz.: unsettled districts), when he is in their vicinity. When the tax is brought in by the district headmen, if the Emir is capable of keeping accounts, he will proceed as laid down in Memo. 21 § 7 (*b*), and will send all those who have paid in full to the Resident, who will give them a receipt on scarlet paper in Arabic and English, and note the fact in his tribute register, while the Emir on his part enters it in his "account book." If they have only paid in part, the Emir will give them a temporary receipt for the amount paid, but they should be encouraged to pay in full at one time so as to obtain their scarlet receipt, and save clerical work. (G.S.O. 3, § 9). The Emir will at the same time pay their shares to the district and village headmen, and before issuing the receipt the resident should ques-

* The question of enquiry into causes of non-payment, and the forfeiture by the principal chief of his share, is dealt with in Memo. 21, para. 7 (*b*), page 134.

tion them to satisfy himself that they have received their proper amounts, and that no unauthorised exactions have been made in excess of the sanctioned assessment. If the Emir is not capable of carrying out the work described in Memo. 21 § 7 (*b*)*, and has no capable mallam, or if, on the other hand, the tax is received by an Assistant Resident at his divisional headquarters or in the district itself, the Emir's share will be credited to him, and the shares of the district and village headmen will be paid direct by the political officer. When district headmen can read and write, they should be directed to bring in a written account of the amounts paid by each village. The ability to write should, therefore, be taken into consideration in the appointment of district headmen. The tribute, whether for the native chiefs or for Government, is all *one* tax, and no chief will ever be called upon, or allowed, to collect his share separately from that of Government. Residents will be careful to place on record in writing all transactions regarding the assessment and payment of tribute, so that their successors may have full knowledge of all pledges made, and all action taken.

PRECAUTIONS TO BE TAKEN.

49. District and village headmen will be told that, if any attempt should be made to levy tribute in excess of the assessment, they must at once inform the Resident, and the persons will be arrested, whether they are *bonâ fide* emissaries from a chief, or merely criminals engaged in the prevalent crime of personating a Government official. In the former case, enquiry will be made as to the chief who issued the orders, and he will be dealt with as a principal in the illegal act. In the latter case, the culprits will be dealt with under the Criminal Code. The Resident, by frequent enquiries from the people themselves, and by such other sources of information as are at his disposal, will ascertain that the tribute is properly collected by the district headman from each town (including his own) according to the assessment laid down.

URBAN TAXES UNDER FULANI.

50. The various taxes I have enumerated were levied on rural towns and villages, but, in the great capitals where the Emirs resided, the amounts of those levied on crafts and trades were so large and so varied that, in most cases, special officials were appointed to collect them, and there were also certain taxes special to these large cities. The Sokoto Gaisua was also to some extent a tax on the higher classes in the city. In some few cities (Katsena, Derazo, &c.) there seems to have been a house tax. The information I have collected is, however, so exceedingly diverse, and the customs in different cities so apparently conflicting, that it is impossible to deal with it here in detail.

MODE OF ASSESSING URBAN TAXES.

51. Broadly speaking, the principle which has been put forward in this Memo. is that the great multiplicity of taxes shall be merged into (*a*) the tribute tax, and (*b*) the Jangali, together with (*c*) the licences (on canoes, caravans, &c.) imposed by Government Proclamation. Dyers, blacksmiths, and other craftsmen pay through the tribute tax assessed on their town or village. How then are these to be assessed in the future in a capital city, where there is no local seriki or village or district headman to collect? It would be obviously unjust to allow all to go untaxed, while those in a neighbouring town pay; and these ancient taxes would probably be collected secretly, in spite of prohibition, and not allowed to lapse. The only solution, at present, seems to me to divide the city into quarters or wards (*Ungwa*), to place each under its *Mai-ungwa*, and to allow the ancient taxes to be levied as of old (but under clear and definite regulations), pending a better system, which it is premature to introduce until the scheme of rural taxation is fully organised and completed. The Resident should ascertain from the Emir (and verify his statements from other sources) the amount leviable by each maiungwa according to the number of dye pits, and craftsmen, or the market sellers, &c., in each quarter. He should draw up, in consultation with the Emir, an authorised scale of fees or dues to be paid by each, according to old custom, and when these have been approved by the High Commissioner, the Emir will promulgate them throughout the city, and let it be widely known that any person from whom any fee or due not included in this list, or a fee or due in excess of the amount so authorised, had been demanded, would, on lodging a complaint, be able to obtain redress in the courts. The maiungwa would be allowed to appoint certain persons to collect the different dues, but would have to notify the persons so appointed to the Emir and the Resident, and no others would be allowed to collect. These persons (viz., the serikin kasua and serikin dillali, &c.) thus become salaried officials, collecting on behalf of the Maiungwa and receiving a fixed percentage. The sum so levied should, I propose, be divided in a similar way to that followed in the case of the land or general tax in rural districts, and it will be included as a part of that tax. Government will take half and the Emir about 25 per cent., leaving 20 per cent. to the maiungwas, and about 5 per cent. to the actual collectors from each craft or trade, &c. From his share the Emir will be responsible for meeting the cost of ordinary sanitation and street improvements, &c.

LIST OF CITY TAXES.

52. The following, in accordance with custom, are the fees and dues which I propose the maiungwas should be authorised to collect:—

(1.) On corn, and any other crop grown within the city walls, or close to the city, by cultivators not assessed under any town and living in the city, about a tenth of the value of the crop, with an additional 6d. per acre land rent—to be paid as a single tax. This tax seems in some places to have been levied as a tithe, in others as a poll-tax (or tax "per hoe") on everyone resident in the city who was engaged in agricultural work (2s. each at Zaria). Sometimes, both taxes seem to have been levied.

(2.) On dye-pits, say 1s. 6d. per pit per annum. The tax formerly varied from 1s. to 2s. 6d.

(3.) On butchers, 6d. to 1s. per ox slaughtered; 2d. to 4d. per sheep or goat, in addition to stall fees.

(4.) Vendors of any other kind of food (corn-sellers, &c.) and of ordinary merchandise, would pay fees through the serikin kasua or serikin dillali in proportion to their sales,—or fees for market stalls only, in the case of very small retail traders. Sellers and brewers of native liquor would, of course, be included. Vendors of camels, horses, and all other live stock, would be subject to a brokerage fee, not exceeding a twentieth of the value of the animal.

(5.) Cattle and other live stock kept in the city, 5 per cent. of value.

(6.) The taxes on skilled crafts (weavers, blacksmiths, glass-makers, tanners, &c.) should be, in proportion to their profits, at the same rates as in rural towns (collection, of course, being made by the maiungwa). The enforced presents on public festivals from these classes are, of course, abolished.

(7.) All such fancy taxes as the "Bori" (dancing girls), and the garin-yaki, or tax to support those away on a raid (4½d. per head at Nassarawa), will be abolished. Those who pay for licences from Government would, of course, be exempt. As practically all the inhabitants of a city are engaged in trade, and are, therefore, taxed under one or other of the foregoing heads, or else pay caravan tolls, or have estates in rural districts which pay the land tax, there would be little or no necessity for a householder's tax, but it could be levied on any persons who are properly taxable, and do not fall under any of these classes.

DEFINITION OF CAPITAL CITY, AND GENERAL POLICY.

53. The names of the capitals which each Resident proposes should be treated in this way as separate entities (to be taxed as distinct units, apart from the general assessment of the Province) will be submitted to the High Commissioner for approval. Not more than one or two would be so named in any province. The tax is only applicable to towns of such a size as to make it practically impossible to assess them by the methods already described for agricultural villages. The object the Resident should have in view in assessing the amount which a capital city should pay, is that the incidence upon its inhabitants, in proportion to their wealth and taxable capacity, should be the

* Page 134.

same as that of the rural districts. As a rule the chief town of every "principal chief" should be treated as a "capital city," and *per contra*, no Emir should rank as a "principal chief" whose chief town is not of sufficient size to be thus treated. By-and-by, when this urban tax has been fully organised, it may be found possible to abolish the caravan tolls, and to tax the caravan owners in their city of domicile. The actual salaries assigned to the native administration are exempt from taxation. I propose that capital cities shall alone be allowed to maintain their walls and gates, which are of real use in collecting tolls and in preventing the ingress and egress of robbers (*see* memo. 9, § 15).

Taxes in Cantonments.

54. The taxes leviable in a cantonment bazaar are appropriated to municipal purposes if levied under the Cantonements Proclamation, but are assignable to revenue if levied under other proclamations (*e.g.*, "Traders' Licence," "Native Liquor," &c.).

Capitation Taxes.

55. A capitation or poll-tax (misnamed a "hut tax," since it is levied upon each adult, and not on his house) is a class of taxation applicable only to the lowest forms of human society, where every individual is practically on the same level, and such forms of wealth as exist are held in communal ownership. But as soon as a tribe emerges from this primitive stage, and individual ownership of property is recognised, a capitation tax should develop into an income-tax, so that each individual may be called upon to pay in proportion to his wealth and means, and, in consequence, in proportion to the benefit he derives from the security afforded by Government. I concur, therefore, in a poll-tax only among the more savage and uncivilised pagan tribes, where it takes the place of the tribute in slaves, or of annual raids. Where it is necessary to levy the tribute by such means, women, who are (at least equally with men) the manual labourers of Africa, should, I think, be assessed. The tax should, I propose, be calculated upon every male between 14 and 50 years of age, and on every female between 20 and 40 years. The rate should be low—say, a maximum of 3s. per annum for men and 2s. for women. But in many tribes recently brought under control it may not be feasible to fix a higher rate than 6d. per adult. The tax would be subject to slight increase or decrease according to the wealth of the community. The Germans in the Kameruns levy 3s. per man or woman, I think, but each married woman (except the first wife, who is untaxed) is charged 2s. only. I think this is a good plan. It is very low as compared to most African Colonies.

Classification of non-Fulani Communities.

56. So far, I have dealt with the system in force under Fulani rule, where it was able to enforce its authority (or under similar rule in Bornu). But a large part of this Protectorate is occupied by peoples who are not under such rule. I will divide these into three classes.

(1) Independent States, chiefly pagan, ruled over by a responsible chief of the same race as the people, and, presumably, able to enforce his orders—such as Boussa and Kiama in Borgu, Argungu in Sokoto, Gorgoram in West Bornu, and, perhaps, some of the states in Southern Muri, &c.

(2) Independent pagan tribes, mostly in a low stage of development, and owning allegiance to no single authority—such as the tribes in the Bassa, Nassarawa, Muri, and Yola Provinces, &c.

(3) Pagan communities which were once under Fulani rule, but have thrown off the yoke and refused to pay tribute—known as "Tawai."

Taxation of the First Group.

57. The conditions of the various states which may be included in the first group vary so considerably that it is difficult to lay down anything precise as regards their assessment. In most cases, I think, it will be found that there was no form of taxation, and that the chief's income was made up of fines imposed on offenders, of casual presents and donations, of imposts on passing caravans, and of the spoil acquired by constant raids, especially on traders. The new assessment cannot, therefore, be based on any former system, since none existed. It must be made, therefore, on a calculation of wealth and population, and so, to some extent, on an income or even on a capitation basis such as I have described in para. 56. It should at first be light, and such as the community will readily accept The tax is hardly as yet an individual one, or on individual property—but a village tribute tax, laid upon the community in proportion to their wealth and ability to contribute towards the cost of the administration. In this class may perhaps be included many small states (such as Muri, &c.), ruled by a Fulani chief but in which the system of Fulani rule and taxation was never developed, and which partake much more of the character of pagan states of this group than of Fulani Emirates. The proportion of the tribute to be credited to revenue and assigned to the head chief, respectively, should, I think, vary with the extent to which Government is able to utilise the chief as a responsible ruler and agent with effective authority over his people. Such chiefs as are in fact, as well as in name, rulers of considerable communities, such as Argungu, can be treated in the same way as Fulani Emirs, and half the tribute may be assigned to the native administration. There will probably be but few in this category, for, as a rule, the chief of such a community would rank at most as an independent district headman paying direct to Government, and with no office-holders to support (*vide* para. 41). There may be cases in which a chief in this group pays a definite subsidy to some Emir, but is otherwise independent. He would continue to pay this out of his share. Instances of such cases are, perhaps, the Kuta of Muregi and the chiefs of Jega and Gorgoram. The general principle should be that the chief should receive sufficient to maintain his rank and dignity, and not appreciably less than he did before the institution of the new system.

Taxation of the Second and Third Groups.

58. The wholly uncivilised pagan communities who have come under the control of the administration have, as a rule, shown themselves quite ready to pay the tribute recognised as due to a Suzerain, provided only that they shall not be compelled to pay it through an intermediary, but direct to the Resident. The unanimity of this request is an indication, alike of their belief in the just dealing of Government, and their detestation of the abuses of the Fulani system. The third class—the Tawai—are naturally loudest of all in this entreaty; some have even declared their intention of fighting to the last man rather than be placed under the Fulani, though perfectly willing to pay tribute to Government. Many have probably thrown off the yoke of the Fulani in the belief that Government would not allow the latter to re-assert their authority by force. The more uncivilised of these communities own allegiance to no chief at all, and each village is represented by its own headman, while even to him little obedience is accorded by the individuals of the community. In many cases, they are not even grouped into villages, and their huts are scattered broadcast over the hill-sides. These pagan communities will, according to their wish, be allowed to pay direct to Government, and the whole of the tribute will be credited to revenue, except such small sums as may in some cases be assigned to village headmen for collection. It will be the task of Residents to gradually group together contiguous villages, and make them pay their tax through an appointed chief, who will eventually occupy the same position as the "district headman" in more civilised communities, and may be given a small percentage for his trouble. In the evolution of the future, it may be possible to group these again under central chiefs, so as to bring them into the first class.

Basis of Assessment of Unsettled Tribes.

59. The basis of assessment of these communities is a very difficult matter upon which to lay down any rules, and it must necessarily be largely at the discretion of the Resident. He would be guided (1) by the amount paid by neighbouring communities of the same class, who are under the rule of the Fulani or the Shehu of Bornu; (2) by their wealth and the degree of civilization they have attained. He should see that the assessment is low, and well within their ability to pay, and it should be settled, if possible, in consultation with the village elders, and their concurrence obtained. In so far as he has to calculate

on a capitation basis for purposes of arriving at some rough total, the amount per adult should not exceed 3s. per annum as a maximum; or the taxable capacity of the village can, as Mr. Temple points out, be gauged by counting the number of the corn bins in each village, and roughly calculating its live stock, of which the tax should be from one-twentieth to one-tenth. The principles laid down in para. 56 will be borne in mind, and the tax will be laid on the community as a whole, and not on the individual. The actual collection will be in the hands of the village chiefs and elders, and will not be undertaken by Government officials.

IMPORTANCE OF PAGAN TRIBUTE.

60. Even though the collection of tribute from these communities who lack cohesion may at first seem to be more trouble than it is worth, I set great importance upon it; first, because its payment is considered by them all as an acknowledgment of British Suzerainty, involving an abstention from murdering traders and from general lawlessness, which they recognise as prohibited by Government; and, secondly, as the nucleus of a future revenue, on a basis of population, to which they will thus, from their earliest contact with Government, have become accustomed; and, lastly, because neighbouring tribes who pay are quick to recognise the injustice if others are not equally called upon to contribute. As these pagan tribes without exception, so far as I am aware, are admirable agriculturists, growing great quantities of field produce, and generally rich in flocks, the actual incidence of the tribute is so light as not to be felt, and, to avoid the trouble of transporting produce in kind, they will, I hope, soon learn to adopt currency. These tribes add not a little to the work of the Government, and should rightly be made to pay their share towards the revenue by a Government which claims to rule with equal laws alike for the civilised and uncivilised. Finally, the contact with officials which the payments necessitate, and the fact that it might sometimes take the form of labour on works to open up their country to development, involves a gradual civilising and progressive influence, which is of more value than the mere pecuniary amount of their contribution. But the utmost care will be taken not to involve Government in coercive measures by precipitate action.

COMMUNITIES INTERMEDIATE BETWEEN GROUPS.

61. Obviously, there will exist many grades varying between the wholly uncivilised savage and those communities who belong to the first group with a recognised chief and some form of law. It will be for Residents to decide and report as to the status in the scale which each community should at first occupy, with a corresponding gradation of the percentage payable to the native head of the community, from the ruler-less pagan of the mountain or forest who pays the whole, village by village, direct to Government, at the one extreme, to the comparatively civilised district which recognises and obeys a central authority who will share the tribute with Government, at the other. In this way, I hope that the tribute will form a palpable indication of the main object and duty of the administration, which is by constant effort to group communities under responsible heads, through which the Government may rule, and decentralise its functions, always endeavouring to push each community a stage further up the ladder of progress and of individual and communal responsibility.

CONDITIONS PECULIAR TO DIFFERENT PROVINCES.

62. I am fully aware that the principles laid down in this Memo. will need modification in some details to adapt them to the conditions of each Province. I note here a few of the exceptional circumstances, as far as I am aware of them, of different Provinces. In order to maintain uniformity of policy and legality of action, no Resident will make any departure from the instructions laid down in the body of this Memo.—as modified by the notes in the paragraph regarding his special Province—except with the prior concurrence of the High Commissioner, to whom all questions and difficulties should be referred as they arise. Residents are, I think, well aware that I am only too anxious to hear such difficulties, which enables me to keep in touch with their work and the conditions of their Province, and they will not hesitate, therefore, to refer them.

KANO.

63. In Kano proper, and to a greater or less extent in the other independent Emirates in this province (Katsena, Kazouri, Doura, Hadeija, Gummel, and Katagum), there are large walled towns, each governed by a Seriki. These may have two or three villages under them, but more usually, I understand, are singular. When the districts are made self-contained, a large group of these towns would be under one Hakimi, who would, of course, be the natural "district headman." But these Hakimis are very averse to residence outside the capital, and would probably prefer to become mere place-men of the Emir at the capital, whose substantial income would enable him to support many. To create an outsider as district headman in a country like Kano, so dominated by traditional usage and custom, would probably be difficult. If each Seriki becomes a district headman for his own town, the system becomes a farce, and, in such a case (as the Emir pointed out emphatically), the abolition of the Jakada removes one of the few checks on his extortion and oppression of the peasantry. If, on the other hand, the Hakimi himself goes out at the time of collection of the taxes only, it would be a violation of the principle laid down that fief-holders, if non-resident, are to lose all connection with their former fiefs. Moreover, the Emir maintains that they would be still more likely to extort from the people if they resided wholly in their districts, since, in this particular province, extortion by local chiefs and embezzlement of tribute exacted seems to have been a more marked feature than extortion by the Jakada—as was to be expected where the local chiefs were so powerful. The position is full of difficulty, and can, I think, best be met by a modification of the general rules in the following particulars. Firstly, I concur in a relaxation for the present of the rule regarding residence. Provided that the Hakimi goes out to the district to collect the taxes and remains there for some time, he might still be allowed to be "district headman." When he goes out he will not be allowed to take any Jakadas with him, and will be warned that any illegalities may lose him his office; and the political officer of the division will closely watch his actions. I think that, when such a chief realises that he is the executive head of a self-contained district instead of the over-lord of various scattered villages, there will be a very much greater inducement to him to remain in residence, and this can gradually be brought about by pressure on the part of the Resident, and his signification of approval towards those who comply. Secondly, I concur that the abolition of the Jakada should be gradual, taking district by district. In this the Emir concurs, and his own son, the Waziri, will be the first Hakimi to make the experiment of collecting the taxes himself (through the Serikis under him), and checking the amounts payable, as used formerly to be done by the Jakada. The Resident believes that, when once the taxes are assessed, there will be no difficulty in abolishing the Jakada. Where a local Seriki (and not a Hakimi) becomes a district headman, it will be the endeavour of the Resident to group many towns under him, so that the number of district headmen may not become excessive. Kano, at the present time, is fortunate in having an Emir who is, I believe, an able and strong man, as well as a hard worker. He is, I thoroughly believe, very loyal, and I am, therefore, most glad to introduce these reforms gradually with his assistance, and not to go beyond what he considers feasible and approves of; provided that the Resident also concurs. In the other Emirates of this Province it may, in the interests of justice, be necessary to introduce them more quickly.

Under the old system in Kano, and more especially in Katsena, "every crop and every trade was separately taxed and had its separate collector," and the taxes were collected in rotation (varying according to the crop each year), so that the districts were never free from demands. In the Kano district itself, there were no pagan areas at all. The Jangali in this province can easily be collected in the rains, when the herds come back to the villages. The amount hitherto has been paid in money at about 2s. 6d. to 5s. per animal, viz.:—about 8 per cent. *ad valorem* (Cargill). In Katsena, Gummel, and Hadeija the system seems to be much the same as at Kano, while at Katagum the fief-holders reside on their estates. In the latter case the fief-holder appears to take a much larger share than the Emir gets. The Serikin Azeri, for instance, only pays the Emir £20 out of £80, viz.:—

25 per cent., keeping 42 per cent. himself (Phillips). Probably, however, the Emir's share was greatly increased by various Gaisua, &c., and the new scheme of 50 per cent. each of *all* taxes to Government and to the native administration will be found to be not unfair; while the former fief-holders will be relieved of great expense by the abolition of the re-duplication of all the city offices in each district chief town. If, however, there should seem to be any hardship involved, the Resident will make a full representation of the case with his recommendations. Captain Phillips states that all the towns in Katagum and Hadeija paid a poll-tax of 2s. per compound, in addition to Zakka, Kurofi and plantation tax.

In this province the Emirs of Kano, Katsena, Hadeija, and Katagum would probably rank as "principal chiefs"; while Daura, Kazauri, and Gummel would be independent district headmen. Bilmari would be under Hadeija (and also probably Zango). Messau, Dumbun, and Chira are under Katagum. Machena will be included in Bornu. There are six administrative divisions, and no difficulty has been found in creating self-contained districts under headmen who were formerly Hakimi. There are large Jangali herds, but none graze in the Province.

SOKOTO.

64. Under the old régime, the Sokoto district (viz., that part of the Province under the immediate rule of the Serikin Muslimin) paid no taxes except the Zakka, which was, I am told, largely devoted to religious purposes. This district, being peopled almost entirely by Moslems, lived on the proceeds of the annual Gaisua from the other Emirates, and since this consisted chiefly of slaves, there are an unusual number of this class in the Province for the cultivation of the land and all forms of labour. When the other Emirs declined to continue the Gaisua, the Resident (Major Burdon) discussed the situation with the Seriki, who saw that it would be necessary to institute a general tax, based on the wealth and taxable capacity of each community, to replace the Gaisua. Of this, Government will only take one-fourth (from Sokoto proper), in recognition of the Emir's position as Serikin Muslimin. The Zakka will be incorporated in the general tax, but levied separately in order to preserve its traditional identity. The origin of the tax, under Koranic sanction, would seem to authorise its application to State purposes, as well as to religion and charity. The Jangali will be levied as elsewhere, and half assigned to the Seriki and half to Government, and the Kurdin Sarauta will also be equally shared. Any Gaisua which may be voluntarily offered by other Emirs to their religious head will not, of course, be shared by Government. The result will, I hope, be that Sokoto will cease to be the chief slave state, and the native administration will become self-supporting by a reasonable taxation, being relieved of the expenses of police control, and the chronic strain of the war with Argungu, whch had lasted for 100 years but ceased with the British occupation. Gando had received no Gaisua from its subordinate Emirates for many years. It has no claim to the great influence exercised by Sokoto as Head of the Faith, and will be treated like any other Emirate. It can well afford to pay half tribute to Government, since it includes several wealthy trading centres.

The Emirs ranking as "principal chiefs" are (1) Sokoto (2) Gando (including Kalgo, Raha, and Jega), and (3) Argungu (including Kebbi). Each of these territories, including Sokoto, is already divided into districts under the rule of the Seriki of its most important town, who will become district headman. There are no independent pagan areas paying direct to Government, since all pagan tribes are included in one or other of these groups. There are various towns which answered direct to the Emir, or through a "Kofa." The mode of dealing with such towns has been described in para. 24.

The salaried office-holders at Sokoto are the Council of Six, who are paid out of the Emir's income. These would be "recognised" and paid out of revenue, but the Emir prefers to pay himself, and can well afford to do so since he receives a larger proportion of the tribute than any other Emir. There are four administrative divisions.

NUPE.

65. The "principal chiefs" in the Nupe Province are Bida, Lapai, Argaie, and Kuta—who pays a Gaisua to Bida. The three latter might perhaps more properly rank as independent district headmen. In addition to these, there are many independent pagan communities (including most of the district to the west of the Kaduna) which pay through independent district headmen. There are three administrative divisions, and seven authorised office-holders at Bida.

MURI.

66. The Resident of Muri (Mr. Lobb) enumerates 8 districts (and 4 separate towns) which paid the Zakka, and may, therefore, be classed as Mohammedan, though their population is very mixed, and largely pagan. These form the most important part of the population of the Province. Muri (with capital at Jalingu) is the most powerful of them, and its Emir would rank as a "principal chief." The others, Sendridi, Gassol, Wurrio, Bakundi, Wase, Bantaji, and Yelwa, would rank as independent district headmen, paying direct to Government. The Zakka, as elsewhere, has lost its original significance, and it was in many cases retained by the local chiefs—no part of it reaching the Emir. These quasi-Fulani towns pay a varying Gaisua to their own chiefs (which is called "Tumu," when in lieu of Zakka). The payment of Gaisua or Gandu to Sokoto has long lapsed —Muri's last payment being seven years ago. There was no religious significance attached to this Gaisua, which was not usually a fixed amount nor obligatory. The regular Fulani assessment on the land and produce obtains throughout all the Mohammedan districts, and Gado was a lucrative source of income—of which the pagan Jukons had their counterpart in gifts from the heir. The taxes on crafts and on canoe-men, brewers, ferrymen, &c., appear never to have been imposed, but the saltmakers paid a special weekly tax to the local chiefs. Nor was the plantation tax on special crops levied, while the walled towns paid no taxes, even the farmers in them being exempt. The Kurdin Sarauta was demanded in addition to unlimited bribes and presents from candidates for office.

Pagan communities were not in most cases assessed, but had to supply whatever was asked of them, whether labour or produce, such as honey, fish, horses, yams, iron bars, and corn. These calls were very oppressive, and exceeded the taxation of the Mohammedan communities. The fief-holders did not reside on their estates, but the collectors do not appear to have carried on the same exactions as in the older Emirates. The people of the ancient kingdom of Jukon, though now for the most part subservient to different Mohammedan rulers, still retain some cohesion by annual religious offerings to their chief at Wukari, apart from the taxation imposed upon them by their rulers. Those still under Jukon chiefs pay various traditional dues, including half the ivory or a portion of the meat acquired in hunting (the Fulani also exacted the former). Formerly much revenue was derived by these chiefs from the confiscation of the property of persons accused of witchcraft.

The six towns of the salt district will probably form a group under a district headman. There are three pagan communities under important chiefs: (1) the Jukons under Wukari, (2) the Tikkr, Jemper, and Rukjes under Tarkum, and (3) the Ankwes under Tsendon. Each of these chiefs will rank as a district headman paying direct to Government, and retaining together with their village headman about 25 per cent. of the taxes. Finally, there are the wholly uncivilised tribes of (1) the Yergum under the Chief of Lantang, (2) the Montoils under Lakul of Luam, (3) the Gurkawa, and (4) the Munchis (not yet under control). The three former have only lately come under administrative control to some extent. Their head chiefs would rank as district headmen, taking perhaps 10 per cent. and paying the clan chiefs 4 per cent.

The province contains from 20 to 30 distinct political divisions, which will entail much direct supervision by the Government staff. There are three administrative divisions, and only one "principal chief," viz., the Emir of Muri. The numerous pagan and semi-pagan tribes in this Province pay their taxes through headmen, with the exception of the three unsettled tribes named above. The Munchis, together with the pagans in the extreme south-west, who constitute fully half the population of this Province, have not yet been brought under control, and are untaxed. There were no fief-holders or office-holders in the Muri Province,

and the Emir of Muri might, therefore, more properly rank only as a district headman.

ZARIA.

67. The old system in Zaria appears to be nearly identical with that of Kano, being inherited from the Habe. My remarks under Kano, therefore, apply largely to this Province, in regard to the fief-holder (here called Ubandaiki), the Jakada, and the local chiefs of large towns. The Resident, Captain Orr, sees no difficulty in merging the various taxes into one, including the Zakka, which has no religious meaning. The native organisation, however, is not so complete as at Kano, and, unlike that province, there are a great many independent pagan communities, such as the Gwari, Keje, Kedara, Jaba, etc. These wish to pay direct to Government, and protest against paying anything whatever to the Emir. The Emir of Zaria is the only "principal chief." The remaining chiefs will become district headmen. The various taxes on special crops were collected by special officials, to whom, it would appear, they were often, if not generally, farmed in return for an annual payment.* This system, of course, lent itself specially to extortion. It will cease now that these taxes are merged in the general tribute tax, or otherwise treated as explained in para. 30 *et seq.* The mode of levying them seems to have been somewhat unfair, every plantation being equally taxed irrespective of area.

There are three administrative divisions, and it is anticipated that all districts will be practically self-contained under headmen who were formerly fief-holders.

NASSARAWA

68. There are no chiefs who should rank as "principal chiefs," in the Nassarawa Province; the five most important, viz., Nassarawa, Keffi, Lafia, Abuja, and Jemaan Darroro, should become district headmen. The whole of the district which formerly belonged to Zaria, but which was detached from that Emirate at the time of Capt. Maloney's death, is now divided under four district headmen. There are many independent pagan communities, mostly in a savage state, some of which have not as yet come under the control of the administration. There are seven independent tribes (or unsettled districts) who pay direct to Government, while the Munchis and Madas are not yet under control. The Province is divided into four administrative divisions. There are no office-holders who need to be retained.

BAUCHI.

69. In the Bauchi Province the two Emirs of Bauchi and Gombe rank as "principal chiefs." There are also numerous "unsettled" communities, some of whom pay through a district headman, like Ningi and Kana; others with less cohesion pay direct to Government.

The Resident reports that as many as 64 different languages are spoken in the Province, which indicates the number of distinct units to be dealt with. There are four administrative divisions.

BASSA.

70. The Bassa Province is entirely occupied by pagans of the wholly uncivilised class. They had, however, been accustomed, I understand, to pay some form of tribute, in the south to the Atta, and in the north to Nassarawa. The Resident recommends a low poll-tax. The whole of this Province appears to come under the class dealt with in para. 58, except a few Hausa settlements, where there are dyers, etc. These would, of course, be assessed in the usual way.

There are no "principal chiefs." Of the estimated population (525,140) about three-fifths (321,640) are not under control, and are untaxed (chiefly Okpotos and Munchis). The portion of the Province under control is divided into two administrative divisions.

YOLA.

71. In the Yola Province, the Emir of Yola is the only "principal chief." The rest of the Province is occupied by pagans, mostly in a low state of civilisation. They have not hitherto been taxed, owing to the famine, and some are not under control. There are three administrative divisions.

* Seriki Rafi for taxes on Onions, Cassava, and Sugar-cane paid £100
" Taba " " Tobacco, £12 10 0
" Rini " " Dye-pits, £75 0 0

ILLORIN.

72. In Illorin the Fulani system was grafted on the Yoruba stock, with four chief "Baloguns" at the capital, and "Bales" in every town. Some of the latter may make good district headmen, and since the number of the former is so limited, they may become very useful at the capital as "Maiungwa" in charge of the four wards (Ungwa) of the city. The only "principal chief" is the Emir of Illorin; Pateji, Lafiagi, and Shonga would become independent district headmen. In addition to the Baloguns there are a number of office-holders at the capital, who apparently owned fiefs. They will, as described in previous paragraphs, either become district headmen, or (with the exception of the few who may be retained and salaried) cease to exercise any power or functions. The chiefs of this Province were the first to experience the loss of income due to the advent of Europeans and the revolt of the peasantry. It was, in consequence, absolutely necessary to take steps as early as 1902 to enforce the tribute, and Government at first took a quarter only of this. There are three administrative divisions.

KABBA.

73. The Kabba Province has the wealthy city of Lokoja, which occupies a unique position, owing its origin to the advent of Europeans, and being under no Emir, with no Fulani system of office-holders, &c. It cannot, therefore, be dealt with precisely as described in paras. 51 and 52. The wealth accumulated by the exorbitant prices charged to Europeans for supplies, and its position at the junction of the Niger and Benue as an emporium of trade, should enable it to make a considerable contribution to the revenue. It has lately been organised under six chiefs, who form a "town council." The Resident proposed a poll-tax of 6s. per annum, excluding any person holding a Government licence. This, he estimated, would produce £2,800 per annum. The tax has since been assessed at 9s. per compound, which (assuming three adults to the compound on an average), would be a tax of 3s. per adult. This might, perhaps, be increased in the exceptional circumstances of this town. Two-thirds might probably be assigned to revenue, and the remainder to the support of the head chief and the Maiungwa (who, with the Alkali, will form the Council), and to the collectors. There are ten unsettled tribes who pay direct to Government, and the province has been divided into four administrative divisions.

The Resident (Capt. Larymore) states that the former system of taxation throughout the Province was that of a poll-tax. He proposes a levy of 3s. to 5s. per compound, which, he states, was the former amount. This he considers to be very low, since he calculates the profit derivable from cultivation to be £3 6s. 0d. per acre for yams, and higher for corn

BORGU.

74. Except in the extreme north (Kaoji, &c.), the Province of Borgu, like Bassa, never came under Fulani rule, and there was no regular system of taxation. The assessment should be carried out on the lines laid down in paras. 56-58.

There are several independent Fulani settlements in the North, who at present are treated "extra-territorially" (para. 24). They should, when feasible, be included in the districts under local headmen. There are no "principal chiefs," the two most important, Kaima and Boussa, rank as independent headmen of districts only, since they have no office-holders to support, and practically no expenses whatever. There are three administrative divisions. The country is a very poor one, and very sparsely populated.

KONTAGORA.

75. In the Kontagora Province there is one "principal chief," the Emir of Kontagora, and five independent districts, viz., Kotonkoro, Kwiamba, Zuguma, Sakaba, and Yelwa, under district headmen, who pay direct to Government. No Gaisua to Sokoto was ever paid by this province, and there was little or no organisation of taxes since Kontagora was a great war chief, who wrested lands from his brother Moslems, and took toll in slaves from the pagans. His province was never one of the recognised Fulani Emirates. As a result, the whole country is depopulated and very poor, and the tribute is small. There are no independent pagan communities.

BORNU.

76. Mr. Hewby states that the main taxes in Bornu proper, as distinguished from those of tributary pagans, are as follows:—

(1.) The *Haku Binirum*, a tax on every householder. This was formerly not payable by the "Kariari" (slave villages), but is now being generally enforced. The Shehu has instituted this householder's tax at Kuka, on the same basis as the Binirum in rural districts. It may, therefore, be feasible to include the capital (the only large city of Bornu) in the general assessment, making no distinction between urban and rural populations. This tax has been paid from very early times, and is a graduated income tax, ranging from half a dollar to ten dollars. The Shehu expressed to me personally his great anxiety that this ancient form of taxation should not be altered. It is, of course, precisely what I wish to institute elsewhere, and its prior exisetnce in Bornu will be a corresponding gain. (2.) The *Haku Sadaka* or *Ushr*. A tithe of the grain corresponding to Zakka, which should, I think, be merged in the general tax, and treated as proposed in para. 30. (3.) The *Hadama* or *Jumurgal*. A tax, apparently of 3 per cent., on the "*Abore*" (Fulani *Borroro*), viz., the nomad Fulani or Shuwa (Arab) herdsmen. This corresponds to Jangali, and the percentage and apportionment should be the same as in the Fulani States. (4.) The *Warta* (Gado), viz., death duties, under which the Shehu appears to receive a tenth of the property of any deceased free man who left male heirs, and a large proportion—from a quarter to the whole—in other cases, under various and intricate conditions. The collection and payment of this appears at present to be very precarious. (*See* para. 36.) The innumerable other taxes, which I have described in dealing with the Fulani States, do not appear (according to Mr. Hewby) to have been levied in Bornu (as is natural, since the taxation was on a basis of income)—except as regards dyers, hawkers, and hunters (one tusk to the Shehu, and a proportion of all meat). The dyers would now be assessed in the general Binirum or Income tax; the hawkers are for the most part included in the urban tax, *i.e.*, the General tax; and the hunters are specially licensed by Government Proclamation.

The chaos into which Bornu was thrown by Rabeh's conquest and seven years of his rule, followed by three years of anarchy and exactions by the French, has dislocated the original organisation; but Mr. Hewby reports that he cannot find that there was really any uniform system of collection or definite scale of apportionment. As a temporary measure, in order to provide the Shehu and chiefs with an income, a poll-tax of one dollar was authorised in 1903, which was increased to two dollars in 1904, but the tax collectors accepted varying sums down to a third of a dollar from the poorer people. In addition to this, each taxpayer paid a quarter of a dollar to the tax collector and his assistants. The Shehu was able to supply a list of all towns with their tribute for this preliminary assessment, and the tax has been duly collected, for the most part by resident district headmen, and brought to the political officers, with lists of villages and the number of compounds in each. Government retained a share, but at first sent the greater part to the Shehu. The apportionment is now as proposed in para. 38 *et seq.* Mr. Hewby advocated the retention of an intermediary between the district headman (Ajia) and the village headman (Bulama,) viz., the "Lowan" or sub-district headman. I am opposed in principle to this, but it may be necessary in districts which are very large. Lowans, for purposes of apportionment of the tax, would be included as village headmen. Mr. Howard reported that there were 66 fief-holders in Bornu, of whom only 13 were resident on their estates, and that the system under which a fief-holder had a number of estates scattered over the country, rendering residence impossible, was prevalent in Bornu as in the Fulani Emirates. There is, however, no special difficulty in abolishing these fiefs and consolidating districts under Ajias, and in abolishing tax collectors other than village heads. The assessment of the graduated Binirum will gradually be checked and verified by the British staff.

The Shehu of Bornu is the only ruler who should rank as a "principal chief." The Mai Sale of Gorgoram, head of the Bedde tribe, should be an independent district headman, and so should the Chief of Nguru, since they have no office-holders and Court entourage to maintain. Both these have hitherto been ranked as "principal chiefs." In addition to these, there are seven unsettled districts, viz., East, West, and Central Marghi, Fika, Kerri-berri, Bio, and the Pagans in the South-West. There are four administrative divisions. The official "Mother" and "Sister" of the Shehu and his brother have been allowed temporarily to retain small fiefs, yielding a gross income of £27. There will be about six authorised office-holders, including the Alkali, the Liman, and the Shettima-Kanuri.

PRINCIPLES TO BE APPLIED WITH DISCRETION.

77. The widely differing systems which have obtained in different provinces, and my endeavour not only to discuss them as fully as possible and to show how they may be adapted to the new scheme, but also to set out the *reasons* of each proposal I have made, have unavoidably extended this memo. to a great length. The chief aim and object in view is to introduce some uniformity of system throughout the Protectorate, at the cost of as few changes as possible. I look, therefore, to Residents to do their utmost to give effect to the *principles*, while I trust them to do nothing they may consider injudicious and calculated to cause serious dissatisfaction among the chiefs and people. Should they anticipate such a result from any particular course of action, they will at once refer to me, and defer the action which they fear might produce it.

When the actual concrete results of the scheme are submitted for consideration in the forms land down in memo. 21, it will be possible to make such adjustments and modifications as may be necessary to promote uniformity throughout the Protectorate, as regards incomes of Emirs, incidence on settled or unsettled districts, numbers of salaried officials allowed to each "principal chief" and their emoluments, etc., etc. It is probable that the canoe tax will shortly be included in the general tax, and since this is shared by the native administration, this step will considerably increase the incomes of native chiefs of riverain Provinces. I look forward, as I have said, to converting the percentages now given to the native administration into fixed salaries, when the scheme has become fully effective and organised, and difficulties of realisation have been reduced. Residents should therefore make no pledges of finality, though at the same time they should impress upon the chiefs the desire of Government to treat them fairly and to enable them to maintain their position, provided that they earn it by undertaking their share of the administration of the country and loyally assisting the Government.

Finally, I would impress upon all political officers that the introduction of these reforms and the assessment of villages effect very much more than the mere collection of revenue. It brings the political officer into touch with his people, and gives him a close and intimate knowledge of each town and village. It necessitates his being constantly on tour, and the visit to each village should simultaneously involve the settlement of ancient disputes, the administration of justice, the collection of valuable statistics as to population, agriculture, and industries, and, above all, should enable the Resident to explain to each petty chief the policy of Government, the obligation to cease from lawless acts, the allegiance owed to their native chiefs (and the mutual co-operation between the Government and those chiefs), and the appeal against persons practising extortion and personation, etc. I regard, therefore, an officer who has taken pains and achieved success in the assessment of his Province as a most valuable officer; but not primarily because he has secured a large revenue. The primary test of a Resident's value and fitness for promotion is the content and satisfaction prevailing in his Province, the absence of crimes of violence, and the efficiency of the chiefs and native courts. The due payment of the authorised tribute to their native chiefs (of which Government takes a share) is an essential part of the proper administraton of the Province, involving the contentment of the chiefs on the one hand, and indicating the settlement of the population on the other hand.

F. D. LUGARD,
High Commissioner.

April, 1905.
Revised September, 1906.

MEMO. No. 16.—TITLES TO LAND.

Crown Lands.

1. The Government of Northern Nigeria acquired the sole and absolute title to certain lands, on the transfer from the late Chartered Company; they are set out in the schedule to Proclamation 16 of 1902. These lands were stated by the Royal Niger Company to have been privately acquired, and held by them in their private right as a commercial company outside their functions of administration as a chartered company. They are very extensive, including, amongst others, a mile inland from either bank of the Niger from the Southern Nigeria frontier to Lokoja. The justification of the large sum paid by the Imperial Government to the Company at the time of their surrender of their charter was probably considered by His Majesty's Government to consist largely in the acquisition of these extensive land rights.

These lands are, by presumption, the absolute property of the Government, though, as a matter of fact, native towns are situated upon them, the inhabitants of which, so far as I am aware, have no knowledge that their rights in the land they occupy have ever been alienated. Since, moreover, the greater part are situated in pagan districts, where rights in the land are communal, it is doubtful whether it was a point of fact alienable by any chief under treaty. It must, however, in fairness to the Company, be borne in mind that the treaties under which they claimed to have acquired these lands, and also mineral rights, were often (probably almost always) the same by which they had acquired such political control as formed the basis of our claim to what is now Northern Nigeria, as opposed to the claims of foreign Powers.

In addition to the lands thus theoretically acquired, certain other lands have been taken up for public purposes by the Government, and have become Crown Lands, such as the site of the cantonment at Zungeru, and such part of Lokoja as was not already Crown land, and the sites of the various provincial headquarters, &c. With the question of the formalities of titles to such lands, and the delineation of their superficial areas, I will deal presently.

Public Lands.

2. Apart from Crown lands—which may be described as the private property of the Government—there are certain lands the ultimate title to which is vested in Government by right of conquest, a right to which legal sanction was given by Proclamation 13 of 1902 (now incorporated with No. 8 of 1900). These lands are called "public lands." They became such owing to the fact that the Fulani, when they conquered the country, assumed the ultimate title to all land, and when, therefore, a Fulani chief was conquered or deposed by Government, the title vested in him lapsed to Government. The procedure laid down in the proclamation has been given due effect to by means of Letters of Appointment to each Emir installed by the Government, in which this ultimate title to the land was expressly reserved.

Difference between Crown and Public Lands.

3. In my view, the difference between Crown lands and public lands may be described thus. Crown lands are the private property of Government, and any person entering or building upon them commits a trespass. Public lands are held administratively by the Government, which in no way interferes with private titles, transfers, or sales between individuals, but Government has the right at any time to take up any public land for public purposes, and Government can alone grant a title to a non-native or a native who is not a native of the Protectorate, for any public land. Money accruing from rentals and sales to persons other than natives of the Protectorate forms part of the revenue of the Protectorate. For brevity's sake I will use the term "Alien" in this memo. to signify a native who is not a native of the Protectorate.

Rights of Government in Public Lands.

4. The Government has, in my opinion, the right to go still further, and to claim the right of disposal of all such land as is included in a district declared to be public lands, provided that it is not in actual occupation, and cannot be proved to be the private property of an individual. In this latter case Government could not alienate it, for conquest by a civilised Government does not confer the right to confiscate private property. This right of disposing of waste lands is one which, in practice, the Government only rarely exercises, as in the case of denying permission to settle to freed slaves. As a rule, the disposal of waste lands is delegated by the Government to the Emir or chief who has been nominated to succeed the deposed ruler.

Thus, in practice, Government assumes the right in the case of public lands: (*a*) To take up any land required for public purposes without purchase, though, if private and individual rights were invaded, compensation would be awarded; (*b*) to assume the position of landlord in respect of all non-natives and aliens who may desire to acquire title in a district declared to be public lands. When, therefore, the Government assumed the onerous and costly task of administering this Protectorate, it secured as a source of revenue these two assets—the right of granting licences to exploit minerals, and the right of selling or leasing land to non-natives and aliens. The day will, no doubt, come when the value of this provision will be fully appreciated.

Communal Lands.

5. Practically all the territory under the Fulani rule is now public lands. There remains the enormous area which is occupied by pagans. I have provided no legal instrument by which to formally legitimise to a hypercritical legal mind the *de facto* consequences of conquest in this case. In the case of the Fulani we were dealing with acute intellects, and it was the straightforward and honourable course to declare to them publicly and frankly the consequences which resulted from conquest. But I have a strong dislike to going through formulæ—be they treaties or public proclamations—which are not understood by the parties concerned, are inapplicable to their conditions, and cannot be promulgated through any central authority or channel of general information. Thus, if a pagan tribe, consisting of a congeries of little hamlets, each under a wholly independent chief, is conquered, it is of no use declaring that Government, in future, claims an ultimate right in the land. The phrases would convey no meaning to them, the land is, presumably, held in communal tenure, and the owners (so far as they can be called owners, who acquire to-day and are ousted to-morrow by a stronger tribe, and have no clear idea of ownership, whether individual or communal) are only partly present and are unconcerned. The rights given by conquest are well understood by primitive folk, and, since the Government does not desire to expropriate the owner of a single field unless it be for some public need such as a road, railway, or station, and there are limitless areas around equally good for cultivation, the necessity of any legal formality or public declaration does not appear to me to exist at present. The more advanced pagan communities, such as Boussa and Kiama in Borgu, Argunga and Jega in Sokoto, etc., form exceptions, and, since they have a paramount chief, can be dealt with under the terms of the proclamation.

Government Rights in Lands of Conquered Pagans.

6. It follows that in the case of pagan tribes which have submitted in the face of superior force, or have been conquered in warfare, the Government assumes the same rights as regards lands which it does in a Fulani Emirate, that is to say, it reserves to itself the right to grant titles to land to non-natives and aliens, and to take up land for public purposes, but does not otherwise interfere with the ownership or transfer of lands between natives of the Protectorate. Money paid for sales to, or rentals by, non-natives and aliens accrues to the public revenue—but in this case, for the reasons I have given, no public announcement based on a legal statute is made.

Unconquered Lands.

7. Finally, there are the lands of Emirs who have not been deposed or conquered, and of pagans who have welcomed the Government without hostility. In these cases the submission may be due to the fact that the chief or tribe did not consider themselves strong enough to oppose the advent of British rule and yielded to circumstances they could not control, or it may be that they welcomed the British friendship as a protection against aggressive neighbours. It seems clear that, in such cases, the Government would be justified in assuming the same rights as in the districts already discussed, since they are only such as may be rightly exercised by a Suzerain, and do not involve confiscation of private property; but some

difference in procedure would be necessary (*vide* para. 9), and the wishes of the chiefs and people would be consulted before any waste lands were sold or leased to non-natives or aliens.

Sale or Lease of Private Lands by Natives.

8. The question arises whether a native may sell or lease private property to a person who is not a native of the Protectorate within an area declared to be public lands, as, for instance, houses and compounds in a native city, where individual titles are well established, and the vendor or lessor would, in all probability, need the sale or rental money to find himself another property.

The proclamation is clear and precise that all rentals, &c., of public lands shall form part of the public revenue (Sec. 8), and, moreover, I think it would be inadvisable to ignore the general principle that Government alone can be the landlord of a non-native or a native of another country. In order, however, to avoid the consequent confiscation of private property, the lease can be drawn so as to give compensation to the private owner, and this compensation would consist of the bulk of the rental paid by the lessee, Government only retaining such a nominal sum as may safeguard its theoretical title, and give effect to the principle I have explained.

Procedure in Sales and Leases.

(a) *Crown Lands.*

9. Crown lands can be sold or leased with the consent of the High Commissioner by means of the usual legal instrument (Lease Form 1); they require no special consideration.

(b) *Other Lands.*

When, however, a person who is not a native of the Protectorate desires to acquire a lease of any land which is not Crown land, he must, in accordance with Proclamation 8 of 1900, obtain the sanction of the High Commissioner, and, if he occupies the land without such sanction, he is liable to a fine of £100, and to a daily fine of £10 for every day he remains in occupation after fourteen days have elapsed from the time he has been notified to quit. The procedure in the case of application for a lease of land (other than Crown lands) by a non-native or alien, or, in the case of the appropriation of land for Government purposes, should be as follows:—The Resident having satisfied himself that no injury will be done to private interests, or, if there be any such injury, having assessed a reasonable compensation, will report the circumstances, and, at the same time, inform the High Commissioner whether, in his opinion, there is any political or other reason (especially in the case of missions) against the occupation of the site in question by the applicants, who will state the purpose for which they intend to use it. In the case of proposed mission stations, the Resident will report whether or not the chiefs and people of the locality have any objection to the establishment of a mission among them. If the High Commissioner's sanction is given, a notification in Arabic and English will be sent to the Emir or native chief, if he can read and write (if not, the notification will be made verbally), that Government intends taking up the area in question for Government purposes, or for lease to a non-native or alien, as the case may be. The Emir's acknowledgment of this notification (or certified record of the proceedings if verbal) should be filed with the papers. If the land has not been declared public land, his formal concurrence will be obtained. The Resident will, at the same time, inform the High Commissioner whether any compensation to cultivators or others appears necessary. A lease will then be drawn up (on Lease Form 2), and will be signed by the High Commissioner and the applicant. The grantor will, of course, be Government.

Terms of Long Leases.

10. The terms on which land is leased in the Protectorate depend, of course, entirely upon its situation. All land in cantonments is Crown land, and the most valuable sites at Lokoja are those which front the Niger where steamers can approach the bank. As these frontages are extremely limited owing to rocks, the rent charged for a long lease has been fixed at £1 per lineal yard of frontage with a depth of 100 yards. Eligible sites for shops, banks, &c., facing the main road, with a frontage of about 50 yards and a depth of 50 to 70 yards, have been leased for £20 or £25. At Zungeru, the valuable sites are those fronting the railway, which have been leased at similar rates, as also lands at Barijuko, where the railway joins the navigable river. These rates appear somewhat high, but it must be remembered that the value of the land has been enhanced by the expenditure of Government capital, and that the leases are for 21 years. Probably long before the expiration of these leases the rentals will appear very small. Leases of land, the value of which has not been directly enhanced by Government expenditure, have been granted on merely nominal terms varying from £5 to £10 for a plot of the ordinary dimensions of a trading station, the lowest rate being charged for areas in hitherto undeveloped districts—such as on the Gongola and Gurara rivers—the rather higher rate being reserved for stations on the frequented Niger and Benue rivers.

Scale.

11. The following is the existing scale of charges to lessees of lands, subject to any modification approved by the High Commissioner in particular cases:—

(1.) *Building leases* of 21 years and over with option of renewal at rate to be then agreed upon:—

(*a*) Land having a frontage on the Niger free of rocks at Lokoja, £1 per yard with 100 yards depth. Any extra depth to be paid for by acreage as in (*b*).

(*b*) Land within the cantonments of Lokoja and Zungeru, unless falling under clauses (*a*) or (*c*), £20 per acre.

(*c*) Land within 600 yards of the railway station at Zungeru, Barijuko, Railhead, or the Kaduna bridge, £25 per acre.

(*d*) Land within one mile of the railway, but not as in (*c*), £10 per acre.

(*e*) Land fronting the Niger or Benue within a mile of a Government station, or 10 miles of an existing factory, £5 for every 50 yards frontage (with 100 yards depth), or £5 per acre.

(*f*) Land fronting the Niger and Benue, not as in (*e*), £1 per 50 yards (with 100 yards depth), or £1 per acre.

(*g*) Land fronting any other river, or public Government road, 10s. per 50 yards (with 100 yards depth), or 10s. per acre.

Leases for a shorter period would be on smaller rentals.

(2.) *Agricultural Holdings*—not in cantonments, nor for trade buildings. Conditions as in Southern Nigeria, viz.:—

If within one mile of a Government station or railway station, 1s. 6d. per acre, otherwise 1s. per acre.

Missions may be granted special terms.

Terms of Short Leases.

12. Plots of land in cantonments at Lokoja have been set apart for natives and non-natives on two-year leases, with the obligation to build thereon a house worth £20. The rental is about £4 per annum for an area 20 by 150 yards, and larger or smaller plots are leased proportionately; compensation for buildings will be paid by Government if the lease is terminated within 10 years. In the Zungeru cantonment, smaller holdings, at a proportionate rental and on similar conditions, have been assigned to those who desire to live in the native quarter. The detailed conditions of such leases are set out in para. 24 of Memo. 20.*

Duties of Residents.

13. It is very important that Residents should have a full knowledge of, and possess plans of, all Crown lands in their Provinces, and that they should submit for registration, or, if already registered, should retain copies of, the leases of all lands leased to non-natives or aliens. The law regarding land registration is contained in Proclamation 10 of 1901 (*vide* also Sec. 3 of Proclamation 16 of 1902). A Resident will never allow any non-native to occupy any land in his Province, unless and until he can produce a properly executed lease or deed of sale, or has made an application in due form, and has received authority from the High Commissioner to occupy the land in question pending completion of documents. All applications must be made through the Resident of the province (or, in the case of cantonments, through the cantonment magistrate), and

* Not printed here.

will be submitted with his observations, as described in para. 9. Residents will also submit to the High Commissioner plans of any land they may consider it advisable to declare to be Crown lands—such as the sites occupied by Government stations, transport depôts, lands within 50 yards of any road made under the Roads Proclamation (*vide* Proclamation 9 of 1903, Sec. 2), or along any railway, etc., which are not already declared as Crown lands and registered. Documents concerning title to lands should be done in duplicate, one copy will be deposited in the Government House safe, and one retained by the Resident. A copy will be made by the secretary for purposes of reference. The notification to the Emir of any public lands declared to be Crown lands, or the concurrence and assent of the chiefs and people when the lands so appropriated have not been declared to be public lands, will form necessary attachments to the plans and other documents for registration and file. These will also include the High Commissioner's formal approval.

NATURE OF APPLICATIONS.

14. The High Commissioner is most anxious to encourage traders to open depôts in the Protectorate, and leases for sites for such depôts will be granted on easy terms, since they are usually of small area. Leases to missions, when approved, have usually been granted on nominal terms, so long as no profit is made by trading. Leases for experimental farms, or for cotton or other experimental cultures, would also be granted on advantageous terms, provided that extended frontage on a railway is not demanded. A condition of the lease in these cases would be that, unless the lessee carried out the cultivation for which he had acquired the land, the title would lapse. At least a quarter of the land leased for such agricultural work should be brought under cultivation in the first year, or if the lease be for ranching, ostrich farming, or horse or mule breeding, an adequate stock should be placed on the land in the same period, and a Government official would have a right of inspection. It would not be allowable in the terms of the lease to build on the land (or to sub-let it for building purposes), except for the residences of the persons actually engaged in the industry. Transfer of leases, or the sub-letting of a whole or a part, may only be carried out with the sanction of the High Commissioner.

NATIVE LANDS.

15. Lands around Kano, and possibly elsewhere, are stated to be rented to occupiers by owners at an average rate of 3s. 4d. per "farm." In my opinion, the ownership of land by the upper classes is a most useful principle to inculcate, so that the native rulers and alkalis, who devote their time to executive and administrative work, may be provided with a private income to supplement their official salaries, and replace the wealth which formerly consisted in ownership of slaves. But while encouraging the principle of private ownership in estates, Residents should be careful to make the peasantry (and indeed all classes) clearly understand the distinction between rent paid to a landlord, and taxes paid to the State. (*See* Memo. 5, para. 22.)

F. D. LUGARD,
High Commissioner.

March, 1906.
Revised Sept., 1906.

MEMO. No. 21.—NATIVE REVENUE PROCLAMATION.

SANCTION OF ASSESSMENT.

1. The "Native Revenue Proclamation," No. 2 of 1906, has repealed the former "Land Revenue Proclamation," and has given legal sanction to the system of taxation sketched in Memo. 5, and the means of enforcing it.* The proclamation enacts that the assessment proposed by Residents must be approved by the High Commissioner before it becomes legally operative; and that the shares assigned to officials of the native administration must likewise be sanctioned. The approval is clearly intended to refer to the general basis, and its application to the general circumstances of the Province, while the detailed application to the case of each town rests with the Resident and his staff. It is, at the same time, necessary that the High Commissioner shall be kept fully in touch with what is being done in the matter of taxation in each Province, the incidence upon the individual, the methods of realising tribute in kind, etc., in order that he may, on the one hand, be able to make any modifications he may consider necessary, promote uniformity of method and of incidence where conditions are similar, and, generally speaking, may be in possession of the information which the heavy responsibility that rests upon him demands, and, on the other hand, may be in a position to reply to any question asked by the Secretary of State, and able to frame his annual report on this very important subject.

FORM TO BE USED.

2. In order to meet these requirements and to obtain the sanction required by law, Residents will submit to the High Commissioner a summary of their Tribute Register on the forms W and X attached.† These forms will be submitted in duplicate for each tax-paying unit or administrative division (whichever is the smaller), as it is completed. One copy will be signed by the High Commissioner and returned to the Province, where it will be placed in a guard-book, and will form the authority for the assessment and division of the taxation of the unit or division and the basis of the Treasurer's and Auditor's examination of Tribute accounts. The other copy will be retained in the High Commissioner's Office. Erasures and alterations in these forms will be avoided, and, when they occur, must be initialled by the Resident. The High Commissioner will also initial them in the copy returned to the Province. Alterations subsequently proposed will be submitted annually as soon as possible after March 31st, and, when approved, the original assessment in the Tribute Register will be altered in red ink to correspond. In order to supply the information required for the other purposes I have alluded to, and to enable a compilation to be made for the whole Protectorate, a report dealing with the points noted in para. 10 together with the other forms attached—Y and Z—will be submitted simultaneously with the original assessment forms, and thereafter annually, as soon as possible after March 31st. A skeleton map on a scale of 1:1,000,000 showing the different administrative "divisions," headmen's "districts," and also approximate boundaries of Emirates and of tribes, will also be sent in with the assessment sheets, and from time to time afterwards as alterations are made (Memo. 5, paras. 23 and 26 (*e*)). Forms W and X are not required annually, but Forms Y and Z are required for the High Commissioner's annual report each year. They must show *the whole province*, whether the assessment is a merely temporary one, and is being revised, or whether it is finally sanctioned. Even if a part of the province is not under administrative control at all, and pays no tax, it will be entered and its estimated population stated, in order that the totals of population in these returns may form the data of the census return of the Protectorate.

DESCRIPTION OF FORMS.

(a) *Assessment Summary.*

3. The specimen of Form W attached is, of course, only a model. Separate sheets will be used, as directed in para. 2, for each unit or administrative division, and unsettled districts, whether they form the whole or part of a division, will be shown on separate sheets. *Divisions* (under an Assistant Resident) and *districts* (under a headman) must not be confused. (Memo. 5, para. 23.) The first column of Form W gives the name of each "unit of taxation" which pays its taxes through a single "principal chief" or independent district headman. In the case of unsettled pagans, the unit may be shown as a tribe, or section of a tribe, assessed as a unit, even though paying through a number of petty village chiefs direct to the Resident. In

* In my covering despatch to the Secretary of State I thus described the object of the new Proclamation: "The essential difference between this Proclamation and the one it supersedes is that the former Proclamation was limited to land and produce (including live stock), whereas this includes all forms of taxation known to the country, and makes any taxation not authorised by it illegal and punishable. While the former Proclamation was only a tentative one, with the object of securing to the revenue a certain proportion of the taxes on land and produce levied by the native chiefs, and did not in any way touch the nature of those taxes nor restrict the power of chiefs as to the extent to which they might tyrannise over and extort from the peasantry; the object of the present Proclamation is to lay down limits to taxation by native chiefs, to define and legalise the various taxes, and to place them under the supervision of the Administration, and at the same time to assign an adequate portion of the revenue so collected to Government.

† The forms referred to are not printed here.

this case, however, it is not properly speaking a unit, and the fact should be noted in the column of remarks. The various Emirs and the first class pagan chiefs are such units through whom the native administration is paid. There may be only one or a part of one, or there may be several in the administrative division under an Assistant Resident. Independent towns, such as are described in Memo. 5, para. 24, are in reality separate units, and their number and assessment, and the division of the tax, etc., will be shown as a single entry at the foot of the unit in which they are situated. Column 2 gives the names of the district headmen, who divide a tax-paying unit between them (or the whole of a unit may be under one district headman), and against each in column 3 is shown the total number of towns in his district. He will be given a list of these with their authorised assessment in Arabic. Column 4 shows the gross assessment under the general tax, made up of, or based upon, the ancient taxes, or, in the case of an unsettled pagan tribe, the gross capitation or income tax which has been assessed upon it. (The detail as to how this has been arrived at appears in the Tribute Register.) The next column shows the percentage and the actual amount assigned to revenue, viz., usually 50 per cent. to 75 per cent. (see below) in settled districts, and up to 80 per cent. or 90 per cent. among unsettled tribes who have no native administration to collect and share it with Government. In the latter case, the usual share to the village headman is the only deduction, and the shares which would accrue to the principal chief and district headman lapse to Government. The next group of columns show the amount paid through the principal chief or independent district head to the native administration—usually 50 per cent. if the unit is under a principal chief, and 75 per cent. if under an independent chief ranking as a district headman only. It is divided into (A) the net personal income of the principal chief, about 22 per cent. of the whole, which is augmented as shown in Form Z from other sources, (B) the amount he pays to authorised office-holders, about 6 per cent.—exclusive, of course, of his own head slaves and entourage, and of any unauthorised office-holders and ex-fief-holders whom he pays, and (C) the amount he hands over to the district heads, about 22 per cent., which they again share with village heads. The amounts paid by district heads to village headmen, maiungwas, etc., of course vary—the Seriki of a big town perhaps sharing equally with the district head, while the head of a small hamlet might get as little as 3 per cent. or 4 per cent. A separate sheet must be adapted for showing the urban tax—the column "district head" will be altered to "maiungwa," and "village head" to "collectors." The seventh column shows the population with a view to arriving at the incidence per adult (columns 8 and 9). Column 10 shews the name of each "principal chief" and his *recognised* office-holders (who receive the amount shown under column 6). These will be inserted opposite the unit over which the chief has control. The totals of the columns will be added at the foot of each complete unit.

In all cases the amount assigned to district and village headmen will vary according to the amount of work to be done by them, and especially in unsettled districts in proportion as they approximate to the conditions of a settled district, and pay through fewer chiefs with larger groups of villages.

(b) *Jangali.*

4. Form X deals with the Jangali tax. In the third column is entered the mode of payment, viz., the rate per head or the 5 per cent., according to which system is in vogue. The fourth column shows the value received, and the fifth the name of the principal chief or independent district head to whom a share is assigned. The remaining columns show the division of the tax, in accordance with Memo. 5, para. 44. If the herd is in the jurisdiction of a principal chief Government takes 50 per cent., if in that of an independent district head 75 per cent. If there is no responsible head to the Ruga, his share would lapse to Government, and, as in the general tax, payment should only be made to such heads and collectors as render an equivalent service. In Bornu, the chiefs of the nomad Shuwa Arabs, and nomad Fulani, would probably receive larger shares, but in no case should the Government share be less than 50 per cent. With regard to the inclusion of semi-nomads, or large detached herds of pagan tribes in the Jangali tax, see Memo. 5, para. 31. Collectors of Jangali will not be allowed to live at free cost on villages, but will pay for their requirements. The Jangali assessment, unlike the general tribute, is a variable tax, since the number of animals in a herd must vary each year, but, if this variation is only normal and not the result of an epizootic outbreak, or of the inclusion of new herds, the form need not be re-submitted annually.

ANNUAL ESTIMATES SEPARATE FROM ANNUAL ASSESSMENT.

5. It would seem hardly necessary to point out that the annual estimate of revenue submitted by a Resident (Memo. 2, para. 27 (4) and G.S.O., 3, § 5 and 6)*, though based upon these returns is wholly separate from them, but the mistake has in some cases been made. It may be that the estimate will fall short of the normal and sanctioned assessment, either because of famine or other cause of remission, or because the Resident anticipates that there may be isolated towns who will fail to pay (consequential fines are credited to "fines" and not to tribute), or because there may be delay in realisation. On the other hand, the estimate may exceed the normal assessment, because the Resident anticipates that a new district will be brought under control or re-assessed more fully during the year, or because there are unrealised balances in kind from the previous year.

ANNUAL SUMMARIES.

6. Forms Y and Z are for the most part summaries compiled from Forms X and W. If the average proportions which I have assumed in the specimen Form Z are approximately such as would occur in practice, the result shows that, in the settled districts of a province, the total tribute from which amounted to £7,000 under the proclamation, £3,800 would be paid to revenue and £3,200 to the native administration. Of this the principal chiefs would receive £1,272, to which may probably be added £500 for presents, share of native court fines and fees (when imposed, *see* Memo. 8, paras. 21 and 27*), gado (death duties) and kurdin sarauta, bringing their net income up to £1,772, while district headmen and heads of Rugas (who occupy parallel positions) would share £1,200 between them; village heads and Ruga collectors are paid £350, leaving £378 to be distributed among authorised office-holders. This proportion seems to me to be a generally fair one, except that in some Provinces the payment to office-holders should be increased at the expense of the principal chief. With the information contained in these returns (which at the same time comply with the requirements of the proclamation), the High Commissioner will have what he requires for the purposes explained in para. 1, and the Auditor is satisfied that all the data and records necessary for audit will be available. When once the returns have been compiled, it will not involve much labour to correct and keep them up to date, and they will, year by year, grow more accurate and valuable.

Form Y is the annual summary of the land (or general) tax. Each administrative division is shown separately in column 1, and the units of taxation (see para. 3 and Memo. 5, paras. 23 and 41†) are grouped under three classes—settled and unsettled districts, and tribes not under control and not taxed at all. In the case of unsettled districts, column 3 and all of 5, except the amount to Government and to village chiefs, would be left blank; and in the case of tribes not under control, only column 10 (census) would be filled in. In column 11 the name of the officer in charge of the division will be entered, and the names of the principal chiefs and authorised office-holders (if any).

Form Z needs, I think, no explanation. I have fully filled in a specimen form in illustration. The table of incomes of principal chiefs must, of course, be merely an estimate, since it is impossible to say exactly how much has accrued in any given year under the last four heads. Column 10 is solely for census purposes. This is perhaps the most important of any return made by a Resident, and great care should be taken in rendering it accurately. From these returns the compiled statistics for the whole Protectorate are made up in the High Commissioner's office.

* Not printed here. † Pages 117 and 122.

Current Accounting Books.

(a) *Tribute Account Book.*

7. For ordinary working purposes two accounting books are required, (*a*) tribute account book (*b*) Emir's account book. The former contains the list of towns and their latest amended assessment, with a space in which to note details or instalments of payment, where these amounts are credited, and what arrears remain at the end of the financial year. It is so devised—Form U—that the list of towns need only be copied once in four years, if desired (viz., by tearing off a strip from the two pages following the one containing the list of towns, so that the names serve for the two intermediate pages). This book is essential for the auditor's check. By entering the administrative division, unit, and district at the head of the sheet, unnecessary blank columns are avoided. The auditor sees that the list of towns and the assessment correspond with the tribute register of the province, and with the assessment approved by the High Commissioner, that the amounts paid in have been passed to revenue, and that remissions and arrears are duly supported by an "authority" as voucher.

(b) *Emir's Account Book.*

In those Provinces or portions of Provinces in which there is a "principal chief" who is capable of fully discharging the functions assigned to him in the scheme (Memo. 5, para. 48*), he is the ostensible authority by whom the taxes are imposed. They are brought to him by the district headmen, to whom he pays their proportion, while he accounts to Government for the half share due to revenue. He thus becomes a useful agent for converting into cash the tribute paid in kind, his dignity and importance are upheld, and the peasantry are led to regard him, and not the Government, as the tax-collector, and are therefore encouraged to appeal to the Resident against any irregularities, or demands in excess of their assessment. Without wishing to press Residents if the circumstances of their particular province are such as, in their opinion, render this system impracticable, I am, in principle, in favour of it, and hope to see it eventually adopted throughout the Protectorate. If the Emir is himself unable to do the accounting work, he can generally employ a capable Mallam for the purpose.

The method of procedure should be as follows: the Resident will open a book of account with the "principal chief," who will pay in month by month a proportion of the tax he has received, converted as far as possible into cash. This incidentally creates a steady demand for currency at a time when the demands by caravan traders cease, while the Emir thus receives his income by instalments, and not all at once. At the end of December, the Resident will ascertain from the Emir, and enter up in his tribute account book, the amounts received by him from each of the towns which pay through him, and will note which are in arrears. In order that the Emir may know whether a town has paid in full, he will be informed what number of "bags" of cowries (or number of dollars) represent the sterling assessment. He can then value the grain, cattle, etc., as brought in, and credit the village in cowries till the amount is complete. The Resident will total the amount received by the Emir, and will deduct from the half share due to Government the amounts already received from the Emir, and will call on him to pay in the balance due as soon as possible. He will also take steps to ascertain that he has already, out of the moiety assigned to the native administration, paid their proper proportions to the district headmen and to the "recognised" office-holders. The Emir will pay his own messengers and all other native officials out of the net income assigned to him, but he will not be called upon to engage extra messengers, or to otherwise incur novel expenditure without the concurrence of the High Commissioner.

The Resident will then take such steps as he may consider best for recovering, before the end of the financial year, the taxes due from towns which are in arrears. The sums thus recovered will be credited to Government in full, the principal chief receiving no share. When recovering these arrears, a Resident would naturally enquire carefully into the cause of non-payment, and, if he found that the assessment had been too high, he would reduce it, and in all cases will impress upon the people their right of appeal to himself. If the assessment is sound in normal years, but is too heavy in the particular year on account of failure of crops or for other reason, he can reduce it for that year, obtaining the covering sanction of the High Commissioner as a voucher for the remission. If, on the contrary, he finds that non-payment is due to neglect or recalcitrancy, he can increase the tax up to 25 per cent. by way of a fine for that year. This would be an executive fine (the procedure regarding which is laid down in Memo. 7, para. 2*), and the amount realised by such a fine will, of course, be shown under head "fines," and not under "land revenue." If, however, he can bring home the fault to any individuals, he would deal with the matter judicially under Secs. 22 and 24 of the proclamation. Occasionally it may be well to deal with a case in the native court. I observe in the native court returns from Bornu a case in which a man was fined for planting his new crop before he had paid his tax on the old one.

* Page 123.

Realization of Kind and Mode of Accounting.

8. The taxes imposed are specified in sterling currency, but as taxpayers have not always got cash in their possession, Government may have to receive all or a part of their taxes in kind, accepting so much goods (or cowries, etc.) as representing so much currency. If Government has to incur expenses to turn the goods (or cowries, etc.) into cash, those expenses are as much a part of the cost of collecting the revenue as are the salaries of officials, etc. The taxation of the country is the gross amount taken from the taxpayers, and it would be incorrect to deduct any expenses or losses incurred in the process of realisation. These must be shown separately as expenditure, and the gross amount received must be shown as revenue. Full rules on this subject are laid down in G.S.O. 8, § 13, 14, in accordance with the Colonial Office instructions dated October 19th, 1906. Whenever any of the proceeds of taxation are sold to Government, the vote against which they are charged will be clearly shown (unless cash is received), and supported by a voucher from the receiving officer. Thus cattle may be sold to the O.C. troops, and charged against the N.N.R. ration vote—or to the Transport Department, and debited to "purchase of animals." Cowries may in rare cases be paid to labourers on roads or telegraph construction, etc., and charged to the P.W.D. votes for roads or telegraphs. The *kind* will in that case be handed over to the department concerned in bulk on receipt, and the full assessed value credited to revenue. Losses incurred by deaths of live stock, or by depreciation in rate of exchange of cowries or dollars, etc., or expenses such as maintenance of live-stock, transport of grain or produce, will be shown as expenditure in the cash book under the head "revenue expenses"; credits will similarly be shown as "revenue profits." When the cash book is balanced at the end of the month, only the net loss or cost (or profit) will appear as final expenditure (or gain). At the end of each month the balances should be brought forward, together with the names of any persons to whom it may have been found necessary to give credit as purchasers or middlemen employed in the disposal of *kind*. The amounts due, with a reference to the page upon which the details appear, will be entered, so that the debt may not be lost sight of. Credit should, of course, only be given in rare cases to reliable persons, or on good security. If, however, cowries or dollars are merely purchased for cash, the profit or loss will be shown as directed in Memo. 12, para. 7.*

Arrears and Remissions.

9. At the end of the financial year there may be three kinds of arrears—(*a*) Tribute not yet paid by towns; (*b*) tribute received by the principal chief of which the Government share has not yet been paid; and (*c*) tribute in kind received by the Resident, and not yet realised.

The first (*a*) has already been discussed in para. 7 (*b*). The Resident should not allow arrears under (*b*) to occur, except in so far as the Emir may have in charge a certain amount of cowries or other *kind*, which he is ready to pay, but which the Resident has not taken over because he has no means of keeping

* Not printed here.

or realising it. In this case, the arrears really come under (*c*), and it is advisable that the Resident should take over all cowries or other *kind* from the Emir before the end of the financial year, and finally settle up with him. Residents must recollect that, in either of these first two classes of arrears, the High Commissioner's sanction in writing must be obtained before the amount is remitted, and must be attached as a voucher to their accounts. [*Vide* secs. 15 and 17 of Proclamation, and Memo. 5, para. 26 (*e*).] Similarly, no towns may be exempted from taxation (*e.g.*, the "Maram" villages of Bornu) without prior sanction (sec. 18). Finally with respect to (*c*) unrealised tribute in *kind*. Before the financial year closes every effort should be made to convert into cash all such balances. If they consist of dollars or cowries, it is generally possible that livestock for the Transport Department, or saleable produce such as cotton, Kano leather, ivory, feathers, or beeswax could be purchased and sent down under arrangement with the chief transport officer in returning carts, or by other means of transport, for disposal to trading firms at Zungeru or on the Niger or Benue. Prior, however, to the purchase of such produce, reference should be made to the Secretary or to the Resident in whose Province the trading depôt is, who will arrange a price with the trading firm. (In this connection see section on Trade of the Annual Report for 1905*.) Residents must never, however, embark on any speculative transaction, however tempting it may appear, in their desire to realise produce or cowries advantageously. Only the actual articles which are wholly unrealisable may be used for the purpose of purchasing realisable goods, and in no case may cash or locally realisable articles be used to purchase goods, in the hope of gaining a profit or decreasing a loss. If, however, articles—cowries, etc.—are wholly unrealisable locally in cash, it is permissible to convert them into realisable goods, rather than to destroy them. Mr. Temple reports that sales of tribute in *kind* by auction brought in very good prices. The amount of unrealised balances in dollars, cowries, cattle, or other *kind* remaining on March 31st will be shown at the foot of the complete revenue return for the year, Form O.

Reports on Taxation.

10. Both in the annual report, and when submitting the assessment of a division or unit on Form W, a brief and terse report on the taxation inaugurated under the Native Revenue Proclamation should be submitted, and the following points *inter alia* are deserving of notice:—

(*a*) Whether any tax-gatherers (Jakada and Ajele) still remain, apart from the village and district headmen, and what obstacles to their removal have been met with.

(*b*) To what extent the districts under the headmen represent self-contained areas under their control; and the progress in re-grouping of estates and reduction of the number of independent towns under extra-territorial jurisdiction.

(*c*) To what extent the old fief-holders and office-holders have become district headmen; how far they are resident in their districts; and how many have become salaried office-holders; whether there are any left who are neither the one nor the other, and dependent on the Emir as part of his personal entourage, or engaged in any new occupations—trading, etc.; whether any of the Emir's head-slaves (Kachellas, etc.) are now district heads, and how soon the last of these may be expected to disappear. [N.B.—If it is at present an unavoidable necessity to retain a few of these, they should be located in the districts close to the capital, which are more directly under the Emir's control.]

(*d*) Full notes as to the basis adopted for assessment, viz.:—whether all the old taxes are included in it—noting especially if they were in the form of a capitation or "compound" tax, and whether the new assessment is higher or lower than the old. In the case of unsettled pagan tribes who formerly paid no tax, how the assessment has been arrived at, and whether the tax is paid at one time on both produce of land and on cattle, or separately.

(*e*) To what extent the tribute has been realised in cash, and of what does the non-cash payment chiefly consist, and how it has been realised. What arrears and unrealised tribute are anticipated at the end of the financial year.

(*f*) What special difficulties have presented themselves in collection of Jangali, more especially as regards herds which graze in another Province.

(*g*) Any special difficulties experienced. Reception of scheme by the chiefs, and by the peasantry. (*See* also para. 12).

(*h*) Progress made in organisation of the urban tax, and in the census of capital cities.

(*i*) Method of arriving at the census of population, and proportion of adult males and females, and of children. It should in especial be stated what is the limit of age included in the latter category. I think that those over 12 years of age might be included as adults. In some provinces the number of males is returned as exceeding that of females. I should imagine that the ratio was more generally two men to three women and three children (under 12). Assuming these proportions, there would be approximately 400 adult males, 600 adult females, and 600 children in a total population of 1,600.

Merging of Taxes.

11. Even in Provinces where the Zakka has a religious significance, or where it is a traditional custom that it should be paid in grain only, there is no reason why it should be collected as a separate tax so far as Government is concerned. There is only one general tax from the Government accounting point of view, and when a Resident assesses a village he takes into consideration *all* the old taxes, Kurdin Kassa, Shukka-Shukka, Korofi, Zakka, and the special taxes on artisans, etc., and assesses the town, as I have described in Memo. 5, para. 30 *et seq.**, in one lump sum, which covers all of them. Zakka, or any other, may be collected separately or by instalments, and paid to the Emir at different times of the year, and credited, when paid, towards the liquidation of the lump sum. Even Jangali is not, in reality, a separate tax, for it is merely the application of the general tax to nomads, who have no lands, crops, and industries; but it is, at present, shown separately, because the circumstances connected with its assessment and collection are different from those surrounding the general tax payable by agricultural and industrial communities. The Kurdin Sarauta is rather a fee (imposed for administrative purposes, and not for revenue) than a tax, and it will not be included under the head "land revenue" (*see* Memo. 5, para. 33†).

The principle of the scheme of taxation is that Government constitutes the village as a single tax-paying entity, and *not* the individual, the hut, or the compound. In the assessment of the village, the taxable capacity of each individual is calculated with the assistance of all native officials, and, thereafter, the village appears in the Resident's books as a single entity and all taxes are merged into one sum. The district and village headmen deal with the individual, who, moreover, has a right of appeal to the Resident, who will inquire into his case.‡ More than this, the Administration at the present stage, and with the existing staff, cannot do. The assessment of a village may be increased or decreased, according as it increases or decreases in wealth and population in future years, but the annual assessment on the value of each crop will disappear when the permanent assessment is made. The variable nature of the Jangali tax must, however, remain, since the size of herds may vary greatly in consequence of epizootic disease, migration, etc. It will be, as I have said in Memo. 5, the duty of all administrative officers to constantly verify and check the original assessment when on tour in their divisions, with a view to making the incidence as fair as possible, redressing injustice to individuals, and seeing that the taxation is moderate and within the resources of the people. These principles are worth emphasising at the risk of repetition, nor can I too emphatically repudiate the idea that a Resident's

* Colonial Report, Annual, No. 516.

* Page 120. † Page 120.

‡ "I believe that under the Act of 1856 the Magistrate in India appoints a 'panchayet' (Council of five) to apportion the tax imposed upon a village to the individuals. This is done (*a*) By actual valuation of property, which is rare, or (*b*) by their general knowledge of the circumstances of each individual—a system which works much better." (Memo. on Taxation to Secretary of State of 23/10/06).

abilities are gauged by the amount of revenue his Province produces, though I consider that the care and thoroughness with which the assessment is made, the contentment of both chiefs and people, combined with a fair and just revenue, are the highest tests of administrative ability.

INCIDENCE.

12. The new forms show the population and the average amount of the general tax paid by every adult male, and by adults of both sexes. It is thus possible to compare districts in different Provinces which are more or less subject to similar conditions, and so to promote uniformity. A mere statement of the incidence upon the individual, however, can convey little meaning to anyone not intimately conversant with the conditions of the country, unless accompanied by some indication of the comparative wealth of the tax-paying units. Any notes that Residents can furnish, indicative of the proportion which the tax bears to the wealth of each tax-paying class, would be invaluable. Such details, however, belong to a later stage. Looking, however, to the immense progress already achieved in the assessment, and to the increase of the staff, I anticipate that, before long, political officers will have a thorough knowledge of the taxation problem throughout this large Protectorate, and will be able to supply whatever statistics are required. The calculation of the incidence is confined to those who pay the land or general tax, and Residents in arriving at this figure will, of course, be careful to divide the total tax only by the number of adults (males) who actually pay it. A separate calculation may be made, showing the incidence inclusive of the Jangali. The urban tax is, of course, included in the general tax. The forms show the incidence separately for each division, and for settled and unsettled districts.

KURDIN SARAUTA.

13. The Kurdin Sarauta, as I have said in Memo. 5, para. 33*, though it obtains legal sanction under the Native Revenue Proclamation, 1906, is in fact a fee on appointment, and in no sense a popular tax. In those Provinces in which Government takes a share of these fees, a return (which will serve as a Treasury voucher, and a record of appointments) will be submitted, showing the appointments made, and the assignment of the fees to Government and the native administration. The portion of such fees assigned to Government will be credited separately from land revenue, and the amounts received by principal chiefs will be shown in Form Z. The form of return—Form V—was prepared by Major Burdon.

PAGAN TRIBES.

14. The problem of how to collect taxes from unsettled pagan tribes must always remain a difficult one to solve. I am not myself in favour of the proposal that they should be made to pay not *to*, but *through*, an Emir as the agent of Government. This appears to me to be opposed to the spirit of the policy set out in Memo. 18†, and to be a distinction almost without a difference, and liable to be misunderstood on both sides. Nor does there seem to me to be any clear gain, unless the Emir is allowed to employ his own tax-gatherers, which means that independent pagans are placed under his rule. Possibly some years hence, when the Fulani rule has been purged of its faults, it may be less abhorred by pagan tribes, and more widely utilised by Government, but, in the present phase, I can see no feasible method other than for the Assistant Resident in charge of a division to collect direct from groups of villages, and gradually to enlarge these groups under responsible and selected men, until they become "first class" pagan States (like Argungu) as described in Memo. 5, para. 56.‡

F. D. LUGARD,
High Commissioner.

18th April, 1906.
Revised Sept., 1906.

* Page 121.

† Not printed here.

‡ Page 125.

APPENDIX IV.

NOTES ON THE THATHAMEDA TAX IN UPPER BURMAH.

By SIR J. DIGGES LA TOUCHE.

Before the annexation of Upper Burma there was a single tax, the Thathameda, leviable at the rate of Rs. 10 per household or family.

This tax was adopted by the British Government. It was payable by both agriculturists and non-agriculturists, and the inhabitants of every town or village were held jointly and severally liable for the whole of the Thathameda tax leviable therein.

Village headmen, Government servants, ministers and priests of religion, persons incapacitated from earning their livelihood by old age or physical or mental defect were exempted.

For determining the total demand the number of revenue-paying households was multiplied by the rate prescribed from time to time by the local Government.

The village headman prepared a census roll of all the households. He then proceeded to the village, and in consultation with the "thamadis" or assessors appointed according to custom, distributed the total demand over the households according to their circumstances and ability to pay, and he then published in the village a list of the persons assessed and of the amount payable by each person.

The collector was authorised to remit in whole or in part the amount of the tax assessed on:—

1. Households assessed through error.
2. Households when by reason of calamity the recovery of the whole or any part of the tax was in the opinion of the collector inequitable.
3. Households from which the tax was irrecoverable, in which case the collector was bound to record his reasons for not enforcing the joint responsibility.

Ten days after the publication of the list were allowed for objections.

Objections were dealt with in the presence of the assessors, who were heard in support of the assessments.

Groundless objections were rejected.

In the case of well-founded objections, the assessors were directed to re-adjust the assessment so as to give proper relief to the objector without reducing the total demand.

In 1898 the Government of India reviewed the working of the tax. They held that the tax was neither harsh nor oppressive, and that it was suitable for a country where there is not, as in India, a clearly marked and permanent distinction between the agriculturist and the non-agriculturist. They considered that the distribution of the tax as among the component families of a village is exceedingly equitable, far more so than any assessment would be which Government itself could frame, and infinitely more so than any all-round capitation tax. Their feeling was strongly in favour of leaving the people to manage their own affairs so far as this was possible; and not to be in haste to bring in a more rigid and mechanical system. So long as the favouritism which always accompanies an indigenous system is kept within bounds and the people do not complain it may be safely concluded that they think it a cheap price to pay for the permission to make their own distribution.

The Government of India, however, contemplated that land revenue must eventually be assessed on all land.

30/6/08. (Intd.) D. La T.

Collection of papers on Settlement questions in Upper Burmah.—Vol. I., 492.

APPENDIX V.

THE NIGER COMPANY, LTD., TO COLONIAL OFFICE.

(Received 14th July, 1908.)

Sir,

I have to acknowledge your letter of the 10th inst., and am desired by my Directors to ask you to thank your Committee for giving them an opportunity of nominating a representative to give evidence in regard to the terms on which Europeans should be allowed to occupy land in Northern Nigeria.

They observe, however, that such evidence would have to be presented in the course of the next few days.

They regret that they are consequently unable to accept the invitation, as they cannot separate the question of terms to be granted to Europeans from the question of the Communal rights of the Natives, and together these form a subject of great magnitude, which they feel unable to deal with at such short notice. They venture, however, to express a strong hope that the Committee in their recommendations may give no opening to land speculators in Nigeria, and so safeguard that country from the errors that are apparent in other parts of Africa.

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

W. G. Rand,
Secretary.

The Secretary,
Northern Nigeria Lands Committee,
Downing Street, S.W.

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NIGERIA.

REPORT

SIR F. D. LUGARD

ON THE

AMALGAMATION OF NORTHERN AND SOUTHERN NIGERIA, AND ADMINISTRATION, 1912—1919.

Presented to Parliament by Command of His Majesty.
December, 1919.

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REPORT

BY

SIR F. LUGARD

ON THE

AMALGAMATION OF NORTHERN AND SOUTHERN NIGERIA.

PART I.—INTRODUCTION AND PRELIMINARIES TO AMALGAMATION.

1. **The general character of Nigeria. Geography, area, and climate.**—Before dealing with the amalgamation of the two separate Governments of Northern and Southern Nigeria, it will perhaps serve a useful purpose if I sketch briefly the character of each country, and indicate the causes of their divergent forms of Administration and the reasons which led to the necessity of amalgamation.

The area of "Northern Nigeria" was about 255,700 square miles, that of "Southern Nigeria," including the Colony, being about 76,700 square miles. The former consisted for the most part either of open prairie and cultivation, or was covered by sparse and low forest of the deciduous "dry zone" type. The central portion—Zaria and Bauchi—forms a plateau varying from 2,000 to 4,500 ft. in altitude, with a bracing climate. The dry desert wind—the "Hamattan"—which prevails in the winter months causes the temperature to fall rapidly when the hot sun goes down, so that the nights, especially on the plateau, are often very cold. The rainfall is small, decreasing towards the confines of the Sahara, which forms the northern boundary.

Southern Nigeria, on the other hand, is situated in the zone of equatorial rainfall. A great part of the country is, or was till recently, covered by primeval forest. It is low-lying with the exception of the water-parting, which traverses it from East to West, and divides the watershed of the Niger and Benue to the North from that towards the sea in the South. The southern portion is intersected by a network of salt-water creeks, bordered by mangrove-swamp or vegetation so dense that it forms almost a wall of giant trees and undergrowth interlaced with creepers.

Horses, donkeys and vast herds—aggregating millions—of cattle, sheep, and goats flourish in the North, but animal life is scarce in the South, where the yam fields of a dense population cover every acre reclaimed from the grassless forests, which are infested with tsetse and other biting flies. There are, of course, exceptions to these generalities. Districts in the South from which the forest has disappeared tend to resemble the open character of the North, and there are districts in the North on the banks of the Niger and Benue which approximate to the characteristics of the South. These two great rivers are a prominent geographical feature of the country. The Niger, flowing North and South, divides the Southern Protectorate roughly into halves. Some 250 miles from its mouth its course lies with a sharp inclination to the West, and the Benue, which joins it here, forms with it a continuous waterway of some 700 miles from the Cameroon frontier in the East to Jebba in the West, where the Niger, bending northwards again, is broken by rapids almost to the point where it first enters Nigeria from French territory. The Cross River in the extreme East is the only other river which is navigable by large steamers, with the exception of the creeks and the affluents of the Niger Delta.

2. **Ethnography, population, religions, etc.**—The population of the North—described 60 years ago by Barth as the densest in all Africa—had by 1900 dwindled to some 9 millions, owing to inter-tribal war, and, above all, to the slave raids of the Fulani. But these dreaded horsemen could not penetrate the forests of the South, where a population estimated at 7¾ millions (probably an over-estimate) found refuge. These tribes are of purer negro stock than the Hausas and other negroids of the North. Though in the more open areas they show themselves to be admirable agriculturists, many of the delta tribes live a semi-aquatic life in their canoes, fishing and collecting the abundant sylvan produce (especially of the oil palm), both for their own sustenance and for trade with the middlemen who carry it to the coast merchants.

From a very early date the influence of Islam had made itself felt in the North, and the religious revival of the early years of the nineteenth century had formed the motive for the Fulani conquests, which swept the country from Sokoto in the north-west to Yola, 1,000 miles to the East, and from the Sahara to the confines of the Equatorial Belt. The social and religious organisation of the Koran supplemented, and combined with, the pre-existing, and probably advanced, form of tribal administration handed down from the powerful Songhay Empire, which had extended from Chad to Timbuktu. The courts were served by judges erudite in Moslem law and fearless in its impartial application. The system of taxation was highly developed, and the form of Administration highly centralised.

A rapid deterioration had, however, followed the decay of the religious zeal which had prompted the Fulani *Jihad*, and at the time when the Administration was assumed by the Imperial Government in 1900 the Fulani Emirates formed a series of separate despotisms, marked by the worst forms of wholesale slave-raiding, spoliation of the peasantry, inhuman cruelty, and debased justice. The separate dynasty of Bornu on the Chad plain had fallen before the armies of Rabeh from Wadai, who at this time was looting and ravaging the country. The primitive Pagan races held their own in the inaccessible fastnesses of the mountainous districts of the plateau or in the forests bordering the Benue river. Others had come under the domination of the ruling race and lived a hard life.

The South was, for the most part, held in thrall by Fetish worship and the hideous ordeals of witchcraft, human sacrifice, and twin murder. The great Ibo race to the East of the Niger, numbering some 3 millions, and their cognate tribes had not developed beyond the stage of primitive savagery. In the West, the Kingdom of Benin—like its counterpart in Dahomey—had up to 1897 groaned under a despotism which revelled in holocausts of human victims for its Fetish rites. Further West the Yorubas, Egbas, and Jebus had evolved a fairly advanced system of Government under recognised rulers. The coast fringe was peopled by negro traders and middlemen, who had acquired a smattering of education in Mission schools, and who jealously guarded the approaches to the interior from the European merchant. In the principal towns (Lagos, Calabar, etc.) there were some few educated native gentlemen who practised as doctors, barristers, etc.

3. **The advent of British Rule.**—The British Government, which had maintained a Consul at Lagos since 1852, obtained the cession of the island in 1861 with the sole object of putting an end to the overseas slave traffic. In the following years the abandonment of all West African settlements was contemplated, and any extension of responsibilities with the interior was vetoed. It was not therefore until the "Scramble for Africa" which followed the Berlin Act of 1885 that any steps were taken to secure the coast line from Lagos to the Cameroons and to establish a claim to the hinterland as a British "sphere of influence." This area was then placed under the Consular jurisdiction of the Foreign Office (under the name of the Oil Rivers Protectorate), to whom also the Royal Niger Chartered Company, who were endeavouring to open up the districts bordering the Niger, were responsible. Colonial Office control remained limited to Lagos Colony. It was not until 1893-4 that, in consequence of friction with France, the Foreign Office was compelled to champion the cause of the Niger Company and to declare a Protectorate over the Niger territories. The Oil Rivers then became the Niger Coast Protectorate. With the advent of Mr. Chamberlain to the Colonial Office in 1895, British West Africa entered on a new era. British influence was extended into the Lagos hinterland. The "French crisis" was brought to a close by the Convention of June, 1898, and steps were taken to buy out the Charter of the Niger Company. This was completed on January 1st, 1900, and the Governments of Northern and Southern Nigeria were created. The former included all territory North of Lat. 7° 10′ (approx.) and the latter the old Niger Coast Protectorate, with the addition of such parts of the Company's territory as lay to the South of that line. Lagos formed a third Administration.

4. **Character of British Administration.**—The divergent conditions which I have described—geographical, ethnographical, and climatic—together with the very different manner in which the two countries had come under the direct control of the Crown, had, as was to be expected, profoundly influenced the form which British Administration took in each. The early Administrations in the South were confined to the Coast area, where a large revenue was at hand from the duties imposed on imported trade spirits—small though the duties were at that time. Access to the interior was the first desideratum, the creation of roads through the primeval "Bush," the clearing of waterways blocked with sudd, and, later, the creation of a port at Lagos and the commencement of a railway. Any coherent policy of Native Administration was well-nigh impossible in such circumstances, and the material was very unpromising except among the tribes in the hinterland of Lagos. Gradually the wall of opposition which barred access to the interior was broken down. Systematic penetration of the almost wholly unexplored country East of the Niger began in 1900, and in 1902 the Aro Fetish, whose ramifications extended throughout the eastern portion of the country—a cult of human sacrifice and slavery—was crushed by force of arms.

The inauguration of British rule in the North was in strong contrast. Here the Chartered Company, restricted by financial considerations, had been compelled to confine their depôts chiefly to the banks of the Niger and Benue Rivers. The very existence of any organised Government was threatened by the haughty insolence of the Fulani armies. The condition of Bornu—where the French had intervened—compelled immediate action. Nothing could be done until a force strong enough to cope with these powerful Emirates had been created.

The West African Frontier Force was raised in 1898-99, and on its return from its successful campaign in Ashanti, the task of dealing with the Moslem Emirates was undertaken, in 1902-3. Kontagora, the noted slave-raider, who had boasted that, like a cat with a mouse, he

would "die with a slave in his mouth," was the first to be coerced. Nupe, who had also threatened the existence of the new Administration, followed. Bornu, overrun by Rabeh's army from the Egyptian Sudan, which in turn had been defeated in British territory by a French force, placed itself under the Government, and General Morland's force, *en route* thither, brought Bauchi under control, and its Emir was deposed in reprisal for his ruthless massacre of the people of Guaram. Zaria offered no opposition to peaceful occupation, but the murder of Captain Malony, Resident at Keffi, precipitated hostilities with Kano. The fall of this great city and that of Sokoto in March, 1903, was followed by the submission of the minor Emirates, and convinced those which had already submitted that their belief that the British would be exterminated by these powerful Emirs was vain.

When this had been accomplished, and the forces of disorder had been broken, the British Administration was faced with the insistent urgency of creating a new organisation and of developing a native policy without delay. The system evolved will be described in a later paragraph.

The necessity of securing means wherewith to carry on the Administration was no less insistent than the reorganisation of the Native Administration. There was no revenue to be got from spirits, which were wholly prohibited, while the cost of the large force necessary for the control of the country absorbed the greater part of the wholly inadequate grant from the Imperial Government.

5. **Necessity for Amalgamation: (*a*) Finance.**—Such in brief were the antecedents which had given to the North and South their divergent characteristics and policies. In 1906 a further step in amalgamation was effected in the South. Southern Nigeria and Lagos became one Administration under the title of the Colony and Protectorate of Southern Nigeria. From this date the material prosperity of the South increased with astonishing rapidity. The liquor duties—increased from 3*s.* in 1901 to 3*s.* 6*d.* in 1905—stood at 5*s.* 6*d.* a gallon in 1912, and afforded an ever-increasing revenue, without any diminution in the quantity imported. They yielded a sum of £1,138,000 in 1913.

The North, largely dependent on the annual grant from the Imperial Government, was barely able to balance its budget with the most parsimonious economy, and was starved of the necessary staff, and unable to find funds to house its officers properly. Its energies were concentrated upon the development of the Native Administration and the revenue resulting from direct taxation. Its distance from the coast (250 miles) rendered the expansion of trade difficult. Thus the anomaly was presented of a country with an aggregate revenue practically equal to its needs, but divided into two by an arbitrary line of latitude. One portion was dependent on a grant paid by the British taxpayer, which in the year before Amalgamation stood at £136,000, and had averaged £314,500 for the 11 years ending March, 1912.

6. (*b*) **Railways.**—To the financial dilemma there was now added a very pressing difficulty in regard to Railway policy and control. The North, to ensure the development of its trade and to secure its Customs duties, commenced a railway from Baro, a port on the Niger, to Kano in 1906.* The South responded by pushing on the Lagos Railway to the frontier, and obtained the Secretary of State's sanction to carry it on in the North, to effect a junction with the Baro-Kano line at Minna. In the opinion of Sir John Eaglesome, Director of Railways, the line, when it reached the Northern Nigerian frontier at Offa, should have crossed the Niger at Pateji, traversing a well-populated country and tapping the great trade centre at Bida—thus avoiding the extremely costly and difficult bridge at Jebba, and the uninhabited country to the North of it—the distance to Minna being precisely the same. But no single railway policy had been possible, and the two outlets to the sea were now in acute competition. Major Waghorn, R.E., was sent out to report on the two railways, and to propose some system of joint use and control. He animadverted very strongly on the needless cost which had characterised the construction of the southern section of the Lagos line. It was full of sharp curves and dangerous gradients, which had to be rectified at an expenditure of £200,000. It was stated that the section to Ibadan, which presented no special difficulties, had cost two millions (over £15,000 a mile). Immediate unification of control with a view to checking extravagance was recommended. The advent of the railway, moreover, accentuated the need for a revision of the apportionment of Customs duties collected at the port. The growing divergence of administrative methods, as the interior became opened up in the South, also called for a common policy. In a long memorandum, dated May, 1905 (while still High Commissioner of Northern Nigeria), I advocated amalgamation, a policy supported by the then High Commissioner of Southern Nigeria and the Governor of Lagos, and there was increasing evidence that it could no longer be postponed.

7. **Decision to Amalgamate.**—Towards the close of 1911, Mr. (now Viscount) Harcourt, Secretary of State for the Colonies, invited me to undertake the task. I was at the

* This had been pressed by me in 1905, not only on these grounds but in order to render possible the realisation of the direct tax paid in kind, which was in danger of failure owing to the difficulty of finding a market for it, and to cheapen Administration.

time Governor of Hong Kong, having previously been High Commissioner of Northern Nigeria from its inauguration in 1900. I was therefore intimately acquainted with the method of Administration there, for the creation of which I had indeed been responsible. Reaching England in April, 1912, I was appointed Governor of the two separate Administrations simultaneously, and after spending several weeks in England, to acquaint myself with the current views on some important matters, I proceeded to Africa in September, 1912. I returned in the following March, and submitted my proposals for amalgamation in May. They were accepted in September, when I returned to Nigeria, and on January 1st, 1914, the new Government of Nigeria, as set up by fresh Letters Patent and other Instruments, was proclaimed.

8. **Nature of the Task.**—It was clear that so large a country as Nigeria, with an area of 332,400 square miles—of which the North and South were connected only by a single railway and the uncertain waterway of the Niger, while no lateral means of communication existed at all—must be divided into two or more dependent Administrations under the control of a Central Government. The first problem therefore which presented itself was the number of such Lieutenant-Governors, their powers, and relations to the various departments, together with the subordinate Administrative units throughout the country, and the control of such departments as the Railway and the Military Forces, which were common to the whole of Nigeria. The functions, and future constitutions, of the Executive and Legislative Councils, the unification of the Laws and the Regulations based upon them, and of the Executive "General Orders" and other instructions, the Judicial system, the methods of Taxation direct and indirect, and the disposal of the Revenue so as to benefit the country as a whole, without creating jealousy and friction, the assimilation of the policy of Native Administration—these, with many minor problems, had to be solved by any scheme of amalgamation which should have any prospect of permanency. In every one of these matters the systems of the two Governments differed essentially, as I shall show in discussing each in detail. The alarm and suspicion caused among the native population of the South by the appointment in England of a Committee to enquire into the question of land tenure added to the difficulty of the task. Amalgamation in my view was "not a mere political, geographical, or more especially a financial expression." I regarded it rather "as a means whereby each part of Nigeria should be raised to the level of the highest plane attained by any particular part." Thus regarded each of the two Administrations had much to learn from the other. The North—a younger Government—was capable of improvement in its departmental organisation, and backward both in the development of its material resources and of the facilities (such as roads) required for the purpose. The South required a better organisation of its Native Administration and of its judicial system.

PART II.—METHOD OF AMALGAMATION.

GENERAL SCHEME. DIVISION OF THE COUNTRY—CENTRAL DEPARTMENTS.

9. **Amalgamation, January 1st, 1914.**—On January 1st, 1914, the former Governments of Southern and Northern Nigeria were formally amalgamated with some fitting ceremonial. After the oaths of office had been taken at each capital—Lagos and Zungeru—by the Governor-General, the Lieutenant-Governors, and the Chief Justice, etc., a Durbar was held on the great plain at Kano, which was attended by all the chief Moslem rulers from Sokoto to Chad, who met for the first time in common friendship to swear allegiance to His Majesty, and by representatives of the principal Pagan tribes. Though the retinue of the chiefs was necessarily limited by considerations of food supply, etc., it was estimated that not fewer than 30,000 horsemen took part in the picturesque display. Each in turn marched past and then gave the Salute of the Desert, charging at full gallop with brandished weapons. Nor was the gathering a mere ceremonial. Hereditary rivals met as friends. The Shehu of Bornu was the honoured guest of his quondam enemy, the Fulani Emir of Kano, and no friction or dispute for precedence among their somewhat turbulent following disturbed the harmony of this remarkable gathering, which undoubtedly had a very beneficial effect. A uniform time for Nigeria (viz., $7\frac{1}{2}^{\circ}$ meridian)—half an hour fast of Greenwich—was established for railway and telegraphic convenience. A single weekly Gazette, with a supplement containing all ephemeral matter, superseded the former publications. The "General Orders" of the former Administrations were cancelled, and replaced as soon as possible by Standing Orders common to all Nigeria. The printed forms in use in all departments were revised and largely reduced. A new Colonial badge was introduced consisting of the interlaced triangles known as "Solomon's Seal."

10. **The Governor-General.**—The whole of Nigeria—the size of which approximates to one-third that of British India, with a population of 16 or 17 millions, the largest of the Crown Colonies and Protectorates of the Empire—was placed under the control of a Governor-General, but it was intimated that the title was personal to myself. The Letters

Patent and other Instruments setting up the new Government omitted the usual provision that when the Governor was absent from Nigeria his Deputy should administer the Government, for it had been decided that the Governor should spend four months of each year *on duty* in England. The object of this somewhat startling departure from precedent was to preserve continuity of Administration, to keep closer touch, by the personal presence of the Governor, with the Colonial Office and the commercial and other interests in England, and to give the Governor some time to carry through the heavy work of re-drafting laws, etc., while relieved of the onus of comparatively unimportant daily routine in Africa. He was when absent from Nigeria represented by a Deputy, fully empowered to deal with all matters of urgency, with whom he was in telegraphic communication. It was not desired to decrease the responsibility of " the man on the spot "—the change, as Mr. Churchill expressed it, consisted rather of a definition of " the spot " due to the rapid means of transport and communication which steam and telegraphy had introduced. A room was provided at the Colonial Office for the use of the Governor and his Private Secretary and clerk.

The system served its purpose, and without it I doubt if the work could have been accomplished. It presented obvious difficulties, and the Secretary of State decided to cancel it in 1917. It demands only a brief reference here, as an integral part of the method by which amalgamation was carried out.

11. **Duties of Governor.**—The Governor directs the policy in regard to Native Administration, and with him rests the initiative in all legislation (by means of Ordinance, Regulations, or Orders in Council), which is of course exercised with the advice of the Executive Council, the approval (in accordance with the Royal Instructions) of all except temporary leases, and the direct control of the " Central " Departments (to which I shall presently refer). He alone corresponds with the Secretary of State, and all matters such as the promotion of European officers, and financial sanctions, which require such reference, are referred to him.

His personal office consists of a Political Assistant and a Private Secretary. The former is an officer ranking in seniority with a Secretary or Resident. In my own emphatic opinion, and that of both Lieutenant Governors, this post should be continuously held and by a Senior Officer. All confidential reports (including those on the Lieutenant Governors) and secret papers pass through his hands, and he is able to relieve the Governor of many interviews and to carry through many confidential matters, which could not be entrusted to a junior however able.

The Private Secretary is at present selected from among the juniors in the Secretariat. His time is very fully occupied with the office routine. Both appointments afford an excellent training for their holders. An extra junior is accordingly provided on the establishment of the Central Secretariat, and an extra subaltern as A.D.C. in the W.A.F.F.

12. **Lieutenant Governors and the Division of the Country.**—I recommended that the Administrative areas of Northern and Southern Nigeria should be placed under two Lieutenant Governors, without any territorial change, each with a Secretariat and departmental organisation, while those Departments which were practically indivisible, and whose functions were common to both, should be centralised under the direct control of the Governor-General assisted by a Central Secretariat. The small area which constitutes the Crown Colony (as opposed to the Protectorate) would form a separate Administration under an Administrator, sharing its departmental staff with the Southern Administration.

The two Administrations thus formed were called the Northern and Southern Provinces. The former had an area of 255,700 square miles and a population of approximately 9,000,000, the latter an area of 76,700 square miles and a reputed population of 7,750,000. The Colony comprised 1,335 square miles and a population of 154,000. It was for the first time properly demarcated and defined in the Letters Patent.

The separation of the Administration of the Colony from that of the Southern Provinces, though advisable during the transition period, could not be expected to work well so long as the headquarters of both were in the same place (Lagos), nor was there sufficient scope for an officer ranking next below a Lieutenant Governor, while the intimate connection between the Colony and Southern Province affairs caused an inevitable duplication of work, and rendered the demarcation of duties impossible. The post has therefore latterly remained in abeyance, the duties being merged in those of the Lieutenant Governor and the separate Secretariat abolished.

When the unification of the Laws, etc., had been completed in 1917, the boundaries of the Northern and Southern Provinces—drawn when the territory had not yet been explored, and depending on no geographical or ethnological features—were carefully revised so as no longer to bisect tribal units, except where by the usage of 17 years a fraction of a tribe had become incorporated with its neighbour.

13. **Duties and Powers of Lieutenant Governors.—Central Departments.**—Each Lieutenant Governor is (under the general control of the Governor-General) charged with the direct administration of the area to which he is appointed, submitting to the Governor-General any question which affects Nigeria as a whole, or which involves a ruling as to general policy or legislative action, or is otherwise of sufficient importance for reference. He also

keeps the Governor-General informed on all matters. He submits his annual budget of Revenue and Expenditure for approval and incorporation in the general budget. He is not superseded by the presence of the Governor-General in his area of jurisdiction. To enable him to undertake these duties the statutory powers vested in the Governor by Ordinance are, as required, delegated by Gazette notice. Similarly the executive powers which a Lieutenant Governor is authorised to exercise are formally notified, in order that no confusion may arise.

Each Lieutenant Governor has a private secretary, a Secretariat and the various departments necessary to an Administration, *e.g.*, Political, Medical, Public Works, Forestry, Agriculture, Education, Police, Prisons and Mines—to which in the Southern Provinces are added Marine, Customs and Printing. The two former were for special reasons at first treated as Central (*see* paras. 34 and 35), but were later included in the Southern Provinces, to which their work is almost entirely confined.

The "Central" Departments, under the direct control of the Governor-General as being common to both, are the Railway (including the Colliery), the Military, the Audit, Treasury, Post and Telegraphs, Judicial and Legal (each Lieutenant Governor having a legal adviser) and the Survey. The heads of these Departments when on leave are replaced by an officer exercising their full powers. To these will be added this year a Geological Survey. In addition "a Director of the Medical and Sanitary Services" acts as Adviser to the Governor-General, and superintends the Departments in both Administrations, without interfering with their departmental organization (*see* para. 36). A similar office is held by the "Director of Forests," while the "Director of Railways and Works" not only bears the same relation to the Public Works departments in the North and South, and to the "Open Lines" railway, but is directly responsible for all new construction, and advises on matters of Railway policy and extension and on Loan Works (*see* para. 37). No substitutes are required for these "Common Heads" when on leave.

14. **Reasons for the Division.**—Various other schemes of amalgamation had been put forward. They were all based on the principle of dividing the territory into a large number of units—from 4 to 7—each under the control of a high official responsible to the Governor-General. They were fully described in my original report, and there is no need to discuss them here.

My reasons for preferring the retention of the old boundaries—subject to modification later—were as follows:—(1). There appeared no adequate reason for creating a third Lieutenant Governorship, since the work and responsibility which had hitherto devolved upon the Governors of Northern and Southern Nigeria, would under the new scheme be considerably reduced by the transfer of all larger questions of policy, with legislation, regulations, general orders, and the control of all Central Departments to the Governor-General. (2). Each of the two former Administrations was under a separate body of laws, and the executive policy embodied in general orders and other instructions differed, as also did the conditions of service of both European and Native Staff. A territorial re-division which transfered portions of one Administration to the other, or included portions of each in a new Administration, would have been productive of chaos, and interminable appeals for "Rulings," at a moment when the inevitable pressure on the Central Government was greatest. It appeared to me incontestable that the unification of the laws, general orders and policy, and the adjustment of the finances, should precede the creation of any new Administration. Moreover, the multiplicity of Secretariats, and the reduplication of Departmental Heads, involved by the creation of a number of subordinate Administrations appeared to me to be an insuperable objection, involving unnecessary correspondence, duplication of work, and needless cost. Without such duplication the Lieutenant Governorships would become mere provinces, under a greatly overweighted and highly centralised Government. This would inevitably result (*inter alia*) in much delay, in a country of such vast distances and imperfect communications. It would in effect have been the adoption of the "provincial system" of Southern Nigeria (which is described in the next para.) rendered more than ever difficult by increased distances. The Governor-General would be tied to headquarters and the management of a large Secretariat. He would be unable to travel, and would have great difficulty in preserving uniformity of policy among the several Administrations, and little time to devote to larger questions of policy. Owing also to the system of leave in West Africa, the large powers vested in the Lieutenant Governors must have been exercised by others in their absence, necessitating a very large number of men qualified to exercise high office. The simultaneous creation of 4 to 7 new Governments, the distribution from existing Secretariats of the records belonging to each, and the absence of buildings for public offices, would all add to the difficulty, and postpone effective amalgamation for many years. My conception on the other hand was that the office of Lieutenant Governor should be one of recognised executive responsibility, to which should be delegated many of the statutory and executive functions of the Governor-General by a process of decentralization.

15. **Provincial Administration and Departmental Control.**—Prior to Amalgamation Northern Nigeria had, for the purposes of Native Administration, been divided into 13 provinces under "Residents." Illorin and Kabba, two very small ones South of the Niger,

were now amalgamated, and later Bassa and Muri were reorganised. The provinces of the North are now approximately as follows :—

Name of Province.	Area in sq. miles.	Population.	Name of Province.	Area in sq. miles.	Population.
*Sokoto	35,400	1,262,300	Kontagora	27,000	118,400
*Kano	28,600	3,398,300	Illorin	14,100	330,100
*Bornu	32,800	679,700	Nassarawa	17,900	582,600
*Bauchi	24,700	679,700	Munshi	17,000	471,000
*Zaria	9,850	390,300	Muri	15,600	407,800
Nupe	18,450	388,500	Yola	14,300	291,300
Total Area and Population				255,700	9,000,000**

* First class. ** Approximately 5,855,000 Moslems, 3,135,000 Pagans, and 10,000 Christians.

Southern Nigeria had comprised three "Divisions" under Provincial Commissioners—viz., the territories of the former Southern Nigeria east and west of the Niger, and the hinterland of Lagos. The Provincial Commissioners were charged with the supervision of all Departments in their Divisions, and were in fact, though not in name, Lieut.-Governors, but without adequate Secretariat assistance. As their duties increased the tendency for the Commissioners' Office to become a small Secretariat developed. The Provincial Commissioners, charged with much administrative and departmental work, found, they said, little time to supervise the District Staff, and the Governor and Colonial Secretary were quite out of touch with the administration of native affairs. Since the supervision of both the "District" and the Native Courts was in the hands of the Puisne Judges, the District Commissioners looked to them in a great part of their work. The District Commissioners were also largely employed in departmental duties connected with the Customs, Treasury and Public Works, which seriously interfered with their duties as Administrative Officers. All Departmental officers corresponded through the Provincial Commissioners, even on technical details—a system which involved delay and circumlocution, rendered the position of the Head of the Department most difficult, and deprived him of control. Stores were ordered from England by the Provincial Commissioners independently, with the result of extra cost and accumulations.

With the creation of Lieut.-Governors with definite areas of administration, and not merely as the *alter ego* of the Governor, the function of the Provincial Commissioner naturally expired. The Southern Protectorate was divided into nine Provinces, averaging considerably less than half the average size of Northern Provinces, but with an approximately equal population, each under a Resident (as in the Northern Provinces) and divided into three or more divisions under "District Officers" (1st and 2nd class) with their assistant District Officers, the number varying according to the size, population, and needs of each Province. The five most important in the Northern Provinces, and three in the Southern Provinces, are "1st class" under Residents of the 1st class. The area and population of the Provinces of the Southern Administration are as follows :—

Name of Province.	Area in sq. miles.	Population.	Name of Province.	Area in sq. miles.	Population.
*Oyo	14,872	1,027,000	Onitsha	7,519	1,342,000
*Owerri	7,613	1,272,000	Ondo	6,051	384,000
*Abeokuta	6,694	552,000	Benin	8,799	567,000
Calabar	6,248	871,000	Warri	9,342	515,000
Ogoja	8,211	1,066,000	*The Colony*	1,335	154 000
Total Area and Population				76,684	7,750,000

* First Class. British Cameroons area, 31,150 square miles. Population, 600,000 (?).

Since the beginning of 1916 the Cameroons occupied territory South of Lat. 7° 10′ (18,000 square miles) has been added as a Province to the South, while the smaller areas in the North were absorbed in the Provinces of Yola and Bornu.

There are, therefore, 21 Provinces in Nigeria (exclusive of the Colony and the Cameroons) with an average area of 16,000 square miles and a population of about 800,000. The average Staff for the administration of these large units (reduced by over one-third during the War and by the Staff required for the Colony and Cameroons) is 12 officers (viz., 8 in the country and 4 on leave) inclusive of sick, vacancies, etc.

The Resident of a Province, as the senior Government official, is, generally speaking, responsible as such for the efficiency of the Public Service in his Province. He is, however, primarily concerned with the Native Administration, including the conduct of the Provincial and Native Courts. Control of his subordinates by the Head of each Department is now pre-

served. He delegates duties and responsibilities to them as may be necessary, and not to an Administrative officer, and conveys his professional and technical orders direct. If a difference should arise between the Resident and a Departmental officer it is referred to the Lieut.-Governor or to the Departmental Head, and if necessary eventually to the Governor-General.

NATIVE ADMINISTRATION.

16. **Reason of Divergent Policy in the North and South.**—It is a truism to observe that in a country possessing a native population of upwards of 16 millions, the policy of the Government and its methods of administration of the native races stands first in importance. It is the natural protector and the permanent trustee of the welfare of these races, while safeguarding the interests of the comparative handful of traders and missionaries who form the constantly changing European population, few of whom remain for very many years in the country. It is almost equally obvious that since the boundaries of North and South were, as I have already described, mere parallels of latitude, in many cases leaving part of a tribal area in one Administration and the remainder in the other, some uniformity in policy was highly desirable. At the time of Amalgamation, however, both policy and method were profoundly divergent.

This divergence was in part due to deliberate differences of Administrative method and organisation, in part due to the earlier history of each Government and the circumstances which had moulded its development under British rule, and in part to the characteristics of the people themselves. Southern Nigeria had been much longer under British rule. Its wealth in oleaginous produce had attracted large numbers of traders, chiefly British and German, whose influence had naturally been in the direction of material development of roads, waterways, and trade. Northern Nigeria, prior to the transfer from the Royal Niger Company in 1900, had practically no system of Native Administration, and the officials of the Chartered Company were unable to go far from the banks of the Niger and Benue. The interior was dominated by powerful Emirs, who commanded large armies. The initial task of the new Government had been to check slave-raids and constant warfare, and this could only be done by defeating the Emirs and imposing upon them the authority of Government. As a consequence the problem of Native policy and Administration was one which forced itself upon the Northern Government at the very beginning, whereas in the South the trader and the missionary were the pioneers, and it was only such events as the massacre at Benin, the outbreak at Brass, or the unavoidable necessity of dealing with such barbarous cults as that of the Aro fetish, with its wholesale human sacrifice and slavery, which compelled the Government to take strong action. The Southern Provinces were populated by tribes in the lowest stage of primitive savagery, without any central organisation, except in the West where the Yorubas, Egbas, Benis and some minor allied tribes had developed a social organisation under paramount Chiefs, but, in the early years, they were still addicted to many barbarous rites. A great part of the North, on the other hand, had come under the influence of Islam, and the Hausa States and Bornu had an elaborate administrative machinery, though it had become corrupt and degraded. There remained, however, in the North a vast population of Pagans in a similar stage of savagery to those in the South.

17. **Treaties in the Lagos Hinterland: (a) Jurisdiction of the Crown.**—The position in the former "Lagos Protectorate" was complicated by the existence of various treaties and agreements. The Egba Treaty of 1893 purported to guarantee the independence of the tribe, on condition that they encouraged trade and Christian missions, but made no mention of the international obligations incurred under the Brussels Act, the "Wild Animals Protection" Convention, &c. The treaties with the Yorubas and with the many small tribes and "Crowned Kings," as they were called, were less explicit. Notwithstanding these treaties the whole of the Lagos hinterland was in 1901 declared a Protectorate. A "Native Councils Ordinance" was enacted, and Councils were set up "from one end of the Protectorate to the other," over which Government officials exercised a supervision which was "not merely nominal, and the natives acquiesced in this exercise of jurisdiction by the Crown." The Councils at the same time refused to accept the Forestry law, &c., which was applicable to the rest of Southern Nigeria. I found that no one—neither the Colonial Office nor the Chief Justice—had any clear idea as to what jurisdiction could legally be exercised by the Crown, or what executive powers were, under the Treaties, vested in the Colonial Government, in these important districts lying astride the railway which is the main artery of Nigeria.

The Chief Justice of Southern Nigeria, at my request, investigated this subject and wrote a long and valuable Memorandum. Though many records were found to be missing he cited 83 "treaties, agreements, proclamations, &c.," relative to the question. The report, from which I have already quoted phrases, is too lengthy to reproduce here, but I think it may accurately be described as a pronouncement that the whole question of jurisdiction was in a chaotic state, and that the administration of the Colonial Government in the past was full of anomalies. Even the boundaries of the Colony proper had never been defined. He summarised his conclusions thus :—"It appears to me . . . that His Majesty has now acquired such complete jurisdiction throughout the Protectorate, with the possible exception of Egbaland, as to be able to legislate in any direction, not only for Europeans and resident non-natives, but for the natives

themselves." And he added :—" The establishment of British Courts throughout the Protectorate appears to me to be essential."

18. (b). **Executive Powers of the Government in Lagos Hinterland.**—Meanwhile the Residents and Commissioners were in an anomalous position, uncertain of their powers and of the policy of Government, which the Commissioner of Egba understood to be " the building up of a strong State, independent financially and otherwise, so as to relieve the Colonial Government of the cost of Administration." The Provincial Commissioner whom I deputed to report on the Administrative position, stated that the further his enquiries extended the more chaotic he found it—bribery and extortion were rampant, in some districts transport and food were refused to Government officials, and Administrative officers acted on lines of their own. At Abeokuta (Egba) and Ibadan (Yoruba) and elsewhere a Government official was in residence, and was supposed to maintain order. The Colonial Government had, however, declined to allow these communities to maintain any armed force, either military or police. The absolute necessity of this restriction, apart from obligations under the Brussels Act, can only be fully realised by those whose experience has taught them how strict must be the discipline and how watchful must be the control exerted over armed Africans if misuse of their powers is to be avoided. The Native Governments were incapable of exerting such a discipline, the meaning of which they did not understand, and successive Governors, though fostering their " independence," had inevitably recognised this essential limitation.

It is unnecessary to demonstrate that a Government, deprived of the instruments on which the ultimate enforcement of all law, even in the most civilised States, depends, is an anomaly, and is independent only in name.

19. **The Egba Government.**—The Egba Government was conducted in the name of the Alaki—a loyal and well-disposed but wholly illiterate Chief—by an able and educated native. It was a hybrid, with an exterior pleasing to those who reckon progress among natives to consist in imitating European methods. Side by side with a Secretariat, and minute papers which only the Secretary and a few clerks could read, with Estimates prepared on the Colonial model, and Orders in Council and Regulations passed by an illiterate body of conservative Chiefs, practically all of whom were very old men who looked on these proceedings probably with amused indifference, there existed the ancient *régime* with all its abuses—extortionate demands from the peasantry, corruption and bribery in the Courts, arbitrary imprisonment and forced labour. By such methods a large number of Chiefs of various grades—there were over 2,000 in Abeokuta, I believe—lived a life of idleness and sensuous indulgence. Their power received the sanction of their Government, which was recognised by the Suzerain Power on the one hand, and was rooted in the Fetish observances of the Ogboni Society and native superstition on the other. In virtue of the former, prisoners condemned by Courts, over which the Government exercised no control, were confined in prisons not subject to the Colonial prison laws (some of them under Government supervision, and some wholly native), or transferred to Lagos prison under a warrant signed by the Governor. If the people rebelled Government troops were requisitioned in the name of the Alaki. In virtue of the latter, the ignorant peasantry were terrorised into acceptance of the demands of the Chiefs. A fiscal frontier had been set up on which customs on certain articles, agreed to by the Colonial Government, were collected. The Egbas are not a large tribe—probably little over a quarter of a million—the wealth of the country in palm produce, and its proximity to the port of Lagos, results in the people being very well-to-do. In character they are inclined to lawlessness and impatient of control.

20. **The Yoruba Government.**—The Yorubas, numbering over a million, owed allegiance to the loyal and enlightened Alafin of Oyo, but for many years there had been a tendency for the Ibadans (a very large section of the tribe) to flout his authority, and to set up a separate rule under their own Bali. This tendency had, it appears, been encouraged by the Colonial Government. There was here no attempt at " educated " government, though the Bali and his Baloguns passed Orders in Council at the instance of the Resident, independently of either the Colonial Government or the Alafin. The large and densely populated cities of Iseyhin, Ikirun, Oshogbo, and Ogbomosho displayed a similar tendency to separation under their own Balis, although these were by tradition the deputies of the Alafin.

21. **Demand for Government Troops at Abeokuta.**—An armed disturbance at Abeokuta—for almost every male Egba owned a gun—occurred simultaneously with my arrival in 1912, and, as on previous occasions, a detachment of troops was hurriedly despatched from Lagos to preserve order, and protect the Alaki from his subjects. No Alaki prior to the present holder of the office had been allowed to survive beyond three years. A similar outbreak occurred in 1913, and I then informed the Alaki that I could no longer consent to suppress by force disturbances the causes of which were outside my control, and which for all I knew may have originated from gross misrule. Nor could I tolerate the incarceration of Egba prisoners, of whose guilt or innocence I had no knowledge whatever, in a Government gaol. I pointed out also the disadvantage of a fiscal frontier. With the concurrence of the Secretary of State I invited him to reconsider, with his Chiefs and advisers, the treaty of so-called independence. I suggested for his consideration that he should place his territories under the guidance and control of the Government on a basis similar to that of the Emirates of the North.

22. **Abolition of Egba and Ibadan Treaties.**—The Secretariat system of government had already become unpopular, and the Alaki gladly adopted my suggestion. The treaty was denounced, the Ordinances relating to the jurisdiction of the Supreme Court were repealed, and a new Agreement, dated September 16th, 1914, took their place. (*See* Appendix 2.) By virtue of this instrument the judicial system applicable to the rest of Nigeria was made operative in Egbaland. Egbaland, with Jebu, Ilaro, and Meko, was constituted a " Province " under a Resident with the usual staff. The fiscal frontier and the " Native Government " Customs staff were abolished. A similar procedure was adopted in Oyo and Ibadan, but since the treaties in Yorubaland did not guarantee " independence " it was not considered necessary to substitute any Agreement.

23. **" House-rule."**—Such was the position of native affairs in the Western Provinces. In the Provinces bordering the Coast, East of Lagos Colony, a curious system known as " House-rule " prevailed. The coastal Chiefs, by preventing European access to the interior, had in the early days of British rule grown rich as middlemen. Their custom was to advance goods to Members of the " House," who carried them by the creeks in canoes to the hinterland tribes, and brought saleable produce in return, on which great profits were made. The " Houses " were, in fact, primarily trading concerns. The members of the Houses largely consisted of slaves, and were recruited by the addition of new slaves. The House Rule Ordinance of Southern Nigeria empowered the Supreme Court to award a year's imprisonment, and inflict a fine of £50 upon any member who refused or neglected to submit to the authority of the head of the House. The oath of the head of the House without further evidence was sufficient for conviction. Any person wandering abroad, and unable to prove that he had means of subsistence, or that the lack of them was not the result of his own fault—phrases wholly inapplicable to conditions of Native life in Africa—could be arrested without warrant, and imprisoned for a year. Any person, including Europeans, who employed a Member without the consent of the Head of the House was liable to a year's imprisonment and a fine of £20.

An amending Ordinance of 1912, recognising in effect that many members were slaves detained by force, instituted a method of self-ransom. The Commissioners of the Supreme Court received and paid out the ransom money. The machinery of Government was employed to arrest without warrant, and to restore to the head of the House, any fugitive member—resistance was punishable by a year's imprisonment and a fine of £50. The repeal of this Ordinance, which was incompatible with the Slavery Law, was deferred till January 1st, 1915, so as to give fair warning. House rule was not thereby abolished, but the denial of the assistance of British Courts in enforcing the will of the head of the House, and of Government police in capturing fugitive members, struck a death-blow to the system.

24. **The System of Native Administration in the North.**—The system of Native administration in the separate Government of Northern Nigeria had been based on a recognition of the authority of the Native Chiefs. The policy of the Government was that these Chiefs should govern their people, not as independent but as dependent Rulers. The orders of Government are not conveyed to the people through them, but emanate from them in accordance where necessary with instructions received through the Resident. While they themselves are controlled by Government in matters of policy and of importance, their people are controlled in accordance with that policy by themselves. A Political Officer would consider it as irregular to issue direct orders to an individual native, or even to a village head, as a General commanding a division would to a private soldier, except through his commanding officers. The courts administer native law, and are presided over by Native Judges (417 in all). Their punishments do not conform to the Criminal Code, but, on the other hand, native law must not be in opposition to the Ordinances of Government, which are operative everywhere, and the courts, as I shall presently describe, are under the close supervision of the District Staff. Their rules of evidence and their procedure are not based on British standards, but their sentences, if manifestly faulty, are subject to revision. Their prisoners are confined in their own native gaols, which are under the supervision of the British Staff. The taxes are raised in the name of the native ruler and by his agents, but he surrenders the fixed proportion to Government, and the expenditure of the portion assigned to the Native Administration, from which fixed salaries to all native officials are paid, is subject to the advice of the Resident, and the ultimate control of the Governor. The attitude of the Resident is that of a watchful adviser not of an interfering ruler, but he is ever jealous of the rights of the peasantry, and of any injustice towards them.

This system is clearly only adapted in its fullest application to communities under the centralised rule of a paramount Chief, with some administrative machinery at his disposal, and finds its best exposition in the Moslem communities of the North. Nevertheless, its underlying principles are applied, to the varying extent to which it is possible in each case to apply them, even to the most primitive communities in the North. The first step is to endeavour to find a man of influence as chief, and to group under him as many villages or districts as possible, to teach him to delegate powers, and to take an interest in his " Native Treasury," to support his authority, and to inculcate a sense of responsibility.

25. **Revenue of Native Treasuries.**—There are 50 separate Native Treasuries in the Northern Provinces, with an aggregate revenue in 1917 of £441,000. Their reserve funds, invested at interest, stand at £255,600. The single Emirate of Kano has a revenue at the disposal of the Native Administration of about £69,000. They share in the cost of the Provincial (Government) schools, and the Arts and Crafts Industrial School at Kano is (with the exception of the British instructor) entirely supported by them. A second is being started in Bornu. The receipts from the Native Courts, fines and fees, are paid to the Native Treasury, which pays the salaries of the judges and other officers. In 1917 the receipts were £28,500 and the expenditure £26,500. They devote large sums to the improvement of roads and other works.

26. **Efficiency and loyalty of Native Administrations. Northern Provinces.**—The loyalty throughout the War of the Moslem rulers (who could appreciate something of the magnitude of the struggle) has been remarkable, and there is reason to believe that it is no mere profession, but arises from a genuine conviction. There has been no vestige of unrest in these States, and when the Tuareg rising occurred in 1916 in French territory, they were eager to join in the assistance we gave. Prayers have been daily offered in the mosques, the Treasuries have offered about £50,000 each year [total, £150,000, plus £3,100 to Red Cross to end of 1917] towards the War costs. Last year, when a contribution towards Red Cross funds was suggested, £11,000 was offered, but the Sultan of Sokoto declined to subscribe from his Treasury funds, saying that he and his Chiefs would contribute from their private means. They co-operated heartily in raising troops and carriers for service overseas. With the efficiency of the Native Courts, and with their large-minded and generous attitude towards the slavery question, I shall deal in later paragraphs.

27. **Application of "Indirect rule" to Southern Provinces.**—The system may thus be said to have worked with good results in the North, and I desired to introduce its principles in the South. It is, however, obvious that it depends essentially on the principle of direct taxation, which provides the means whereby the Native Administration can pay salaries to the paramount Chief and all other officials, and so put an end to the unlimited exactions on which they had previously lived, and reduce their number to those actually required for the service of the Native Administration. The Secretary of State was unwilling to authorise this innovation, while hostilities were going on in the Cameroons, and the position in regard to Yoruba and Egbaland became in consequence one of great difficulty, for there was nothing to substitute for the native misrule, which had received a severe check in consequence of the steps I have already described.

In the Kingdom of Benin a new situation was created by the death of the ex-Oba, Overami, who had been in exile since the conquest of his country after the massacre of a British mission in 1896. In response to the wishes of the people, his son was recognised as Oba, and he willingly accepted the Government policy, including the direct tax. As Benin was conquered territory, the Oba was informed that while the regulation of the occupation of land by natives was left to his control under native law and custom, leases to non-natives and aliens required the approval of the Governor, and their rentals would be divided between the General Revenue and the Native Treasury. The Governor could take any unoccupied land required for a public purpose without payment, or on payment of compensation if occupied.

28. **Direct Taxation in Southern Provinces.**—Towards the close of 1916 the financial position, owing to the War, had become very serious, and I was accorded permission to introduce direct taxation in Yorubaland, Egba, and Benin on my own responsibility, and subject to the proviso that both chiefs and people voluntarily agreed to it, and that no more was asked of the people than they were already paying by tribute and other levies to their chiefs. The favourable moment of transition to the new *régime* had already passed. Misrepresentation by the horde of idle parasites, whose occupation would be gone, had had time to do its work, and though taxation had not as yet been introduced a serious disturbance took place at Iseyin in Yoruba towards the close of 1916, and a still more serious one in Egba early in 1918. The causes, however, of this unrest were complex, and it would not be justifiable to ascribe them to any one motive.

During 1918 taxation was successfully introduced in Yoruba; the people appeared thoroughly convinced of the advantages of consolidating the demands made upon them in a single payment, and there was something almost approaching enthusiasm in the way the money poured in. Receipts were given to each taxpayer, and the District Officer states that in one centre £3,400 was paid in 24 hours, and in another a similar sum was received in six hours amid scenes of great good humour. "The system of taxation," writes the Resident, "is not unpopular, and if we can keep our pledges by protecting the people from old exactions, free labour, and injustice, the contentment will continue." The total received in 1918 was £72,000, and the estimate for 1919 is £133,000. The Illesha division and the Ondo province have asked to be included in the scheme. In Benin the tax was paid without difficulty, and in Egba the assessment was completed, the Alaki and the second principal Chief insisting on paying their heavy income tax as an example to the rest, though exempted as salaried chiefs. The inauguration of Native Administrations was then a comparatively easy matter. The division of the province into districts, each under a Headman, the assessment of salaries to them and to the

Chief's Council, the preparation of Estimates of the Revenue and Expenditure were all completed by the end of the year. The Revenues of the Native Administrations of Yoruba and Egbaland will probably be very large.

29. **Reforms in Yorubaland.**—The disintegration of Yorubaland was arrested, and the supreme authority of the Alafin recognised by all, to the immense benefit of the country. A check was put on the depredations of Lagos land-speculators, whose actions, backed by certain native lawyers, had already gone far to break down the native system of land tenure. The difficult question of existing leases or freeholds acquired by aliens was investigated, and the authority of the native chiefs re-established, but not without difficulty. A strong Native Government is in process of being built up under its own rulers, which will be able to resist the sinister influence of more or less educated aliens which was rapidly destroying it. The Native Courts are reported to be a " huge success."

30. **The remainder of the Southern Provinces.**—The difficult task still remains of extending these principles to the remainder of the Southern Provinces when the Secretary of State consents to this course, which is strongly urged by the most responsible officers. The Native Revenue Ordinance, hitherto applicable to the Northern Provinces only, has recently been applied to the whole of the Southern Provinces. This step had been deferred (as in the Northern Provinces) until actual experience should show the form of legislation required. The Lieut.-Governor expresses the view that before many years the tax should yield a Revenue of a million sterling, thus fully replacing the indirect tax accruing from duties on spirits.

Departmental Organisation and Councils.

31. (*a*) **Administrative Services (Secretariats and Political).**—The duplication of departments (other than " Central ") in each Lieut.-Governorship is a measure of decentralisation which would in any case be advisable in so vast a country. There is, however, a single roster for promotion, modified for the present by pre-existing claims which it would be unjust to ignore. This interchange is in every way beneficial, and constitutes the service as a single entity.

The departments under a Lieut.-Governor correspond direct with each other, but on matters of importance, or those which concern a different part of Nigeria, they correspond through the appropriate Secretariat. Central departments adopt the same rule. All correspondence with the Governor-General, dealing with matters which do not refer exclusively to either the Northern or Southern Administrations, are recorded in the Central Secretariat. The Central Secretary checks and reports on the Annual Estimates of the Central Departments, and completes and co-ordinates the Estimates as a whole. He makes up and records the homeward mails and distributes the outward. He prepares the Annual Blue Book and Staff List, edits the Gazette, superintends the printing of Laws, Regulations, Standing Orders and Annual Departmental reports, deals with the affairs of the Central Departments, but has nothing to do with political matters and native affairs. On these, and all local departmental questions, the Lieut.-Governors correspond with the Governor-General, who, when a matter appears to be of general interest or one affecting general policy, directs the Minute papers to be passed to the other Lieut.-Governor. That this machinery has worked effectively and without friction during the past four years goes far to prove that it is well adapted to the circumstances of the country.

The Head of each Political or Administrative Department is the Lieut.-Governor himself, and the Governor-General is the " Common Head," and issues the instructions upon which the conduct of native affairs is based. These instructions take the form of a series of printed Memoranda on the principal problems of Native Administration, addressed through the Lieut.-Governors to Residents and their staff for guidance.

32. **The grouping of Administrative Services.**—The system of grouping the Political and Secretariat Departments as a single " Administrative Department " for purposes of promotion and employment—a partial adaptation of the system in vogue in the Eastern Colonies, which had been adopted in the Gold Coast—has recently been tried in Nigeria. The object in view is that political officers should obtain a training in Secretariat method and a wider horizon than that of their Administrative district, while the Secretariat should benefit by acquiring officers with practical experience of native affairs in the provinces. The disproportion of officers in the Political and Secretariat branches respectively [at present 259 (including station magistrates) to 35 (including Lands Department)] makes the system difficult to apply in Nigeria, and this difficulty will be enhanced when the Political Department is increased, as I recommend elsewhere. To allow even a small proportion of the Administrative branch to obtain only a modicum of training in the Secretariat robs the latter of continuity, which is so vital a necessity in that department, and the Lieut.-Governor cannot depend on the correctness of references and on that knowledge of previous action taken, for which he looks to his Secretariat The system is especially unworkable in the Central Secretariat, which has nothing to do with Native Administration, and does not, therefore, benefit by the experience of district officers, who in turn derive less benefit from their period of work in the Secretariat.

33. (*b*) **Judicial and Legal.**—On Amalgamation the Chief Justice and Puisne Judges of Northern and Southern Nigeria were abolished, and a single Chief Justice with four Puisne Judges for Nigeria were appointed, in lieu of the previous seven Judges.

Instead of the normal privilege leave of five months and some days absence (including passages) after each complete year in Nigeria, the Secretary of State agreed, at the same time, that the judges should take their leave after eight months' residence—coincident with the annual Court vacation—between June 1st and October 1st, provision being made by the Chief Justice for a vacation judge to carry on any urgent business. Since it is almost impossible to hold assizes in the rains, and litigation at that season decreases considerably, the new system utilises the time of the judges much more advantageously, and the full bench is present at the time when their presence is most needed. This change, in combination with those described in the section on Courts of Law, has resulted in the work of the Court being for the first time well up to date.

The three police magistrates, required for Lagos and Calabar and their relief, are placed under the Chief Justice for administrative purposes. It is now usually a condition of appointment that they shall be qualified barristers, and they have adequate prospects of promotion in the Judicial and Legal Departments. Station magistrates, on the other hand (who were at first included in the Magistracy), have been merged in the Administrative branch, to which they naturally belong. Their magisterial functions are secondary to those of the " Local Authority " of the township of which they are in charge. When the former duties become too onerous a Police Magistrate is appointed. They replace the former cantonment magistrates in the North.

A single Attorney-General was appointed for Nigeria, and each Lieutenant-Governor is provided with a Legal Adviser. A Crown Prosecutor completes the legal establishment.

34. (*c*) **Customs.**—Prior to Amalgamation a series of Customs stations were nominally maintained by Northern Nigeria on the N., N.W. and N.E. land frontiers, and also in Illorin [to collect the surtax on salt imported *viâ* Lagos]. The latter, of course, ceased, since the North and South now became a single fiscal unit. The former were allowed to fall into abeyance—though Illo and Yola, which were ports of entry under the Niger Transit Regulations, were temporarily maintained as Customs stations. It had been impossible to exercise adequate European supervision over the frontier stations, or to incur the heavy cost of a preventive service between them. Evasion was thus easy, and bribery and extortion by subordinate native officials was almost impossible of detection. Since the railway had rapidly destroyed the trans-desert trade from Tripoli (which was finally extinguished by the War), the stations had become of less and less importance. The Customs Department now functions on the coast only (though stations were for some time maintained at the railway termini (Kano and Rahama) and at Onitsha for the convenience of merchants).

Controversy had arisen in the past as to the proper share of the Northern Administration in the Customs collected on imports at the coast ports. Lord Selborne's Committee in 1898 had laid down the obvious principle that on amalgamation " the Customs receipts must be divided according to the Budget requirements of the Provinces." The Customs was for these reasons at first made a " Central Department," but it was later included as a department of the Southern Provinces, though Customs receipts continued to be included in the Central Budget.

35. (*d*) **Marine.**—The Marine similarly became a Central Department for the first two years, until its reorganisation was completed. The northern Niger fleet was practically rebuilt, and an agreement was made with the Niger Company with the object of adjusting rail and river rates at high and low water. A Government transport service was maintained on the Niger (until war conditions made its temporary abandonment necessary) in order to ensure fair treatment to small traders. Forcados became the centre of all repair work, and Burutu the transport and Customs station. The charge of the Ice-plant at Lagos was transferred to private enterprise, and I desired to deal with the various transport services in the same way but the scheme did not mature.

36. **Director Medical and Sanitary Services.**—The appointment of a Director of Medical and Sanitary Services, whose functions I have described in paragraph 13, has proved of great value in promoting discipline and economy in this Department, and his advice on the Executive Council has been most useful. He co-ordinates the two Departments, edits their annual reports, secures uniformity of policy and equality of personnel and material. In case of divergence of technical recommendations by the Principal Medical Officers he is the Governor-General's adviser. Unhampered by the administrative work of a large department he is able to travel frequently on inspection duty. His small establishment (to which the Government dentist is attached) is included as " Central." The " Medical Research " and " Laboratory," whose duties are not confined to the Southern Provinces, should be included under his direct control. Like other " Common Heads " of departments he addresses Lieutenant-Governors on

matters affecting their administration and the Central Secretariat on matters for reference to the Governor-General.

37. **The Director of Railways and Works.**—The general functions of the Director of Railways and Works have already been described (para. 13). In regard to Loan Works he confers with consulting engineers in England, and in some cases renders their employment unnecessary. As a member of Executive Council and Adviser to the Governor-General he is referee on all technical engineering matters, revises estimates, reviews schemes for work of a novel character, and generally promotes uniformity and economy. While not interfering with the General Manager's control of the Railway, he advises the Governor-General on all questions of railway policy, and in particular assists him in deciding as to the capital requirements for which annual provision is made. In addition to his special responsibility for Loan Works, he is charged with the preparation of all plans for new railway projects, and with the direct supervision of all new construction, the estimates for which he prepares. In consequence of Major Waghorn's strictures regarding extravagance (*see* para. 6 (*b*)) he was appointed in 1912, and the railways were unified in 1913 prior to amalgamation. The holder of such a post must obviously be a man of acknowledged pre-eminence as a railway engineer, with experience in many other branches of engineering, such as harbour works, wharves and docks, waterworks and reservoirs, irrigation, etc. Tact and economy are essential.

38. **West African Frontier Force.**—The troops were reorganised under a single Commandant, two Infantry Battalions and a Battery of Artillery being stationed in the North and South respectively, with the headquarters at the central position of Kaduna. The Mounted Infantry remains in the North. The total strength is 174 British officers, 102 British N.C.O.'s and 4,977 rank and file, with 440 non-combatants including gun and Maxim carriers. The cost is approximately £280,000 per annum. The varying rates of pay which had obtained in the two previous Governments were made uniform, a double ration allowance being given in the Southern Provinces, where food is more costly. The Southern Nigerian volunteers—a native Corps at Lagos, largely composed of educated natives—ceased to exist. On the outbreak of war it was replaced by the Land and Marine "Contingents," consisting of European volunteers—since converted into a small Artillery Volunteer detachment. I recommended also in my original report that immediate steps should be taken for the defence of the ports of Lagos and Forcados.

39. **The Native Staff.**—The subordinate native staff in Nigeria may be roughly divided into two groups—the clerical (in which I include telegraphists and others whose duties necessitate a knowledge of English reading and writing) and the artisans, whose primary qualification is technical knowledge and manual skill. Of the former there are probably not less than 4,500 in the Government service, and of the latter there are probably 2,500 in permanent employ, besides the very large number casually employed. The salaries of the clerical branch range from £24 to £300 per annum—those of the artisans from the pay of the unskilled labourer (£12 per annum) to £200 per annum. The total cost of this native staff shown on the Estimates is about £500,000, but the actual cost, including temporary hands, is much greater. These numbers show the pressing need for a large continuous supply.

The conditions of service varied greatly in the two former Governments, and have now been made uniform, the rights of present holders being preserved. Promotion in the North is by a general roster, and in the South (at the wish of the staff) by departments. The multiplicity of grades of clerks has been reduced to five, so as to ensure for longer periods the receipt of the annual increment of salary.

I shall have some further observations to offer regarding the native staff in the section on Education, and I will here only remark that the Government has so far failed to devise a scheme acceptable to the staff for ensuring provision to widows and orphans in case of death, either during service or after retirement on pension. The African is of improvident temperament, and neither a Widows' and Orphans' Fund, such as is in operation throughout the European service, nor a Provident Fund, such as applies to the native staff of the railway, meets with general favour.

There is a temptation for young men to leave school with a mere smattering of education, in order to take up appointments as junior clerks either in the Government or commercial employ. The supply of really efficient clerks is thus rapidly being depleted, while parents deplore the tendency of mere schoolboys to escape from parental discipline and embark on an independent career, which in such circumstances can offer no promise. To meet this very real evil I proposed a scheme of clerical apprentices, somewhat similar to that adopted for artisans. Such apprentices, who might be designated "Cadets," would be afforded facilities for continuing their studies during their early years of Government service. They would remain under parental discipline, and be relieved of the cost of setting up a separate establishment.

40. **The Legislative Council.**—Prior to Amalgamation, Northern Nigeria had neither Executive nor Legislative Council, while the laws affecting the whole of the Protectorate of Southern Nigeria were passed by the Legislative Council of the Colony of Lagos. This body

was ill adapted to deal with the varying conditions of the interior tribes, and would be altogether inappropriate for dealing with the advanced Moslem communities of the North. Owing to the immense intervening distances and the difficulties of transport, its unofficial representatives were invariably drawn from the population of Lagos only.

The agents of firms in Lagos were fairly representative of unofficial European interests in the South, though the Niger Company, one of the largest, was without representation. But in an amalgamated Nigeria the important interests at Kano and the minefields in the North would be without representation. Moreover, the principals of the firms at Liverpool had declared that their agents had no authority to act or to express views without previously consulting them.* The native unofficials necessarily represented only the small, though important, class of educated natives of the coast, and indeed the interests of Lagos were at times antagonistic to those of Opobo and Calabar. Few, I believe, of the intelligent native gentlemen, who for many years past had represented Southern Nigeria on the Legislative Council, had even visited the coast ports outside the Colony proper, and none, I think, had any personal knowledge whatever of the interior tribes, other than the Yoruba-speaking community to which they belonged. Even the official Members were necessarily Heads of Departments resident in Lagos. In such circumstances the Council is necessarily deprived of initiative, personal knowledge, and debating power. Experience, both prior and subsequent to Amalgamation, has shown it to be of little value as an expression of public opinion and original criticism.

It is a cardinal principle of British Colonial policy that the interests of a large native population shall not be subject to the will either of a small European class or of a small minority of educated and Europeanised natives who have nothing in common with them, and whose interests are often opposed to theirs. Thus in India the Governor-General legislates without reference to his Council for scheduled (*i.e.*, backward or primitive) districts and for native States. In Natal the Governor had a commission as "Paramount Chief" for the control of extra-Colonial natives, and the Legislative Council could not interfere with this jurisdiction. At the Cape the High Commissioner governed the Protectorates, and legislated for them in a separate capacity from that in which he presided as "Governor" in the Cape Legislature. A Council in such circumstances (as Sir C. Dilke observed in Parliament) "is not a liberal institution, but a veiled oligarchy of the worst description," and responsible autocracy is preferable. The point is of special importance in Northern Nigeria, where the intelligent Emirs are in acute divergence in religion and social status from the natives of the coast.

The functions of the Legislative Council were therefore, on amalgamation, restricted to the passing of Ordinances which apply to the Colony, including the Colonial Estimates in the annual "Supply" Bill. Its Unofficial Members are generally identical with the Town Council of Lagos, with a view to avoiding friction between the two. The Governor-General is *ex officio* President, but his place is usually taken by the Lieutenant-Governor or Administrator. Exclusive of him the Council consists of six official and four unofficial Members. Of the latter, two are generally Europeans and two are natives.

In order to avoid the possibility of hasty legislation, and to give time and opportunity for the expression of public opinion, including the opinion of those in England interested in Nigeria, it was provided in the Royal Instructions that every Bill (unless it is urgent, or for any reason publication is inexpedient) must be published for two full months in the Gazette prior to enactment, with a full statement of its objects and reasons.

41. **The Nigerian Council.**—In order to afford an opportunity for the expression of public opinion, drawn from a wider circle than that of Lagos, a Nigerian Council was established on amalgamation by Order in Council. The official membership consists of the Executive Council, the 1st Class Residents, the Political Secretary, and the Secretaries of the North and South. The unofficial membership comprises six Europeans and six natives—the former representative of Commerce, Shipping, Banking and Mining (the Lagos and the Calabar Chambers of Commerce and the Chamber of Mines each nominate a member), the latter representative of both the Lagos and Calabar Coast population, and of the principal progressive native communities in the Southern and Northern Provinces. It is unfortunate that at present few of the latter are able to speak English, but the honour of appointment is greatly appreciated, and I trust that in future years the linguistic disability will be remedied. The Sultan of Sokoto announced his intention of being present this year—involving a journey by road and rail of 1,000 miles—and the Emir of Katsena, though not a member, was present by invitation last year. The Council meets once a year, like the General Council of French West Africa, and its sitting is not prolonged beyond three days.

So far as I am aware the opinion is universal that the Council serves a very useful purpose. At its annual meeting at the close of the year, the Governor-General is able to give a summary of matters of interest during the past year, to review and forecast the position of trade and finance, and to emphasise and explain any questions of policy and legislation of importance. This general review is followed by a debate, both on the Address and on motions previously submitted by members to the President. This affords ample scope for criticism or suggestion

* *See* Mr. G. Moore's remarks in West African Currency Report, [Cd. 6427], Oct., 1912, Question 99.

in regard to legislation past or future, and any other matters which members may wish to bring forward. The meetings during the past four years have invariably been well attended, not only by members but by an independent audience, and many instructive and interesting debates have taken place on motions submitted by unofficial members. In 1916 a resolution was unanimously passed, conveying to His Majesty's Government the desire of Nigeria to accept as its own £6,000,000 of the Imperial War Debt. By no other means could a vote so representative of all communities and sections of the people have been obtained. The Association of West African Merchants have raised the question of directors of firms coming out to attend the Meeting of Council as temporary extraordinary Members. The Council is yet in its infancy, but I hope that in the future it may prove an increasingly valuable instrument in the administration of Nigeria.

42. **The Executive Council.**—On amalgamation, an Executive Council was set up for the whole of Nigeria. The Governor-General presides, and the members include the two Lieutenant-Governors (and Administrator), the Attorney-General, the Director of Medical and Sanitary Services, the Director of Railways and Works, the Commandant, the Treasurer, the Director of Marine, the Comptroller of Customs and the Central Secretary. Colonel Moorhouse and Mr. Bedwell were made special members in view of the fact that they had been Councillors on the former Council of Southern Nigeria. The Secretary of State, moreover, wrote : " I agree that any first-class Residents who are available should normally be summoned as extraordinary members, when any matters in which their advice would be useful are to come before the Executive Council." All proposed Ordinances are " passed " by the Governor in Council before publication.

43. **Method of Legislation.**—Laws relating to the Colony are, as I have said, passed by the Legislative Council. Those for the Protectorate (now also called " Ordinances "—not " Proclamations " as heretofore) are enacted by the Governor-General, after review in Executive Council, and two months prior to publication. The majority of Ordinances apply wholly or in part to both, and are passed " in so far as they relate to the Colony " by the Legislative Council and assented to by the Governor, who simultaneously enacts them for the Protectorate. All Ordinances apply to both the Northern and Southern Provinces, unless any part of Nigeria is excluded from its operation by a clause in the law itself.

The unification of the laws, and of the regulations made under them, was of course the main task of practical amalgamation, and occupied four years. Many far-reaching changes were introduced, to some of which I shall allude in Part 3. The pre-existing laws of North and South were carefully collated, and minor amendments introduced in all, while the style was altered from the redundant verbiage of former days to the utmost brevity consistent with clearness of diction. The result may I think claim to be as concise and practical a Statute Book as is possessed by any Colony. Full Regulations were simultaneously issued, consolidating pre-existing Regulations, and for the first time a volume reproducing all existing Regulations, Orders in Council, Rules and legal Gazette notices was issued in May, 1917.

The Courts of Law.

44. **The Former System.**—The " Supreme Court," the " Provincial Courts," the " Native Courts " and the " Criminal Procedure " Ordinances of 1914 effected very important changes in the judicial system of the South, which was assimilated to that prevailing in the North, while no change of importance was made as regards the Colony. These changes curtailed the activities of the local Bar in certain directions, and have in consequence been the subject of much criticism, and of several petitions to the Secretary of State. Their intrinsic importance, moreover, justifies a full account, both of the alterations introduced, and of the effect which they have had.

(*a*) **Supreme Court.**—Under the pre-existing system the jurisdiction of the Supreme Court extended, for all practical purposes, throughout the old Protectorate of Southern Nigeria with limited powers ceded by treaty in Egba-land, [which was " independent " and where a " Mixed Court " existed] and also in Oyo, Jebu-Ode, and Ife. The rest of the old Lagos Protectorate was not subject to the jurisdiction of any British Court, or if subject no provision had been made for the exercise of any such jurisdiction. The Chief Justice and Puisne Judges sat at certain places, and visited on Assize the " District Courts " held by Political Officers, who sat as Commissioners of the Supreme Court and submitted to the Judges monthly their lists of cases. These lists operated as appeals and there was also an independent appeal. The procedure of these Courts was of course that of the Supreme Court.

45. (*b*) **Native Courts.**—The Native Courts of the former Southern Nigeria Protectorate exercised a jurisdiction concurrent with that of the Supreme Court, and had powers up to six months' imprisonment, and in civil suits up to £25 fine. (To the Native Courts of the Lagos Protectorate I shall refer later.)

The District Officer sat as President *ex officio*, and exercised in that capacity higher powers than he possessed as a Commissioner of the Supreme Court in his District Court. He passed sentence, but was largely relieved of responsibility, since the judgment was in theory that of the Native Chiefs, in whose name it was recorded. A large number of Native Chiefs were

appointed as members and sat by rotation, but the Courts were without educative value to them, since they also were deprived of responsibility by the presence of the District Officer.

To each Court was attached a native clerk, who was supposed to keep full records, and since the Court was conducted in accordance with Supreme Court procedure, and apparently administered English law [modified by native custom in marriage cases, &c.]; the clerk, a semi-educated person on a low salary, dominated the native chiefs in the absence of the District Officer, and exercised an undue authority in the issue of the processes of Court with its manifold printed forms. He was exposed to great temptation and not unnaturally often succumbed to it. Cases were reported in which the clerk had accepted bribes, tried cases himself, and even terrorised the Chiefs by publicly turning out any member whom he wished to disgrace. There were other and even worse charges in some cases, though many no doubt have done their duty to the best of their ability. Mr. Osborne, Chief Justice of Southern Nigeria, stated that in his opinion " the dishonesty of the Native Court clerks was the chief evil of the system." The fines and fees of Court were I believe in some cases the perquisite of the Native Judges, but in the Eastern and Central Divisions were credited to a Fund, which amounted to a very large sum, and was at the disposal of the Provincial Commissioner. It was spent partly on sitting fees and salaries, partly on road making, &c. It was subject to no audit and did not appear in the Budget.

The Judges of the Supreme Court could transfer any case to another Native Court, to the District Court or to the Supreme Court. They were supposed to review the cases (as well as those of the District Courts), but it was impossible for them to discharge such a task, nor were the records kept by the Court Clerk adequate for the purpose.

The number of cases heard in these Native Courts was more than double the number heard in the Supreme, District and Police Courts combined. An appeal lay to the Supreme Court, and such appeals, prompted by native lawyers, naturally led to endless litigation among a very litigious and illiterate people, to the benefit of the lawyers and the ruin of the suitors.

At the time when Native Courts were first established in the old Southern Nigeria Protectorate, the tribal authority had already broken down, and had been succeeded by a complete collapse of native rule under the disintegrating influence of middlemen traders, and of the Aros. The latter are described as professional slave-traders who ruled by the terror of their *Juju*. The Native Courts no doubt did much to re-establish tribal authority, and their usefulness is shown by their growing influence and the number of cases with which they dealt. They had prepared the way for a further advance.

In the old Lagos Protectorate the Native Councils Ordinance purported to set up native tribunals, but it was practically a dead letter, and was never really brought into force except perhaps at Ibadan. In the small unimportant and neglected territories of Illesha and Ondo practically the old Native Courts continued to try cases under, or perhaps without supervision by, the District Commissioner, who as a matter of fact did not sit on the Native Council except perhaps in very important cases. " It is difficult to describe a system where in fact no system existed " says the Chief Justice (Sir E. Speed), from whose account I have quoted. The Native Councils exercised a complete jurisdiction, without appeal or revision, and were empowered to inflict sentences of death or of penal servitude without review by the Supreme Court or any judicial authority. Any interference with them was political not judicial, and some of the Chiefs who exercised these powers had very bad reputations. The Supreme Court had no jurisdiction, or at any rate exercised none, in the Lagos Protectorate except under the agreements with Ibadan, Ife, and Jebu-Ode.

46. **Description of Former System by Chief Justice.**—The judicial system of Southern Nigeria as it existed prior to 1914 is described by the Chief Justice in his report of October, 1917 [*see* Appendix 3]. He pointed out that Assizes could only be held in a limited number of places. Cases must therefore be heard at great distances from the scene of action, and at infrequent intervals, so that prisoners were kept for long periods awaiting trial, and cases broke down owing to the absence of witnesses, who had often to be treated as prisoners themselves. Difficulties and friction with the Executive arose from actions at law prompted by lawyers' touts, involving decisions with regard to tribal boundaries already adjudicated after careful investigation by political officers, and finally district officers had, in consequence of the pressure on the Judges, often been entrusted with the full powers of the supreme Court regardless of qualification.

Not only was the jurisdiction of the Supreme Court limited by the Treaties in the Western Division, but throughout the Protectorate " its activities were circumscribed by the fact that its organisation was faulty. It was never adequately manned. The greater portion of the territory had been very recently brought under control, means of communication were limited or non-existent, and the Court was unprovided with the necessary equipment to enable it to perform the duties nominally imposed upon it by law. Its staff was so small, and its organisation so rudimentary, that outside the trading centres and coast towns its criminal jurisdiction was rarely exercised, and its civil jurisdiction was only invoked for the purpose of adjudicating upon disputes on land boundaries fostered by the large army of native lawyers attending in the Native Courts."

Speaking of the criminal jurisdiction of the Supreme Court, the Chief Justice writes:— "The greatest enemy to the efficient administration of the Criminal Law is delay, and delay is inherent in the Supreme Court system . . . A considerable proportion of the crime thus goes unpunished, and a further considerable proportion is inadequately punished, in order to avoid committal for trial, or remitted to Native Courts and tried without much reference to the principles of English justice." With regard to civil actions the late Chief Justice of Southern Nigeria (Mr. W. Osborne) had also expressed the view that the jurisdiction of the Supreme Court in civil cases in newly administered districts was a danger. The results were so bad that in 1911 an Order in Council had been passed depriving the Supreme Court of a large part of its jurisdiction in matters relating to land. (*See* Mr. Osborne's report in Appendix 3.)

47. **Object and Nature of Changes in 1914.**—It is evident from this brief summary that reform was urgently needed, and prior to my return to Nigeria in 1912 I had examined the whole question at the Colonial Office, with a view to extending to the South in its main essentials the system which I had set up in the North in 1900, and which had proved suitable there. Sir Edwin Speed, Chief Justice of Northern Nigeria, who had had long experience as Attorney-General in the South, and who became Chief Justice of Nigeria on amalgamation, undertook to draft the necessary legislation. Mr. Willoughby Osborne, Chief Justice of Southern Nigeria, was fully consulted while in England, and agreed with the drafts in principle. Sir E. Speed's object was "to evolve a system applicable to the whole country, with only such disturbance of existing conditions as was necessary in the interest of good government."

The considerations which presented themselves to him in making his recommendations are set out in his Report (*see* Appendix 3). Briefly they were that the Colony of Lagos (as distinct from the Protectorate) was in possession of a properly organised judicial system, which had for many years proved adequate and which no one with any local knowledge would have thought of disturbing, that the functions of the Supreme Court of Northern Nigeria could easily be performed by the Supreme Court of the Colony of Lagos with only a slight increase of staff; that the Provincial Court system, which had been in operation in Northern Nigeria for over 10 years [for five years of which he had himself revised the returns and confirmed the sentences] had proved itself an unqualified success.

With the object therefore both of reforming the judicial system of the South, and of establishing uniformity throughout Nigeria, the Northern system with some slight modification was adopted, and Provincial Courts were established throughout the Southern Provinces, together with Native Courts subject to strict supervision by Political Officers, and invested with a jurisdiction strictly limited in accordance with the capacity of the members. The jurisdiction of the Supreme Court was confined to the commercial centres, where alone it had been continuously and regularly exercised from the time when the territories were first administered, with due provision for whatever extension circumstances should appear to require. In addition to its original local jurisdiction the Supreme Court was constituted a Court of Appeal from the Provincial Courts in civil matters, and the widest possible powers of transfer thereto from the Provincial Courts were vested both in the Governor and the Chief Justice.

When introducing the Supreme Court Bill in March, 1914, I informed the Legislative Council that these Ordinances had been drafted more than a year previously by the Chief Justice of Northern Nigeria, and submitted for the comments of the Chief Justice of Southern Nigeria, whose valuable suggestions had been for the most part adopted, and in principle they had received the approval of the Secretary of State. They were, therefore, "the result of mature and careful consideration, with the highest technical and legal advice." They were supported almost unanimously by the officers of the longest judicial and legal experience in the country. Sir E. Speed wrote, "The Supreme Court system has been tried in the Southern Nigeria Protectorate, and has in my opinion proved a failure, . . . I have every confidence that these measures will secure a more efficient administration from a judicial as well as from an executive point of view."

48. **The New System**: (*a*) **Supreme Court.**—Under the new Ordinance the jurisdiction of the Supreme Court is limited territorially to the Colony, and certain defined areas in which a large number of non-natives and native foreigners reside, while it exercises a concurrent jurisdiction with the Provincial Court over all non-natives throughout Nigeria. The definition of a "non-native" was simultaneously revised and simplified. By a later arrangement Egbaland and Yorubaland were fully included under the jurisdiction of the Supreme and Provincial Courts, so that a single judicial procedure was established thoughout the whole of Nigeria. Any case can at any time be transferred, with the consent of the Chief Justice, from a Provincial to the Supreme Court, on application by one of the parties, or by a Resident. Mr. Osborne desired to vest the power of transfer in the Governor only. Police and station magistrates, and any Political Officer exercising judicial functions within the "local limits" of the Supreme Court, does so as a Commissioner of that Court.

49. (*b*) **Provincial Courts.**—The Provincial Courts now set up in the South had been in successful operation for nearly 15 years in the North. The full powers of the Court, which are unlimited, are exercised only by the Resident of the Province in which it is constituted, and by

such other officers as may from their qualifications be granted such powers by the Governor. All Political Officers are Commissioners of the Court with varying powers, and any other officer may be so appointed. Unofficials of standing may, in exceptional cases, be appointed Justices of the Peace, and thus also become Commissioners of the Court. The Court exercises jurisdiction over all classes of persons throughout the Province, except in those areas in which the Supreme Court has exclusive jurisdiction. All sentences in excess of six months' imprisonment, 12 strokes, or £50 fine, require confirmation by the Governor-General, who may reduce or modify the sentence, or order re-trial before the same or another Court. These powers of confirmation have, in practice, been delegated to Lieutenant-Governors, advised by their Legal Advisers (but *see* paragraph 53). In the Southern Provinces, however, for some time past the duty has been discharged by the Chief Justice, and in the Northern Provinces all capital sentences are reviewed and confirmed by him. Appeals in Civil Causes over £50 lie to the Supreme Court. No legal practitioner may appear before the Provincial Court, or in an appeal to the Supreme Court, except in the latter case, by leave of the Chief Justice or the presiding Judge when any legal point is in dispute.

50. **Provincial Courts contrasted with the former System.**—Contrasting the Provincial Court system with the system which it superseded in the Southern Provinces, the Chief Justice observed that it brings English justice practically to the door of everyone. The same law is administered by the same men who as Commissioners of the Supreme Court sat as District Court Judges, "the only difference being that the procedure is summary . . . . and that *no* cases come automatically before the Judges of the Supreme Court."

Dealing with the objection that some of the Provincial Court Judges are not trained lawyers, he pointed out that under the new Ordinance the District Commissioners are "surrounded by safeguards which practically prevent any serious miscarriage of justice," that only the senior and experienced officers have unlimited jurisdiction, subject to review and confirmation, and that against the lack of legal training must be set knowledge of the locality and people, and an increasing knowledge of the language, while the free exercise of the power of transfer to the Supreme Court must not be ignored. The result of the new law is in fact greatly to curtail the independent powers of district officers, which are now granted according to qualification, while all important sentences must be confirmed. These officers have now to pass an examination in law, and also in the native language, and their promotion largely depends on their judicial work, which now comes under the purview of the Executive.

In reference to the complaint that the right to be represented by Counsel is denied in the Provincial Courts, the Chief Justice remarks that "every single officer political and judicial who has had any experience of districts recently brought under control has pronounced emphatically against it." He points out that when the Judicial Agreements with the Egba, Ibadan, and Oyo native authorities were negotiated, they insisted of their own accord on inserting a clause excluding lawyers from the Courts in their territories. He added various cogent reasons for their exclusion (*vide* Appendix 3). The late Chief Justice of Southern Nigeria, Mr. Willoughby Osborne, and many others of experience were also particularly insistent on the advisability of this exclusion, which he proposed should extend to all appeals from Provincial Courts heard in the Supreme Court. There can be no doubt that the appearance of Counsel in the District Courts—and even in Native Courts—under the old system, had led to the fomenting of litigation by lawyers' agents, especially in land cases, with disastrous results to the ignorant people who had spent their substance in bootless litigation.

51. (*c*) **The New Native Courts.**—The Native Courts set up under the new Ordinance were also modelled on the Northern Nigeria principle, but considerable changes were introduced. The Courts are of three types, and each Court exercises such powers as are accorded to it by the Warrant under which it is constituted. The powers are "graded" and the Court is described as of the A to D grade according to the powers vested in it.

(*a*) The "Judicial Council" is a Native Court usually of the A or B grade, presided over by a Paramount Chief with his principal officials as members, including as a rule in Moslem States an "Alkali" or other person learned in Moslem law. Under a separate instrument it is vested with executive powers by the Governor-General and forms the Head Chief's Council. Its judicial functions may be limited to quasi-political matters, such as land disputes, &c., or it may exercise a general jurisdiction, though ordinary criminal cases are left to the Alkali's Court.

(*b*) The second type is the single Judge Court, presided over in Moslem States by a trained "Alkali," and in Egbaland by a native with some judicial training. He may sit with native assistants or assessors. The powers vested in these Courts vary considerably, and there is usually a right of appeal from the district and market Courts to the Chief Native Court at the provincial capital.

(*c*) The third type consists of a number of petty chiefs, and is usually vested with very limited criminal jurisdiction, but more extensive civil powers for dealing with matrimonial, debt, trespass and petty assault cases. It is adapted to the primitive Pagan tribes, and in the Southern Province consists of as many as 20 or 30 members, who sit sometimes with a permanent President, but more often under the presidency of one or other by rotation, and are paid sitting fees when summoned to attend. The number of members is being steadily reduced, partly by the

selection only of the most capable, and partly by the creation of additional Courts to serve more restricted areas. Most of the Courts in the Southern Provinces are of this type and exercise much less power than they formerly did.

The powers vested in the Native Courts are entrusted to the Chiefs (or Native Judges) themselves, closely supervised by the District Officer, who is not a member, but has access to them at all times, and may transfer any case at any stage to his own Court, or order a re-trial, or suspend or modify any sentence. The clerk is the servant, not the master, of the Court, which is conducted with as simple a procedure as possible, and deals with native law and custom only. His power is therefore greatly curtailed. The object in view is to educate the chiefs by giving them a sense of responsibility, and gradually to extend their powers as they show themselves to be qualified.

Courts of the A grade may inflict the death penalty, but these powers are restricted to a few Courts presided over by Alkali learned in Mohammedan law. The case is reviewed by the Resident, and before the sentence can be carried out it, of course, comes before the Governor in Council.

Natives who are either Government servants (in which term carriers and labourers are not included), or who are not ordinarily subject to the jurisdiction of Native Courts, and do not reside permanently in the Court's jurisdiction, are amenable to the jurisdiction of a Native Court, in civil cases only with their own consent or that of the Resident (who can only give his consent in certain circumstances), and in criminal cases, only with their own consent or that of the Lieut.-Governor. The Governor may also exempt any person, or class of persons, from the jurisdiction of any Court. These provisions are made to meet the case of native British subjects, or other aliens residing in the jurisdiction of the Court. Legal practitioners may not practise in Native Courts, the procedure of which is in no way modelled on that of the British Courts. They administer native law and custom only.

52. **Result of the Change.**—Such is the new system in contrast with the one it superseded. At the end of the year the Chief Justice was already able to write :—" The new judicial system, as far as I am able to judge, is a complete and unqualified success. I have heard no complaints as to the curtailment of the Supreme Court jurisdiction, and I am quite confident that no legitimate Civil business is being, or is likely to be, excluded, while crime is being, and will be, more rapidly and as satisfactorily tried as under the old system. There are now practically no arrears in either division—indeed, the success of the system has exceeded my most sanguine expectation."

A year later (January, 1916) he reported that the volume of business was equal to the previous average in both divisions of the Supreme Court and had been handled without any special effort, and without delay, other than that attributable to the parties, and there were no arrears. The whole of the arrears of the old Southern Nigeria Supreme Court had been cleared off. " That the work is up to the average, in spite of the fact that most of the land cases, which formerly almost filled the cause lists, have been withdrawn from the jurisdiction, amply justifies my original opinion that legitimate commercial business would soon compensate the profession for the loss of a class of work which brought neither credit to the profession nor advantage to the public." He concludes, " the result of the first year's working has been to show that, for the first time in the history of the Colony and Protectorate, the Supreme Court has been adequately manned, arrears having been cleared off and business kept up to date without any outside assistance, and that an organisation has been brought into existence capable of meeting all reasonable demands which may be made upon it." " These words," he added later, " have been fully justified by the result of the second year's working."

In October, 1917, the Chief Justice again reported, at my request, on the working of the judicial system as a whole, which had now been in operation for three complete years. He was the better able to do so since he had for the previous nine months undertaken the duty of confirming sentences and revising the returns of the Southern Province, as he had previously done in the Northern Province for five years. Extracts from his report will be found in Appendix 3. Briefly, his opinion is that cases had been carefully and well dealt with, and that the Provincial Courts had proved themselves well adapted to the circumstances, on account of the simplicity and rapidity of their procedure. This was proved by the few transfers applied for, which were in almost every case at the instance of the Court itself, while the number of appeals were insignificant. (From Calabar, whence the loudest protests had emanated, there were only two appeals, both in land cases, and both were upheld.) In three and a quarter years leave to appeal was granted in eleven cases. There were 18 applications for transfer to the Supreme Court made by parties, of which 8 were refused. To facilitate appeals he had simplified the procedure.

Meanwhile the business of the Supreme Court has increased and has been dealt with without assistance or delay, in spite of the withdrawal of the land cases. The powers of confirmation had in the Southern Provinces been delegated to the Chief Justice instead of the Lieut.-Governor, and he expressed the view that this should be done in the Northern Provinces also, not because the Chief Justice was likely to take a different view from the Lieut.-Governor, but because it was possible that political officers might regard the Courts as an arm of the Executive, and they should be under purely judicial control.

He expressed a lack of confidence in the Native Courts except the higher tribunals in the Northern Provinces, but agreed that by British tradition the people were entitled to be trained to take part in their own administration, and the political staff could not possibly provide sufficient Courts to settle all petty disputes. He arrives at the conclusion that the new system has fully justified expectations, that the Northern Provinces have benefitted by a wider horizon, while in the Southern Provinces the Yorubas have for the first time had access to a British Court, and Government can effect by law what it previously could only do by political pressure. Elsewhere in the Southern Provinces the system is a great improvement, and is understood by the people; all who require, or have a traditional right, to resort to the Supreme Court can do so, and the necessary safeguards against oppression and corruption in the Native Courts have been maintained and strengthened. He concludes as follows:—"In conclusion I venture to express the opinion that the organisation of the Courts of the Colony and Protectorate, which has now stood the test of three years' working, has answered the expectations which were formed of it, is adequate for the needs of the community, and is capable of expansion and development, sufficient for any situation which can reasonably be anticipated for a considerable time to come."

It is also noteworthy that the number of convictions has very greatly increased since 1913, the reason given being that justice is now adequately enforced, whereas previously the difficulty and delay resulted in the condonation of crime.

53. **The Powers of Confirmation.**—I have discussed with the Chief Justice his suggestion, that the Governor's powers of confirming sentences and revising the Cause Lists should be delegated to the Chief Justice, instead of to the Lieut.-Governors acting on the advice of their Legal Advisers. The argument in favour of the latter course is that the Lieut.-Governors, by studying these lists, are enabled to keep in close touch with what is going on in the provinces, and to form a very good estimate of the capabilities and fitness for promotion of the political staff. For this reason both Lieut.-Governors were at first anxious to retain the power. The Government, moreover, can not always count on having as a Chief Justice a man with the breadth of view, the wide experience of the country, and the sympathy with the Provincial Executive which Sir Edwin Speed had acquired during his 18 years' service there. There is also some risk of confusing the exercise of the prerogative of remission and pardon vested in the Governor as representing the Crown. By vesting the power of delegation in the hands of the Goveror-General a wise discretion is, in my judgment, allowed.

The course which appears to me to minimise the difficulties is to leave the scrutiny of cases which do not require confirmation to the Lieut.-Governor and his Legal Adviser, and to delegate the powers of confirmation to the Chief Justice. Or (as proposed in my original report and approved) First Class Residents may cease to exercise judicial powers, and confirm sentences up to and including 1 year, Lieut.-Governors up to 10 years, while those of and over 10 years are referred to the Chief Justice. At the present time the powers of confirmation and revision are, as I have said, delegated by the Governor-General to the Chief Justice in the Southern Provinces and to the Lieut.-Governor in the Northern Provinces, with the exception of death sentences, which are confirmed by the Chief Justice. As regards the Native Courts, I hold it to be a matter of the utmost importance that the Political Staff should be so increased as to enable them to exercise a very close supervision over these tribunals. Reports from all provinces, however, indicate a steady and satisfactory progress under the new conditions in the Southern Provinces.

54. **Reasons for Opposition to New System.**—The system thus outlined has been the object of continued hostility in the Southern Provinces, and of several petitions to the Secretary of State. These, according to the Chief Justice and all other informants, have been promoted solely by local practitioners (and their friends), who resent the loss of profits which their exclusion from the Provincial andNative Courts involves, and who obtained the signatures of a large number of persons ignorant of the real issues. They reside almost entirely in the Colony or other local limits of the Supreme Court, in which the Provincial and Native Courts exercise no jurisdiction.

The foregoing account will, I think, afford an answer to all the points which have been raised. But as it may perhaps be of use to take those which appear to be plausible and indicate the answer which they merit, I have briefly summarised the principal criticisms and their answers in Appendix 4. In the same appendix will be found some comments and reports by the Acting Lieutenant-Governor and by Residents on the working of the reformed Native Courts in the Southern Provinces.

Administrative Capitals.

55. **Urgency of the Question.**—The sites of the capitals of the two areas placed under the immediate control of Lieutenant-Governors, and the question of the seat of the Central Government, naturally received consideration among my proposals for Amalgamation. There were strong reasons, as I shall presently show, for a change both in the South and the North, and a decision one way or other could not, it seemed, be postponed. In the South, at Lagos—the Southern Capital and the residence for the time being of the Governor-General—the need for more houses to accommodate the staff was an almost daily dilemma, accentuated by the influx

of those officers belonging to Central Departments, whose location would eventually be at the Central Headquarters wherever it might be located. The native staff were in a similar dilemma, and could only obtain houses with much difficulty and at very high rentals. The institution of the water rate was made a pretext for still further increasing rentals out of all proportion, and there was no alternative but to pay whatever was demanded. The police are without barracks, and live where they can in the town, a system which does not conduce to discipline, and makes it difficult to summon them on emergency. The native hospital is closely adjacent to the European hospital—an obviously undesirable arrangement. In the North the wooden houses were worn out and in need of replacement.

56. **The Capital of Southern Provinces: (*a*) Lagos Island.**—Lagos Island, the Capital of the Colony proper, is for many reasons ill adapted to be the Capital of the Southern Provinces. Its climate is enervating, with damp winds from the sea. The part occupied by the Town is congested with a densely packed population of 57,000 (1911 census), viz., about 30,000 to the square mile. It is surrounded by evil-smelling swamps, the complete reclamation of which is impossible though it is in contemplation to reclaim, in the course of some years, particular areas near Wilmot Point, Apapa and Iddo Island. Segregation is also impossible in so densely populated an area, where the very great value of land precludes the formation of a non-residential dividing belt, and where the residences of Europeans and natives are already so hopelessly intermixed. Drainage of surface and sullage water on an island little raised above sea-level is a difficult problem, and the scheme proposed is estimated to cost £150,000 to £200,000. The present troublesome and costly method by which night-soil is carried by a tramway for dejection into the Lagoon presses for improvement, for it is no longer possible to deal with it all on the ebb tide, and the flood brings it back into the Lagoon with disgusting effluvia. As the port develops the Marina, upon which Government House, the Lieut.-Governor's house, and the Colonial Hospital, *inter alia*, are situated, will become increasingly unsuited for residences. The dense clouds of smoke and fumes emitted by every passing steamer drift through these houses, and the noise of working winches, and the screams of syrens and whistles, make it difficult for the patients in hospital to get proper rest.

57. (*b*) **Proposed Site at Yaba.**—I proposed that the new Capital of the Southern Provinces should be located at a site between 4¾ and 6½ miles on the railway near Yaba on the mainland. There is a steady rise to 79 feet at mile 4¾ culminating at 83 feet (mile 6), and falling again to 75 feet at mile 6½. The Director of Medical Services, the late Principal Medical Officer (Dr. Langley), the present Principal Medical Officer (Dr. Best) and the Senior Sanitary Officer (Dr. Pickles) strongly favoured this site, which would be close to the junction for Apapa, and within 20 minutes by motor-car (and less by rail) of either Iddo or Apapa. The main passenger station would be moved from Ebute Metta to a point below the new site. It will not be at too great a distance from the power-station, which will probably be centrally situated on Iddo Island, supplying current to Apapa, Lagos and Yaba. The pipes from the water-works at Iju pass through the site.

The atmosphere is very different from Lagos, being much drier and more invigorating, and the average rainfall for the last four years (since a record has been kept at Yaba) is less by 12·84 inches per annum. The soil appears rich instead of being merely sea-sand as in Lagos Island—in part dredged from the lagoon to fill in primeval swamp, and in part pre-existing and saturated with sewage. Since the endemicity of yellow fever has been proved, commercial firms have, I believe, recognised the necessity of no longer compelling their European agents to live on their trading premises, and some of them will probably be attracted to the new Capital. The cost of the move would be very largely reduced by the sale of the valuable Government land and houses on Lagos Island, which will be required for commercial purposes. If only those towards the South end of the island are used as dwelling-houses, it may be possible to create a small fairly segregated area there. Government House ould be converted into an excellent hotel.

Dr. Langley recalled the fact that Governor McCallum, as long ago as 1899, was so impressed with the necessity of moving from Lagos, and with the advantages of Yaba, that he selected a site not far from that now proposed, and since no bridge at that time spanned the lagoon he was prepared to ferry officers backwards and forwards morning and evening. Professor Simpson also advocated " the high salubrious land about five miles up the railway line" as a preferable site for the Government Capital, whenever it might be financially possible to vacate the island.

The site appeared to offer a fine level area covered with thick bush and scrub, and the Director of Medical Services and Senior Sanitary Officer after careful inspection reported favourably upon it. As the Secretary of State had approved my proposals, an acquisition notice was issued, and I directed that an accurate survey should be made. Traverses were cut through the bush for this purpose, and disclosed the existence of one or two swampy areas, but the Director of Medical Services, the Principal Medical Officer, the Senior Sanitary Officer, and Director of Public Works were unanimous in their recommendation that the site should not be abandoned on this account, though its position was somewhat altered. By the end of March, 1914, the claims of native landowners were being investigated, and all preparations made for clearing and building. It was intended to commence the erection of a new hospital and medical

quarters without delay. Even though some expense would be incurred in filling up and draining the low-lying ground, there was every prospect that a thoroughly sanitary township could be laid out on up-to-date lines. The native reservation of the new township would be formed between the European reservation and Lagos, where clerks and other Government employes might rent houses from Government on moderate terms, and police and soldiers' barracks, with a native hospital, might be constructed on sanitary lines. This is a matter of urgent importance.

58. (*c*) **Possible site outside the Colony.**—The Director of Medical Services and other Medical Officers, though confident that this site was the best available within a radius of 8 or 9 miles, thought it probable that a better might be found some considerable distance up the railway. This would, however, mean the abandonment of the port as the capital, for any greater distance would be prohibitive for those whose work was at Lagos—which, as the commercial and banking centre, the terminal of the railway and the chief port, must necessarily be the capital. Moreover, a filtered water supply and electric light and power had been installed here at great cost. The Customs and Marine must necessarily remain in any case, as well as a considerable railway staff.

The question of removing the Capital altogether out of the Colony was not, however, lightly dismissed. The place which seemed to have the next best claim was Port Harcourt, which would also be a railway terminal and port. It is two days further from England; the cost involved by new waterworks, electric supply, &c., would be incomparably greater; the area is very restricted and surrounded by unreclaimable swamp; and the move could not be made for probably five or six years. In these circumstances there was no question but that a site in close proximity to Lagos was preferable, and the Secretary of State concurred in this view.

59. (*d*) **The Wilmot Point Site.**—An alternative site had been proposed in the opposite direction, viz., to the South of Lagos island (*see* map, Appendix 5), and since this is still favoured by Mr. Boyle, Lieut.-Governor, and I believe by some others, it is worth while discussing its comparative merits.

It is urged that it is nearer to Lagos town (about 3 miles from the Post Office); that it would enjoy sea-breezes and would not be so hot as Yaba. A large part of the area and its surroundings is at present either primeval and very fetid swamp or low-lying land subject to floods. These would of course be reclaimed on the actual site and between it and the sea front. The site does not recommend itself to me for the following reasons :—

(*a*) It must be thrown back a considerable distance from the lagoon, for the reasons which I have described as rendering the Marina on the island increasingly unsuitable for residence, and between it and the lagoon there will probably be a line of stores, workshops, coal wharves and jetties, which will impede the view and add to the noise and smoke. Already Elder, Dempster & Coy. have appropriated a large area for such purposes, which they desire to increase, and it is in contemplation to transfer the whole of the marine yard to this front. It will, however, have a very limited sea front towards Victoria beach. (*See* plan.) The site is somewhat limited, and intersected by creeks.

(*b*) It is removed still further from the railway, either at Iddo, Ebute Metta or Apapa, than even the present quarters on the island. The distance to the nearest possible railway station (for the railway can never be brought to the island) is about 5 miles, and to Apapa by land about 7 miles. [The water supply can be extended to it without difficulty, and its distance from the electric power station will be about the same as Yaba.]

(*c*) Great delay (probably 6 to 10 years) must take place before it can be rendered fully fit for occupation, since it must await very extensive reclamation, which cannot be undertaken until that at Apapa is complete. There will still be swamp out of reach of reclamation in the vicinity.

(*d*) It shares the disabilities of Lagos island in regard to drainage, &c., in that it is practically on sea-level, and also as to climate, rainfall, &c.

This site was reported on by the late Dr. Langley, who considered it undesirable on the grounds of " (*a*) lack of elevation above sea-level; (*b*) close proximity to the surface of the ground water-level and its probable fluctuations in height; (*c*) direct exposure to a sea breeze, which is sometimes unpleasantly strong and often laden with moisture. These three conditions alone, if they would not actually prove injurious to health, are yet the very factors which would engender enervation and lassitude. . . . A sewage scheme would be costly." He goes on to point out the difficulty of foundations on recently reclaimed mangrove swamp and the cost of houses which must be raised 8 or 10 feet.

60. **The Northern Capital: Reason for leaving Zungeru.**—The Capital of Northern Nigeria had been transferred in 1902 from Jebba, which was merely the former strategic camp of the West African Frontier Force during the crisis with France of 1897-98, to Zungeru. This was the most central place to which at that time it was possible (by the waterway of the Kaduna and a light line of 22 miles) to gain access. It has served its purpose well, but it is excessively hot, with much surface rock, and infested with mosquitoes. The temporary wooden houses urgently required replacement. They were described y the Senior Sanitary Officer as dilapidated, verminous and so bat-infested as to be very unhealthy, and he considered

that if it were not possible to replace them it would very soon be necessary to vacate them even in favour of native-built huts

61. **The new site at Kaduna.**—I recommended, therefore, that the Capital should be moved to the point where the railway, having reached the top of the plateau at an altitude of over 2,000 feet, again crosses the Kaduna at mile 572 from Lagos. The climate here is invigorating, the soil is good and adapted for vegetable and flower gardens, the water supply pure and inexhaustible, and the site is within 50 miles of the great trade centre of Zaria. The Senior Sanitary Officer (Dr. Blair), whose long experience and uncompromising idealism in sanitary matters makes his views of especial value, was an enthusiastic advocate of the new Capital.

These proposals were approved as part of the scheme of Amalgamation, the cost being found from the accumulated Colonial reserves, but, as in the case of the Southern Capital, the War interfered with their execution. So urgent, however, had the housing question at Zungeru become that it was decided to move the Northern Capital, while deferring the transfer of the Central Government and the railway headquarters.

62. **Move to the New Capital.**—The West African Frontier Force had already been located here since 1912 to test the site, and during 1914 and 1915 a number of houses were erected, preparatory to a move early in 1916. They were of a much improved type, built of brick, and some are fitted with fireplaces. Each officer has a separate house, which is situated in its own garden of at least 1½ acres, in accordance with the recommendations of a strong Committee and the approval of the Secretary of State. This secures privacy and is popular, but it adds enormously to the size of the township, the mileage of the roads, and the distances to be traversed in going to and from daily work. I fear, too, that the obligation to keep these compounds in good order will be found to involve considerable expense upon occupants, and will be a perennial source of trouble, unless my proposals regarding prolonged residential service are introduced, so that each occupant will feel his house to be his home for an appreciable length of time, and be assured of reaping the benefit of the care he bestows on his garden and its produce. The site was covered with sparse forest, of which the better-grown trees have been retained. The planting of Dhub grass, to supplant the coarse prairie grass, has progressed. A temporary piped water supply, pumped from the Kaduna, is provided. A racecourse, polo, tennis, cricket and golf grounds have been cleared and laid out, and are in much request. Exclusive of Government House, 51 residential quarters had been erected by the end of 1918.

In consequence of the financial stringency caused by the War, only the smaller public offices (Military, Public Works, Postal, and Police) have as yet been erected. The Secretariat and other large offices, as well as the hospital,have been located in six of the houses designed as residential quarters. It was not till the end of 1917 that the new large permanent hospital—which will be one of the finest in West Africa—was begun. It was practically completed in 1918. It had been hoped that a hospital would not be much in demand, but the assumption proved to be wrong, for though the local admissions were much fewer than at Zungeru, the central situation of the Capital, and its climate attracted patients from all the neighbouring Provinces, who had hitherto been without the benefit of any hospital and good nursing. The only temporary house erected was the old wooden Government House, which was transferred from Zungeru, but fitted with the brick fireplaces which form a feature of some of the houses, and are welcome on the cold evenings of the Hamattan season. The Public Works Department are well provided with stores and sheds Orderly rooms, armourers' shops and other buildings have been erected for the troops. Nine miles of partially metalled roads with avenues have been constructed, including a fine motor road to the "Junction" on the further side of the river.

The native reservation of the new township, shared by both the "Capital" and the railway location at the "Junction," and separated from each by 400 yards of non-residential land, has been laid out with care on thoroughly sanitary lines. It already accommodates a population of about 3,000 natives, consisting of aliens and Government employees. A fine prison, with accommodation for 198 prisoners, with 56 warders' quarters adjacent, a good native hospital (to be enlarged later), permanent barracks for 320 soldiers, and quarters for 92 native clerks and 32 artisans were completed by the end of 1918. The total expenditure was about £154,000. The township is now a "going concern," and no very excessive expenditure will be required to provide the public offices, court houses, and other necessary buildings, and the roads, water supply and sewage system which are still required.

63. **Verdict on the new Capital.**—The new Capital is, I believe, increasingly popular. The Lieut.-Governor writes: "It is difficult to estimate the value of transferring the headquarters of the Northern Provinces from Zungeru to Kaduna. It is generally admitted that officers so transferred have taken on a new lease of life, and as soon as more quarters are erected for the staff, the change should permit of an extension of the present 12 months' tour. The sickening radiated heat at Zungeru operated adversely in getting the best work out of men employed there. The capacity for work, and to enjoy the usual games at Kaduna, is far greater than could ever be the case during the best season experienced at Zungeru, and the officers formerly residing at Zungeru fully appreciate and welcome the change to a cooler and more bracing climate."

The Principal Medical Officer in his annual report for 1917 says that the transfer to Kaduna has already been justified, and that the change has produced a distinctly beneficial effect on health, which he has no hesitation in saying will become more and more marked with further development. The Senior Sanitary Officer writes in similar terms. The rainfall is 52″—higher than almost any other place for which records are kept in the Northern Provinces.

64. **Railway Headquarters.**—Sir J. Eaglesome and the General Manager were eager to make this the headquarters of the railway. The large European workshop and running staff would thus be withdrawn from the temptations of a coast port, and a bracing climate would be substituted for the enervating atmosphere of Lagos. Situated at the junction of the two main trunk lines, the General Manager could control both. Coal for the power-station, for workshops, and lighting could be brought here from Udi in trucks, which, having conveyed bulky produce to the Coast, would otherwise be returning almost empty, and therefore at less cost than it could be conveyed to Lagos. There is abundant space, and the quality of the water for engine purposes is very good.

The railway location—known as " the Junction "—is on the left, or South, bank of the river, which here forms a right-angled bend with steeply inclined banks. Twenty-eight fine houses of cement blocks have been erected. The " Capital " on the northern bank, which falls gradually to the river, is some three miles distant, on the top of the rise.

65. **The Central Seat of Government.**—The central position of this site, its advantages of climate, and the presence of the Railway and West African Frontier Force Headquarters, recommended it strongly to me as the proper site for the seat of the Central Government of Nigeria. The Governor-General will spend his time at both Capitals, and require a residence at each. From this central site it will be easy for him, and for Heads of Central Departments, to visit either the South-Eastern, or the South-Western portion of the Protectorate by railway, or the South-Central by the branch line to Baro on the Niger, and the waterway of that river, while being in equally close touch with the North. Lagos, however, will remain the chief trade centre. I hope that the time may not be distant when this move can be effected, and the Southern Capital relieved of its present congestion.

66. **Utilisation of Zungeru.**—The strictest economy was practised in the move. The old buildings at Zungeru were carefully dismantled, and every sheet of roofing and every sound plank which could be extracted was used for outhouses at the new Capital. This process was arrested when, shortly after the completion of the Cameroon war, Nigeria was afforded an opportunity of sending troops to East Africa. Zungeru with its permanent barrack accommodation, its European and native hospitals, and its remaining bungalows, at once became the largest training centre, thereby not merely saving the Imperial Government a very large sum of money, but expediting the despatch of drafts, and ensuring the health of officers and men. On the return of the troops, and the formation of the " Service Brigade," it continued to serve the same useful purpose.

Almost the only permanent brick structure of any value at Zungeru was the prison—and this I propose to convert into a lunatic asylum for the whole of Nigeria, which is most urgently required. A central leper asylum will also be established here, and a Native Medical Officer will supervise both. The situation of Zungeru on the railway, half-way between Lagos and Zaria, and its excellent health statistics—in spite of the heat which was so trying to Europeans —renders it well adapted for the purpose.

PART III.—GENERAL PROGRESS.

Trade and Industry.

67. **General Review.**—Nigeria affords an immense field for British trade, and though it has developed at an extraordinary rate, it is capable of indefinite expansion. In 1900 its total value was about 3½ millions sterling, by 1913 it had more than trebled, and in 1918, in spite of the severe set-back caused by the War, it had reached 17 millions, the highest ever recorded. The exports consist of raw materials, the principal of which are oil and oil seeds, hides, skins, cotton, cocoa, rubber and tin-ore. The imports are manufactured goods, textiles, hardware, &c., with salt and kerosene. Formerly the largest import consisted of trade gin for sale to the natives. Nigeria has the great advantage of being many thousand miles nearer to the United Kingdom than most of the other countries of the Empire—India, Malaya, Ceylon, &c.—from which tropical produce is exported. Lagos, which in the " Times Atlas " of 1895 is shown as 33 days from Liverpool, is now less than half that time, and the magnitude of its trade, and the number of passengers, already justify a direct service which should not take more than 12 or 13 days. Nigeria has an enormous wealth and variety of products, a large and fairly industrious population, good communications by water and by railway, and the conditions of life and health are not worse than those of other tropical countries, and have rapidly improved.

68. **Effect of Amalgamation.**—Amalgamation gave a great impetus to trade in United Nigeria. The railway systems were unified, the fiscal frontier for the levy of the surtax on salt for the North was abolished, the marine transport on the River Niger with separate depôts was

now controlled by a single department, all Customs stations on inland frontiers (with the exception of Illo and Yola, which were ports of entry under the Niger Navigation Order in Council) were abolished, the northern law imposing licences on traders was repealed. These were some of the outward manifestations of the new spirit of mutual co-operation which amalgamation rendered possible.

69. **Effect of the war on trade generally.**—The year 1914 opened (as will be shown in the Section on Finance) with prospects of great development and prosperity. This was arrested by the outbreak of war, but before the War ended, as will be seen in the following paragraphs, a great recovery took place, and (as the Niger Company reports to its shareholders) a "very promising trade with America" developed. While, in 1913, Germany took £3,885,000 of the total trade (exclusive of specie) (the exports to that country being nearly the same as to the United Kingdom), and America only £300,000 (no exports), in 1917 the trade with Germany was nil, and the United States had increased to £1,812,000, of which £1,118,000 were exports. In 1913 Nigerian trade with the Empire was about 8½ million pounds out of 13½ million. In 1917 it was over 12 million out of nearly 14½ million, and of the £2,200,000 which was done with foreign countries £1,812,000 was taken by America.

Soon after the outbreak of war all Germans were deported, their stocks, and later their immovable properties, were sold by a Receiver acting under the orders of the Supreme Court. In view of the very considerable value of these properties, the Receiver, acting as Trustee, held it right that they should be widely advertised and that the sales should take place in London. The conditions, as in other Colonies, imposed no restriction on sale to Allies or Neutrals. This gave rise to considerable controversy in Parliament. The estates realised very large sums, and were, I think, in all cases secured by British purchasers, to whom fell the entire trade hitherto carried on by the Germans. The enormous prices paid for these properties was believed to have resulted in giving a fictitious value to land at Lagos.

The disturbing effect of the War differed in the early and later periods. They were caused in the first year by the Cameroon Campaign, in which Nigeria bore a large part; by local outbreaks among the primitive tribes caused by rumours that the British were about to leave Nigeria—rumours traced in some cases to German agency, in others due to the withdrawal of Political Officers and troops for the Cameroon Campaign or lent to the Imperial Government; and finally by the action of the British Banks which refused credits, and by the sudden disappearance of the German firms. In the later years of the War, the demand for oleaginous produce and the opening of the American market for hides, skins and other produce went far to re-establish trade, and the chief disturbing elements were the shortage—and even more the uncertainty—of shipping, the high ocean freights and the diminution and high prices of all imports. The shipping entering Nigerian ports fell from 884,740 tons in 1913 to 409,146 in 1918. To this, at the close of the War, may be added a very serious deficiency of coin for which a Note issue did not compensate.

With the successful completion of the Cameroon Campaign, the quelling of the local unrest, and the growing stability of the produce market, conditions, however, again tended towards prosperity.

70. **Action by Merchants.**—Fearing, as they stated, the loss of their Markets, the principal firms formed agreements in England, with the double object of reducing the price paid to the native producer to the lowest possible limit, and of assuring to him the stability of this minimum price, even if it should involve a temporary loss to themselves. By omitting, however, to take the local Government into their counsels, or even to inform it of the course upon which they had embarked, misunderstandings inevitably arose.

With the loss of the Hamburg market, which had absorbed the bulk of the palm kernels before the War, there was a temporary fall in prices, but it soon became evident that the produce of Nigeria was essential to the prosecution of the War, and that the United Kingdom was able to take the whole output. Prices rose quickly and surpassed those which had been offered before the war, and though the home prices were presently controlled, much larger profits were made on imports from causes which I shall presently explain. Large profits accrued later instead of the losses which the merchants had anticipated, but they had to incur many risks. Shipping was uncertain, control prices and freights might at any time be altered, and exports restricted. Since their motives for forming the combine had not been made public they were, not unnaturally, accused of unfairly exploiting the native producer, to whom they were giving only bed-rock prices. When the reasons by which the merchants had sought to justify the formation of these "Combines" had ceased to exist, they were continued on the grounds that staff and unnecessary expense were thereby saved.

71. **Allocation of Shipping Space.**—Owing to the uncertainty regarding shipping and the need for rapid despatch of vessels, storage accommodation at Lagos or on the railway now became a matter of the first importance. In its absence consignees could not take delivery of produce railed from the interior, and trucks remained loaded, with a consequent congestion, and shortage of rolling stock. The Government was thus forced to intervene so far as rail-borne produce at Lagos was concerned, and a committee was appointed to allocate shipping space in proportion to visible stocks. Sixty per cent. of available freight was assigned to rail-borne

produce and 40 per cent. to the island trade, 60 per cent. of the former was given to the combined firms, who settled among themselves as to its distribution, and 40 per cent. to non-combined exporters. This system has worked well, and the Government has found no reason to alter the proportions.

In round figures, six-tenths of the exports from the Port of Lagos are brought from the interior by rail, and four-tenths are brought by canoes from the districts accessible by the network of creeks and rivers connected with the Lagos lagoon. With the allocation of shipping space by the shipping company for this "Lagoon trade" the Government did not interfere.

72. **The Export Trade.**—The War at first caused a considerable congestion of produce at Nigerian ports, which deteriorated owing to lack of storage and material for erecting it, while capital was locked up. Latterly, however, the demand for oleaginous produce caused the Ministry of Shipping to send out extra vessels, and this, with the expanding American market, actually resulted in the total value of exports exceeding any previous records. Exclusive of tin ore and gold dust, the value of native produce exported in 1913 was £6,200,000 (having risen from just over 3 million in 1908). In the next three years of war it fell, but in 1917 it had reached a total of £6,985,000. Inclusive of tin-ore the figures are:

1908	£3,100,000
1917	£8,482,000
1918	£9,359,000

73. **Export Duties.**—I have explained that British merchants engaged in the export trade made large profits at the beginning of the War (though their risks were great), and latterly on the import trade, from which substantial sums accrued to the Imperial Exchequer in the form of Excess Profits Tax. In these profits the local Government has not attempted to participate, except to the extent of imposing moderate export duties on palm oil, kernels, and cocoa in 1916, to which hides, skins, and ground-nuts were added in 1918. They realised little more than one-third of the revenue lost by the cessation of the spirit trade (*see* paragraphs 112 and 146), and with the introduction of direct taxation into the Southern Provinces they could be abandoned, unless retained to pay the interest on the £6,000,000 War Debt assumed by Nigeria on behalf of the Imperial Government. Whereas in 1913 Customs duties were 51·2 per cent. of the total revenue, they formed only 36·3 per cent. of the estimated revenue in 1918. Trade has thus been relieved of 15 per cent. of indirect taxation. Export duties tend to improve the quality of the exports, since the lowest priced pays equally with the best.

74. **Native Exporters.**—The large profits made by exporters before prices were controlled and sea-freights raised, due to the low price paid to the producer by the combined firms, brought in a large number of native speculators—chiefly in the Lagos Lagoon trade—some of whom made large fortunes. They raised some controversy regarding the amount of shipping space allotted to them by the shipping company—a matter with which Government had nothing to do since their goods were not rail borne—while the British merchants complained of their immunity from the Excess Profits Tax and Income Tax.

75. **Profits on Exports.**—I am informed that prior to the War merchants looked for their profits almost entirely to the import trade, and the native producer got the benefit of any rise in price in the home market. As the export market became steadier it was natural that the speculative profits on exports should cease, and trade resume a more normal course. This has to some extent happened—especially at Lagos—but even there the price of oil was in 1917 £1 17*s.* below pre-War prices, and £3 18*s.* less in 1918. For kernels it was £3 2*s.* 6*d.* less per ton in 1917 and £3 10*s.* 10*d.* in 1918. For cocoa it was 20*s.* 6*d.* less per cwt. in 1917 and 27*s.* 8*d.* in 1918. This decreasing price to the producer is much to be regretted, while the price of imports continues to rise. Without a fuller knowledge than is at my disposal regarding the cost of marketing, freight, insurance, and profit realised, I am not able to form an opinion as to its necessity, but I am assured that no more than a working margin was left to the merchant.*

76. **Exports from Northern Provinces.**—These conditions do not apply to the Northern Provinces, for the staple products of which, ground-nuts, hides and skins, prices are paid greatly in excess of those obtainable a few years ago. Moreover, the natives of the North are not so dependent on imported goods as those of the South. The Hausa of Zaria or Kano

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* The following figures have been lately given to me. War risk insurance, which was 1 per cent in 1916 rose to 5½ per cent. in 1917. From March to August, 1918, it fell to 3½ per cent. and then to 3 per cent. Freight rates in June, 1918, had risen as follows:—

On Oil	From 47/6 and 50/- to 140/- a ton.
On Kernels	From 40/- and 45/- to 100/- a ton.
On Ground Nuts	From 75/- to 240/- a ton.

To these figures the export tax had to be added.

A return recently sent to me from Nigeria shows the following increases (allowing for the scale ton) imposed by the Shipping Controller in 1918 over the rates for 1917.

	1917.		1918.			1917.		1918.	
	s.	*d.*	*s.*	*d.*		*s.*	*d.*	*s.*	*d.*
Kernels	38	5	91	6	Ground-nuts	38	5	87	9
Palm oil	48	7	97	6	Cocoa	30	0	90	9
Hides and Skins...	27	6	86	0	Cotton	7	0	77	6
Timber	30	0	87	9					

when faced with inflated prices, or (as has recently occurred) the absence of the cheap class of cloth he desires, no longer exports his raw cotton but reserves it for his own looms. This was evident at the Zaria ginnery in 1917 to the detriment of the Cotton Association, and Manchester. It is earnestly to be hoped that interference with the economic laws of supply and demand will soon be no longer necessary.

77. **Commercial Imports. Effect of War.**—The importation of trade liquor, which had been checked in the first year of the War by a heavy increase in duties, decreased when the spirits became increasingly difficult to obtain as shipping grew scarcer. Its place in the purchase of produce had of course to be taken by other imports. In proportion as the home industries became more and more concentrated on the output of war material, textiles, hardware, and other staple imports rose steadily in price, to which higher freights had to be added. Merchants had in any case no option but to put up prices, for their stocks could with difficulty be replaced, and had they run out the purchase of produce must have ceased. Though the volume of commercial imports fell by over 6,000 tons in 1917, their value increased by £634,000 (including specie).* Most of the articles in chief demand increased from 150 per cent. to 300 per cent. The import of kerosene (increase 80 per cent.) fell from four million gallons in 1913 to two and a half million in 1917, but the value remained about the same, and vegetable oils, so urgently required in England, began to replace it as a luminant. Salt is stated to have increased 220 per cent. in price, but in the absence of other commodities the imports rose from £62,734 in 1913 to £281,700 in 1917.

78. **Effect of Prices on the Producer.**—The native, unable to pay these prices, preferred to accept cash and to await a decrease. This withdrawal of cash from circulation, and the impossibility of obtaining adequate supplies from the home mints, has in turn caused much anxiety. This of course cannot continue indefinitely, and the supply of imported goods to pay for raw produce is of vital importance.

Much has been said about giving a fair price to the native producer, and the merchants have addressed the Secretary of State on the subject with reference to the control price in England. But it is, of course, futile to discuss the price the producer receives for his produce, while ignoring the price he has to pay for his imported purchases. So long as these are restricted, their price must rise, and his position can only be bettered by unrestricted imports and unfettered competition without artificial control. It may, I hope, be anticipated that, now that British industries have resumed a more normal course, these prices will rapidly fall as a result of competition.

The fact that exports of produce instead of decreasing actually increased so largely, may be attributed to the fact that the native had to collect so much more in order to pay for such necessaries as he could not do without, while hoarding the remainder of his cash, partly also perhaps because he considered himself fortunate to obtain for his produce prices which contrasted not very unfavourably with those he received at the outbreak of war.

79. **Effect on Cost of Living.**—In the supply of local foodstuffs, alike to Europeans and to the native clerks and artisans, control prices were impossible. For these the producer has naturally demanded more, so as to enable him to purchase the highly-priced imports he needed. The result has been a great increase in the cost of living, both to Europeans and to the native staff. The Government was thus compelled to grant a war bonus, which formed a new and heavy charge on the revenues. Local victualling of ships, and the assembly of large bodies of troops for service overseas, no doubt added to the scarcity and price.

80. **Government Imports and Local Substitutes and Industries.**—Already prior to the War I had taken steps to decrease Government expenditure by replacing imports by local material, and by manufacturing locally such articles as were within the compass of local skill. The enormous increase in cost of imported building materials and other necessaries, caused by the War, acted as a great stimulus to this policy. Of Nigeria it could be said with equal truth, as it has been said of India by the Industrial Commission, 1916-18, that she is "rich in raw materials and in industrial possibilities, but poor in manufacturing accomplishment. . . . Her labour is inefficient, she relies almost entirely on foreign sources for foremen and supervisors, and her educated people have yet to develop a right tradition of industrialism." It has been a pernicious tradition of West Africa to order everything—doors, window frames, and even bricks and tiles—from England. As a result, not only has industrial development been arrested, but the materials with which the country abounds have been unexplored. With industrial education I shall deal in another paragraph.

81. **Coal, Timber, Lime and Tiles.**—The coalfield at Enugu soon rendered the Government independent of imported supplies of coal. The imports fell from 84,600 tons (£100,000) in 1913 to 25,744 (£83,730) by commercial firms only in 1917. These will, I hope, be locally supplied in 1918 (*see* paragraph 135 *et seq.*). The exploitation of local timber and

* All values in the Statistical Abstract were calculated *f.o.b.* to the end of 1914 and since that date as *c.i.f.* Values throughout this report are quoted from the Abstract.

the erection of sawmills and drying sheds have already made us equally self-sufficing in this matter, with an output of one-quarter million cubic feet of timber, or 1,800,000 sup. ft. of planking. The new Forestry Ordinance was very successful in protecting not only the well-known and valuable classes of timber, but also those formerly thought to be worthless. Of these, three new kinds were found to make good substitutes for pitch pine. In the year before the war about 6 million sup. feet of timber and dressed wood was imported, valued at £60,000. In 1917 this had fallen to 1,070,000 sup. feet, value £18,000. The new carpentry establishment at Lagos undertook the supply of all wooden furniture, doors, windows, &c. for Government buildings, and no supplies were imported by the Government.

Prolonged and systematic search resulted in the discovery of limestone 11 miles from the coalfield, where it can be cheaply-burnt and transported by rail. Also near Ilorin on the Western Railway, and at Itobi on the Niger. All these deposits, situated on the three main arteries of communication, are being developed and will almost entirely replace imported cement, the cost of which has nearly trebled. The import had already fallen from 18,000 tons in 1913 (£34,360) to 11,700 tons in 1917 (£61,650). The saving to the Government will be very great, and the lime makes a first-class building mortar. Ground limestone may also have a considerable agricultural value especially the deposit at Ilorin which is near to the large cocoa plantations of Yoruba and Egba-land.

A good roofing (and also a good flooring) tile has now been produced. It requires, of course, heavier timbering than corrugated iron sheeting, "Eternit" and the other roofing materials hitherto imported, but even hand-made tiles compare favourably in price (including extra timber) with these materials taken at pre-War rates, while they add greatly to the coolness and healthiness of dwelling-houses, cost less to maintain, and have a longer life. The cost of manufacture will be greatly reduced by the use of tile-making machines. The economy of using tiles made on the spot is of course much greater in the Northern Provinces, where the railway freight on imported materials must be added to the landed price, while the coolness of the tile-roofed house is more important in the greater heat and dryness. Since iron sheeting has, during the War, been almost unobtainable, even at more than treble the former price, the saving has been very great. In 1913, 8,600 tons at a cost of £117,000 were imported. In 1917 only 447 tons valued at £19,554. Floor-tiles in lime-setting will further reduce the import of cement. (*See* Appendix 6.)

82. **Minor Substitutes and New Industries.**—The same policy has been applied to many minor requirements. 2,600 lbs. of cord and twine, which is imported to the value of over £45,000 has been made in Lagos prison from *adda* and other fibres, at a fraction of the imported cost; and there is no reason why the manufacture of gunny bags, of which some 350,000 dozen are required, should not become a local industry. Their cost has increased by 600 or 700 per cent. Solder for workshop use is made from local tin, and fire bricks from Enugu clay of high quality; oil-casks, coal-baskets, and cotton-seed oil for paints, are other instances of the effort to supply local needs by local industry.

In the desire to promote the development of industrial enterprise, it is possible to carry the principle further. Soap, of which 4,740 tons were imported in 1913, has just doubled in price, and native-made soap already competes with the foreign article. Sugar has been successfully made at Zaria. Many others could be cited. These replace goods imported for sale to the natives. They do not, as in the cases which I have cited at length, tend to cheapen administration, and *pro tanto* reduce taxation or increase the funds available for development of the country, and I am inclined to think that in the present stage the native is more profitably employed in growing and collecting raw materials for export than in endeavouring to compete with the output of organised labour and the power-driven machinery of civilised countries. In regard, however, to the development of new products, I shall have a few words to say in a subsequent paragraph. (*See* paragraph 98.)

Had it not been for the local development which I have described, I am at a loss to know how Nigeria could have got through the years of war. Certainly her financial position would not be what it is. I trust that private enterprise, both European and native, will follow the lead of the Government, whose functions, except in regard to the training and use of prison labour, should cease to be in any way commercial.

83. **Partial Manufacture for Export.**—The question of partial manufacture of raw materials involves a quite different principle. Here the object is to conserve the best qualities of the article exported, as in the case of the local expression of kernel oil, which is crushed before it turns rancid, loses its glycerine content, and generates fatty acids. Another example is the fermentation of cocoa and the curing of tobacco which should be done by the merchants (and not by the producer) in properly designed drying houses. Or it may be to reduce bulk and save shipping freights, as in the partial tanning of hides and skins, for which local material is available. Much cost would be saved in rail freight were ground-nuts crushed at Kano and the oil exported in tanks. Its quality would also be improved. Or concurrently with these reasons, the object may be to utilise cheap unskilled labour, and place the produce on the home

market in a condition in which it will command a higher price. I think that in these several directions, more initiative might be shown by merchants.

84. **Reconstruction in India on Parallel Lines.**—The Governor of Madras, addressing the Chamber of Commerce, well expressed the views which have guided this policy of development in Nigeria. " India," he said, " will emerge from the War with her resources practically unimpaired, but the work of reconstruction in other countries of the world will make such demand on their reduced capital, and on their own material resources, that India will, in all probability, no longer be able to rely to the same extent on the capital and on the manufactures of other countries to supply its own requirements. If India . . . is to advance, it must be prepared to develop, and to rely more and more on its own resources." The Government of India through its Munition Board has already taken effective steps for replacing imports by local products.

85. **Conditions of Future Success in Trade.**—In my judgment the essential conditions for the success of Nigerian trade in the near future may be summarised thus :—

(*a*) Closer co-operation between the merchants and the local Government;

(*b*) Increased attention to the quality of exports, and their possible partial manufacture with the object of reducing freight and increasing value by the use of local labour and material;

(*c*) The supply of local requirements where possible by local resources, with a view to cheapen the cost of Government;

(*d*) The substitution for the haphazard collection of sylvan produce of cultivated products in well organised plantations, and their improvement by scientific methods and research;

(*e*) The use of oxen in agriculture, and of wheeled transport to replace head carriage.

Since amalgamation some steps have been taken along each of these lines, but the War has arrested progress except as regards (*c*).

86. **Trade Commissioner and Department.**—No doubt a Trade Commissioner, under the new Government scheme, will be appointed to assist in the development of British West Africa. He should be supplemented by a well organised trade department in Nigeria, under a well qualified officer, whose salary must be sufficient to secure his continued services, for he would otherwise be eargerly sought after. The Department would be a development of the former Commercial Intelligence Department which expired when Mr. Birtwistle retired, owing to the difficulty of replacing him. The duties which I consider should devolve upon such a Department would be :—

(*a*) To study any particular article of export, and present a considered report on its development, embodying the opinions of the Agricultural and Forestry Departments as to its improvement in quality and quantity, with notes as to preparation, marketing, shipment, &c.

(*b*) To study the requirements and fancies of the natives, and offer suggestions as to imports, which will on the one hand stimulate the producer who desires to purchase, and on the other hand raise the standard of comfort and the volume of output by the use of labour-saving appliances, such as agricultural implements, ploughs, harrows, decorticators, &c.

(*c*) To study the possibilities of development of particular areas, the crops and the means of transport best adapted to them, the local markets and requirements, and improved methods of preparing produce for the market, and grading qualities.

(*d*) To edit a local journal for the diffusion of knowledge thus acquired, with notes and excerpts from the mass of literature received on subjects useful to trade and agriculture; to co-ordinate all local information with extracts from the reports of Residents and of the Agricultural and Forestry Departments, and prepare a " trade index " for the information of new comers, and to attract new capital.

87. **Absentee Merchants.**—But adequate success cannot be looked for by the efforts of Government unless the merchant community is prepared to adopt progressive methods. If the Government invites the opinion of the local Chamber of Commerce or commercial firms, or asks for information on some matter on which legislation is contemplated, the reply has generally been either colourless, or an intimation that they would consult their principals in England. It is surprising that in a Colony whose trade amounts to 17¾ million pounds with a revenue of over 4 millions, there should be no Chamber which can promptly voice the opinion of the commercial community. When the local representatives have ventured to express an opinion, the Liverpool principals have frankly informed the Government that they are mere agents on whose opinions no reliance can be placed, and have resented such enquiries from the local staff instead of from themselves. Mr. Moore, Chairman of the African Section of the Liverpool Chamber, writes, " We hold that advising the Government is not part of the work of local agents," and he placed this view on record in evidence before the West African Currency Committee [Cd. 6427] of 1912.

The day has passed when the West African merchant can remain in England, and expect to conduct the trade of a country in which he has never resided, possibly never even visited for many years, if at all, and regarding which he is dependent for first-hand information on the agents whose responsibility to Government he denies. Such methods of carrying on business—peculiar, I think, to West Africa—are no longer appropriate now that the conditions of health and the amenities of life have so greatly improved. The merchants who gain wealth from Nigeria have a duty to the country, which transcends the task of safeguarding their purely personal interests. It is the duty and privilege of the leading unofficials in a Crown Colony to assist the Government with their advice. In Nigeria they have a special opportunity in the Nigerian Council, whose debates are not confined to special items of legislation. Of what value in debate can the views of local agents be when they are not allowed to give information without the consent of their principals in England, who may repudiate their opinions? There are partial exceptions to this rule, but in practice matters of importance are frequently held up, at the urgent instance of merchants, for discussion when the Governor is in England.

In other parts of the Empire the managing director is on the spot, and I would invite West African merchants to consider whether it has not now become necessary to conduct their business on similar lines, if they desire to meet competition, and to have a voice in the legislation and policy of the country in which their profits are made.

88. **Staple Exports.**—(*a*) **Oleaginous Produce.**—The exports of Nigeria consist of raw materials only, of which oleaginous produce (palm oil, palm kernels, ground-nuts, shea nuts, cotton seed and beniseed) is the most important.

The total quantity of oil and oil seeds exported from Nigeria in 1913 was approximately 397,800 tons valued at £5,371,000. In 1917 the quantity was approximately 317,400 tons and the value £5,266,000. Though Nigeria exports considerably more than half the total bulk of kernels shipped from West Africa (including the Congo) the Agricultural Department reports that the produce of millions of palms is still wasted. Since kernel oil is now used for margarine, it is a product of great value, and it is stated to be the declared intention of the British Government to look mainly to West Africa for its supplies. The export of kernels in 1918 reached the enormous total of 205,167 tons, and of oil 86,400 tons, in both cases much exceeding any previous record.

The export of ground-nuts has increased from 19,000 tons in 1913 to 57,500 tons in 1918. If ground-nuts were crushed at Kano, a ready market for the cake as a cattle food during the months of drought would be at hand. Bulk shipments and elevators would save much cost in bagging. Of palm kernels before the War 65 per cent. went to Germany, but the bulk of the remaining oil seeds went to England, though France received large quantities of ground-nuts. During the war kernels and ground-nuts were shipped to the United Kingdom, with the exception of small quantities to France, and under special permit to America.

89. **Restriction of Markets and Control Prices.**—During the War the exports of Nigeria have been subjected (*a*) to restricted markets and (*b*) to control prices. These exports were required either for munitions of war, or to provide foodstuffs in the United Kingdom which were deficient because shipping was required for war purposes or had been destroyed by enemy action. No one will be found to deny that Colonies which owe their freedom to the sacrifices made by Great Britain in the War, should not gladly accept their share of the burden, and even though hostilities have ended, war conditions have not ceased, and will not cease for some time. The extent, however, to which these war restrictions should operate in the future, and the methods which may be adopted, are matters which involve great principles, and I may perhaps be allowed to submit some very brief observations here upon a question which so intimately concerns the trade and prosperity of Nigeria.

The majority of the Edible Nuts Committee* (of which I was a member) recommended the imposition of an export duty on palm kernels shipped from West Africa, to be refunded on proof that they had been crushed in the United Kingdom. The object of this duty was to divert the kernel trade after the War from Hamburg to the United Kingdom. It may be noted in this connection (*a*) that "with the exception of the small fraction which came to the United Kingdom, all exported kernels during the last 30 years went to Germany." The restriction proposed, therefore only affected the German market and (*b*) that the recommendation referred to palm kernels only and to no other produce and was purely temporary—for five years after the War. The control prices, and restriction of markets imposed during the War, and still maintained, affect all oleaginous produce, and most other produce as well. The Empire Resources Committee have proposed schemes of exploitation, with the object of securing a profit to the Imperial Government which should help to pay off the British war debt. The traditional Colonial policy of Great Britain is that no tariff or preference should be imposed for her own exclusive benefit, and that the profits accruing to the State by the operation of any law or tariff belong to the Revenue of the Colony, to be devoted to its development or in reduction of taxation. The War has, however, introduced novel considerations. Raw materials are so urgently required alike by ourselves, our Allies, and our enemies, that unrestricted free trade—

* [Cd. 8247] of 1916.

or even a trade restricted to ourselves and our Allies—would probably result in a shortage of raw materials and tropical food-stuffs in the United Kingdom, and in any case in an enhancement of prices to the home consumer which would add greatly to the burden he has incurred for the defence of the Empire. It seems clear, therefore, that an obligation rests on the British Colonies to see that the United Kingdom is served first, and that her necessary supply of tropical produce is assured. This obligation is incurred partly in discharge of the share of the Imperial burden which falls upon the Colonies, partly in order to maintain the industrial life of the United Kingdom, and her ability to maintain the Navy, &c., on which the Colonies depend for protection.

If then it be necessary during the continuance of war conditions to control the price of African produce in the United Kingdom, the necessity must be recognised by the country of its origin as an integral part of the conditions resulting from war—to be abandoned as soon as possible. This control price (plus cost of freight, insurance, marketing and merchants' profit) would be taken as the bed-rock price, and should, I submit, be settled by the Home Government in consultation with the local Government, so that the native producer may be assured of a fair price. The local Government would then impose an export duty on all produce consigned to foreign countries, of such amount as would continuously maintain the home market as the one most profitable to the exporter. The Empire alone would obtain the bed-rock price.

The duty imposed would be used for the development of the country, and to pay the charges on the portion of the Imperial war debt assumed by the Colony. It should vary (at the discretion of the Imperial Government) so that Allies would pay only such small increase as would ensure that the Empire is served first, while neutrals and enemies respectively paid higher rates. The Home Government would have to accept the responsibility of controlling re-export by unprincipled speculators from the Empire ports of destination and of transhipment at intermediate ports. Great Britain would thus control the price of raw materials and food-stuffs from her tropical Empire to the entire world, and the anomaly would no longer be presented of America selling tobacco and kerosene to the Nigerian native at 80 per cent. above their pre-War value, while obtaining her palm oil at an artificially reduced price—or the similar anomaly that because the world is short of raw produce, the country of origin should get a less price than before the War. Under the system proposed it would seem to be possible to abolish the control price in England altogether. The merchant would be relieved of the difficulty and hindrance to trade caused by the necessity of obtaining a certificate to prove that the kernels have been crushed in England.

It is not conceivable that Great Britain would impose any export duty or restriction upon the export of her manufactured goods, but if she did so, she would grant a reciprocal preference to her tropical Colonies, in return for the temporary preference accorded by them to the Empire.

90. **Methods of Collection of Palm Produce: Research.**—The evidence taken by the Edible Nuts Committee, and the experience gained by the development of rubber indicate that the era of haphazard collection of the fruit of wild palm trees must soon give place to a system of organised plantations, with local mills to deal with the freshly-gathered fruit. Rancidity robs it of its valuable glycerine content and increases the deleterious fatty acids. Mr. Smart and others asserted in their evidence that by cultivation and improved transport, the yield could be enormously improved both in quality and quantity. By present methods nuts of any age are mixed together, there are no adequate means of checking destruction of the trees by tapping for palm-wine—a more lucrative product than the fruit—no precaution against the spread of fungoid or bacteriological disease which might destroy the industry, and any systematic attempt to improve the quality of the produce is beset with difficulty. Agricultural industry should be developed by native agencies, but the European must give the lead and create the model for the native to follow, if Nigerian oil products are to hold their own in competition with rivals in many lands. The Government can do much through the agency of the Agricultural and Forestry Departments, by research and experiment, to produce a palm whose yield both in quantity and quality shall greatly surpass that of the wild tree. In some palm fruit the kernels are thin-shelled, in others the oil in the pulp is much above the normal, and so on. The problem is to convert varieties into species, which shall breed true to type, and to concentrate all the improvements in one species. Since the seedling takes many years to mature, such experiments are necessarily much more protracted than in an annual like cotton. Continuity with very fully recorded statistics is essential.

91. **Agricultural Leases.**—"Agricultural Leases" of Crown lands for plantations are "ordinarily" limited by statute to 1,200 acres each, with a term of 45 years, but renewal is contemplated. Rent may be periodically revised, but "improvements" (including betterment of the soil, growing trees, &c.) are not taken into account in such revision, which refers only to site value. No restriction as to the number of leases is laid down. The terms of such leases in the Southern Provinces are to be found in the Crown Lands Ordinance (No. 7 of 1918), and the regulations under it (34 of 2.5.18), and in the Land and Native Rights Ordinance (No. 1 of 1916) and Regulation 8 of 28.2.18 as regards the Northern Provinces The chief stipulation is that the land must be brought under cultivation in a reasonable time. Though the regulations may appear somewhat onerous in their bald legal phraseology, the Government is desirous

of giving every assistance while safeguarding the interests of the native population. They are framed so as to exclude the grant of " concessions " of many square miles in extent, which has been the curse of the Congo State, and some other African territories. Leases of lands other than Crown lands may also be acquired in the Southern Provinces under the Native Lands Acquisition Ordinance (No. 32 of 1917) (Regulation 23 of 30.8.17). These form the vast majority of lands in the Southern Provinces. No restrictions as to size, or duration of lease, or revision are prescribed by statute, but the terms (except as to revision) usually approximate to those of Crown leases.

92. (*b*) **Minerals.**—With the exception of a small quantity of gold (2,865 ozs. in 1917), and of coal (which is for the present a Government monopoly) the only mineral developed in Nigeria is tin, of which 9,966 tons of ore were exported in 1917, valued at 1½ million sterling (4,140 tons in 1913). In furtherance of the desire of the Imperial Government to explore fully the mineral wealth of the Empire, a geological survey has recently been inaugurated. I thoroughly subscribe to the view that all mineral syndicates should produce proof that their capital and control are predominantly British. Since minerals in Nigeria are the property of the Government this presents no great difficulty. Already before the War it was not permissible to export tin elsewhere than to the United Kingdom from whence a smelter's certificate (under penalty of forfeiture of the export duty) was at first required. A certificate of entry, and that it is not for re-export, now suffices. The revised Mineral Ordinance and Regulations of 1916 appear to have given satisfaction and worked well. The creation of " mining rights," for low grade properties, has given much encouragement to individual holdings and small capitalists, and this class, as opposed to the Lease-Owning Companies, is beginning to occupy an important place in the mine field. The imposition of a nominal surface rent (1*d.* to 3*d.* an acre) became a necessity when the Ordinance was made applicable to the Southern Provinces, where the system of land tenure differs widely from the North. The industry suffers by the distance of the field from the sea port, some 700 miles. Liberal concessions have been made by the abolition of the sliding scale of railway freights (varying with the market price of tin). The fixed scale effected a decrease of £1 5*s.* when tin was below £190 a ton and of £6 3*s.* 6*d.* when it was over that price. The new Eastern Railway will reduce the distance by 173 miles. Tin has commanded unprecedentedly high prices during the War, the highest being £400 per ton as against a lowest rate of £138 in 1913. Of the 80 mineral leaseholders, 67 were mining tin in 1917.

Since the cost of working is estimated at £100 a ton, large profits must have accrued, but as a " tin-mine " is a wasting asset, much dissatisfaction has been expressed at the incidence of the Excess Profits Tax, and the result has been to work the poorest ground to the detriment of the output, though urgently required for the War. There are at present engaged in the industry about 160 Europeans, over 300 alien natives, and about 18,000 local labourers.

93. (*c*) **Hides and Skins.**—The trade in hides and skins (tanned and untanned) has developed very rapidly; the value of these exports in 1913 was £197,200, and in 1917 the quantity had increased nine-fold, and the value had reached £887,000 in spite of war restrictions. The Home market was closed, and shipments could only be made under strict regulation to the United States. If cheap transport can be secured to the Northern and North-eastern frontiers, it is possible that the enormous potential output of the regions towards the Egyptian Sudan and the Mediterranean sea-board, in which cattle, sheep, and goats are raised in vast numbers, might find its outlet through Nigeria. Camel transport is fairly cheap, and would be used beyond our frontiers. Wheeled ox-transport must follow the bridging of the few rivers which have to be crossed unless and until railway extension is possible (*see* paragraph 130 and Appendix 8). Weight and bulk may perhaps be reduced by partial tanning.

94. (*d*) **Ranching.**—Stock-raising—an industry from which I had hoped much—has not so far been a notable success. The conditions of Nigeria do not admit of " ranching " in the proper sense of the word, since there are no vast prairies tenanted only by bison, on which great herds of stock can be grazed by European owners. In those districts, such as Bornu, where there are great spaces sparsely inhabited, the lack of water and paucity of forage, surround the problem with difficulties.

Existing conditions may be thus described: large areas with a scanty population are to be found in Kontagora, Kabba and Borgu, but they are mostly infested with tsetse, and covered by sparse forest or giant grasses unsuitable for forage. Further North and East there are also great areas more or less suitable for cattle, but in so far as water and fodder permit, they are already grazed by vast herds of nomad and village cattle—estimated at 3 million—and flocks of sheep and goats (6¼ million), which are, in all probability, as much as the land in its present state can carry. Epizootic disease is rife.

The Government is pledged by the terms of the Land and Native Rights Ordinance (and indeed it is the root basis on which the policy of the country has been moulded) to act as Trustee for the native in regard to the land, and it would be contrary to this policy to exclude him from grazing areas so large as to afford scope for what is properly known as a ranch. On the other hand, it is manifestly desirable that British initiative and the results of scientific experience

should be introduced, not only for the benefit of the revenue (which is to the eventual benefit of the native) and for the advantage of British trade, but also more directly for the benefit of the native—since it is only by ocular demonstration that these wild cattle tribes can be taught to adopt better methods. Were the annual increment of stock, which is at present lost by recurrent epizootic diseases, saved for export, it would probably form no mean cattle trade.

In these circumstances—if I have rightly apprehended and described them—the European stock-owner must adopt one or other of the following courses :—

(*a*) He may acquire a tract of country, useless to the indigenous cattle owners by reason of deficiency of water and good pasture, and by deep well boring and mechanical appliances, and by clearing the ground and planting good fodder grasses, he may develop this area for his exclusive profit during his lease. By so doing he confers a great benefit on the country, for his methods of improving stock, of combatting disease, of irrigation, of fodder production, and of preparing his beasts and his hides for the market will afford an object lesson to the ignorant herdsmen, who employ to-day methods which were in vogue in the time of Abraham, while the introduction of imported stock will improve their tired strain. One such area exists in Bornu and is available for exploitation with adequate capital, but the law will require amendment;

(*b*) Or he may acquire a comparatively small area under the existing Ordinance—say of 10,000 acres—as a model stock farm (not as a ranch), improve local stock by imported bulls, and fatten purchased cattle for the market, looking to the native herds to maintain the supply;

(*c*) Or finally, in conjunction with the scheme just described, he might be able to enter into some kind of partnership with native cattle owners, improving the breed, saving loss by preventive inoculation, disposing of the annual increment and sharing profits.

95. **Markets for Stock.**—There is a very large local market at highly remunerative prices. The Southern Provinces are densely populated, and the people make large profits by the sale of the abundant palm produce. They were able to spend over 1½ million sterling per annum on imported spirits. Meat is scarce since pasture is lacking, and their craving for it sometimes manifests itself in cannibalism. As happened in Fiji, this degrading practice would cease were meat procurable. The Eastern Railway, when completed, will provide cheap transport from the cattle districts to the heart of the most densely populated areas. The demand in Lagos alone (served by the Western Railway) is said to be 400 head a week. In times past hundreds of thousands of cattle have been driven on the hoof from the North to supply this demand. The emaciated and diseased residue which survived the tsetse and the hundreds of miles of fodderless country lived only a few days and commanded very high prices. There is, therefore, a remunerative market for prime, rail-borne cattle, which would largely replace the sale of imported liquor. To this may be added the demand by Europeans for first-class meat, kept in cold storage, replacing the unnecessary and unnutritive tinned meats imported from Europe and America.

The demand in the United Kingdom for chilled beef is illimitable, and since Nigeria is much nearer than the Argentine or Rhodesia, the value of this industry, if it could be established, can hardly be over-rated. Chilled beef must be within 22 days by steamer of its market of consumption—Nigeria is only 15 days—and the supply must be absolutely regular and reliable. The local stock is reported to be excellent, easily fattened, and requiring but little improvement. The local production of ground-nut cake would supplement food at a time when fodder exists only in the marshes, and the herds are emaciated.

96. (*e*) **Cotton.**—Cotton has been a fluctuating export due in part to variations of climate and rainfall, in part to a variety of more or less transitory causes. Thus the increase in the price of imported textiles no doubt led to a revival of local weaving, and hence increased the local demand for raw cotton. The disturbances in French West Africa led to the cessation of the local demand from the Sokoto Province, and hence to an increased influx to the ginnery at Zaria; and the high prices realised by ground-nuts competed adversely with the cultivation of cotton. But the policy of the British Cotton Growing Association of consistently raising the purchasing price, whenever home prices admitted of it, of maintaining the price at a uniform level throughout each season, and of paying cash, has, I think, resulted in establishing the industry on a sound basis, and the future promises well. The success of the Agricultural Departments, in both North and South, is producing greatly improved varieties ("Allen's" in the former and "Georgia" in the latter) have stimulated the natives, who are quick to appreciate their value, and steps have been taken in the North with the aid of the Native Administrations to preserve the crops from deterioration by hybridization. The Association, which has four ginneries in Nigeria (three in the South and one in the North), gives a higher price for these varieties, which have a larger yield, and a much greater proportion of lint than native cotton. Georgia is medium staple, and is as yet only in the experimental stage. Allen's, which is now extensively grown around Zaria, is long staple, and the Association declares that as soon as it is fully

established the future of cotton in the Northern Provinces is assured. Both are valued at ¼*d.* to ½*d.* per lb. more than "Middling American." As cotton is planted when other crops are nearly ripe, and gathered after they are harvested, its future is secure.

Cotton was granted priority in export during the War. The Statistical Abstract shows the quantity in 1917 at 2,357 tons, which was less than 1913—2,835 tons (= 15,872 bales)—but the value had increased from £159,200 to £234,300. Owing to the reasons described already, 1917 was not a good year for cotton. The price paid for Allen's was double the previous rate, its export rose from nil in 1913 to 461 bales in 1916-17, and it is anticipated that 3,000 bales will be shipped this year.

The native of Nigeria is extremely shrewd in his estimate of what pays best to cultivate, and (as occurred at Abakaliki) will prefer to take his cotton back again, even after he has brought it to the buying station, rather than accept an unremunerative price. It would seem to follow that, except as a secondary crop planted with yams, cotton cannot be grown with success in the equatorial belt, where palm oil and kernels, cocoa, tobacco, rubber, and kolas are all more valuable. Even in the North cotton can only compete in value with ground-nuts when the price is in the neighbourhood of 1½d. per lb. for seed-cotton (£14 a ton), for though this is an outside price for ground-nuts, they are more easily transported (being less bulky), and the Hausa peasant is fully alive to the advantages of a leguminous crop for his fields, while cotton involves much more work, and greater risks from weather, parasites, &c. There is fortunately, however, another factor to be considered, which operates strongly in favour of cotton when planted as a mixed crop, viz., that it is harvested after all the other crops are off the ground.

It is of importance to establish beyond question, whether cotton can be grown successfully by irrigation as a dry-season crop, viz., whether it will withstand the great heat of the sun, and the excessively dry and parching Hamattan wind of this season. There are large areas in the North (*see* paragraphs 94 and 199) which could be irrigated by scientific methods, and if cotton can be grown upon them in the dry season, its future in Nigeria would be full of promise. The War and consequent depletion of the Agricultural Department has prevented experimental work of this nature.

The governing factor in considering whether any great extension of cotton-growing can take place in Nigeria is of course the labour question. This consideration alone would make it impossible for a European to grow cotton successfully. Nor is there any superabundant labour for the cultivation of cotton, even as a native industry. (*See* paragraph 107.) In the densely populated South, there are, as I have quoted, millions of palms, with their fruit ungathered—a product more valuable than cotton—and there is little or no land which can be spared from the cultivation of foodstuffs. The dense population around Kano in the North, is engaged in growing foodstuffs, of which there is none too much, and devotes its margin to ground-nuts—an easy and soil-improving crop. It is of no use describing ideal tracts of waste land in Kontagora and elsewhere when the population only averages four to the square mile.

What are the remedies? Increase of population by the eradication of venereal disease; a greater output of foodstuffs per acre arising from improvement in the varieties grown; saving of labour by the use of the ox in agriculture, the plough, the stump extractor, and of mechanical or animal transport, so that carriers may be employed in productive labour (but *see* Appendix 7), and finally, in the case of cotton, improved varieties which shall give an out-turn of not less than 33⅓ per cent. lint, of the best staple, commanding a price which shall compete favourably with other crops, and (if it be possible) the realisation of cotton as a dry-season irrigation crop, when labour released from ordinary cultivation is abundant.

I offer a few suggestions, with reference to the effort to extend the growing of cotton within the Empire as it affects Nigeria.

(*a*) It is desirable that a minimum price for fully 5 years should be offered, by which time the improvement in quality, and out-turn of lint, and the decrease of contingent expenses, should fully justify the price. If the fact that the Central Agency alone possesses ginning plant is not sufficient to secure it as the sole purchaser, and the market price exceeds the guaranteed price, the agency must pay the higher price to the producers in order to retain control in their own hands. This is preferable to creating a monopoly by legislation, or to any other course which is open to the charge of limiting the free native market to serve British interests. If this guaranteed price should occasionally result in loss to the purchasing agents, the eventual results will abundantly justify the expenditure.

(*b*) In order to maintain a liberal guaranteed price (sufficient to induce the native to grow cotton in preference to other crops) the Imperial Government, in view of the great interests involved to the British industrial community, should, I submit, decrease the contingent expenses to the lowest possible margin, even if by so doing the industry in its infancy might be described as "bounty-fed."

At present I understand that when Nigerian cotton commands a price of 15*d.* per lb. in the home market, a local price of 2½*d.* only can be given for seed-cotton. If the yield of lint is 33⅓ per cent. (which is higher than the average, though Abakaliki cotton was reported to yield 35¼ per cent.) this would mean that the price of seed-cotton is 5*d.* (exclusive of seed value) of which only half goes to the producer and half is absorbed in freight and marketing charges. Lower

ocean freights, improved local transport, the elimination of the middleman's profit by direct purchase (paragraph 101) and the absence of dividends to the Central Agency, should result in a better price to the producer, while the progressive improvement of the staple, and out-turn, due to the efforts of the Agricultural Department should result in a higher home price. The price paid for " Allen's " in the North (2½*d.* lb.), viz., £23 a ton has resulted in an eager demand for seed, and (as I have said) an increase of output from nil in 1913 to an estimated 3,000 bales this year.

To offer a price which could not be maintained would not only be open to the criticism that the native had been induced to take up cotton under false pretences, but since the crop is an annual, and he would promptly cease to grow it if the price fell below the profit to be made in other crops, the eventual loss would be on the agency, since the supply would cease. The price offered would, of course, vary within well defined limits according to quality, *e.g.*, a higher price would be given for exotic than for local cotton—but *not* according to appraisement at the ginnery, so that the producer can be assured of his price, subject to stringent deductions for adulteration, or increase of weight by watering, etc. It would be subject also to variation according to locality, provided that the areas are sufficiently large, viz., all cotton in the Zaria and adjacent districts should command a uniform price (subject to the above reservation), Abakaliki another, and Yoruba-Egba another, according to transport charges which affect all other produce equally. (For an examination of the question of transport, *see* paragraphs on Railways and Transport, Appendix 7.)

(*c*) In order to save transport I suggest that ginneries and presses should be established in the centre of the cotton districts—not on, but within 40 miles of the railway, with which they would be connected by a motor road. This would save a third of the weight to be transported, and the seed would be available for distribution on the spot, instead of being re-transported back again. An oil-expressing plant should be associated with them for treating the surplus seed, and the oil sent to rail in tanks.

Ginneries—and of course purchase—must be conducted by an agency. Government cannot undertake it, and it would be undesirable as a matter of policy that it should. Each ginnery should be a centre of research, experiment, and advice to native cultivators. Additional sites suggested are Maska, Katagum, Keffi, Abakaliki, and possibly Ogoja.

Ginneries should not be erected until the need for them is fully assured. Failure to realise this has resulted in three " silent " ginneries in the Yoruba-Egba country, while the remainder are insufficiently supplied. Questions of transport and of the feasibility of a remunerative price must first be studied, or " an ideal cotton district "—like Abakaliki—may prove to be a failure after heavy expenses have been incurred.

It is also essential, as the Director of Agriculture (Southern Provinces) points out, that cultural tests should be made, so that it may be assured that cotton can hold its own against other competing crops. Ilorin is a case in point. The Government was said to be backward in its zeal to establish cotton in this district many years ago. To-day the Agricultural Department reports that after five years of continuous experiment and failure it is proved to be unsuitable.

(*d*) It is desirable that a cheap and also a better class of cloth should be imported (without size), which will compete with locally-woven cloth, so that the large proportion of raw cotton at present used in the country should be available for export.

(*e*) By the importation of ploughs, stump extractors, ped-rails and country carts, and by the education of the peasantry in their use. and in the use of the ox in agriculture, much, as I have said, can be done to save labour and increase cultivation. Possibly the Agency might undertake the stumping of an area, and then hand it over to native cultivators, on the condition that it is used for cotton cultivation for sale to the Agency. Purchases must be made in cash. To the introduction of " barter " the failure in Ishan (where the best cotton in Nigeria was grown) was primarily due—as in part was the failure at Abakaliki.

97. (*f*) **Cocoa.**—Cocoa is a crop which commands a high price, with the minimum of labour and attention. and therefore (as Sir Hugh Clifford has observed) it is one which especially commends itself to the African natives. It is very badly prepared for the market, in spite of the untiring efforts of the Agricultural Department to introduce proper methods of fermentation, etc. The climate and soil of the Southern Provinces are well adapted to cocoa, and the quantity exported is increasing yearly. The quantity exported in 1917 affords no criterion of the output, since export was restricted, but even so 15,442 tons, valued at half a million, were shipped, as against 3,621 in 1913 (£157,500).

98. **New Products.**—I cannot in this place devote more than a very short paragraph to the many openings which invite development in Nigeria. Coconuts would give a most profitable yield in copra, and need little cultivation. Their growth could be indefinitely extended. Limes grow luxuriantly and yield heavily. A recent report on the Government lime-juice factory in British Guiana states that 16 per cent. profit on capital outlay was realised. It combines a coffee-huller and pulper, a grain mill, and a rice-huller and polisher. Ginger (£5 to £6 a cwt.) is another possible source of profit. Fibres of all kinds, including sisal and jute,

have not received proper attention. Para rubber-seed, and indeed cotton-seed oil are almost neglected. Tobacco offers excellent prospects. The better quality for export should be cured by skilled Europeans. Of unmanufactured tobacco for sale to natives, 2,773 tons, value £184,000, were imported in 1913. (2,050 tons, value £195,455, in 1917.) Potatoes grow well, and have become a native crop in the Bauchi highlands.

Rice can be grown to any extent to replace the present import, which in the four years prior to the war averaged 10,800 tons, at £10 15*s.* a ton. The example already quoted of British Guiana is apposite, where an import of 11,300 tons in 1899 was by 1915 converted into an export of 9,000 tons. Handmills weighing 330 lbs., with an output of 100 lbs. per hour, would be of great use (made by Douglas & Grant, Kirkcaldy). Ripe bananas can be dried, on the system adopted by the Germans in the Cameroons, and would form a valuable export. Fish abound off the coasts, and there is little sea-fishing. A trawler made large catches before the war, when the import of dried fish amounted to 4,550 tons, valued at £135,000.

Very many other products might be instanced.

99. **Questions affecting trade.** (*a*) **Credit.**—The extent to which it is desirable to give credit to native middlemen is one which affects trade very much and merits a brief consideration. Liberal credit was a feature of German methods of trade, and added greatly to their popularity with the natives as traders. Some British merchants have emulated them, and I learnt in 1913 that the aggregate indebtedness of the middlemen at Opobo to the half-dozen merchants there was probably over £200,000. At Abeokuta one firm gave very large credit.

These credits were regarded rather as an advance of capital for trading purposes than as a mere loan, and their object was to exclude competition and create monopolies. The Native "Houses" (*see* paragraph 23) were convenient agencies for the purpose, and thus resembled "tied houses" in England. Debts were secured by mortgages on land and property, to which the mortgagor often had no proper title, and which belonged to the community of which he was the titular head. The result was to foster the conception of individual ownership of land in the coastal area, which is opposed to the native land tenure.

Under this system the native middleman obtained goods on "trust," traded in the interior, and sold the produce to his creditor. Prices to the producer are cut down to the minimum, while the merchant must accept the produce without discrimination as to quality, and ship it—often to the detriment of the standard and reputation of Nigerian produce in the home markets. As a result he was eager for Government inspection in interior markets.

This system has, I believe, been much modified in the past four years, largely owing to the exodus of the German firms, and "trust" is now comparatively negligible. The ignorant middleman who has to do without this credit, as the peasant has to do without his gin, is apt to regret that the Germans who fostered both have gone.

I submit that attempts to create monopolies for individual firms or groups of firms, whether by "trust," or by exclusive spheres of trade, are inimical to the development and prosperity of the country, and it is for this reason that some have welcomed the advent of American or Dutch participation.

100. (*b*) **Produce Inspection.**—A system has gradually grown up by which the Comptroller of Customs employs men to inspect produce offered for sale at the ports and in certain interior markets, and to prohibit the sale and even fine the vendors, if the produce does not come up to an arbitrary standard of purity. The salaries of these native inspectors are paid from a fund to which, by an informal arrangement, the merchants contribute. They strongly support the system, and press for its extension.

In my view the procedure is unsound and undesirable. It is clearly the duty of Government to use every endeavour to detect and punish fraudulent adulteration, but a vendor who, without intent to defraud, or to make his produce appear other that what it is, offers inferior produce for sale commits no criminal offence, and cannot be legally interfered with. It is for the merchant to refuse to buy, or to offer a reduced price to cover the cost of cleaning.

It is argued that competition is so keen that inferior produce will find a purchaser at unreduced rates to secure the goodwill of the vendors; that in these circumstances inferior produce would be exported were Government inspection withdrawn. Nigerian products would then command lower prices in the home markets, by which the exporter of good produce would suffer.

To such arguments it suffices to reply that it is not the function of Government to interfere in order to save traders from the results of their own folly in purchasing at a loss in order to outbid each other. The Government can, however. fix a standard of purity, and conduct a test inspection at the ports before shipment—a task which falls more naturally within the sphere of the Customs Department than the endeavour to control interior markets, with which they have nothing to do. Increased vigilance against fraudulent adulteration may be desirable by the police, and by inspectors under the control of the District Administrative Staff, and this is preferable to the employment of men who are not under any proper control, and are exposed to the temptation of accepting bribes, and of a misuse of power, which it would be almost impossible to detect. Mr. Trigge, of the Niger Company. in his evidence before the Edible Nuts Committee opposed the demand of the Liverpool merchants for Government inspectior

prior to purchase. He stated that the exports of the Company, which had never been subject to inspection, bore as good a reputation as any. This may to some extent be explained by the fact that in most of the Niger Company's markets there was little competition, and they could therefore refuse to purchase inferior produce. Mr. (now Major-General) Gray, a merchant of great experience, supported this view, and held that it was the duty of traders to inspect for themselves, and regulate the price according to quality.

The distinction therefore between the sale of adulterated, or merely of inferior produce, was made more clear in the new Ordinance of 1917 than it had previously been. Regulations provided for a standard of purity and inspection before shipment—not before purchase—but the matter has been allowed to remain in temporary abeyance during the War. It is desirable that the merchants should themselves encourage producers to maintain a good standard by offering a better price for what is clean and fresh—for soft oil, and for properly fermented cocoa for instance—which command higher prices in the home markets.

101. (*c*) **Middlemen.**—"The Times" (20.7.17) describes "the unnecessary middleman" as "a mere parasite of industry, whose operations add to the price, but not to the value of an article." In the purchase of raw material in Africa, however, the merchant himself generally speaking acts as middleman between the native producer and the home manufacturer. The native middleman, who purchases in small quantities in distant markets, and sells in bulk, arranging for transport to the merchant's store, is often an agent no less indispensable than the merchant himself—especially in the Southern Provinces. The multiplication, however, of hands, through which produce passes before it reaches the shipper (each of whom adds his profits to its cost), and the interference of middlemen where they are not required constitute a burden on trade.

Railways, roads, and the security afforded by Government, have brought the merchant into closer touch with the producer than was possible when the native "houses" barred access to the markets and collected the produce, which they sold at what arbitrary prices they chose. Numerous European trading depôts are now established in the interior, but firms are still too apt to follow the old tradition, and wait for middlemen and touts to bring the produce to their stores. There are noteworthy exceptions. It is very desirable in the interests alike of the merchant and of the producer, that purchasers should make every effort to get into personal touch with the native, to acquire his language, to study his tastes and stimulate his requirements, and to teach him how to prepare his produce for the market. Were the native for instance to be taught to distinguish between hard and soft oil, and to prepare only the latter he would gain from 10 per cent. to 15 per cent. Improved methods of transport would inevitably follow—whether mechanical or by the use of ox-drawn carts, which would at once reduce cost, and set free human labour for productive enterprise.

Present methods need only be described, and any sane critic must condemn them. Let me instance the ground-nut trade. With the advent of "the ground-nut season" (September to April) Kano is flooded with an undesirable influx of aliens from the South—who set up their weighing machines on every avenue of approach, and seize the produce from the peasant forcing their own price upon him, and making exorbitant profits by re-sale to the merchants. The latter complain that the ground-nuts are adulterated with sand, that cotton is mixed with stones and sand, and is watered—bales being purposely left in the rain and bags thus rotted—though before the advent of these parasites the produce was clean. Yet the merchants in their eager rivalry with each other, lend weighing machines free of cost, supply empty bags and advance them large sums of money without security (for they are without capital) with which they occasionally abscond. One firm reports that it loses as much as £800 annually on such advances, another quotes a loss of £500 lent to one individual. It is said that the profit made by these middlemen often amounts to £1 per ton, and the result of this trade rivalry has helped to put up the price from £5 or £6, which is remunerative to the producer, to £10 to £12 a ton. Hides and skins are similarly affected and are now adulterated with blood and sand.

In the interest of the peasantry Government has been forced to intervene, and restrict all dealings within a certain radius of Kano, to an authorised market, where some degree of control is possible. Free competition is most desirable, so long as the enhanced prices go to the producer and stimulate production, but the employment of touts and middlemen who purchase produce already on its way, and close to the market, is a curse to the trade, and only encourages an undesirable class.

The subject is too large to deal with fully here, but as a result of a full investigation of it, I am convinced that the only remedy both for the improvement of the quality of produce, and for the prevention of reckless exploitation of the soil by native owners whose only object is to make rapid profits, is that merchants should employ expert buyers and pay according to quality, and that Government should inspect before shipment and refuse to allow shipment of inferior produce. This is the conclusion arrived at by the Committee appointed in India in December, 1917, to report on this subject, and it was by drastic refusal to allow export of inferior maize that the Government of South Africa revolutionized the quality of that export.

It is impossible that inspection by Government before purchase can be made universal or compulsory, and it cannot, therefore, be effective—I am informed that one firm decided to

buy only hides of good quality, but as others were buying indiscriminately their purchases fell by 75 per cent. and they were forced to revert. The large increase of small native shippers (the Customs reports that shippers have increased in Lagos from nine (pre-War) to over seventy, and in Ibadan from eight to over twenty) compels an inspection at the coast if the standard is to be maintained.

The Acting Director of Agriculture, Southern Province, even suggested that it should be made a penal offence for a trader to buy inferior produce. This would be no less unjust than to penalise the vendor who sells without intent to deceive, and would be equally ineffective and impossible in practice. If "the merchant's function is the exchange of commodities" and nothing more (as argued by Mr. Miller in a letter to the press) and he holds the view that he can make profit on this exchange whatever the quality, which it is the function of others to improve—he will presently find that he has lost his market.

102. **Currency and Barter.**—Trading by barter is still carried on in some parts of Nigeria, in spite of the efforts of Government to put a stop to it, and the assurance of principals that they do not encourage it. There is abundant evidence to show that the attraction of the apparently "double profit" to be gained by ignoring currency as a medium of trade, and selling and buying in a single transaction, has done much to destroy trade. Where this system has been replaced, and cash is now offered for produce and accepted for goods sold, trade has increased greatly. The growing scarcity of gin—formerly the chief article of barter—has done something to effect improvement, but there are still districts in the Benue region in which the native in exchange for his produce, can only obtain articles which he does not want. He sells them for what they will fetch in the native market, where, in consequence, they may often be bought at a much lower price than from the merchant's store.

Another archaic method of trade is the continued use of "manillas" (a heavy horseshoe of brass and alloy), brass and copper rods, &c., as currency, chiefly in the Southern Provinces. The Association of West African Merchants writes, "The merchant only accepts the manilla in quantity in the dry season, when trade in produce is restricted. He takes it as a pledge against advances in goods, and not as an actual purchase. This enables the native trader to carry on, as the goods are sold against the approaching produce season . . . . during which the use of the manilla is confined almost entirely to dealings between the producer and the middleman." The merchant thus countenances the use of manillas while complaining of its adverse effect on trade. It is peculiarly objectionable as a form of currency owing to its great weight, which absorbs transport.

Some years ago certain enterprising merchants shipped a quantity of manillas to England, and "did not lose in the transaction," but they abandoned the scheme for lack of "encouragement." The merchants now enquire whether Government has any "policy" in this matter, and demand that it should buy up the whole existing circulation. I made early enquiries (since repeated when metal was required for munitions) as to the cost involved by thus demonetising the manilla, but its currency value has become so greatly enhanced, that I did not feel justified in appropriating revenue for the benefit of a comparatively small section. It is a matter for consideration whether the Currency Board should not assist in buying up these manillas, since it has large funds at its disposal, and they will be replaced by coin currency.

Slavery and Free Labour.

103. **Slavery in Northern Provinces.**—I cannot here deal at any length with the subject of slavery, but the question of labour-supply so intimately affects the development of Nigeria, that a few words regarding it will not be out of place. It was mentioned in paragraph 2 that in 1900 when the Administration of Northern Nigeria reverted from the Chartered Company to the Crown, large armies led by Fulani chiefs annually raided for slaves, and had depopulated the country. With the conquest of the Moslem States, these organised raids were put an end to. By the abolition of the "Legal Status" of slavery, a slave had power to assert his freedom. It was not, however, illegal to possess a slave, but the status was a voluntary one. All children born after March 31st, 1901, were free at birth.

The sudden abolition of the institution of domestic slavery would have produced social chaos, and the wholesale assertion of their freedom by slaves was therefore discouraged. A slave freed by redemption was in native opinion and in his own eyes, truly a freeman, while one who was arbitrarily emancipated by Government (unless for good cause), or who asserted his freedom by desertion, was not. Redemption with the co-operation of the native courts was encouraged.

104. **Result of Government Policy.**—Generally speaking, it may be said that to-day there are no slaves in the Moslem States who are not well aware that they can assert their freedom if they choose, that the native courts deal liberally and impartially with all cases, and that the masters not only acquiesce, but increasingly recognise the advantages of free labour, while all persons under 18 years of age are free-born. In Sokoto, which received tribute in slaves, and where at the time of its conquest in 1903 the great majority of the labouring class were slaves, and the masters most tenacious of their rights under Moslem law, the registers

show 21,711 slaves freed by regular process up to the end of 1917. This represents only a fraction of the number who have gained their freedom. The number thus liberated in the Northern Provinces increases steadily each year, and exceeded 55,000 at the end of 1917—with 7,212 in that year. Residents report that even as regards those who voluntarily remain, the old relation of master and slave is practically dead and is replaced by that of master and servant. The traffic in children, especially in the Benue regions, has been suppressed with difficulty and recrudesces from time to time.

The example set by Government of prompt payment to the individual labourer (and not through the intermediary of a chief), the introduction of currency, and the unwearied counsel of the political staff, have all contributed to the formation of a free labour market. The former slave owners are appreciating the advantage of being relieved of the responsibility of maintaining their slaves, and the many other disadvantages of the system of slave-labour, since they can now enforce their contracts in the courts. Hired labour is now largely employed by them.

105. **Slavery in Southern Provinces.**—In the Southern Provinces the new Slavery Ordinance decreed the emancipation of all persons " heretofore or hereafter born in or brought into " the country, a decree of emancipation justified by the successive enactments against slavery in past years, and by the fact that Moslem law, which recognises the institution, is not applicable in any part of the Southern Provinces.

106. **Employment of Free Labour by Government and Others.**—The admirable way in which naked savages employed on the Baro-Kano Railway construction, and later on the Port Harcourt Railway, and at the Colliery (*see* paragraph 138), had been handled, the direct cash payment to the individual, and the gradual introduction of piece work, has familiarised these primitive tribes with the idea of free paid labour, and of a fair day's wage for a fair day's work. The educative value of these Government works, and of the similar treatment on the mine-field, has been incalculable.

Some pressure through their chiefs was in the first instance necessary in order to obtain workers on the railway, &c. When to their surprise they found that they were regularly paid, given facilities for purchasing food and other requirements, and allowed to return at the proper season to sow or reap their fields, this pressure became less and less necessary, and they returned of their own free will.

" Political labour " as it was called, is now in turn abolished in the Northern Provinces, and the intervention of Government will, I trust, soon be equally unnecessary in the South, as the good treatment and pay become generally known, and prove attractive as they have done at the Colliery and on the Eastern Railway construction.

107. **Warning to Employers of Labour.**—On the other hand it is well that employers of labour, whether on the mine-fields or elsewhere, should realise two important facts in regard to labour. First that the Government policy, being radically opposed to coercion in any form, even for works of such urgency and importance to the country as railways and roads, will not employ it in order to procure labour for private undertakings. Employers must, therefore, make the conditions of service sufficiently attractive to secure the labourers they need. To effect this high wages are not necessary, and they are to be deprecated. An employer who pays more than the standard wage does an injury to the development of the country. Labour will be secured only by kind and fair treatment, decent hutments, the entire absence of blows and rough usage, and the facilities already described.

Secondly, the employer must recognise that employment in agriculture, and the collection of saleable produce are more lucrative than wages. Probably the peasant who grows ground-nuts can earn double what he could get as a labourer for wages, and such labour, at his own times and in his own way, is more congenial to him. He can, moreover, employ his women and children in his field and add to his earnings. Land is abundant, and the class which prefers daily wages is not large. Probably the majority prefer to work for wages only in the off-season, when their crops do not require continuous attention. It is advisable therefore that the employer should introduce power plant, and labour-saving machinery to as large an extent as possible. He will have only himself to blame, if, by failing to do so, his venture does not succeed for lack of labour.

Financial.

108. **Preparation of Annual Budget.**—On amalgamation the revenue and expenditure of the two former Governments were merged in a single Budget. The financial year, which on account of the grant in aid had in Northern Nigeria ended, as in England, on March 31st, was from January 1st, 1914, made identical with the calendar year, as in Southern Nigeria. The expenditure of the Colony proper, so far as it can be conveniently separated from that of the Protectorate, is printed separately, and a corresponding sum is assigned from the General Revenue. These estimates are laid before the Legislative Council, and may be altered in accordance with their criticisms. The usual Supply Bill is then passed.

The Lieutenant-Governors of the Southern and Northern Provinces prepare their respective estimates, and all changes are carefully scrutinised by, and discussed with, the Governor-General

—more especially the programme of capital expenditure, which is adjusted to the available balance. The Heads of Central Departments submit their estimates through the Central Secretariat, and the Governor-General personally goes through all changes and the programme of capital works, with the General Manager and with any other Head when necessary. The three Budgets are printed separately in a single volume, the Revenue and Expenditure of each being shown under each head in parallel columns and totalled in the Central Secretariat. The Revenue forms a single fund to meet the aggregate expenditure. The Financial Statement and Appendices, &c., are added by the Treasurer. The financial unification is thus complete.

109. **Financial Position prior to Amalgamation.**—When, in 1912, the Imperial Treasury was consulted regarding the proposed Amalgamation of Nigeria, it was pointed out that the combined deficit (or excess of expenditure over revenue) of the two Governments in that year was estimated at £357,000, and that the average deficit of the last four years stood at £229,000. The Secretary of State considered it evident that for some time to come, and even with the most careful economy in Administration, the Revenues of Amalgamated Nigeria would not suffice to meet the expenditure. He proposed that the grant in aid should be fixed at £100,000 for five years, after which it would cease, and with this limited assistance he anticipated a deficit of about £200,000 in the first year, which he proposed should be met from the Colonial reserves of Southern Nigeria. These in the previous year (1911) stood at £1,007,625. The proposal was accepted after scrutiny by the Lords of the Treasury, and the reduced grant commenced on April 1st, 1913.

110. **Position at close of first year of Amalgamation. Effect of the War.**—On Amalgamation I was able to effect considerable economies in the expenditure of the Southern Provinces, which much more than compensated for some increase in the Administrative Service of the North. But the outbreak of war threw unexpected burdens upon the Budget. Customs receipts fell by £267,000 in 1914, owing to dislocation of trade, and the cost in 1914 of the Cameroons War was estimated at £167,000. Excluding, however, an advance to the new Eastern Railway, which was met from Colonial reserves, the first year of Amalgamation closed with a credit balance of £80,500 instead of the anticipated deficit of £200,000—which, owing to these unexpected burdens, might have been expected to have increased to £634,000. The balance of surplus assets of the combined Administrations stood at £1,273,000 in spite of the advance to the railway construction of £629,000. These were astonishingly satisfactory results.

111. **Financial position during the war, and at present date.**—The Secretary of State had decided that the new railway should be completed to the colliery (150 miles), but that all further construction should be suspended. To effect this and carry on the Administration to the end of 1915, it was estimated by the Colonial Office that we might require a loan of one and three-quarters million from the Imperial Treasury. By the close of 1916 the whole of the reserves had been absorbed in financing the Eastern Railway, and there was actually a small deficit of £124,411. But Nigeria has not had to ask for any loan whatever. The first 150 miles of the Eastern Railway has been completed at a cost of about £2,000,000, including purchases of material for the remainder of the line to which the Government was committed. Additional expenditure incurred on account of the War amounts to about £700,000, with approximately an equal sum in payment of salaries of officers lent to the Imperial Government, and similar charges borne on the estimates (£705,000 to end of 1918). The revenue has meanwhile lost a sum of £1,120,000 (receipts in 1913) from duties on trade spirits which have ceased to appear on our estimates. The recovery in the last two years is indeed surprising, and shows the enormous wealth and potentialities of the country. The surplus assets on December 31st, 1919, are expected to reach £871,609, an increase since January 1st, 1917, of £995,000. They stood at £702,785 on December 31st, 1918. The revenue for 1919 is estimated at £4,070,525. The receipts for 1918 were £4,014,189, viz., £652,085 over the estimate. On the other hand the restoration of the normal staff, the rehabilitation of the railway and buildings (upon which inadequate expenditure for maintenance has been incurred during these years of stress), the necessary expansion of several departments arrested for four years, the increased salaries or war bonuses, the enhanced cost of all materials and of prisoners' food, will involve increased expenditure. There will also be the interest and sinking fund on the £6,000,000 of the Imperial War Debt, which Nigeria has declared her readiness to undertake, commencing six months after the termination of the War, viz., a sum of £13,250,000, spread over 36 years. Towards the debt charges on this War Loan, the Native Administrations will probably be able to contribute a sum of £70,000 per annum. I have no fear that the expanding revenue will not be able to bear this burden. The estimate of revenue for 1919, large as it is, was prepared when the duration of the War was still uncertain. With the expansion of trade due to increased imports, and of shipping, with reduction of freights, it may probably be exceeded, for it is certain that there will be a strong demand for all the produce the country can export. It exceeds the estimated expenditure for 1919 by no less than £288,000.

The realised revenue in the first year of Amalgamation (1914) was £3,048,381 (including a grant-in-aid of £100,000). The conservative estimate for 1919 is, as I have said, £4,070,525 without a grant, in spite of the loss from trade spirits, and the war conditions, which I have

described. The rehabilitated reserves are available for arrears of capital expenditure. These figures justify a hopeful outlook. I shall have some few suggestions to make in Part IV.

112. **Reasons for satisfactory financial position.**—It is difficult, without an analysis of figures which would be out of place here, to describe how these results have been obtained. They cannot be ascribed to heavy war taxation for the only war taxes imposed were (1) an export duty on three staples (increased in 1918 to six) which affected the articles so slightly that the control price in England was not altered from that obtaining for other West African Colonies, while the local output was greater than ever (*see* paragraph 73).* (2) A surtax of 25 per cent. on all imports except spirits, unmanufactured tobacco and cartridges, and a surtax of 30 per cent. on railway freights. The former yielded £108,000 only in 1917. The latter was not more than was necessary to meet the increased cost of fuel and other necessaries of the railway. That it had no adverse effect on the development of traffic was proved by the fact that the receipts rose from £632,130 in 1913 to £1,267,000 in 1918—just double.

Increased revenue was obtained by steady increase in the yield from direct taxation in the North, by the development of the colliery, by the high prices (and consequently increased royalties) on tin, by larger receipts in fines and fees owing to the increased efficiency of the Courts, and larger railway receipts from the volume of produce carried. Decreased expenditure was affected by the unavoidable reduction of the civil staff, and the absence of part of the military force, by the reduction to the lowest possible point of all capital works, and by general economy in every detail.

113. **The Debt of Nigeria.**—The total debt of Nigeria amounts to about eight and a half millions (chiefly incurred by Southern Nigeria), viz., about two years' revenue. Of this about six millions has been spent on railways, for which, in the South, Major Waghorn considered an inadequate mileage had been constructed. On the total sum an annual debt charge of £448,400 accrues, which is more than met by the surplus earnings of the railway after paying all working expenses, and by receipts from harbour dues. These receipts may be expected to increase largely and rapidly, especially from the Eastern Railway, the earnings of which are at present chiefly confined to the carriage of coal from the colliery. Since it traverses one of the richest districts in West Africa with a dense population, its commercial prospects are immense, and with the return of normal conditions and the completion of wharf facilities at Port Harcourt, there can be no doubt of largely increased revenue.

114. **New Debt Charges.**—The service of the existing debt is, as I have said, fully covered by the receipts from the remunerative works upon which it has been expended. The war debt assumed in relief of the Imperial Exchequer, deducting the share borne by the Native Treasuries, will probably involve an annual expenditure of about £290,000, and a new loan, say, of £3,000,000 will be required, making in all a total new annual debt for loan service of £470,000. We must look to the Colonial reserves for the capital outlay for rehabilitating the railway, for the new capitals, and for the large housing programme (*see* paragraph 118).

The new loan should be devoted to (1) the completion of the Eastern Railway, including the Benue Bridge, and the short branch line to the mines, together with its share of the Kaduna workshops. (2) Wharves and harbour improvements at Lagos and Port Harcourt, including the mole-works and dredged channel, for which only about £154,000 remains from the present loan. (3) The terminal at Apapa. (4) The repayment to Colonial Reserves of the advances made for the Eastern Railway, as may be required for the purposes just enumerated. The completion of these works will no doubt cost more than double the loan I have proposed, but before a further sum is required the portions of the works completed will be bringing in revenue.

The profits on coinage in the hands of the Currency Board amounted at June, 1917, to £1,700,000, and must now be over two millions. The larger portion of this belongs to Nigeria, and should be available to save borrowing.

115. **Future prospects:** (*a*) **Revenue.**—It is worth while to examine these forecasts of revenue and capital for 1919 in order to judge how far they represent normal conditions. The estimate of revenue is £4,070,525, of this, £28,700 is non-recurrent (sale of S.S. "Dakar" and refund from Cameroons Province). Customs and Harbour receipts may both be expected to increase rapidly under peace conditions. The Direct Tax, only recently instituted in a portion of the Southern Provinces, may be expected to yield a much larger sum in a future year when more universally applied. The yield steadily increases each year in the Northern Provinces. The profits on the Colliery by sales to shipping, &c., may be expected to increase rapidly. In illustration it may be noted that the receipts from the following items show an increase in the estimates for 1919 over the receipts for 1913 as follows:—Railways by £750,870, Colliery by £147,000, Direct Taxes by £283,022, Royalties on tin £34,000. Thus, deducting the non-recurrent items, we have a Revenue of £4,041,000, which it is reasonable to expect will increase very rapidly.

* Palm kernels, £1 2*s.* 6*d.* a ton; palm oil, £2 a ton; ground-nuts, 10*s.* a ton; cocoa £2 6*s.* 8*d.* a ton; tanned hides and skins, 3*d.* a lb.; untanned or haired skins, 2*d.* a lb.

116. (*b*) **Expenditure.**—The estimated expenditure in 1919 is £3,782,648. War bonuses have been increased by £170,000 (included in the estimate) and will be replaced by a permanent revision of salaries. If to this be added the filling of vacancies and the increase of staff, especially in the Political and Education Departments, it would be advisable to add not less than £200,000, but this would be greatly affected by the adoption of the proposals made in paragraphs 207 to 223. The provision for the West African Frontier Force amounts to £292,974. The normal cost of the Force should not exceed £176,000 (paragraphs 38 and 243); decrease £117,000. The £25,000 provided for interest on temporary loans disappears, and also the charges for Eastern Railway Construction and Harbour Works—in all £88,000. The debt charges will be increased by £470,000 (*see* paragraph 114). The 1919 estimate of capital expenditure on railways and public works is fairly liberal. The British Staff of the Medical Department, though reduced by 45 per cent. during the War, has, with the aid of motor cars and additional native staff, worked very successfully. The actual pre-war cost (1914) was £123,300; the estimated cost in 1919 for a somewhat depleted staff is £127,500. The normal cost should not, I think, exceed £100,000. These adjustments would add £412,500 to the 1919 estimate, bringing the expenditure to £4,195,000, as against a minimum revenue of £4,041,000, a deficit of £154,000.

117. **Summary of Prospects.**—These calculations are necessarily based on mere guesses and assumptions, but they will serve to show that the prospect is reassuring. They take no account of the expansion of revenue, which may be expected from a large increase of imports and of harbour dues and railway freights which will accrue from the liberation of shipping and the rapid increase of trade. Duties on spirits for sale to natives are entirely eliminated, but, as will be seen from the section on Liquor, I hope that the Revenue may derive a substantial sum from the excise on locally-brewed beer. The incidence of indirect taxation is now, as I have shown, much reduced. Expenditure, on the other hand, should be further reduced by the use of local timber, lime, and tiles, &c., and it may reasonably be expected that the present abnormal prices for supplies of all kinds imported from England and America will decrease. Generally speaking, there are grounds for anticipating a rapid increase over the four million pounds which I have assumed as the present normal revenue, and ample justification for the loans proposed, without recourse to any spirit duties.

In my original report I observed that the financial position presented two unsatisfactory features—first, that nearly two-thirds of the Customs' revenue was derived from trade spirits; and secondly, that the exports were not sufficiently diversified, so that if any disease attacked the oil-palm, or for other reason palm products were to fail, the prosperity of Southern Nigeria would collapse. Both drawbacks have, I trust, now been removed; ground-nuts, cotton, cocoa, skins and hides and tin may now all be regarded as staple exports.

118. **Expenditure of Reserves.**—The Treasurer's financial statement anticipates that the Colonial reserves will at the close of 1919 stand at £871,000. This calculation will, of course, be altered by the changes I have outlined but it is justifiable to assume that the reserves will be in the neighbourhood of a million sterling.

In view of the progressive increase of revenue and the encouraging outlook, there is no good reason for maintaining reserves at anything approaching this sum. Liquid assets should be devoted to rehabilitating the railway, to a large programme of house-building, and to the completion of the two Capitals.

Not only are houses for Europeans desirable in order to implement the promise of free quarters and advantageous to Government from a health point of view, but they would effect a financial saving. A sum of approximately £6,500 is spent yearly in erecting temporary houses, and a further sum of between £5,000 and £6,000 is disbursed to officers as compensation for quarters. This aggregate annual expenditure is equivalent to the interest on the capital sum required to build from 150 to 200 houses, together with depreciation and maintenance charges. The most pressing railway needs are for rolling stock and workshop equipment, especially at the new centre at Kaduna Junction, already sanctioned but postponed by the War. Large orders have already been placed. The renewal of rails on the southern section will also soon be a pressing matter. Regarding the new Capitals I have written elsewhere.

119. **Cameroons. Native Administrations.**—No special reference has been made in this brief review of the addition to Nigeria of the occupied territories of the Cameroons, except in so far that this province would participate in the increase of staff and the capital expenditure which has been included. The separate estimates, which have been prepared annually, show that with economy its normal revenue should nearly meet its normal expenditure.

The Native Administrations in the Northern Provinces are in a very prosperous condition and well able to contribute the sum named to the Imperial War Debt. Their aggregate revenue has increased from £70,895 in 1906-7 to £441,070 in 1917; the total in 1913 was £324,449, an increase of over 35 per cent. in four years. They had at the end of 1917 £255,600 invested, and are increasingly able to undertake provincial capital works, roads, &c. (*See* paragraph 25.) The Native treasuries in the Southern Provinces will also, I am assured, soon be in a position to contribute.

120. **Grants in aid.**—The grant in aid to Nigeria from the Imperial Exchequer has now ceased. Apart from a sum of £611,000 which was paid for the West African Frontier Force

between 1897 and 1901, viz., before Northern Nigeria was transferred from the Chartered Company, and while it was mainly employed in Ashanti, the total grants made amount to £4,261,000. Even if the cost of the West African Frontier Force be added while it was employed on Imperial Service on the French frontier and Ashanti (where otherwise British troops would have been required at far greater cost) we have a total of less than £4,900,000 To this may be added the sum paid to the Royal Niger Company for expropriation, £865,00. On the other hand a great part of the grants was transmitted to Nigeria in silver coin on which the Treasury admitted a profit of 58 per cent. On the most liberal calculation, therefore, the cost of acquiring Nigeria has not exceeded, say, £4,700,000.

The Uganda Railway alone cost a much larger sum, and since Nigeria has already incurred an expenditure approximating a million, and proposes to accept a further six millions on behalf of the Imperial War Debt, it will be seen that this vast country, which affords an increasing market for British industry and commerce, has been acquired at no cost whatever to the British taxpayer.

Railways.

121. **Financial Position.**—The total sum expended on railway construction in Nigeria to the end of 1918, whether from Loan Account or from Colonial Revenue and Reserves, is shown at £8,670,145. The expenditure on the existing railways (whether recurrent charges or Capital Account) is estimated in 1919 at £825,363 (actual in 1917 £757,700). The earnings in 1919 are estimated at £1,383,000 (actual in 1917 £1,009,323).* If to the 1919 expenditure be added the full charge for Interest and Sinking Fund on capital cost (whether from loan or advances from revenue) it will be seen that the railways are not only paying these debt charges, but show a margin of profit of about £60,000.

It is true, as I have said elsewhere, that an inadequate sum has been spent on maintenance during the War, and a considerable sum must therefore be added to the capital account for additional rolling-stock—workshop equipment, and in some sections for renewal of rails, but considering the increased cost during the War of fuel, and of all materials, and war bonuses to staff the financial position of the open-line railways may be considered eminently satisfactory. There is, moreover, every prospect of a large increase in earnings as soon as the removal of war restrictions, and an adequate supply of shipping, render the expansion of trade possible.

122. **Mileage of open lines.**—The mileage (and gauge) of existing open lines in Nigeria is as follows :—

Western Railway, 3-feet 6 inches gauge, Lagos—Kano	704½	miles.
Western Railway, Baro Branch, 3-feet 6 inches gauge, Minna—Baro ...	111	„
Bauchi Light Railway, 2-feet 6 inches gauge, Zaria—Bukuru	143	„
Eastern Railway, 3-feet 6 inches gauge, P. Harcourt—Udi	151	„
Total	1,110	miles.

The length of the extension from Udi to Kaduna, which was under construction until arrested by the War, is 430 miles, making a total mileage—open or under construction—of 1,540 miles. Much economy was effected when the system was unified prior to amalgamation.

The Eastern Railway to Udi is laid with rails 60 lb. to the yard. The first 60 miles of the Western Railway from Lagos to the stone quarries at Aro should be re-laid with 80 lb. rails. It is worth considering whether it would not be worth while to relay the remainder of the Western Line with 60 lb. rails, using the present 45 lb. rails for new extensions.

123. **Railway and river outlets to the sea.**—A reference to the map of Nigeria which forms Appendix 1 shows that the railway from Lagos running N.E. to Kano, serves the western portion of the Southern Province and at Kano is roughly midway between the French frontier on the west, and the Cameroons on the east. The Niger waterway, fed by the Benue, serves as an outlet for the produce of the central portion of the Southern Province and is connected with the Lagos-Kano Railway line by a branch from Baro, a port on the Niger, to Minna. The Cross River, towards the extreme east, affords a means of transport for those districts for a distance of about 100 miles northwards from the sea. They are navigable only for a few months in the year. Between these two rivers, with their ports at Forcados and Calabar, lies a belt of country about 100 miles broad, which is probably one of the most densely populated in Africa, and also one of the richest in palm produce. It naturally strikes the eye when looking at the map, that the great Bonny estuary, situated in the very centre of the coast line of this area. would form an ideal port. When, however, questions of general railway policy were discussed some 15 years ago, Sir R. Moor stated that it was altogether impossible to make a port on this arm of the sea, or to obtain railway access to it, by reason of the extensive mangrove swamps by which it was bordered.

* The actual Revenue of the Railway in 1917 was £1,009,323, and in 1918 it was £1,267,004 of which the Western Railway earned £1,077,146 and the Eastern £189,858, the profit per mile of open line being £485 10*s*. The increase on the Western Railway over 1917 was £129,513, viz. 13·6 per cent., and on the Eastern Railway £128,168, viz. 207·7 per cent. Total increase £257,681.

124. **Investigation of Bonny Creek.**—The desirability of finding a port which would serve as the terminus of a railway traversing this belt was accentuated, and became a matter of immediate importance, in connection with the development of the Udi coalfield. It was manifestly inadvisable to base the colliery railway on a port such as Onitsha on the Niger situated 140 miles up a river, difficult of navigation, except for a limited period each year, if a possible seaport could be found.

With the object of investigating this problem, I visited the Bonny Creek in December, 1912, shortly after my arrival in Nigeria, accompanied by Captain Child, R.N., Director of Marine, and Sir J. Eaglesome, Director of Railways and Works. The Bonny Bar at the entrance to the creek, 325 miles east of Lagos, shows 21 feet of water at high tide; which contrasts favourably with Forcados or Lagos. The forbidding expanse of mangrove swamps which border this great estuary for miles had apparently discouraged investigation heretofore. Deep water was found up to Okrika, 30 miles, where the mangrove swamp was interrupted, and Sir J. Eaglesome reported that no insuperable difficulties existed to the construction of a railway terminal; he was in fact, at first sight much impressed with its possibilities.

Beyond this point the estuary was uncharted and had been little explored. It was reported that navigation was difficult. A careful survey of the whole estuary, up to and surrounding this point, was at once put in hand. In the course of this survey it was found that the deep water extended for a considerable distance beyond Okrika, and some eight miles north-west of it the mangrove swamp suddenly gave place for a distance of 1,400 yards to red cliffs 45 feet high, which appeared to afford a much better site for a railway terminus. There was at this point a fairly large basin for a harbour with deep water 200 yards across at the narrowest point. The site was cleared of dense forest, and it was found to be well adapted for the purpose, though limited in area. Further investigation established the fact that access could be obtained to the mainland, without crossing any swamp or tidal waterway—a piece of good fortune which could not have been anticipated in a district so intersected by back waters—mangrove swamps and creeks. Approval to the project was at once given by the Secretary of State, Mr. (now Viscount) Harcourt, who took a keen personal interest in the scheme, and the port was named after him.

125. **Creation of Port Harcourt.**—Port Harcourt is situated about 38 miles from the mouth of the estuary, and at no point along this length was there a less depth of water than 27 to 30 feet—to which depth it was proposed eventually to dredge the Bonny Bar. At the port itself the depth was between 30 and 40 feet (18 to 20 feet alongside), the minimum breadth of the channel being about 700 feet, widening out at the entrance of the harbour to over 1,000 feet. The first task was to cut down the high cliffs, the spoil from which sufficed to reclaim considerable areas of adjacent swamp, and to lay out a model terminal and township. Segregation was provided for by European and native reservations, separated by a non-residential belt, and houses for the construction staff were rapidly erected. It was not to be expected that the site would be either healthy or attractive at first, and it proved to be infested with every species of biting fly, but when the nearest swamp was reclaimed, the excavations finished, the forest and undergrowth cleared, and gardens and avenues created, it quickly became more salubrious.

126. **Construction of Eastern Railway.**—The construction of the railway was put in hand at once, and it reached the coal mines at Udi in May, 1916. The distance had been estimated at 130 miles, but proved to be 151 owing to the very difficult nature of the country—for the line in this section crosses the water-parting from which streams flow to each quarter of the compass, on the north to the Benue, on the east to the Cross River, on the south to the sea, and on the west to the Niger. It is a hilly rugged country intersected by deep ravines. Preparations were made for the further extension to the Benue, and from thence to the junction at Kaduna. Large quantities of material were conveyed to each of these points, and the entire survey was completed, the total actual length of track from the sea to Kaduna being 581 miles. Construction was also begun at Kaduna, and 30 miles were actually completed, while a very careful survey of the bed of the Benue was made for the foundations of the great bridge which will span that river. The point selected for crossing was at the "Munshi Narrows," 18 miles below Abinsi, where the river is not more than 800 yards broad, but it was found that, deep as the water is here, there existed a fissure at the bottom of the river of unknown depth, and the greatest possible care in placing the pier foundations would be necessary.

The outbreak of war upset all plans. Construction beyond Udi was suspended, but the line was completed up to that point, and had it not been for the supply of coal thus rendered available, it is difficult to imagine the collapse which must have resulted from the lack of fuel for the Western Railway. Not only would the prosperity of Nigeria have been most seriously impeded, but the supply of oleaginous produce and tin, so urgently required in England for war purposes, would have been very seriously interfered with. With the cessation of hostilities the construction should be at once resumed. The line and terminal have cost about £2,000,000 sterling, and has so far been entirely financed from revenue and reserves. Meanwhile, the construction of a permanent quay wall was commenced, and coal tips were constructed so that vessels should be able to bunker direct from the wagons. The wharf is still under construction, and has proved a difficult task necessitating the purchase of a costly dredger.

127. **Prospects of Eastern Railway.**—The railway traverses one of the richest oil-palm districts in West Africa, with a dense population estimated at 176 to the square mile. The Commercial Intelligence Officer writes: "Its extraordinary richness is sufficiently indicated by the export figures of Opobo, Bonny, and the other ports near by, which in 1911 totalled a million in value (one-fifth of the total exports of Nigeria), though there was not a single inland factory." The advent of the railway will not only cheapen transport, but will set free for productive work the great army of labour at present engaged in transporting produce to the coast. Each portion of the section to Udi as it was opened to traffic at once began to earn revenue.

The further sections will traverse a country well populated by industrious agriculturists, and suitable for cotton. The railway will probably capture the Upper Benue trade. (Groundnuts, cotton, palm-oil, fibres, beni-seed, hides and skins, shea and livestock.) It will serve the minefields, and give access to the proposed sanatorium.

The township building plots at Port Harcourt were eagerly taken up by merchants and realised large premia. Sites at the principal stations along the Railway route were also at once appropriated. The excellent prospects of the railway were, however, considerably upset by the War, for but little shipping could be allotted to Port Harcourt, where, moreover, pending the completion of the wharves (for which it was difficult to procure material), rapid despatch could not be given to vessels, and bunkering was difficult.

In spite of these drawbacks a fair amount of produce was carried, and the passenger traffic was good, but 70 per cent. of the earnings were made by the carriage of coal from the mines; with return loads of pit props cut from the mangrove forests. The whole section was first included in the General Railway Returns as "Open Lines" in 1917. Its earnings for that year were £61,700. The estimate for 1919 is £228,000 (of which £155,000 is from coal freights).

128. **Further Extensions:** (*a*) **Jemaa-Bukuru.**—The branch from Jemaa to Bukuru, the centre of the tin mines (*see* Map, Appendix 1), should be undertaken as an integral part of the prolongation of the Eastern Railway. It is as yet unsurveyed, but the Katab Valley is stated by Mr. (now Major-General) Collard, Chief Surveyor, to afford much the best route for surmounting the escarpment which forms the western edge of the Bauchi Plateau. Its length scaled on the map is only 74 miles.

Bukuru is at present connected with the main (western) line by a light 2-feet 6-inch track which ascends the escarpment by serpentine curves, and steep gradients, and has already become quite inadequate. It would, in any case, have to be replaced by a standard gauge line. The proposed branch not only reduces the distance from the coast by 173 miles (viz., about 50*s.* a ton), but would enable Udi coal to be delivered at Bukuru at a cost of 50*s.* to 60*s.* a ton or less, as against £5 a ton for Welsh coal, or oil at £18 a ton—at pre-War rates which are now indefinitely increased. Since it is an *upward* freight carried by trucks which would otherwise be returning almost empty for produce, the traffic would be particularly valuable to the railway apart from the additional market for Government coal. With a cheap fuel it is possible that smelting would be undertaken locally, a saving of 30 per cent. in rail and ocean freights. The line would also serve to tap the labour supply from the densely populated districts in the South. From these figures it is clear that the advantage to the tin industry would be very great, both in shortening the distance for imports (machinery, fuel, &c.) and the export of tin, while the traffic would be lucrative to the railway and colliery.

Mr. Best, a mining engineer (for whose figures I cannot personally vouch), declared in June, 1912, that if a railway were built, assuring a reasonably cheap fuel to the mines, the output would be increased at least tenfold, viz., by 20,000 to 30,000 tons. Each machine imported would save 270 labourers. At that time Port Harcourt was not discovered, and he contemplated a line to Onitsha, on the Niger, with the costly breaking of bulk.

129. (*b*) **Kano to Frontier.**—Another short extension of great importance is the prolongation of the main line from Kano to the French frontier. At present, goods which are the property of the French Government and consigned by rail to French territory, are free of Customs duties, while private goods, if dutiable, are entered in transit and pay only the difference (if any) between the British and French tariff. The total in 1917 was about 2,000 tons (value, £62,457, exclusive of specie).

Goods for Zinder are carried from Kano to the frontier (72 miles), and those for Port Lamy (Chad) to Maidugari, in Bornu (330 miles), by camels and human carriers, at a minimum cost of about 9*d.* per ton mile. (*See* Appendix 7.)

The difficulty of obtaining transport has continually caused a congestion at Kano, and the French are anxious for a better method. Moreover, the demand both for transport and supplies, especially on the long march to the eastern frontier, naturally causes some embarrassment to the Nigerian Government and enhances the cost of both to British traders. The adjudication of the inevitable petty questions which arise adds also to the work of the British administrative staff. With the question of this Kano-Bornu route I will deal presently. I am here concerned with the northern extension towards Zinder.

The provision of a good road on which motor lorries might be run would not be a satisfactory solution, for the cost of petrol, at a base 704 miles from the sea by rail, would be very heavy

indeed, and its transport onwards by motors would add to the working expenses enormously. On the direct route to Babera there is no ballast beyond the 25th mile, and it would be necessary to adopt either the route *viâ* Zango (85 miles) or *viâ* Katsina (132 miles) for 100 miles of which (to Katsina) a fairly good road already exists. These obstacles would no doubt be greatly reduced by the use of ped-rail tractors drawing a train of vans (*see* Appendix 7), and I regard this as the only practicable alternative to railway extension. A light 2-foot 6-inch line such as that between Zaria and Bukuru would cost not less than £2,000 a mile, and since it would involve a break of bulk I should deprecate any extension, except on the standard gauge at, say, £4,500 a mile, viz., £350,000. There is a good prospect that the rail would be remunerative. For a fuller examination of this project *see* Appendix 8.

130. (*c*) **Rail to Bornu.**—The project of a railway to Bornu and Lake Chad is one which has been frequently alluded to by writers since the days when the Lagos Railway was first begun, and the then Governor (Sir Wm. MacGregor) pictured " the iron horse from Lagos drinking the waters of Lake Chad."

The lacustrine plain, which forms the greater part of Bornu, supports large herds of cattle, and flocks of sheep and goats. It is badly watered. The Yobe River on its northern frontier, the Hadeija on the west, and Lake Chad on its eastern boundary, are almost its only perennial waters, and the subterranean supplies cannot be tapped by wells with a less depth than 200 feet and more. By deep boring and the mechanical raising of water no doubt this vast country would be immensely rich. Already its output of cattle, hides and skins, and of valuable gums from its acacia forests, offer great possibilities of trade, which are being increasingly developed. The Chad districts offer first-rate possibilities for cotton. In no part of Nigeria, and possibly of Africa, is grain so plentiful and cheap, but low value produce would hardly bear the transport charges. A railway would not only develop these resources but would tap the limitless markets to the north and east which have no other outlet, including the Northern Cameroons whose only outlet is by the Benue River (230 miles south of Chad) for three months in the year only. Its great needs are a good water supply in its central area, and cheap transport for its produce.

Proposals and suggestions, in the absence of accurate data and surveys, are necessarily of little value and apt to be misleading, and I, therefore, do not propose to do more than indicate very briefly in Appendix 8 the aspects of the question as it presents itself at the moment. There appear to be three possible routes to Maidugari (the capital of Bornu 70 miles south-west of Chad)

(i) From Kano, due east, 330 miles. The country is mostly flat, with few rivers to cross, and construction would be cheap—say, 1½ to 2 million sterling. Population dense for the first half and fair throughout. Total length from seaport (Lagos), say, 1,060 miles (360 new).

(ii) From Bukuru (assuming the branch from the Eastern Railway discussed in paragraph 128 to have been made) the direct distance, *viâ* Bauchi and Fika, north of the bend of the Gongola River, is the same as from Kano (330 miles), but the country would be more difficult and the actual length greater, say, 370. It would traverse the minefield, and bring to them the cheap food supplies of Bornu. Distance from seaport (Port Harcourt), 960 miles (370 new), saving 100 miles and cheaper fuel from Udi.

(iii) The third route is from Afikpo, near the Udi coalfield, to Yola, where the Benue would be crossed above all its main tributaries. It would run parallel to, and about halfway between, the Benue and Cameroon frontier, and would anticipate the projected German line from Dualla to Garua and thence to Chad. It would divert the whole of the Benue trade, for the waterway is so unsatisfactory that trade increasingly tends to go overland both North to Kano and South to Onitsha, &c., from Yola, now that the routes are safe. Even by canoe transport to Lokoja 1*s.* to 1*s.* 6*d.* is charged for a hide, and 9*d.* to 1*s.* for a bag of salt. It would, no doubt, be a difficult line to construct. The length scaled on the map is about 600 miles, but the railway track would probably not be less than 15 per cent. more. It would open up a thickly populated country throughout its whole length and tap the trade of the Cameroons. Length to seaport (Port Harcourt), say, 795 miles (690 new). Cost probably 5½ millions. This line would be 190 miles nearer to its fuel supply (Udi) than the Kano line—a matter of the utmost importance in cost of working. The routes compare as follows :—

Route.	Already constructed.	Approximate new construction.	Total mileage to seaport.	Possible cost.
Via Kano	704½	355½	1,060	2 million @ £5,700 p.m.
„ Bukuru	587½	372½	960	2½ „ @ £6,800 p.m.
„ Yola	105	690	795	5½ „ @ £7,000 p.m.

Sir J. Eaglesome, who is of course the highest authority from the point of view of construction, writes regarding these three alternative schemes : " From the point of view of railway working No. 3 is undoubtedly the best, as following the valley of the Benue keeping sufficiently far from the river to avoid the estuaries of the larger tributaries; and from the same point of view No. 2 is the worst, involving a climb to a height of more than 4,000 feet. The Bukuru branch

if built might be extended to serve Bauchi and the district south of the Gongola. If extended thence to Lake Chad it would traverse waterless country, the water from wells being unsuited to locomotive boilers. No. 1 route *viâ* Kano would be round two sides of a triangle. An alternative is to convert the Bauchi 2-foot 6-inch line to 3-foot 6-inch probably as far as Duchin-Wai (about 40 miles) and to continue to Maidugari. All the bridges on the Bauchi line to Bukuru will carry 3-foot 6-inch rolling stock."

The Duchin-Wai extension would appear to suffer from the same objection as regards water as Nos. 1 and 2. I may add my own opinion, that from the point of view both of administration and of economic development No. 3 is the best, apart from the immense saving of distance from Maidugari to the seaport which will lessen freight on produce, the advantage of starting from the fuel supply at Udi, and the relief to the Northern Section of the main line. The saving by the utilisation of a portion of the 2-foot 6-inch tract under the fourth scheme would be comparatively trivial, and this line would like No. 1 traverse two sides of a triangle—though a less extended one than *viâ* Kano.

The main objects of the line to Bornu would be two-fold; (*a*) to secure the trade of the whole Chad basin as far as the Egyptian Sudan, and to forestall the French Cameroon line from Dualla; (*b*) To open up the vast plains of Bornu, the soil of which is said to be equal to that of the Egyptian Sudan for cotton cultivation. For the former purpose the cheapest possible freights to the Coast are essential, for the latter purpose railway access to labour supply is the first consideration. There is little available labour in the Kano district where the Resident reports that the dense population is wholly absorbed in its own agricultural industry. The regions traversed by the Udi-Yola railway, however, are populated by millions of industrious pagan tribes.

131. (*d*) **Aba—Ikot-Ekpene.**—A branch line from Aba (39 miles from Port Harcourt) eastwards to Ikot-Ekpene (50 miles), through a country phenomenally rich in oil-palms and densely populated, has been generally considered as one of the most remunerative lines which could be constructed. Sir J. Eaglesome, however, observes :—" Every stream crossed will be in competition with it for cheap transport to the sea, so I doubt if it would pay."* The wharf and shipping facilities at Port Harcourt would attract produce, and possibly oil-mills may be erected there. It would be of value administratively as linking up Calabar with the Central Administration.

132. (*e*) **Extensions to Sokoto.**—There remains the north-west district, with the important city of Sokoto, 246 miles from Zaria, as its objective. There is already a considerable volume of trade from this region, including the French territory to the north of it, in cattle, flocks, hides, skins and cotton. The country is well populated, and great quantities of ground-nuts are grown. Maska, 30 miles from Zaria, is the centre of the cotton industry. A railway from Zaria or Kaduna to Sokoto would be of administrative value, and would anticipate the French line from Paraku to Gaya, which otherwise will capture the trade of this region.

An alternative route from Jebba was suggested by Captain (now Major-General) Manse, R.E. Running parallel to the Niger for 140 miles past the rapids to Sekachi, traffic could then be carried by the waterway of the Niger and Jega River, to that town, pending the extension of the railway. The length to be constructed would be not less than 330 miles, running through an almost uninhabited country till it reached the Sokoto Province, but the total distance from Sokoto to Lagos would be less by about 220 miles.**

133. (*f*) **Warri line.**—The proposal to construct a railway with its outlet at Warri or Sapele deserves consideration, the more so that a majority of Lord Selborne's Committee (Lord Selborne, Sir C. Hill, Sir G. Goldie and Sir R. Moor) preferred this line to one debouching at Lagos. Circumstances have, of course, entirely changed and a line with Warri or Sapele as its port would now be merely a subsidiary one designed for the development of the rich hinterland. The two places lie near each other at the head of navigable creeks. They are approachable by vessels of 18 or 19 feet draught, but the channels are long, narrow and tortuous, and the harbours afford little turning room. They would, however, probably suffice for a subsidiary line. The railway would probably have to cross several great rivers or creeks at much cost in bridging. The line might effect a junction with the main trunk-line at Offa or be carried on to the Niger, crossing it eventually at Pateji and joining the Lagos Line *viâ* Bida at Minna.

134. **Summary.**—The immediate task is the completion of the railway already begun from Udi to Kaduna, with the branch to Bukuru. The northern extension of the main line to the French frontier involves questions of policy. It would probably be remunerative. The eastern

* After perusing this report he comments, "This remark refers to local traffic. If extended to Ikot-Ekpene, the branch would tap the Cross River traffic if it were desired to bring this to Port Harcourt.

** Sir J. Eaglesome thinks a possible alternative might be found by following the valley of the Kontagora river. He adds, "Lines radiating from Kaduna or Zaria all emphasize the importance of a junction at Kaduna, with alternative routes to the sea.

and western extensions to Bornu and Sokoto (of which the former is the more important) are larger propositions which must wait, with the Warri line, for the present. There are many short branch lines in the South which would develop trade, and would give good returns. For a more detailed examination of these projects *see* Appendix 8.

Since the open lines are now paying interest and sinking fund on the entire capital expended upon them, the loans already raised do not constitute any burden on the revenue, and the financial position fully justifies a large programme of railway construction, which in the interests of trade and development, and the cheapening of administration should be undertaken without hesitation.

THE COLLIERY.

135. **Discovery of Coal and Lignite.**—The existence of coal in the Udi district had been known for some years, as well as that of lignite in the districts on the western banks of the Niger. The latter being more accessible were first investigated, and the Director of the Imperial Institute urged the establishment of a briquetting factory, and supplied much useful information regarding the processes employed in Westphalia. The expense was, however, very great, and the cost of transporting the briquettes from the factory to the Niger, and thence to Lagos or Baro for use on the railway, rendered it extremely doubtful whether that form of fuel could compete, at the same calorific value, with imported coal. Its suitability for river steamers was more probable, but Government transport on the river had dwindled since the advent of the railway. The Niger Company, which owned a large fleet, obtained the lease of a lignite field at Okpanam, and sent out an expert to examine it, but after his report was received they did not pursue the matter further.

136. **Access *viâ* the Niger unsuitable.**—Early in 1912 a survey of the district between the Niger and Udi was undertaken by Government at a cost of about £3,000, with the object of building a railway (60 miles), and a considerable sum was spent in borings to ascertain whether the coalfield approached nearer to the river. Applications for leases of portions of the coalfield were at this time under consideration. The difficulties and cost of Niger navigation made it sufficiently obvious that it would be much more advantageous to bring the coal down to the seaboard if it were possible to find a port, the more so that such a railway would open up a country exceeding rich in palm produce, and would be a remunerative investment apart from the coalfield; whereas a line from Udi to Onitsha—about 150 miles up the Niger—would be of comparatively little value. The navigation of the Niger had become increasingly difficult of late years, and only shallow-draught vessels could reach Onitsha except during three months in the year. The investigations, which in December, 1912, led to the discovery of Port Harcourt, and the decision to build a railway from that port to the coalfield have already been described (paragraphs 124-125). The line reached Udi in May, 1916, and the first truck of coal arrived at the seaport at the end of that month.

137. **Early development.**—Meanwhile considerable development had taken place. The Government had decided that the coalfield should be retained and worked as a Government monopoly, at any rate until full statistics had been obtained of the extent and value of the deposits and the cost of working. The coal outcrops on the side of a short range of hills, running north and south, which fall steeply to the general level of the country traversed by the railway. The rail-level here is 774 feet above datum at Port Harcourt, and the coal seam where first located was at 1,048 feet.

A small staff was organised under two capable and experienced men, selected by Professor Cadman, who was nominated as Consulting Engineer. They arrived in October, 1914, and at once selected the most suitable place for driving an adit into the hillside. An inclined plane was constructed, down which the coal tubs should run, and deliver the coal into the railway trucks below. Surface and underground labour gangs were organised, and by the time that the railway was sufficiently completed to carry the coal to the coast, 9,207 tons were ready stacked.

138. **Native labour.**—The coalfield is situated near the large native town of Enugu, and the surrounding country is densely populated. The natives under the sympathetic handling of Messrs. Leck and Hayes came forward in large numbers, and there has never been any lack of purely voluntary labour, in spite of its arduous nature at high temperatures underground. They soon learned to appreciate payment by results, and the present wage is fixed at 3*d.* to 4*d.* per tub of 5 to 6 cwt. Natives are gradually being trained to replace Europeans. Quite recently the re-lining and heightening of the main drift, including the extraction of the timber and the blasting out of two feet of stone from the floor and re-timbering, was successfully done chiefly in night shifts, under the sole supervision of a native foreman engaged in February, 1915. A section of the mine has also been placed under a native, with good results. A convict prison has been established at Enugu, and the prisoners are employed on suitable surface work.

139. **Nature of the Coalfield.**—The friable nature of the over-burden necessitated an unusual quantity of pit-props and continuous roofing (adding considerably to the cost of the coal). These were supplied from the mangrove forest surrounding Port Harcourt and sawn on the spot.

Exploration continued *pari passu* with development. It was found that the coal dipped downwards, and Mr. Hayes ascending the valleys of the two small streams Obweti and Iva on either side of the great spur in which the workings are situated, located the outcrop at two points separated by only 2,000 yards, where the neck which connects the spur with the main range is narrowest. Both these points being at approximate rail level, were accessible by sidings from the main railway, and he submitted a scheme for driving a tunnel in the coal between them, and excavating on the rising gradient of the coal stratum towards the present adit, so that the whole underground workings will have a natural drainage outwards. The line of this tunnel would mark the point at which the coal seam dips below the general ground (or rail) level. Throughout the spur coal will be exacavated and loaded on tubs running on a down gradient to rail level—on the other side of the tunnel they must ascend. It is estimated that there are about twelve million tons of coal in the area taken up.

140. **Later development.**—The siding to the Iva Valley (4½ miles) was at once put in hand, and was completed in November, 1917. The coal here is at the level of the siding and progress has been made in driving the main horizontal shaft; while winning the coal from the "districts" on the rising gradient to left of it. A labour camp, and houses for the staff, were erected. It is not at present intended to start work on the Obweti side.

The present output is over 400 tons a day—maximum 768. It can be increased indefinitely according to the demand, the supply of tubs, and the capacity of the railway to handle it. An output of well over 200,000 tons is anticipated in 1919, and there should be a surplus, when Government requirements are satisfied, of 8,000 tons a month for sale to the public. The cost of winning will, of course, be decreased the greater the output, and by the installation of proper machinery, and the employment of native skilled labour. Meanwhile the high market price of coal has enabled the colliery to pay for all development work out of earnings, and in addition to contribute about £47,400 to revenue. As soon as it is possible to procure the machinery the electrification of the mine will be undertaken, and proper haulage engines and fans will be installed.

141. **Calorific value and cost.**—The pit mouth cost, exclusive of interest on capital outlay for development and exploration, has varied from 9*s.* 2*d.* to 7*s.* 2*d.*, the Iva Valley output being of course much cheaper. Railway freight to the port and handling charges there, add 19*s.* 6*d.* a ton. The cost f.o.b. at Port Harcourt may therefore be put at 28*s.* a ton It fetched 33*s.* a ton during the War.

The normal cost of freight to Lagos cannot at present be calculated accurately owing to the abnormal cost of shipping. The cost by vessels chartered from the Admiralty is put at 24*s.* 6*d.* a ton—with a margin of profit. The shipping line charges were 40*s.* a ton. The cost to Government departments ex wharf Lagos in 1917 was 58*s.* 6*d.*, reduced to 56*s.* in 1918. The value of the coal for steam raising purposes is estimated at 80 per cent. of the best Welsh; this percentage can probably be considerably increased by the adaptation of the fire-boxes, since Mr. Lumley, Superintendent Engineer (Marine), has discovered that the coal requires a large amount of air to obtain the best calorific value. Forced draught merely results in waste.

Before the War the price of Welsh coal landed in Lagos was about 37*s.*, at which price the Udi coal cannot compete until the cost of winning has been reduced by better machinery, larger output, and cheaper ocean transport. Welsh coal is practically unprocurable now, but commanded 105*s.* a ton at Lagos in 1916. At that figure the relative price of Udi coal would be 76*s.* 2*d.*

142. **Value of the Colliery.**—To the energetic development before the War of this coalfield and the railway which serves it, Nigeria owes more than is easily calculable. Without it the Western Railway, which is earning £1,200,000 a year, could not have been kept running at full capacity, even at enormous expense, and the supply of oleaginous produce and of tin, so much needed in the United Kingdom, would have been greatly restricted, the exploitation of local timber would have been impeded, and the administrative machinery would have suffered the greatest inconvenience. Great as these direct advantages are, the indirect and permanent results are hadly less. A particularly turbulent tribe has been taught to seek labour for wages, and has earned not less than £34,000 in cash, with which to purchase imports, and improve its standard of living. The new railway has been able to pay its way, instead of being a burden on the depleted revenue; a new outlet has been afforded for native skilled labour with a new means of training it, and a coin currency has been promoted through a large and densely populated district.

143. **Future Policy.**—The prospects of the colliery are very promising. The spur cut off by the tunnel to be constructed from Iva to Obweti should, in my opinion, continue to be worked by Government for its own requirements. Leases of other areas can be granted to private enterprise as soon as the railway is able to provide adequate haulage, and the wharf and other arrangements at Port Harcourt are able to cope with the traffic. Government is now in a position to fix a reasonable royalty from actual knowledge.

The Chief Accountant has calculated that at present the working costs of a company (including directors' fees, &c.) would be 8*s.* 4*d.* a ton, and that with a pit's mouth price of 10*s.* a dividend

of 8 per cent. would accrue on the capital outlay with 1*s.* royalty, or 12 per cent. with a royalty at 6*d.* The profits would be largely increased by a greater output and up-to-date machinery.

144. **Mineral Oils, &c.**—Many believe that subterranean oil exists in this district. The preliminary borings between Udi and the Niger disclosed artesian water, but so far no oil has been found.

Samples of coal were tested for oil in October, 1917, by the Petroleum Oil Research Department of Munitions under the low temperature carbonization process (Del Monte System) with the marginal results:—Sir Boverton Redwood reported that 28·13 gallons of good quality oil per ton was obtainable from the sample, compared with 21 gallons only from the Midland coal. It was estimated that about 5,000 cubic feet of gas, and 30 to 40 lbs. of sulphate of ammonia would also be obtained, but as the test was for oil only this was conjectural.

Water	9·2
Volatile Matter ...	29·7
Fixed Carbon ...	55·9
Ash	5·2
	100·0

INTOXICATING LIQUOR.

145. **Nature of the "Liquor Traffic."**—The importation of vast quantities of Continental spirits, and their utilization as a principal source of revenue, is, I believe, peculiar to the West African Colonies. It is a matter which so closely affects both trade and finance, and, moreover, is a question of so much importance in regard to native policy, that it merits some special consideration. Their introduction into Northern Nigeria was prohibited by the Brussels Act, as being a territory in which, at that date (1892), its sale was not already established. This prohibition has been rigorously enforced, and it is to the credit of the Royal Niger Company that they had not introduced spirits into this area prior to the passing of the Act.

Whether the traffic tends to the demoralization of the native races, in view of the quantity imported relatively to the population, the quality of the spirit, and its replacement by native-made liquor, is a matter of controversy into which I do not propose to enter. A strong Committee appointed by Lord Crewe in 1909 reported very definitely in an opposite sense. I will merely observe that, in my opinion, many of the evils attributed to imported spirits, *e.g.*, physical deterioration, decrease in birth-rate, and spread of tuberculosis and insanity, are traceable to the appalling prevalence of venereal disease, for the control of which measures are urgently needed.

But, however this may be, no one can deny that it is a sterile import, upon which the native wasted over one and a half million sterling annually, without securing any improvement in his standard of comfort, or increasing productive output, that it is a disgrace to an Administration that the bulk of its Customs, and nearly half its revenue, should be derived from such a source; and that it is a foreign product, and *pro tanto* decreases British imports of a more useful character. Before the War spirits were imported chiefly in German bottoms. Mr. Chamberlain stated that he held it as a matter of deep conviction that the traffic was discreditable to the British name, and disastrous to British trade.

It has been argued on the other hand, that if the supply of imported liquor were curtailed, its place would be taken by native-made liquor at a sacrifice of over a million of revenue, and the purchasing power of over four million gallons of spirit in native produce, with possibly worse effects on the moral condition of the people, and a danger of destroying the wealth of the country. I hope to show that these fears are at least greatly exaggerated. Whatever residuum of truth may remain will not form a justification for participation, in the view of any impartial exponent, of the obligations laid upon a Government which is in the position of trustee for the welfare of the native population. Freed from this reproach it is the duty of the Administration to control as far as possible the abuse of native intoxicants. Other parts of the Empire, *e.g.*, India, Hong Kong and the Straits, have made an equal sacrifice in the matter of opium.

146. **Quantity and value, 1913-1917.**—In the paragraphs relating to trade and finance I have mentioned the fact that revenue from trade spirits ceased in 1917 to appear in the Budget of Nigeria. In the year before the War the import of these spirits was over 4½ million gallons or 3,616,000 gallons at 50° Tralles). The revenue derived from these imports reached a sum of about £1,120,000.* In March of that year (1913) the duty per imported gallon was raised from 5*s.* 6*d.* to 6*s.* 3*d.*, with 2½*d.* for every degree over and 1½*d.* for every degree under 50° Tralles In January, 1915, this was again raised to 7*s.* 6*d.* in January, 1916, to 8*s.* 9*d.*, and in 1918 to 10*s.*, practically double the pre-War rate. This represents 500 per cent. on the normal pre-War value c.i.f., and was imposed with the declared intention of crushing the trade, and not for revenue.† The cost of a case of gin which was 9*s.* 3*d.* in 1913, rose to about 16*s.* The import fell from

* The figures are not exact since the returns do not give the duty on trade spirits, separately from the comparatively small quantity of quite different spirits imported for Europeans. The total sum was £1,138,000, of which it is fair to assume £18,000 for the latter.

† The duty had been progressively raised from 3*s.* in 1901 to 5*s.* 6*d.* in 1912, but as the Interior was opened up the imports increased, and the duties appeared to have no effect in restricting the trade.

4,635,000 bulk gallons to 269,000 bulk gallons. This was due to the difficulty and cost of shipping spirits from Rotterdam during the War, and to the increasingly heavy duty.

147. **Loss to Revenue.**—The loss to revenue has only to a very small extent been recouped by the duty on British textiles, &c., which to some extent have replaced the spirits, nor can it ever be made good by such substitutes, since the duty on trade spirits is about 500 per cent. *ad valorem*, while that on British manufactures is only 10 per cent Thus in 1913 four and a half million gallons, valued at about £450,000, yielded a revenue of about £1,120,000 when the duty was at 5*s.* 6*d.* and 6*s.* 3*d.* only. When increased to 10*s.* the revenue would be about £1,800,000. Textiles, &c., to the same value, would yield only £45,000. Indirect taxation has thus been greatly reduced. Whereas, before Amalgamation, spirits formed 34·26 per cent. of the revenue of Nigeria, they had fallen to 2·8 per cent. only in 1917 (1·23 per cent. in 1918). I have already described how this loss has been made good.

148. **Beer as a Substitute.**—I hope that the demand for a comforting beverage may, at any rate, in the coast towns and closely adjoining districts, where a very large proportion of the spirits are consumed, be met by the establishment of a brewery in Lagos, where a light beer, containing not more than 4 per cent. of alcohol—ginger beer, I believe, usually contains a certain percentage—may be locally brewed. Arrangements are already nearly completed with the promoters.

I understand, however, that such beer will not stand transport to the interior, nor would its price admit of transport charges. It is reported that such beers are popular, but being imported in the bottle they are very expensive. The local brewery aims at selling at 1*s.* a gallon. The love of the natives for bitters is shown by the demand for imported beer and the immense demand for the bitter kola-nut, of which 1,130,000 lbs. paid duty in 1917, in addition to the imports over inland frontiers and the considerable local supply. I have, therefore, hope that such a beverage would largely replace spirits, and counteract to an equivalent degree their replacement by local "palm-wine." The Excise duty would, at the same time, yield an appreciable sum. The French, I observe, advocate the substitution in their Colonies of French claret.

149. **Methods of Restriction.**—Total prohibition of imported spirits for the natives accustomed to their use for decades, while admitting spirits for Europeans (and they should not, I think, be wholly prohibited in West Africa), would violate the principle which forbids class legislation, and would be unjust. I have suggested a prohibitive tariff for foreign-made spirits, and I should welcome a refusal on the part of the shipping company to carry them, but I do not desire to see the manufacture transferred to British firms as advocated by Mr. G. A. Moore, and unanimously endorsed by the Liverpool Chamber of Commerce (*vide* Appendix D in [Cd. 8247], of June, 1916, page 46) and by the Agent-General of the Niger Company. This attitude has, however, been entirely changed as the result of recent experience—*see* paragraph 154. I propose, therefore, a progressive increase in duties—whatever the source of origin—on this class of cheap spirit, until the prime cost plus duty equals the prime cost plus duty of ordinary whisky.

150. **Trade Spirits unnecessary for Revenue or Trade.**—I claim that the facts I have recorded establish two conclusions: First, that the Government of Nigeria can dispense with revenue derived from spirits. Even the export duties can be abolished as soon as direct taxation in the Southern Provinces is fully developed, or they may be retained solely to pay the interest &c. on the six million war debt assumed by Nigeria. Secondly, that the produce trade can be conducted successfully without them. In the year 1917 the value of the native produce exported, exclusive of tin-ore and gold dust, was £6,996,840, the highest value recorded, and in excess of 1913 by £785,000 and of 1912 by £1,856,000. Yet in 1917 the import of spirits had practically ceased and existing stocks had almost completely disappeared. The gallonage in Government bonded warehouses had fallen from 141,603 in 1913 to 2,039 in 1917. The allegation that the native would not produce except for spirits has thus been abundantly disproved.

The Comptroller of Customs writes: "Continental trade spirits were the mainstay of German outward cargoes, and Germany's African trade was built up on them. In Lagos in 1913 two German firms imported nearly as much as all the British firms put together." The extended use of specie, and the substitution of a cash for barter trade, tend to limit the spirit traffic, and the use of gin as a medium of currency and banking reserve, and are a direct benefit to trade. The profits arising from the minting of silver coin should be paid to revenue, in part replacement of the duties on liquor, which currency replaces as a medium of trade.

151. **Foreign duties and smuggling.**—Writers in England have assumed that no individual colony can deal effectively with this question, unless its neighbours agree to a common tariff, owing to the danger of smuggling, and have bent their energies to International Agreement, by a modification of the Brussels Act. With the need for such action in other colonies (British or foreign), I am not at the moment concerned, but the facts I have adduced show that Nigeria has not considered it necessary to defer action on such grounds, or make its policy dependent on that of a foreign Power. The vast size of the African Protectorates minimises the importance of such smuggling as may take place over a short frontier.

The area in Nigeria in which imported spirits may be possessed by or sold to the indigenous natives (whether by licence or otherwise) is 66,500 square miles out of 335,700 square miles, and the French frontier bordering this area is only about 100 miles long. To institute an effective preventive service over such a distance is not a matter which presents any practical difficulty.

Germany, though she led the way in the spirit trade in British Colonies, did not hesitate to impose a duty of 13*s.* 8*d.* in the Cameroons, more than double that of Nigeria in 1913, and already our duties are 60 per cent. higher than in French Dahomey.

152. **The Liquor Law of 1917.**—The Liquor Ordinance of 1917, the enactment of which had been delayed by the complexity of the subject, for the first time attempted the control of the sale of imported spirits throughout the whole of Nigeria. It is described by the Comptroller of Customs as "the most important law ever enacted in Nigeria to regulate the liquor traffic" (Annual Report, 1917). It dealt with the possession and sale of all imported intoxicating liquors, including denatured spirits, and prohibited all local distillation. Native fermented liquor was dealt with in a separate ordinance.

For the purpose of the Ordinance Nigeria is divided into "prohibited areas," "licensed areas," and "restricted areas." Possession of imported intoxicating liquor by natives of the first-named areas, and sale or gift to them is absolutely prohibited. Sale to other than "prohibited natives" must be by licence. For the first time the line of prohibition was clearly drawn from east to west and included in the prohibited area not only the whole of the Northern Provinces, but also the whole of the Administrative districts of Obudu, Ogoja, Okwoga, and Idah to the east of the Niger (approximate latitude 6° 25′), and on the west of the river the whole of the Ubiaja division, and that part of the Asaba division, which is north of a line drawn due west from the mouth of the Anambra River.* The system of licences for aliens in a prohibited area (especially in the Moslem States) was carefully revised and made much more stringent to prevent abuse.

In "licensed areas" imported intoxicating liquor may only be sold under licence. In these are included the whole of the Colony proper, all the more important townships on the coast, and Onitsha, and all land (not included in a prohibited area) within half a mile of any railway. "Restricted areas" include the remainder of the non-prohibited area. In these no intoxicating liquor may be sold to natives by a non-native or native foreigner (*e.g.*, one who is not a native of Nigeria), except under licence, while the sale of liquor by natives may be restricted by rules made by the Governor, or by by-laws made by a Native Authority. Licensing boards were appointed and licences extended to the manufacture and sale of beer and wines. It is hoped that by these steps the frame-work of a control of the sale of intoxicating liquor other than native liquor has been created which can gradually be made more and more effective. Complete prohibition was enacted in the occupied Cameroon area.

153. **Transport by Railway and Government vessels.**—The Government was desirous of refusing to carry any trade spirits whatever on Government vessels on the Niger, but since the Niger Company would continue to carry them on its own behalf, and proposed to charge 20 per cent. extra if they carried them for other traders, Government was forced to carry them, or to allow the Company an unfair trade advantage by the monopoly of the spirit trade.

In order to prevent the Government railway from being used as a means for conveying trade spirits cheaply into the interior, the rates from the port of entry were readjusted in 1914 to a very rapidly increasing "taper," as may be seen from the following table:—

				Total miles.	Per ton.	Rate per ton mile.
Western Rail from Lagos	First.	60	miles to Abeokuta...	60	16/-	6½*d.*
" " "	Next.	62	" Ibadan ...	122	67/-	9¾*d.*
" " "	"	76	" Ikirun ...	198	161/-	15*d.* Limi.
Eastern Railway from Port Harcourt	First.	39	" Aba ...	39	21/5	6½*d.*
" " " "	Next.	28	" Omo Ahia	67	44/9	10*d.*
" " " "	"	39	" Afikpo ...	106	83/9	12*d.* Limit.

N.B.—The surtax of 30 per cent. is additional. A ton equals 125 gallons approximately.

N.B.—Less than 5,000 gallons of spirits were carried by the Eastern Railway in 1917, of which little more than half went beyond Aba (39 miles).

154. **Attitude of Home Government and of Merchants.**—I am glad to record that the Association of West African Merchants have recently urged the temporary prohibition of all trade spirits (including British and American cheap whisky and brandy), with a view to an investigation of the whole subject, and the probable extinction of the trade, in collaboration with

* Previously importation had been prohibited by the Niger waterway north of Onitsha (Latitude 6° 10′) by the Cross River north of Obubra (6° 5′) and by the railway north of Ikirun (7° 53′), the only three arteries of commerce by which they could be imported in bulk. But the whole of Southern Nigeria remained a liquor-free area, and there was no line between these points across which liquor could not be transported by land carriage, and north of which possession of trade spirits was an offence, short of the frontiers of Northern Nigeria (except that trade spirits were forbidden in Obudu and in certain districts in 1912).

the Union Coloniale Française. They declare that " if prohibition is ultimately decided on, *now* is the time to enforce it," before the trade is rehabilitated by the large consignments which Holland is preparing to send out. America too, I am informed, is offering gin in barrels, for which a shipping permit has been granted. The Manchester merchants are also strongly in favour of abolishing the trade. I am glad also to note that the Director of the War Trade Department, writing in September last, states that " no facilities for the transhipment in the United Kingdom of Dutch trade gin, no matter what may be the country of destination, or of any Dutch spirits destined for West Africa can be granted . . . and appeals against the decision cannot be entertained."

155. **Native-made Liquor.**—The control of native fermented liquor is a matter of extreme difficulty. The Native Liquor Ordinance, 1917, empowered the Governor-in-Council to specify areas in which sale should be prohibited except in licensed premises under strict control. It was at once applied to all areas other than those occupied by Pagan tribes, to all townships, and land within a mile of those of the first and second class, and to all mining leases and exclusive prospective areas, and to all land within half a mile of any railway. No licences might be issued in the Northern Provinces.

Native liquor is usually of two kinds—that brewed from surplus grain (in effect a fermented gruel, and nutritive as well as intoxicating), and that made from the sap of various palms (in Uganda from the ripe banana). The former is used in the grain-producing districts of the North; and in the constant orgies held by primitive tribes, whole villages, including women and small children, indulge in continued intoxication. Crime and bloodshed are the constant concomitants. The greatest check on this vice is the creed of Islam, which forbids the use of intoxicants, and Government can rely on the assistance of the Moslem Native Administrations in the Northern Provinces. To some extent taxation has an indirect influence by taking toll of this surplus of the harvests.

The latter form of liquor is prevalent in the South, where the raphia (vinifera) palm is abundant. In districts where this source of supply does not suffice the oil palm is tapped, but there does not seem to be any strong evidence of much increase in this. Tapping does not hurt the tree (though it may somewhat decrease its fruiting), if the flow of sap is obtained by an incision in the flower-stem, but the more common forms of "cabbage " and stem tapping destroy the tree, and may very possibly render it liable to the disease of bud-rot (which attacks the cocoanut palm) and thus endanger the commercial staple of the country (Farquharson). Such tapping is now prohibited by law, and efforts are made to enlist the co-operation of the Native Courts, since, in most districts, it is also opposed to native law. Repression in the interminable forests of oil-palms is not easy, the more so that individual ownership of trees is often claimed—though it should not be recognised, as they are never planted.

The late Mr. Farquharson showed that the output of a tree in palm-wine is more remunerative than the sale of its fruit. He calculated that a man could earn 3*s.* 11*d.* a day by selling palm-wine, and there was no middleman's profit to deduct.

Unfortunately it is wholly impracticable to enforce any direct check by means of excise or licence, on these primitive tribes. Repression must depend mainly on the adequacy of the Administrative staff by whose agency any measures for limiting sale in markets, and checking wholesale drunkenness must be enforced, co-incidentally with civilising and educational improvement. It is premature to expect that tribes still addicted to cannibalism and in the lowest stage of evolution, can be taught self-control without prolonged efforts. In the Congo territory prohibition of liquor over 8° strength is enacted by law. I have no information as to how it is enforced. In Benin liquor has been largely replaced by a beverage made by soaking cocoa-beans in water and by coffee

156. **Summary of Government Policy.**—The policy adopted by the Government of Nigeria in regard to liquor as affecting the native population may therefore be summarised as follows :—

(*a*) The extinction of the traffic in spirits, whatever their origin, as an article of trade with the natives, and the restriction of the import of spirits by the imposition of heavy duties on cheap trade spirits up to a point at which the prime cost plus duty will equal the prime cost plus duty of spirits usually imported for European consumption.

(*b*) The control of the sale of imported liquor by a system of licences in all those areas in which such control is at present feasible, and the gradual extension of the licensing system.

(*c*) The rigorous enforcement of prohibition in those areas at present closed to the sale of spirits to natives, and the extension of those areas where it is found to be feasible.

(*d*) The substitution of light beer for imported spirits.

(*e*) The control of the sale of native-made fermented liquor in places where direct European supervision is possible, and in districts under Moslem law where the assistance of the Native Administration can be relied upon. Prohibition of tapping oil-palms in such a way as to injure the tree.

(*f*) Prohibition of local distillation except by special sanction for scientific purposes or of denatured spirit for commercial purposes under strict safeguards.

In Appendix 9 will be found a graphic chart showing the quantity of trade spirits imported for the past ten years, with figures showing its relative value to trade and revenue.

Education.

157. **Position as regards Education.**—Of the many problems which Amalgamation presented there was none comparable in importance and in urgency with that of education. The problem differs so profoundly in the North and South, not merely in its history, and the stage which had been reached, but in some respects in its very nature, that it is desirable to review briefly the conditions of each Administration separately.

(*a*) **In Southern Nigeria.**—In Southern Nigeria, of which the coast area had been open to European influence for upwards of half a century, there were (as might be expected) a very large number of schools, by the agency of which a great part of the coast population had attained a degree of education varying from a few barristers and doctors who had qualified in England, to the less than half educated school boys who, with a smattering of English and arithmetic, seek admission to the lower ranks of the clerical and other services. In 1913 the average attendance at Government schools in the South was about 4,600, and in assisted mission schools about 12,500. To these must be added a number of pupils vaguely estimated at from 20,000 to 30,000 in unassisted schools, which were not only under no control or inspection by Government, but of whose very numbers or existence the Government had no precise information.

Both Government and assisted schools were lamentably understaffed. With the exception of King's College, a small school for the sons of comparatively wealthy parents (average attendance 50)—the only Government schools which possessed a British instructor were at Warri and Bonny. The remainder of the European personnel of the Education Department consisted of inspectors who assessed the grant for assisted schools after an annual examination in set subjects. Nor was the personnel of the qualified native teaching staff in any way adequate. In Government schools it numbered 31 only, viz., one teacher to 148 pupils, in mission schools 1 to 91, in unassisted schools it was estimated at 1 to 800.

The cost of the Government schools was about £12,500, and of the grants to, and inspectorate of, assisted schools about £15,300. The net amount spent on education from revenue in the Southern Provinces and Colony in 1913 stood at £30,915, being 1·16 per cent. of the ordinary revenue.

158. **Government Schools in Southern Nigeria.**—King's College, Lagos, with a staff of three British masters, afforded the highest and most expensive education for the sons of leading natives, or for boys of marked ability who had obtained scholarships. Some of its pupils completed their education in England, and entered the professions of law and medicine. It was not a boarding school. In the two boarding schools at Warri and Bonny, adult "apprentices" were associated with small boys, with bad results. They were under no indentures, and the Heads of Technical Departments found that their manual training had all to be begun afresh when they came to the workshops with power-driven machinery. The average attendance at these two schools in 1913 was 151 apprentices and 187 boys.

Three Moslem schools in the Colony, and 48 other elementary or primary schools under native instructors, where carpentry and agriculture, &c., were taught, completed the list of Government schools, with an average attendance of 4,200.

159. **Non-Government Schools, Southern Nigeria.**—The control by Government over education was only exercised to a very limited extent. Of the total number of pupils attending schools probably one-tenth were in Government schools, three-tenths in mission-assisted schools, in which the conditions of the grant code (which referred chiefly to examination subjects and buildings) had to be observed, and six-tenths in unassisted schools. These latter consisted of private venture schools and mission schools, which either had not qualified for, or did not desire to apply for, a grant, on the ground that the code was too rigid and presented gratuitous difficulties to the teaching of religion, which was the chief object of the mission schools.

Of the private venture schools there are, according to the reports of Residents, an enormous number which, in Mr. Fisher's words, are "frauds on the public," and are conducted for profit by half-educated boys and others who cannot read or write properly themselves. They are lacking in discipline and in loyalty to any constituted authority whatever, and the local chiefs find it very difficult to exercise any control over them. In some districts they are reported to be created as "outposts" by the minor missions and of no educational value. They are popular as the native considers that a "school" of any kind adds to the prestige of the village.

160. **Results of Education: Southern Nigeria.**—That the results of the system of education were, in the words of the Secretary of State, "generally admitted to have been very unsatisfactory" (and the same words are used by Mr. Carr (a native), Senior Inspector of

Schools, after 22 years' service), is no reflection on the self-sacrifice and devotion of the missionaries, to whose efforts the country owes the existence of the class from which its supply of clerks to carry on the Administration are drawn. Some of these had done admirable work, notably the Church Missionary Society Training College at Oyo, and the Hope Waddell Institute at Calabar. But with the missions religious training was naturally the first object, towards which education was merely ancillary. That the system was at fault, as has since been admitted in India, does not detract either from the praise due to the work of the missionaries, or from the debt which the country owes to them.

It is, however, true that, with some notable exceptions, education seems to have produced discontent, impatience of any control, and an unjustified assumption of self importance in the individual. No doubt such results of the extension of education are not confined to Nigeria. The local press, inspired by a superficial and misdirected education, is, in the opinion of responsible and thoughtful natives, doing much " grievous harm " (Carr), especially among its clientèle of school-boy readers, by fomenting racial animosity, by its misrepresentation, and its invective against all Government action. This attitude is not one of recent origin. So long ago as 1882 a society had been formed in Lagos which was described by Sir G. Denton as " constituted for interference with political affairs in the hinterland, and capable of much misrepresentation and agitation." Its effect was to paralyse the efforts of the officer in charge of the Lagos " hinterland."

The situation had gone from bad to worse, and early in 1914 the late Mr. Sapara Williams, C.M.G., Senior Native Member of the Legislative Council, declared at a public meeting in Lagos, that the indiscipline and vanity of the young men produced by the schools had become so intolerable that parents were discussing the withdrawal of their sons. Something, he declared, must be done to rescue the rising generation from this deplorable state. Mr. Carr described them as ill-educated, unreliable and lacking self-control.

161. (*b*) **Education in Northern Nigeria.**—It was, as I have related elsewhere, only in 1903 that the Moslem States in the North were conquered, and access to them became possible. The task of organising an Administration absorbed all the energies of the small staff, while the natural suspicion and dislike with which the Christian Government was at first regarded by the Moslems rendered it inadvisable, even if it had been possible, to embark on any educational efforts at first. The earliest attempts to formulate a policy were made in 1905, but it was not till 1909 that Mr. Hans Vischer was able to form a small class of pupils at Kano, whose ages varied from 6 to 60. They were mostly sons of chiefs and men of influence, who had been brought from various provinces under pressure by Government. An industrial class was also formed by bringing artisans from Kano city, who plied their native trades and gave some instruction to pupils. The experiment was, however, regarded with intense suspicion and dislike by the Moslem chiefs, who thought they saw in it some deep-laid plan to subvert their religion; and the fact that Mr. Vischer had formerly been a missionary in Nigeria is said to have accentuated this fear. Moreover, the obligation to send their sons to a distant province was very unpopular among the chiefs of outlying districts.

Towards the close of 1913 I was able to create two new schools (at Sokoto and Katsena), so that when Amalgamation tool place there were, in all, three Government schools, with an average attendance of 354 pupils, all in the Moslem area. Meanwhile, many different missions had arrived to reinforce the efforts of the Church Missionary Society. They had opened altogether 43 schools, with a total attendance of about the same as that of the Government schools, and were almost entirely confined to the non-Moslem districts. No financial assistance had been given to these schools, and they were subject to no inspection or control by Government. Thus, at the time of Amalgamation the total number of pupils in Government or mission schools was between 700 and 800, out of a population of some nine millions.

Government did not interfere in the indigenous Koranic schools, in which reading and writing in the Arabic and Ajemi character, and memorising passages from the Koran formed the curriculum. They were estimated at some 25,000 with over a quarter of a million pupils. These Koranic schools had produced a literary class known as " Mallamai," learned in Arabic and the teachings of the Koran and commentaries, from whose ranks the officers of the Native Administration, the judges of the Native Courts, and the exponents of the creed of Islam were drawn. They are a very influential class, some of them very well read in Arabic literature and law, and deeply imbued with the love of learning.

162. **The Language difficulty.**—Throughout the Fulani Moslem States Hausa—a language easily acquired by the British staff—is spoken. In part of Bornu it is replaced by an Arabic dialect, and in Illorin by Yoruba. These languages have been reduced to writing in the Roman character, and much progress has been made in preparing text books. Hausa before the advent of the British was written in the Arabic or Ajemi character. Owing to his keen trading (and slaving) instincts the Hausa is ubiquitous, not merely in Nigeria, but throughout the Gold Coast and even as far as Sierra Leone and the Egyptian Sudan (in which pilgrims have settled) There is therefore hardly a Pagan village in which Hausa may not be heard, and it is the aim of the Administration to make it the *lingua franca* of the North except in Bornu and Illorin.

The intertribal wars and slave-raids, which constituted the early history of Nigeria, had resulted in fragments of tribes being herded together, so that to-day it is said that in one single province over sixty different languages have been identified. In Yola, Fulani (the original language of the conquering caste) is still spoken. Nupe is the language of a very large tribe, and Munshi is spoken by fully 10,000 people. Kanuri, the tongue of the aboriginal population of Bornu, is said to be impossible for a European to acquire. Some of these various languages have been studied, and reduced to writing by missionaries, but they present great difficulties and text books are not in existence. They will, no doubt, gradually be replaced by Hausa.

In the Southern Provinces, Yoruba, though a very difficult language, in which few Europeans have acquired fluency, is spoken (it is said) by three million people, and cannot be displaced. Ibo is said to be spoken by over two millions, but its dialects differ so greatly that for practical purposes they are separate languages, and the attempt to create a standard Ibo has so far had little success. For the rest there are said to be sixty-five different languages in the Southern Provinces, which have hitherto only been explored by the philologist or by an occasional missionary.

It will be realised how immensely these conditions complicate the problem of education, compared with Colonies in which there is a single vernacular with a literature of its own. In the circumstances the three languages, Hausa, Yoruba and Arabic (Shuwa dialect) should, I think, alone be recognised as media of instruction, and with this exception I venture to agree with Lord Kimberley that English must be the medium, and " though instruction in English must be given through the medium of the vernacular, instruction in the native languages may safely be left to the stimulus of self interest, and Government subsidies are not required for its encouragement." Mission schools naturally take a different view, since their aim is to teach pupils to read the Bible in the vulgar tongue. The education officers—and especially the native staff—must acquire sufficient knowledge of the vernacular to enable them to teach elementary-school pupils the language which will form the medium of their later instruction.

163. **School Fees.**—Another difficulty which presents itself in Africa is the value attached to child-labour, which manifests itself also in the kidnapping and enslaving of children. Parents, especially among the primitive tribes, are apt to consider that instead of paying school fees they should themselves be paid for allowing their children to attend school. On the other hand, the African is especially liable to undervalue what costs him nothing. I therefore attach much importance to the principle of school fees (not from a revenue point of view), and their payment is insisted on, even though they may be compounded under the guise of scholarships granted by Government or by the Native Administration.

164. **Inadequate supply of Clerks, Teachers and Artisans.**—The rapid expansion of the country, and in particular the development of railways, has created an enormous and an increasing demand for clerks, accountants, commercial agents, dispensers, dressers, sanitary and other inspectors, guards, stationmasters, and others with a good knowledge of English and accounting, and an increase in the supply has become a matter of vital and pressing necessity. There are about 2,500 posts under Government with salaries between £60 and £300 per annum, and about 2,000 from £24 to £60, with perhaps an additional 1,000 among commercial firms, aggregating in salaries about £500,000 a year. Yet the number of candidates who succeed in passing the easy entrance examination for clerical appointments steadily decreases, and fell from 51 in 1910 to 17 only in 1914, and these figures include boys from other colonies. Mr. Carr estimates that the output of the secondary schools is from 200 to 300 at the most.

The result of this demand and inadequate supply has been not merely to raise the pay disproportionately to the qualifications of the candidates, but to tempt boys who can neither read nor write properly to leave school for lucrative employ, and withdraw them from parental discipline. (I have in paragraph 39 referred to a scheme of " Clerical Cadets " by which it is hoped to combat this evil.) The standard of the native official service was thus permanently lowered, and the majority of the candidates were unfitted for posts of responsibility.

The teaching profession, which could not (especially in mission schools) compete with the salaries offered to good clerks, was thus placed at so serious a disadvantage, that Mr. Carr was driven to advocate the wholesale importation of foreign teachers, who are, however, in any case, unobtainable. The attempt to introduce West Indians he admits to have had " no satisfactory results." The paucity of teachers had indeed become the chief difficulty alike in Government and in mission schools.

The demand for trained mechanics in the rapidly expanding industries was no less than that for the clerical class. It has been met on the whole with considerable success by agencies entirely dissociated from the Education Department or mission schools. The Railway, Marine, Public Works, Telegraphs, Survey and Printing Departments had for many years taken an increasing number of apprentices into their shops and establishments, and had trained them with much success. There were 500 apprentices in the shops at the end of 1916. The departments owed it, however, to the mission schools, that there was a class of young boys, with some rudiments of education, upon which they could draw. These departments had also now begun to feel the difficulty of obtaining suitable candidates.

165. **The nature of the Problem.**—Such was the nature of the problem, and such were the results achieved. In the South the rudiments of education were fairly widely distributed, if such a phrase is permissible when probably not more than one in every 180 children of school age had any sort of education whatever. Its results were evident in the decay of family and social discipline, and too often in discontent and hostility to any constituted authority, masquerading as racial or national patriotism, or as the vindication of rights unjustly ignored. In the North a well-defined student class looked eastwards for the language and literature of its classics, while the first small beginnings of modern teaching were groping their way amid suspicion and dislike.

The questions which demanded immediate solution were :—

(*a*) How to promote a better standard of discipline, self-control and integrity, combined with educational qualifications more adequate to the demands of the State and of commerce.

(*b*) How to increase the output so as to keep pace with the demand.

166. **Objects of the New Code.**—The New Ordinance, with its Regulations, which superseded the Grant Code, sought to lay down principles, alike for Government and for assisted schools, which it was hoped would in course of time produce better results. It was drafted early in 1914, and after circulation to all school managers was submitted to the Secretary of State in November of that year. After much delay it became law in December, 1916. It embodied the following general principles :—

(*a*) That the primary object of all schools should be the formation of character and habits of discipline; and that the grant in aid should be in part based on success in this direction.

(*b*) That the value of religion, irrespective of creed or sect, and the sanction and incentive it affords, should be recognised and utilised as an agent for this purpose, together with secular moral instruction.

(*c*) That the proportion of teachers to pupils should be adequate, and that they should be properly qualified, and their status improved, and made equal to that of clerks. Adequate grants must be given to assisted schools (from which Government and commercial clerks are also drawn) to enable them to pay adequate salaries to their staff.

(*d*) That educational agencies, whether controlled by Government or by missions, should co-operate with a common object, and as far as possible by similar methods of discipline and instruction.

(*e*) That continuation and evening classes, and institutions and classes for the training of teachers, should receive special encouragement.

(*f*) That Government should exercise some measure of control over all schools, even though not asisted by grants, and endeavour to bring them into line with the general policy.

(*g*) Finally, it was sought to adapt the teaching to the needs of the pupils, whether they were intending to qualify for clerical or other like service, or desired to become artisans and mechanics, or on the other hand had no desire to leave their village, and the pursuits their fathers had followed.

These principles are applicable to both North and South, in both of which there are large Pagan populations and large numbers of Mohammedans.

167. **Education Ordinance, 1916.**—The Ordinance set up Boards of Education in the North and South, of which the Lieutenant-Governor was President and the Director of Education a member. Their object was "to facilitate co-operation between Government and non-Government educational agencies—selected representatives of which would be given seats on the Board—to ventilate and focus the difficulties which surround the problem of education in Africa, and to assist the Governor in solving those problems with the good will and assistance of those who have daily experience of the practical work of education." School Committees were also set up in every province which would include local chiefs of influence as members.

In order to check any tendency to set up rival schools in the same town, the Governor may exclude any new school from the Grant List, if he considers it superfluous on this account.

The Regulations prescribe that the grant to assisted schools should no longer be based on fixed percentages of marks obtained in an annual examination in certain set subjects, but should be awarded approximately as to 30 per cent. for tone, discipline, organisation and moral instruction, as to 20 per cent. for adequacy and efficiency of staff, as to 40 per cent. on the result of periodical examinations and general progress, and as to 10 per cent. for buildings, equipment and sanitation. Special grants are made for the teaching staff, for training institutes, and for residential pupils; the different grades of masters and teachers are defined in regard to their qualifications; the minimum requirements of staff in proportion to pupils are laid down; the subjects for instruction (with a new syllabus) are prescribed; and the grant of scholarships organised.

The Ordinance anticipated the British Education Act in providing that every manager of a non-Government school must submit certain particulars annually to Government, and power to close a school in certain circumstances was added later.

In defending my proposal to introduce moral instruction, I wrote: " I conceive that if a short period daily be devoted to placing before children in an attractive way, the social and other incentives to gentlemanly conduct, the success which rewards self-control and industry, with similar lessons by the aid of illustration and anecdotal biography, it would form a valuable adjunct to the inculation of the same ideals of right living as enforced by religious precept and sanction." Moral instruction forms an item in the ordinary curriculum and demonstrates the necessity of moral standards in social intercourse, and for success in secular affairs.

The draft Bill and Regulations were submitted to the criticism of managers of assisted schools, whose suggestions were as far as possible accepted, and the new code met with an almost unanimous approval.

168. **Three types of Education required.**—It was, of course, most desirable that Government should take the lead in the application of these principles to the education provided under its direct control. A clear distinction must, in the first place, be drawn between the three objects for which educational agencies are employed, viz., the literary training required for appointments in which a good knowledge of English and arithmetic is required; the technical and manual training of mechanics, and other workshop hands; and the teaching of crafts, and the very elementary schooling, suitable to those who purpose to live their own village life.

169. (*a*) **Provincial Schools.**—For the benefit of the first-class, from which the almost unlimited demand for teachers, clerks, accountants, &c., &c., must be met, it was proposed to set up at the capital of every province, a Government school, comprising in the Southern Provinces, and later on in the Northern Provinces, all the " standards " of the code, with the object of not only increasing the output greatly, but of serving as a model. They would include an industrial class for the training of teachers for " rural schools " (*vide infra*). The ordinary curriculum of these schools would be reinforced by continuation and evening classes, in which more advanced teaching in school subjects would be given to pupils who had attained the highest standards. The instruction would include such special subjects as are not comprised in the curriculum of the school, and for which a sufficient number of candidates are forthcoming to form a class, such as agriculture, forestry, survey, &c., and in particular they would provide a " normal class " for the training of teachers in school method, and the imparting of knowledge.

In order that these schools should subserve the primary object of training character, and inculcating discipline, it is an essential feature of the new organisation that each should be under the continuous control of a British master, that the pupils should, as far as possible, be boarders, and that the school should be situated at some distance from the native town, so as to detach the boys from undesirable influences, and in order that the force of example and influence should be exerted in social intercourse and recreation, no less than in the class-room. Games are encouraged as conducive to health and manliness and ideas of fair play. The time of the pupils would not be wasted in manual or industrial training, which would be of no use to boys whose sole aim is a clerical or " literary " appointment. There would be an age limit, and a considerable number of free scholarships would be offered.

170. (*b*) **Rural Schools.**—For the third-class—the peasantry who do not seek either a literary education to qualify as clerks, &c., or a technical training for power-driven workshops, " rural schools " are provided. The pupils in these will not be boarders, and the head will be a native schoolmaster, but they will be affiliated to the central provincial school, which will supply the teaching staff and exercise such control as may be possible, in addition to the supervision of the Administrative staff, and the Inspectors of the Education Department. The number of these schools in a province is not limited. The education afforded will be restricted to the teaching of native arts and crafts, practical agriculture (and the marketing of produce), carpentry and blacksmithing, with elementary hygiene and local geography, colloquial English, and the rudiments of arithmetic, and in the Northern Provinces colloquial Hausa. Their object is to train character and promote habits of discipline, industry and truthfulness by moral and religious instruction (whether Christian or Moslem), and to fit the pupils for life in their own villages, and the improvement of the standard of that life. Promising pupils may obtain scholarships to the provincial school, or may, if they so desire, be indentured as apprentices.

171. (*c*) **Technical Education.**—The second-class, to which I have referred, includes those who seek a technical or manual training. Most of the openings for such boys are in the Railway, Marine, Public Works, or Printing Departments, where machinery driven by steam or electricity is used. Carpenters, no doubt, can earn a good living without a knowledge of power-driven lathes, but it is only in the large workshops that the making of high-class furniture and house-building can be efficiently taught. I have already said that the Government shops have long afforded very efficient instruction for apprentices, but many of these being illiterate could never make first-class workmen. Others had wasted several years in a manual training in schools which was adapted rather to village life, than as a serious preliminary to the education of a skilled mechanic.

The object in view is to improve the apprentice system. Boys who have passed the fourth or fifth standard in a provincial (or in a non-Government) school, will be accepted as apprentices, and trained in batches, their pay rising with each completed year of service, if passed as efficient. Instructors are provided in the shops, whose sole duty it is to train these apprentices. They will no longer be left to the casual attention of fellow workers. Opportunities will be afforded for their attendance at continuation classes, where they may improve their " literary " education, and also learn something of the theory of their profession and how to draw and work to scale plans. It is the desire of the Government to improve the status of the apprentice and artisan so that he may be recognised as being on the same social level as the clerk.

172. **Application of the new principles in Southern Provinces.**—The new system of inspection and award of grants to assisted schools has been in operation for two years with success. There were 32 new applications from mission schools which formerly preferred to forgo the grant rather than submit to the code, and I know of none which dissents from them. The Ordinance and Regulations have required practically no alteration since their publication, except to strengthen the control of Government over non-assisted schools.

King's College, Lagos, with its staff of three British masters, and the *esprit de corps* which animates the school, already conforms to the main principles, except that the pupils should be boarders, and it should have lower classes to feed its upper forms.

Unfortunately the demand made by the War for every available man who was not essential to the carrying on of the machinery of Government, has rendered it impossible to obtain the masters for the new provincial schools. The schools at Bonny and Warri will alone of existing schools become " Provincial Schools," the former being moved to the headquarters at Owerri, where, under the Resident's eye, it will be removed from the harmful influences of the past. The three Moslem schools in the Colony proper do not exactly fit into either of the designations. They may, later, be incorporated in one school with the characteristics of a provincial school, and the native staff improved by better teachers from the North. Many Moslem youths attend the Christian schools.

The remaining 46 Government schools are classed as " Rural." Their native teaching staff requires to be enlarged and improved. Under the supervision of the Inspectorate and of Residents, they will gradually conform to the new policy and system. Their number may be substantially reduced in view of mission activity, and the creation of the provincial schools. The improvements proposed in regard to apprentices will be gradually introduced. The new carpentry shop at Lagos has, under Mr. Peet, Director of Public Works, been an entire success. Furniture is made from local timber sawn in the Government mills for the whole of the Government requirements of Nigeria, and some very handsome articles have been produced from English designs, the workmanship of which rivals that of a first-class cabinet maker in England. The lathes are driven by electricity, and the apprentices are taught to undertake house construction, so that when they have served their articles they will be fully qualified in all branches. Admission to the school is eagerly sought.

The immediate needs are an increase of nine masters (including reliefs) for the provincial schools, and three more Inspectors for the increased work caused by the addition of many schools to the Assisted List, the more frequent inspection under the new system, and the reorganisation of the Government schools. These with the native staff and other expenses may add £8,000 to the cost of the Education Department of the South, a sum which is negligible in comparison to the importance of the object in view.

173. **Application in Northern Provinces.**—The British staff, numbering 26 in the Northern Provinces, is adequate for the provincial schools, but requires one or two Inspectors for the mission schools. The great difficulty here is to train native teachers, for it is of essential importance that these should be drawn from the local population, and that in the Moslem Provinces they should be Mohammedans. This task must take precedence of the training of clerks and others—urgently as these latter also are needed—for the Northern Province does not at present supply a single clerk or artisan for the Government service from its intelligent populations. The education also of the sons of chiefs, and of the officials of the Native Administration, is a matter of great importance.

The scope of the provincial schools in Pagan areas is at present limited to training teachers for the rural schools, and scribes for the local Native Courts. Moslem teachers are not employed in these schools. The medium of instruction in the lowest classes must of necessity be in the local vernacular, but Hausa, which is quickly learnt, will be substituted in the higher classes.

As it became possible to supply teachers from the ranks of the pupils in the existing schools, new schools were opened in different provinces, so that by the end of 1917 all but two provinces had a provincial school, while two additional schools were opened in the important emirates of Gando and Katsena, in the Sokoto and Kano Provinces. The total average attendance in 1916 was 750, with a native staff numbering 63. The number of pupils in each school is at present limited to 100.

The provincial schools are conducted on the principles described, but in deference to suspicion and prejudice in the Moslem States, it was at first impossible to give full effect to them.

This attitude has of late been very notably altered, and the principal Emirs constantly visit the schools and show great interest in them. It is thus becoming possible gradually to convert them to boarding schools, and to remove them from the precincts of the city and township. Each school had a British master until the demands of the War led to the temporary withdrawal of many. A time is set apart for religious instruction (in the Moslem schools under a native "Limam"), and the formation of an Arabic class has tended greatly to popularise the schools. The study of English is popular, and it is interesting to note that it was selected in preference to Arabic by the pupils at Sokoto. Continuation classes are promoted, and each school has its Advisory Committee, of which the chief and the principal natives are members.

Owing to the backward state of education in the Northern Provinces these schools at present afford only a primary education, and the great need at the present moment is for a secondary boarding school for the training of teachers. It will be located near the Technical Institute (*see* below), and by the time that the provincial primary schools have developed into secondary schools it will be able to take its place as a Training Institute for teachers, and later still, in conjunction with the Technical Institute, it may become a general college for Nigeria, on the lines of the Gordon College at Khartoum, where the technical and literary pupils would be closely associated, and habits of industry, honesty, and discipline would be the keynote.

174. **Rural Schools and Industrial Schools in Northern Provinces.**—One or two rural schools have been opened in the Northern Provinces, but development in this important direction awaits a supply of teachers. The original class at Kano has now become the Kano Provincial School, while its industrial section is retained as a central industrial school, under control of the Native Administration, where native crafts are taught by native craftsmen. Its object is the preservation of indigenous art, and the improvement of native methods by improved tools. The native looms of Kano produce a cloth of great durability which Europeans (even ladies) like to wear. The tanned goat skins were famous as "Morocco leather" centuries ago. The dyes and the designs and execution of embroideries, and the architecture of the city are all worthy of preservation. A European instructor paid by Government supervises the school and also teaches carpentry, blacksmithing and brickmaking, and especially the construction of wheels and carts. To this school boys from all provinces are welcomed, and proportionate subscriptions are made by the various native Treasuries. At present it has one British and eleven native instructors, with about 100 pupils. A similar school will be opened in Bornu. The pupils are boarders, and these schools thus stand half way between the provincial and rural schools.

175. **Technical Education: Northern Provinces.**—Technical instruction awaits a supply of young men from the provincial schools, who have acquired a sufficient grounding to enable them to become qualified mechanics in Government shops.

The bequest made by the late Sir Alfred Jones has been assigned to the building of a Technical Institute, where apprentices will be trained under skilled tuition, and with the best appliances, in the use of European tools, and machinery driven by electricity. The plans are completed and the foundations finished, but the prohibitive cost of materials during the War, and still more, the lack of pupils, has delayed completion. It is situated about two miles from the Kaduna capital (on the side furthest from the native reservation), where electric power and water supply will be available, and it will be within a short distance of the great railway workshops at the junction, where practical demonstrations can be given. The pupils will not be associated with the artisans from the coast, who at present man the shops, since they profess a different religion, adopt a different dress, speak a different language, and their customs are different from those of the better-class Moslem youth, who, it is hoped, will be attracted to the institute. They will associate on equal terms with the pupils of the secondary school.

176. **The Aliens' School: Northern Provinces.**—A special need in the Northern Provinces is some provision for the education of the children of the large body of alien clerks and artisans. For their benefit a school has been opened at the capital.

177. **Instructors from Khartoum.**—With the kind assistance of Sir R. Wingate, the experiment is being made of bringing two or three teachers from Gordon College for the Arabic-speaking population of Bornu. They will come direct overland, and the Resident, Mr. Palmer, has himself proceeded to Khartoum to test the route. The Shuwa Arabs of Bornu are a particularly intelligent race, and if the experiment succeeds they may later provide teachers for other schools, and pupils for the Technical Institute.

178. **Mission Schools: Northern Provinces.**—At the end of 1917 there were 122 mission schools, with an average attendance of 1,876, chiefly confined to Pagan areas. They are not as yet subject to any inspection, for lack of an inspectorate, and none have come on the Assisted List. Some useful work has been accomplished by the missions in studying the grammar and reducing to writing various Pagan languages, and in some districts they have done admirable work.

179. **Departmental Schools.**—Either in the North or South, or in both, classes have been formed by the head of the department concerned—outside the purview of the Education

Department—for instruction in survey, agriculture, forestry and veterinary work. The object is to train youths in these special subjects for service under the Native Administrations, and to select the more capable, should they desire it, for service in the department. Outside the Colony they will be affiliated to the provincial school of the province in which they are situated, so that they may prosecute their ordinary studies simultaneously with their special technical training. The survey schools, both in North and South, have done admirable work.

180. **Cost of Education.**—The net cost of education in Nigeria in 1916 was about 1·6 per cent. of the total ordinary revenue of the country, and 1·5 per cent. of the expenditure. If this were doubled it would still be an inadequate ratio, but the increase I propose would not bring the percentage up to 2 per cent. Looked at from no higher standpoint than the material requirements of Government, reform is called for by the imperious demands created by the expansion of the railways alone. The matter is of great urgency for there is no outside source from which the men required can be drawn. "In my judgment (I wrote) no efforts and no cost can be too great to introduce reforms, which shall have the result of producing a set of Government servants with high standards and with self-control, loyalty and integrity, and in producing a number sufficient to meet the demands of a rapidly growing country."

The cost per pupil in the Northern Provinces reached at the end of 1913 the abnormally high figure of £20. This will be steadily reduced as the schools fill up. The Native Treasuries now pay the native staff and the cost of school apparatus and buildings, and the school fees are credited to them. In 1916 the total expenditure on education in the Northern Provinces was £12,443 from revenue, and £5,325 by Native Administrations.

181. **Effect of the War.**—The demands of the War have fallen heavily upon the Education Department and a large proportion of the staff, especially in the Northern Provinces, have been continuously on active service. This has arrested progress, but the framework is now clearly laid down, and with the cessation of the War, and the provision of the staff required in the Southern Provinces, I trust that rapid progress will be made. Much progress can indeed be claimed even under these adverse circumstances, especially in the Northern Provinces.

Missions.

182. **Influence of Missions.**—A review of the Administration would be incomplete without a reference to Christian missions, which, in the South, have exercised so great an influence on the development of the country, and borne so predominant a part in educational progress. No doubt their influence has been much weakened, as elsewhere in Africa, by the more effective administration of the country, and the advent of Europeans of all types since 1895. In the South they preceded, and the North for the most part followed the establishment of administrative control.

As I have pointed out in the section on education, the Southern Provinces owe a great debt to the missions, but there has been, I venture to think, an insufficient degree of co-operation between them and the Government, for which both are probably responsible. The new Education Ordinance and Regulations are cordially welcomed by the missions, and will I trust lead to a greater effort in educational matters.

183. **Effects of uncontrolled propaganda in Southern Provinces.**—Occasional disturbances have taken place in the Southern Provinces between bands of persons calling themselves Christians and their Pagan neighbours, in which it would appear that the Christians have been the aggressors by interfering with festivals, or mocking at forms of Pagan worship, and in one case, at least, there was some loss of life in the resulting fray. The heads of the missions did not in this case deny the culpability of the Christians, and stated that the movement to embrace nominal Christianity among certain Pagan tribes was so widespread, that they were unable to control or supervise it with the available staff. The establishment of bogus schools of no educational value by irresponsible mission-trained youths, is another unwelcome development. It would not, however, be just to hold the leading missions responsible in such cases, the more so in view of the fact that some communities have seceded from the parent mission and set up native "churches," one at least of which is polygamous. The Roman Catholics have, I think, been singularly free from these undesirable developments.

184. **Converts amenable to Native Authority.**—There has been a not unnatural tendency on the part of mission "converts" to repudiate the authority of their chiefs, and to ignore and flout native customary law. Complaints have been made that in some cases missionaries have sympathised with this attitude. It has now been laid down in unmistakable terms, both in the North and in the South, that the profession of any particular creed (whether Christian or Mohammedan), does not absolve its adherents from the authority of their chiefs, or from the native law and custom prevalent in their district, provided that they are not compelled to do anything which is repugnant to their religious beliefs. The conditions under which churches, schools, and residences for alien teachers may be erected, even when no right or interest in the land is claimed by the mission, have been regulated.

185. **Christ's Army revival.**—Early in 1914, a somewhat notable religious revival commenced among the Pagan tribes of the eastern part of the Niger Delta and Bonny River, under a native named Braid, who declared himself to be the Second Elijah. Religion was not unmixed with political propaganda, and Braid declared himself hostile to all exotic influence, whether European or native. The drinking of spirits was prohibited probably with the object of dealing a blow to European trade, and there was great hostility to the Niger Delta Mission of the Church Missionary Society. Braid, an illiterate native, was convicted of extortion and sedition, but the movement continued under other leadership, and developed into a schism which called itself "Christ's Army," and later assumed the title of the "Delta Church."

186. **Missions in Northern Provinces.**—In the Northern Provinces there has been a considerable extension of mission work in Pagan areas, and the number of stations has increased from 38 in 1913 to 60 in 1917. The Church Missionary Society Mission to the Mohammedans, with its headquarters at Zaria, has been a source of some controversy and difficulty.

At the time of the conquest of the Mohammedan Emirates in 1903, I declared that the British Government would not interfere with the religion of the people, and "every man should be free to worship God as he chose." The Emirs, though they have not been very consistent in the matter, no doubt view with dislike and distrust the efforts of Europeans to convert their people to Christianity, the more so that the administrative and judicial systems, and the social life of the people is to such a large extent based on the teaching of the Koran, and so intimately associated with religion, that the Emirs not unnaturally fear a weakening of their authority and a break-up of the social system if their religion is undermined. The Government, in these circumstances, has considered it right to be guided by the wishes of the Emirs and their councillors, who have given such abundant and striking proofs of their loyalty during the War, in which their co-religionist, Turkey, is opposed to us. While cordially recognising mission activity in Pagan areas, the Government has desired to discourage propaganda in Moslem districts.

187. **Difficulty in Moslem States.**—The difficulty lies in the fact that, if the advent of missions is authorised by the Government, it is extremely difficult to avoid the conclusion in the minds of the people that they are under the special ægis of Government. The missions would not withdraw at the behest of the paramount chief, as they would have been compelled to do before the advent of the British Administration, and would look to the Government for protection. In a country where it is of vital importance to maintain the prestige of Europeans, insults to missionaries must of necessity be resented by Government.

It was urged by the Church Missionary Society that Government showed an unfair discrimination, in that Moslem teachers could preach their religion where they chose, while Christian missionaries were denied access to Moslem centres. This charge seems to be sufficiently replied to by Archdeacon Melville-Jones, who writes: "Traders and others who have had a Christian education travel all through the country now, and settle in the outlying villages and districts of the hinterland. Wherever they go, as do the Mohammedans, they carry their religion and teaching with them. The result is the springing up of small churches all through the interior, and it is beyond our present powers to cope with the movement." This was written primarily, I think, in reference to the Yoruba country, but there is no restriction on Christian traders in the Moslem States, and, as a matter of fact, very large numbers of mission-educated traders have been attracted by the prospects of profit at Kano.

Townships and Segregation.

188. **Devolution of Responsibility.**—Devolution of responsibility, and the management of their own affairs, has been described as the dominant principle of the Government policy in regard to Native Administration. The Townships Ordinance of 1917 carried this policy into a different sphere of Administration. Its main purpose was to establish the broad principle of municipal responsibility, graduated according to the importance of the community, and the measure of its ability to accept and discharge satisfactorily the conduct of its own affairs. The principle was by no means new, though except in Lagos it had been applied chiefly to sanitation. It was now extended and applied consistently throughout Nigeria.

189. **First-Class Townships.**—Townships are graded in three classes according to the degree of control and responsibility vested in the governing authority, and they include practically all centres where Europeans reside. Lagos alone, whose locally-born inhabitants enjoy the status of British subjects, many of whom are educated native gentlemen, able and willing to take part in the development of their city, is at present of the first-class, in which the "Local Authority" consists of a Town Council of not more than twelve members. It employs a secretary, municipal engineers, and various native officials. It raises its own revenue by rates, and licences, assisted by a grant from Government. It administers certain specified laws applicable to a township (especially the "Public Health" and "Township" Ordinances), and appropriates the fines imposed for their contravention. It legislates by way of by-laws for the enforcement in detail of these laws, and prepares an Annual Budget, both subject to the final approval of the Governor. The Council consists of official and unofficial members, in such proportion as the Governor may determine. Of the latter three are at present elected, and the remainder

nominated by the Government. In practice, with a view to avoid any friction, the unofficial members of the Town Council are identical with the members of the Legislative Council. As the Council proves its ability, and as the township becomes independent of a grant, the unofficial membership of its Council may equal, or even exceed, the official members, and may be selected by election.

Prior to Amalgamation, the revenues, derived mainly from the peoples of the interior, had been spent somewhat freely in schemes for the improvement of Lagos—waterworks, electric lighting, reclamation, streets, sanitation, &c. Up to 1915 there was no municipal rate at all. In that year, on the completion of costly waterworks, a small water-rate was imposed, and gave rise to agitation and even to a riot. In 1918 an "improvement rate" was introduced for portions of the town at the instance of the Council. As long ago as 1913, Honourable Mr. Sapara Williams, Senior Native Member of Council, had strongly advocated a substantial rate to meet all liabilities.

190. **Second and Third-Class Townships.**—The Local Authority in a township of the second-class is the Station Magistrate, or other officer, assisted by an Advisory Board of officials and unofficials appointed by the Governor. He relieves the political staff (whose duties are confined to Native Administration) of work connected with the European community, with trade, land leases, housing, railway questions, sanitation, and the care of roads and streets, and of the township generally, and deals directly with the Secretariat. Rules made by the Governor take the place of the Town Council's By-laws. They may be of general application, or particular to any township at the instance of the Local Authority or Advisory Board.

A second-class township possesses a "township fund," and levies rates in the Northern Provinces, but not in the South at present. It presents annual estimates, but looks to the Public Works Department to supplement the construction and maintenance of the roads or other works. The Medical Officer of Health is primarily responsible in all townships for sanitation, and matters relating to the public health.

The third-class includes places where the European residents are very few. Here the Local Authority is usually the District Officer, without an Advisory Board or township fund.

Townships are usually excluded from the jurisdiction of the Native Courts, and the law administered is primarily British law. Second (and, of course, first) class townships, are usually within the local limits of the Supreme Court, of which the Station Magistrate is a Commissioner. If the court work is exceptionally heavy a Police Magistrate may be appointed to discharge it The Local Authority submits a half-yearly report, by which the Governor and Lieutenant-Governor are kept in close touch with the affairs of the township, and can promote uniformity of policy.

191. **Segregation of Europeans and Natives.**—All townships are divided into a European and a native quarter, separated by a non-residential area of a quarter of a mile in breadth, which extends round the former. This belt is kept clear of undergrowth, and may be used for recreation, and parade grounds, and even for garden allotments, in which high-growing crops are not allowed. Non-residential buildings may be erected upon it, such as churches, court-houses, stores, &c., provided they do not impair its utility as a fire-break, on the side of the native quarter. Europeans may not reside in the close vicinity of a township, but must live in the European reservation, where the amenities of a pure water supply, and police protection are as far as possible available.

In the long-established towns on the coast, where the dwellings of Europeans and natives are hopelessly intermingled, this principle of segregation cannot be at once applied, but the reservations have none the less been marked out, and the policy will become operative as leases fall in, or as merchants, in the interests of their employees (who face risks, on their behalf), are content to utilise their existing leaseholds solely as non-residential premises. Without their co-operation it is difficult to enforce it even on newcomers, who would thus be placed at a great disadvantage in trade. Simultaneous action by all is therefore necessary. It may be possible for Government in some cases to offer leases of land in the European reservation in exchange for those outside it. Provisions are made in the new Police Ordinance for the provision of special police paid by the employer, to guard premises in the absence of a European resident. The Liverpool Chamber of Commerce replied in very cordial terms to a letter I addressed to them on this subject and promised their co-operation.

192. **Reasons for Segregation.**—Not only is it to the mutual convenience and comfort alike of Europeans and of natives, that this system of segregation should be enforced, but since medical science has now established the endemicity of yellow fever, and shown that natives (especially children) are "Hosts" from which mosquitoes become infected with its germ, and that of malaria, it has become a matter of the first importance. "Sections 59-61 of the Ordinance" (writes the Director of the Medical Services) "will revolutionise the social life of Europeans residing in Nigeria. They will live healther lives, be more comfortable, and not tend to degenerate into mere machines." There is a moral obligation upon firms to provide their

employees with dwellings where the risk to health is minimised. I learn that of the three firms in the Muri Province, all of whose employees reside on the river bank, one of each died in the nine months preceding the report. There are, of course, exceptions to the rigid application of this rule, when the duties of an officer, e.g., the headmaster of a boarding school or the keeper of a prison, necessitate residence in close proximity to his charge.

193. **Restriction on Native Residents in a Township.**—The native quarter of a township, especially in the North, is reserved as far as possible for natives alien to the local population, whose business or employment is closely associated with Europeans. It is not desired that local natives, even though employed as carriers or labourers by Europeans, should be allowed to withdraw from the control of their own Native Administration and Native Courts by residing in a township.

On the other hand, natives resident in a township are encouraged to take their petty cases —matrimonial disputes, debts and the like—to the nearest Native Court for settlement in accordance with native law and custom.

PRINCIPAL PROJECTS OF DEVELOPMENT.

194. **Railways.**—I have already briefly described the development of railways in Nigeria. The very costly error in the location of the great bridge over the Niger, and other unnecessary expenditure was, in my judgment, due to the system of construction by Consulting Engineers, adopted on the southern section, the cost of which contrasted very unfavourably with the Northern Baro-Kano Section undertaken under local supervision.

In spite, however, of such mistakes and the extravagance which Major Waghorn criticised so adversely, the railways, as a whole, are now paying all maintenance and debt charges on capital account. Projects for the future have already been suggested. (*See also* App. 8.)

195. **Harbour Works at Lagos.**—A sum of £1,297,000 was provided under the loan Ordinances for harbour works (£897,000), and for dredging, reclamation, and wharves at Lagos (£400,000). Of this a sum of £1,008,438 had been spent to the end of 1917, leaving a sum of £288,562 for further expenditure, of which it was estimated that £130,000 would be spent in 1918.

The principal project was to deepen the entrance to the harbour, which was obstructed by a "Bar." to a depth of 27 feet at high water. The work was entrusted to Messrs. Coode Son & Matthews, who designed two moles, each about one and a half miles in length, together with a "training bank." Large masses of stone are quarried near Aro, about 60 miles up the line, and railed to the mole-head, where they are dumped into the sea. Work was commenced in April, 1908, and at the end of 1918 the East Mole had been completed for a length of 7,777 feet, and work was concentrated on the West Mole and training bank, with which great progress had been made. Three large and very costly suction dredgers were purchased, and assisted in dredging the bar and deepening the channels in the harbour under the direction of the Marine Department. The cost of two of the dredgers and all their working expenses have been met from Revenue.

The work has been attended with unqualified and progressive success. Before its inauguration the depth of water on the bar was about eleven feet, and all cargo inwards and outwards had to be conveyed to Forcados, 160 miles distant by sea, and thence transhipped into or from "Branch Boats," whose draught could negotiate the Lagos Bar. In 1917, for the first time, the official draught was continuously maintained at 20 feet—latterly increased to 20 feet 6 inches and to 21 feet in November, 1918. Branch boats have for some time ceased to ply, and the main-line steamers now enter the harbour, and unload at the Customs Wharf, to which the channel has been deepened, and which has been extended to a total length of 1,180 feet, as a charge against Revenue.

The cost inwards and outwards under the branch boat system was calculated to be not less than 10*s.* per ton. This is now replaced by harbour dues calculated on the basis of 4*s.* a ton (weight or measurement) which, with berthage dues, cover the debt charges on the capital expenditure from Loan Funds, and some part of the annual expenditure incurred by the Marine Department. The benefit to trade has been enormous, not merely in diminution of shipping costs, but also in saving of time, breakages, and losses in transhipment, &c. There is still a substantial margin for increase in harbour dues should this be necessary, but it is sound policy to keep them (and also berthage dues) as low as possible, and to look to the increase of trade and Customs duties for revenue returns.

196. **Apapa Wharves and Terminal.**—The Harbour Works Loan will not suffice for the works in progress, and it will be necessary to raise a further sum for the completion of the harbour works (including the enlargement of the deep-water basin), and for the construction of the railway terminal and the wharves at Apapa. This latter project—which is still under consideration—may be described as follows :—

While the extended Customs wharf, assisted to some extent by the wharf at Iddo (*see* plan Appendix 5), might be expected to meet the demands of shipping for a reasonable period, so far as the "Lagoon trade" (*see* paragraph 71) is concerned, the problem of the rapidly expanding rail-borne trade, with its immense potential development, remained for solution.

It had been proposed that a great wharf scheme should be carried out in the neighbourhood of Wilmot Point, on the eastern side of the harbour and near its entrance. I examined this project on my arrival in Nigeria, and it appeared to be unsuitable for the following reasons :—

(*a*) It was not possible, except at the cost of unjustifiable and colossal expenditure, to bring the railway to this site. Two new bridges over the Lagoon connecting Iddo Island with the mainland and with Lagos Island would be necessary, at a cost of probably not less than a quarter of a million sterling, and possibly nearly double that sum. The main line could not traverse the densely congested town, which, even if feasible, would have cost a sum impossible to calculate, and have caused great resentment. A route along the sea bed to the North was found impracticable, and expert opinion declared that even if the railway reached the site, it would be very costly to construct a large terminal upon it.

(*b*) Most of the area of the proposed site is at present bottomless swamp. Its reclamation may for other purposes have to be undertaken in the future at great cost, but it would have delayed the provision of the wharves—most urgently needed—for a number of years.

I need refer to no minor objections, for these were conclusive, and it was decided to transfer the terminal and wharves to Apapa on the western side of the Lagoon, to which the railway already has access. The scheme has the merit of meeting the existing congestion within a reasonable time. The wharves which have already been constructed there must be extended, the single railway line must be doubled and strengthened, an adequate shunting yard and terminal must be laid out, Customs sheds and goods warehouses must be erected, but as each item is completed it will come into immediate use, and begin to yield returns on the outlay and assist in the expansion of trade.

197. **Wharves, &c., at Port Harcourt.**—The construction of a permanent quay-wall at Port Harcourt, 500 feet in length, has been in progress for some time, and is now well advanced. The removal of the toe of land in front of it has proved a more difficult operation than was expected, and has necessitated the purchase of a bucket dredger (second-hand), which will be of great value for other works. This permanent wharf must be extended to replace the new temporary wharf. The coal-tips for direct bunkering of vessels, are now nearly complete. The Marine Wharf and the Petroleum Wharf have still to be built. The basin requires dredging and probably enlarging; running sand has been encountered and further investigation is necessary. The bar at Bonny may also require some dredging to allow of the deepest draught vessels ascending the creek. Careful statistics of currents, &c., have been collected for a period of upwards of four years, and the advice of consulting engineers should now be taken on the whole project, and its development put in hand with the least possible delay to meet the rapid and certain expansion of trade and of the colliery. (*See* paragraphs 126 and 127.)

198. **Water-Works.**—The Lagos water-works were completed in 1916 at a cost of £310,400. The maximum output is about 250 million gallons per annum. The filter-beds have worked excellently, and a perfectly pure water-supply is assured for Lagos, and for sale to shipping. The present demand is about half a million gallons per diem, and the storage tanks provide about ten days' supply in reserve. Practically all the wells in Lagos were very polluted, and those belonging to the municipality and many private ones have now been filled in. These measures, combined with great sanitary activity, have resulted in a wonderful decrease in the mosquito index with a corresponding decrease in malaria.

Water-works, though on a much less expensive scale, will be required in the near future, both at the new capital at Kaduna and at Port Harcourt. A project for the supply of water to Kano Township and to the native city has been in abeyance in consequence of the War. It is proposed to dam the Challowa River, where the railway crosses it, and to create a large reservoir from which the water will be piped to Kano (about 12 miles). The cost is estimated at about £140,000, to which the Native Administration would gladly contribute largely from its accumulated reserve funds, but since the township and the Railway will also be supplied, the cost should not be wholly met from that source. I can imagine no work which would be a greater boon to the people, or bring home to them more vividly the benefits which they derive from British rule.

199. **Irrigation and Artesian Boring.**—The underlying granite in the Kano Province offers no hope for artesian boring, but it is replaced by shales in Sokoto, where the experiment would afford a fair prospect of success. This will be undertaken at once; the boring plant is already ordered. Irrigation from perennial streams, or from artesian water, would, in the parched districts of the North, be an incalculable boon alike to the agriculturists and the pastorals, and would very greatly increase the output of exportable produce and the wealth of the country. This is a project upon which the Native Administration funds can most usefully be expended, and it should be taken into consideration at the earliest possible moment.

Forestry, Agriculture, and Veterinary.

200. **Forestry in the Southern Provinces.**—Very tangible progress has been made in the matter of forestry. At the time of Amalgamation the Director of Forests reported that the

valuable forests of Southern Nigeria were in process of rapid extinction, owing primarily to the thriftless system of " shifting cultivation," by which the agricultural population were constantly burning the forest in order to obtain virgin soil. A serious danger threatened, lest by the destruction of forests around the sources of the rivers, the rainfall, no longer conserved by them, would run off rapidly, denuding the country, turning the streams into temporary torrents, defertilising the fields by deposits of sand, and dissipating a source of wealth which, properly exploited, would last for ever. The existing Forestry Ordinance provided for the creation of reserves, but in the hinterland of Lagos, where some of the finest forests existed, nothing could be done except with the concurrence of the Native Councils. Ignorant of the possibilities of scientific conservation, and careless of posterity, it was not surprising that they opposed any control of the forests and resented any encroachments on their absolute right to destroy them.

The Ordinance of 1917 for the first time empowered the Government to create forest reserves wherever the circumstances showed it to be clearly for the ultimate benefit of the country. The rights of the natives who claimed communal ownership, to obtain all the timber and forest produce which they required, were safeguarded. The forest law was at the same time clarified and full and clear regulations were enacted. Efforts, which I believe to have been attended by a large measure of success, were made to associate the new " Native Administrations " in the control of the forests, and to give them an intelligent interest in their protection and development. Progress was, of course, hampered by the depletion of the staff by the War, but much has been done to select the areas for reservation, and to place them in the hands of the Settlement Officer, whose duty it is to enquire into and satisfy every possible native claim. The Forestry Officer has now a well-defined task in which he can count on the support of Government.

201. **Forestry in the Northern Provinces.**—In the North no forestry department existed. The problem here was largely one of afforestation, especially in the extreme North. The new department was first employed in thoroughly studying the conditions of the country. Extensive reserves were then declared, and the co-operation of the Native Administrations ensured. This was especially the case in Sokoto, where such belts of forest as existed were rapidly dying off, and desert conditions gaining ground. Afforestation will be a matter of many years' expenditure and constant labour, but the interest of the Sultan and his Council was keenly aroused, and in connection with the boring operations and the flooding of parched areas, to which I have elsewhere alluded (paragraph 199), eventual success is I hope assured. A hard experience has already taught the people of these regions to adopt an intensive form of agriculture, and the paucity of the rainfall has brought its own lessons in conservation and utilization.

201A. **Agriculture.**—In the Northern Provinces improved types of cotton, maize, tobacco, and sugar-cane (*inter alia*) and many varieties of fruit (including mangoes) have been introduced, while indigenous foodstuffs, " Guinea-corn " (Sorghum Vulgare), yams, and ground-nuts have been improved by selection and plant-breeding. The native, who was accustomed to sell his best produce, and reserve his worst for seed, has, where opportunity has been afforded, been quick to recognise the greatly increased value of his crop which can be effected by these means, and to select his samples from the Government gardens. The new varieties offer great prospects. Allen's cotton, the new sugar-cane at Zaria, " Hickory King " (maize), and the imported tobacco seed at Illorin, are eagerly sought after and are rapidly superseding the indigenous crops. " Hickory King " is recognised as more palatable, more satisfying, and more prolific than the ordinary maize.

In the Southern Provinces, also, good results have been achieved in various similar efforts. Great pains have been taken to teach the natives improved methods of cocoa cultivation and its preparation for the market. Experiments are being made to produce an oil-palm with a soft-shelled fruit, and the investigation of the bud-rot disease of the coco-nut palm (shown by Mr. Farquharson to be due to *B. Coli*) has been of special value. Nurseries are maintained for distribution of a very large number of plants and seeds, and model plots are kept up throughout the Southern Provinces.

202. **Veterinary, Horses and Cattle.**—In view of the fact that it is estimated that there are upwards of three million cattle in the North, and nearly 10 million of stock of all kinds, and that epizootic diseases are of frequent occurrence and Rinderpest is enzootic, it is eminently desirable that the veterinary staff should be increased. A well-equipped laboratory is urgently needed, and a stud farm should be established with imported bulls to improve the strain. The number of horses is becoming very seriously depleted, and the matter is causing some anxiety to the native Emirs and also to Government, since horses are essential to the work of the Administrative Staff. The Government might with advantage start breeding operations and import a few stallions, which would be at the service of mares of a sufficiently high standard without fees. Barbs or " Gulf Arabs " would make good sires, and also the sturdy English cob of not more than 14 hands. An annual horse show with prizes and bonuses would stimulate horse-breeders and be very popular. No doubt the most efficacious way of improving the quality of the horses of the country would be to institute a tax on entire males, from which those passed by a veterinary officer as up to breeding standard would be exempt.

Cameroons.

203. **Physical Characteristics.**—The Administration of that portion of the Cameroons which is in British military occupation, viz., about 31,000 out of the total area of 295,000 square miles, was assumed by the Nigerian Government on April 1st, 1916. Shortly afterwards I visited the headquarters at Buea and made arrangements for the Civil Administration.

The area from the sea (latitude 4°) to Kentu (latitude 7°) was formed into the " Cameroon Province " under a Resident and the normal staff, and was attached to the Southern Provinces. Its area is about 18,700 square miles, with a population estimated at 570,000. North of Kentu the sparsely populated district of British Banyo (9,350 square miles) was attached to the Yola Province, while the small area around Dikwa (German Bornu, 3,030 square miles) was added to the Bornu Province.

In the southern division of the Cameroon Province the rainfall is heavy, varying from 150" to 400", and all tropical products—coffee, cocoa, rubber, and tobacco—grow luxuriantly. Its area is 5,200 square miles, with a population of about 126,000; there is much forest, and the port of Victoria and the Cameroon Mountain (13,000 feet), on which the German capital at Buea (3,000 feet) is situated, are included in it. The Rio-del-Rey district naturally belongs to the Calabar system, and should be included in that province. The Bamenda and Chang divisions (8,900 square miles, population 394,000) consist of open grass lands over 4,000 feet in altitude, with hills rising to 7,000 feet or 8,000 feet, and are separated from the southern and western (Ossidingi) divisions by a steep escarpment. The climate is delightful, rainfall about 70", and English fruit and vegetables, wheat, oats and barley can be grown. Horses do well and cattle-breeding would offer every prospect of success on the rich pasturage. The people are of fine physique, consisting of six main tribes under influential chiefs. The western division consists of wooded hills rising to 5,000 feet, intersected with streams, combining to form the Cross River, which for a month or two is navigable as far as Ossidingi. Area 4,600 square miles, population sparse.

204. **Method of Administration.**—The province, being occupied territory, has been administered under German law. Communications are difficult, and it was necessary to construct a telegraph at once from Buea, *viâ* Tinto to Ossidingi, to connect with the Nigerian system at Ikom. The main road from Victoria to Tinto, with branches to Chang, Bamenda and Ossidingi, is being gradually improved. Financially, the province has been treated as a separate unit, with a Budget of its own. At the end of 1917 there was a deficit of £14,600, due to the devastation caused by the War, and to the fact that the Germans had collected the tax in advance and seized the cattle. It is anticipated that this will be reduced to £12,800 by the end of 1919. The Budget balanced at £54,500, the chief source of revenue being the Poll Tax (£36,000), which has been collected without friction, and " there is a marked increase in general prosperity and contentment."

The capital expenditure, in view of the uncertain future, has naturally been small since the British Administration. A considerable outlay is required in residential houses (many of which were destroyed during the War), in public buildings, such as sanitary prisons and quarters for police and troops, in telegraphs, and especially in roads. The valuable forests, the agricultural resources, and the Government plantations and farms (in which timber, wheat, oats and barley, and imported livestock had been maintained), should be developed.

The Germans maintained a very large staff of European officers, and their stockaded forts and military garrisons evidence the constant fear in which they lived of native risings. The mistrust of the natives is, I am assured, " rapidly disappearing, and being replaced by confidence and friendliness on the part of the chiefs and people." In Chang alone there is hesitation, and three tribes have refused to " come in," fearing German revenge. This is not unnatural, since the withdrawal of General Dobell's troops, after occupying this area, resulted in the hanging of four chiefs who had assisted the British, and the shooting of " innumerable natives." The people are very eager to be assured of the continuance of British rule.

Law and order have been satisfactorily maintained. A number of Native Courts have been instituted, and a Native Administration, with a total revenue of £9,300, inaugurated. It is at present administered in four " Treasuries," corresponding to the four divisions of the province. Later, if the country is incorporated in Nigeria, these will be organised as tribal units, in accordance with the Nigerian model. A more adequate staff is very urgently needed. Education, owing to the exigencies of war, has been neglected. There were formerly about 10,000 pupils attending mission schools, and the people are eager for instruction. The missions have left, and Government has only been able so far to maintain four schools.

205. **Trade and Currency.**—Trade has been disorganised, and indeed almost killed, in the interior by the War. Prospects are good, and from the Ossidingi district transport is available by the Cross River for three months in the year. There are considerable openings to replace the former German firms, and a large amount of the usual West African produce is available for export. There is also said to be an attractive opening in the growing of potatoes and other temperate and sub-tropical produce, which would find a ready sale in Nigeria and other West African Colonies.

It is probable that the bulk of the imports and exports to and from interior districts will go to the French port at Dualla, to which the railway—100 miles long—running nearly parallel to the present Anglo-French frontier, gives cheap access. An arrangement with the French for transit privileges similar to those accorded by Nigeria to the much more important imports *viâ* Lagos to Dahomey and by the Nigerian Railway (paragraph 129) should present no difficulty, with the object of avoiding the cost and friction of inland Customs stations and preventive services, which would eat up all the receipts.

The existence of a dual currency in British sterling and German marks has been a source of much trouble. The value of the mark at one time fell to 3*d.* in the North, while it was accepted as equivalent to a shilling elsewhere. The official rate has now been fixed at 7*d.* It should, as soon as possible, cease to be legal tender, and, since its fineness is approximately the same as British silver, it may be called in and re-minted.

206. **The Plantation Estates.**—In addition to the Administration of the Cameroons, the Nigerian Government was called upon to assume responsibility for the privately-owned plantations on or near the slopes of the Cameroon Mountain. Their total area is 246,181 acres, of which 49,900 are under cultivation. There are twenty-one separate estates, of which one has been leased (1,153 acres), and the remainder are supervised by the Plantation Staff. This staff numbers under a score, including mechanics in charge of light railways, sawmills and other machinery, and was in part lent by the Nigerian Government, in part specially recruited. The Germans employed over 100 Europeans. The average number of labourers engaged has averaged 8,500. Under German rule these were recruited by forced levies, and the German district officers continually protested that the country was becoming depopulated and villagers were migrating over the Nigerian border. The detestation in which service in the plantations was held by the natives and the circumscribed area from which labour can now be drawn—the Germans recruited from as far east as Jaunde, now in French territory—combined to render the provision of an adequate labour supply a matter of the greatest difficulty. This has to a great extent already been overcome, and I anticipate that in future no great difficulty will be experienced in maintaining the present number of purely voluntary labourers. The annual receipts of the plantations, even under these very disadvantageous circumstances, are stated to be considerably in excess of the receipts by the German owners, while the expenditure has greatly decreased. The yield in 1916 was—cocoa, 3,278 tons; kernels, 48 tons; palm-oil, 48½ tons; rubber, 2 tons.

The future of these estates is a matter of interest and importance in connection with the disposal of the Cameroons. The Nigerian Government hopes to be able to hand them over at the end of the war in a fair state of preservation. If they are then sold to British purchasers, it is probable, as I have said, that a limited supply of labour will be attracted by regular pay and sympathetic treatment. But the available labour supply will not suffice for their rapid development, and if they are maintained in European ownership some system of imported labour will, no doubt, have to be considered.

I am inclined to suggest that three or four, whose aggregate requirements would not exceed 6,000 to 8,000 labourers, should be sold for development by British owners, and that the Government should acquire the remainder (possibly in part payment of the cost of the Cameroon campaign, leaving Germany to recoup the owners). These might be leased in small lots to native cultivators (who would find their own labour), on terms which would secure to them undisturbed possession. As far back as 1912 the Germans, profoundly impressed by the success of the native cocoa industry on the Gold Coast in contrast with their own, had, it would seem, decided on a radical change of policy in the direction of encouraging native cultivation in lieu of European plantations. Cocoa inspectors were to be appointed and millions of seedlings of cocoa, rubber and palm, grown in Government nurseries, were to be distributed free.

F. D. LUGARD,

Governor-General.

April 9th, 1919.

N.B.—This report has been written in England, where access to local records is not of course possible. It has, however, been transmitted to Nigeria for verification, and corrections have been incorporated.

FRENCH SUDAN

SOKOTO

SOKOTO

Barbera

KANO

KANO

Bornu Line

NORTHERN PROVINCES

BORNU

MAIDUGARI

Proposal (a)

Proposal (b)

Occupied territory attached to Bornu

Rivers Niger & Benue

ZARIA

KONTAGORA

KONTAGORA

KADUNA

BAUCHI

Bornu Line

ZARIA

BAUCHI

PROVINCE

Zungeru

KACHIA

BUKURU

MINNA

Jemaa

Under construction

Jebba

KEFFI

Pategi

Baro

NASSARAWA

ILORIN

ILORIN

YOLA

Rivers Niger & Benue

IBI

ABINSI

Proposal (c)

BRITISH OCCUPIED TERRITORY ATTACHED TO YOLA PROVINCE

IBADAN

ABEOKUTA

PROVINCE

KABBA

ANKPA

MUNSHI

Rivers Niger & Benue

Line

Bornu

ABEOKUTA

COLONY

LAGOS

BENIN

BENIN CITY

ONITSHA

UDI

OGOJA

OGOJA

BRITISH OCCUPIED TERRITORY (CAMEROONS PROVINCE)

Sapele

WARRI

AFIKPO ROAD

OWERRI

CALABAR

Aba

Itu

CALABAR

PORT HARCOURT

BIGHT OF BENIN

GULF OF GUINEA

NIGERIAN RAILWAYS

Railways open

do under construction

do projected

Scale of Miles

0 30 20 10 0 50 100 150

APPENDIX II.

ABROGATION OF THE TREATY OF EGBALAND.

WHEREAS a Treaty dated the eighteenth day of January, One thousand eight hundred and ninety-three, known as the Treaty of Friendship and Commerce, was made at Abeokuta between His Excellency Gilbert Thomas Carter, Companion of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Colony of Lagos, for and on behalf of Her Majesty the Queen of Great Britain and Ireland, Empress of India, &c., Her Heirs and Successors, on the one part and the King (Alaki) and Authorities of Abeokuta representing the Egba Kingdom, for and on behalf of their Heirs and Successors, on the other part:

AND WHEREAS the Colony of Lagos has merged in His Majesty the King of Great Britain's Colony of Nigeria:

AND WHEREAS the King (Alaki) and Authorities of Abeokuta desire the assistance of the Government of the Colony and Protectorate of Nigeria to maintain law and order in the Egba Kingdom and that the said Treaty of the eighteenth day of January, One thousand eight hundred and ninety-three, be annulled and that a new Agreement be entered into between themselves and the Governor of the Colony and Protectorate of Nigeria, annulling the said Treaty and placing the Egba Kingdom unreservedly under the Government of the Protectorate of Nigeria:

NOW, THEREFORE, this Agreement made this sixteenth day of September, One thousand nine hundred and fourteen between His Excellency Sir Frederick John Dealtry Lugard, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Companion of the Distinguished Service Order, Governor-General and Commander-in-Chief of the Colony and Protectorate of Nigeria, for and on behalf of His Majesty the King of Great Britain and Ireland, Emperor of India, &c., His Heirs and Successors on the one part, and the undersigned King (Alaki) and Authorities of Abeokuta representing the Egba Kingdom for and on behalf of themselves, their Heirs and Successors on the other part: Witnesseth

(1) That the said Treaty of the eighteenth day of January, One thousand eight hundred and ninety-three, is hereby annulled.

(2) That the Agreement of the thirteenth day of January, One thousand nine hundred and four, made between Sir William McGregor, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Companion of the Most Honourable Order of the Bath, Governor of the Colony of Lagos, on behalf of His Majesty King Edward the Seventh and the Alaki and Authorities of the Egba Kingdom, whereby certain Powers and Jurisdiction were granted by the Alaki and Authorities of the Egba Kingdom to His Majesty the King of Great Britain, is hereby annulled.

(3) That the whole of the Egba Kingdom and all persons resident therein be placed under, and subject to, the Jurisdiction of the Courts of the Protectorate of Nigeria in all matters Criminal and Civil, and shall be subject to the Laws of the said Protectorate.

(4) That no Legislative Measures shall in future be enacted by the Alaki and his Council without the express sanction and approval of the Governor of the Colony and Protectorate of Nigeria. But that all Legislative Measures heretofore enacted by the said Alaki and his Council and now in force, shall, so far as they are not inconsistent with the Laws of the Protectorate or repugnant to natural justice and humanity, remain in force unless and until cancelled by order of the Governor.

(5) That the Alaki and his Successors shall be the recognised Head of the Egba people, and shall continue with the approved Chiefs of Egbaland to carry on the Native Administration of Egbaland, subject to the control of the Governor of the Colony and Protectorate of Nigeria.

(6) That the Governor of the Colony and Protectorate of Nigeria hereby undertakes to be responsible for the maintenance of law and order in Egbaland equally with any other part of the Protectorate, and to maintain such troops and police therein as may in his discretion be necessary for the purpose.

IN WITNESS whereof the said parties have hereunto set their hands and seals this sixteenth day of September, One thousand nine hundred and fourteen.

(Signed) F. D. LUGARD,
Governor-General.

Witness: A. G. BOYLE,
Lieutenant-Governor.

(Signed) By the Alaki and fourteen Principal Chiefs.

Witness: A. EDUN,
Egba Government Secretary.

P. V. YOUNG,
Commissioner.

and by SOLANKE,
Interpreter.

APPENDIX III.

MEMORANDUM as to Proposal to Establish Provincial and Native Courts. By A. WILLOUGHBY OSBORNE, Chief Justice, Southern Nigeria, December 12th, 1912.

1. In my opinion the Supreme Court is not the most suitable form of tribunal for territories in the opening stages of civilisation, and the extension of its jurisdiction to districts recently brought under British rule is a matter which requires very serious consideration. It is not so much the establishment of the tribunal itself which is unsuitable, as its inevitable consequences, viz., the influx of alien legal practititoners,

In the Central and Eastern Provinces the Bar consists of some of the younger Lagos practitioners, who are unable to cope with the competition here, and Gold Coast and Sierra Leone lawyers, whose sole object is to make as much money as they can out of the country as quickly as possible and return to their own homes. Most of these gentlemen, who practise locally as barristers and solicitors, are members of the English Bar, but I regret to say that I do not think that they are actuated to the extent that they should be by the honourable traditions of that profession.

There is only too much reason to suppose that they employ touts who deliberately stir up strife, particularly in land questions.

2. The policy hitherto has been to apply the Supreme Court Ordinance to districts which have been only just opened up, and which, in my judgment, are certainly not ready for it in its entirety. In such districts it would be far better if the jurisdiction were limited at first to criminal cases only, as can be done under Section 20 of the Supreme Court Ordinance, and not until the inhabitants are thoroughly familiarised with British methods and amenable to British rule should the civil jurisdiction be added, and then, in my opinion, only if the tribal and communal boundaries of land have been politically settled, and, if necessary, validated by Ordinance in such a manner that they cannot form the subject of litigation.

3. It is these tribal and communal land disputes which attract the lawyers and provide the fat fees, and cause the most trouble politically. Steps have recently been taken to remedy this mischief to some extent. By Order No. 12 of 1911 the jurisdiction of the Supreme Court in respect of causes and matters between natives of the Central and Eastern Provinces relating to ownership or user of lands is taken away (except in cases where a writ had been previously issued) from all districts and places other than those specified in the Schedule. These latter include the districts of Calabar, Bonny, Brass, Forcados, Warri and Sapele, parts of the Opobo and Degema districts, and areas within a radius of two miles from Onitsha, Asaba, Idah, Abo, and Itu. This arrangement has not been in force long enough for me to say whether it provides a sufficient check on the abuse to which I have alluded, but it is certainly a step in the right direction.

4. In places where Supreme Court jurisdiction does not extend, Courts of the nature of Provincial Courts seem to me to afford an excellent machinery for administering justice. The same remark applies to places where the Supreme Court has only partial jurisdiction, so far as relates to causes and matters outside that jurisdiction.

5. I fully agree with His Excellency's opinion that there should be no overlapping of jurisdiction between the Provincial and Supreme Courts, though I certainly advocate an appeal in civil cases involving a certain pecuniary value, say £50 or £100, from a Provincial Court to the Supreme Court, with such further appeal as would lie if the case originated in the Supreme Court.*

6. In no circumstances whatever should legal practitioners of the Supreme Court be allowed to appear as such in Provincial Courts, which form no part of the Supreme Court and, as President of the latter Court, I should have the strongest possible objection to their so doing, as they would not be sufficiently under the observation of the Judges. Personally, I do not think that they should ever be allowed to appear in appeals from Provincial Courts, except where both parties are literate.

7. It may be urged as a matter of detail that the present Central and Eastern Provinces are too large to enable the Provincial Commissioners to get through the necessary judicial work in addition to their administrative duties, but this is not an insuperable difficulty, and might be got over by a change of nomenclature.

If the present provinces were abolished or styled anything but provinces they would be sub-divided into groups of districts styled provinces, or some other title could be substituted for that of Provincial Courts.

8. Incidentally, I may observe that the present territorial division of the Colony and Protectorate appears to me to proceed on a wrong basis. Provinces, districts, and so forth, should first be fixed for administrative purposes (by Ordinance if considered necessary) and the judicial divisions should follow them.

At present the provinces and districts are, strictly speaking, judicial divisions appointed under the Supreme Court Ordinance wherein the Supreme Court exercises jurisdiction, and not administrative divisions.

9. I observe that the Provincial Courts Bill has been made applicable to the entire Protectorate, which appears to be contrary to His Excellency's ruling in the extract from the memorandum of the 24th September, 1912, supplied to me (*see* paragraph 8 thereof). The Lagos hinterland is part of the Protectorate of Southern Nigeria. The Colony itself consists of certain ceded territories, the limits of which are ill-defined and often exceedingly difficult to ascertain. To show how acutely this difficulty is felt, I may mention that the Acting Chief Justice recently held that there was not sufficient proof that the land whereon Lagos Lighthouse stands was ceded territory, though the full Court has now ruled otherwise. As I suggested to His Excellency at a recent interview on the subject-matter of these papers, it would be advisable, when the new Letters Patent are passed on the amalgamation of the two Nigerias, for the limits of the Colony to be geographically defined, and all territories within those limits to be formally annexed.

The operation of the Bill should be limited to those parts of the Central and Eastern Provinces where the Supreme Court does not possess full jurisdiction.

10. I think the form of the Bill might be considerably simplified, and with all deference to His Excellency's opinion expressed in paragraph 11 (*a*) of the memorandum, I would suggest leaving intact the main provisions of the Supreme Court Ordinance and the procedure thereunder, with which the Commissioners are familiar. Speaking with sixteen years and a half experience of the Supreme Court Ordinance and its procedure on the Gold Coast and here, I have no hesitation in saying that it is admirably adapted to the needs of litigants in person, and that the delay and expense only come in with the employment of legal practitioners. I would suggest a Bill modelled more on the lines of the Ashanti Administration Ordinance, 1902, whereby a Court of Record was established for Ashanti. During the five years and a half that I was Attorney-General on the Gold Coast there was never a hitch in the working of the Ashanti Courts. Its main provisions, if applied *mutatis mutandis* to the present Bill, would be on the following lines:—

(i) The establishment in each province of a Court of Record, to be styled the Provincial Court of the province.

(ii) The Court to be presided over by the Provincial Commissioner, who, as such President, would have as full powers and jurisdiction as a Judge of the Supreme Court sitting in a Divisional Court (*i.e.*, unlimited civil and criminal jurisdiction).

(iii) The Provincial Courts and their branches to be governed by the law in force in the Colony as set forth in Section 14 of the Supreme Court Ordinance, as modified by Sections 16 (*a*), 17, 18 and 19 of that Ordinance. (Of these, Section 14 is re-enacted in Clause 9 of the Bill in a vague way, but Sections 17 and 18 were omitted altogether. Section 19 is re-enacted in Section 10 (i). There certainly should be a uniform law administered by British Courts, and, as drafted, the Bill gives far too great powers to Provincial Courts to say whether or no a given law is "applicable" or not).

* *I.e.* to the Privy Council only when the claim involves £500 or over, or raises a question of general public importance.—A.W.O.

(iv) The procedure in the Provincial Courts, civil and criminal, to be the same as that in the Supreme Court, provided that (*a*) all causes shall be heard summarily; (*b*) in no cause or matter, civil or criminal, shall the employment of a barrister or solicitor be allowed.

The insertion of analogous provisions in the Bill would relieve it of its Schedule and shorten and simplify the Bill itself.

11. I do not consider that the merger of judicial and executive functions in the same officer works badly in West Africa, and it is inevitable in the present condition of the country. But when an officer who does not possess legal qualifications is confronted by an English barrister, he is placed in a position of difficulty, and apt to give too great weight to the legal arguments addressed to him.

For this reason, more than any other, I think that the establishment of tribunals which are not part of the Supreme Court will prove a benefit in outlying portions of the Protectorate.

12. With reference to the Native Courts Bill, I feel that I have not the necessary local knowledge of the old Southern Nigerian Protectorate to enable me to speak authoritatively, but, so far as my experience goes, I am of opinion that the natives of the Central and Eastern Provinces have not got to that stage where they should be entrusted with powers of life and death. I am inclined to think that the present system of native courts goes far enough, and that in the more important cases native tribunals require the guiding influence and impartial judgment of a European officer.

The worst evil attendant on the native court system is not touched by the Bill, and will flourish under it just as badly as it does now. I refer to the dishonesty of the native court clerks, who are responsible for keeping the Court Records. Despite this, the present native courts seem to be a popular form of tribunal, judging from the number of cases tried. I take the following figures from the Annual Report for the Eastern Province in 1911:—

Cases dealt with by Native Courts in Eastern Province.

——	1909.	1910.	1911.
Civil	35,783	47,832	47,696 (Incomplete Record).
Criminal	17,215	32,866	18,159 do. do.

14. In my judgment it would be better to leave untouched these courts, which have been in existence for ten years and are known to the people, rather than establish a new system giving an extension of power. The Native Courts Ordinance (C. 123 of the Laws) will require amendment in certain details, if and when the Provincial Courts are established, but otherwise will suffice for present needs, and in some ways it seems even preferable to the Bill. The latter, I may observe in conclusion, does not attempt to define the term "native," and without some definition its jurisdiction is vague in the extreme.

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The remainder of the memorandum deals with the Bills in a detailed criticism.

A. W. Osborne,
Chief Justice.

REPLY to Mr. Osborne's Memorandum by Sir E. Speed, Chief Justice, Northern Nigeria, February 3rd, 1913.

His Excellency,

I have read Mr. Osborne's memorandum, and am glad to find that he is in the main in agreement with the proposals which have been incorporated in my drafts. His criticisms deal mainly with matters of drafting. It is quite possible that, upon a revision of the laws after the amalgamation, improvements might be made in the drafting of both Ordinances, but I still think that my proposals to amend the Supreme Court Ordinance (Southern Nigeria) are necessary, and are as simple as possible.

I do not agree as to the advisability of retaining the Supreme Court procedure and practice throughout. In the Northern Nigeria Statute Book the Supreme Court rules occupy sixty pages, the Provincial Court rules twelve.

I think the right of appeal given in my draft is sufficient, and should not be enlarged. I see no adequate reason why counsel should be debarred from appearing in the Supreme Court on appeals from the Provincial Courts, if the right of appeal be limited as proposed.

I do not agree that there is any anomaly in giving both the Governor and the Chief Justice a right of transfer. The Chief Justice's right of transfer only extends to cases which are originally within his jurisdiction, and it may very well be the *only* means by which he can exercise this jurisdiction. A recent incident will illustrate my meaning to Your Excellency; I very strongly advise that this right of transfer be retained.

With the greatest respect, I am still of opinion that the drafts submitted are adequate, and will not be improved by Mr. Osborne's proposed amendments.

It is, as I understand, probable that the system will be introduced, at all events at first, only in the Central and Eastern Provinces of Southern Nigeria.

The object is to introduce, as far as possible, a uniform system throughout.

Our proposal is, in effect, to apply a system which is already in force and has worked admirably for some years in five-sixths of the area to the remaining one-sixth—the conditions being similar, and as to certain portions of the larger area almost identical.

As to the native courts, the main and, to my mind, insuperable objection to the Southern Nigeria native courts is that they are not native courts at all.

E. A. Speed,
Chief Justice.

February 3rd, 1913.

MEMORANDUM on Provincial Courts, by Sir E. Speed, Chief Justice, Nigeria, February 11th, 1914.

1. The Supreme Court system has been tried in the Southern Nigeria Protectorate, and has, in my opinion, proved a failure.

2. If the "bringing to the African of English justice is one of the most valuable assets to him," then the system stands condemned, for that is exactly what it has failed to do.

3. It is impossible without a very large addition to the judicial establishment to hold assizes in more than a limited number of places, which involves the hearing of cases at long distances from the scene of action and at infrequent intervals.

4. The result is that not only are prisoners kept for long periods awaiting trial, but that cases frequently break down owing to the absence of witnesses: indeed, in some localities it is almost impossible to secure the attendance of witnesses unless they are kept under observation until the day for trial arrives, which means in practice that they are treated almost as prisoners themselves.

5. A considerable proportion of crime thus goes unpunished, and a further considerable proportion is inadequately punished in order to avoid committal for trial, or remitted to native courts and tried without much reference to the principles of English justice.

6. The Provincial Court system brings English justice practically to the door of every one, and it must not be forgotten that in the Provincial Courts the same law is administered by the same men as in the Supreme Court, the only difference being that the procedure is summary throughout in the Provincial Courts and that no cases come automatically before the Judges of the Supreme Court, instead of the limited number which are tried at assizes under the present system.

7. It is true that the Provincial Court judges are not trained lawyers, but neither are the District Commissioners under the present system; and experience in Northern Nigeria has demonstrated conclusively that trials are conducted by the Residents with scrupulous fairness and generally in a manner which commands confidence; added to which they are surrounded by safeguards which practically prevent the chance of any serious miscarriage of justice.

8. It must be remembered that only the senior and experienced officers have an unlimited jurisdiction, and their sentences are all subject to review.

9. Against this lack of legal training must be set knowledge of the locality, knowledge of the people and, above all, knowledge of the language (in many cases and, I venture to hope, before long, in practically all). I confess I have little doubt that the balance is in favour of the Provincial Courts.

10. The greatest enemy to an efficient administration of the criminal law is delay, and delay is inherent in the Supreme Court system.

11. Again, the power of transfer must not be ignored. It is likely to be exercised freely for many years; and, indeed, I have little hesitation in saying that the Supreme Court judges will try at least as many criminal cases in the future as they have done in the past, but their energies will be utilised in trying cases ripe for trial rather than frittered away in dealing with cases which fail from formal defects or want of prosecution.

12. Nor must it be forgotten that the system provides a simple and easy method for the extension of the Supreme Court jurisdiction which there is no reason to suppose will not be progressive and commensurate with the needs of the community.

13 As to the right to be represented by counsel, it is a significant fact that every single officer, political and judicial, who has had any experience of districts recently brought under control, has pronounced emphatically against it, but it is a still more significant fact that when the Judicial Agreements with the Egbas, Ibadan and Oyo native authorities were being negotiated, the said authorities, one and all, and of their own accord, insisted on inserting a clause to the effect that they desired that lawyers should not have audience in the Courts established within their territories.

14. In criminal cases, however, it is urged that the right to be defended by counsel has been universally conceded, and is much valued by the community.

15. In the Supreme Court I quite agree; and I welcome the appearance of counsel as frequently as possible, but it must be remembered that in the Supreme Court they are under the eye and subject to the control of judges of the highest tribunal in the country.

16. In Provincial Courts the position is entirely different.

17. The prosecution is not represented by a lawyer, and trials are conducted without any avoidable formality, and it is the business of the judge not only to hold the balance between the contending parties, who are responsible for the conduct of the case, but to endeavour by all legitimate means to come to the truth of the matter.

18. If he is to be continually bullied (I am not using the word offensively) by counsel raising objections on technical points with the bearing of which he is but imperfectly acquainted, his usefulness is likely to be considerably impaired, and his activities circumscribed in a manner which will not tend to the benefit of the community.

19. Moreover, having regard to the fact that the judges of the Provincial Courts are mostly not professional men, the presence of counsel taking part in the proceedings having higher professional qualifications than the Bench is not fair to the latter as tending to impair its authority and destroy public confidence in its decisions.

20. I am a lawyer myself and practically my whole life has been spent in the study, the practice and the administration of the law of England.

21. No one can have a keener appreciation of, or a more ardent admiration for, its principles and the incalculable benefits which it has conferred on humanity.

22. If I considered that those principles were being ignored, or that those benefits were being denied to any section, however humble, of His Majesty's subjects, nothing would induce me to endorse the proposals which were designed or calculated to effect such purposes.

23. In this case I say with all the emphasis at my command that there is no reason to suppose that any such result will follow the adoption of these measures. On the contrary, I have every confidence that they will secure a more efficient administration from a judicial as well as from an executive point of view.

E. A. SPEED,
Chief Justice.

11th February, 1914.

EXTRACTS from a Report by Sir E. SPEED, Chief Justice, on the Working of the Provincial and Native Courts in Southern Provinces, October 23rd, 1917.

"The conditions obtaining at the time of the constitution of the Colony and Protectorate in its present form were briefly as follows:—

"(1) Within the Colony of Southern Nigeria, the boundaries of which, though ill-defined, were practically identical with those recently fixed for the Colony of Nigeria, the Supreme Court was the only Court exercising any recognised jurisdiction.

"(2) In Northern Nigeria a system in its main features identical with that which has been adopted for the whole of the Protectorate had been in existence practically from the commencement of its history.

"(3) In the Protectorate of Southern Nigeria very different conditions prevailed.

"(*a*) In the Western Province (*i.e.*, the old Lagos Protectorate) for a distance of 100 yards on each side of the railway, and upon certain lands leased for the purposes of the Government, a practically complete jurisdiction had been ceded by the native authorities, together with a right of arrest, outside the limits of the jurisdiction, of persons charged with offences committed within those limits; and in certain districts a very limited jurisdiction had been ceded by treaty and was exercised in accordance with local Ordinances, the earliest of which was enacted in 1904. These jurisdictions were exercised by the Supreme Court of the Colony.

"The rest of the province was, however, not subject to the jurisdiction of the Supreme or any other British Court, no provision having been made for the exercise of any jurisdiction which His Majesty might have acquired by any of the ordinary methods. To say that the Yoruba people, other than the inhabitants of the Colony, had in 1913, or ever had had, a traditional or any other than a limited and very recently conferred right of resort to the Supreme Court for the settlement of their disputes, is to say what is manifestly untrue.

"(*b*) In the Central and Eastern Provinces the Supreme Court of the Colony was the Supreme judicial authority, and its activities were circumscribed only by the fact that its organisation was faulty, it was never adequately manned, and its jurisdiction was exercised concurrently with that of so-called native courts created by Ordinance and invested with very considerable powers.

"It must be remembered that the greater portion of the territory comprised in these provinces had only recently, if at all, been brought under control, large tracts were practically in military occupation, and means of communication were deficient to the verge of non-existence. The assumption of a complete jurisdiction in civil and criminal matters by the Supreme Court had followed as a matter of course from the constitution of the Protectorate, and no adequate attempt had been made to provide the Court with the necessary equipment to enable it to perform the duties nominally imposed upon it by law.

"The staff of the Court was so small and its organisation so rudimentary that in effect, outside the trading centres and coast towns, even its criminal jurisdiction was only exercised at infrequent intervals and had to be supplemented by a liberal use of the special courts sanctioned by Section 76 of the Criminal Procedure Ordinance, while its civil jurisdiction was only invoked for the purpose of adjudicating upon disputes as to land boundaries, originated and fostered by natives of the coast towns or legal practitioners, not one of whom had any interest in, or any acquaintance with, the customs, the laws, or even the language of the people among whom they had temporarily settled for the purpose of professional gain. So much was this the case that in 1911 an Order in Council was passed depriving the Court of a large part of its jurisdiction in matters relating to land. This Order was, however, ignored by the judges for some reason which is not clear on the face of it, but which it is not necessary to discuss. The native courts, upon which a great deal of the legal business devolved, were "native" only in name, and their procedure lent itself to so many and such grievous abuses that no one can pretend to regret their demise. It was impossible for the political staff adequately to supervise them and the returns furnished to the judges, while making a considerable demand on their time, only afforded an opportunity of remedying an injustice or illegality patent on the face of the return."

The following were the considerations which presented themselves to him in making his recommendations:—

"(1) The Colony was in possession of a judicial system which was properly organised, had for many years proved adequate to the needs of the community and had earned and commanded the respect and confidence of all. No one with any local knowledge would have thought of disturbing it.

"(2) The functions of the Supreme Court of Northern Nigeria could easily be performed by the Supreme Court of the Colony without any considerable strain on its resources beyond a small increase of staff.

"(3) The Provincial Courts system had been in operation for over ten years in Northern Nigeria, for five of which I had been personally responsible for the confirmation of sentences and the revision of the returns. It had, in my opinion, proved an unqualified success. From a purely judicial point of view it would have been to the last degree inadvisable to import a larger measure of Supreme Court control without making adequate provision for its proper exercise, and such provision it was beyond the resources of the Government to supply.

"The political advantages of the system were beyond dispute, and though it involved certain anomalies more apparent than real, which it was easy to point out and difficult from a purely technical point of view to defend, it was, in my opinion, the best available.

"My reasons for this opinion were fully given in a memorandum which I had the honour to address to your Excellency on the 11th February, 1914, which was published in the Government Gazette (*vide supra*), and I may say at once that subsequent consideration and subsequent experience has not caused me to modify in any material particular any of the views therein expressed.

"(4) The condition of affairs in the Southern Nigerian Protectorate was admittedly and, in my opinion, glaringly, unsatisfactory, and for several years drastic alterations in the judicial system had been under the consideration of the Government."

Referring to the work of the Provincial Courts, he proceeds:—"Hardly an instance has come before me in which, judging from the report furnished, I have not been satisfied that the case has been carefully investigated and a fair judgment given; and I am clearly of opinion that by reason of the simplicity of its procedure and the celerity with which it is put in motion the Provincial Court is, as the ordinary tribunal to which the people resort, adequate to the needs of the community, and efficient as an engine of Government. Had this been otherwise it is certain that there would have been a larger number of applications for transfer to the Supreme Court. As a matter of fact, very few such applications have been made and orders of transfer have in most cases been made at the instance of the Provincial Court itself.

"As to the civil business of the Courts, I have had less opportunity of forming an opinion; but here, again, the applications for transfer have been surprisingly few and the number of appeals to the Supreme Court quite insignificant.

"In this connection, I may state that as it appeared possible that the somewhat complicated procedure preliminary to an appeal acted as a deterrent to the exercise of the right, at the suggestion of one of the Residents, I recently made an Order under which an intending appellant has only to make an application and pay a small fee, all other proceedings connected with the presentation of the case to the Appeal Court being imposed upon the Court itself.

"On the other hand, the business of the Supreme Court has considerably increased, as my annual reports thereon will show, in spite of the limitation of its jurisdiction and the absence of the class of cases connected with land boundaries to which I have referred above; and the Court has dealt with this increase of business without any outside assistance and without any delay, though the number of judges composing the Court is not greater than that of the judges of the old Supreme Courts of Northern and Southern Nigeria.

"As above stated, the powers vested in the Governor under Part 3 of the Provincial Courts Ordinance, formerly delegated to the Lieutenant Governors, have, so far as the Southern Provinces are concerned, been delegated to the Chief Justice. I have always been of opinion that this is the better course and I hope it will be adopted in the Northern Provinces also, not because I have any reason to suppose that the action taken in the large majority of cases by the Chief Justice would be different from that taken by the Lieutenant-Governor acting on the advice of one of the legal advisers, but because it is better that the Courts should be subject to some purely judicial control. The great danger to the proper working of the Provincial Courts is the possibility that the political officers who preside over them should regard them more as an arm of the executive than as the chief, and perhaps the only, tribunal to which British subjects and those under the protection of British law look for the redress of their wrongs and the maintenance of their liberties. Had this course been adopted *ab initio* it seems to me that much of the criticism which has been directed at the system would have been disarmed.

"I cannot say that I have much confidence in the Native Courts except, perhaps, the higher tribunals in the Northern Emirates. They do, and will for many years, require a very careful supervision, and at the best may be considered as a necessary evil, necessary because the political staff is obviously far too small to provide Courts for the settlement of petty disputes, and the investigation of petty delinquencies, and also because some beginning must be made in training these people in habits of thought and action which may ultimately qualify them for a part in the government of the country, to which in accordance with the principles of British administration throughout the world they would appear to be entitled.

"My conclusion then is that the judicial system which was organised in 1914 has justified the hopes that were entertained of it; that the Northern Provinces which retained their old system have benefited by intercourse with the Southern, which has given, and will give, to their Administrators a wider outlook and larger opportunities of acquiring experience of conditions other than those obtaining in their own immediate surroundings; that in the Southern Provinces the Yoruba-speaking peoples have acquired a settled system which gives them access to a British Court where they had none before, and enables the Government of the Protectorate to effect by law what could before only be done by the exercise of political pressure, while in the other districts, inhabited for the most part by very primitive people, the machinery of Government has been much improved and a system introduced which is understanded of the people and sufficient for their needs; that resort to the Supreme Court has been secured to all who had any traditional right to it, and to all others to whom it is essential for the conduct of their affairs, and has been refused to none who can give any valid reason for assuming that the other tribunals are insufficiently equipped to deal with their disputes, or are likely to be prejudiced in the investigation of the misdemeanours alleged against them; and that the necessary safeguards against oppression and corruption in the Native Courts have been maintained and strengthened."

APPENDIX IV.

CRITICISMS, ANSWERS and REPORTS on the New Judicial System.

(*a*) Hardship on the legal profession who had incurred expenditure in an expensive training.

There is abundant evidence, which was not disputed by the native barristers who were Members of Council when the Bill was passed, that the native bar had misused its opportunities to foment litigation chiefly about land and native rights among ignorant tribes, among whom they had got a footing under the protection of the British Government, and to exact very large fees for their services in getting these disputes brought before the Courts. The Chief Justice points out that the work of the Supreme Court has not, in fact, decreased, so that their complaint is in any case groundless. A large number of the barristers practising in Nigeria are aliens from other Colonies.

(*b*) Hardship on native litigants in not being represented by Counsel.

I have already quoted the case of the Egbas and Yorubas, the two most advanced tribes of the Southern Province, who stipulated that no legal practitioners should appear in their Courts. Residents unanimously report that the Provincial Courts are popular. The Chief Justice informs me that it is very exceptional for any prisoner among the ordinary natives to be defended in the Supreme Court, except on a capital charge, when Counsel is assigned and paid by Government. Counsel appear almost exclusively in civil cases, and rarely attend Criminal Assizes, which are not remunerative. "To say (he adds) that the ordinary natives of the districts east of the Niger attach any importance to their presence, or any value to their services, is to say what is ridiculously untrue, and I assert without hesitation that they would prefer to deal direct with Europeans, and not through the intervention of a man who has nothing in common with them, and of whose existence they have only become aware during the last ten years." He points out that in those provinces "the local bar consists entirely of perfect strangers to the communities for whose interests they profess such regard . . . . . their object is to make as much money as they can and take it back to their own country." Mr. Justice Ross has described their methods in scathing terms, which Sir Edwin Speed fully endorses, and expresses the opinion that one of the greatest advantages of the new system is that it curtails the activities of these gentlemen.

(*c*) The assumption of judicial powers by officers not professionally qualified.

The principle is accepted in India and many other Colonies. It has always been in operation in Nigeria. Many political officers are qualified barristers, all must pass an examination in law. Only those who show qualifications can exercise the wider powers. "The best training is experience on the Bench." The law administered is simple and consists largely of native law and custom best known to political officers. Cases presenting difficulty can be, and are, transferred to the Supreme Court, which, moreover, has jurisdiction over all non-natives. All cases are revised by competent lawyers. The complete severance of the judicial and executive would be wholly impossible in a country such as this—and, if possible, would be most inadvisable. All the objections as to lack of legal training, status as executive officers, and the Judge being also prosecutor, apply equally to the Commissioners of the Supreme Court.

(*d*) It is pointed out that certain European practitioners who have supported the agitation against this reform have no experience at all outside the Supreme Court local limits and the Colony, and no knowledge of the working of either the Provincial or Native Courts Ordinances, and that the dislike to these Ordinances is limited to the Coast natives and has been brought about solely by interested motives.

At Calabar, for instance, the only means at the disposal of such a person for ascertaining the views of the natives of the interior would, the Chief Justice observes, be "(1) from the educated natives of the Coast towns, who dare not travel more than a few miles outside the limits of those towns without protection, and who have certainly no authority to speak for the population of the vast tracts of hinterland, however

anxious they may be to exploit them for their own advantage, and (2) from the native members of his own profession, who are all aliens, and whose oldest experience of Southern Nigeria dates back exactly as far as the year 1906, before which no lawyer practised in any Court of the Southern Nigeria Protectorate."

(*e*) Inferiority of the Provincial Court as a means of dispensing justice.

The Chief Justice writes (November 6th, 1917): "Before 1914 only a fraction of the legal business in Southern Nigeria was conducted in the Supreme Court and only a fraction of that before the Judges of the Court. The bulk of the Supreme Court business came before the Commissioners of the Court, who were the same officers administering the same law with the same procedure (in criminal cases) as now in the Provincial Courts. A further portion, including many murder cases, was remitted to Special Courts, consisting of a political officer and a few native Chiefs, a class of tribunal which cannot by any stretch of imagination be considered more efficient than, or in any way superior to, a Provincial Court as at present constituted. But the bulk of the judicial work was performed by the native Courts, for which no one to my knowledge ever has said, or could say, a good word. . . . The Supreme Court is a higher development and is available where non-natives are concerned, because it is possible to work its more complicated and elaborate machinery where usually interests governed by English law alone are at stake, and where the interpreter can, to a large extent be dispensed with. The Provincial Court is better for the undeveloped and imperfectly organised provinces, in other words, for the ordinary inhabitants of nine-tenths at least of the Protectorate. There is no question of one Court being "*good enough*" or the other too good for one class or another class: the sole question is which is more suitable for the present condition and needs of the people."

(*f*) That the real obstacle to the extension of the Supreme Court jurisdiction throughout the Protectorate is because of the great expense which would thereby be incurred.

The reply is contained in the answer to the last objection. Expense must, of course, be a matter for consideration, but as Sir Edwin Speed observes, it is not the primary factor "any more than it is the fact that it prevents the establishment of a system of representative Government similar to that of the United Kingdom or United States of America." The apparent "profit made in the administration of justice" is largely due to the fact that the expenditure does not, to a large extent, appear under the judicial head.

(*g*) Sir W. Geary, who practised in Southern Nigeria from time to time, supported his native colleagues of the Bar in a letter to the "Morning Post" (8.4.14) on the grounds that the new system constituted "a colour bar against access to the Supreme Court." He appears to be unaware, or at least does not mention the fact, that non-natives are amenable to a Provincial Court equally with a native, and that both alike can make application for transfer to the Supreme Court—which so far as I am aware has rarely been exercised. The reasons for the changes (which I have described) he characterises as "so baseless as to drive one to pre-suppose some unavowed motive." I will not here reply to his statements regarding vacation, &c., which are founded on a misconception of the facts.

OPINION of the ACTING LIEUTENANT-GOVERNOR as to the working of the Provincial Courts in Southern Provinces.

The Acting Lieutenant-Governor, Southern Provinces (Colonel Moorhouse), in a tour through a number of provinces early in December, 1917, took occasion to make careful enquiries both from the Residents and from the Native Chiefs, many of the latter of whom he had known personally for many years and could be confident that they would speak quite freely to him. He writes: "As regards the Provincial Courts Ordinance, the Residents and District Officers were unanimous that the objects of the Ordinance, which were to bring a cheap and efficient form of justice untrammelled by all the formalities of the Supreme Court to the doors of the people, had been attained and that they had seen no signs that the Courts did not enjoy the full confidence of the people. The attitude of the Chiefs was generally one of gratitude that cases were dealt with in places easily accessible to the principals and witnesses concerned; they welcomed the new "white man's law" as suiting them better than the old and accordingly accepted it willingly, but I doubt if they have any realisation of the constitutional change involved. I could trace no wish to return to the old system or any hankering after a desire for legal representation."

OPINIONS of RESIDENTS of Southern Provinces on the Provincial Courts and the attitude of the people towards them.

Owerri.—Dr. Maxwell, C.M.G., in February, 1916, reports that the Provincial Courts have worked smoothly, expeditiously, and with a minimum of errors. Commissioners had exercised their powers efficiently and with discretion. Formerly a delay of six months after committal before trial at Assizes was not uncommon, now it is exceptional to wait three months. Great advantage was evident from the trial of cases at the locus of the crime—this was practically never the case formerly. "It may be said with confidence that the natives are satisfied with the administration of justice in the Provincial Courts, and realise that whether they are the accusers or accused they will have every opportunity of putting forward their cases and every help the Court can give them." He points out that "whereas formerly an Assistant District Officer, no matter how inexperienced he might be, could sit in a Native Court and pass sentences of two years' imprisonment and fine of £100, under the new system only the four officers in charge of divisions have such powers, subject to confirmation—the remainder have power up to three months only, unless exceptionally authorised for special qualification. In civil cases no district officer has the power formerly possessed by the most junior. That the present is a better system and less likely to lead to abuses needs no demonstration. There is less chance of injustice being done by junior officers and a certainty that any injustice will be more speedily remedied. The class which made a living by fomenting disputes has entirely disappeared." A year later he reports in a similar sense, and adds that Native Chiefs sit as assessors in all cases, and are frequently of considerable service to the Court.

Calabar.—Mr. Bedwell, C.M.G., reports (early 1917) that the Provincial Courts are overcoming earlier prejudices rapidly.

Onitsha.—Mr. Hargrove (September, 1915) states that these Courts are appreciated by the natives.

Benin.—Mr. Watt (January, 1916) emphasises the reduction of delays, the advantages of trial *in situ* instead of 100 miles away, so that a case can be adjourned for further evidence. He attributes an increase in murder cases to the fact that the people had become disheartened by the number of cases in which a *nolle prosequi* or a verdict of non-guilty was entered by the Supreme Court though the guilt was well known, and therefore ceased to arrest the murderer,

Oyo.—Captain Ross (early 1917) reports that the Provincial Courts have done much to stop abuses, especially extortion, and to suppress crime generally. The Courts, he says, are very popular, and the people have no longer to pay thousands of pounds to lawyers' touts. They have also put an end to Lagos land speculators. Suborning of witnesses is very prevalent in Yoruba-land, and this can be more easily detected by the Provincial Court, with its local knowledge, than by the Supreme Court, which even to-day (he says) cannot get evidence in a serious case.

Abeokuta.—Mr. Syer (early 1917) states that the Provincial Courts have continued to work with the utmost smoothness, and the people are greatly pleased at the absence of delays in hearing their cases.

General Summary.—These reports of Residents are the more satisfactory in view of the serious depletion of the Provincial Staff in 1916 and 1917, which might naturally have been expected to cause delays in the Provincial Courts and inadequate supervision in the Native Courts.

OPINION of the ACTING LIEUTENANT-GOVERNOR on the working of the Native Courts in Southern Provinces.

"As far as the Native Courts are concerned" (says Colonel Moorhouse), "the opinion of the Residents and District Officers was that, with some inevitable exceptions, the Courts had worked without any European sitting better than they had anticipated, and that the steady increase in the number of cases heard showed that any set-back that the change may have caused has been more than made good, and that in most Courts there has been real progress, and that there is growing confidence in the Courts among the people they serve. Most of the Chiefs I spoke to realise the extra responsibility placed on them by the change and are prepared to shoulder it, but they all complain of the limited jurisdiction, more particularly in the case of theft. I took every opportunity to explain not only to individual Chiefs but collectively that Government was only too ready to grant enhanced powers to Courts who showed themselves fitted to exercise them, but that in the first instance it was necessary to ascertain if a Court was fit to walk alone before it was given permission to run. There is no question that the power to recommend the reduction in grade of a Court is a very powerful lever in the hands of the Residents if judiciously used. From my enquiries and from what I saw I came to the conclusion that the introduction of the new Courts has been, generally speaking, a success, and that where there have been failures they have been due more to the individual than to the system. This is more remarkable especially in the Native Courts, as owing to shortage of staff the supervision has not been as close as could be wished. It is therefore satisfactory that appeals and 'reviews' are as few as they are and that the original judgments are so seldom upset."

OPINIONS of RESIDENTS on the working of the Native Courts, Southern Provinces.

Owerri.—Dr. Maxwell points out that only the lists of cases were formerly submitted, even if a sentence exceeded six months, unless the Puisne Judge called for a copy of the case. Now full minutes must be submitted in every case exceeding six months and the only Native Court which retains powers in excess of six months is one in the Supreme Court area. The new system "safeguards the interests of every accused person as completely as in the past and without any doubt safeguards the interests of the more ignorant natives more completely than in the past," since they did not know how to apply for revision. In a later report he says, "On the whole the Courts have worked efficiently. The amount of work they get through is enough to prove that they fill a place in native life and give on the whole satisfaction to the people. A real attempt is made to get the evidence. The majority of district officers report a general improvement and few decisions require to be altered." Others report less favourably and Dr. Maxwell observes that these are invariably the officers who have exercised least supervision and toured least. The clerks have done fairly well. "Where supervision has been wisly and tactfully exercised the results are good both as regards the Chiefs and the Staff."

Calabar.—Mr. Bedwell says that the Native Courts have done good work. Investigation of petitions generally shows that the Chiefs were correct in their judgments.

Benin.—Mr. Watt states that the people are increasingly satisfied with the Native Courts, as shown by the increase of cases tried. Their decisions have been on the whole sound.

Oyo.—Captain Ross writes that the Native Courts have carried out their work very satisfactorily and they are popular with the people, who have thus been relieved of many impositions. The Oyo Court has been a great success and the Chiefs have done surprisingly well. He attributes the disturbances at Iseyin to the action of Chiefs who resented the stopping of bribing in the hearing of cases. It is not improbable that the recent trouble in Egbaland (which adjoins Oyo) was in part due to the same cause.

APPENDIX VI.

SOME DATA *re* COST OF LOCAL TIMBER, LIME AND TILES AND NATIVE LABOUR.

Timber.—The Forestry Department has undertaken the felling of logs from a large forest bordering the Lagos lagoon. These are floated down to the saw mills at Apapa, a process not without difficulty since the hardwoods do not float and must be buoyed up with "floaters" and drums. The Statistical Abstract shows that before the War (1912 and 1913) six and a quarter million super. feet of timber were imported at a value of 2½ per super. foot. This in 1917 had fallen to half a million at 4½*d.* per super. foot.

The cost of logs landed at the saw mills is calculated to be 1*s.* 3*d.* per cubic foot, and the cost of sawing including royalties, supervision, depreciation of plant and waste, &c., to be 1*s.* 6*d.* a cube, so that the total cost of the sawn timber is about 2*s.* 9*d.* a cubic foot. The selling price is 3*s.*, which allows a good profit to Revenue. On the above figures the pre-War price per cube may be taken at 2*s.* 6*d.* and the present price (which is unlikely to fall rapidly) at 9*s.* The Government price therefore (which shows a considerable saving as well as profit to Revenue) can be maintained, and the profit will be increased as the cost diminishes when the native staff becomes more efficient and the output increases. The Director of Works expects to turn out 450,000 cubic feet this year which is probably some 70,000 cubic feet less than the pre-War demand, and will leave scope to private mills which I hope will in due course meet the whole of the demand other than that of Government.

Lime.—According to the Statistical Abstract the pre-War value of imported cement (average 1912 and 1913) was £1 15*s.* 2½*d.* a ton, which increased to £6 5*s.* 8½*d.* in 1917, viz., more than three and a half times,

PROPOSALS FOR DEVELOPMENT OF LAGOS PORT AND CAPITAL

Scale of Feet.

1000 0 2000 4000 6000 8000 FEET

Proposed European Reservation coloured Pink
„ Non-Residential Zone „ Green
„ Native Location „ Brown
„ Works Area „ Yellow

Yaba Site
NIGERIAN RAILWAY
YABA
ABEBE
PROPOSED STATION
PROPOSED RAILWAY
EBUTE METTA
Ebute Metta
TOWNSHIP BOUNDARY
Ebute Metta Creek
IDDO
P.W.D. Electric Light Saw Mills & Yard
NIGERIAN RAILWAY APAPA BRANCH
LAGOS
APAPA
Jetty
Wharf
Customs Wharf
Jetty
Jetty
Gov. Dockyard Floating Dock
Wharf
Jetty
Apapa Point
Reclaimed up to 31.8.18.
Jabi-Olodi
Temporary Petroleum Wharf
FAIRWAY CHANNEL
Badagri Creek
Bruce Point Petroleum Wharves
TRAINING BANK
WEST MOLE
BIGHT OF BENIN
EAST MOLE
Race Course
Cemetery
Hausa Settlement
KOYI
Five Cowrie Creek
Victoria Beach Site
TOWNSHIP BOUNDARY
Kuramo Waters
Proposed Site for Marine Dept

This increase was further enhanced by rise in freights. Owing to this prohibitive price it would have been practically impossible to continue many works had it not been for the discovery and use of local lime. The figures at my disposal do not enable me to give accurate data for comparison. The result of an actual test showed a saving in the building of the Kaduna Hospital by the use of lime instead of cement of £8 per rod of plain brickwork or nearly 50 per cent. on present price of imported cement, and the Director of Public Works considers that, with cement at half the price at the coast, the cost would be about equal. These figures are, however, vitiated by an apparently excessive charge for coal (about half a ton is required for each ton of lime), and excessive railway freights (which was accidental and has been rectified), and also by the fact that all development charges (kiln building, &c.) have been charged to the cost of the lime. One fifteenth less lime was used than cement. The present cost at the kiln is put at about £3 10*s.* per ton at Elebu. This should be reduced to £3 at reasonable rates for coal and freight. Two quarries are used by the Northern Provinces. That at Etobi on the Niger is "fat" lime excellent for plastering, but inferior to the Elebu stone (on the Western Railway near Illorin) for brickwork. The latter is abundant extending over three square miles, the former is limited and precarious. The development of local lime was only commenced in July, 1918, and in the present year it is anticipated that all requirements will be met.

The lime stone near Enugu coalfield can of course be worked at much less cost, for expenditure on fuel (which at Elebu is shown at £2 6*s.* per ton of lime) is practically negligible. The cost is put at 24*s.* a cubic yard which will be reduced by 10*s.* 6*d.*, and will represent cement at 3*s.* 6*d.* a cask, when the railway reaches the quarry, and still further as local labour is trained.

Tiles (roofing).—Tile roofing though much more durable and cooler than corrugated iron was impracticable owing to the much greater cost of imported tiles, but the local production of tiles has now made this possible. Prices at Lagos compare as follows:—

—	*Imported pre-war.*	*Imported present prices.*	*Locally made.*
Per Square, viz., 10 × 10 ft.			
Tiles	99*s.* 0*d.*	126*s.* 0*d.*	77*s.* 0*d.**
Sheet Iron	73*s.* 0*d.*	137*s.* 0*d.*	—

* Includes the supply and fixing of timber.

Tiles per 1,000 cost from 70*s.* to £5. Per square 16*s.* 6*d.* to 25*s.* Inclusive of timber and cost of erection 68*s.* 6*d.* to 77*s.* The present cost therefore compares favourably with pre-war rates for corrugated iron. The cost of a medium sized house roof, before the war, in iron was £117 4*s.* at present £160 14*s.* If made with local tiles £121 1*s.* 6*d.* In the Northern Provinces the cost is given as 55*s.* 6*d.* to 70*s.* per 1,000, and since they are made on the spot the railway freight on imported iron sheets is saved—a very large item. Corrugated iron must be painted triennially at a cost of £16, which is saved by tiles.

(Flooring.)—The comparative cost of tiles and concrete flooring is as follows (Lagos):—

	Pre-war.	*Present.*
	s. *d.*	*s.* *d.*
Concrete 4″ thick (per super. yard)	4 5	6 9
Local tiles on local lime mortar bed...		4 0
,, ,, cement concrete bed		6 3
,, ,, local lime concrete bed		6 0

Floor tiles are also being made in the Northern Provinces and set in local lime.

Cost of Local Labour.—Mr. Peet, Director of Public Works, estimates that the output of work by carpenters in Nigeria is from one-fourth to one-fifth that of an English carpenter, viz., that the output of one European equals that of four to five natives. Writing before the increase in wages and reduction of hours which has recently taken place in England (wages have risen also in Nigeria) he estimated that the wage of one Englishman per diem was equal to that of two natives. Taking count of unskilled assistance, number of hours worked, &c., he arrived at the conclusion that native skilled labour is double the cost of British labour in England measured in terms of work done. This calculation does not, however, take account of the cost of European supervision, "which is considerable when employing native skilled labour in order to obtain even a fair return." I may add that native workmen are extremely wasteful of material, and the quantity of nails, screws, nuts, &c., which may be found lying on the ground around a completed building is shocking. The observations apply to carpenters, bricklayers, painters, plumbers, plasterers, and other artisans. Mr. Scott-Evans arrives at the same ratio as regards the lower grades of the Clerical Staff, viz., that for same money outlay double the work will be done in England.

Unskilled labour, exclusive of supervision, Mr. Peet considers, will compare well with English standards, "but supervision is undoubtedly an expensive item, without which the return of work done would be very small, and much material would be spoiled. . . . The best and most economical results are obtained where the entire gang is more or less under the eyes of the foreman." The percentage of cost of supervision varies both with the magnitude of the work and its class.

APPENDIX VII.

METHODS AND COST OF TRANSPORT.

Head Carriage.—The archaic system of transporting goods on men's heads still prevails largely in Nigeria as elsewhere in Africa. By such a system a large number of able-bodied men are withdrawn from productive labour, though it is true that, in so far as the transport of produce to market is concerned, the carriers are generally the producers themselves. Apart from the cost in wages of carriers, head carriage involves the packing of merchandise or produce in parcels of 60 to 65 lbs. weight (which, of course, adds to the cost), as well as much breakage, damage (from weather and rough handling), and occasional theft in

transit. Heavy or bulky articles (such as indivisible parts of machinery, girders, &c.), which must be slung on poles and carried by many men, can only be transported at more than double the ordinary cost, and by very slow stages. If the goods are of such a kind that they cannot be handed over to be carried at an agreed price, and supervision is necessary, the cost is much increased. Carriers at all times are difficult to get, and in parts of the Southern Provinces are practically unobtainable.

If a native carrier were to transport a load of 70 lbs. for a day's march at a wage of 9*d.* per diem, it is obvious that it would take him 32 days, continuously without a rest, to transport a ton, at a cost of 24*s.* If the day's march be put at 16 miles the cost would thus be 1*s.* 6*d.* per ton mile, and the formula would be: "With a load of 70 lbs., distance carried 16 miles per day, the rate per ton mile equals double the daily carrier wage."

If the load be assumed at 64 lbs., and one day in eight be given as a rest, it would take forty days, and the cost would be 30*s.* If the day's march be reduced to twelve miles, the cost per ton mile is 2*s.* 6*d.*, and the formula becomes: "With a load of 64 lbs., distance carried per day twelve miles, the rate per ton mile equals (practically) treble the daily carrier wage."

The first formula is below the actual possibilities even if the load has only to be carried for a single march, and if carriers are hired by the day and not paid except for the working day. The second formula is applicable to long distance contracts (as from Kano to Maidugari), and if the wages of a headman be added, and subsistence money for the return journey, it will be found, I think, to work out tolerably accurately in practice. The carrier's pay varies from 6*d.* to 1*s.*, but the usual rate may be taken at 9*d.* It may thus be assumed that the cost of head carriage in Nigeria is from 2*s.* to 2*s.* 6*d.* per ton mile.

Animal Transport.—I regret I have no figures available for calculation of cost of animal transport. I believe that the contract price for a camel load from Maidugeri to Kano is 40*s.* If the camel carries two cwt. this would be at the rate of 1*s.* 2½*d.* a ton mile. If three cwt., at 10½*d.* a ton mile. A pack-ox carries 120 to 140 lbs., a donkey, 100 lbs. Pack transport, I believe, cost about 9*d.* a ton mile. The Association of West African Merchants describes it as "very efficient." It is estimated that there are over three million cattle, 176,000 donkeys, 113,000 horses and 4,000 camels in the Northern Provinces.

The use of carts would, of course, greatly reduce transport costs, especially if oxen—the supply of which is unlimited in the Northern Provinces—were used, for an ox will draw at least four times as much as he can carry. I have elsewhere spoken of the urgent need of making suitable country-carts, and importing wheels. The light American buck board, with wheels of over three feet in diameter, and a spider frame will, I think, be found the most serviceable; or the Indian Army transport cart with wire spokes. There are now roads in every direction fit for carts in the dry season, and it is of the highest possible importance for the development of the resources of the country that road construction should be pushed on as rapidly as possible. The surface is of little consequence, and severe gradients can be tolerated. The main desideratum is culverts and bridges, the rest can follow at leisure. Wheels will travel excellently on the hard surface, and metalling is a later process which will convert a road useable for eight months into a twelve months' road, and can well be deferred.

Motor Transport.—The cost of transport by motor vehicles increases out of all proportion for long distances, when petrol and spares must be carried, and when a breakdown may involve the use of a second vehicle to tow the disabled one a very long distance to the base where repairs can be effected.

For short distances (up to 40 miles) when the van can reach its destination and return to its base the same day, the cost per ton mile may be put at 1*s. if the van can obtain a load both ways*, if not, the cost is double. I will not devote space to giving details of this calculation, since we have the recorded statistics of the railway motor service.* The service is run under the most favourable conditions possible. It has the assistance of the railway workshops and organisation, it is run on excellent metalled roads, and in the General Manager's calculation nothing is allowed for the upkeep of these or for motor licences. It carries passengers as well as goods, and can depend on a freight both outwards and homewards. The cost given in the Railway Annual Report for 1916 was 18·66*d.* per van mile. On rough unmetalled roads, it is observed the cost would be higher. The average carrying capacity of a van is nearly two tons, so the rate per ton mile was 9½*d.* The railway charge is 1*s.* a ton mile, and if licences and all other contingent charges were included, I doubt if a private firm could do it at that figure. Mr. Hutton, Chairman of the Cotton Growing Association, writes: "Motor transport in West Africa is most expensive and cannot possibly pay except for the conveyance of most valuable articles like gold, precious stones or possibly india-rubber."

Mr. Grant, Acting General Manager, writes (in December, 1917) that "the only conditions under which motor transport can compete with head or animal transport is when the factor of time enters into the question." A van lent to the Cotton Association to bring cotton from Maska to Zaria, a distance of thirty miles only, and charged at 1*s.* per ton-mile, made a loss of £3 16*s.* on each trip having no outward load.

In illustration of the costs of long-distance transport by motor, the following calculation made after a trip by motor from Kano to Bornu (330 miles) may be of interest. We will assume that petrol at Kano is 5*s.* a gallon; that tyres would last for 4,000 miles; that a light lorry is used costing £180 with a life of three years, and a saleable value of £60 at the end of that time. Lubricating oil 10*s.* for the round trip. Spares, 20*s.* Wages of driver, £5 p.m. Lorry load, 10 cwt. Weight of petrol, 8 lbs. per gallon. 12 miles run to the gallon.

On the up journey the lorry starts with 10 gallons in her tank. She requires 60 gallons for the trip and carries 50 gallons dead weight, reducing her up load to 720 lbs. Assuming a rate of 2*s.* a ton mile, the upward cargo would earn 212*s.* With 10 gallons in her tank, there is 20 gallons, viz., 160 lbs., to carry reducing the down load to 960 lbs. The cost of this is 254*s.* on the following calculation:—

60 gallons petrol at 5*s.* gallon	300*s.*
Tyres at £31 16*s.* a set, for the trip	53*s.*
Cost of lorry, less sale price, 2 trips p.m.	33*s.*
Driver at £5 p.m., 2 trips p.m.	33*s.*
Spares, 20*s.*; lubricating oil, 10*s.*	30*s.*
	466*s.*
Deduct earnings on up trip at 2*s.* ton mile	212*s.*
	254*s.*

This works out at 1*s.* 10*d.* a ton mile, or taking petrol at 3*s.* a gallon, and up-trip earnings at 1*s.* 6 ton mile, at 1*s.* 4*d.* ton mile.

But this allows nothing for upkeep of repair shops and garage, for motor licences, or for bad breakdowns, when another van must be used to tow the disabled one back—a double loss. For long distance

* The General Manager thinks this rate might be somewhat reduced with one-ton (light) lorries.

therefore, a rate of at least 2*s*. 6*d*. a ton mile may, I think, be considered as not excessive; and it increases with the distance. This is greater than the cost of head carriage and (as will be seen) much more than animal transport. But in large districts in the South animals will not live and carriers are almost unprocurable. There are 2,666 miles of roads in the South fit for motors, except in the rains. Where rapidity is a matter of importance, as in the case of mails, or of an officer's baggage who is travelling by motor car, or even in the case of very valuable goods, *e.g.*, tin ore, where it is of importance to realise the capital value, motor transport will, of course, pay.

The use of locally-distilled alcohol as a propellant force would, of course, greatly reduce costs, and if denatured it could not be used by the natives as an intoxicant. But I fear the introduction of distilleries, for if once the natives learn the process of distillation, they will distil for themselves.

We must not lose sight of the fact that, apart from the heavy capital outlay involved by the construction of metalled roads, the expenditure on maintenance is very heavy, especially in districts where the rainfall is excessive, and wash-outs occur.

Light Tramways.—When the traffic is sufficient to warrant the use of light hand-propelled tramway trucks, a portable two-foot Decauville track can with advantage be laid on one side of a properly bridged and culverted road. The use of this means of transport, however, presents its own difficulties. In the first place, it cannot be adopted until a suitable road has been completed, and the gradients must be less than for ordinary vehicular traffic—which involves additional expenditure. The trucks are of small carrying capacity, and the rough handling to which natives subject them involves supervision and considerable cost in repairs. They will usually have a load only one way. The system cannot, in fact, be inaugurated until a well-graded road has been completed. There is then a strong pressure to substitute a better class of track and truck, and to provide mechanical traction, in short, to equip a light "feeder" line. This can only be remunerative where the traffic is very heavy, and grades and curves must be still further improved. It is then urged that bridges and culverts should be widened and strengthened, so that "eventually" the light railway may be converted to the standard gauge, and in effect the Administration finds itself committed to the construction of a railway in all but the cost of the standard gauge permanent-way material, and if funds are not available, or more important lines claim priority, the project is eventually shelved. This has been the experience of the past. I much doubt whether a Decauville tram would successfully compete with animal transport to which the Northern peoples are accustomed (though the trucks might be hauled by donkeys), but in the South it might prove useful. The track might be laid by Government, each village purchasing and retaining its own trucks.

Water Transport.—It is, I believe, an axiom that no form of transport, not even excluding railways, can compete against water transport under favourable conditions, but the conditions in Nigeria are not, generally speaking, favourable. The Niger is navigable at high water as far as Badjibo (26 miles above Jebba), where navigation is stopped by rapids for about 450 miles. The Benue up to and beyond the frontier 450-500 miles from Lokoja; and the other main tributaries of the Niger—the Kaduna, Gongola, Donga, Taraba, &c.—for varying distances. The Cross River can be navigated to the Cameron frontier, and the tidal creeks, which form a network like the veins of a leaf, are deep and excellent waterways, but very tortuous and liable to be choked with sudd.

Except at high-water, a period of some three months on the Niger and little more than three weeks on the upper Benue and tributaries, navigation is precarious, even for shallow draught vessels, and is impeded by shallows (locally termed "crossings") which require the skill of an experienced pilot. Though the channels have been greatly improved of late years by the removal of snags and rocks, steamers frequently run aground and occasionally cannot be got off till the next annual rise. The cost of repairs is very heavy and necessitates the maintenance of large and very costly workshops. Wood fuel is used and is moderately cheap, but constant "wooding" causes delay, and the logs occupy much cargo space. Both steamer and cargo are much damaged by wood sparks. The Niger Company's freight rate (when obtainable) is about 6*d*. a ton mile from Yola to Lokoja at high water.

Canoe transport is the salvation of the South, and is cheap. On the Niger, Mr. Duff estimates its cost at 4*d*. a ton mile. Goods are, however, liable to be much damaged by water.

Ped-Rail Transport.—(*a*) *Tractor and Trailers.*—Since animals do not survive in the South, and carriers are difficult to get, it is especially important, as regards this part of Nigeria, to determine the best form of mechanical transport, when produce cannot be conveyed by canoe. The ped-rail system of transport appears to me to offer the best solution of this problem, not only for the South, but in competition with any other form of road transport. These vehicles are without wheels and would be capable of negotiating without difficulty the heavy loose sand which is encountered in the dry season over large areas in the North. Special dust covers are provided inside as well as outside to protect the machinery from sand and dust. During the "Hamattan" season when constantly running over loose sand no doubt the ped rail will require constant cleaning, but labour for such purposes is cheap, and I believe that the safeguards were found effective when similar vehicles were used in the war in the Sudan desert.

It can equally well negotiate swamp land, and those treacherous spots, such as occur on the Bornu road, where in the rains a motor suddenly sinks up to its axles in thick mud. It requires only a cleared track, improves instead of destroying the roadway and, as I have seen, can ride over rough rocks without difficulty.

The ped-rail tractor drawing two trailers, and carrying 20 tons, is fitted with an engine of 105 brake horse power and has a road speed of eight miles an hour, but as this power is not being used all the time, it may be assumed that an average of 60 brake horse power will be required with an average of six miles an hour. This is probably a low estimate for the flat roads of Nigeria, but a fair one on the plateau. The oil consumption will be one gallon of petrol and one pint of lubricating oil per mile. Assuming, as in the formal calculation, that petrol costs 5*s*. a gallon and lubricating oil 10*d*. a pint, the cost becomes 3½*d*. per ton mile.

The cost of a "ped-rail train" (tractor and two trailers) landed in Nigeria would be about £9,000. Its "life" like that of a railway locomotive is indefinite, but I am informed that for £2,000 per annum, as an outside price, every moving part of the train could be renewed every eighteen months. Assuming the train to run 50 miles per day for 250 days in the year (viz., 250,000 ton miles), the cost of replacements and repairs at £2,000 would give approximately a charge of 2*d*. a ton mile. If we allow £250 per annum for wages of driver, &c., this will constitute an additional ½*d*. a ton mile, making a total of 6*d*. a ton mile. These are outside figures, and if petrol be assumed at 3*s*. a gallon and lubricating oil at 8*d*. a pint, the cost would be 4 1/6*d*. per ton mile. A ped-rail train should, however, be run on the same system as a railway travelling almost continuously with reliefs of drivers, &c., and covering, say, 150 miles in the day. This would very greatly decrease the cost.

Taking the former illustration of a trip to Bornu, the figures are:—

	£	s.	d.
660 gallons petrol at 5*s*. = £165, 660 pints oil at 10*d*. = £27 10*s*.	192	10	0
Repairs, spares, &c., at £2,000 p.a., 2 trips p.m.	83	6	8
Wages, guards, &c., at £520 p.a., 2 trips p.m.	21	13	4
	£297	10	0
Weight of petrol and oil (less 20 gallons of each in tractor tank) 5,620 lbs. up-load, 39,180 lbs., at 6*d*. ton mile	144	6	0
	£153	4	0

Down-load, 42,150 lbs., viz., 5·91*d*.

Where roads have not been bridged and culverted, ramps must be cut. If these are graded to one in ten the tractor could negotiate them, and there is no difficulty in doing so on any road in which such a train would be used. In emergency, however, the tractor can negotiate a grade of one in two, and haul up each trailer by a rope. The calculated speed of the train is 4½ miles on slight slopes, 3 miles on steeper slopes, and 1½ on gradients of one in four (25 per cent.).

(*b*) *Hand-Propelled Trailers.*—These are supplied of two types. The small one-ton trailer replaces the Decauville tram, but requires no track and can be propelled over rough ground by six men with ease. The cost with open body, powerful hand brake, and fitted for a pole or shaft for a donkey (but without the pole) is £212, with 7½ per cent. extra for crating for shipment, delivery within four weeks.

The second is a two-ton trailer. The chassis of this type is mounted on two ped-rails side by side instead of one. This gives great stability, and the vehicle, even when piled high with the bulkiest loads, will negotiate the roughest country without fear of capsizing. The pressure per square inch (like the one ton) is so low that it will pass over the softest ground without leaving a mark or breaking the surface. It can be propelled by twelve men. The cost is £436, same conditions as the one ton, but delivery in six weeks. The brakes fitted to these vehicles are very effective and simple and preclude the possibility of the vehicle breaking away and running down-hill. With a life of five years, the calculation for the two-ton trailer (requiring twelve men, at three miles an hour, eight hours per day), would be as follows:—Twelve men at 9*d*. = 9*s*.; ped rail landed cost £445 = 5*s*. per day (including scrap value), oil, spares, repairs, &c., say, 6*d*. per day, total, 14*s*. 6*d*. per day hauling two tons for 24 miles, viz., 3½*d*. ton mile.

The two ton would on account of its great stability be particularly well suited for bulky loads of seed cotton. It could be pushed across country from field to field. I have seen the one-ton ped-rail on a rough field of grass, and when loaded it did not even damage the daisies, which rose again after it had passed over them. I have obtained these full particulars regarding this system of transport, since it seems to me by far the best adapted to the requirements. Actual experience will prove whether it fulfils all that is claimed for it. The figures I have taken have all been "outside" ones, and it is probable that the cost per ton mile of the "train" will be nearer to 4*d*. than 6*d*.

Summary.—The comparative cost of the various forms of transport may be tabulated as below, they are, of course, mere approximations. The figures are based on the assumption that a full load is carried both outwards to the point of destination and back again. If a load is carried only one way at least 50 per cent. must be added to the cost per ton mile.

Class of Transport.	Long distance (say 320 miles).			Short distance (say 40 miles).		
	Cost per ton mile.	Time taken.	Remarks.	Cost per ton mile.	Time taken.	Remarks.
Human carriers	2*s*.	2 mos.	includes rest	1*s*. 8*d*.	7 days	includes return journey.
Animal pack	10*d*.	„	„	9*d*.	„	„ „
„ draught	8*d*.	„	„	7*d*.	„	„ „
Motor lorries	2*s*. 6*d*.	½ mo.	includes loading and unloading	1*s*.	1 day	excludes time for loading and unloading.
Ped-rail train	6*d*.	„		5½*d*.	„	„
Ped-rail hand propelled ...	3½*d*.	2 mos.		3½*d*.	7 days	includes loading and unloading.

Approximately £20,000 a year is spent on new road construction, and an equal sum on maintenance. Carts can be made locally, but axles and preferably wheels and special parts must be imported. The extended use of carts or mechanical transport will set free carriers and decrease the activities of the middlemen.

APPENDIX VIII.

NEW RAILWAY PROJECTS.

Kano-Zinder.—Apart from the carriage of French goods, to which I have referred in paragraph 129 of the Report, it is probable that an extension of the main line to the frontier would rapidly develop a commercial traffic. At present the caravan trade is estimated at 1,000 tons per mensem. The line would traverse a well-populated country, and would probably attract to the Nigerian Railway the produce of all the neighbouring French territory, which (pending the building of a Trans-Saharan line to the Mediterranean) has no outlet to the sea, especially hides and skins, of which the output must be very great, with corresponding imports (probably of French origin). Assuming maintenance charges at £460 a mile (the average cost for 1915/16), and a construction expenditure of £400,000 (including rolling stock), the earnings must reach £58,000 per annum to cover debt charges and running costs if this section were considered as a separate unit. But since the traffic would for the most part traverse the whole of the remaining 700 miles to or from

the seaport, it would be entitled to "taper-rates," which would probably reduce the freight charges by nearly half. The data are at present so vague that I refrain from any more precise estimate. An initial charge of £2 a ton (6*d.* a ton mile) would halve the present gross cost to the French, and could later be reduced.

The (metre) gauge of the French railways differs from ours (3′ 6″), but it is probable that they would carry the line on to Zinder (and, perhaps, further) on the Nigerian gauge, for conversion later when linked up with their own system. The Union Coloniale Française points out that metre gauge and 3′ 6″ gauge can be worked with the same rolling stock with "differential axles." The frontier is exactly half way between Kano and Zinder. A working agreement, therefore, on the basis of a division of net profits or losses on the section Kano-Zinder, or the acquisition of running powers over the French portion (as might be preferred), would be matters which should present no difficulties in negotiation, or possibly the French might prefer that we should construct and operate the line right up to Zinder, charging an agreed tariff.

It would be no small gain to get rid of the Customs station at Kano, which would result in all the eastern traffic to Maidugeri and Fort Lamy being conveyed to the French frontier. Dutiable French goods would then pay customs at the coast, with a refund (wholly or in part) for goods which cross the frontier, or would be conveyed in transit, free or at reduced Customs duties, as may be found just and convenient. It will, of course, be necessary to see that they do not pay a lower duty (whether to the British or French Government) than is levied on British goods, so that they may not re-enter Nigeria from the North and under-sell British imports.

It remains to consider whether such a railway would (as has been suggested) prove disadvantageous to British interests and trade, from a standpoint other than that of mere railway freights. With the British terminal at the frontier or at Zinder, it is possible that the French might build a line thence to Lake Chad. If this line were constructed on the French metre gauge, rolling stock would not be interchangeable. The Nigerian line would carry the construction material (*up*-freights are especially valuable), and would acquire the additional traffic inward and outward developed by this branch line until, if ever, it is linked up with the French system.

There remains the question (if the Nigerian Railway were thus extended), would Kano cease to be the distributing centre of the trade of the Sahara and Chad basin, and would Zinder take its place? It has been argued on the one hand that it would be very disadvantageous to British trade "to damage Kano as a distributing centre, and help French competition to establish itself by means of our own railway, with which, doubtless, they would form a junction of their own." To avoid this it is suggested that the main line should not proceed beyond Kano, and that a branch should be constructed thence due east to Maidugari, which should tap all the camel caravans from the Central and Eastern Sudan. I do not think that such a policy, even if feasible, would in the long run be advantageous to ourselves. No doubt Zinder would become a collecting centre of produce from the north, and merchants would be eager to establish themselves there. But the trade from east, west, north-east and north-west would still flow to Kano. Its situation, its dense population, its food supplies, &c., have constituted it the trade centre for the past 1,000 years. This pre-eminence was in the past based on the Trans-Sahara-Tripoli caravan trade (a part of which passed through Zinder). That trade has been killed by the Lagos-Kano Railway, yet never in its history has Kano enjoyed such prosperity as to-day. If by the construction of new lines it should lose something of its importance as a distributing centre, it would be futile to attempt to preserve it by retarding modern development. Its own natural resources, and industrious population of over three million, will assure to it a prosperous trade, and it is manifest that the territories to the north must find an outlet for their produce. It might, perhaps, be stipulated that the French should not impose any differential tariff on their frontier. Such a line would be infinitely preferable to one based on the Benue at Garua (to which point the French can convey goods in transit free of duty), involving much irksome work on the Nigerian Government.

Railways to Bornu.—I have in paragraph 130 discussed very briefly the three routes which present themselves for railway connection with Bornu. No surveys of these routes have been made, and I can only offer a few general remarks on them.

(i) *Kano-Maidugari.*—There are only two important rivers to cross, the Challowa and the Jemari. The former is a formidable stream, some three-quarters of a mile wide in the rains. It could probably be avoided by making the junction with the main line below the point at which it crosses this river. The Jemari, though a big river in the rains, is contained in a well-defined channel, and should present no great difficulty. For the rest the route is mostly flat and singularly free from water-courses. I imagine that the actual construction length would be not more than 6 per cent. over the scaled distance. There is a considerable traffic (estimated at present at 20,000 tons per annum), which would grow very rapidly, since the people of Bornu are continually shifting their towns, and would no doubt settle along the line. Throughout the Kano Province the population is dense. The chief drawback to this line is the great distance over which produce must be hauled. (Maidugari-Lagos, 1,060 miles). At an average rate of 1½*d.* ton mile this would be £6 12*s.* from terminal to terminal. Imports compared with existing costs could no doubt stand a heavy freight rate and so reduce the rate on exports. A considerable part of the latter would, of course, consist of goods which already reach the railway at Kano.

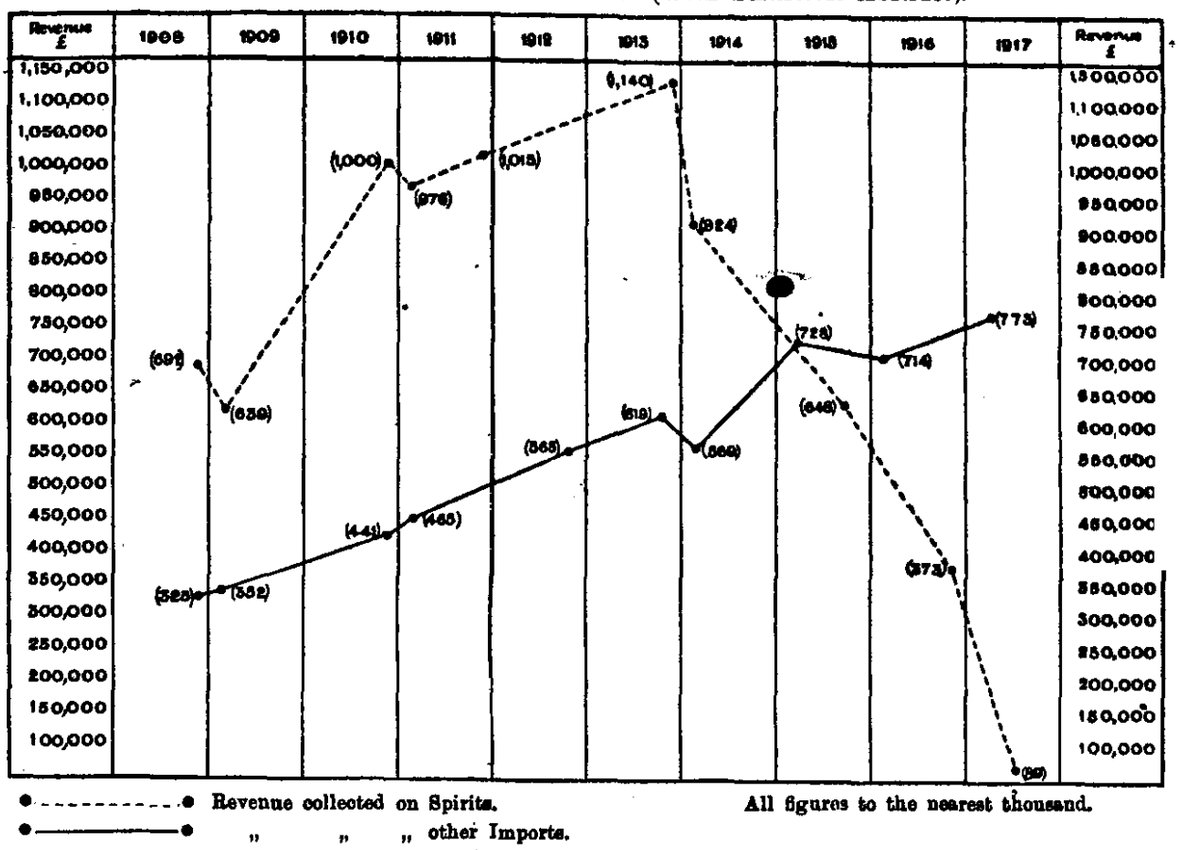
(ii) *Port Harcourt-Maidugari* via *Bukuru.*—This would be 100 miles shorter (allowing 12 per cent increase on the direct distance), a saving of 12*s.* 6*d.* a ton from terminal to terminal at the assumed rate. The length of new construction would be only some twenty miles more. This route would greatly benefit the tin mines, to which it would bring the cheap food and labour from Bornu, and the extension from Bukuru would carry Udi coal and machinery from the coast to the eastern part of the mine-field.

(iii) *The third route* from the coal-field direct to Yola would be 265 miles shorter than the Kano route, and 155 less than the Bukuru route; but double the length of new construction. It would be of great administrative value, and would open up an entirely new and promising part of Nigeria, rich in products, well populated, and probably mineralised. (Lead has been found at Abakaliki and silver at Orofu.) It would probably capture the trade of the Western Cameroons. It would, no doubt, be more costly to construct, since it would cross the various rivers which run into the Benue from the south, and that river itself near Yola, where, however, it is not so formidable an obstacle. I do not think that a branch line running north of the Benue from the bridge-head *via* Tsendam and Song would offer the same prospects, and its construction would probably be extremely difficult.

Jebba-Sokoto.—The advantage claimed by General Manse for this line is that it would anticipate the Dahomey-Gaya Railway and capture the trade which passes through Borgu and French territory. A disadvantage is that if it could be contended that it was constructed to obviate the innavigability of the Niger (or of that section of it to which it runs parallel) it would under the Berlin Act be subject to the same conditions as the Niger navigation, which would thus be re-opened to the French without the obstacle of the rapids. With a break of bulk at Sokachi it could not compete with the direct French line from Gaya.

APPENDIX IX.

CHART shewing the amount of CUSTOMS DUTIES derived from SPIRITS and OTHER IMPORTS for the TEN YEARS 1908 to 1917 (from Statistical Abstract).



●----------● Revenue collected on Spirits.

●——————● „ „ „ other Imports.

All figures to the nearest thousand.

Note I. TABLE shewing the YEARLY VALUE of SPIRITS imported, and value of COMMERCIAL, GOVERNMENT and SPECIE IMPORTS.

	1908	1909	1910	1911	1912	1913	1914	1915	1916	1917	
	£	£	£	£	£	£	£	£	£	£	
Spirits ...	333,000	309,000	456,000	443,000	444,000	456,000	351,000	277,000	228,000	78,000	Spirits
Commercial	3,056,000	3,205,000	4,123,000	4,282,000	5,026,000	5,246,000	4,704,000	4,027,000	4,486,000	5,517,000	Commercial
Government	658,000	1,016,000	513,000	510,000	482,000	630,000	1,222,000	680,000	460,000	214,000	Government
Specie ...	238,000	433,000	735,000	446,000	479,000	870,000	624,000	33,000	606,000	1,724,000	Specie

Note II. The figures for the YEARS 1908 and 1909 have been taken from the Return of the Strength of Spirits reduced to 50° Tralles.

Spirits‡ Gallons at 50° Tralles	Gallons	Gallons	Gallons	Gallons	Gallons	Gallons	Gallons	Gallons	Gallons	Gallons	Spirits‡ Gallons at 50° Tralles.
	3,156,000	2,730,000	3,948,000	3,680,000	3,582,000	3,616,000	2,854,000	1,536,000	788,000	188,000	

‡ Consumption.

Four years prior to 1913.

Year.	Actual Gallonage.	Gallons at 50° Tralles.	(b) Revenue from Spirits.	(a) Total ordinary Revenue.	Percentage for Spirits.	Total Trade.	Value Native produce, excluding Tin and Gold.	Remarks.
			£	£				
1909	2,978,863	2,730,000	639,000	1,645,000	38·8	9,132,000	3,787,174	Highest, import and percentage, 1910.
1910	4,778,972	3,948,000	1,000,000	2,278,000	43·9	11,162,000	4,886,439	
1911	4,769,105	3,680,000	976,000	2,571,000	38	11,972,000	4,890,659	
1912	4,490,558	3,582,000	1,015,000	2,764,000	36·7	12,520,000	5,140,413	
Aver.	4,254,374	3,485,000	907,500	2,314,500	39·3	10,971,500	4,676,171	
			1913.					
	4,638,025	3,616,000	1,140,000	3,327,000	34·3	14,554,000	6,211,246	Highest Revenue from Spirits
			Four years subsequent to 1913.					
1914	3,511,359	2,854,000	924,000	2,948,000	31·3	13,511,000	5,413,715	Lowest import of Spirits, 1917. Highest ordinary Revenue and Trade 1917.
1915	1,972,940	1,536,000	648,000	2,603,000	24·9	10,678,000	4,145,174	
1916	1,03 ,112	788,000	373,000	2,843,000	13·1	11,877,000	5,016,451	
1917	159,364	188,000	89,000	3,418,000	2·6	16,261,000	6,984,920	
Aver.	1,669,694	1,346,500	508,500	2,953,000	17·97	13,081,750	5,397,565	

(a) Includes Revenue from Northern Nigeria to compare with years after 1913. [When it is not possible to give Southern Nigeria separately.]

(b) Includes Spirits consumed by Europeans. Duty about £20,000.

T. F. BURROWES, Comptroller,

GOLD COAST.

CORRESPONDENCE

RELATING TO THE

ALIENATION OF TRIBAL LANDS.

4

Presented to both Houses of Parliament by Command of His Majesty.
July, 1911.

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2	Ditto	May 11 (Rec. May 30.)	Transmits further returns showing the alienation of land, and submits observations.	18
3	To the Governor ...	June 12	Requests that the returns may be kept up to date with the modifications indicated; observes that the question may become serious, and asks for a full expression of his views on the whole question of concessions.	25

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GOLD COAST.

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CORRESPONDENCE

RELATING TO THE

ALIENATION OF TRIBAL LANDS.

No. 1.

THE ACTING GOVERNOR to THE SECRETARY OF STATE.

(Received 22 May, 1911).

Government House, Accra, 4th May, 1911.

SIR,

I HAVE the honour to transmit, herewith, a return showing the area of all lands in the Colony and Ashanti with respect to which certificates of validity have been issued by the Courts.

2. I regret that I am unable to transmit by this mail the return of concessions which have formed the subject of notices in the Government Gazette during the last three years but which have not yet been made the subject of enquiry. This return has been rendered to me in an incomplete form and I have found it necessary to refer it back for revision and completion. I trust, however, to be in a position to forward the particulars required by the mail of the 12th instant when I propose to address you on the general questions raised in the former correspondence.

3. I have to report that no land has been alienated in the Northern Territories of the Gold Coast.

I have, &c.,
H. BRYAN,
Acting Governor.

Enclosure in No. 1.

LAND ALIENATED UNDER CERTIFICATES OF VALIDITY

IN THE

GOLD COAST COLONY

AND

ASHANTI

up to 31st March, 1911.

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LAND ALIENATED IN THE GOLD COAST COLONY

Number of Certificate of Validity.	Enquiry Number.	Gazette (Certificate of Validity).		Name of Concession.	Name of Holder.
					WESTERN
1	5 Cape Coast	1901	page 711	Chida	Gold Coast Amalgamated Mines ...
2	136 Axim ...	1902	133	Essarman (Prestea) ...	Prestea Mines, Ltd. ... ...
3	29 Cape Coast	1902	365 554	Mantraim	Fanti Consolidated Mines, Ltd. ...
4	31 Cape Coast	1902	366 555	Somnahoo	Do. do. ...
5	28 Cape Coast	1902	368 556	Miensa	Sekondi and Tarkwa Co., Ltd. ...
6	44 Cape Coast	1902	369 558	Attasi	(Liquidated) ... ...
7	25 Cape Coast	1902	371 560	Bopo 1, 2, and 3 ...	Sekondi and Tarkwa Co., Ltd. ...
8	195 Axim ...	1902	761	Avaba Kasu	West African Corporation, Ltd. ...
9	Cancelled ...	1907	582	Tano Bippo	—
10	Cancelled ...	1907	582	Eaginassi	—
11	Cancelled ...	1907	578	Bussiassi	—
12	345 Axim ...	1902	767	Mewusso	Mewusso Gold Mining Corporation, Ltd.
13	30 Cape Coast	1902	839	Pepe	Fanti Consolidated Mines, Ltd. ...
14	614 Accra ...	1903	47	Nchiriri	Not alienated ... ...
15	4 Axim ...	1903	47	Entramor Bippo ...	Fanti Consolidated Mines, Ltd. ...
16	7 Axim ...	1903	49	Arwool Koomah ...	Dainsoo Gold Mine, Ltd. ... ...
17	9 Axim ...	1903	50	Ancheyin	Pampay Syndicate, Ltd. ... ...
18	10 Axim ...	1903	52	Insuta	Dainsoo Gold Mine, Ltd. ... ...
19	23 Axim ...	1903	54	Pampay	Pampay Syndicate, Ltd. ... ...
20	131 Axim ...	1903	56	Quaw Badoo	Fanti Consolidated Mines, Ltd. ...
21	132 Axim ..	1903	58	Intermediate	Prestea Block "A," Ltd. ... ...
22	134 Axim ...	1903	60	Heeman	Appantoo Mines, Ltd. ... ...
23	137 Axim ...	1903	62	Cie Appantoo	Do. ... ...
24	Cancelled ...	1905	852	Oboowoom	—
25	47 Cape Coast	1903	237	Abosso or Abuyow ...	Abosso Gold Mining Co., Ltd. ...
26	202 Axim ...	1903	300	Broomassie	Fanti Consolidated Mines, Ltd. ...
27	37 Cape Coast	1903	302	Bibiani	Bibiani, Ltd. ... ...
28	391, 392 Accra	1903	699	Akoko 1 and 2	Narquah Syndicate, Ltd. ... ...
29	489 Axim ...	1903	802	Nada Kokler	Dainsoo Gold Mine, Ltd. ... ...
30	491 Axim ...	1903	803	Amuyaw	Fanti Consolidated Mines, Ltd. ...
31	790 Axim ...	1903	805	Broomassie Extension ...	Do. do. ...
32	487 Axim ...	1903	806	Fan Cobbah	Dainsoo Gold Mine, Ltd. ... ...
33	639 Cape Coast	1903	807	Broomassie or Bu Esichem.	Apapari Syndicate, Ltd. ... ...
34	22 Axim ...	1903	809	Dainsoo	Dainsoo Gold Mine, Ltd. ... ...
35	212 Axim ...	1903	810	Cinnamon Bippo (Sam's Gift).	Cinnamon Bippo Co., Ltd. ...
36	513 Axim ...	1903	813	Sarhuman	Fanti Consolidated Mines, Ltd. ...
37	3 Cape Coast	1903	877	Effuenta	Effuenta (Wassaw) Mines, Ltd. ...
38	16 Axim ...	1903	879	Ackah Boosoo	Dainsoo Gold Mine, Ltd. ... ...
39	213 Axim ...	1903	880	Bippo Bin	Cinnamon Bippo Co., Ltd. ...
40	901 Cape Coast	1903	882	Chida West	Gold Coast Amalgamated Mines, Ltd.
41	435 Axim ...	1903	884	Abosso Deep Levels ...	Fanti Mines, Ltd. ... ...
42	529 Axim ...	1903	885	Sika Bippo	Dr. Pigg ... ...
43	873 Cape Coast	1903	886	Bopoassi	Secondi and Tarquah Co., Ltd. ...
44	980 Cape Coast	1903	888	Apon No. 3	Percy Arthur Casserley ... ...
45	874 Cape Coast	1903	890	Apon No. 2	Do. do. ... ...
46	6 Cape Coast	1903	891	Effuenta Extension ...	Effuenta (Wassaw) Mines, Ltd. ...
47	904 Cape Coast	1903	894	Domnaku Essika ...	The B.P. Syndicate, Ltd. ... ...
48	900 Cape Coast	1903	895	Upper Busumtchie ...	C. W. Ponsonby ... ...
49	871 Cape Coast	1903	896	Ettadoom	Secondi and Tarquah Co., Ltd. ...
50	446 Axim ...	1903	898	Pietersen's Deep Levels	Fanti Mines, Ltd. ... ...

AND ASHANTI UP TO 31ST MARCH, 1911.

Areas in Square Miles.					Remarks.
A. Mining other than those in D.	B. Mining with other rights.	C. Timber and others.	D. Petroleum or other Mineral Oils.	E. Total Land alienated.	
PROVINCE.					
3·529	—	—	—	3·529	——
1·291	—	—	—	1·291	——
—	1·291	—	—	1·291	Amended by C. of V. No. 209.
—	3·560	—	—	3·560	Amended by C. of V. No. 209.
1·255	—	—	—	1·255	——
—	—	—	—	—	Taken up later as Abranbran, C. of V. 163.
3·874	—	—	—	3·874	——
1·280	—	—	—	1·280	——
—	—	—	—	—	Cancelled.
—	—	—	—	—	Cancelled.
—	—	—	—	—	Cancelled.
1·291	—	—	—	1·291	——
—	1·291	—	—	1·291	Amended by C. of V. No. 209.
—	—	—	—	—	Eastern Province.
·704	—	—	—	·704	——
1·280	—	—	—	1·280	——
1·290	—	—	—	1·290	——
—	5·270	—	—	5·270	Amended by C. of V. No. 208.
5·160	—	—	—	5·160	——
·850	—	—	—	·850	——
·310	—	—	—	·310	——
·300	—	—	—	·300	——
·539	—	—	—	·539	——
—	—	—	—	—	Cancelled.
1·291	—	—	—	1·291	——
1·290	—	—	—	1·290	——
15·968	—	—	—	15·968	——
—	—	—	—	—	Eastern Province.
—	1·250	—	—	1·250	——
—	·724	—	—	·724	——
·677	—	—	—	·677	——
—	·593	—	—	·593	——
1·291	—	—	—	1·291	——
—	5·110	—	—	5·110	——
1·291	—	—	—	1·291	——
—	·003	—	—	·003	——
·243	—	—	—	·243	——
—	5·164	—	—	5·164	——
1·291	—	—	—	1·291	——
2·236	—	—	—	2·236	——
—	·962	—	—	·962	——
—	1·291	—	—	1·291	——
3·182	—	—	—	3·182	——
4·500	—	—	—	4·500	——
4·500	—	—	—	4·500	——
·606	—	—	—	·606	——
—	1·291	—	—	1·291	——
—	—	—	—	—	Option : approx. area 15·00 square miles : expired.
4·500	—	—	—	4·500	——
—	—	—	—	—	Amended by C. of V. No. 172.

Number of Certificate of Validity.	Enquiry Number.	Gazette (Certificate of Validity).		Name of Concession.	Name of Holder.
					WESTERN
			page		
51	7 Cape Coast	1903	924	Tamsoo	Wassaw (West) Amalgamated Mines
52	8 Cape Coast	1903	925	Tamsoo and Mewusoo...	Do. do.
53	22 Cape Coast	1903	926	Ebotokro	Himan Concessions, Ltd. ... ...
54	23 Cape Coast	1903	927	Bogosu	Bogosu Mines, Ltd. ... ...
55	24 Cape Coast	1903	928	Anfargah	Anfargah Gold Mine, Ltd. ...
56	447 Axim ...	1903	1062	Appankran	Sekondi and Tarkwa Co., Ltd. ...
57	165 Axim ...	1903	1064	Kayiankor	The New Axim Mines, Ltd. ...
58	Cancelled ...	1907	578	Diewoom	
59	167 Axim ...	1903	1069	Dainsu	Broomassie - Prestea Main Reef Proprietary Syndicate, Ltd.
60	733 Axim ...	1903	1071	Tarkwa Extended ...	Taquah Mining and Expl. Co., Ltd.
61	899 Cape Coast	1904	5	Noime Esika ...	Gold Coast Amalgamated Mines...
62	437 Axim ...	1904	6	Horton's Abosso Deep Levels.	Fanti Mines, Ltd. ... ...
63	811 Axim ...	1904	7	The Deeps of Abosso Deeps.	Do. do. ... ...
64	211 Axim ...	1904	9	Horton's Abosso ...	Do. do. ... ...
65	827 Axim ...	1904	41	Hunt's Abosso... ... Tamsoo Intermediate...	Wassau (West) Amalgamated Mines.
66	434 Cape Coast	1904	43	Kweku Eska	Sekondi and Tarkwa Co., Ltd. ...
67	435 Cape Coast	1904	44	Krukaw Eska	Do. do. ...
68	407 Cape Coast	1904	45	"Baidoo"	Gold Coast Exploration and Trading Co., Ltd.
69	782 Axim ...	1904	140	Tarkwa Consols No. 1 ...	Tarkwa Consols, Ltd. ... ...
70	13 Cape Coast	1904	141	Teberibie	Mrs. Mary Ann Turkson ... ...
71	134 Cape Coast	1904	142	Gaudian	Ebenezer Gold Mining Co. ...
72	804 Axim ...	1904	143	Tarkwa Consols No. 3 ...	Tarkwa Consols, Ltd. ... ...
73	Cancelled ...	1907	580	Buatwaim Bippo ...	
74	583 Axim ...	1904	147	Nanwa or Ingotoro ...	Nanwa Mines, Ltd. ... ...
75	182 Axim ...	1904	148	Mamponsu	Nanwa Mines, Ltd. ... ...
76	243 Cape Coast	1904	165	Whinnie Essifu... ...	Ebenezer Gold Mining Co., Ltd....
77	734 Axim ...	1904	198	Tarkwa	Taquah Mining and Expl. Co., Ltd.
78	507 Axim ...	1904	218	Kuaka	Himan Concessions, Ltd. ... ...
79	36 Cape Coast	1904	277	Kwisantsi and Detchikroom.	Tarkwa Banket Mining Syndicate, Ltd.
80	74 Cape Coast	1904	377	Kukubeybakah	G.C. Expl. and Trading Co., Ltd....
81	73 Cape Coast	1904	395	Ekukubakah	Do. do. ...
82	66 Cape Coast	1904	398	Bakrobo and Atome ...	Atome Mines, Ltd.... ... ...
83	519 Axim ...	1904	399	Ailivah	New Premier Gold Mines, Ltd. ...
84	824 Axim ...	1904	407	Chida C....	Gold Coast Amalgamated Mines...
85	823 Axim ...	1904	408	Chida B....	Do. do. ...
86	838 Axim ...	1904	437	No. 3, Insuyaim ...	New Axim Mines, Ltd. ... ...
87	837 Axim ...	1904	438	No. 2, Botokari	Do. do. ... ...
88	163 Cape Coast	1904	456	Weew Bippo	G.C. Expl. and Trading Co., Ltd....
89	564 Cape Coast	1904	458	Zarmayi	F. E. Amissah (Bloomfield Trust)
90	692 Cape Coast	1904	460	Bronko	London Ashanti Syndicate ...
91	693 Cape Coast	1904	461	Effiena	Do. do. ...
92	181 Accra ...	1904	463	Boonso	George and Robert William Owoo
93	616, 617 Accra	1904	464	Kwajaba and Akwa ...	William Albert Nartey and others
94	46 Cape Coast	1904	466	Cinnamon Bippo ...	Wassaw (G.C.) Mining Co., Ltd....
95	46 Axim ...	1904	480	Tarkwa (Gilberts) Deep Levels.	Wassaw (West) Amalgamated Mines.
96	781 Axim ...	1904	490	Insimankao	Taquah Mining and Expl. Co., Ltd.
97	40 Cape Coast	1:04	491	Adjah Bippo	Wassaw (G.C.) Mining Co., Ltd....
98	41 Cape Coast	1904	492	Adjah Bippo Extension	Do. do. ...
99	12 Cape Coast	1 04	493	Satchow	W. A. United Mines, Ltd. ...
100	53 Cape Coast	1904	494	Satchin Extension ...	W. African Union Mines, Ltd. ...
101	789 Axim ...	1904	495	Tamsoo (Tarquah) Deep Levels.	Wassaw (West) Amalgamated Mines.
102	61 Cape Coast	1904	590	Huni River	Wassaw (G.C.) Mining Company, Ltd.

and ASHANTI up to 31st MARCH, 1911—*continued.*

Areas in Square Miles.					Remarks.
A. Mining other than those in D.	B. Mining with other rights.	C. Timber and others.	D. Petroleum or other Mineral Oils.	E. Total Land alienated.	
PROVINCE—*continued.*					
·323	—	—	—	·323	—
·377	—	—	—	·377	—
1·291	—	—	—	1·291	—
1·289	—	—	—	1·289	—
·904	—	—	—	·904	—
1·290	—	—	—	1·290	—
5·000	—	—	—	5·000	—
—	—	—	—	—	Cancelled.
2·583	—	—	—	2·583	—
2·045	—	—	—	2·045	—
4·677	—	—	—	4·677	—
—	·567	—	—	·567	—
—	·336	—	—	·336	—
1·044	—	—	—	1·044	—
—	—	—	—	—	Amended by C. of V. No. 119.
1·540	—	—	—	1·540	—
1·540	—	—	—	1·540	—
1·506	—	—	—	1·506	—
·684	—	—	—	·684	—
1·679	—	—	—	1·679	—
·977	—	—	—	·977	—
1·213	—	—	—	1·213	—
—	—	—	—	—	Cancelled.
—	4·160	—	—	4·160	—
·882	—	—	—	·882	—
1·291	—	—	—	1·291	—
·285	—	—	—	·285	—
1·219	—	—	—	1·219	—
4·858	—	—	—	4·858	—
4·000	—	—	—	4·000	—
4·000	—	—	—	4·000	—
—	·726	—	—	·726	—
·960	—	—	—	·960	—
1·292	—	—	—	1·292	—
1·289	—	—	—	1·289	—
3·108	—	—	—	3·108	—
3·855	—	—	—	3·855	—
1·370	—	—	—	1·370	—
4·972	—	—	—	4·972	—
3·440	—	—	—	3·440	Amended by C. of V. No. 158.
4·209	—	—	—	4·209	Amended by C. of V. No. 159.
—	—	—	—	—	Eastern Province.
—	—	—	—	—	Eastern Province.
—	1·291	—	—	1·291	—
3·566	—	—	—	3·566	—
1·291	—	—	—	1·291	—
—	·219	—	—	·219	—
—	·133	—	—	·133	—
—	1·291	—	—	1·291	—
—	3·831	—	—	3·831	—
—	·803	—	—	·803	—
4·261	—	—	—	4·261	—

Land Alienated in the Gold Coast Colony

Number of Certificate of Validity.	Enquiry Number.	Gazette (Certificate of Validity).		Name of Concession.	Name of Holder.
					WESTERN
			page		
103	497 Axim ...	1904	592	Kukro Kukro, North ...	Himan Concessions, Ltd. ... ...
104	499 Axim ...	1904	603	Bondie	Do. do. ... ...
105	500 Axim ...	1904	604	Ampassem	Do. do. ... ...
106	501 Axim ...	1904	605	Kukro Kukro, South ...	Do. do. ... ...
107	502 Axim ...	1904	606	Chujah	Do. do. ... ...
108	755 Cape Coast	1904	607	Lamaroo	Do. do. ... ...
109	756 Cape Coast	1904	608	Dumassie	Do. do. ... ...
110	757 Cape Coast	1904	608	Mensahie	Do. do. ... ...
111	920 Cape Coast	1904	609	Assekukisse (N. and S.)	Do. do. ... ...
112	778 Axim ...	1904	610	Abbontiakoon	Abbontiakoon Mines, Ltd. ...
113	12 Accra ...	1904	745	Panno	Gold Fields of Eastern Akim, Ltd.
114	73 Accra ...	1904	746	Besseasse	Gold Coast Proprietary Mines, Ltd.
115	Cancelled ...	1910	282	Essikaman	—
116	788 Axim ...	1904	749	Abbontiakoon Extension	The Apapari Syndicate, Ltd. ...
117	822 Axim ...	1904	783	Chida "A"	Gold Coast Amalgamated Mines ...
118	826 Axim ...	1904	784	Corbacorl Extension ...	W. A. Mahogany, Petroleum and Gold Co.
119	827 Axim ...	1904	785	Tamsoo Intermediate ... Hunt's Abosso	Wassau (West) Amalgamated Mines.
120	857 Axim ...	1904	786	Sanhoman	Taquah Mining and Expl. Co., Ltd.
121	520 Axim ...	1904	788	Addawoo	The Pampay Syndicate, Ltd. ...
122	48 Cape Coast	1904	789	Tomento or Subu Subu	British S.W.A. Land and Mining Corporation.
123	145 Cape Coast	1904	791	Mankooma	Taquah Mining and Expl. Co., Ltd.
124	783 Axim ...	1904	817	Tarkwa Consols, No. 2 ...	Tarkwa Consols, Ltd. ... ...
125	2064 Cape Coast	1904	832	Edua Priem	Western Sun Corporation ... ...
126	754 Cape Coast	1904	833	Bogosu North	Himan Concessions, Ltd. ... ...
127	18 Cape Coast	1904	835	Bompiasu Deeps ...	West African Union Mines, Ltd. ...
128	135 Cape Coast	1904	837	Tomento	Gold Coast Amalgamated Mines ...
129	136 Cape Coast	1904	977	Contiful	Do. do.
130	126 Cape Coast	1904	869	Bompiah	Ahanta Co., Ltd. ... ...
131	2069 Cape Coast	1904	870	Somnahoo III	Fanti Mines, Ltd. ... ...
132	24 Axim ...	1904	872	Aicraykroom	Dainsoo Gold Mine, Ltd. ... ...
133	466 Cape Coast	1904	1012	Sam's Gift Extension ...	Cinnamon Bippo Co., Ltd. ...
134	612 Axim ...	1904	1013	Sawhee	B.W.A. Corporation and Ashanti, Ltd.
135	613 Axim ...	1904	1014	Awuzarnoo	Do. do. ...
136	Cancelled ...	1905	64	Sam's Gift Extension ...	
137	Cancelled ...	1908	71	Cocoam No. 1	
138	787 Axim ...	1905	74	Appolonia Oil Concession	Société Française de Pétrole, Ltd.
139	235 Axim ...	1905	75	Mainsa Kuma	West African Mining Corporation, Ltd.
140	503 Axim ...	1905	102	North West	Himan Concessions, Ltd. ... ...
141	498 Axim ...	1905	103	South East	Do. do. ... ...
142	64 Cape Coast	1905	103	Denkerawah	Gold Coast Estate ... ...
143	897 Axim ...	1905	238	Cherikutumpor	The Pampay Syndicate, Ltd. ...
144	118 Cape Coast	1905	612	Arnankoldu	The Ashanti Gold Mining Co., Ltd.
145	119 Cape Coast	1905	613	Archida	Ahanta Co., Ltd. ... ...
146	120 Cape Coast	1905	669	Imporhor	Do. do. ... ...
147	122 Cape Coast	1905	679	Apatonsu	Do. do. ... ...
148	123 Cape Coast	1905	680	Arkatenchy	Do. do. ... ...
149	124 Cape Coast	1905	681	Whindu	Do. do. ... ...
150	125 Cape Coast	1905	630	Idenah	Do. do. ... ...
151	154 Cape Coast	1905	656	Inkotah	The Soubil Concession Co., Ltd. ...
152	155 Cape Coast	1905	657	Whinwahsu	The Ahanta Co., Ltd. ... ...
153	139 Cape Coast	1905	658	Idua Priem	United Gold Coast Mining Properties.
154	144 Cape Coast	1905	659	Ancobra River	Taquah Mining and Expl. Co., Ltd.
155	386 Cape Coast	1905	764	Bipoam	The Amenfi Syndicate ... ...
156	387 Cape Coast	1905	804	Bipo Tintinsu	Taquah and Abosso G.M. Co. (1900), Ltd.

and ASHANTI up to 31st MARCH, 1911—*continued.*

Areas in Square Miles.					Remarks.
A. Mining other than those in D.	B. Mining with other rights.	C. Timber and others.	D. Petroleum or other Mineral Oils.	E. Total Land alienated.	
PROVINCE—*continued.*					
1·292	—	—	—	1·292	—
1·400	—	—	—	1·400	—
·251	—	—	—	·251	—
1·323	—	—	—	1·323	—
1·283	—	—	—	1·283	—
·678	—	—	—	·678	—
1·428	—	—	—	1·428	—
1·269	—	—	—	1·269	—
2·381	—	—	—	2·381	—
—	2·600	—	—	2·600	Amended by C. of V. 208.
—	—	—	—	—	Eastern Province.
—	—	—	—	—	Eastern Province.
—	—	—	—	—	Cancelled.
·316	—	—	—	·316	—
1·546	—	—	—	1·546	—
5·165	—	—	—	5·165	—
·453	—	—	—	·453	—
·347	—	—	—	·347	—
—	5·000	—	—	5·000	Amended by C. of V. 200.
5·859	—	—	—	5·859	—
·323	—	—	—	·323	—
1·291	—	—	—	1·291	—
1·929	—	—	—	1·929	—
·672	—	—	—	·672	—
3·971	—	—	—	3·971	—
·969	—	—	—	·969	—
·795	—	—	—	·795	—
·446	—	—	—	·446	—
1·555	—	—	—	1·555	—
1·300	—	—	—	1·300	—
·322	—	—	—	·322	—
1·780	—	—	—	1·780	—
·780	—	—	—	·780	—
—	—	—	—	—	Cancelled.
—	—	—	—	—	Cancelled.
—	19·649	—	—	19·649	Mining and Oil.
5·000	—	—	—	5·000	—
2·193	—	—	—	2·193	—
1·260	—	—	—	1·260	—
4·000	—	—	—	4·000	—
—	3·290	—	—	3·290	Amended by C. of V. 200.
7·402	—	—	—	7·402	—
7·880	—	—	—	7·880	—
1·688	—	—	—	1·688	—
1·292	—	—	—	1·292	—
5·000	—	—	—	5·000	—
5·000	—	—	—	5·000	—
5·000	—	—	—	5·000	—
1·809	—	—	—	1·809	—
·769	—	—	—	·769	—
·445	—	—	—	·445	—
7·148	—	—	—	7·148	Mining and Dredging.
4·978	—	—	—	4·978	—
4·965	—	—	—	4·965	—

Number of Certificate of Validity.	Enquiry Number.	Gazette (Certificate of Validity).		Name of Concession.	Name of Holder.
					WESTERN
			page		
157	148 Cape Coast	1905	805	Tintinaah	Taquah Mining and Expl. Co., Ltd.
158	692 Cape Coast	1905	806	Bronko	London Ashanti Syndicate ...
159	693 Cape Coast	1905	807	Effiena	Do. do. ...
160	242 Axim ...	1905	808	Fiakpoli	The Gold Coast Development Syndicate.
161	895 Axim ...	1905	808	Chida Intermediate ...	Gold Coast Amalgamated Mines...
162	152 Cape Coast	1905	853	Darbimassie	Soubil Concessions Co., Ltd. ...
163	941 Cape Coast	1905	860	Abranbran	Fanti Consolidated Mines, Ltd. ...
164	1080 Cape Coast	1905	918	Ponassi	James Dickson ... ...
165	698 Accra ...	1905	919	Musoo No. 1	Frederick Thorne Ricketts ...
166	699 Accra ...	1905	927	Musoo No. 2	Do. do. ...
167	829 Axim ...	1905	928	Corbacore Extension ...	W.A. Mahogany, Gold and Petroleum Co.
168	758 Accra ...	1906	38	Akoko A	Frederick Thorne Ricketts ...
169	667 Axim ...	1906	1076	Apapari Timber ...	Himan Concessions, Ltd. ... ...
170	668 Axim ...	1906	1077	Bogosu Timber... ...	Bogosu Gold Mines, Ltd. ... ...
171	906 Axim ...	1906	1078	Birkett's Bromassie Dredging.	Broomassie Mines, Ltd. ... ...
172	446 Axim ...	1906	2029	Pietersen's Deep Levels	The Fanti Mines, Ltd. ... ...
173	791 Axim ...	1906	2030	Hunt's Pietersen's Deep Levels.	Do. do. ... ...
174	2099 Cape Coast	1907	492	Inkotwabassa	—
175	Cancelled ...	1907	492	Ofin Aboyia	—
176	726 Axim ...	1906	2033	Kortin Kan	African Dredging and Mining Concessions, Ltd.
177	731 Axim ...	1906	2034	Kotwian Koro	Do. do. ...
178	651 Cape Coast	1906	2156	Kuranti Bippo	The Kuranti Syndicate, Ltd. ...
	652 Cape Coast			Beni Bippo	Do. do. ...
	653 Cape Coast			Lawley Bippo	Do. do. ...
	654 Cape Coast			Hartley Bippo	Do. do. ...
179	658 Cape Coast	1906	2157	Kuranti Extension ...	Do. do. ...
180	146 Cape Coast	1907	165	Tuappim	Taquah Mining and Exploration Co., Ltd.
181	1988 Cape Coast	1907	166	Ofin River, No. 22 ...	"C's" Ofin Dredging Syndicate, Ltd.
182	1990 Cape Coast	1907	167	Ofin River, No. 23 ...	Do. do. ...
183	1989 Cape Coast	1907	168	Ofin River, No. 24 ...	Do. do. ..
184	530 Axim ...	1907	377	Akankoo	V.M. Syndicate ... ...
185	934 Axim ...	1907	378	Cheriaman	Liberian Development Syndicate
186	872 Cape Coast	1907	388	Opon No. 1	Percy Arthur Casserley ... ...
187	350 Cape Coast	1907	432	Chichiwelli	African Estates and Mining Co., Ltd.
188	786 Axim	1907	433	Merton's Atarnsoo Deeps	Ashanti Gold Coast Acquisition, Ltd.
189	929 Axim ...	1907	434	Broomassie Timber "B."	Broomassie Mines, Ltd. ... ...
190	930 Axim ...	1907	434	Broomassie new Timber "A."	Do. do. ... ...
191	2150 Cape Coast	1907	697	Inkotwabassa Dredging	William Joseph Crook ... ...
192	2106 Cape Coast	1907	698	Ofin Aboyi	Do. do. ... ...
193	931 Axim ...	1907	761	Pietersen's Abbontiakoon	William Edmund Pietersen ...
194	938 Axim ...	1907	836	Birkett's Mansi Dredging	Broomassie Mines, Ltd. ... ...
195	15 Axim ...	1908	103	Dagwin	Fanti Consolidated Mines, Ltd. ...
196	881 Axim ...	1908	118	Middle Kawere... ...	Taquah Mining and Exploration Co., Ltd.
197	914 Axim ...	1908	119	Abosso Timber... ...	The Abosso Gold Mining Co. ...
198	937 Axim ...	1908	120	Himan Timber and Rubber.	The Himan Concessions, Ltd. ...
199	933 Axim ...	1908	156	Huniso Kese and Huniso Kuma.	Giles Hunt ... ...

and ASHANTI up to 31st MARCH, 1911—*continued.*

Areas in Square Miles.					Remarks.
A. Mining other than those in D.	B. Mining with other rights.	C. Timber and others.	D. Petroleum or other Mineral Oils.	E. Total Land alienated.	
PROVINCE—*continued.*					
4·380	—	—	—	4·380	—
—	—	—	—	—	Amendment to C. of V. 90.
—	—	—	—	—	Amendment to C. of V. 91.
3·880	—	—	—	3·880	—
·117	—	—	—	·117	—
3·062	—	—	—	3·062	—
4·570	—	—	—	4·570	Taken up over Attasi C. of V. 6.
2·360	—	—	—	2·360	—
—	—	—	—	—	Eastern Province.
—	—	—	—	—	Eastern Province.
1·291	—	—	—	1·291	—
—	—	—	—	—	Eastern Province.
—	5·000	15·000	—	20·000	Amended by C. of V. No. 219.
—	5·000	—	—	5·000	Amended by C. of V. No. 235.
1·335	—	—	—	1·335	Mining and Dredging.
1·226	—	—	—	1·226	Amendment to C. of V. No. 50.
·653	—	—	—	·653	—
—	—	—	—	—	Cancelled.
—	—	—	—	—	Cancelled.
·476	—	—	—	·476	Mining and Dredging.
·369	—	—	—	·369	Do. do.
7·670	—	—	—	7·670	—
5·025	—	—	—	5·025	—
5·000	—	—	—	5·000	Mining and Dredging.
5·025	—	—	—	5·025	—
·306	—	—	—	·306	—
4·550	—	—	—	4·550	—
3·000	—	—	—	3·000	—
·591	—	—	—	·591	—
—	—	2·042	—	2·042	—
—	—	1·290	—	1·290	—
2·772	—	—	—	2·772	—
—	—	—	—	—	Central Province.
·647	—	—	—	·647	—
—	2·105	—	—	2·105	Amended by C. of V. 207.
5·103	—	—	—	5·103	—
—	1·489	—	—	1·489	—
—	—	3·330	—	3·330	—
—	—	19·185	—	19·185	Timber and Rubber.
2·618	—	—	—	2·618	—

Number of Certificate of Validity.	Enquiry Number.	Gazette (Certificate of Validity).		Name of Concession.	Name of Holder.
					WESTERN
200	945 Axim ...	1908	page 303	Addawoo and Cherikutumpor Timber and Rubber.	The Pampay Syndicate, Ltd. ...
201	278 Axim ...	1908	697	Incoraba...	W.A. Mahogany, Petroleum and G.M. Co., Ltd.
202	62 Cape Coast	1908	698	Enema Quaw Crome ...	West Africa (G.C.) Mining Corporation.
203	602 Cape Coast	1908	699	Gainyin Crome	Do. do. ...
204	119 Axim ...	1908	700	Attinkin...	Do. do. ...
205	230 Axim ...	1908	701	Akoko Crow	The African Mines, Ltd. ... ...
206	2107 Cape Coast	1908	1024 1109	Kwatachie Dredging ...	William Joseph Crook ... ...
207	956 Axim ...	1908	1110	Mansi River Timber ...	The Broomassie Mines, Ltd. ...
208	957 Axim ...	1908	1111	Abbontiakoon and Insuta Timber and Rubber.	Abbontiakoon Mines, Ltd. ...
209	958 Axim ...	1908	1112	Maintraim, Pepe, and Somnahoo Timber Cutting and Rubber.	Fanti Consolidated Mines, Ltd. ...
210	968 Axim ...	1908	1152	Broomassie Timber ...	The Broomassie Mines, Ltd. ...
211	2 Cape Coast	1908	1250	Bondaye...	Gold Coast Amalgamated Mines, Ltd.
212	970 Axim ...	1908	1251	Boabinsu	The Ofin River Gold Estates, Ltd.
213	122 Axim ...	1909	711	Mamponsu	The W.A. Mahogany, Petroleum, and G.M. Co.
214	767 Accra ...	1909	959	Wallace W. Akim Option	Wallis Syndicate, Ltd. ... ...
215	772 Accra ...	1909	960	Pritchards W. Akim Option.	Do. do. ... ...
216	2109 Cape Coast	1910	85	Prah Lagoon	Innes, Procter and Hayles ...
217	2108 Cape Coast	1910	86	Prah River Dredging ...	Do. do. ...
218	980 Axim ...	1910	88	Quaw Badoo Extension	The Wassaw Exploration Syndicate
219	986 Axim ...	1910	88	North-West Dainsu ...	Himan Concessions, Ltd. ... ...
220	996 Axim ...	1910	88	Bakrobo Atome... ...	Gold Estates of Australia ... ...
221	997 Axim ...	1910	89	Mainsakuma	Do. do. ... ...
222	955 Axim ...	1910	90	Tarkwa-Prestea Railway Timber.	Taquah Mining and Expl. Co., Ltd.
223	981 Axim ...	1910	91	Huni-Prestea Railway Timber.	Prestea Block "A," Ltd. ... ...
224	983 Axim ...	1910	92	Prestea Appantoo Reef Remainders.	Fanti Consolidated Mines, Ltd. ...
225	984 Axim ...	1910	92	Essikaman Extension ...	Wassaw Exploring Syndicate, Ltd.
226	995 Axim ...	1910	93	New Essikaman ...	Pampay Syndicate, Ltd. ... ...
227	982 Axim ...	1910	267	South Kawere	Wassaw Exploring Syndicate, Ltd.
228	979 Axim ...	1910	284	Dagwin Extension ...	Do. do. ...
229	1014 Seccondee	1910	285	Tamsoo (Tarkwa) Reef Remainders.	Apapari Syndicate, Ltd. ... ...
230	832 Axim ...	1911	5	Allaganzuli	Société Française de Pétrole ...
231	835 Axim ...	1911	110	Tachinta...	Do. do. ...
232	834 Axim ...	1911	111	Epon	Do. do. ...
233	1015 Seccondee	1911	170	Tarkwa Railway Mining No. II.	Taquah Mining and Expl. Co., Ltd.
234	1010 Seccondee	1911	172	Awunaben Ahoonabe ...	United G.C. Mining Properties, Ltd.
235	1036 Seccondee	1911	173	Bogosu Timber, Minerals	The Bogosu Gold Mines, Ltd. ...
236	1007 Accra ...	1911	211	Ackah Sondo	N.L.B. Syndicate, Ltd. ... ...
237	1100 Seccondee	1911	212	Bibiani Timber... ...	Bibiani, Ltd. ... ...

and ASHANTI up to 31st MARCH, 1911—*continued.*

Areas in Square Miles.					Remarks.
A. Mining other than those in D.	B. Mining with other rights.	C. Timber and others.	D. Petroleum or other Mineral Oils.	E. Total Land alienated.	
PROVINCE—*continued.*					
—	—	—	—	—	Timber and Rubber; already alienated: Cs. of V. 121, 143.
·500	—	—	—	·500	——
—	—	8·145	—	8·145	——
—	—	5·000	—	5·000	——
·500	—	—	—	·500	——
4·135	—	—	—	4·135	——
2·656	—	—	—	2·656	Mining and Dredging.
—	—	—	—	—	Timber and Rubber; already alienated: C. of V. 194.
—	—	—	—	—	Timber and Rubber; already alienated: Cs. of V. 112, 18.
—	—	—	—	—	Timber and Rubber; already alienated: Cs. of V., 3, 13, 4.
—	—	1·253	—	1·253	——
·822	—	—	—	·822	——
—	—	—	—	—	Central Province.
—	—	145·920	—	145·920	Option for Gold; has been exercised.
—	—	—	—	—	Eastern Province.
—	—	—	—	—	Eastern Province.
3·705	—	—	—	3·705	Mining and Dredging.
·736	—	—	—	·736	——
—	—	—	—	—	Already alienated under C. of V. 169.
·726	—	—	—	·726	——
5·000	—	—	—	5·000	——
—	—	12·265	—	12·265	——
—	—	10·271	—	10·271	——
1·009	—	—	—	1·009	——
2·427	—	—	—	2·427	——
2·578	—	—	—	2·578	——
1·309	—	—	—	1·309	——
5·000	—	—	—	5·000	——
·227	—	—	—	·227	——
—	—	—	108·250	108·250	——
—	—	—	18·802	18·802	——
—	—	—	14·096	14·096	——
3·847	—	—	—	3·847	——
—	2·375	—	—	2·375	——
—	—	—	—	—	Amendment to C. of V. 170.
1·789	—	—	—	1·789	——
—	—	·031	—	·031	——
355·854	87·665	223·732	141·148	808·399	TOTAL: WESTERN PROVINCE.

Number of Certificate of Validity.	Enquiry Number.	Gazette (Certificate of Validity).	Name of Concession.	Name of Holder.
				CENTRAL
192	2106 Cape Coast	1907 page 698	Ofin Aboyi	William Joseph Crook ... ...
212	970 Axim ...	1908 1251	Boabinsu	The Ofin River Gold Estates, Ltd.
				EASTERN
14	614 Accra ...	1903 47	Nebiriri	(Not alienated) ... .
28	391, 392 Accra	1903 699	Akoko 1 and Akoko 2...	Narquah Syndicate, Ltd. ... ...
92	181 Accra ...	1904 463	Boomso	George and Robert William Owoo
93	616, 617 Accra	1904 464	Kwajabi and Akwa ...	William Albert Narley and others
113	12 Accra ...	1904 745	Panno	Goldfields of Eastern Akim, Ltd.
114	73 Accra ...	1904 746	Besseasse	Gold Coast Proprietary Mines, Ltd.
165	698 Accra ...	1905 919	Musoo No. 1	Frederick Thorne Ricketts ...
166	699 Accra ...	1905 927	Musoo No. 2	Do. do. ...
168	758 Accra ...	1906 38	Akoko A	Do. do. ...
214	767 Accra ...	1909 959	Wallace W. Akim Option	Wallis Syndicate, Ltd. ... ...
215	772 Accra ...	1909 960	Pritchard's W. Akim Option.	Do. do. ... ...
				SUMMARY.
				Western Province ... ...
				Central Province ... ...
				Eastern Province ... ...
				TOTAL ... ...
		Date of Issue.		ASHANTI.
1	—	22 June 1905	Obenemasi "A"... ...	John Williams Daw ... ...
2	—	22 June 1905	Obenemasi "B"... ...	Frederick Gordon ... ...
3	—	30 Sep. 1905	Boabeedroo	Ashanti Lands, Ltd. ... ...
4	—	15 Mar. 1906	Ayenebrim	Adansi Gold Fields, Ltd. ... ...
5	—	15 Mar. 1906	Okurkrum	Do. ... ...
6	—	3 Apl. 1906	Ocoomadeesea	Edward William Norman... ...
7	—	19 Apl. 1906	Ofin River Gold Estates	Frank Norman Best ... ...
8	—	19 Apl. 1906	Ofin River Gold Estates	Adolf Ernest Kemph ... ...
9	—	19 Apl. 1906	Ofin River Gold Estates	Bernard Ambrose Collins... ...
10	—	19 Apl. 1906	Ofin River Gold Estates	Ofin River Gold Estates ... ...
11	—	28 May 1906	Wuamasi	G.C. and Ashanti Explorers, Ltd.
12	—	19 Sep. 1906	Ofin No. 5	Henry Berger ... ...
13	—	19 Sep. 1906	Adra No. 3	Frederick Bach ... .
14	—	19 Sep. 1906	Adra No. 4	Joseph Dennis Abraham ... ...
15	—	19 Sep. 1906	Tim No. 2	Ferdinand Robert Booth ... ...
16	—	19 Sep. 1906	Adra No. 2	H. L. Webster and others... ...
17	—	19 Sep. 1906	Tim No. 1	Henry Berger ... ...
18	—	19 Sep. 1906	Ofin No. 4	Ferdinand Robert Booth ... ...
19	—	19 Sep. 1906	Subin—Kobbill ...	Thomas Cooper Ward ... ...
20	—	19 Sep. 1906	Ghwinnie	Horace Morgan ... ...
21	—	19 Sep. 1906	Ofin No. 6	E. A. Cade, and others ... ...
22	—	14 Jan. 1907	Ofin No. 1	Edward Ponsonby ... ...
23	—	14 Jan. 1907	Ofin No. 2	Frederick Gordon ... ...
24	—	14 Jan. 1907	Adra No. 1	Segley Byas... ... ...
25	—	14 Jan. 1907	Ofin No. 3	Edward Ponsonby... ... ...
				Carried forward ... ...

and ASHANTI up to 31st MARCH, 1911—*continued.*

Areas in Square Miles.					Remarks.
A. Mining other than those in D.	B. Mining with other rights.	C. Timber and others.	D. Petroleum or other Mineral Oils.	E. Total Land alienated.	
PROVINCE.					
3·037	—	—	—	3·037	Mining and Dredging.
4·305	—	—	—	4·305	——
7·342	—	—	—	7·342	TOTAL: CENTRAL PROVINCE.
PROVINCE.					
—	—	—	—	—	For sale.
·906	—	—	—	·906	——
1·066	—	—	—	1·066	——
1·373	—	—	—	1·373	——
4·730	—	—	—	4·730	——
5·000	—	—	—	5·000	——
1·198	—	—	—	1·198	——
·047	—	—	—	·047	——
3·966	—	—	—	3·966	——
—	—	—	—	—	Option for Gold and Timber: has been exercised.
—	—	—	—	—	Do. do. do.
18·286	—	—	—	18·286	TOTAL: EASTERN PROVINCE.
355·854	87·665	223·732	141·148	808·399	——
7·342	—	—	—	7·342	——
18·286	—	—	—	18·286	——
381·482	87·665	223·732	141·148	834·027	*Note.* *All options* for which Cs. of V. have been granted have either expired or been exercised.
—	—	—	—	—	Abandoned. Gazette No. 38: 18th April, 1908.
—	—	—	—	—	Abandoned. Gazette No. 38: 18th April, 1908.
5·000	—	—	—	5·000	——
—	5·000	—	—	5·000	——
—	5·000	—	—	5·000	——
1·367	—	—	—	1·367	——
—	20·000	—	—	20·000	Four blocks of 5 sq. miles.
—	20·000	—	—	20·000	Do. do.
—	20·000	—	—	20·000	Do. do.
—	20·000	—	—	20·000	Do. do.
5·000	—	—	—	5·000	——
—	7·500	—	—	7·500	——
—	11·500	—	—	11·500	——
—	3·700	—	—	3·700	——
—	0·860	—	—	0·860	——
—	41·700	—	—	41·700	——
—	0·450	—	—	0·450	——
—	4·580	—	—	4·580	——
—	24·000	—	—	24·000	——
—	0·900	—	—	0·900	——
—	27·000	—	—	27·000	——
—	5·000	—	—	5·000	——
—	10·000	—	—	10·000	——
—	2·030	—	—	2·030	——
—	26·000	—	—	26·000	——
11·367	255·220	—	—	266·587	

Land Alienated in the Gold Coast Colony

Number of Certificate of Validity.	Enquiry Number.	Gazette (Certificate of Validity).	Name of Concession.	Name of Holder.
				ASHANTI
		Date of Issue.		Brought forward ... ...
26	—	14 Jan. 1907	Mankran, No. 1... ...	Frederick Gordon ... ...
27	—	11 Feb. 1908	Abotenduah	C. H. Chapman ... ...
28	—	11 Feb. 1908	Tsifufu	Denkera Ash. Mining Corporation
29	—	17 Nov. 1909	Nyabo or Attunsu ...	(?)
30	—	5 Dec. 1910	Obuosu	W. E. Wallace ... ...
31	—	25 Jan. 1911	Essawarwin	Ash. Quartzite Gold Mining Co. ...
	Agreement dated	3 June, 1897	Ashanti Gold Fields ...	Ashanti Gold Fields Corporation
	Agreement dated	12 Apl. 1898	Takoradi Bay, &c., &c.	Castle Gold Exploration Syndicate

and ASHANTI up to 31st MARCH, 1911—*continued.*

Areas in Square Miles.					Remarks.
A. Mining other than those in D.	B. Mining with other rights.	C. Timber and others.	D. Petroleum or other Mineral Oils	E. Total Land alienated.	
—*continued.*					
11·367	255·220	—	—	266·587	
—	1·940	—	—	1·940	
—	5·000	—	—	5·000	
—	20·000	—	—	20·000	
—	5·000	—	—	5·000	
—	5·000	—	—	5·000	
—	5·000	—	—	5·000	
11·367	297·160	—	—	308·527	TOTAL: ASHANTI.
100·000	—	—	—	100·000	A deed of assignment in connection with the areas in the agreement was made by the Castle Gold Exploration Syndicate to the New Castle Gold Corporation, Ltd. The Corporation transferred its assets in part to the Gold Fields of Eastern Akim, and in part to the Appankrau Consolidated Mines; transfers again took place, and the areas which have been alienated up to date are shown under Cs. of V. Nos. 8, 66, 67, 113.
—	—	—	—	—	
100·000	—	—	—	100·000	TOTAL UNDER AGREEMENTS.

E. F. W. LEES,
Capt. R.E.,
Director of Surveys.

No. 2.

THE ACTING GOVERNOR to THE SECRETARY OF STATE.

(Received 30th May, 1911.)

Government House, Accra.
11th May, 1911.

(Extract.)

In continuation of my despatch of the 4th instant* on the subject of the alienation of tribal lands, I have the honour to transmit herewith, the undermentioned documents :—

(*a*) A return of Concessions which have formed the subject of Notices in the Government Gazette for the years 1908–1910.

(*b*) A return (compiled from the Deeds Registry) of Agricultural and Arboricultural Concessions exceeding one square mile in area.

(*c*) A return (compiled from the Deeds Registry) of Agricultural and Arboricultural Concessions not exceeding one square mile in area.

In each case, a summary of the return has been made showing the total areas dealt with.

2. The object of the present enquiry is to ascertain, approximately, what proportion of tribal lands has passed under the control of private individuals, especially Europeans ; and the actual area of lands legally alienated, that is to say in respect of which certificates of validity have been granted under the Concessions Ordinance, 1900, is set forth in the return submitted with my despatch of the 4th instant, from which return I append the following summary :—

Colony.	Area alienated.
Western Province	808·399 square miles.
Central Province	7·342 „ „
Eastern Province	18·286 „ „
	834·027 „ „
Ashanti (including Ashanti Gold Fields Corporation 100 square miles).	408·527 „ „
Northern Territories	—
Total	1,242·554 „ „

The estimated area of the Gold Coast and its dependencies is :—

Gold Coast Colony	24,200 square miles.
Ashanti	20,000 „ „
Northern Territories	35,800 „ „
Total	80,000 „ „

In addition to the concessions in respect of which certificates of validity have been granted, there should be added to the total of 1,242·554 square miles the further areas specified in the statement marked C enclosed with this despatch amounting to one square mile, 371·10 square yards. These concessions, being less than one square mile in area, are exempted from the operation of the Concessions Ordinance by the provisions of the Order in Council, dated the 11th of April, 1906 (see page 1379, Volume II., Gold Coast Ordinances, 1910 Edition). The total area of tribal lands legally alienated in the Colony and Ashanti may, therefore, be put at 1,244 square miles out of a total area of 44,200 square miles.

3. With reference to the return marked A enclosed with this despatch, it will be observed from the summary that the area in the Colony which has formed the subject of

* No. 1.

Notices in the Government Gazette for the three years 1908–1910 is, in respect of "leases," 4,700 square miles, and, in respect of "options," 3,034 square miles, in addition to 11 "options" in which the extent has not been specified in the notice as required by form A in the schedule to the Concessions Ordinance.

I consider that the figures given in the return marked A are misleading and valueless for the purposes of this enquiry. The figures given in the return transmitted with my despatch of the 4th instant show that during the period the Concessions Ordinance, 1900, and the Ashanti Concessions Ordinance, 1903, have been in operation, out of a total area of 44,200 square miles, an area of only 1,244 square miles has been alienated in accordance with the provisions of those enactments; whereas, during the period 1908–1910 the areas in the Colony which have merely formed the subject of "Notices" amount in the case of "leases" to 4,700 square miles and in the case of "options" to 3,034, plus 11 "options" in which the extent is not specified. My reasons for regarding the return in question as valueless for purposes of the enquiry are that the boundaries are rarely tied on to any datum point; that the extent of the lands, as stated in the Notices, not having been surveyed, is altogether unreliable, and that Notices are not infrequently filed relating in whole or in part to concessions which have formed the subject of previous Notices and which overlap.

4. With reference to the return marked B transmitted with this despatch, deeds have been registered showing that a total area of 161·39 square miles has been granted by native chiefs in respect of concessions for agriculture and arboriculture. None of these concessions have, however, been exempted from the operation of the Concessions Ordinance under Clause IV. of the provisions of the Order in Council dated the 11th of April, 1906, by which the consent of the Governor must be endorsed on concessions extending over an area of one square mile. This supplementary area of 161·39 square miles has not been legally alienated up to the present.

5. I venture to think in view of the return submitted with my despatch of the 4th instant, showing that the total area of land alienated under the provisions of the Concessions Ordinance, 1900, and the Ashanti Concessions Ordinance, 1903, amounts to only 1,244 square miles out of a total area of 44,200 square miles, that the situation is at present well under control and that no drastic or immediate action is necessary.

Enclosure 1 in No. 2.

A.

RETURN of CONCESSIONS which have formed the subject of NOTICES in the GOVERNMENT GAZETTE for the YEARS 1908–1910.

A. Mining Concessions other than those in D.		B. Mining Concessions which include Timber or other rights.		C. Timber or other Concessions not being Mining Concessions.		D. Concessions for Petroleum or other Mineral Oils.	
Number of Concession.	Approximate Area.	Number of Concession.	Approximate Area.	Number of Concession.	Approximate Area.	Number of Concession.	Approximate Area.
		EASTERN PROVINCE. *Leases.*					
—	—	766	5 sq. miles.	—	—	—	—
—	—	768	5 do.	—	—	—	—
—	—	769	5 do.	—	—	—	—
—	—	770	5 do.	—	—	—	—
—	—	771	5 do.	—	—	—	—
—	—	773	5 do.	—	—	—	—
—	—	—	30 sq. miles	—	—	—	—

RETURN of CONCESSIONS which have formed the subject of NOTICES in the GOVERNMENT GAZETTE for the YEARS 1908-1910—*continued.*

A. Mining Concessions other than those in D.		B. Mining Concessions which include Timber or other rights.		C. Timber or other Concessions not being Mining Concessions.		D. Concessions for Petroleum or other Mineral Oils.	
Number of Concession.	Approximate Area.	Number of Concession.	Approximate Area.	Number of Concession.	Approximate Area.	Number of Concession.	Approximate Area.
		EASTERN PROVINCE—*continued.*					
		Leases—continued.					
—	—	774	5 sq. miles.	—	—	—	—
—	—	775	5 do.	—	—	—	—
—	—	776	5 do.	—	—	—	—
—	—	777	5 do.	—	—	—	—
—	—	791	5 do.	—	—	—	—
—	—	792	5 do.	—	—	—	—
—	—	793	5 do.	—	—	—	—
—	—	794	5 do.	—	—	—	—
—	—	795	5 do.	—	—	—	—
—	—	796	5 do.	—	—	—	—
—	—	797	5 do.	—	—	—	—
—	—	798	5 do.	—	—	—	—
—	—	799	5 do.	—	—	—	—
—	—	800	5 do.	—	—	—	—
—	—	801	5 do.	—	—	—	—
—	—	802	5 do.	—	—	—	—
—	—	803	5 do.	—	—	—	—
—	—	804	5 do.	—	—	—	—
—	—	806	5 do.	—	—	—	—
—	—	807	5 do.	—	—	—	—
—	—	808	5 do.	—	—	—	—
—	—	809	5 do.	—	—	—	—
—	—	810	5 do.	—	—	—	—
—	—	811	5 do.	—	—	—	—
—	—	812	5 do.	—	—	—	—
—	—	813	5 do.	—	—	—	—
—	—	814	5 do.	—	—	—	—
—	—	815	5 do.	—	—	—	—
—	—	816	5 do.	—	—	—	—
—	—	817	5 do.	—	—	—	—
—	—	818	5 do.	—	—	—	—
—	—	819	5 do.	—	—	—	—
—	—	820	5 do.	—	—	—	—
—	—	821	5 do.	—	—	—	—
—	—	822	5 do.	—	—	—	—
—	—	823	5 do.	—	—	—	—
—	—	824	5 do.	—	—	—	—
—	—	825	5 do.	—	—	—	—
—	—	826	5 do.	—	—	—	—
—	—	827	5 do.	—	—	—	—
—	—	828	5 do.	—	—	—	—
—	—	831	5 do.	—	—	—	—
—	—	832	5 do.	—	—	—	—
—	—	833	5 do.	—	—	—	—
—	—	834	5 do.	—	—	—	—
—	—	835	5 do.	—	—	—	—
—	—	836	5 do.	—	—	—	—
—	—	837	5 do.	—	—	—	—
—	—	839	5 do.	—	—	—	—
—	—	840	5 do.	—	—	—	—
—	—	841	5 do.	—	—	—	—
—	—	842	5 do.	—	—	—	—
—	—	843	5 do.	—	—	—	—
—	—	844	5 do.	—	—	—	—
—	—	845	5 do.	—	—	—	—
—	—	846	5 do.	—	—	—	—
—	—	—	310 sq. miles.	—	—	—	—

RETURN of CONCESSIONS which have formed the subject of NOTICES in the GOVERNMENT GAZETTE for the YEARS 1908–1910—*continued.*

A. Mining Concessions other than those in D.		B. Mining Concessions which include Timber or other rights.		C. Timber or other Concessions not being Mining Concessions.		D. Concessions for Petroleum or other Mineral Oils.	
Number of Concession.	Approximate Area.	Number of Concession.	Approximate Area.	Number of Concession.	Approximate Area.	Number of Concession.	Approximate Area.
			EASTERN PROVINCE—*continued.*				
			Options.				
—	—	780	3 miles North to South; 3 miles East to West.	—	—	—	—
—	—	781	15 miles North to South; 3 miles East to West.	—	—	—	—
—	—	782	9 miles North to South; 3 miles East to West.	—	—	—	—
—	—	783	3 miles East to West; 3 miles North to South	—	—	—	—
—	—	784	Area not stated.	—	—	—	—
—	—	785	do.	—	—	—	—
—	—	786	do.	—	—	—	—
—	—	790	30 sq. miles.	—	—	—	—
—	—	830	Area not stated.	—	—	—	—
—	—	838	do.	—	—	—	—
—	—	—	120 sq. miles.	—	—	—	—
			WESTERN PROVINCE.				
			Leases.				
		Axim.		Axim.			
954	20 sq. miles.	969	14 sq. miles.	953	20 sq. miles.	1000	5 sq. miles.
977	100 faths. sq.	990	20 do.	959	20 do.	1001	5 do.
978	1,000 do.	991	20 do.	961	1 do.	1028	10 do.
985	4 sq. miles.	992	5 do.	962	5 do.	1031	18 do.
987	4 do.	993	5 do.	963	5 do.	1065	20 do.
988	5 do.	994	5 do.	964	15 do.	1098	15 do.
989	5 do.	996	¾ do.	965	2 do.	1151	5 do.
997	3,200 acres.	998	500 faths. sq.	966	2 do.	—	—
999	15 sq. miles.	1002	1½ sq. miles	967	2 do.	—	—
1012	2 do.	1003	3 do.	971	20 do.	—	—
1013	2½ do.	1004	2 do.	972	20 do.	—	—
1016	2½ do.	1005	3 do.	973	20 do.	—	—
1017	2½ do.	1006	3 do.	974	20 do.	—	—
1024	5 do.	1008	1,200 sq. faths.	975	20 do.	—	—
1033	4 do.	1009	5 sq. miles.	1058	20 do.	—	—
1045	4 do.	1018	5 do.	1079	5 do.	—	—
1046	4 do.	1019	5 do.	1080	8·39 do.	—	—
1047	4 do.	1020	5 do.	1087	10 do.	—	—
1051	4½ do.	1021	3,000 acres.	1092	20 do.	—	—
1089	1,500 faths. sq.	1022	1,000 faths. sq.	1096	20 do.	—	—
1090	1,500 do.	1023	3,000 do.	1097	10 do.	—	—
1091	1,500 do.	1027	5 sq. miles.	1100	9 do.	—	—
1099	5 sq. miles.	1029	5 do.	1102	20 do.	—	—
1148	1,000 faths. sq.	1030	1,000 faths. sq.	1104	8 do.	—	—
1152	5 sq. miles.	1034	1,000 do.	1105	8 do.	—	—
1153	35 do.	1035	1,000 do.	1108	12 do.	—	—
1168	5 do.	1037	5 sq. miles.	1109	9 do.	—	—
—	—	1038	5 do.	1110	20 do.	—	—
—	—	1039	2 do.	1111	20 do.	—	—
—	—	1040	3 do.	1124	14 do.	—	—

RETURN of CONCESSIONS which have formed the subject of NOTICES in the GOVERNMENT GAZETTE for the YEARS 1908–1910—*continued.*

A. Mining Concessions other than those in D.		B. Mining Concessions which include Timber or other rights.		C. Timber or other Concessions not being Mining Concessions.		D. Concessions for Petroleum or other Mineral Oils.	
Number of Concession.	Approximate Area.	Number of Concession.	Approximate Area.	Number of Concession.	Approximate Area.	Number of Concession.	Approximate Area.
		WESTERN PROVINCE—*continued.*					
		Leases—continued.					
—	—	1041	3 sq. miles.	1134	100 faths. sq.	—	—
—	—	1042	5 do.	1138	100 do.	—	—
—	—	1043	5 do.	1143	20 sq. miles.	—	—
—	—	1044	5 do.	1144	20 do.	—	—
—	—	1048	5 do.	1150	10 do.	—	—
—	—	1050	5 do.	1154	20 do.	—	—
—	—	1052	1,000 faths. sq.	1155	15 do.	—	—
—	—	1053	1,000 do.	1156	20 do.	—	—
—	—	1054	1,000 do.	1157	5 do.	—	—
—	—	1055	1,000 do.	1160	1 sq. mile.	—	—
—	—	1056	1,000 do.	1163	20 sq. miles.	—	—
—	—	1057	1,000 do.	1164	20 do.	—	—
—	—	1059	5 sq. miles.	1165	20 do.	—	—
—	—	1060	5 do.	1166	15 do.	—	—
—	—	1061	500 faths. sq.	1167	20 do.	—	—
—	—	1062	1,000 do.	1169	20 do.	—	—
—	—	1063	2½ sq. miles.	1170	20 do.	—	—
—	—	1064	5 do.	1172	20 do.	—	—
—	—	1066	1,000 do.	1174	20 do.	—	—
—	—	1067	5 do.	1175	20 do.	—	—
—	—	1068	5 do.	1177	100 do.	—	—
—	—	1069	5 do.	1178	20 do.	—	—
—	—	1070	5 do.	1179	20 do.	—	—
—	—	1071	5 do.	—	—	—	—
—	—	1072	5 do.	—	—	—	—
—	—	1073	5 do.	—	—	—	—
—	—	1074	5 do.	—	—	—	—
—	—	1075	5 do.	—	—	—	—
—	—	1076	5 do.	—	—	—	—
—	—	1077	2½ sq. miles.	—	—	—	—
—	—	1078	4½ do.	—	—	—	—
—	—	1081	5 do.	—	—	—	—
—	—	1082	500 faths. sq.	—	—	—	—
—	—	1083	4,000 do.	—	—	—	—
—	—	1084	5 sq. miles.	—	—	—	—
—	—	1085	1,000 faths. sq.	—	—	—	—
—	—	1086	5 sq. miles.	—	—	—	—
—	—	1088	5 do.	—	—	—	—
—	—	1093	1,000 faths. sq.	—	—	—	—
—	—	1094	1,000 do.	—	—	—	—
—	—	1095	1,000 do.	—	—	—	—
—	—	1101	5 sq. miles.	—	—	—	—
—	—	1105	5 do.	—	—	—	—
—	—	1106	5 do.	—	—	—	—
—	—	1107	1,000 faths. sq.	—	—	—	—
—	—	1112	4 sq. miles.	—	—	—	—
—	—	1113	3 do.	—	—	—	—
—	—	1114	5 do.	—	—	—	—
—	—	1120	826 acres.	—	—	—	—
—	—	1121	5 sq. miles.	—	—	—	—
—	—	1122	3½ do.	—	—	—	—
—	—	1123	4¾ do.	—	—	—	—
—	—	1125	5 do.	—	—	—	—
—	—	1126	3½ do.	—	—	—	—
—	—	1127	10 do.	—	—	—	—
—	—	1128	5 do.	—	—	—	—
—	—	1129	15 do.	—	—	—	—
—	—	1130	10 do.	—	—	—	—

RETURN of CONCESSIONS which have formed the subject of NOTICES in the GOVERNMENT GAZETTE for the YEARS 1908–1910—*continued.*

A. Mining Concessions other than those in D.		B. Mining Concessions which include Timber or other rights.		C. Timber or other Concessions not being Mining Concessions.		D. Concessions for Petroleum or other Mineral Oils.	
Number of Concession.	Approximate Area.	Number of Concession.	Approximate Area.	Number of Concession.	Approximate Area.	Number of Concession.	Approximate Area.
		WESTERN PROVINCE—*continued.*					
		Leases—continued.					
—	—	1131	5 sq. miles.	—	—	—	—
—	—	1132	5 do.	—	—	—	—
—	—	1135	1·28 do.	—	—	—	—
—	—	1136	1,000 faths. sq.	—	—	—	—
—	—	1137	5 sq. miles.	—	—	—	—
—	—	1139	1,000 faths. sq.	—	—	—	—
—	—	1140	1,000 do.	—	—	—	—
—	—	1141	1,000 do.	—	—	—	—
—	—	1142	1,000 do.	—	—	—	—
—	—	1145	2 sq. miles.	—	—	—	—
—	—	1146	2 do.	—	—	—	—
—	—	1147	2 do.	—	—	—	—
—	—	1149	2 do.	—	—	—	—
—	—	1158	1,000 faths. sq.	—	—	—	—
—	—	1159	1,000 do.	—	—	—	—
—	—	1161	5 sq. miles.	—	—	—	—
—	—	1162	5 do.	—	—	—	—
—	—	1176	2·56 do.	—	—	—	—
—	—	1180	5 do.	—	—	—	—
—	—	1181	5 do.	—	—	—	—
—	—	1182	5 do.	—	—	—	—
—	—	1183	5 do.	—	—	—	—
—	—	1184	5 do.	—	—	—	—
—	138 sq. miles. 6,600 faths. sq. 3,200 acres.	—	1,400·59 sq. mls. 31,500 faths. sq. 1,200 sq. faths. 3,826 acres.		851·39 sq. miles. 200 faths. sq.	—	78 sq. miles.
		Options.					
1011	5 sq. miles.	1032	Area not stated.	Axim. 976	6 sq. miles.	1119	Area not stated.
1025	2¼ do.	1115	Do.	1117	Area not stated.	—	—
1026	5 do.	1116	Do.	1118	Do.	—	—
1049	5 do.	—	—	1173	3,000 sq. miles	—	—
1133	1,000 faths. sq.	—	—	—	(*sic*).	—	—
—	17½ sq. miles. 1,000 faths. sq.	—		—	3,006 sq. miles.	—	—
		CENTRAL PROVINCE.					
		Leases.					
2100	5 sq. miles....	2108	½ mile in width and 5 miles in length.	—	—	—	—
2114	2½ sq. miles	2109	½ mile in width and 4 miles in length.	—	—	—	—
—	—	2113	5 square miles	—	—	—	—
	7½ sq. miles	—	9½ square miles	—	—	—	—
		Options.					
2111	Not to exceed 5 sq. miles	—	—	—	—	—	—
2112	Not to exceed 5 sq. miles	—	—	—	—	—	—
—	10 sq. miles	—	—	—	—	—	—

RETURN of CONCESSIONS which have formed the subject of NOTICES in the GOVERNMENT GAZETTE for the YEARS 1908–1910—*continued*.

Provinces.	A. Area of Mining Concessions other than those in D.	B. Area of Mining Concessions which include timber or other rights.	C. Area of timber or other Concessions not being Mining Concessions.	D. Area of Concessions for Petroleum or other Mineral Oils.	Total.
		SUMMARY.			
		Leases.			
Eastern Province...	Nil	310 sq. miles	Nil	Nil	310 sq. miles
Western Province	138 sq. miles	1,400·59 sq. miles	851·39 sq. miles	78 sq. miles	2,467·98 sq. miles
	6,600 faths. sq.	31,500 faths. sq.	200 faths. sq.	—	38,300 faths. sq.
	—	1,200 sq. faths.	—	—	1,200 sq. faths.
	3,200 acres	3,826 acres	—	—	7,026 acres
Central Province ...	7½ sq. miles	9½ sq. miles	Nil	Nil	17 sq. miles
Total ...	206 sq. miles	3,007 sq. miles	851 sq. miles	78 sq. miles	4,700 sq. miles
		Options.			
Eastern Province...	Nil	*120 sq. miles	Nil	Nil	—
Western Province	17½ sq. miles	†—	‡3,006 sq. miles	§—	3,023½ sq. miles
	1,000 faths. sq.	—	—	—	1,000 faths. sq.
Central Province ...	10 sq. miles	Nil	Nil	Nil	10 sq. miles
Total ...	28 sq. miles	—	3,006 sq. miles	—	3,034 sq. miles

* In five cases the areas are not stated.
† In three cases the areas are not stated.
‡ In two cases the areas are not stated.
§ In one case the area is not stated.

Enclosure 2 in No. 2.

B.

RETURN from DEEDS REGISTRY of AGRICULTURAL and ARBORICULTURAL CONCESSIONS of AREAS exceeding one square mile.

Name of Company, Syndicate, or Person owning Concession.	Area.	Description.	Remarks.
Edward Charles Borghese	8 sq. miles	Agricultural ...	Register Vol. 24, p. 95.
Edward Charles Borghese	12 do.	Do. ..	Register Vol. 24, p. 99.
Anglo-Belgian (Sierra Leone) Corporation, Ltd.	20 do.	Arboricultural ...	Register Vol. 24, p. 111.
Hector Alexander Convelas	20 do.	Do. ...	Register Vol. 24, p. 115.
Anglo-Belgian (Sierra Leone) Corporation, Ltd.	20 do.	Do. ...	Register Vol. 24, p. 120.
Hector Alexander Convelas	20 do.	Do. ...	Register Vol. 24, p. 124.
The African Lumber and Rubber Syndicate, Ltd.	8·39 do.	Arboricultural and Agricultural.	Register Vol. 22, p. 147.
Joseph Daddy	5 do.	Do.	Register Vol. 22, p. 151.
The Darymusu (West Coast) Development Co., Ltd.	5 do.	Do.	Register Vol. 22, p. 431.
James Knowles Murray	14 do.	Do.	Register Vol. 23, p. 35.
Vernon Travers	4 do.	Agricultural ...	Register Vol. 23, p. 94.
Francis George Coles	20 do.	Arboricultural ...	Register Vol. 24, p. 128.
The African Plantations, Ltd.	5 do.	Arboricultural and Agricultural.	Register Vol. 25, p. 153.

SUMMARY of above CONCESSIONS.

Description.	Area.	Remarks.
Agricultural	24 square miles	——
Arboricultural	100 do.	——
Arboricultural and Agricultural	37·39 do.	——
	161·39 square miles	

Enclosure 3 in No. 2.

C.

RETURN from DEEDS REGISTRY of AGRICULTURAL and ARBORICULTURAL CONCESSIONS of AREAS not exceeding one square mile.

Name of Company, Syndicate, or Person owning Concessions.	Area.	Description.	Remarks.
Langoye Lartey	22,500 sq. yards	Agricultural ...	Register Vol. 21, p. 382.
Alexander Cecil Goff	12,000 sq. yards	Do. ...	Register Vol. 21, p. 447.
West African Rubber Plantations, Ltd.	2,610 sq. yards	Arboricultural ...	Register Vol. 18, p. 66.
Kendal Mills and Co.	1 sq. mile ...	Arboricultural and Agricultural.	Register Vol. 25, p. 127.

SUMMARY of above CONCESSIONS.

Description.	Area.	Remarks.
Agricultural	34,500 sq. yards.	
Arboricultural	2,610 do.	
Arboricultural and Agricultural ...	1 sq. mile.	
Total	1 sq. mile 37,110 sq. yards	

Enclosure 4 in No. 2.

SUMMARY of RETURNS of AGRICULTURAL and ARBORICULTURAL CONCESSIONS not exceeding and exceeding one square mile.

Description.	Area exceeding 1 sq. mile.	Area not exceeding 1 sq. mile.	Total.
Agricultural	24 sq. miles ...	34,500 sq. yards ...	24 sq. miles 34,500 sq. yards.
Arboricultural	100 do. ...	2,610 do. ...	100 sq. miles 2,610 sq. yards.
Arboricultural and Agricultural	37·39 do. ...	1 sq. mile... ...	38·39 sq. miles.
Total	161·39 sq. miles	1 sq. mile 37,110 sq. yards.	162 sq. miles 1,246,710 sq. yards or approximately 162·4 sq. miles.

No. 3.

THE SECRETARY OF STATE to THE GOVERNOR.

Downing Street,
12th June, 1911.

SIR,

I HAVE the honour to acknowledge the receipt of Major Bryan's despatch of the 4th of May,* forwarding a return showing the area of all lands in the Colony and Ashanti with respect to which certificates of validity have been issued by the Courts under the Concessions Ordinances, and of his despatch of the 11th of May, † forwarding returns of concessions which have formed the subject of Notices in the Government Gazette during the years 1908 to 1910, and of Agricultural and Arboricultural Concessions exceeding or not exceeding one square mile in area.

2. These returns will prove of great assistance to this Department and I shall be glad if they can be kept up to date by supplementary returns at half-yearly intervals. It is, however, desirable that the period for which each Concession is granted, the consideration given for it, and the person or persons to whom the consideration is paid should be stated, so far as these particulars are on record, and I should be glad if these particulars could be supplied in regard to the Concessions included in the present return, and in the returns to be rendered in the future.

3. The position is not serious at present, but it may become so if the alienation of native lands continues at its present rate, and the native population, which is now comparatively sparse, simultaneously increases, as may reasonably be expected.

4. I should be glad to receive in due course a full expression of your views on the whole question of Concessions.

I have, &c.

L. HARCOURT.

* No. 1. † No. 2.

GOLD COAST.

REPORT

ON THE

LEGISLATION GOVERNING THE ALIENATION OF NATIVE LANDS IN THE GOLD COAST COLONY AND ASHANTI;

With some observations on the "Forest Ordinance," 1911.

BY

H. CONWAY BELFIELD, C.M.G.,
British Resident, Perak, Federated Malay States.

Presented to both Houses of Parliament by Command of His Majesty.
July, 1912.

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REPORT

TO THE SECRETARY OF STATE FOR THE COLONIES

ON THE

LEGISLATION GOVERNING THE ALIENATION OF NATIVE LANDS IN THE GOLD COAST AND ASHANTI.

ITINERARY.

1. I left Liverpool on January 31st by the s.s. "Burutu," and, after encountering rough weather which caused prolongation of the voyage by an additional day, arrived in Accra on February 16th, and proceeded to Government House, where I was cordially received and hospitably entertained by His Excellency the Governor.

2. Amongst the passengers on board was Captain Armitage, C.M.G., D.S.O., Chief Commissioner of the Northern Territories, who was good enough to give evidence to me upon matters relating to Ashanti, with which he had become familiar during tenure of office in that country. I was thus fortunately made acquainted with the views of an officer of great local experience, with whom I could not otherwise have been brought into touch.

3. During the ensuing week I was occupied in the first instance with the preparations necessarily precedent to the opening of my inquiry, and in conferring with His Excellency and the Hon. Colonial Secretary upon various points relating thereto. I had also the advantage of perusing a series of papers dealing with matters of land administration which it was considered desirable that I should see.

His Excellency having made arrangements to leave Accra on an extended tour in the Northern Territories on February 23rd, I left Government House on the preceding day, having accepted the kind invitation of the Colonial Secretary and Mrs. Bryan to make their house my headquarters during the remainder of my stay in the station.

4. I opened my inquiry on February 19th and took evidence from the following officials and gentlemen resident in Accra:—

The Hon. the Colonial Secretary, Major Bryan, C.M.G.
The Hon. the Attorney-General, Mr. Hudson, K.C.
The Registrar of the Supreme Court, Mr. White.
The Director of Surveys, Captain Lees, R.E.
The Secretary for Native Affairs, Mr. Crowther.
The Hon. Mr. Hutton Mills, M.L.C., Barrister-at-Law.
Mr. Dove, Barrister-at-Law.
Mr. Bannerman, Barrister-at-Law.
Chief Mate Kole, M.L.C.

This, the first part of my work, was concluded on February 29th, and on the following day, March 1st, I proceeded to Cape Coast by the s.s. "Mandingo."

5. Arriving at Cape Coast on March 2nd, I was received by the Provincial Commissioner, Mr. Furley, and provided with accommodation at his quarters. Having learnt at Accra by telegram that the chiefs of this province were desirous of presenting themselves in a body on the subject of the Forest Ordinance, I put myself in touch with the representatives of the Aborigines Protection Society on the morning of my arrival. From these gentlemen I learnt that arrangements had been made for a ceremonial meeting of the chiefs with myself on the ensuing Monday morning, March 4th, and that the taking of evidence should be held over until the next day. As it was of importance that the chiefs should have the fullest opportunity of putting their views before me in any manner and with any formalities which appealed to them, I deemed it advisable to concur in the proposals made, though personally unable to anticipate any results of value from such a meeting, and anxious to continue investigations upon my own lines with the least possible delay.

6. The whole of the morning of Monday, March 4th, was devoted to a formal meeting between the chiefs and their elders, the officers and representatives of the Aborigines Protection Society and myself. Chiefs, or their accredited representatives, to the number of about 16, accompanied by their suites and dependents, and aggregating a total of considerably over 500 persons, with some 20 of the leading members of the Society, assembled in the courtyard of the Castle, each chief and his

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suite being marshalled in a separate group. I entered the place of assembly accompanied by the Provincial Commissioner, Mr. Furley, and the District Commissioner, Mr. Williams. I first made a tour of the courtyard and was introduced to each chief separately by Mr. Brown, the President of the Aborigines Protection Society. Then taking my place at the table allotted to me, the chiefs and their suites passed in rotation and formally greeted me.

7. When all had resumed their places, Mr. Brown rose and addressed me to the following effect:—

"SIR,

"THE Amanhin and the Ahinfu of this country and the Gold Coast Aborigines Rights Protection Society here assembled greet you.

"We are grateful to the Right Honourable the Secretary of State for the Colonies for giving us the opportunity of meeting you here to-day on a matter of vital importance to us as a body.

"You have before you here the Amanhin of Anamabu and Abura and of Dominasi and the Regent of Cape Coast, whose predecessors were amongst the signatories to the Bond of 1844. Also the Amanhin of Nkusukum, Denkyira, Tufel, Assin Atanesu. Also the Chiefs of Elmina, Chama, Sekondi, Axim, and others.

"You have also before you the Gold Coast Aborigines Rights Protection Society, which has been in existence since 1897, and of which I have the honour to be the President, and most of whose executive members are related to reigning houses in the country. For instance, I am related to a very prominent stool in Gomoa; Mr. T. F. E. Jones, the first Vice-President, is closely related to the paramount stool of Abura; Mr. J. E. Biney, the second Vice-President, is Chief of a portion of the fighting men of Abura; Mr. W. Coleman, the third Vice-President, and Mr. Casely Hayford, who will address you to-morrow, are both connected with the paramount stool of Cape Coast, and are, in fact, eligible to it. Mr. Barrister Brown, who will also address you to-morrow, is connected with the Abura stool; Mr. J. D. Abraham, our Treasurer, is in his right a big Chief in Nkusukum; and the Rev. Attoh Ahuma, our Secretary, is a Prince of Jamestown, Accra. I might mention such names as Ellis, Gorman, and others, all connected with reigning houses.

"We sincerely trust that your health will be preserved to carry through the important mission entrusted to you by the Right Honourable the Secretary of State for the Colonies."

to which I replied in the terms set out below, my remarks being interpreted to the assembly by Mr. Brown:—

CHIEFS, ELDERS, AND GENTLEMEN,

I AM extremely gratified to have been afforded this opportunity of meeting you here this morning, and I desire to say that I greatly appreciate the magnitude of this concourse, and the signal manner in which your welcome has been extended to me.

I have had, in the course of my official career, some experience of chiefs and headmen and of native communities in other parts of His Majesty's Empire, and I am therefore in a position to judge by comparison, and to assess the value of the ceremonial that has been prepared for me.

You are doubtless aware that the principal object of my mission to the Gold Coast Colony is on the instruction of the Right Honourable the Secretary of State for the Colonies to make inquiries into the system of administration of land as at present prevailing.

But in addition to that duty there has been attached a further question which particularly affects the chiefs, elders, and communities of this Province—I refer to the Forest Ordinance. I understand that the wording of that Ordinance has caused fears to arise in the minds of this community lest action might be about to be taken on somewhat similar lines to that proposed in 1897. I have had an opportunity of perusing the memorial addressed by your representatives to His Excellency the Governor, the memorial addressed to the Secretary of State, and finally the memorial sent to the Secretary of State for transmission to His Majesty the King Emperor.

So far, therefore, as your views and opinions may be taken to have been incorporated in these documents, to that extent I am now in possession of them. I was, however, informed by the Colonial Office that it was your intention to supplement these memorials by a deputation to London, but that the Secretary of State, in the exercise of his discretion, had decided and caused me to be informed that advice to His Majesty regarding this Ordinance would be held over until he had had opportunity of considering my report on the subject.

Now, Chiefs, Elders, and Gentlemen, I have referred to these facts because I wish to impress upon you in the most emphatic manner possible that neither your views nor representations will lose weight because they are being first considered by myself.

Documents in the form of memorials are prepared by your representatives—deputations to London must be confined to such small body of members as may conveniently represent the community as a whole—but I am here for the purpose of obtaining and recording the views and opinions of every chief, elder, and gentleman in this Province who may be able to speak from experience and with authority, and may be desirous of giving testimony on the subject which you are now considering.

I would venture, if you will allow me, to state shortly what I propose to do. I propose to obtain, with the assistance of the Provincial Commissioner, a list of those chiefs and gentlemen whose evidence will presumably be of value. I intend to take their evidence and their views from them word by word. The whole of that evidence will then be

recorded and compiled, and will be laid before the Colonial Office as an appendix to the report which I am instructed to submit. Thus every declared point of view, and every recorded expression of opinion, will be laid upon the table of the Secretary of State. I hope, Chiefs and Gentlemen, that your case will be as fully put forward in that manner as if advanced through the instrumentality of a deputation to London.

Personally I approach the subject with an absolutely open mind. I hope that in this as in other matters of importance with which I have elsewhere been entrusted, I may deal with it in a thoroughly impartial spirit. It will be my duty to consider equally the advantage of the Colony and the advantage of its inhabitants, and you may take it from me that any recommendation that I make will be such as will, in my opinion, tend to such mutual benefit.

As the question of the Forest Ordinance has not yet come up for investigation before me, it is obviously impracticable for me to say more at this stage, and as regards the general subject of my mission—that of land administration—I should explain to you that I have so far only pursued my investigations in and about Accra. Although, therefore, I am at this moment unable to forecast in any way whether it may or may not be necessary for me to make recommendations of alteration, I think I can go so far as to say, that whatever proposals I may put forward will be such as will, in my opinion, redound to the benefit of the Colony, the benefit of the inhabitants, and the benefit of posterity. Also, I sincerely hope that, in respect of both questions, I shall not leave it open to be said at a later date that any person had something to say to me and that I did not give him an opportunity of saying it.

Chiefs, Elders, and Gentlemen, I reiterate my thanks for the cordial reception you have given to me, and I hope that in return for the sincerity of your welcome I may be able to do something for your country and yourselves.

8. At the conclusion of the meeting, the officers of the Society, speaking on behalf of the chiefs and elders, requested that I would permit Messrs. Casely Hayford and Brown, Barristers-at-Law, to address me the next day on the subject of the Forest Ordinance, adding that these gentlemen were authorised to represent the views of all persons in the Central Province interested in the question. Being desirous of giving the fullest opportunity to the expression of public opinion, I assented to the proposal, the Provincial Commissioner kindly arranging that the meeting should be held in the Supreme Court.

9. On the morning of March 5th, before proceeding to the meeting, the Provincial Commissioner handed me a letter from the Secretary to the Society demanding that my examination of all witnesses should take place in open Court.

It was quite in accordance with my expectations that some effort would be made by those responsible for the agitation against the Bill to put obstacles in the way of my interviewing the chiefs privately and separately; therefore, on arriving at the Court, I made verbal reply to the objection taken, informing the officers of the Society that I was unable to accede to their wishes, as the inquiry was of a confidential nature, and I could not permit the evidence taken to be divulged to the public at any stage of the proceedings.

The rest of the day was taken up by Messrs. Casely Hayford and Brown in addressing me on the Forest Ordinance. The text of their speeches, which were somewhat diffuse and reiterative, will be found in Appendix C.

10. On March 6th, I commenced to take evidence from those desirous of acquainting me with their views on the Forest Ordinance, being careful to make it thoroughly understood that I would give a hearing to every person who had opinions to offer. The list of those who attended before me comprised :—

Six representative Chiefs of the Central Province.
Mr. J. P. Brown, President of the Aborigines Protection Society.
Mr. T. F. E. Jones, Vice-President of the Aborigines Protection Society.
Mr. Attoh Ahuma, Secretary of the Aborigines Protection Society.
Mr. Casely Hayford, Barrister-at-Law.
Mr. E. J. P. Brown, Barrister-at-Law.

I also took a statement from Mr. Furley, Provincial Commissioner of the Central Province.

11. Having completed my inquiry at Cape Coast on the afternoon of Saturday, March 9th, I was fortunately able to catch a steamer for Sekondi on the following day. Coasting steamers visit Cape Coast only at irregular intervals; consequently there is always considerable uncertainty as to when it will be possible to leave the station, and the fact that I was able to proceed without losing any time whatever, enabled me to continue my inquiry with less delay than I had anticipated.

I arrived at Sekondi on the evening of Sunday, March 10th, where I was received and entertained by the Provincial Commissioner, Mr. Grimshaw. I continued my

inquiry on March 11th and following days, obtaining the views of the undermentioned officers of the service of the Colony :—

The Provincial Commissioner, Mr. Grimshaw.
His Honour the Senior Puisne Judge, Mr. Justice Gough.
The Acting Solicitor-General, Mr. Adams.
The Registrar of the Supreme Court, Mr. Vardon.

12. On Monday, March 18th, I proceeded by railway to the mining district of Tarquah, accompanied by the Provincial Commissioner, who remained with me during my stay there. Arrangements had been made for me to interview the managers of the principal mines in the neighbourhood, and to take evidence from chiefs who had been concerned in the granting of concessions. In the company of the Provincial Commissioner I also visited the Prestea mine, said to be the largest concern of the kind in the district, and reached by a branch railway line of some twenty miles in length from Tarquah. We there enjoyed the hospitality of the General Manager, Mr. Homersham, and I took the opportunity to look over the settlements provided for the housing of the native labour force.

The evidence taken at Tarquah included statements made by :—

The Manager of the Aboontiakoon mine, Mr. Hay.
The Manager of the Tarquah mine, Mr. Newbury.
The Manager of the Prestea mine, Mr. Homersham.
The Manager of the West African Trust mines, Mr. Bray.
The Paramount Chief of Bensu.
Chief Esselkojo of Bensu.

13. Leaving Tarquah on Monday, March 25th, I proceeded by rail direct to Kumasi, deciding to defer my visit to the mining centre of Obuasi until I had had opportunity of conferring generally on land matters in Ashanti with the Chief Commissioner. Arrangements had been made that the persons to give evidence should attend before me in the fort, and I obtained statements from the Chief Commissioner, Mr. Fuller, C.M.G.; the Cantonment Magistrate, Mr. Risely Griffith; and four of the principal native chiefs resident in or near Kumasi. The latter, however, were not able to supply much information on the subject of mining concessions, as but little land appears to have been so disposed of in the districts over which they preside.

I also made a fairly exhaustive inspection of the town of Kumasi in company with Mr. Risely Griffith, who is one of the officers entrusted with the duty of organising its conservancy.

14. From Kumasi I returned to Obuasi on April 4th, where I was welcomed by Major Rew, the Provincial Commissioner. In this town and its neighbourhood are concentrated the mines of the Ashanti Goldfields Corporation—it is the only field in Ashanti in which mining operations are being carried on at the present time. In addition to taking evidence from the Provincial Commissioner and the chiefs of Bekwai, Adansi, and Koko fu, I visited the " Justice " mine, which presents some unusual features both in formation and in method of development. It consists of a dyke of auriferous rock, of which the upper portion has become partially disintegrated, and is being worked by open cast methods on the top and sides of a somewhat precipitous hill, the ordinary method of driving being only employed in the lower ground.

The town of Obuasi is a settlement of some importance, in which are found a large number of natives who are not employed on any of the mines. It is effectively administered by a Council, of which the Commissioner is Chairman, and the manager of the mines is an *ex officio* member.

My stay in Obuasi was somewhat prolonged by the occurrence of the Easter holidays, as I was unable to continue my inquiry on those days. I concluded my work there on Friday, April 12th, and returned on the following day to Sekondi.

15. I took advantage of my stay at the port to obtain the evidence of the Hon. Giles Hunt, M.L.C., who was absent from the station on my previous visit. I also obtained permission from Mr. Justice Gough to attend his Court and hear a case dealt with under the Concessions Ordinance, but was unfortunately prevented by indisposition from keeping the appointment.

16. The work of taking evidence ended here, and the remaining days spent at Sekondi while waiting for a steamer were occupied with the compilation of notes.

I returned to Accra on the 24th of April, and left for England by the German mail steamer on the 29th, arriving in London on May 14th.

17. I desire to record my great appreciation of the courtesy and hospitality which was extended to me at all the stations which I visited. The assistance which I received from all officers with whom I was brought into contact materially facilitated my work. I am particularly indebted to His Excellency the Governor, to Major Bryan, C.M.G., Deputy Governor, and to the Honourable Giles Hunt, M.L.C., for kindness extended to me in the Colony, and to Mr. Fuller, C.M.G., Chief Commissioner, and Major Rew, Provincial Commissioner, for a most hospitable reception in Ashanti. The tedium of the journey to and from Kumasi was much relieved by the kindness of Mr. Morcom, the General Manager of the Railway, who was good enough to grant me the use of his private saloon carriage.

PART I.

Remarks on the tenure and disposition of Land.

Gold Coast.

18. A review of the period embracing the last twenty years, during which the value of land in the Central and Western Provinces of the Colony for commercial purposes has been proved by the operations of European capitalists, discloses the existence of some diversity of opinion with respect to its ownership. An effort was made in 1897 to establish the right of the Crown to all land in the Colony which was not at that time beneficially occupied, but for reasons to which it is unnecessary to refer here, that contention was eventually abandoned. Since that time the system of land tenure has formed the subject of occasional discussion, but as no authoritative declaration as to the respective rights of the Crown and the people appears to have been made, it seems desirable that I should briefly summarise such facts as I have been able to ascertain relating to the occupation of the land in former days, and express an opinion as to how and in whom those rights are really vested at the present time.

19. In the days prior to the advent of European enterprise in the inland districts, when the operations of white traders were confined to such business as could be carried on from their fortified stations on the coast, the land was of little or no value in the estimation of the people of the country. It is true that the occupation of land was a necessity to them, as they appear to have been dependent for their subsistence upon their crude methods of cultivation, but the area available was so largely in excess of their requirements that there seems to have been no necessity for apportioning the land amongst the various tribes. Gradually, however, as the disposition of the people became less nomadic, and as they settled down to the occupation of different districts, it became an understood thing that the chiefs and members of the tribe had acquired a right of possession in the land which they had for generations been occupying.

20. The next step no doubt was that the people should look to the chiefs and elders chosen by themselves to administer the land on their behalf, for the purpose of ensuring that each family should obtain what was necessary for its own use and sustenance, whereupon the chiefs, having allotted such areas as were sufficient to meet the requirements of all divisions of the people, held the remainder in reserve against the further needs of the future, setting aside portions of it for religious purposes, and generally controlling it in the capacity of trustees for the tribe. It was doubtless in some such manner that what is known as " stool land " came into existence.

21. Notwithstanding the communal principles on which the native system of land tenure was based, and the unquestionable right of every member of the tribe to participate in the use of the land and in the profits accruing from it, the result of the administration of the reserve land by the chiefs and headmen has been that they have by degrees arrogated to themselves the profits arising from such administration, until at the present time the mass of the people derives from it no advantage other than the privilege of cultivating allotted portions, and any revenue which is obtained from it is absorbed by their superiors.

22. The fact that in early times the whole of the land in the country was gradually appropriated by, and divided among, the various tribes, constitutes the foundation of their claim that every acre of land is the property of some tribe, family, or individual. Certainly boundaries were ignored in the past as being of no importance, and there is a general inability to describe them definitely even at the present day, but the people unquestionably know the approximate limits of their respective territories so far as topographical features can settle them, the rectitude of their claim has been admitted by all who have studied the subject during the last ten or twelve years, and I find no reason for disputing it. It must, therefore, in my opinion, be taken to be established that all land belongs to the people which has not been acquired by other parties by specific process, such as cession, purchase, exchange, or inheritance: consequently such general appropriation by the Crown as was contemplated by the Land Bill of 1897 is, in my view, out of the question.

23. If the contention of the people be taken to be established, there remains for consideration the question of the extent to which the Crown has acquired rights over land. The only possessions of the Crown in former days were the fortified stations on the coast which had originally been ceded by, or taken from, the neighbouring tribes as trading centres. In addition to the forts themselves, the right of the Crown has been recognised as extending to such land in the immediate vicinity of the ramparts as could be covered and protected by the artillery of early days.

In addition to the forts and adjacent areas, the Crown has from time to time obtained proprietary rights in various parts of the Colony by purchase, such transactions having been effected either by negotiation or by compulsory acquisition under the Ordinance framed for that purpose.

Lastly, the Crown possesses the inherent right of *ultimus hæres* to any land for which no other owner can be found, but no case has occurred in which that right has been exerciseable.

The only conclusion, therefore, deducible from the above facts is that while the Crown extends its protective authority to all places and persons in the Colony, there is vested in it no right of ownership in any lands save those above mentioned, and any endeavour to extend those rights otherwise than by the legal process of acquisition would amount to a breach of faith with the people.

24. I have indicated above the probable line of evolution by which the tribes came into possession of the lands they at present occupy, and now proceed to describe briefly the principles of tenure which are generally recognised. The land is divided into three classes, stool land, tribal or family land, and individual property. It generally happens that the head of the whole district is a paramount chief, and that his district is partitioned into sub-divisions, each of which is administered by a sub-chief, whose powers over the land in his sub-division are exercised almost independently of the paramount authority—therefore the following description of the manner in which communal lands are dealt with applies equally whether the ruling authority be the chief of a district or that of a sub-division.

25. Stool land is land which is held by the chief in present occupancy of the stool, in association with his elders, as trustees for the tribe. He is vested with authority to allocate portions of it to such members of the tribe as may be in need of land for cultivation, to set aside suitable reserves for graveyards and for the performance of religious ceremonies, to license the collection of forest produce and the taking of game, and to lease, sell, or otherwise alienate such portions as may not be required for tribal occupation. He is usually entitled to receive and retain for his own use a small percentage of the produce collected or a share of the game snared, but he is expected to dispose of any revenue resulting from the alienation of stool land for purposes which will maintain the dignity of the stool, such as the purchase and maintenance of regalia, and discharge of the expenses attendant on periodical ceremonials.

26. The conditions regulating the tenure of tribal land do not materially differ from those appertaining to stool land. Tribal lands appear to be those which have, for reasons not thoroughly elucidated, been disassociated from the control of the occupant of the stool, and are administered by the elders of the tribe upon principles similar to those above described. It is not easy to draw any material distinction between these tribal lands and the sub-divisions administered by sub-chiefs, and inasmuch as the general scheme of control and responsibility is similar in each case,

it is not necessary to do more than draw attention to the fact that the native mind recognises a distinction between the two classes.

27. Individual ownership of land has never been common in the country districts, and where it occurs is traceable either to purchase or inheritance. It is now most commonly found in, and in the neighbourhood of, towns, and generally in the form of a house and its appurtenant grounds, acquired by purchase for residential or commercial purposes. It has attained prominence as a system of tenure only in consequence of the requirements of trade, and having nothing in common with the communal system, which is the subject of consideration here, it requires mention only because it occupies a place in the classification of land which is recognised throughout the country.

28. In addition to these classes of land, mention is sometimes made of family land. This may be land which is the property of the family of the chief, in which case during the occupancy of the stool by a member of that family it will probably be incorporated with the stool land—or for the same reason it may similarly be incorporated with tribal land—but if no member of the family occupies a representative position in the tribe, it must be administered by the head of the family for the benefit of its members in exactly the same way as stool and tribal lands are dealt with for the benefit of the community at large.

29. When the resources of the country began to attract the attention of European miners and capitalists, and the chiefs were approached with requests that they would alienate land for industrial purposes, in respect of which substantial sums would be paid, they were quick to recognise the advantage which would accrue to themselves from the exercise of their right of disposition of the stool land. Their sense of obligation to the tribe in respect of their trusteeship was frequently obscured by their greed for money, and some cases have certainly occurred where the proceeds of concessions granted have been misappropriated to their own personal use. Such fraudulent action has, however, been invariably resented by the tribe, and has resulted in the removal of the offender from the stool.

As a general rule, therefore, and particularly in later years, the chiefs who have granted concessions have been careful to effect the distribution of the proceeds in a manner conformable to the rules of the tribe, but the fact nevertheless remains that in consequence of their own ignorance, and the reluctance of the tribe to press their elders unduly, concessions have been granted upon terms which are unfavourable to the people.

30. This is particularly noticeable when inquiry is made concerning the areas granted. The chiefs and their advisers have no idea, even at the present time, what extent of country is contained in a given number of square miles. They always imagine that what they are granting is a mere fraction of the area which they actually dispose of. Perception of the actual state of affairs does not dawn on them until survey has been effected and the matter has gone too far for alteration. I have been told by almost every chief who has granted a concession, that if he had known the extent of the country which was being sought from him, he would have refused to concede all that was asked for.

31. Ignorance of area and uncertainty regarding inter-tribal boundaries are the causes which are responsible for the occasional granting of overlapping concessions. Either the grantor imagines that he has alienated to A less land than he has actually parted with, and then proceeds to give to B a block which overlaps the concession to A, or the chiefs of contiguous territories, having uncertain knowledge of their common boundary, grant rights to different persons over land beyond the confines of their respective tribal possessions. I have heard nothing to warrant the assumption that any chief has knowingly granted the same piece of land to two different persons, and where such complications have arisen, I incline to the view that it is largely the fault of the grantees themselves, who have not taken the trouble to furnish the chief with full particulars regarding the situation and extent of the land they have sought to acquire.

32. The evidence which has been furnished to me determines with as near an approach to accuracy as can reasonably be expected, the manner in which it is the duty of the chief to dispose of the sums paid to him in respect of concessions. He receives the money personally but with the cognisance of his elders, and it behoves

him to divide it into three parts—one of which is retained by himself, one goes to his stool, and one to his elders. The portion which goes to himself may be expended on the sustenance and adornment of himself and his family—on the improvement or development of his family lands—the erection, enlargement, or decoration of his habitation, and other objects conducive to his comfort and dignity. Occasionally he will use a portion of it to liquidate debts incurred by members of his tribe which they cannot discharge themselves, but this is a voluntary act which, I imagine, does not often absorb any considerable portion of his share.

33. The share which is devoted to the uses of the stool, in addition to being used as previously mentioned, to meet the expense of ceremonies and the cost of regal furniture, is also allocated to the liquidation of stool debts. It appears to have been the case that the chiefs who have had the best opportunity of raising money by concessions are those who have plunged their stools most deeply into debt. In the purely agricultural districts where the applicant for concessions has not yet made his appearance, it is the exception to find that a stool is in debt. Conversely, in the mining districts the stools which are receiving substantial revenues are for the most part deeply involved. To the native mind litigation seems to be one of the joys of life, and differences with his neighbours regarding the ownership of land which has vastly appreciated in value has supplied the chief with the opportunity of indulging his weakness. The debts, which in some instances show a total of four figures in sterling, have been incurred in respect of what was for the most part unnecessary reference to the courts, with attendant expenses in the form of law costs and lawyers' fees. Therefore the discharge of such debts, in whole or in part, merely gives the chief opportunity for the further continuance of the pastime, and benefits nobody but the local lawyers, who naturally make no effort to counteract the proclivity. No money so disposed of can be considered to be laid out to the real advantage of the tribe.

34. As to the third portion, which goes to the elders, that is divided between them, and I have no evidence to indicate that it is devoted to purposes other than the personal benefit of their families and themselves.

35. While, therefore, it seems to be the fact that the chiefs do dispose of the sums which come to them in accordance with the practice generally recognised, it should be observed that the practice itself is at variance with the traditional conditions which underlie the authority vested in the headmen. They are supposed to exercise their authority for the common benefit of the tribe as a body, but they actually spend this money for purposes from which the ordinary members of the community can derive no advantage—therefore the tribe finds itself despoiled of a substantial area of its land for a period which leaves it dispossessed for two or three generations, and receives no sort of compensation for the diminution of its property. The inability of the mass of the people to share either directly or indirectly in the revenues accruing from concessions is an objectionable feature of the present system, and an improvement would be effected if part of the money were set aside to be expended on works for the public benefit of the community, in a manner which I propose to explain in a later part of this report.

36. One very obvious disadvantage attendant on the present system of disposition of concession land by the chiefs and elders is found in the fact that all the negotiations preliminary to the execution of the indenture or deed of agreement are conducted either directly between the applicant and the chief, or through the medium of a lawyer retained by the former. The chief is usually able to ascertain the proposals and requirements of the applicant only with the assistance of an interpreter, who is generally in the service of the applicant and more mindful of his interests than those of the landowners. The knowledge of the situation and area of the land applied for which is derived by the chiefs from the statements made at such interviews is of a very sketchy description. The prevalent ignorance regarding boundaries and areas prevents their realising the true position and extent of what is applied for, and the only point which appeals to them as being of importance is the amount of the consideration money and rent which can be secured as the result of the bargain. It is not suggested that in all cases the natives have been persuaded to part with their lands upon terms less equitable than those which should have been secured, but such has certainly been the case in some instances, and no arrangement can be considered satisfactory which does not ensure that the chiefs shall

receive advice and assistance from some disinterested person cognisant of the situation and condition of the land applied for and competent to form a practical judgment of what may reasonably be leased and what should be paid for it. I have been informed that cases have occurred in which the chief has been sufficiently alive to the fact of his own inability to judge for himself to have insisted that the draft agreement should be considered and explained to him by the District Commissioner before appending his signature to it.

37. If I have succeeded in making it apparent that numerous cases have occurred in which the natives have been tempted to subordinate the real interests of the tribe to their greed for pecuniary gain, and have more readily sacrificed those interests in consequence of their ignorance of what they were actually conceding, then a case seems to have been made out for such official intervention as will put a stop to the improvident disposition of tribal lands. But such intervention must be conducted in a manner which will leave the people assured that their inherent right of disposition of their lands remains in their own hands, and that only such interference is contemplated as will supplement their knowledge of essential details and obviate the risk of their unknowingly making bad bargains, while leaving to themselves the right of election as to whether land applied for shall be disposed of or withheld. On no account must the fact be lost sight of that the land is the property of the people, that a concession is a contract between the landowners and the applicant to which the Government is no party; that intervention must therefore be limited to supervision and guidance only, to the end that improvident alienation may be prevented and only such terms sanctioned as will ensure adequate protection of the rights and requirements of present and future generations. Additionally, it is most desirable that some arrangement should be devised which will preclude the appropriation by chiefs and elders of the whole of the proceeds of the disposition of land for personal or quasi-personal purposes, and will effect the retention of a reasonable portion of such revenues to be expended in works which will benefit the tribe as a whole and those who come after them.

38. The extent of land which has been alienated to Europeans in the Colony up to the present time bears no more than a very fractional proportion to the area which remains; but in using the term "alienated" I must be understood to refer only to those properties the disposition of which has been formally completed by the issue of certificates of validity, and not to include the much more extensive area in respect of which notices have been filed under the Concessions Ordinance, most of which have cumbered the books of the Court for many years, and of which only a small proportion will be further proceeded with.

39. I have been furnished by the Director of Surveys with a valuable table which I append here, giving details of the land disposed of year by year during the last decade:—

Year.	Square miles.					Remarks.
	(*a*) Mining other than those in (*d*).	(*b*) Mining with other rights.	(*c*) Timber and others.	(*d*) Petroleum and other mineral oils.	(*e*) Total land alienated.	
1901	3·529	—	—	—	3·529	C. of v. No. 1.
1902	8·991	6·142	—	—	15·133	
1903	69·307	21·658	—	—	90·965	
1904	110·652	20·957	—	—	131·609	
1905	86·734	22·939	—	—	109·673	
1906	15·695	10·000	15·000	—	40·695	
1907	29·953	2·105	3·332	—	35·390	
1908	29·639	1·489	36·913	—	59·041	
1909	—	—	145·920	—	145·920	Mamponsee Timber.
1910	22·717	21·283	1·366	—	45·366	
1911	38·360	20·112	2·136	141·148	201·756	
Total	406·577	126·685	204·667	141·148	879·077	

Approximate total area of Colony—24,300 square miles.

From this we learn that the extent of land alienated does not at the present time amount to one twenty-seventh of the area of the Colony, and it is apparent to anyone who passes through the country that the wide expanse of untouched forest land is vastly in excess of the requirements of its population.

40. I believe it will be found that misconception with regard to the area alienated has arisen in the minds of people in England through inability to distinguish between those lands the disposition of which has been finally completed by the issue of certificates of validity and those which are locally referred to as being " under notice." The latter are those in respect of which notice has been filed in accordance with the provisions of Section 9 of the Concessions Ordinance; but in the vast majority of instances no further action is contemplated, and they continue to congest the Court records only because no efficient machinery has been provided for their removal. Still, so long as they are there they must be included in any compilation of lands which are subject to the provisions of the Ordinance and within the cognisance of the Court, and as they aggregate in area a total exceeding three thousand square miles, it is easy to understand that the inclusion of such figures in any return of lands alienated must convey a totally erroneous impression of the extent to which it has been disposed of.

41. I understand that suggestion has been made to the effect that the process of acquisition of land by Europeans is unduly contracting the area which should be retained by the natives, and that such contraction may result in partially depriving them of their legitimate and principal means of subsistence. Also that the contention that they may suffer such deprivation is based on the assumption that the population is increasing.

To deal with the latter point first, I have obtained no information which I can accept as reliable evidence that such increase is taking place. I cannot place faith for the purposes of comparison in the figures furnished by the recent census, because even if they are accurate in themselves, the figures recorded on previous occasions are admittedly so unreliable that no sufficient basis for comparison exists. I have been told by those who are most likely to make unbiassed statements on the subject that no advance in numerical strength is apparent; that no growth in the number or extent of villages is noticed, and on the other hand that the rate of infant mortality is undoubtedly very heavy. It is possible that some increase may be taking place in the more flourishing agricultural districts of the Eastern Province, but I consider that no ground exists for belief that there is a general advance in the numbers of the native community throughout the Colony as a whole.

42. As regards the sufficiency or otherwise of the lands remaining in the hands of the people to satisfy their requirements, I would point out in the first instance that in no part of the Colony other than those districts in which the cultivation of cocoa has been taken up does any family or individual require more than a comparatively minute area for cultivation and sustenance.

It is somewhat unfortunate that the term " farm " should have been accepted as the usual designation of these native holdings, as the use of the word is calculated to convey a totally erroneous impression of the nature and extent of the agricultural industry so described.

To those not personally conversant with the methods of the West African native, the use of the word implies the existence of a homestead surrounded by a substantial area of efficiently tilled land. Nothing could be further from the reality. The native contents himself with partially clearing a little corner in the bush, into the soil of which he inserts the seeds and roots of his prospective crop without any attempt at system, and having done so he leaves it to take its chance. Its growth is a struggle for existence with weeds and undergrowth, and it is so smothered by the encroachments of bush plants that it is no easy matter to distinguish the line where the " clearing " ends and the untouched forest growth commences.

The farm of the West African represents a hardly higher form of agriculture than that exhibited in " Sakei " clearings in Malaya.

43. A plot of from half-an-acre to two acres in extent is all that the native is able to make use of. Such plots are dotted about the bush country at irregular intervals and without uniformity or system, each cultivator apparently selecting the locality which he personally fancies. Such microscopic attempts at the crudest form of agriculture make so little impression upon the country-side as a whole that it is

possible to observe from a hill-top many miles of forest in which only two or three attempts at clearing can be detected. I have no hesitation in expressing the opinion that the extent of the forest and bush lands now available for exploitation by the native farmers is far in excess of anything which they can possibly make use of for very many years to come. Unless indeed the population doubles or trebles itself and the permanent cultivation of large areas is substituted for the present practice of scratching minute lots, I see no prospect that the land in beneficial occupation by natives will ever be more than an unimportant part of the whole area available.

44. Moreover, it must not be assumed that the disposal of lands for mining or timber concessions has deprived the people of the use of them. It is incumbent on the Judges of the Supreme Court to satisfy themselves that continued use of the surface for cultivation, hunting, and other purposes is assured to the native population, and it appears to be the fact that in some cases, such as that of the Prestea concession, the advantage offered by the proximity of a market for their produce has caused the people to come in and cultivate the ground within the limits of the conceded area in far greater numbers than ever occupied it before the industry of the white man created a centre of attraction.

45. The opinion appears to be generally held by Europeans and natives alike that the presence of the mining industry in their midst is advantageous to the African population, and that opinion seems to be founded on reasons which go far to substantiate its accuracy. It is a matter of complaint that the people of the country do not seek employment in the mines to the extent that the companies would like, and that the labour force is for the most part composed of foreigners brought in from other parts of the continent. A large number are nevertheless attracted from the villages in the Central and Western Provinces by the high rate of wages offered, and most of the chiefs I have interviewed have been able to speak of young men who go from their villages to the mines and return later on with money in hand. Of course, the comparatively high rate of pay that can be earned is counterbalanced to some extent by the additional expense of living in a mining centre and by the existence of various forms of temptation to spend money as it is earned, but the fact remains that they usually cease work in possession of a balance which enables them to return to their villages as persons of substance, while those who have qualified as blacksmiths or carpenters or in other forms of skilled handicraft pursue their calling in the country to the undoubted benefit of their neighbours.

46. The permanent cultivation of land on scientific lines and under European supervision seems to have so far made little or no headway in the Colony, but should the time arrive when the planter acquires and develops land, it seems clear that his example will prove at least equally valuable to the native, who will have opportunity of studying the method of preparing the soil, of planting the trees, and of treating the crop for the market. The average native of the Colony cannot be credited with energy, or with any real desire to improve his position by personal exertion, but the success which is attending the introduction of the cocoa industry seems to indicate that he will follow an example which holds out prospect of profit, and may be expected to take interest in any agricultural project if assured that it will pay. On the whole, therefore, it is reasonable to assume that the presence of European industries in their midst is conducive to the material advantage of the people.

Ashanti.

47. As British occupation of the Ashanti country followed the conquest of its people, the position secured by the Crown on assuming the administration of the territory was very different from that which obtained in the Gold Coast Colony. The powers of the Government in the Colony have never exceeded those of a protecting authority, and no rights of ownership over land have been exerciseable except where obtained by cession or purchase. In Ashanti, on the other hand, the Crown, as the conquering Power, was in a position to dictate terms, and had the lands of the country been proclaimed at the time of conquest to be the property of the Crown, they would unquestionably have so vested. It is not necessary to examine here the reasons which caused the Crown to abstain from making such proclamation. It is sufficient to know that no steps were taken to acquire proprietary rights over the

land—the claim to ownership which might have been enforced at the time of occupation was waived, and cannot now be asserted. Consequently the conditions of land tenure previously recognised by the people remain unaffected by British intervention, and the right of the chiefs and tribes to their communal land must be admitted.

The only exception occurs in the case of the town and suburbs of Kumasi, where all land situated within a radius of one mile from the fort has been declared to be the property of the Government.

48. The system of native land tenure prevailing in Ashanti is in no material point dissimilar to that which obtains in the Colony. The general principle of tribal property administered by the chief and his elders on behalf of the people is observable from the coast to the hinterland, varied only in matters of minor detail by local custom. Land in Ashanti seems to be generally divisible into two classes only—stool land and family land—the powers and duties of the chiefs and elders in respect of its disposition being identical with those exercised by the headmen in the Colony, while they are subject to similar responsibility in respect of the disposition of funds accruing from the grant of concessions.

Individual ownership of land has not been a recognised form of tenure in the past. Temporary occupation of portions of the tribal land gave the people full scope to carry on their shifting cultivation, and nothing in the nature of a permanent right was required or contemplated.

49. Probably in consequence of the deference which the people naturally show to the representatives of the conquering nation, the relations between the Government officers and the chiefs appear to be closer and more harmonious than is the case in the Colony. I have observed in Ashanti none of that jealousy of interference which imbues the minds of many of the headmen in the Gold Coast—on the contrary chiefs here seem to be desirous of obtaining assistance from the ruling Power, and voluntarily seek advice from the local officers when contemplating the alienation of land. No chief in Ashanti would think of signing an agreement for a concession until it has been examined and explained to him by the Commissioner—it may, therefore, be anticipated that they will welcome any arrangement whereby the efficient administration of alienated lands will be assured to them, so long as there is reserved to them the right to decide whether areas applied for shall be leased or retained.

50. Up to the present time the chiefs in Ashanti have had little or no opportunity of making money out of mining concessions. Various areas have been leased from time to time, but no mining by Europeans is now going on in the country, with the exception of that proceeding at Obuasi on the block of 100 square miles acquired by the Ashanti Goldfields Corporation from the Chiefs of Bekwai and Adansi, and some dredging operations by the Ashanti Rivers Company. Some of the other conceded areas appear to have been exploited, but work has closed down, and in the majority of cases no rent is being paid, and the concessions appear to have been abandoned by the lessees. The chiefs have expressed to me their distress at the lack of European enterprise in their territories, and have emphasised their anxiety that the white man shall come in and open up their country, explaining that it is only by means of his presence and example that they and their people can expect to become more prosperous.

51. The cocoa industry appears to be making more headway in Ashanti than in either the Central or Western Province of the Colony, and the necessity for creating a form of land tenure in the nature of individual ownership is therefore becoming apparent. At present a member of the tribe may occupy and plant the tribal land free of charge, and subject only to the liability to deliver a portion of his produce to the chief—in the case of cocoa, one-tenth—but he holds no title to the land, and appears to have no power to dispose of it in his lifetime, neither can he ensure continued possession by his family after his death. If the people are really going to take seriously to planting enterprise, they will have to admit into their system of land tenure an exclusive right to land, which has only been recognised up to the present time in the case of concessions to Europeans.

52. I have failed to find in Ashanti, as in the Gold Coast, any reliable evidence to support the suggestion that the population is increasing. Considerable numbers of natives from other parts of the coast have come into the country since it has been pacificated, but the people of Ashanti can point to no indication of increase among themselves except such as may possibly be deduced from the fact that their numbers

are not now depleted by continual warfare. The Provincial Commissioner at Obuasi, who has been at some pains to study the question, goes so far as to express belief that the numbers are decreasing. He bases this opinion upon his personal observation of diminution in the population of villages, and upon the fact that infantile diseases carry off a large percentage of the children. He has frequently met with instances in which only two children have survived out of a family of five.

53. But whether the population is gradually increasing or otherwise, there can be no question as to the sufficiency of land in Ashanti for native uses. The maximum amount which the people can beneficially occupy at the present time is merely a fraction of the area available, and the extent of that which has passed into the possession of Europeans is also relatively small. So far, indeed, from there being any probability that the natives may be deprived of land which is requisite for their needs, it is matter of regret to the chiefs and people that the white men have done so little to develop the country, and they are right in thinking that encouragement of European enterprise is the best way to effect the betterment of their territory.

54. Out of an area of 24,800 square miles, 408 square miles have been alienated as concessions, as shown in the appended table:—

Year.	Square miles.					Remarks.
	(*a*) Mining other those in (*d*).	(*b*) Mining with other rights.	(*c*) Timber and others.	(*d*) Petroleum and other mineral oils.	(*e*) Total land alienated.	
1897	100·000	—	—	—	100·000	Ashanti Gold Fields.
1906	6·367	70·000	—	—	76·367	
1907	5·000	142·190	—	—	147·190	
1908	—	69·970	—	—	69·970	
1909	—	—	—	—	—	
1910	—	—	—	—	—	
1911	5·000	10·000	—	—	15·000	
TOTAL ...	116·367	292·160	—	—	408·527	

Approximate total area of Ashanti—24,800 square miles.

Practically the whole of this area is divided between three concessions—the Ashanti Goldfields, the Ashanti Rivers, and the Ofin Rivers.

Almost the whole of Ashanti, therefore, remains available for future development, and the interests of the country will best be served by encouraging the introduction of European capital both for mining and planting work, and by offering reasonably attractive terms to those who are able and willing to exploit the resources of the country with efficiency and despatch.

PART II.

Observations on the Concessions Ordinances and the procedure thereunder.

GOLD COAST.

55. The Gold Coast Concessions Ordinance, No. 14, of 1900, was enacted without any preamble declaratory of the circumstances which rendered it expedient to introduce the law, and to prescribe the procedure therein laid down, neither does there appear to have been appended to it any statement of "objects and reasons" which would make clear to the student the purport of its provisions. In the absence, therefore, of such formal methods of explanation, the reasons which prompted the promulgation of the legislation set out in the text of the measure must be largely matter of conjecture.

56. The necessity of formulating some scheme whereby the disposition of land by native owners should be regulated and controlled was made apparent in the course of the discussion which followed the introduction of the Land Bill of 1897, but it is

not clear why the unusual course was taken of placing the jurisdiction in matters of land administration in the hands of the Judicial rather than those of the Executive Authority; that being a course which, so far as I am aware, has not been adopted or found necessary in any other Colony or Dependency of the Empire. Possibly regard was had to the fact that at that time relations between the native chiefs and the Executive Government were somewhat unduly strained, and it was considered that the people would feel more confidence in, and accept with less reluctance, the decisions of the Court. But whatever the reasons which prompted the publication of the Ordinance in the form in which we find it, and the introduction of a system which was obviously an experiment, its continuance can only be justified if it can be shown that the procedure is as expeditious, as economical, and as effective as the alternative system, and that the experience of intervening years has disclosed no material defect either of principle or practice.

I believe that I shall be able to show that defects do exist in the Ordinance which seriously detract from its efficiency, and examination of the evidence which I have taken will show that those whose opinions on the subject are of the more value are unanimous in adverse criticism of the prevailing system, the only noteworthy exceptions being the Attorney-General, who has had no experience of any other form of procedure, and the chiefs and educated Africans of the Central Province, who openly express their distrust of any action taken by Government in relation to land.

57. The first point to be noticed is that the scheme of land administration propounded by the Ordinance is partial only, that is to say, it provides machinery for exercising control over the disposal of mining lands and areas allocated for the collection of natural forest produce, but it omits to invest the Court with jurisdiction to inquire into concessions for agricultural purposes, and designedly places in the hands of the Executive Authority the power which it has abstained from conferring on the Court. This may be ascertained by reference, in the first instance, to the definition of " concession," which limits the meaning of the term to documents granting rights to natural products on or beneath the surface of the soil. The limitation which the definition has effected by implication is expressly created by Section 3, which empowers the Governor in Council to exclude from the operation of the Ordinance any class of concession which does not create a right in respect to minerals; and that power has been exercised by the publication of an Order in Council under Section 3, excluding agricultural concessions from the scope of the Ordinance, and providing that such concessions as cover an area exceeding one square mile shall be ratified by the consent of the Governor in writing endorsed upon the deed of grant. The outline of the present system, therefore, is that the Court inquires into and approves concessions conveying the right to work minerals and to collect natural forest produce—that the Governor approves agricultural concessions exceeding one square mile in area, but is not directed to make any inquiry into the terms and conditions agreed upon, and that concessions for agricultural purposes not exceeding one square mile in area are subject to no inquiry, and require no approval by anybody.

Personally, I can see no reason why such division of authority should have been deemed desirable, nor has any theory of elucidation been offered to me here. An efficient system of land administration should provide machinery for dealing with all classes of land over which it is desirable to exercise control, and in so far as the Concessions Ordinance fails to establish such comprehensive system, to that extent it must be adjudged to be imperfect and unsatisfactory.

58. In order that the observations which I have to make upon the provisions of the Ordinance, and the procedure thereunder, may be comprehended without preliminary study of the text of the measure, it may be helpful if I set out here a brief description of what takes place between the first application for a concession, and the grant of a certificate of validity, and then proceed to comment seriatim on those points to which it appears that exception may be taken.

59. The applicant for a concession, in the first instance, approaches the chief of the district, either personally or through the agency of a lawyer, and describes to him and his elders, orally, and through an interpreter, the situation and area of the land which he desires to acquire, and the purpose for which he wants it. When the chief has been made to comprehend these particulars as far as possible, and has expressed his willingness to grant the land, the parties proceed to bargain as to the amount of consideration money and rent to be paid in respect of it. When terms

have been finally settled, all details are embodied in an indenture or deed of agreement, written in the English language, which is usually read over and explained to the chief and his councillors by the English-speaking clerk, but as these documents have usually been drawn in the complex language employed by conveyancers, the value of the explanation given by a superficially educated African may be left to the imagination. Finally, the document is signed in duplicate by the respective parties, and one copy is retained by each.

60. The applicant having obtained his deed, proceeds to have it stamped, and within the period of six months next following the date of the document must file with the Registrar of the Court a notice embodying all particulars concerning the concession, together with such documents as he relies on to support his claim (Section 9). A declaration that such notice has been filed is then sent by the Registrar for publication in the Gazette, and intimation to the same effect is fixed on the notice boards of every Court (Section 10).

Then for the first time the matter comes within the cognisance of the judge, who, by examination of the signatures appended to the deed of concession, ascertains as far as he is in a position to do so, the names of the persons whose evidence appears to be material to the inquiry. Orders having been issued for the attendance of these persons, and a date fixed for hearing after an interval which allows time for the witnesses to travel from distant inland districts, the case is called for inquiry.

61. At this inquiry the Court confines itself to ascertaining, by means of such evidence as is available, whether the proper persons are parties to the deed, whether they thoroughly understand its contents, whether the terms are reasonable and sufficient, and whether the customary rights of the people have been protected (Section 11), and if satisfied on all these points, proceeds to make an order for the survey of the land, leaving further action in abeyance until the survey has been completed and the plan furnished.

The order of survey made by the Court will not become operative until the applicant has deposited the prescribed fees with the Director of Surveys, but when such payment has been made, and the work completed, usually after a prolonged interval of time, the Court will reopen the inquiry as soon as the plans are before it, and unless some complication arises, will proceed to prepare and issue a certificate of validity to be attached to the deed of concession (Sections 15, 16).

Such is the procedure in straightforward cases in which no conflict of interest arises, but disputed cases also occur in which opposition to the claim is entered (Section 12), when the inquiry will assume the aspect of the hearing of a civil suit, the proceedings are usually of a prolonged nature, and the costs become as heavy as those incidental to other forms of litigation.

62. When we come to analyse the procedure above summarised, the existence of a weak point in the initial stage becomes apparent. The Court takes no cognisance of, and has no jurisdiction over, the arrangements between the parties which are precedent to the filing of notice under Section 9. Consequently, these negotiations are carried on without the knowledge or intervention of any officer, either of the Government or of the Court, with the result that terms may be agreed upon which are not sufficiently understood at the time by the native grantor, and are only realised by him when matters have progressed too far for alteration. No arrangement can be satisfactory which leaves the native landowner wholly in the hands of the applicant at any stage of the proceedings, and which fails to provide him with that official advice and guidance which is the only means by which his interests can be certainly and effectively protected.

63. Section 9 (1).—It is not apparent why the holder of a concession should be given so long a period as six months within which to file notice. If he really intends to develop his concession with reasonable expedition, there is nothing to prevent him from complying with the terms of the section within very few weeks. Moreover, the longer the period during which inaction is permissible, the greater the risk of conflict of interest arising later on, in consequence of the disposition of the same area to different parties.

64. Additionally, it is deficient in that it fails to provide for registration of the deed of grant in the office of the Land Registry. The filing of notice and accompanying documents with the Registrar of the Court serves only to bring the matter within the cognisance of the judicial authority. Registration in the office which is

responsible for the custody and compilation of land records is essential if the Government desires to obtain complete information regarding all such transactions.

65. Further, the Legislature, having conceded a period of six months to commence with, appears to contemplate a seemingly indefinite extension of that period subject only to the payment of a fine (Section 9 (2)). The provision of a pecuniary penalty for such default as is here referred to is objectionable. Indefensible delay or inaction on the part of the holder of the concession should be dealt with by cancellation of his right, and such forfeiture should be automatic, eventuating without the instrumentality of any special order of the Court.

66. When that stage of the proceedings has been reached where notice has been filed and the necessary publication of its particulars effected, the Ordinance is searched in vain for any provision compelling the concessionaire to prosecute his claim with diligence. He is under no obligation to take further action, and so long as he continues to pay to the grantor the rent reserved by the deed of grant, his claim remains alive, but may lie dormant as long as he chooses to allow it to do so. The omission of any such provision is one of the gravest deficiencies noticeable in the measure, for not only does it preclude the Government from forming any accurate estimate of lands alienated, but it constitutes a perpetual menace to those who are seeking land with the intention of developing it effectually. There are at the present time some hundreds of concessions " under notice " recorded in the books of the Registrars of the Court. Many of them have stood there for ten years or more, and though in a great many cases proceedings have probably been abandoned, there is nothing to prevent any such claim being further advanced if the claimant thinks it worth his while to do so. Consequently those who may desire to obtain concessions at the present time have to face the risk of finding their applications opposed in the Court by the holder of one of these claims " under notice," who, having left it in abeyance for years, brings it forward when he finds that the land comprised in it has formed the subject of a later application, in order that the more recent applicant may be driven to buy him out. It appears that the only means by which such claims can be expunged from the registers is by motion in Court to that effect by the Law Officers of the Crown. I cannot,however, find that such a course has been adopted in practice—indeed the number of claims still outstanding is evidence to the contrary —but, although the procedure is cumbrous, it is regrettable that it has not been consistently resorted to.

Obviously a section should have been provided, prescribing that every claim not brought before the Court within a certain period after the filing of the notice should automatically lapse.

67. The enumeration in Section 11 of the duties imposed on the Court when making inquiry into the terms of a concession leads to consideration of the extent to which the Court is capable of carrying out those duties, and incidentally, to comparison of the efficacy of control by the judicial and executive authority respectively. The first stage at which the Court takes part in the proceedings is that in which the judge issues his orders for the attendance before him of those persons whose evidence he may deem to be necessary. In making such order he suffers from a disadvantage inevitable to his position. His Court and station is situated at a considerable distance from the locality in which the concession area is situated. He has no personal knowledge of the land, or of the people who own the land and are responsible for its disposal. He is dependent for information as to the proper parties to be summoned on the names which appear on the deed of grant, possibly supplemented by others supplied by the applicant or his counsel. He does the best he can under the circumstances to ensure the attendance of all responsible persons, but it is always possible that the name of some material witness may be omitted. Compare this with what would take place if the inquiry were in the hands of an executive officer. He would be the officer responsible for the administration of the district. He would make himself acquainted with the situation and condition of the land applied for by personal examination. He would know, and be known by, the chief and elders of the tribal owners, and would be in a position to determine with exactitude who are the persons to be consulted.

68. Later on, when the inquiry is under weigh, the judge is required to satisfy himself of the adequacy of the consideration paid for the concession, but no scale or standard of adequacy is laid down for his guidance, and there is, as a rule,

no evidence before him which bears on the subject. In the absence of such assistance, and of any testimony indicative of the value of the property, it is difficult to see on what basis his decision can be framed—therefore, it is not surprising to hear that different Judges have held widely divergent views as to the amounts which should be paid, and in some cases have made orders which the parties have been unable to carry out. One instance has been quoted to me in which the Judge raised the consideration money to a figure which, in the opinion of the applicant, was in excess of the value of the property, and he consequently withdrew his application, only to be approached later on by the native owner, who begged him to hold the concession at the lower price at which they had originally agreed. I do not, in this case, argue that a more accurate estimate of value would be made by an executive officer, but I suggest that the standards of payment ordinarily expected and made in respect of different classes of concessions are now so generally recognised that it should be practicable to prescribe rates which will be generally acceptable, and thus remove from the controlling authority the power of imposing conditions which may occasionally bear hardly upon one or both of the parties interested.

69. Further, there is another point relating to the payment of the consideration in which the law is at present constituted leaves much to be desired. The Court is enjoined to satisfy itself as to the adequacy of the amount, but it has no jurisdiction to supervise or control the distribution of the money when paid to the grantor. It is believed that in practice the money is distributed in accordance with the customs of the tribe, but it would be more satisfactory if it were paid out by a local officer cognisant of the persons really entitled to receive it.

70. Notwithstanding the difficulty which the Judges must experience in obtaining complete and reliable evidence upon all points incidental to the inquiry, it is startling to find that they are empowered to modify terms and to impose conditions of any description and to any extent which they may see fit. It is not, of course, suggested that any Judge would utilise that power to impose arbitrary or unconscionable terms, but cases may occur in which Judges may from ignorance of local circumstances inadvertently make orders which will be productive of hardship. The Court is wholly independent of the higher executive authority, and its orders can only be reviewed in contentious matters when an appeal is possible. In the case therefore of inquiries into unopposed concession cases, any order made by the Court must stand. Mr. Justice Gough, who has had some three years' experience of concession cases in the Court of Sekondi, and who expressed himself as strongly in favour of the transfer of jurisdiction in concession cases from the Court to the executive, referred particularly to Section 13, and stated that in his opinion it was not right that such unlimited power should be given to any Judge, because his orders are not subject to revision, adding that if erroneous or unreasonable orders are made by an executive officer, there is always a higher authority to put him straight. This expression of opinion, coming from the only Judge now in the Colony who has had any experience of concession work, furnishes an important argument against continuation of the present system, and supplies one substantial reason for divesting the Court of its jurisdiction in such cases.

71. The first stage of the inquiry by the Court usually terminates with the issue of an order for survey, entailing procedure which renders the applicant liable to incur considerable pecuniary loss through no fault of his own. The requisition for survey will not be entertained until he has deposited the fees in accordance with the prescribed scale, amounting in many instances to some hundreds of pounds. But when he presents the plan and the inquiry is continued, it may happen that opposition is entered, and that in the end he will not obtain his certificate of validity. In such case the survey fees paid would be lost. I have been unable to trace the actual occurrence of such a case, but it is sufficient for my purpose that the contingency exists. I think that no person should be compelled to pay money until the possession of that for which he pays is assured to him, in other words, no man should be called upon to pay survey fees until the land for which he applies has been approved to him, and as such postponement of payment seems to be impracticable under the Concessions Ordinance, the system which enforces the present arrangement appears to be inequitable.

72. I do not find that exception can be taken to that part of Section 19 which prescribes a limit of 99 years for the duration of any description of concession. A

desire has been generally expressed by the chiefs that the term should be shortened, but no good reason has been advanced for further limitation, and I hold that the wish of the chiefs is mainly prompted by the desire to get back into their own hands properties which have been proved to be valuable in order that they or their successors may reap the advantage of disposing of them a second time. In the case of those mining lands which are payable only by working at deep levels, it is improbable that a consistently remunerative area could be worked out within the period allotted by the certificate. Concessions of the right to cut timber would probably be worked out in less time, but I do not propose to discuss them here, as I am not in favour of their continuance, and shall suggest for adoption an alternative system in a later part of this report. Concessions for agricultural purposes, which are not at present subject to the provisions of the Ordinance, will probably be utilised for the cultivation of products the life of which will never exceed 99 years, so I consider that the period at present prescribed may reasonably be adhered to.

73. The latter part of Section 19 recognises the legality of " options "—a very undesirable form of temporary interest in land, which has been elevated to the dignity of a " concession " by the definition of that term, but has not itself been explained or defined in Section 2. The objection to the recognition of options is that they can be made use of by unscrupulous speculators and promoters to persuade people that they have property to sell which is not in fact at their disposal. So long as a person can obtain for a small sum an option of selection for three years over an extensive area, he is able to acquire a document which may be accepted as a title by people in Europe not conversant with the conditions of tenure in the Colony. Such document is thus invested with a marketable value to which it is not entitled, and it is only when it has changed hands that the purchasers discover that they are in possession of nothing more than a right of selection contingent on the disbursement of a further substantial sum. Presumably recognition was given by the Ordinance to this form of interest in consequence of representations that time must be allowed, and facilities given for the examination of likely areas, before selection can be made. This is undoubtedly necessary, but it is not necessary and it is not desirable that the facility should take the form of an option. The time required by the miner for examination of the land, and his right of ultimate selection, can be secured to him by remodelling the system of prospecting licences in a manner which I shall explain later on, so that while his legitimate interests are protected, he will be afforded no opportunity of foisting upon a credulous public a document which gives rise to misconception and is instrumental in causing pecuniary loss. Whatever form of procedure is adopted in the future, the practice of granting options should no longer be countenanced.

74. I consider that Section 20 is open to criticism on the ground that the area which may be included in any mining or timber concession is in excess of that which is desirable. In the case of mining concessions I shall explain later on the reasons which lead me to recommend a reduction of area, and in that of timber concessions I shall offer for consideration an alternative system, which, if favourably received, will put an end to the granting of concessions for rights of this nature.

75. Section 26 provides that all rents and other periodical sums payable under any certified concession to a native shall be deposited with the Treasurer at Accra, by whom it shall be handed to the native landowner. I concur in the propriety of so regulating the payment that it shall not be made to the native direct, but it is a needlessly awkward arrangement to impose upon the Treasurer the duty of receiving and passing on all these sums. The money is usually due to a chief residing at a long distance from Accra, of whom the Treasurer has no personal knowledge. I can therefore see no reason why this officer should be selected for the work. Experience appears to have disclosed the difficulties attendant on the system, as it has been modified by Rule 3, made under Section 4, regarding the payment of rents. Here the duty has been distributed between the Treasurer at Accra and the officers in charge of the Treasury chests at Cape Coast and Sekondi, but even this arrangement does not go far enough, and the preferable course appears to be to impose the duty of receiving and paying out the money upon the officer in charge of the district in which the land is situated, who is presumably in touch with the chief and is certainly in residence in his neighbourhood.

76. Sections 27 and 28 deal with prospecting and mining licences, and have

established a system which I think may be varied with advantage in a manner which will be indicated later. Objections to the present arrangement are:—

(i) That the prospecting licence can only be issued under the authority of the Governor himself.

(ii) That it conveys a general authority to prospect in any part of the Colony; yet does not vest in the holder the right to make examination of any specific area, because the consent of the chief to such examination has not been obtained. It thus fails to exhibit the essential elements of a prospecting licence; that is, authority to the holder to test and make selection from a particular locality.

(iii) That the period for which the licence will remain in force is unlimited.

77. The last section upon which I desire to offer comment is No. 54, and my remarks have reference to that part of sub-section (*a*) which empowers the Government to take possession of any part of the land comprised in a concession without payment of compensation except in respect of interference with works or improvements erected or made by the holder of the concession. This section was presumably inserted in conformity with the policy enunciated by Section 6 (6) of the Public Lands Ordinance, 1876, which provides that compensation for acquisition shall not be awarded to any party in respect of unoccupied lands.

It is not easy to see upon what grounds this policy can be held to be justifiable. Whatever the value of the land may be, it is the property of the chiefs and their people, and their right to it should be recognised by the payment of a nominal sum as consideration for acquisition in cases where no beneficial occupation is proved and no improvement has been effected. In the case of concession areas, compensation to the lessee for disturbance or interference should be an additional liability.

78. The object which was sought to be attained by the introduction of this Ordinance was that every concession of mining or timber rights should be subjected to inquiry by the Court and its continuance made dependent upon the grant of a certificate of validity. It is not, however, certain that the law really effects all that was intended. Reference to and approval by the Court is no doubt necessary if the claim of the concessionaire is to be made secure from trespass and interference, but if a man who has obtained his grant from a chief is under no apprehension that his rights will be opposed or contested by others, and is prepared to take the risk of such a contingency, there is nothing in the Ordinance to prevent his working the land without coming to the Court at all. Such risk would not be taken in the case of a mining concession involving a large outlay of capital, but it might be worth while to chance it in that of a grant of timber rights where no heavy preliminary expenditure is required, and I have reason to believe that in at least one instance a concession is being worked at the present time which has never been brought under the supervision of the Court. If this be so, the Ordinance has failed to accomplish all that the framers of its provisions considered to be necessary.

Ashanti.

79. So much similarity exists between the Ashanti Concessions Ordinance No. 3 of 1903 and the corresponding law in the Colony that, having commented upon the latter measure, it does not seem necessary to repeat observations which are applicable to both. It will suffice, therefore, to invite attention to the points in which the provisions of the later law differ from those of the earlier Ordinance, and to explain the reasons why a change of procedure can be effected with even more facility in Ashanti than in the Gold Coast.

80. Where differences of procedure are observable, that prescribed by the Ashanti measure is the more effective. It would appear as if deficiencies in the Colonial law had already been noted when the Ashanti Bill was under consideration, and that care was taken to substitute more suitable provisions in the later draft. If, however, the existence of these deficiencies had in fact been recognised so long ago as 1903, it is difficult to understand why a period of nine years has been allowed to elapse without any attempt at amendment. Certainly no such diversity of conditions exists in the respective countries as calls for any differentiation in the main principles of the law.

81. When dealing with Section 9 of the Colonial Ordinance, I criticized the omission of any provision to automatically terminate the existence of a concession

in cases where the applicant fails to prosecute his claim. The Ashanti law provides for this (Section 9 (2)) by declaring that the concession shall be void if the notice and accompanying documents are not filed within six months after the date of the deed of concession, and further ensures diligent action on the part of the applicant by enacting (Section 10) that the survey fees shall be deposited within the same period, and that if default be made, the concession shall cease.

Now no applicant would be willing to incur this expenditure unless he had genuine intention to develop his property, consequently the long lists of incomplete claims which congest the records of the Colony are not found in Ashanti.

82. Provision has been made by the Ashanti law to impose a penalty upon those who do not commence to work their concessions within five years from the date of the grant (Section 50). This is a very necessary precaution which has not been taken in the Colony. The penalty prescribed, however, is not in the form which is most desirable. It consists of the payment to the Crown of the sum of £100 per square mile or part of a square mile by way of fine in respect of each year in excess of five during which commencement of mining operations shall not have been made. It is conceivable that the concessionaire may find it worth his while to pay the money and abstain from work, in which case the object of the section, the speedy development of properties, is defeated. The penalty for default should be forfeiture, enforceable by legislation in terms which I shall propose for consideration in the next part of this report.

83. Elsewhere I have attempted to show that among the reasons which conduce to the inefficiency of the procedure laid down by the Colonial Ordinance is the lack of first-hand knowledge on the part of the Judges regarding the land and its owners and the difficulty which they must therefore experience in attaining such a knowledge of local circumstances as will enable them to make order in terms entirely equitable to all parties. Such objection cannot be taken to the procedure which obtains in Ashanti, because the Court is the Court of the Chief Commissioner, in whom the duties of the Chief Executive Officer and of the Judge are combined. The Chief Commissioner is therefore the officer most fitted to hear and decide concession cases, and to the people it is a matter of indifference whether he deals with them in his executive or judicial capacity. It will therefore be possible in Ashanti to effect the change of procedure which will be hereafter recommended, without removing the jurisdiction from the hands of the officer to whom the people are accustomed to look for assistance and with whose judgment and direction they willingly comply.

PART III.

Alterations in the existing law and procedure recommended for consideration.

Gold Coast.

84. When taking evidence from the various classes of witnesses who have presented themselves before me on the question of the comparative advantages to be gained by adherence to the present system, whereby the alienation of land is supervised and controlled by the Court, or by transfer of that control to executive authority, I have endeavoured to sketch to my hearers an outline of the methods which would be adopted, and the parts which officers of various grades would take, in the event of it being decided that a change is expedient. I have found it necessary to make this clear before requesting an opinion, as none of those with whom I have been brought into contact have had any practical experience of land administration upon lines other than those which obtain in this Colony.

85. Those who favour the retention of the present system are in a minority, and their status and experience is not, as a rule, such as would lend substantial weight to their expressed opinions. Moreover, those opinions are not always free from the taint of personal bias, or of desire to retain pecuniary advantage for themselves.

Such arguments as have been adduced in favour of continued control by the Court may be summarised as follows :—

(*a*) The disposition of a " concession " area is a transaction in the nature of a contract between grantor and grantee, to which the Crown is no party; therefore the authority adjudicating upon such a contract should be the Court.

(*b*) The people are accustomed to have these questions inquired into by the Court, and have confidence in its decisions, but they would be mistrustful of the exercise of such authority by officers other than the Judges of the Supreme Court.

(*c*) The officers entrusted with executive control in the provinces and districts have not the experience and capacity necessary to enable them to efficiently deal with such questions.

(*d*) Appearance before the Court assures to the parties the advantage of legal representation.

(*e*) It also assures to them the right of appeal to the full Court of the Colony.

On these arguments the following comments may be offered :—

(*a*) While it is true that the Court is the proper authority to adjudicate upon questions of contract generally, its assistance is only invoked when a dispute or difference arises. *Non sequitur*, therefore, that the duty of supervising the completion of contracts in which no issue is joined should be imposed upon a body which exists only for the purpose of settling contested matters.

(*b*) The objection is of little value when taken by people who have no experience of other methods, and no desire to learn about them.

(*c*) Those who take this point have failed to realise that it is an essential condition of any alteration, if made, that the executive establishment shall be brought up to a strength proportionate to the work demanded of it, and that the question of principle must not be subordinated to that of personal efficiency.

(*d*) This argument needs little comment. It is advanced by, or at the instigation of, those who are in a position to derive profit from participation in the inquiry.

(*e*) This right of appeal can be retained, if considered advisable, even though jurisdiction in the earlier stages be transferred to the executive.

Further, even those who are staunch supporters of the present system are compelled to admit that procedure under the Ordinance is unduly prolonged and productive of expense, but are unable to offer suggestions for its improvement. They appear prepared to accept with equanimity the continuance of existing disadvantages, and view with apprehension any suggestion of amelioration which does not preserve intact the system of judicial control.

86. On the other hand, I find among those whose experience and position justifies me in attaching weight to their views, a complete unanimity of opinion in favour of discontinuing the present system. They all recognise the disadvantages attendant on the procedure laid down by the Ordinance, which have been enumerated in the preceding part of this report. They would welcome the introduction of a scheme of administration which would expedite the process of alienation and reduce the expense of acquisition, and they see the possibility of attaining that end by transfer of the jurisdiction to the executive authority. Personally, I am convinced that the procedure prescribed by the Concessions Ordinance is cumbersome, and in some instances defective; that it is undesirable that the work should be entrusted to the Judges, because they do not possess any first-hand knowledge of the land with which they are dealing, and because their decisions are not open to revision except in contested cases. I believe that the work can be performed more effectively, more expeditiously, and more economically, if entrusted to executive officers, and I recommend that a system of land administration by the executive be substituted for that which at present prevails.

87. In view of the fact that the land to be administered is not the property of the Crown, and that the people have become accustomed to have conflicting claims adjudicated by the Court, it is desirable that a right of appeal to the full Court

should be retained in contested cases. Such cases should be much less frequent in the future than in the past, because an effective scheme of administration must provide that the land to be alienated be clearly defined in the first instance, and must preclude the possibility of the existence of dormant claims which, after years of seclusion, may be brought forward in opposition to applications of more recent date.

88. Before offering suggestions for the construction of an alternative scheme, I desire to make it clear that the change will necessitate the creation of certain new appointments. The time of the Provincial and District Commissioners is already fully occupied, and while it will be reasonable to require them to perform certain routine duties in connection with the disposition of land, it must not be expected that they will be in all cases in a position to personally undertake the demarcation and examination of areas which is an essential preliminary to alienation.

89. To commence with, therefore, I recommend the appointment of a Commissioner of Lands for the Colony, and of six Settlement Officers, whose duties will be more conveniently described in the subsequent paragraphs, in which I shall outline the procedure which I commend for adoption.

The Commissioner of Lands should be an officer of some standing, having experience of land administration on similar lines elsewhere, and, if possible, a barrister-at-Law. The salary of the post should not be less than £1,000 a year, with such duty allowance as usually attaches to an emolument of that amount. Remuneration at that rate is desirable, because he will occupy a more responsible position than that of the Provincial Commissioners, and will have to undertake duties analogous to those now entrusted to the Judges in concessions cases.

90. The Settlement Officers should be young and active men of good education, capable of using a prismatic compass. Their duties will be almost entirely of an out-door description, and will consist of demarcating and roughly plotting boundaries, and examining and reporting on lands applied for. Two will usually be placed in each province, and they will be under the direction of the Commissioner of Lands, who will communicate with the Provincial Commissioner regarding the work on which they are to be employed. The salary attached to these posts should be similar to that allotted to Assistant District Commissioners.

A commencement may be made with a staff of this strength, working in conjunction with the local Commissioners, the office of the Commissioner of Lands being provided with two clerks—one to take over the registration business, and the other to attend to current correspondence.

91. The procedure to be adopted in the first instance should be as simple as possible, and should be in the nature of a base upon which a more detailed structure can be built up as experience disoloses necessities. As time goes on, the Commissioner of Lands will be able to elaborate methods whereby the system can be expanded and perfected, but it would be unwise to introduce intricacies of procedure in the first instance, which may prove in practice to be unsuitable, and may necessitate withdrawal or amendment.

The line of procedure which I recommend for adoption is that which is indicated below, and the duties to be imposed upon the officers respectively responsible for the administration of the system will become apparent as that procedure is described.

92. In the first instance, the Commissioner of Lands should be provided with an office at Accra, and there should be transferred thereto the records which are now in the custody of the Registrar of the Court in his additional capacity of Lands Registrar. It is advisable that this office should be provided with a strong room, in which should be placed all deeds and documents which are either in the nature of a title to land, or are evidence of such title.

Two Settlement Officers should ordinarily take duty in each province, but they should have no fixed location, and should move about from district to district as they may be directed by the Commissioner of Lands in consultation with the Provincial Commissioner.

93. All future applications for land, whether for mining or agricultural purposes, should be made in writing, and should set out the name, address, and business of the applicant, the area required, and the purpose for which it is to be used, together with such particulars relating to the situation of the land as will enable the local authority to identify its position. These letters of application

should be sent direct to the office of the District Commissioner administering the division in which the land is situated. The District Commissioner will thereupon note the date of receipt, and the above-mentioned particulars as set forth in the letter, in a book to be called the register of applications, giving to each entry a serial number which will run for the current year, and affixing the same number to the letter itself. The letter will then be placed on the file of applications. This file of applications will re-commence at the beginning of each year, those of the preceding year being bound up for reference. It will be found useful if the register of applications is so ruled off as to provide space on the right-hand side of the page, in which subsequent proceedings taken in respect of each application can be noted. Probably applications will not be so numerous for some little time to come as to necessitate the provision of separate registers and files for mining and agricultural lands respectively, but the propriety of such eventual separation should be borne in mind.

94. The District Commissioner having filed the application, will arrange that the land be visited and inspected either by himself or by the settlement officer—its situation, conformation, and character will then be noted, and a rough sketch prepared, showing approximately the dimensions and locality. He will then arrange a meeting with the chief and elders of the country, and explain to them the nature of the application, and the situation and size of the land to which it relates. He will also advise them regarding the terms on which the land may reasonably be leased. The chief and his people will then decide whether the application shall be granted or not. This discretion must be left in their hands, as the Government has no authority to do more than advise, and see that equitable terms are arranged.

It will be observed that this system puts an end to that direct negotiation and bargaining between the applicant and the chief which has been so objectionable a feature of past practice, and ensures that the native lessors shall have the advantage of disinterested advice from an official with whom they are personally acquainted.

95. When matters have been so far settled, the District Commissioner will embody the particulars of the application and the terms arranged in a short statement, prepared in duplicate, to which he will obtain the signatures of the chief and his people. He will file one copy in his office by attaching it to the original letter of application, and will forward the other copy, under cover of a brief explanatory letter, to the Provincial Commissioner.

If the Provincial Commissioner, after perusal of the report and statement, and after such further inquiry, if any, as he may deem necessary, sees no objection to the grant of the proposed concession, and is satisfied that the terms arranged are in order, he will forward the documents received from the District Commissioner, together with his own observations, to the Commissioner of Lands. Should there be any point to which the latter officer deems it expedient to take exception, he will refer back for adjustment or alteration, but if he finds the arrangement in order, he will insert a notice in the Government Gazette, publishing the particulars of the proposed concession, and the names and addresses of the parties thereto, and will proclaim that if any person desires to oppose the grant of the concession, he must lodge notice of opposition at the office of the Provincial Commissioner within three months after the date of the notice.

96. At the expiration of the prescribed period, the Provincial Commissioner will notify the Commissioner of Lands whether opposition has been entered or otherwise. If no opposition has been entered, the Commissioner of Lands will communicate to the Provincial Commissioner his formal approval of the concession, and will make an endorsement recording such approval and the date thereof on the statement furnished by the District Commissioner. If, on the other hand, opposition has been entered, the Commissioner of Lands will set the case down for hearing by himself at the office of the District Commissioner on a date not less than one month in advance of that of the notice of hearing. The inquiry will be in the nature of a judicial proceeding, and the parties may be represented by Counsel. The venue is fixed at the office of the District Commissioner in order that the testimony of himself and the Settlement Officer may be available, and to obviate the necessity of sending native parties and witnesses a long distance from their homes. Incidentally, also, opportunity will be afforded to the Commissioner of Lands to examine the land for himself if he should think it desirable.

97. The inquiry having been held, the Commissioner of Lands will make his order, in respect of which any party dissatisfied may enter an appeal to the full

Court of the Colony. The time for entering such appeal may reasonably be fixed at two months from the date of the order appealed against.

On entering opposition to a concession, a fee of £25 should be exacted from the opposing party, which should be payable by him in any event, in order to protect concessionaires from frivolous or vexatious claims. The fee for appeal to the full Court might be fixed at £50.

98. A final decision in respect of the concession, whether opposed or unopposed, having thus been reached, it will be the duty of the Commissioner of Lands to endorse the fact and terms of that decision upon the statements as above described, and to notify the Provincial Commissioner accordingly. Such endorsement will record either approval of the concession, or the fact that it has been disallowed. The statement will then be filed in the Commissioner of Lands' office.

99. The Provincial Commissioner will then notify the District Commissioner in the same manner, and if the concession has been approved, will acquaint him with the terms of approval. It will then be the duty of the District Commissioner to inform the parties in the same way, when he will demand from the applicant the payment of a sum sufficient to cover the amount of the consideration money, the rent for the first year, and the survey and registration fees. It will be sufficient to allow a period of six months for the deposit of this money, and failure to comply should cause the concession to lapse.

A defective feature of the existing system is the absence of any provision effecting the cancellation of a concession in the event of non-payment of rent. If such default is made by the lessee, the initiative at present lies with the chief, who may move the Court for an order of cancellation, but this is seldom or never done in practice, because the chiefs do not understand the procedure. There are many cases in which concessions continue to exist, though no rent has been paid on them for years—in such cases the fact of non-payment should operate to terminate the lease if any portion of the sum due remains in arrear for twelve months.

100. It may possibly be thought that the procedure which I have outlined above is somewhat complicated by the necessity of reference backwards and forwards between the District Commissioner, the Provincial Commissioner, and the Commissioner of Lands. I do not think that the system will be found to be other than simple in practice, while its efficiency would certainly be impaired by curtailment. The District Commissioner must play an important part in the procedure because he is the man on the spot, who must be looked to to supply the particulars of the land and the views of the chief and his people. The Commissioner of Lands must be vested with the power of approval, not only because such power is in excess of that with which Provincial Commissioners should be endowed, but also because it is essential to the uniformity and efficiency of practice that the same authority should deal with cases from all parts of the Colony. At the same time the Provincial Commissioner must not be left out altogether, because when once his subordinate officer has supplied the local information, his views as head of the province are necessary for the guidance of the Commissioner of Lands.

101. When the money demanded from the applicant comes to hand, it will be the duty of the District Commissioner to dispose of it in the following way. Having furnished the remitter with a receipt from a counterfoil book, he will enter the amount of the consideration money in a book to be kept for that purpose, in which he will also record the names of the concession and the holder, and the date and number of the receipt issued. He will proceed to pay the money out at the earliest opportunity to the persons entitled to receive it, entering the date of such payment in the same book, and obtaining the signature of the recipients therein, in a space to be provided for the purpose.

He will deal with the sum received as rent in the same way, entering the amount and date of receipt in a rent roll, in which will also be recorded the names of the concession and the holder of it. The rent roll may be divided into columns headed in the following manner: Serial number—Concession—Holder—Annual rent—Arrears—Amount received—Date of receipt—Number of receipt—Amount paid out—Date of payment—Signature of recipients.

The rent should be paid out at the same time as the consideration money, and the transaction should take place in the District Commissioner's office, in order that the signatures of the recipients may be entered in the books, and the money may be handed to those who are really entitled to receive it.

102. There remains the question of the sums deposited in respect of survey and registration fees. As to the first, the District Commissioner will remit the amount to the Director of Surveys, together with a requisition for survey, setting out such particulars relating to the situation, area, and conformation of the land as may enable the surveyor to identify it. He will take credit in his own books for such fees as may be due to his office, and will hold the balance in readiness to meet those due to the office of the Commissioner of Lands.

103. Pending the completion of survey, the lease for the concession will be prepared in triplicate by the Commissioner of Lands. This document need not be drawn up in the complicated conveyancing language hitherto employed in indentures of concession. It will be preferable to make use of a printed form upon stout paper of a large size, in which it will only be necessary to fill in particulars. It might be printed in some such terms as the following:—

LEASE FOR* LAND.

District of:

No.

Annual Rent:

Know all men by these presents that we

in consideration of

do hereby lease unto of
All that piece of land situated at
containing by measurement square miles, more or less, and bounded
as follows—that is to say:—

which piece of land, with the dimensions, abuttals and boundaries thereof, is delineated upon the plan endorsed hereon, and numbered in the office of the Director of Surveys.
To hold for the term of years, subject to the payment therefor of the annual rent of pounds and to the provisions and conditions hereunder written.

Conditions.

In witness whereof we the said Lessors have
hereunto set our hands at
this day of
19 .

Before me:

District Commissioner

Ratified and registered at the Land Office, Accra, this day of
19 .

Commissioner of Lands,
Gold Coast Colony.

*(Mining or Agricultural.)

104. The Commissioner of Lands, having filled in all particulars, except those relating to survey, in a triplicate lease in the prescribed form, will forward the three copies to the Director of Surveys, who, on completion of the work, will cause an accurate copy of his plan to be plotted on a reduced scale on each copy of the triplicate document, and will fill in the particulars relating to measurement and boundaries. He will then return them to the Commissioner of Lands, who will register the lease and sign each copy of it. One copy will be filed in his office, one copy will be filed in the office of the District Commissioner, the third copy will be sent by the District Commissioner to the lessee, and the transaction will be complete. Finally, the Commissioner of Lands will transmit to the District Commissioner, together with the completed leases, a statement of the fees due to his

office, which will be defrayed by the District Commissioner from the funds retained by him for that purpose.

105. In the preceding paragraphs I have attempted to describe the general outline of the kind of procedure which seems to me to be suitable, but I have made no endeavour to treat the subject exhaustively, conceiving it desirable to limit my suggestions to a sketch of the methods which I recommend, with liberty to those who will have to carry them out to fill in such further details as practice may indicate to be advisable. I assume that the Commissioner of Lands will be an officer who is conversant with one or more of the systems of land administration which obtain elsewhere, and I should prefer to leave it to him to elaborate by degrees the working arrangements of a scheme of which I only propound the broad principles. If the Commissioner of Lands is appointed, as he should be, before any change is made, he will be on the spot to advise upon those questions of detail which must inevitably come up for decision, but which cannot be foreseen or settled until enunciation of principle has been succeeded by practice.

106. Perusal of the procedure recommended will, I think, establish the fact that at no stage of the proceedings will any such delay arise as will materially prejudice the aims of the concessionaire, until we come to the point where requisition for survey is made. Here the matter leaves the hands of the land officers for the time being, and as there is no prospect that the work of the survey office will be carried out with more expedition in the future than it has been in the past, some arrangement must be devised for avoiding the consequences of that delay if the new scheme is to be exempt from one of the disadvantages which most seriously militates against the efficiency of the existing system.

Here, therefore, I propose to have recourse to an expedient, for the introduction of which into the Federated Malay States I was responsible at the time of the rubber boom. The trouble there was even more acute, at the time I mention, than it is here. Very numerous applications for rubber lands were pouring in, and the applicants were all anxious to commence work at once, while the Survey Department was considerably in arrear even with the work which it already had in hand. It was, therefore, decided that those to whom blocks of land were approved should be permitted to enter upon and develop their properties prior to survey, on the understanding that they should pay rent from the date of occupation and in anticipation of title, and accept the risk of going outside their boundaries as eventually to be surveyed. The arrangement has worked well in the States, and it may be applied with equal success here. When a man has obtained a concession of mining land or of agricultural property, the boundaries of which have been approximately ascertained and recorded by the District Commissioner, no useful object can be gained by compelling him to postpone operations pending completion of survey. The Colony has already had too much experience of concessions lying idle and undeveloped, and if anyone is anxious to begin work he should be given every possible form of encouragement. It is not in the least likely that anyone would commence working so near to the edge of his property that there would be a possibility of his overstepping his boundary, but if he were to do so the risk would be his, and nobody but himself would suffer by the mistake. I therefore advise that the applicant to whom a concession has been approved be given permission to enter on and work the same at any time after the money due in respect thereof has been deposited, upon his written application to that effect, undertaking to pay rent from the date of occupation and to be responsible for any trespass beyond his eventual boundaries.

107. Having in the preceding paragraphs carried the scheme of procedure from the letter of application to the approval of the concession and the issue of the lease, it may be useful to add here a list of the books which should be kept and the fees which might be charged in respect of the various acts to be performed by Government officers.

Records to be kept by the District Commissioner:—

Register of applications.
File of applications.
Account of consideration monies paid.
Rent roll.
Counterfoil receipt book.

File of leases for mining } To be eventually bound up by districts.
File of leases for agriculture }
Register of leases.

Records to be kept by the Commissioner of Lands :—

File of statements supplied by District Commissioners.
File of notices inserted in " Gazette."
File of leases for mining } To be eventually bound up by districts.
File of leases for agriculture }
Register of leases.
Cash book.
Case book (opposed cases heard and notes taken).

The fees to be levied in the first instance might include :—

Letter of application	£1
" Gazette " notice	£1
Notice of opposition	£25
Appeal fee	£50
Registration of lease	£10

all of which should, if convenient, be payable in stamps.

The list of records and fees will necessarily be amplified later on, but all that will be required at the commencement are those mentioned above, together with such as may be prescribed in respect of transactions subsequent to the issue of title, of which mention will be made hereafter.

108. Before the Concessions Ordinance can be withdrawn, it will be necessary to prepare a measure to take its place, giving legal sanction to the new arrangement and investing the Executive Officers with powers to perform the duties entrusted to them. It will be well that the Ordinance be framed in terms as wide as possible and that matters of detail be dealt with in the first instance by rules thereunder. Such rules can be altered or added to from time to time as experience discloses what is required, and provisions so prescribed can be incorporated in the Ordinance at a future date, when the most effective form of procedure has been ascertained and established. The drafting of the Ordinance should be deferred until the Commissioner of Lands has been appointed, and that officer, after making himself acquainted with local conditions and determining the lines on which the new system shall be framed, should collaborate with the Attorney-General in its preparation.

109. I now pass from that part of the subject which deals with the transfer of jurisdiction from the judicial to the executive authority, and proceed to invite attention to certain other matters in which it appears desirable that change should be made.

110. All consideration money and rent which has been paid in respect of concessions has been divided between the chief, the stool, and the elders. It is expended in the liquidation of stool debts or on the personal requirements of the principal families of the tribe. No real benefit accrues to the tribe as a whole from the alienation of their land. Occasionally the sub-chiefs will dole out small sums to people to whom they may be under obligation or who may be in unusually needy circumstances, and in one or two instances a chief has been known to erect a building for the use of his people, but in the large majority of cases the money is wasted and the tribe as a whole derives no advantage from it. I consider that the time has come when the Government should intervene and explain to the chiefs that a portion of the revenue arising from the alienation of the communal land must be expended in works of permanent benefit to the community. I have recommended that the sums due to the chiefs be paid in future into the hands of the District Commissioners, and I now advise that those officers be authorised and instructed to retain one-quarter of all money so paid in and distribute three-quarters only to the chief and his elders. The sums so retained should be set aside to form a fund from which to defray or contribute to the cost of constructing works of permanent utility in the country occupied by the contributing chief. Works which would conduce to the general improvement and development of the country and the tribe would include roads and paths, waterways and river clearing, wells, drains, washing places and other elementary forms of sanitation, also schools and opportunities for education.

It may be anticipated that the chiefs will raise objection to the arrangement, for most of them really care nothing for the progress of their country and the welfare of its inhabitants, and if left to themselves they will never study any interests other than their own. Such objections should therefore be overruled, with an intimation that the welfare of the tribe as a whole has not been advanced as the revenues of its rulers have increased; that Government has undertaken the responsibility of protecting the interests of all classes, and has therefore determined to divert a portion of these revenues from the pockets of the chiefs to improve the conditions of the people because the rulers have so signally failed to perform that duty themselves.

111. I find that the cause of many of the complications which have arisen over concession cases and most of the expensive litigation in which the chiefs are continually engaged among themselves, is traceable to their ignorance of the boundaries of the divisions over which they preside. As a rule, they profess to be fully acquainted with the limits of their respective territories, but the inadequacy of their knowledge is proved by the continual occurrence of disputes on the subject. It is not improbable that the value of land in the Colony will appreciate as permanent cultivation makes headway, and I think the time has come when an effort should be made to have all inter-tribal boundaries determined and demarcated. This may seem to be an onerous task to undertake, but it can be done by degrees, and every boundary fixed is one step towards the elimination of uncertainty and dissension. I believe the chiefs to be generally desirous that the matter should be dealt with and settled, and I think that if an officer is told off to supervise the work they would willingly co-operate with him and provide the labour necessary for clearing lines. Nothing in the nature of survey is suggested because no plan is required; all that is needful is to detail an officer to assist the chiefs in coming to an agreement as to the limits of their respective territories, and to see that the people cut and maintain a line which fixes the limit agreed upon. This is the work upon which the Settlement Officers should be usually employed. They should devote to it the whole of the time which is not occupied in inspecting and reporting upon areas for concessions.

112. Opinion has been generally expressed throughout the Colony that the area of five square miles now fixed as the maximum extent of a mining concession should be reduced in future cases. That is a view with which I concur. If the applicant has properly prospected the land, and has located the position of the payable reef or ground, he will be in no uncertainty as to where to commence work; and however rapidly he may develop his property he cannot make use of more than a few acres at the same time.

It is of course impracticable to fix even approximately the area of mining land which can be worked out in a given period, as no two mines are alike and the rate of progress is dependent upon the nature of the soil and the depth, character, and angle of inclination or pitch of the reef; but there is a general consensus of opinion that the fullest scope for high class work will still be afforded even if the area is substantially reduced. I, therefore, recommend that the limit of area for mining land be fixed at one square mile and that no person shall be permitted to hold more than four such areas at the same time.

113. I see no reason for advising alteration of the term of 99 years now fixed as the maximum period for which a mining concession may be granted. No mine can be developed in this country without the installation of extensive and costly plant and a large outlay of capital, and it is right that the mine owner should be assured of possession for such a period as will enable him to reap all possible benefit from his expenditure. If it is provided in future that unauthorised cessation of work will entail forfeiture, we may be certain that effective use will be made of the property for so long as it continues in the concessionaire's hands.

114. Leases of land for agricultural purposes have been excluded from the operation of the Concessions Ordinance, and no limit of area appears to have been prescribed in such cases. It is now recommended that they be dealt with in the same manner as mining lands, and a limit of area should, therefore, be imposed. The dimensions permissible in such cases should be sufficiently extensive to attract the notice of persons desirous of opening up land on a large scale, yet not so wide as to make it possible for anyone to obtain possession of a larger area than he can make beneficial use of. I would fix the limit at two square miles, that is, 1,280 acres,

and here also I would add that not more than two such areas shall be held by the same person.

115. The term of an agricultural lease may be similar to that of a mining lease, namely, 99 years. No tree or plant which the lessee can put in the ground will endure for more than a portion of that period. He will, therefore, have ample time in which to reap the results of his labour, and conditions may have so altered at the end of the term as to make it desirable that the land should then revert to the lessors.

116. In the case of future concessions of either description I think it necessary to insist on work being commenced within a stated period subsequent to the date of the lease; and further, that it shall be continuously and effectively carried on in the absence of good reason shown for temporary cessation, the penalty for non-compliance in either case being forfeiture. In the absence of such provision in the past extensive tracts of country have been tied up and left lying idle, and the interests of the Colony have been gravely prejudiced thereby. Speculators have seized on concession after concession with no intention of developing them, holding them on the chance of being able to turn them over at a profit to capitalists in Europe, or awaiting a rise in value resulting from the extension of railways and other facilities of transport and communication. If the country is to be opened up to the best advantage, the way must be made easy for the man who really means business, and the schemes of the speculative concession hunter must be defeated by making the possession of land dependent upon its efficient development.

117. To take the case of mining land first, the holder of the concession should be under obligation to commence work within a period of two years from date of lease. This does not mean that actual mining operations must be started within that period, but that the preparations necessarily preliminary thereto must be put in hand. These would include verification of the results of previous prospecting work, and further examination of the strata or reef to be operated on—the clearing and levelling of sites—the construction of roads and waterways—the erection of buildings, and the installation of plant. It is not generally desirable that a man should take up a concession unless he is possessed of the capital to work it, or knows where to go for it. It is not necessary, therefore, to allow time for him to go about seeking for it—all that is requisite is that he should be given sufficient opportunity to purchase his plant and engage his staff, and for these purposes a period of two years is an ample time allowance.

118. When work has commenced, the miner should be under obligation to continue it systematically and efficiently, to the satisfaction of the officer entrusted with the supervision of mines. Cases will undoubtedly arise where a temporary cessation of work is unavoidable, but such occurrences can be provided for by authorising the Commissioner of Lands to grant a certificate of exemption from work for any period not exceeding twelve months upon good cause shown by the miner. If he fails in either of these obligations without reasonable excuse, forfeiture of the concession should ensue under the conditions of his lease.

119. In the case of agricultural land it is not necessary to allow so long a time for arrangements preliminary to development. The lessee of such a property should, therefore, be required to commence operations within twelve months from the date of the lease, and to cultivate not less than one-quarter of the total area of the property within five years from the same date. In the event of commencement not being made within the prescribed period, the lease should be forfeited, and if at the expiration of five years the planted area is less than one-quarter of the whole, the uncultivated portion should revert to the lessor, with liberty, however, to the lessee to retain such belts of forest and other plots of land as may be necessary for the purpose of maintaining or protecting existing cultivation, and also two acres of forest land in respect of each acre then being under cultivation.

These terms are those in force in the Malay States; they have been regarded as reasonable, and should be equally suitable in a country where conditions are not materially different.

120. No attempt has yet been made to fix a uniform rate of payment in respect either of consideration money or annual rent. In the case of mining land the power to determine the amount is vested in the Judges, while in that of agricultural land no procedure has been provided, the question being apparently left for settlement

by the parties themselves. It is not to be expected that the Judges will always hold similar views as to what is the proper amount to be paid, therefore no general standard of adequacy can be attained while the present practice continues. The parties to concessions have, however, gradually come to recognise that certain amounts will usually be approved as reasonable terms, and figures approximating those rates are usually inserted in the deeds. There seems, therefore, to be no reason why definite rates of payment should not now be prescribed, fixing them as nearly as may be in conformity with the sums which are now generally agreed upon.

121. The charges to be levied in respect of mining land might be :—

Consideration money or premium, £100 per square mile.
Occupation rent, £25 per square mile.
Rent after commencement of mining operations, £100 per square mile.

The sums to be paid in respect of agricultural land may with propriety be fixed for the present at rates lower than those to be adopted for mining land, as but little cultivation has as yet been attempted by Europeans, and it is most desirable that it should be encouraged. Also, the rent should be fixed at a uniform rate throughout. The following charges would seem to be reasonable :—

Consideration money or premium, £50 per square mile.
Annual rent, £25 per square mile.

122. The amount to be paid to the Crown in respect of profits accruing from the exercise of the rights conferred by any mining concession has been fixed at one-twentieth of the amount realised. The method prescribed for ascertaining that amount and ensuring its payment appears to be cumbersome, and I should consider it preferable to charge an export duty, but as I understand that that course is not favoured by the mining companies, and that the present system works, on the whole, satisfactorily, it will probably not be desirable to make any change. The arrangement should not, however, be made to apply to properties other than mining concessions. Revenue from produce other than minerals should be collected in the form of export duty.

123. The provisions relating to the issue of prospecting licences are not altogether satisfactory, and I propose to recommend for consideration a system which, in the opinion of most of those whom I have consulted, is preferable to that which now obtains, the objections to which have been indicated in an earlier paragraph of this report. Every intending prospector should make application for a licence to the District Commissioner, specifying the division in which he desires to make investigation. Such application should be accompanied by a remittance of £25, which will be payable to the chief in the event of a licence being issued. The Commissioner will then ascertain from the chief whether he is prepared to entertain the application, and to assent to the exercise by the prospector of his right of selection, should the latter be desirous of obtaining a concession. If the chief agrees, the Commissioner will convey intimation of that assent to the applicant by means of a short printed form, in which should be set out topographical particulars roughly describing the situation and size of the tract of country over which prospecting may be carried on, and the fact that the sum of £25 has been paid. The applicant will forward this form to the Commissioner of Lands, together with a fee of £5, and the licence will thereupon be prepared in that office.

124. The terms of the licence should be these :—It should set out the name and address of the licensee; it should be declared to be available for a period of three years from the date of issue, subject to the payment of £25 to the chief to be named therein in respect of each year of its duration. It should contain a description of the tract of country to be prospected, as reported by the District Commissioner; it should confer a right to select not more than two blocks of mining land not exceeding one square mile each in extent within the area covered by the licence at any time during its continuance or within six months after its expiration; it should declare that all rights under it will lapse if prospecting be not commenced within six months from the date of issue, or if it be at any time discontinued for a similar period; it should expressly state that it conveys no exclusive right to prospect the area mentioned therein, but that blocks will be granted according to priority of selection. When furnished with this licence, the holder will have the right to carry on prospecting work on any scale he pleases, so long as he pays £25 per annum to the

District Commissioner for transmission to the chief, and he will further be assured that if he decides to make a selection, he will get a concession.

125. An arrangement upon these lines will, to some extent, effect the same purpose as that attained by options, while free from the objectionable features which have caused me to recommend the discontinuance of the latter. The licensee will have the same opportunity for examination and selection as he would have under an option, but he will not be in possession of any grant or agreement which he can represent as conveying a title. Further, the continuance of his right is contingent on his carrying on regular work.

126. Having dealt with the existing methods of disposing of mining and agricultural lands, and offered my suggestions for their amendment, there remains the question of those concessions by which rights in the natural produce of the surface of the soil are conveyed. Under the Concessions Ordinance such rights are granted by the same process as that which governs the disposition of mining lands, that is, they are made the subject of inquiry by the Court, and the right of occupancy passes from the lessor to the lessee during the term of the lease, the latter being under the necessity of expending a large sum in respect of survey fees before he can acquire the rights which he seeks.

Now, inasmuch as all that the applicant desires is the right to enter upon the land and remove therefrom timber and other forest produce, it is wholly unnecessary that the property in the land should pass to him at all. The practice of leasing areas for this purpose may be discontinued with advantage to all parties concerned, for the native landowners will then not be asked to part, even temporarily, with their interest in the land, while the party desiring to collect the produce will not have to incur the expense attendant on survey and lease.

127. It will be sufficient if authority to collect and remove forest produce from a stated area be given by licence, the assent of the chief being obtained in the same manner as in the case of a prospecting licence. Such licence should be obtainable on payment of a small annual sum to the chief, say £10; it should convey authority to the holder to collect and remove the produce stated in the licence, and to make such use of the land as may be incidental to the work of collection and removal; it should convey an exclusive right to take possession of that produce, subject only to the requirements of the native population, and there should be payable to the chief a royalty in the form of a fixed sum per tree for hard timber, and a rate per ton in the case of firewood and other produce. It should be issued for a comparatively short term, say five years, and will, of course, be renewable thereafter at the option of the parties concerned.

The arrangement will not be new to the people, as instances have already occurred in which chiefs have authorised merchants to take mahogany and other valuable timber from their forests on payment of a fixed sum per tree.

128. There remains for consideration the question of the surface rights exerciseable by the holders of mining concessions. This is a matter which has been the subject of some misapprehension in the past, and regarding which some uncertainty exists at the present time. It has certainly been the practice of some mining companies to make use of the surface of the land for purposes not strictly incidental to their mining operations, and authority for that action has not in all cases been obtained by supplementary agreement with the chiefs—consequently the people have in some instances felt aggrieved at what they consider to be a usurpation of rights which have not been expressly conveyed.

129. The possession of mining land must be held to invest the miner with such rights to the surface as are necessary to enable him to carry on his work. These rights include the use of the land for sites on which to erect his plant, and put up the buildings required as housing accommodation for the staff and labour force; also power to make railways, tramways, roads, and aqueducts, and to cultivate the soil for the purpose of raising foodstuffs for his people. He is further entitled to take such timber as is required for use in or about the mine, or for building or for fuel, and, lastly, he may properly convert suitable areas into dumping grounds.

130. The mining companies have not always been careful to remember that their interest in the land is limited as above, and in making arrangements for the housing of the labour force they have not infrequently acted as if the acquisition of mining rights had vested them with a power of disposition of the surface. On

every concession where work is proceeding, a suitable block of land is laid out as a village site where the native labourers are settled. Sometimes the houses are erected by the company and a small rent is payable by the occupants—in other cases the labourer puts up his own house, and a ground rent is charged in respect of the site occupied. Both these arrangements are open to objection—the first, because no payment should be exacted from the labourer in respect of the quarters allotted to him; the second, because the right of the miner over the surface does not empower him to grant land for building purposes.

131. In those villages or portions of villages in which the houses are owned by the people, the mine owner loses that control over the actions and conduct of the occupiers which is essential to the wellbeing of the community. A labourer may leave the mine, and sell his house to a person who has no intention of taking employment, but who finds it advantageous to live in the village—however undesirable an individual he may be, the mine owner cannot remove him so long as his conduct does not bring him within reach of the law, because he is living in a house which is his own property. I am told that in some of the larger villages the labourers on the mine constitute barely one-half of the resident population.

132. If a mine is situated at a considerable distance from a commercial centre, it is probably unavoidable that traders should be permitted to reside in the village, as the daily needs of the people must be supplied, but no more should be admitted than are necessary to satisfy these needs, and the terms of admission should be such as will ensure that their actions can be effectively controlled by the mine owner. In some villages no limit appears to have been placed on the number of resident traders, the result being that people are attracted from the surrounding country, and the village becomes a town which cannot be effectively administered by the mine owner, and is not controllable by Government except by arrangement with the holders of the concession.

133. In extenuation of the system which compels the population of a mining village to pay rent to the mine owner, it is explained that no profit accrues therefrom, but that the money is spent on measures of sanitation. Such measures are, of course, very necessary, and are being effectively carried out under medical supervision in the villages which I have inspected, but the utility and efficiency of the system is no justification for exacting from the people a contribution towards work which the mine owners should do at their own expense, and which the latter have no authority to demand.

134. I am of opinion that mining companies should be required in future to lay out and prepare the sites for mining villages, and to erect the houses thereon, at their own expense and in accordance with the directions of a medical officer, and to construct and maintain an adequate sanitary system. No more houses should be erected than are necessary for the accommodation of the labour force, as the construction of a larger number would be an act not authorised by the miner's limited surface right. No rent or charge of any description should be levied, and no house should be occupied without the consent of the mines manager. It will then be in his power to remove any undesirable person from the village. In those cases in which a large proportion of the houses are the property of the occupiers, it is desirable that they should be taken over at a valuation. If the companies are unwilling to do this, the collection of rent should be prohibited, as their surface rights do not empower them to make such a charge.

135. As the presence of traders is necessary to the labourers, arrangements must be made for their admission—whether such traders be European firms or native merchants, they should be admitted only at the discretion of the mines manager, and with the approval of the District Commissioner, who will satisfy himself that the number admitted is not in excess of requirements. The buildings necessary for their accommodation should be erected by, and remain the property of, the company, and they should pay to the District Commissioner an annual fee for a trading licence, which may be treated as a contribution towards the sanitary expenditure. If the number of traders is not so restricted, it will inevitably become substantially in excess of requirements, and businesses will be established which will look for their customers elsewhere than at the mine.

136. When I was at Tarquah complaint was made to me by the chief who owns the land comprising the Tarquah concession that the commercial buildings

in the town had been erected within the concession area, and that the firms pay rent to the mining company instead of to himself. I have been furnished by Mr. Giles Hunt, solicitor to the company, with a copy of the concession deed, which appears to vest in the lessees such rights only as are incidental to the conduct of mining operations. This deed was executed prior to the passing of the Concessions Ordinance, but when that measure became law, and the terms of agreement were considered by the Court, the certificate of validity expressly limited the rights of the company as above, and no supplementary arrangement has been made whereby their privileges have been further extended. It appears that a compact was subsequently made between the Government and the company, whereby the former took over the control of the town, and allotted one-half of the rents accruing therefrom to the company. The owners of the land do not seem to have been consulted, and whatever residuary interest in the land remained with themselves was ignored. It is probable that neither the Government nor the company are legally entitled to the rents received, which have been appropriated by virtue of an arbitrary arrangement to which the landowners were no party, and that the complaint made to me is based upon reasonable grounds. The matter is one which calls for investigation, as the chiefs are reluctant to question an order made by the Government by means of proceedings in Court.

137. It is not unusual to find that the mining companies are planting cocoa or rubber over such portions of the concession area as have been cleared of timber and undergrowth. In most cases a supplementary agreement made with the landowner has vested the mine owner with authority to make use of the land in this manner, and the practice of thus developing otherwise unproductive areas may well be encouraged. But as the interest in the land conveyed by a mining concession does not include the use of the surface for such a purpose, it is not permissible unless ratified by express arrangement between the parties, and local officers should be instructed to see that the terms of concessions and the rights of native landowners are not infringed by such unauthorised action.

138. No scheme of land administration can be considered complete which does not provide machinery enabling the owner or lessee to dispose either permanently or temporarily of the whole or any portion of his interest therein to third parties. It is therefore desirable that there should be incorporated in any future system some simple procedure whereby the transfer, sub-division, and charging of land may be effected.

The essential feature of such procedure is registration of each transaction, in order that the officer responsible for the custody of land records may be able to say with certainty whether any area of leased land has changed hands or has been subjected to encumbrance.

139. In the case of transfers and charges the procedure will be similar, and will consist only of an endorsement on the lease and a memorandum of the transaction filed in the recording office, the memoranda being in a simple printed form, to be prescribed by legislation and supplied by the office, with blank spaces in which the particulars of each transaction will be entered.

As the method which I recommend is that which has been successfully adopted for some years past in the Federated Malay States, it does not seem necessary to describe it at length here, but briefly outlined the action to be taken will be as follows: The transferor or charger will fill in and sign a memorandum substantially in the form prescribed in Schedule L of the Federated Malay States Land Enactment, 1903, and will present it to the Commissioner of Lands, together with his copy of his lease. The Commissioner will enter the date and hour of receipt and the particulars of the transaction in a book to be called the journal of transactions, and will endorse upon all copies of the lease a short statement setting out the fact and date of transfer or charge, and the name of the transferee or chargee, which statement he will sign. Action will then be completed by payment of the prescribed fees. The discharge of a charge will in the same manner be recorded on the memorandum and statment previously registered.

140. The sub-division of land will necessitate surrender of the original lease and partition by survey of the area to be sub-divided, when new leases must be prepared, and registered in the same way as the original document. Any application for sub-division must therefore be accompanied by deposit of a sum sufficient to cover the survey and registration fees.

141. The value of mining land in different parts of the Colony varies so materially, that it does not seem practicable to impose any fixed fee for the registration of transfers and charges. I am therefore inclined to advise that the fee on a transfer should be 1 per cent. on the value of the property transferred, and that that on a charge should be 1 per cent. on the amount of the mortgage. In cases of sub-division the charge prescribed for registration of a lease should be made in respect of each new lease issued.

Ashanti.

142. It is very desirable that the systems of land administration in force in the Gold Coast and in Ashanti respectively should be as nearly similar as possible, and I see no reason why the changes which I have recommended in the case of the Colony should not also take effect in Ashanti, with such modifications as are necessitated by difference of form in the machinery of the Government. The introduction of my scheme of land administration by executive authority will effect no very radical change in existing procedure, because the highest judicial and executive jurisdiction is now vested in the Chief Commissioner, who will continue to deal with concession cases, but will handle them in his office instead of in Court.

143. For the present, at all events, and until the number of applications for concessions materially increases, the Chief Commissioner will have no difficulty in performing the duties which I have entrusted to the Commissioner of Lands in the Colony—it will therefore be possible in the first instance to carry on my scheme of procedure without increasing the establishment, if it is considered that the question of boundaries is not of such present importance in Ashanti as to demand the appointment of settlement officers. The chiefs have, of course, no more detailed knowledge of their respective boundaries than is possessed by their neighbours in the Colony, and though owing to the lack of demand for concessions the insufficiency of their knowledge may not at present give rise to confusion, the delimitation of boundaries must as time goes on become a question of importance. I am not therefore in favour of postponement of the work of demarcation, and I advise that not less than two settlement officers be appointed forthwith. This number must, of course, be augmented when applications for concessions become more numerous.

144. The procedure which I have outlined for adoption in the Colony may be equally well applied to Ashanti, all uncontested cases being dealt with by the Chief Commissioner instead of the Commissioner of Lands, but the question of opposed applications requires some further consideration. They will be heard and disposed of in the first instance by the Chief Commissioner, but whereas in the Colony I have provided for an appeal from the decision of the executive officer to the full Court, the introduction of that procedure into Ashanti is impeded by the fact that the Courts of the Colony have no jurisdiction in that territory. So long therefore as the present difference of system obtains, it does not seem possible to provide for an appeal from the decision of the Chief Commissioner except to the Governor in Council, which is not a satisfactory arrangement. Obviously, however, disputes can only be settled by the executive authority until such time as the Supreme Court is vested with jurisdiction in the country.

145. Other suggestions which I have offered for adoption in the Colony may with equal advantage be made applicable to Ashanti. These include the retention by Government of a portion of the consideration money and rent on concessions, the revised form of prospecting licence, and the substitution of a timber licence for a lease.

146. In order to offer some encouragement to capitalists to exploit a country which has not, so far, attracted the notice which it deserves, the terms on which land is obtainable may reasonably be easier, for some time to come, than those to be prescribed for the Gold Coast. I suggest the following conditions:—

Mining land.—Area, not to exceed two square miles, and not more than three such areas to be held at the same time. Payments, per square mile:

	£
Consideration money	75
Occupation rent	10
Mining rent	75

Agricultural land.—Area, not to exceed four square miles, and not more than two such areas to be held at the same time. Payments per square mile:

	£
Consideration money	50
Rent	25

147. Before leaving the subject of Ashanti, I should like to record in a few words the opinion that I formed regarding the town of Kumasi after inspecting it in the company of the magistrate in charge. The town and its suburban areas comprise all land situated within one mile of the central fort. It has been proclaimed the property of the Government—no land is alienated except for building purposes, the plots leased to Europeans being 160 feet by 100 feet, and those to natives usually 50 feet square. The town has long passed the experimental stage, and is now assuming an appearance of solid and progressive prosperity, the buildings recently erected by the principal European firms being superior to any that I have seen elsewhere on the Coast. I have no doubt that the demand for building land will be steadily maintained, and it is the probability of such regular demand that prompts me to advise the immediate inception of those necessary preliminary measures which alone can ensure regularity of development and obviate the confusion and expense attendant on the rectification of unsystematic alienation.

148. No survey of the town has yet been undertaken, and not even the position and dimensions of the streets have yet been definitely fixed. Areas have been leased more in accordance with the wishes of the lessees than in pursuance of any considered scheme of town planning, blocks of land being divided into plots as and when demand arises for their occupation. Such haphazard methods are not only unsystematic—they constitute a certain source of future trouble, because when it becomes imperative to extend or widen streets, or to allocate areas for other municipal purposes, it will be impracticable to attain the end in view without incurring heavy expenditure in effecting the resumption of alienated areas, the value of which will have been substantially enhanced since the date of alienation.

149. It is in my view of urgent importance that all main streets, side streets, and back lanes, together with all building areas, should be at once laid out on the ground, provision being made for extension of the same as the town expands. At the same time a comprehensive scheme of surface drainage should be devised and approved. If it is then found that the line of any proposed thoroughfare is blocked or obstructed by alienated land, whether built upon or otherwise, resumption of the requisite area can be effected at a fraction of the cost which may have to be faced if such action is postponed until town values have advanced.

When these details have been fixed on the ground, the whole town should be accurately surveyed, and plotted out as a large scale map, showing all roads, streets, and alienated areas. Then only will the Government really know what lands remain for disposal, and then for the first time it will be possible to effect disposition in such manner as will conduce to regularity of the urban area and the mutual advantage of the Government and the public.

PART IV.

The Forest Ordinance.

150. The movement which was commenced in 1911 in opposition to the introduction of the Forest Ordinance had its origin in the Central Province, and it was only at Cape Coast Castle that objections to the measure were urged upon my attention. Elsewhere the subject was not propounded to me as a matter of importance, and I have no reason to presume that a desire for its withdrawal is general throughout the Colony. This view is to some extent supported by the fact that the Unofficial Members of the Legislative Council, representing interests in other parts of the country, saw no reason for withholding their assent to the introduction of the measure. Moreover, in no instance did any of those in Cape Coast Castle who opposed the Bill suggest that the views they expressed were commonly held throughout the Gold Coast. They appeared to consider it sufficient that they themselves object to its adoption.

151. Cape Coast Castle is the headquarters of the Gold Coast Aborigines' Protection Society, which came into existence in the year 1898 after the successful opposition offered in London to the Land Bill of 1897. It appears that the chiefs, being possibly elated by the result of their intervention in that instance, expressed a desire for the formation of a body which should watch their interests and ensure united action in the event of any policy being proposed in the future to which they might see fit to object. The Society is composed of the chiefs of the Central Province in association with a number of educated native traders and lawyers resident in Cape Coast.

152. It is generally believed by those who have not closely examined its constitution that the educated members in Cape Coast really dictate the policy of the Society, and that the chiefs have little or no voice therein and are admitted to the privilege of membership principally for the purpose of providing it with funds. I found this to be by no means the case. At least three or four of the chiefs readily speak, read and write English. Almost all of them take in the " Government Gazette " and follow the actions of Government with accuracy and intelligence. There is no doubt that the inception of the Society was due to the expressed wish of the chiefs themselves, and that they take as active a part in its proceedings as any of the educated members.

It exists for the avowed purpose of opposing and blocking any action by the Government or by any persons which may, in the opinion of the members, be subversive of their interests or likely to be prejudicial to their native customs or their canons of land tenure. Funds are subscribed by the chiefs only, no payment being made by the Cape Coast members, but such of them as are lawyers give their services to the Society without fee, receiving only their actual travelling expenses.

153. The chiefs pay an annual subscription of £10, but this is supplemented by special contributions when any movement is made in respect of which special expenditure is anticipated. In the case of the opposition to the Forest Ordinance, such contributions have ranged from £90 to £350 each, and the sum at present in the bank amounts to nearly £4,000. It was explained to me that the collection of so large a sum was deemed necessary because the despatch of a deputation to London was contemplated, but I was also assured that the money stood in the bank to the credit of the chiefs themselves, and that it is open to them to withdraw it should they see fit to do so.

154. The objection offered to the Ordinance by the chiefs and other members of the Society was similar in every instance. Specific objection to any particular section or word was not as a rule taken, but strong opposition was offered to the assumption by Government of power to take over any portion of their tribal lands, even though with the declared intention of administering it for the benefit and profit of the community. It was urged that from time immemorial the control and management of the land has been vested in the people themselves, that the Ordinance is in effect an endeavour to attain the same object as that attempted by the Land Bill of 1897, and that no deterioration of forest land under present conditions and no advantage to be derived from its administration by an official department can justify the Government in assuming an authority which belongs to themselves alone.

155. Inasmuch as the general principle of the Ordinance now under consideration is similar to that of the earlier measure which was withdrawn, their objections have been in no way met or modified by the amendments made in the present Bill. They point out that if it becomes law the Government may assume possession of their land on the plea of establishing a system of conservancy, and then put it to other uses, even alienating it to third parties for commercial purposes and thus arrogating to itself the rights and privileges of ownership which are vested only in the tribe. No one of all the persons who gave evidence before me could be induced to show the smallest interest in the preservation of forests, or to admit, when the system was explained to him, that the country would be any better for its introduction. They had certainly consulted together as to the reply to be given in the event of their being unable to dispute the proposition that conservancy results in the improvement and preservation of a valuable national asset, and the answer invariably made was to the effect that if Government wants the forests preserved it should give them the necessary instruction and leave them to do it for themselves.

156. The attitude of those who oppose the Ordinance may be described as obstructive to improvement and apathetic of consequences. In view, therefore, of the strong case which has been made out by Mr. Thompson for immediate action to restrict the further wholesale destruction of forests and to regulate the indiscriminate depletion of their produce, I have no doubt that it is incumbent on the Government to take measures to check further waste and improvidence. While, however, the law should be enacted upon lines which will empower the Government to effect the conservation of forest lands by rules and methods similar to those which are being successfully employed elsewhere, it is necessary that regard should be paid to the extreme jealousy with which the natives will view any provision which may bear the construction of interference with their ancestral rights. The Bill, as at present prepared, should therefore be so altered that its scope may be limited to the selection, demarcation, constitution and maintenance of reserves, and no terms should be incorporated which by expression or implication will confer upon the Government the power of dealing with reserved areas in a manner not essential to the formation of an effective system of conservancy.

In order to attain this end, it appears to me desirable that the Ordinance should be amended in the manner and to the extent indicated below.

157. Section 2: " Unoccupied land." The people take exception to the use of this term, contending that it implies the existence of land over which no right of ownership or occupancy is practised or claimed, and that the expression is inconsistent with the fact that all land is the property of some tribe or individual. The objection is probably not of much real value, but it would seem expedient to meet it by substituting some other term, such as " undeveloped land " in Section 2, and in other parts of the Ordinance in which the term " unoccupied land " occurs.

158. Section 5. After the word " collect " in the third line, delete the word " rubber," and insert the words " forest produce." Also in the sixth line delete the word " rubber " and substitute the words " forest produce." The provisions of the section as it stands are not sufficiently inclusive. There is no necessity to specially mention rubber, because it is included in the definition of forest produce, and the section now leaves other forms of forest produce untouched, neither prohibiting their collection nor providing a penalty for taking them. Incidentally, also, the marginal note is incorrect. The " &c." is surplusage and inaccurate, as no produce except timber and rubber is mentioned.

159. Section II. (iii.) (*c*). The use of the word " lease " in this sub-section is one of the matters which has caused apprehension in the native mind. It appears to them to forecast an intention by Government to dispose of portions of reserves to third parties by lease. I am personally of opinion that such a construction cannot reasonably be placed on the sub-section, as all that appears to be intended is that Government shall take a lease from the landowners. Such an arrangement, however, constitutes procedure which I conceive to be unnecessary, and hold to be inadvisable. The reservation of the forest by means of the order of the Governor in Council (Section II. (i)), and the power of management vested in the Government (Section II. (iii) (*b*)) is all that is necessary in order to place the control in the hands of those in whom it is desired to vest it. No advantage will be gained by providing alternative procedure which is open to the objection that alienation by lease temporarily removes ownership from the tribe to the Government, and invests the Government with power to create subsidiary tenures by sub-lease or otherwise, the terms of which may possibly be at variance with the purposes for which the reserve was created. I think that Sub-section (*c*) should be struck out.

160. In the following sub-section it is provided that two-fifths of the gross receipts shall be paid to the landowners. It is presumably intended that the remaining three-fifths shall be retained by Government in order to meet the cost of forest administration. This, however, is not expressly stated, and can only be gathered by inference; consequently, the chiefs look upon this retention as an improper appropriation of revenues which rightfully belong to themselves. Further, a provision effecting distribution of the revenues in certain fixed proportions is open to the objection that the cost of administration can only be accurately estimated when later experience has shown what expenditure is necessary. Three-fifths may prove insufficient to cover expenses, in which case it will be necessary to make up the deficiency from other sources, or it may prove to be more than is required, in which case

the Government will be retaining revenues which the chiefs may reasonably argue should be paid to themselves. If it be conceded that the administration of the forests should be conducted on lines which, while ensuring efficiency, will reconcile the native mind to the new arrangement, it would seem advisable to provide that all the surplus revenues should go to the landowners, and it would be well to substitute for the present sub-section a clause enacting that the nett annual profits of every forest reserve, after deducting the cost of administration, shall be so disposed of.

161. Certain portions of Sections 14, 15, and 16 appear to me to be open to grave objection, inasmuch as they indicate that when Government has secured the control of a forest area by the creation of a reserve, it proposes to lease or otherwise dispose of portions of it to third parties, or to give authority by way of licence to collect and remove forest produce. The declaration of such intention is one of the points which has aroused the hostility of the chiefs to the measure. They are not satisfied that Government will be content with using its powers merely to effect the collection of forest produce, but anticipate that once such powers have been taken, the reserves will be cut up and alienated as concessions or leased for purposes in no way connected with forest conservancy.

Having regard to the wording of these sections I should hesitate to say that such anticipations are devoid of foundation, and I think that the people have reason on their side in objecting to provisions which empower the Government to vest in other persons any interest in reserves of which it has undertaken the management.

162. When once a reserve has been created, it should be worked and developed solely by the officers of the Department, or by such officers in collaboration with the native owners. The marking and felling of timber, the construction and clearing of lines and paths, the collection of forest produce, and the duties connected with the process of re-afforestation should be performed only by such officers, or by the owners under their direction, and persons unconnected with such management should be admitted to the reserve only when, as prospective purchasers of felled timber, they desire to inspect the logs, or when as actual purchasers they come to remove them.

163. It will probably be objected that the management of reserves upon such lines is unusual, and will necessitate the employment of a larger departmental staff than has been contemplated, but the reply to such contention is that special local circumstances require the adoption of a special system. It must be borne in mind that inasmuch as the creation of a reserve effects no change of ownership, the Government will be dealing with areas which are not, as in other places, the property of the Crown or State, but are the jealously guarded possession of the people. While, therefore, it is desirable that the interests of these people and their successors should be advanced, and their improvident methods of woodcraft checked, by the creation and development of reserves, it should be made clear to them that operations will be conducted only by the Department or by themselves, and that no opportunity will be given to others to acquire rights in such areas. Moreover, as the cost of the establishment should be a first charge upon the forest revenues, it does not seem open to argument that the employment of a larger staff will prove detrimental to any party interested.

164. I therefore deem it advisable that Sections 14, 15, and 16 should be so recast as to abrogate the power which has been taken by Government to grant concessions, leases, or licences in reserved areas, and to limit operations therein to action by the department or by the owners of the land.

165. An addition should be made to the Bill to deal with an important point which appears to have escaped attention. In an earlier portion of this report I have endeavoured to show that in many instances the land appertaining to the stool constitutes the whole, or nearly the whole, of the land which is available for cultivation by the tribe. It is therefore essential to provide that under no circumstances shall more than a certain proportion of stool land be appropriated for the purpose of reserves. Otherwise it is conceivable that the whole of the land attached to a stool might be so appropriated, when the people would be deprived of their natural means of subsistence, and the tribe would probably be broken up and dispersed. The question of the maximum portion which may be taken may with propriety be left for consideration by the local authority, but I should be inclined to fix it at not more than one-third. Further, this is a

matter in which the Provincial Commissioner should be consulted in each case, as the officers of the Forest Department will not as a rule have knowledge of local requirements, and their views will more probably be based upon the suitability of the forest for conservancy purposes than on the legitimate needs of the native community.

166. The suggestion made by the chiefs that the forests should be left in their own hands, and that Government intervention should be confined to teaching them how to manage them, is not a practical proposal worth serious consideration. There is no real desire on the part of the people to conserve the forest land—they are naturally careless and wasteful in their methods of dealing with it, and they are quite unconvinced that any alteration will tend to the advantage of the country. Even, therefore, if it were possible to organise a system of instruction which would instil into the chiefs a knowledge of the elements of forestry, nothing short of the strictest supervision and direction, amounting in practice to compulsion, would suffice to ensure the effective application of that knowledge by the present generation.

The only practical way in which information on the subject can be gradually diffused, and some interest in the work of improvement eventually aroused, is by selecting the subordinate outdoor staff of the Department from among the young members of the better classes of the people. The work of selection is one in which the chiefs may advantageously be asked to co-operate. Possibly at some time in the future there may be found native members of the staff possessed of sufficient experience and capacity to be qualified for higher positions and entrusted with more responsible work, but at the present time delay in the production and enforcement of a Forest Ordinance entails further loss to the country, and the duty of enforcing the provisions of such a law can only be entrusted to those who are conversant with approved methods. It is out of the question, therefore, to rest satisfied with attempts to impart instruction to the people, and nothing less than the continuance of the policy which prompted the introduction of the measure which has recently been passed, can prevent the ultimate destruction of the already seriously depleted forests of the Colony.

167. I look upon the opposition offered by the chiefs as devoid of any substantial foundation, other than the apprehension that Government may be intending to vest interests in reserved areas in third parties. I think that the knowledge that such power has not been taken would go far to modify that opposition, and I advise that the Ordinance be passed and put into force after it has been amended in the manner which I have indicated in the preceding paragraphs.

H. CONWAY BELFIELD.

18 June, 1912.

A.

NOTES OF EVIDENCE RELATING TO PARTS I. AND II. (GOLD COAST).

(1)

The Honourable the COLONIAL SECRETARY (Brevet-Major H. Bryan, C.M.G.), states:—

My experience in the Gold Coast Colony extends over a period of 8 years, I having come here first in November, 1903.

2. As to ownership of land, all land in the Colony, whether waste land or otherwise, is owned by someone. In addition to the forts and adjacent lands, other portions have been acquired by the Crown for public purposes under the Ordinance for the acquisition of land. It has generally been accepted that every yard in the Colony has an owner. People have occasionally attempted to take possession of land, but some chief has always come forward and claimed it.

Some years ago, in 1905, I think, I incorporated in the annual report in the blue book for that year, a short chapter on the ownership of land in the Colony, and I have repeated it every year since with modifications.

I would divide the land roughly into three classes; the stool or tribal land, the family land, and the land (a very small proportion of the whole) which is private property. The latter is almost entirely confined to the towns, and has been purchased by merchants for shops and by natives for other purposes.

There is a distinction between stool and tribal land. The revenues from stool land go to the occupant of the stool for the time being to support his dignities, and the tribal land is common land and is let out for the use of the tribe, which usually takes the form of agriculture. In the latter case one-third of the produce (or rather of the proceeds of it) goes to the occupier of the stool to be used for the general good of the tribe.

Stool land cannot, according to native custom, be permanently alienated, but the occupants of the stools, with the advice of their elders (although this is not always taken), often do part with land for a specific term of years for a consideration. The tribal land is also alienated in the same way.

3. No specific cases of neglect of the interests of the people have been brought to my notice, but possibly cases have been reported to the officer for native affairs. In the ordinary course they would be reported by the Secretary to the Court.

4. The procedure that should be followed by applicants for concessions is as follows:—

First of all the applicant, having prospected the land, and made up his mind what portion he desires, goes to the Chief and applies for a certain area, and the extent and boundaries are defined as nearly as possibly without a survey. The consideration is settled between the Chief and the applicant in the first instance, before the Government deals with the matter at all. Next the applicant sends a notice to the Registrar, who causes it to be filed in the prescribed form. These notices are registered, filed and numbered by the Registrar of the province in which the concession is situated. After it has been ascertained that they are in proper form they are sent to the Colonial Secretary, and are gazetted for general information.

That having been done, and the Registrar of the Court having satisfied himself that all is in order, the holder of the concession asks the Judge to hold an inquiry. After the gazetting of the notice a day is fixed by the Registrar for the hearing of the application in accordance with the provisions of Section 6 of the Ordinance.

The notices to the interested parties under rule 8 are then served.

These formalities having been complied with, a date is fixed for the hearing of the inquiry.

The decision of the Judge must be on the evidence put before him. He will decide upon the adequacy of the consideration, and, if necessary, vary the terms. He will also see that the period and area of the concession are in accordance with the Ordinance. If satisfied he will issue an order of survey, if survey has not already been made. The order is sent to the Director of Surveys, who will require deposit of the prescribed fees.

Survey having been completed, the plans are forwarded by the Director of Surveys to the parties who pay for them.

I take it that application is then made to the Court for a date to be fixed for the final hearing.

Upon final inquiry any new matter would have to be settled in the presence of the grantor and grantee. It would have to be shown that the area surveyed was that originally mentioned, that it conforms to the details originally agreed upon. It would possibly be modified by the Court.

It may be that an area stated in the original agreement to be 3 square miles is found on survey to be 3½ or 4 square miles, and in that case the agreement would have to be altered in accordance with the survey.

In ordinary circumstances the granting a certificate of validity follows the survey in due course.

As a matter of practice considerable delay usually arises between the first filing of the application and the granting of a certificate of validity. Such delay may amount to 12 months or more. It may be due to several causes. As far as the Government is concerned, it is mainly due to the fact that the survey department is not strong enough to cope with sudden rushes of work. Suddenly, people come along, as happened 18 months ago, and want a number of concessions surveyed, and the ordinary staff of the department cannot deal with such a demand. In the case I refer to we had to make special arrangements, and a number of extra men were brought out.

5. A point that strikes me as being quite wrong is the procedure by which the holder of a prospecting licence is allowed to go direct to a native Chief and arrange terms without the knowledge of the District Commissioner. I hold that the District Commissioner stands

in loco parentis to the native Chief: he should know of the Chief's desire to alienate his land, and I consider that it should not be alienated without the concurrence of the District Commissioner. It may happen that the Chief, who is often illiterate, may be advised by a solicitor who is also acting for the applicant. He takes fees from both parties, which is one of the weakest points in the whole business. No would-be concessionaire should be allowed to have dealings with a Chief without the cognizance of the District Commissioner.

6. Generally the Judges have carried out the work entrusted to them under the Concessions Ordinance with great care, yet by reason of the fact that they do not personally visit and inspect with the Chief concerned the land forming the subject of the concession, they are not in a good position to decide how far the terms of the agreement are equitable.

7. The only alteration that strikes me as being practicable is to remove the alienation of land and questions relating thereto from the Judges to the executive officers.

I also suggest that all applications should be made in writing and be submitted in the first instance to the District Commissioner.

There should be a file of applications in the District Commissioner's office.

The District Commissioner should consult with the Chief concerned, and acquaint him with the terms asked for, at the same time giving his own opinion upon them.

Approval of any application should only be in such terms as the District Commissioner and the Chief are able to agree upon.

I consider that if the terms of concessions can be definitely standardized, and ratified by executive order, it would not ordinarily be necessary to refer the matter further than the District Commissioner.

I am of opinion that in addition to the record of lands alienated kept by the District Commissioner, a duplicate of the deed should be sent to the Colonial Secretary's office for registration there.

When the Provincial Commissioner has signified to the District Commissioner his approval of the terms, the latter should issue an order of survey on the survey department, at the same time receiving from the applicant the requisite deposit.

I agree that the applicant may reasonably be given the right of occupation pending the completion of survey, subject to the stipulation that he takes the risk of going outside his eventual boundaries, and upon the understanding that rent accrues due from the date of occupation, or in any event from the date of the lease.

8. With regard to prospecting licences (schedule B of the Concessions Ordinance), these documents are at present issued by the Government upon application made to the Secretary. No period has been fixed for the continuance of such licences and at present there is no limit thereto, neither is there any limit to the areas for which the licences are available.

9. The application should be made in the first instance to the District Commissioner, who should satisfy himself as to the bona fides of the applicant, and he should have power to withhold licences if he thinks it necessary to do so. I would limit the area within which a man may prospect to the district in which he applies for a licence. I think it would be advisable to limit the area of prospecting licences as much as possible, but in the absence of well-defined boundaries this would not be possible at present. I would also make the term for which the licence is available a definite period, say 12 months, and I would reduce the fee to £1. At present the fee is £5, and there is no limit to the term.

10. The practice of granting options in the Colony has arisen in consequence of the desire of prospectors to hold over selection of definite areas until a later date. The Chiefs have been in the habit of giving the refusal of areas for various purposes for a pecuniary consideration. Unless it can be shown that hardship is likely to be inflicted to grantors and grantees by the elimination of the right to grant options, I am in favour of the abolition of this right in order to simplify the whole system of alienation of land. I would lay down a limit of six months during which the holder of a prospecting licence would have to make his final selection.

11. With regard to the areas granted under the Concessions Ordinance, I would leave this as it is at present, unless it can be shown that the land so alienated is so excessive as to be a disadvantage to the Colony and to the native inhabitants.

12. As to the period of leases, I should not feel inclined to vary it either in the case of mining or agricultural land until it has been demonstrated that the increase in population of the country has become so material as to leave to the natives less land for their own operations than they may reasonably require.

13. Dealing with the views expressed by Chief Mate Kole on the subject of increase in population, I am inclined to think that what may be the case in the particularly flourishing agricultural district over which he presides would not be so generally the case in other districts of the Colony. The census figures for the last three periods are contained in the Governor's address to the Legislative Council. They are as follows:—

1891	...	...	...	...	...	1,473,882
1901	...	...	...	...	...	1,486,433
1911	...	...	...	...	...	1,500,000

14. With regard to the period during which concessionaires of mining land may continue to occupy such land prior to the commencement of actual mining operations, I consider that the conditions should specify the limit of time within which operations should commence. Concessionaires should be compelled, in the absence of good reason, to commence within such specified time. Provided good cause were shown, the Provincial Commissioner could approve extension for a stated period. If a concessionaire fails to occupy and mine the land within the prescribed period he should forfeit his rights.

15. I think in the case of agricultural concessions it should be made a condition that a portion of the area leased should be brought into effective cultivation during each year under penalty of forfeiture of such land as has not been cultivated.

16. I consider that all pecuniary considerations in respect of concessions granted should be paid to the office of the District Commissioner, whether in the form of a lump sum or of annual rent. I should be in favour of a proportion of the capital sum and rent so paid being retained by the Government and expended for the benefit of the district in which the concession is situated. The District Commissioner would thus have under his charge an important fund which would be devoted to the general improvement of the district by constructing new, or improving existing roads; by assisting the Chiefs to establish elementary schools; and such other purposes as, subject to the approval of the Provincial Commissioner, the District Commissioner may consider advisable. If the retention of a portion of such premium and rent (say one-third) is approved, it might be advisable to fund the money and appropriate the interest accruing from it as suggested above. Such an arrangement would, however, be open to the objection that the sum available would be so small as to be of very little assistance in the development of the country, and it may therefore be preferable to devote the whole of it to such improvements. Personally I do not think that the Chiefs would object to such an arrangement, but I fear they will be instigated to do so by their legal advisers.

17. As regards the money to be handed over to the Chiefs, I consider that the expenditure of these sums should be supervised by the District Commissioner in order to ensure that they are not misappropriated by the Chief.

18. The alienation of land to Europeans is certainly beneficial to the natives, as I am satisfied that they benefit by the opportunity afforded them of earning regular wages, at a higher rate than they would otherwise obtain, by giving them a chance of attaining to the rank and emoluments of skilled mechanics, and by offering to such of them as are engaged in agricultural pursuits a regular market for their produce at prices possibly in excess of those paid as between themselves. Agricultural concessions offer object lessons to the natives and enable them to acquire improved methods of cultivating and preparing economic products.

19. I am quite satisfied that the late Chief Justice and other Judges to whom I have spoken in this matter have taken particular care to see that the letter and the spirit of the Concessions Ordinance has been carried out, and that other persons besides the Chief himself are heard. I consider that if the procedure laid down in the Concessions Ordinance has been carried out, and I have no reason to question this, all persons likely to be interested in the land forming the subject of the concession have had full opportunity, if they so desired, of being heard by the Court prior to the granting of the certificate of validity.

20. The adequacy of the consideration paid in respect of concessions granted has been ensured by the consent of the Chiefs and the approval of the Court. In the case of concessions hereafter granted I suggest that the adequacy should be ensured by fixing the amounts in accordance with the views of the Chief and the District Commissioner in consultation.

21. I am in a position to say that a considerable proportion of the consideration received by the Chiefs is expended in the liquidation of stool debts. These debts have been incurred in very many instances by litigation. I regret to say that it has been brought to my notice in a number of cases that the greater the Chief's revenue arising from concessions, the greater is the number of his legal advisers, and the amount of his debt.

22. With regard to the question as to:—

"How far the alienation of native land to Europeans which is going on in the Gold Coast threatens—having regard to the probable increase of population—to deprive the natives of adequate land for their subsistence?"

I put forward the following considerations:—

(*a*) The area of land alienated in the Colony under the Concessions Ordinance, 1900, was, on the 31st of December, 1911, 879·077 square miles out of a total area of, approximately, 24,335. Of this total area, 9,723 square miles are situated in the Western, 4,626 square miles in the Central, and 9,986 square miles in the Eastern Province.

The area alienated in each province is:—

Western	824·245
Central	7·342
Eastern	47·490
	879·077

(*b*) The Census Report, 1911, puts the population of the Colony at 853,766, distributed as follows:—

Western Province	164,413
Central Province	247,121
Eastern Province	442,232

The average number of persons to the square mile is given as below:—

Colony	35·0
Western Province	16·7
Central Province	53·4
Eastern Province	44·3

The appended statement shows the incidence of areas alienated and the population to the square mile:—

	Sq. miles alienated.	Pop. per sq. mile.
Western Province	824·245	16·7
Central Province	7·342	53·4
Eastern Province	47·490	44·3

It is apparent, therefore, that, approximately, the area of land alienated in the thinly populated Western Province is fifteen times as great as that alienated in the two agricultural provinces.

(*c*) At the present time, mining or prospecting is in progress on some 70 concessions. Taking the average area *actually occupied* for mining and prospecting purposes at 180 acres, which, I believe, is a liberal estimate, it follows that the natives are debarred from farming over some 12,600 acres, or rather less than 20 square miles, out of a total of 24,335.

Having regard to these considerations, I am of opinion that the alienation does not at present threaten to deprive natives of adequate land for raising foodstuffs.

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(2)

The Honourable The Attorney-General (Mr. Arthur Hudson, K.C.), states:

I have held my present position since October, 1908, and I have been intimately connected with the working of the Concessions Ordinance. I will confine my attention entirely to the Colony.

2. The procedure to be followed before a concession is granted is as follows:—First of all the would-be concessionaire interviews the Chief in whose territory he desires to obtain a concession. So far as anything is laid down it rests with the Chief and elders to come to an agreement with the applicant. Assuming that the parties have come to terms the next step is that within six months of the date of agreement the concessionaire must file notice with the Registrar of the Court in the province in which the land is situated, and the next stage is that notification is published in the Gazette. A copy of this notice is affixed in all the Courts and copies are served on all parties concerned. The date is then fixed for the hearing, when the Court reviews the concession before giving its certificate of validity. It must assure itself on the following points. The concession must be in writing, and the Court must be satisfied that the parties making the concession are the proper parties to do so. It must satisfy itself that the concession has not been obtained by fraudulent means, that good and proper consideration has been given, and that the terms are equitable. Further, it must satisfy itself that the rights of the natives as to shifting cultivation, collection of firewood, and killing of game are properly reserved. There must be an interval of three months after the notice and before the inquiry as to the validity of the concession, this being to give an opportunity to any parties who consider themselves aggrieved to intervene. Then the inquiry comes on before the Court. The Attorney-General has power to intervene, or any other person may intervene after having obtained the authority of the Attorney-General. In giving its certificate of validity the Court has power to impose conditions, and I think that is a very valuable provision. For instance, it has power to say that operations under this concession must begin within a certain time, so that land may not be tied up or used for speculative purposes, and generally to impose obligations. If obligations are imposed and are not complied with, the Attorney-General has power to move the Court to determine the concession, or otherwise to ask the Court to order that the conditions be complied with, to award damages for non-compliance, or to make any other award that seems just. If the Court declares that the concession is valid, then it grants what is called its certificate of validity. In the certificate of validity there should be set out the boundaries, situation, and extent of the land. I may say that in some cases in the past the Court has not always been careful to observe this. The attention of the Judges was drawn to this non-observance of the law on their part, and I think certificates of validity are now carefully drawn. The nature of the concession should be set out in the certificate, and, of course, any modifications or conditions that the Court has imposed which vary the terms of the original agreement. The certificate is signed by the Judge who has been inquiring into the matter, and if the Court considers that the concession is invalid, that is, if it refuses its certificate, it makes such award as seems fair to it. In almost all cases the Court in the first instance makes an order of survey, whereupon the applicant is under obligation to deposit the survey fee before he can approach the Court for the certificate of validity. I do not, however, know of any case in which the final application for a certificate has been refused after survey.

3. I have had no experience of the alienation of native land elsewhere.

4. I do not know of any instance, other than the West Coast of Africa, in which the duty of supervising the alienation of land has been entrusted to the Supreme Court.

5. The only cases of delay in granting certificates of validity of which I am aware are those arising from the inability of the survey department to carry out work with despatch, and the time limits imposed by the Concessions Ordinance. Any other delay is probably caused by inaction on the part of the concessionaire.

6. I am of opinion that no land in the Colony other than the forts and their immediate surroundings, and such land as has from time to time been acquired by the Government for

specific public purposes, can be considered to be Crown land. I acquiesce in the opinion that all land in the Colony is owned by someone. Ordinarily the land belongs to a chiefdom. Usually in every chiefdom so much land belongs to the stool. This land is not actually rented by the stool, but is let out to families, who live upon it.

7. I should say that on the whole the present system is satisfactory, or nearly so; I mean that, while it is, no doubt, capable of improvement, I am not in favour of the control being transferred to the Executive. My reason for this opinion is a disinclination to disturb a system that is working fairly well. In a minute that I wrote on this subject I threw out suggestions as to directions in which I considered the Ordinance could be improved.

8. The Executive might possibly exercise more control over the original agreement made between the Chief and the would-be concessionaire, but I am of opinion that the control of concessions should be left in the hands of the Supreme Court. One reason why I advise that in land matters the Supreme Court should continue to be the authority, and that such authority is preferable to the exercise of similar jurisdiction by a Provincial Commissioner, is that I believe a capitalist applying for a concession would have greater confidence in investigation by judicial authority than in that of an executive officer. A further reason is that a concession is a contract to which one of the parties will probably be a native, and, apart from concessions, all other contracts of whatever nature may have, in case of dispute, to be dealt with by the Supreme Court. In my opinion, complaints against administration by the Court which may have arisen in the past are attributable more to oversights in individual cases than to any specific weakness in the system under which the alienation of land is administered.

9. Regarding the period for which concessions should be granted, I am of the opinion that in the case of timber concessions for large areas the term should be reduced from 99 years to 70 or 75 years. I do not advise any change in the period in the case of mining concessions, as the area that can be held is small and the capital invested must necessarily be very much larger than in the case of a timber concession. I do not see any reason for making alterations in the areas prescribed by section 20 of the Ordinance.

10. In the event of the repeal of the Concessions Ordinance and the substitution for the present system of a scheme investing the executive officers with authority to supervise the alienation of land I have no doubt that some legislation will be necessary immediately on the withdrawal of the existing Ordinance in order that parties interested in concessions may be compelled to proceed in accordance with the conditions prescribed by the new system, and precluded from effecting negotiations in a manner unauthorised thereby. No doubt the essentials of what the Government require can be provided in a very short enactment, but some immediate substitute for the Concessions Ordinance there must be.

11. So far as figures can be illuminating, statistics have been worked out which show that only a very small proportion of land has as yet been alienated; moreover, of this alienated land, *e.g.*, for mining purposes, a great deal will still be usable as farm land. It is, therefore, most unlikely that the alienation of land to Europeans will be prejudicial to the native population.

Whether the ultimate effect of such alienation will prove a benefit or a misfortune must depend, I think, very largely on the educational and civilizing forces of the Colony.

12. As far as I have information to enable me to form an opinion, I should say that, in practice, the Chiefs alienate land with the concurrence of their headmen and elders. How far or how little they consult the tribe as a whole I am not in a position to say.

13. It is the duty of the Court to see that the consideration for the concession is adequate before granting a certificate of validity—*vide* section 11 (4), Ordinance 14 of 1900.

14. It depends largely, no doubt, on the character and enlightenment of a particular Chief as to whether he spends his concession rents for the benefit of the tribe or on personal luxuries. In some cases the rents are appropriated between the Chief, his elders, and the tribe (the stool).

I think a beginning might be made by the Government calling on the Chiefs who receive concession rents to furnish a balance sheet showing the moneys received and how the same has been, or is being, expended. If the Chiefs demur to doing this voluntarily, it could easily be enforced by an enactment.

15. The concessionaire must take the steps preliminary to applying for a certificate of validity within six months of obtaining his concession (section 9 of Concessions Ordinance).

The Court has power under section 13 of the Ordinance "to impose such conditions with respect to the issue of any certificate of validity as to the Court shall seem just." Presumably the Court could impose a condition that mining operations, rubber collecting, or timber cutting should be commenced by a certain date.

The Concessions Ordinance might be strengthened for the purpose under consideration by the incorporation of section 50 of the Ashanti Concessions Ordinance.

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(3)

The Honourable THOMAS HUTTON MILLS, Member of the Legislative Council and Barrister-at-Law, states:—

I am a Barrister-at-Law, practising in Accra and in the Colony generally. I was called to the Bar in June, 1894.

2. I have had many opportunities of observing the working of the Concessions Ordinance, and have a practical acquaintance with land tenure and the rights of the people generally in respect of land.

3. The interest of the Crown in the land in the Colony may be described as follows:—

Firstly, the forts along the coast, and the areas immediately surrounding them.
Secondly, such land as the Crown has acquired under the public ordinance for public works.

The Crown has no right or interest in any other land.

4. There is no land in the Colony without an owner; it is all the property of some tribe, family, or individual.

5. I am inclined to think that the owners of the land are able to define their boundaries. Intertribal boundaries are easily ascertained. Lands belonging to families and individuals can in a similar manner be demarcated. Also land belonging to native companies (companies of war distinguished by specific names and numbers) can in the same way be described and marked out.

6. The land in the Colony may be classified as follows:—stool land, tribal or family land, and land which is the property of individual owners. Stool land is land belonging to a town and its people, and is managed by the occupant of the stool, who may be a head Chief or a sub-chief. Tribal land is land owned by various tribes. Such land would belong to the stool and be administered by it. Family land is land possessed by a family, and is administered by the head of the family for the use and benefit of the members. Individual land has generally been purchased from families by Europeans.

7. Owners of land have the right to alienate with the concurrence of their stool or tribe. They can either lease it for a term or sell outright. The disposal of property generally takes the form of a lease for a term of years, the consideration being a lump sum supplemented by an annual rent.

8. By native custom it is obligatory that money received as consideration for land leased should be deposited in the treasury of the stool. The Chief has no right to deal with money so obtained, or to dispose of it without the consent of the sub-chief or councillors. As far as I am aware, speaking particularly of the Eastern Province, the Chiefs give a portion of the consideration money to the head Chief or paramount Chief, and portions of the consideration money and rent are subsequently shared amongst the sub-chiefs, councillors, and other representatives of the stool, who are entitled thereto. The money is therefore all absorbed in this way by the representatives of the tribe at the time it is paid. Hitherto it has not been spent for the good of the country. Therefore, those who will succeed the present occupiers will receive no benefit from the payment of consideration money to their predecessors, although, of course, they will receive the annual rent.

9. Having regard to the development of the Colony in the matter of civilisation and education, it would, in my opinion, tend to the advancement and security of the people if a portion of the moneys paid on account of the alienation of stool lands were reserved to form a fund for the use of future generations of the tribe. I should say that in the first instance the money should be handed to the Chiefs, who should dispose of it in a manner to be prescribed. My suggestion as to a deduction being made from the consideration money would also apply to the annual rent.

10. In the first instance the intending lessee, or his agent, negotiates direct with the owner of the land for the leasing of the block which he desires, and terms are arranged direct between themselves in most cases, without any educated person being present to protect the interests of the Chief. I am of opinion that this arrangement is not advantageous, because it is within my knowledge that arrangements have been made as to fees, which would not have been ratified had the Chief had proper advice or understood the position. It happens sometimes that the applicant provides himself with an interpreter, who may be desirous of getting the property as cheaply as possible. In my opinion the safer course would be for the Government to acquaint the Chief and his councillors with the advisability of taking legal advice on the subject of the preliminary negotiations, and if the Chiefs are unwilling to do this they should be compelled to be guided by the advice of the District Commissioner. I consider that in every such negotiation the Chiefs should act in one or other of the above ways. In the event of the negotiation being conducted through the instrumentality of the District Commissioner, I advise that the terms settled should be subject to confirmation by the Governor before the lease is executed.

11. On completion of negotiations the terms are embodied in a lease (in duplicate), which is signed by both parties. Both copies are taken by the lessee for stamping and registration, and one copy is then filed with the Registrar of the Concessions Court. The documents supplied to the Court are certified copies of the lease. This arrangement is made in order that the original may remain in the hands of the lessee.

12. The next step is to gazette a notice under the Ordinance, and after the expiration of the prescribed period, inquiry into the terms of the concession is made by the Court. At this first inquiry the matter proceeds no further than an order by the Court for the survey of the land. No question of the issue of the certificate of validity arises at the original hearing. It is then the duty of the applicant to deposit the survey fee with the Director of Surveys. Nothing further is done until survey is completed and the plans prepared. Upon completion, the applicant receives the plans from the survey department, or, occasionally, they are sent to the Court. The case is then sent down for final inquiry. The persons whom the Court shall summon to give evidence as to the genuineness of the concession are the head Chief of the town or district in which the land is situated, and the owners of adjacent properties. The head Chief is invariably subpœnaed, but his accredited linguist is usually allowed to represent him in Court. The linguist is an officer who is presumed to have detailed and expert knowledge of the situation, and particulars of all lands in the district presided over by the Chief whom he serves. In the majority of cases the linguist does represent the Chief, and he is usually

accompanied by the councillors and sub-chiefs. Sometimes there are two linguists—one to check the other in points of fact. In addition to the evidence given by those interested in the concession, evidence is taken by the Court from the proprietors of adjacent lands, in order to avoid subsequent conflicting claims. If the Court is satisfied as to the terms and conditions, and there is no opposition, a certificate is now granted. It is, however, possible under the present system, that after the applicant has incurred considerable expense for survey and other causes the application may be refused, and the money wasted. The remedy for this state of affairs is that the survey should be postponed until after the certificate of validity has been granted.

13. The time that elapses between the preliminary negotiations and the granting of the certificate is usually very considerable. I have known cases where an interval of one or two years, and sometimes more, has thus occurred. I am of opinion that these periods should be considerably shortened, and in this respect the working of the Ordinance cannot be considered satisfactory. Delay is usually due to non-payment of the survey fees by the lessee or the inability of the Survey Department to carry out its work with despatch. I am not able to give any instance in which the delay has been attributable to the Court, but this remark is confined to the Court of the Eastern province, as I am not fully cognizant of what takes place in the Courts of the Central and Western provinces.

14. I am of opinion that the areas prescribed by the Concessions Ordinance for mining and agricultural leases are reasonable, and should be left as they are for the time being. Nor do I see any necessity for altering the period of 99 years prescribed in the case of mining land. As regards timber concessions, I would reduce the area granted from 20 square miles to five square miles. I desire to say, however, that these opinions are in no sense those of practical experience, and that if it can be shown that the interests of the country will be advanced by any alteration of either area or term I would not desire to press my own views.

15. I have reason to believe that the practice exists, by which the holders of mining concessions have attempted, or are attempting, to make use of the surface of the land leased for purposes other than those connected with mining, and I think that in the case of some existing concessions such right has been incorporated in the terms of the indenture. I agree that the surface rights of mine owners should be limited to matters immediately appertaining to mining operations.

16. In the case of mining lands I consider that a period should be prescribed within which the miner should commence work, and that he should be under liability to continue his work thereafter without intermission, unless for good cause shown he succeeds in obtaining from the Government a certificate of exemption for a stated period, as is granted in other countries. Failure to conform to this obligation should entail forfeiture. With regard to agricultural land I agree with the principle that the lessee should be under obligation to cultivate a specific portion of the area leased within a stated period, and that failure to comply with such condition should render the uncultivated portion of the land liable to forfeiture.

17. Having received explanation regarding the system under which licences to collect natural forest produce are issued in other places, I think it possible that some similar system might be adopted with advantage in this Colony. Such a system would be advantageous inasmuch as it would dispense with the cost attendant upon the survey of large areas, and would leave the land available for such operations by the native population as the inhabitants of the district may require. The boundaries of the land to be included in such licences need only be roughly described. The licence fee need not be large, nor the period of its continuance lengthy, while the interests of the land owner would be preserved by placing upon the holder of the licence an obligation to pay to him a prescribed percentage of the market value of the produce removed from the area covered by the licence.

18. If the alienation of land proceeds at the same rate as in recent years I consider it probable that the natives may find the area at their disposal more restricted than is desirable. One remedy for that would be to reduce the areas of land alienated by concessions. The Chiefs and other educated natives, not having before them ocular demonstration from maps and plans of these areas, have little conception to what extent alienation has proceeded. On the question of increase of population I am unable to express an opinion.

19. The fact that Europeans are working in the midst of the native population is likely to prove of advantage to the latter in the following ways:—

By exemplifying the advantages derived under scientific manuring of the soil.
By making them acquainted with the planting of new products.
By giving them ocular demonstration of improved methods of planting.
By giving them an opportunity of learning how to prepare produce for the market on the most approved methods.

20. I would leave the control of alienation of lands in the hands of the High Court. My reasons for this are that the people have implicit faith in the Court, and that there is always the right of appeal to the full Court and finally to the Privy Council.

21. In my experience the Court requires to be satisfied that the proper parties have agreed to the arrangement before it will consent to the issue of the certificate of validity.

22. As a general rule the Chiefs have been persuaded to receive smaller considerations for concessions than they would have expected if they had had a true conception of the transaction. I think that a general standard of adequacy might be arrived at by a conference between the Supreme Court and a body of mining experts.

23. So far as I know the consideration is distributed amongst the Chiefs and heads of the tribe, and it is apparent that the tribe as a whole derives no benefit from it. In this answer I confine myself to practice in the Eastern province.

(4)

Mr. Francis Thomas Dove, Barrister-at-Law, states:—

I have been personally acquainted with this Colony since July, 1897, and have practised here ever since with the exception of short holidays.

2. As far as I know, it is contrary to the native idea that land could possibly be without an owner. It follows, therefore, that every piece of land is owned by somebody, but in many cases owners do not know the limits of their land.

3. The rights of the Crown as landowner are limited to the coast forts and the ground immediately surrounding them, and to such land as has been acquired under public ordinance for public purposes.

4. The land is divided into three classes: firstly, there is stool land, which forms the principal portion of the whole; secondly, family land, and thirdly, land which is the property of individuals. Some of the latter being in the country districts was acquired before the practice of granting concessions of land for mining purposes had grown up.

5. The occupant of the stool for the time being is the temporary owner of stool land. When the King alienates stool land it is his duty to spend the consideration money upon matters connected with the stool, which includes his personal maintenance, the liquidation of stool debts, and the expenses of the stool. If there is any surplus it should be divided between the King and his representative Chiefs.

6. In the case of family land no alienation may take place without the consent of the head and principal members of the family, but not necessarily of every member. Money received on account of family land, as in the case of stool land, may be divided amongst the members of the family.

7. Coming to the question of the Concessions Ordinance, I am fairly familiar with the procedure under that measure. When a person wants land he makes his application to the Chief concerned. They settle between them the locality and area, the boundaries are approximately demarcated by the Chief, and they also settle the amount of the consideration money and rent. In practice, however, at the present time it has become so well known that the Court almost invariably fixes £50 as the consideration for a concession of 5 square miles, that that figure is usually accepted in the earlier negotiations. In the same way the occupation rent is usually fixed at £10. The terms of agreement are incorporated in a lease, which is taken to the office of the Registrar and there stamped and registered, when the Registrar gazettes a notice in the terms of the Registration Ordinance. Subsequently the applicant files notice in the Court under Section 9 of the Concessions Ordinance, and later he is notified by the Registrar of the date of hearing. The Court being satisfied of the bona fides of the application and that payment has been made of the consideration money and of the rent accruing due at the date of hearing, proceeds no further than to make an order of survey. The survey fees usually run into some hundreds, and occasionally into some thousands of pounds. At the second hearing the survey plans are produced, and the Court then proceeds to consider the granting of a certificate of validity. The applicant is required to pay all rent accruing due up to the date of the second hearing before he can be considered qualified to approach the Court with his application for a certificate of validity. Notwithstanding the payment of these considerable sums he has no assurance that the Court will eventually grant him his certificate, because in the event of any opposition to the claim arising, the judgment of the Court may be given in favour of the other side. I am of opinion that it is inequitable that an applicant should be mulcted of large sums of money and yet be exposed to the risk of having his application thrown out by the Court. It would be preferable that in cases where opposition exists, or is apprehended, the issue should be considered and determined by the Court before the order of survey is made.

8. It is the practice of the Court to summon all parties interested to the hearing, and, generally speaking, I consider that the Court does all in its power to protect the interests of the natives concerned, to ensure the adequacy of the consideration money and rent, and generally to protect the interests of those who are entitled to receive benefit from the alienation of the property. It is, however, a fact, that conditions attached by the Court to certificates of validity vary according to the individual views of the Judge who happens to hear the case. Therefore, as the Ordinance now stands, it is impracticable to lay down any general standard of conditions by which the Court shall be bound.

9. It is matter of common knowledge that considerable delay occurs between the registration of the lease and the issue of the certificate of validity. I know of a case in which the proceedings hung fire for something like four years. So far as I know no portion of that delay can be attributed to the Court.

10. It has been the practice for the Court to ascertain the names of the native persons interested in the alienation of land from one of the clerks of the Court, and thereupon notices of attendance are issued to these persons.

11. I have no reason to be dissatisfied with the arrangement by which the jurisdiction of the alienation of land is entrusted to the Court. I should, however, like to see the Concessions Ordinance amended in certain particulars to facilitate and expedite the present procedure and to reduce expense.

12. I am of opinion that the inhabitants of the Colony would prefer that the Court should retain its jurisdiction rather than that the control should be transferred to Executive officers. My reasons for holding this opinion are:—

That the land is all the private property of the people, not, as in other Colonies, the property of the Crown. The people are therefore entitled to express views on all matters relating to its alienation, which is not the case in places where the land is at the disposal of the Government.

It appears to me that executive officers throughout the Colony are not as a rule endowed with that capacity which would lead the Chiefs and the people to trust implicitly in their decisions, and that it would be necessary to employ for this purpose officers of wider experience.

13. With regard to the areas of concessions granted for mining and agricultural purposes respectively, it is my view that the limitations imposed by Section 20 of the Concessions Ordinance are reasonable.

14. I have no opinion to offer on the subject of the period of 99 years prescribed by the Ordinance.

15. I consider that it would be reasonable to impose upon all lessees of mining land an obligation to commence work within a period of two years from the date of the issue of the certificate of validity, and thereafter to proceed with continuous and effective work. In the event of circumstances occurring enabling the lessee to show good cause for suspending work, it would be necessary to provide for the issue of a certificate of exemption for such period as may be considered reasonable. Failure to comply with this obligation should entail liability to forfeiture.

16. Similarly, in the case of agricultural land, it is desirable to impose an obligation to commence cultivation within a specified number of years. Failure to comply should entail forfeiture of the uncultivated portion. In making the above suggestion I wish to say that these conditions should not be applied to agricultural lands occupied by natives of West Africa.

17. I am not in favour of permitting the exercise by miners of surface rights other than those necessary for the purpose of effectively working the mines. Examples of those which might be permitted are the right to take timber for mining purposes, the right to erect houses for the accommodation of the labour forces, the right to make roads and drains for the transport of materials or introduction or release of water, and the right to grow produce for the consumption of those employed on the mine.

18. Leases are at present issued by the Chief for land on which forest produce may be collected in the same way as they are granted in the case of mining and agricultural concessions. It appears to me, however, that when an applicant desires to enter a specified area merely for the purpose of collecting and removing natural forest produce it would be preferable to authorise him to do so by means of a licence. Such procedure would tend to relieve the applicant of heavy expense for survey and other costs incidental to alienation, while at the same time it would leave the area accessible to the native population, who might be materially inconvenienced if the proprietary rights in the land were vested in the concessionaire. Such licences should convey to the licensee the exclusive right to collect during the term of his licence, as the issue of more than one authority at the same time in respect of the same area would be liable to lead to a conflict of interests and consequent dispute. The term of such licence might with advantage be substantially less than that allowed in the case of leases, and personally I incline to the opinion that a term of 7 years should be the maximum period permissible with a right of renewal if the applicant has been reasonably industrious and is desirous of continuing work.

19. I know of no reason for thinking that the population of the Colony is materially increasing. Any increase, if such exists, is, I think, due rather to immigration than to advance in the number of the resident population.

20. I should say that the alienation of native land to Europeans in those parts of the Colony with which I am personally acquainted has not so far prejudicially affected the requirements of the native population, or deprived them of land which they may have reasonably desired to retain for their personal subsistence.

21. I do not think that the natives in this part of the Colony are much inclined to engage in mining work. They are principally interested in agriculture, and they would reap more benefit from the example set by European planters than from the operations of a mining company.

22. I have seen a good many documents relating to concessions, in all of which the concurrence of the headmen with the arrangement made by the Chief is recorded. The native interests are further safeguarded by the inquiries made by the Court.

23. Inasmuch as the amount of the consideration is agreed upon in the first instance between the chief and the applicant, and is subsequently confirmed or varied by order of the Court, it may be said that the sum paid is adequate.

24. I have already stated that the consideration money is usually laid out in the interests of the stool, and I consider that these interests may be said to represent the general interests of the tribe. I have never heard of a case in which a Chief has spent money for the purpose of opening up his country. I do not think it would be right that any portion of this money should be laid out on public works, but I do think that some portion of it might well be spent for the advancement of education. A portion of it might be retained by the Government to form a fund from which future generations might derive pecuniary benefit. I think that the proportion retained by the Government should be at least 50 per cent. of the consideration money and annual rent. I should be prepared to support any arrangement which would ensure the payment of the consideration money and rent to a European officer, who should be empowered to retain the prescribed portion of the money so paid and hand the balance to the Chief concerned. I anticipate, however, that this arrangement would not meet with the co-operation of the Chiefs. The weak point about the present system, whereby the Chiefs dispose of the money that they receive from concessions in the manner mentioned above, is

that sufficient thought is not given to the requirements of posterity, and I have often wondered why the Government has not retained a portion of the consideration money.

25. In conclusion, I desire to represent that it would be most advantageous to the native population if the Government would devise and introduce some method by which the alienation of land as between natives may be reduced to greater certainty. Effecting alienation by means of verbal arrangement and some obscure native forms is not always decisive or satisfactory. It is comparatively easy to repudiate such arrangements at a later date, and as time proceeds the terms originally agreed upon may be lost sight of or become uncertain. My suggestion is that there should be substituted for this customary procedure a form, to be made out in duplicate, shortly and concisely embodying the terms of alienation. This form should be signed by both parties in the presence of the District Commissioner, and when witnessed by him, registered in his office and returned to the parties interested.

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(5)

Mr. Charles James Bannerman, Barrister-at-Law, practising at both Accra and Cape Coast, states:—

In the course of my business I have had experience of the alienation of land in the Colony, and of the working of the Concessions Ordinance.

2. I should say that, with the exception of the forts and their immediate surroundings, and such lands as have been acquired for public purposes under public ordinance, there is no Crown land in the Colony. In support of the statement that Crown lands are limited as here described, I am in a position to cite an opinion delivered by Chief Justice McLeod in 1887. In the case I refer to, a prisoner charged with murder was acquitted on the ground that his domicile was outside the boundaries of Crown property, and that he was not, therefore, subject to the jurisdiction of the Court.

3. All other land, whether occupied or unoccupied, is owned by some person or persons. The land may be divided into the following classes:—stool land, tribal land, family land, and land which is the property of individual owners. There are always natural features which enable the owners to point out their boundaries. All land, so far as stool land, tribal land, and family land is concerned, is held on the communal principle. The Chiefs who administer these lands do so more as trustees than in their own personal interest.

4. Stool land is managed by the Chief and his headmen: it is the duty of the Chief to consult his headmen regarding the disposal of land. Although the latter have the right to be called into consultation they have no power of prohibition. There is no native custom which prohibits the leasing of stool or tribal lands.

5. Similarly, in the case of family land, the head of the family must consult other members before disposing of land.

6. In the case of individual property, the proprietor can, of course, do as he pleases.

7. The consideration for land alienated takes the form of a lump sum down and an annual rent. It is the duty of the Chief to divide this money into three parts. He takes two-thirds for himself to maintain the dignity of his stool, and one-third is divided amongst his headmen for their private purposes. So far as I know this rule has been carried out in practice. No portion is spent in the interests of the community, who are in the position of having had a considerable portion of their land alienated without receiving anything for it. Also those who come after them find the land alienated without any material benefit to themselves. The advantage is confined to those who happen to be in power at the time of the alienation. The administration by the Chiefs of these sums of money has in the past been open to criticism: in fact it may be said that they have been wasted. I think it would be more equitable if the money were disposed of in such a way that a benefit, if only a small one, should reach the tribe generally, and those who come after them. Money appropriated to the stool has been frequently used in the liquidation of stool debts, the existence of which is largely due to litigation. Of course, some stools have more debts than others. I think it would be equitable that a portion of the money received should be set aside for the improvement of the district. I suggest that the proportion set aside should be 10 per cent.

8. As to the working of the Concessions Ordinance, I understand that in the first instance the applicant makes his application verbally to the Chief direct, and, of course, through an interpreter. The Chief also usually avails himself of the services of an interpreter. The applicant states the area and situation of the land, and the price he offers. The matter then becomes the subject of negotiation and mutual agreement follows. The terms of the agreement are then incorporated in a deed, which is signed by both parties, the Kings usually placing a mark. This deed, in duplicate, is stamped and registered by the applicant, and then filed in the office of the Registrar of the Concessions Court. The Registrar then publishes the notice required by the Ordinance and subsequently the application comes before the Court. The first hearing only goes so far as the issue of an order of survey. The applicant then has to deposit the amount of the fee with the Survey department, the further hearing by the Court being postponed until the plans are furnished. At some date after the receipt of the plans the Court considers the application for a certificate of validity.

9. I see no objection to an application being made direct to the Chief. On the other hand, there is, in my opinion, no reason why it should not be made in writing to the local European authority, who could acquaint the Chief of the proposal, advise him as to the propriety of conceding the area, and give him assistance in the matter of the amount to be

received. It is within my knowledge that Chiefs occasionally decline to sign the deed until it has been explained to them in the presence of the District Commissioner.

10. As to the delay that occurs between the preliminary arrangement and the granting of a certificate of validity, the proceedings take at least six months and sometimes much more. This delay is prejudicial to both parties. In many cases the delay is caused by the inability of the applicant to complete his arrangements, and is therefore not the fault either of the Ordinance or the Court.

11. The survey fees usually amount to a large sum, possibly a few hundred pounds. The applicant has to deposit that amount without any certainty that he will eventually get his certificate of validity. Should the Court for any reason decline his application, that money is lost. I consider that all payments in respect of a concession should be postponed until the certificate is issued.

12. Reverting to the question of delay, time is frequently lost after the issue of the order of survey owing to the department not being able to cope with the volume of work entrusted to it. I know of no delay that takes place after the survey has been made. The applicant is usually anxious to proceed, and the Court can generally deal with cases without delay.

13. The Court usually calls the following persons as witnesses: the Chief who is giving the concession, and who is usually represented by his linguist, those members of the stool interested in the concession, and those whose names appear in the agreement. The applicant takes care to procure the attendance of any persons whose evidence he thinks may be desirable from his point of view. The Court takes care to see that all material evidence is before it.

14. It is open to the Court to revise and adjust the terms of the concession including the amounts to be paid. In my own knowledge the terms have been amended by the Court in many cases in favour of the Chief.

15. As to the question of standardisation of consideration money, the amount paid for 5 square miles of mining land is usually £50 per square mile. Native Chiefs and Concessionaires have now so far realised this, that that amount is usually accepted in the preliminary negotiations.

16. With regard to the area and term of years of mining concessions, I think that no more than 5 square miles should be granted in one block, and I think it might be reduced to, say, 3 square miles. I do not think that the Chiefs appreciate the extent of 5 square miles. As to the term of years, I think in the interests of the native population that this period is too long. I should say that 50 years instead of 99 years would be sufficient. It is common knowledge that for some time mining companies have been trying to sub-lease. It therefore follows that the original company has more land than it can work effectively. It would be preferable that these subsidiary companies should hold their concessions direct from the Chiefs, and not through another company. I think it right that the area leased to a mining company should be limited to such as it can beneficially use for its own purpose. I do not consider that the surface rights of a mining concession should be other than those appertaining to mining operations, and it is undesirable that they should make profits in any other way than by mining.

17. There is at present no obligation on the part of a holder of a mining concession to commence work within a certain time, or to continue it thereafter with due diligence. In the majority of cases, provided he pays his annual rent, he can hold the land as long as he pleases without developing it. That is not the object for which a concession is given, and is not desirable. It would be well to place him under an obligation to commence work within a certain time and to proceed with it thereafter continuously and adequately. I would allow him time to go back to England and make his arrangements, say three years. Failure to comply with the obligation should entail forfeiture; but in cases where the holder is able to show good cause for stopping work he might be granted a certificate of exemption for such time as may be reasonable. This arrangement is, I understand, one that works well in other countries.

18. Coming to agricultural leases, I think the present area (20 square miles) for which leases are granted is too much. I consider 5 square miles quite sufficient. I do not advocate the reduction of the term in planting concessions, but inasmuch as the land is tied up for a considerable period, I deem it right that the lessor should receive somewhat more substantial return than annual rent at the time when the lessee is reaping large profits from the plantation. I suggest that he should receive additional remuneration in the form of a percentage on the nett profits realised. The lessee should be placed under an obligation to commence cultivation within a specified period, which might reasonably be a term of three years, having regard to the delay which must necessarily ensue during the preliminary preparations and the construction of means of access to the property. Also, after commencement, he should be placed under obligation to cultivate a prescribed portion within a specified period, failure to comply with such obligation entailing forfeiture of the uncultivated portion.

19. Having regard to the difficulty in obtaining expedition in survey and the consequent delay in placing the applicant in possession of the land, it would be a beneficial arrangement if permission were given to the applicant to enter on the land pending survey, subject to the stipulations that he takes the risk of going outside his boundaries, and that he pays rent from the date of entry. Such an arrangement would, however, be impracticable under the provisions of the present law, as the completion of survey is a condition precedent to approval of alienation.

20. It appears undesirable to impose upon parties the delay and expense incidental to the granting of concessions for the collection of natural forest produce. I am in favour of substituting some method which will obviate the necessity of survey and complete alienation. Some arrangement might be made to issue licences to take natural produce from unalienated forest land upon payment of a fee for the licence, and a royalty upon produce removed.

21. I think the population does increase, but only slightly, and I see no probability of a considerable increase coming to pass in the near future.

22. I think that the amount of land alienated up to the present time has not interfered with the rights of the natives. Alienation of land may go on without prejudice to the native population.

23. So far as the general mass of the population is concerned I do not think that it obtains any material benefit from the carrying on of industrial operations by Europeans. Alienation of land although not beneficial to the natives in this respect is not prejudicial.

24. I am of opinion that it is desirable to maintain the present system whereby the control of land affairs is vested in the Supreme Court, and that it is not desirable to transfer such jurisdiction to the Executive. My reasons are that the natives prefer their matters to be decided by the Judges, where they have the assistance of legal men. Further, the natives have full confidence in the Judges, and in the Court they are able to employ a lawyer to state their case for them.

The natives have had no experience of any other method than control by the Court, and they have, therefore, not had opportunity of drawing comparison between the two systems.

I agree that the Judge—sitting in Court at a distance from the site of the land which is the subject of the concession—has no opportunity of obtaining information at first hand relating to particulars of the property. The information on which his decision is based is limited to the evidence placed before him. That evidence may vary in quality: it may be good, bad, or indifferent.

I admit that the District Commissioner or other executive officer living in the district and visiting the land in question, and conferring with the Chief and other members of the tribe interested in the concession, would be in a better position to judge of the merits of the application and of the terms of the concession than the Judge would be.

25. I am satisfied that the Court takes every reasonable precaution to satisfy itself that the proper parties have agreed to the grant. The Chiefs do alienate land without consulting the tribe as a whole. They consult their headmen. The Chief is not compelled by native law or custom to consult any member of his tribe other than the headmen.

26. There have been cases in which the consideration paid has not been adequate, but in such cases the amount has been raised by the Court. Therefore, in the end the consideration has become adequate.

I do not think it would be difficult to standardize the payments to be made per square mile for mining and agricultural land respectively. If the standard fixed were really adequate I see no reason to suppose that the Chiefs would object to surrendering their right to bargain as to the price to be paid.

27. The consideration money is not spent in the general interest of the tribe, but is divided between the Chief and his headmen in accordance with the arrangement I have mentioned above. I think it reasonable that the present method of distribution should be revised, so that other members of the tribe than those who at present receive the money should derive some benefit from it.

28. I see no objection to giving the holders of concessions the right to transfer the whole or any portion of their properties, for valuable consideration, but in such cases there should be exacted a transfer fee based upon a percentage of the value of the property transferred. Full particulars of such transfer should be registered in that division of the Court in which the land is situated, and should be attached to the file of the original concession. I know of no case in which a concession or portion of it has been subject to a mortgage. Provided that a fee is charged and that the transaction is registered, I see no reason why the concessionaire should not be allowed to raise money by a mortgage on his property.

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(6)

Mr. Andrew White, Chief Registrar and Sheriff, and Registrar of Deeds under the Concessions Ordinance, states:—

I have held my present position since January 20th, 1907. Previous to that I was a District Commissioner.

2. Concessions first come under my cognizance on the filing of the notice under sections 9 and 10 of the Ordinance. Registration is, however, not compulsory. On receipt of the notice it is sent to the Colonial Secretariat for publication under section 10. Subsequent to gazetting matters have to be held over for three months, so as to give such persons as desire to do so an opportunity of intervening. The application does not as a rule come before the Court immediately on the expiration of this period of three months. The first thing after this period has elapsed is to put the case before the Judge in chambers, and ask him who is to be summoned to give evidence. The applicant is then asked to deposit the survey fee. Delay often now occurs, as the subpœnas are not served until this fee has been deposited. The interval between the date of the subpœnas and the date of the hearing generally varies between a week and a month, and in the case of a distant location in the interior, I have known the service of subpœnas to take two or three months. It may be taken as a defect in the system that it brings all these matters down to headquarters. Meanwhile the applicant can do nothing to expedite the course of affairs. The witnesses do not come back with the bailiff; they come in as they like. The Chief concerned is served with a notice to appear, but he is usually represented by his linguist. The linguist is a native, and a man of importance in his tribe. He is entitled to his

position by family right. He is usually illiterate, and is simply a man who speaks for, and otherwise represents, the Chief. He is not an interpreter.

3. At this hearing an order of survey is made only, but I have known a few cases in which Mr. Justice Purcell made an order for the issue of a certificate of validity subject to survey, in which case the applicant is in a position to conclude with certainty that he will ultimately receive such certificate, the reason for this being to anticipate delay in the completion of survey. As a rule, however, the Court proceeds no further than to make an order of survey, which is not carried out until the applicant has deposited the fee with the Director of Surveys. It should be noted here that the department is not always in a position to carry out surveys with expedition, and this accounts for much delay. This is, of course, not the fault of the Court.

4. The survey plans are brought to me when they are completed, and I then list the case for its second hearing, but this, the final, application is more or less formal. I agree, however, that the applicant is in the position of having spent a considerable sum on survey without certainty that he will obtain his certificate of validity.

5. I know of no delay in the procedure of concession cases which can be attributed to the machinery of the Court. The Judges take the concession cases as they come before them in their proper order.

6. It is the duty of the Judge to protect the interests of the natives. I am unable to give information as to the views held by the Judges regarding the conditions by which native landowners should be protected, because I have only had knowledge of the views of Sir Brandford Griffith and Mr. Justice Purcell.

7. With regard to mining land, I consider that at the present time the views of the Judges as to the conditions to be imposed have become more uniform. For instance, in the case of consideration money, this is usually fixed at £60 for the area conceded, and the occupation rent at £12 per annum while the land is undeveloped, and £300 rent during mining operations. All these figures are irrespective of the area. Occasionally the Judges have given the Chiefs the option of taking rent at the above figure or, in lieu thereof, a percentage of the profits obtained by the miner.

8. There have been so few agricultural concessions that I am unable to say that any standardization of terms has been arrived at.

9. As to the extent of mining concessions, I remember no case in which the Judge has altered the area.

10. There have been cases in which the Judge has increased the payments originally agreed upon between the parties.

11. At the present time the only concessions cases pending in the Accra Court are 26 in number; the earliest of these cases has been standing on the list for 2½ years.

12. When the Judge issues an order of survey he is entirely dependent upon the evidence before him. He has no personal knowledge of the situation and configuration of the ground, which may lead him to make an order for survey, which will be costly and take an inordinate amount of time. This bears very hard upon the parties concerned.

13. Although I am of opinion that the Judges do their utmost to protect the interests of both parties and to make full inquiries, they cannot have such personal knowledge of the merits of the case as an officer carrying out his duties on the spot and who has opportunity of personally visiting the property. I am therefore inclined to agree that administration of land matters by capable officers of the executive in the province or district in which the land is situated would have its advantages. Whilst, however, I accept the principle that supervision by the Executive would be better than supervision by the Court, I consider that having regard to the capacity and experience of the present executive staff the work would not be more expeditiously or efficiently managed with that staff than at present.

14. I know of no other place, except the West Coast of Africa, where the land is administered by the Court.

15. Assuming equal efficiency on the part of the Court and the Executive, I consider that from the point of view of expedition, accuracy and economy, administration by the Executive would be superior.

16. It would be preferable if, instead of the applicant going direct to the Chief and arranging terms, the application were made in writing in the first instance to the office of the District Commissioner, whose duty it should be to record the application and explain it to the Chief. In my experience Chiefs would have often received more money if they had known exactly what area they were alienating, and the intervention of the District Commissioner would therefore be of considerable advantage to the landowner.

17. I do not think it is right to make a man pay for a survey before he is certain of getting his concession. The payment of survey fees should be postponed until the applicant is sure of getting the land. In the Eastern Province, however, the number of opposed applications is fractional. If land administration were in the hands of the Executive the concession might be approved prior to survey. I suggest that there should be a period of three months during which other persons could oppose the concession if they desire to do so.

18. If the District Commissioner were brought into the preliminary stages the lump sum which is paid on first application might well be handed direct to him.

19. Assuming the matter be placed in the hands of the Executive, opposed cases might reasonably be heard and dealt with by an officer of the status and experience of the Provincial Commissioner, subject to appeal to the Court.

20. After the issue of the certificate of validity a copy is registered by the Registrar of Deeds. A copy is sent to the Colonial Secretary, who causes the particulars to be gazetted. I think he sends this copy on to the Secretary of Mines.

21. It is not common practice and I have never heard of a case in which a concessionaire has been placed under a liability to commence work within a certain date and thereafter to continue it with regularity.

22. I desire to call attention to the fact that at the present time it is not compulsory to register a lease before applying for a certificate of validity. It would be a great advantage if the registration of leases were made compulsory, as it would establish the fact that a lease exists. I have known cases in which concessions have been struck out without any documents having been filed.

23. I also wish to point out the extreme congestion of notices of concessions now filed in the Court under section 9. I attribute much of this congestion to the fact that no provision has been made for effecting the automatic cancellation of such as are not being effectively proceeded with. It might well be an instruction to our law officers to prepare a periodical list of pending applications, and to move the Court to take action in accordance with the rules under section 6 in cases in which it can be shown that the application is not being properly followed up.

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(7)

Mr. Francis Gabriel Crowther, Secretary for Native Affairs, states:—

I have held my present position for three years, and was for two years previous to that "acting" in the same position. I have also held the position of District Commissioner, and prior to that was an Inspector of Schools. I have on many occasions acted as Travelling Commissioner—dealing with boundary disputes. I have thus come into contact with the natives all over the Colony.

2. The rights of the Crown in the land are limited to the forts and the areas immediately surrounding them, and such as has been acquired by the Crown for public purposes under the public land ordinance. The Crown has no proprietary right in forest land on the ground that it is not beneficially occupied.

3. All land has a proprietor. The larger proportion of the land is owned by the native tribes, but there is a certain amount of land which may be classed as family land, and a certain amount in private ownership. The latter is usually land surrounding a house. Under the native customary system there was no real form of ownership of land except tribal land.

4. Chiefs and sub-chiefs have a general knowledge of the boundaries of their tribal land, though it is necessary to enquire as to details when any contention arises.

5. The normal native constitution is divided into three estates. There is the Chief, possessing the authority of a tribunal, the head families, which form the aristocracy and act as councillors to the Chief and the people. There are three or four sub-chiefs (village headmen) in a particular division, over whom is a Chief who in turn is subject to the paramount Chief. Each such sub-chief has land attached to his stool, which is the property of the community, and is held independently of any other village in the division. The Chief of the division holds land independently of the sub-chiefs subject to him, or of his paramount Chief. In all the evidence that I have had before me that has not been contentious, I have found that when any land belonging to a Chief has been sold or parted with for any consideration, some percentage has been given to the paramount Chief, and the remainder divided between the Chief of the village, the elders, and the people. A stool in a division may have a greater area of land than the paramount Chief. Often the land actually attached to the stool of the paramount Chief is limited to the precincts of his house. Negotiations for the leasing of land are always conducted direct with the occupier of the stool irrespective of his rank. If the land required belongs to the stool of a sub-chief then application is made to the sub-chief—not to the paramount Chief of the division. The sub-chief is elected by the people, and is merely the custodian of the property. His office is hereditary in that he is necessarily elected from a certain family, but he can be destooled. The origin of stool land is probably the land belonging to the family who supply the occupant of the stool. The stool land is commonly let out to the people for shifting cultivation. In some parts of the Colony the Chiefs have a right to a royalty in kind on all produce grown and on all game captured. Previous to the coming of European capitalists very little alienation of land took place: it was practically confined to cases where Chiefs borrowed money on lands as between themselves. A Chief may alienate his land, but only with the consent and after consultation with his elders and people. I have known cases in which the improper alienation of land has been the cause of the destoolment of the Chief. I would designate all land which is the communal property of the tribe as stool land.

6. I think in the case of family land, the Chief has no right to a voice in its disposal. The land belongs to a family, and there is therefore a limitation of the communal holding of the land.

7. When the European capitalist made his appearance the Chiefs began to take more interest in their stool lands than before. They recognised that the possession of these lands by the tribes was likely to be a source of pecuniary benefit to themselves. This new interest

brought about a desire on the part of the Chiefs to deal with land for their own benefit without consulting their tribes. The pecuniary advantage of alienation of land to Europeans has tempted the Chiefs to avoid the duty of consulting their tribes, and to assume rights over the land to which they are not entitled by the customs of the country. There is a case which occurred in the cocoa district in which the Chief was Kwesi Akuffo of Akwapim. His destoolment, which occurred five or six years ago, was due entirely to a claim asserted by him to certain unoccupied lands in the division.

8. There is no native custom covering the distribution or disposition of money received as the price of land alienated, except in so far as it is usual to place one-third to the benefit of the stool, one-third to the benefit of the elders, and one-third to the benefit of the people. The experience gained from inquiries tends to make me hold the opinion that such disposition has usually been effected. It is very exceptional for the Chief to appropriate the whole of the money. It would be considered a very serious thing for him to do, and he would probably be destooled. The Chief could not alienate a large area without the knowledge of his people, and it is open to them to see that he makes proper use of the money. It is the duty of the Chief to discuss the matter with his elders and people before entering into any negotiations relating to the alienation of land.

9. Some stools are in a very precarious financial condition owing to the existence of stool debts, which are principally due to litigation in land affairs. I can remember no case in which a stool has been heavily in debt for any other reason. That portion of the consideration money which is appropriated to the stool is sometimes used in liquidation of stool debts, and the more the stool debt is paid off the greater the opportunity of the Chief for further litigation, of which the native seems to be very fond. Therefore the disposition of money in favour of the stool would usually have the result of benefiting the members of the legal profession. Previous to the arrival of the European capitalist there was a tendency on the part of the native Chiefs to litigation, and since that time the amount of litigation has increased enormously, as have the costs.

10. Applications for land are usually made direct to the Chief. Negotiations must therefore be through an intermediary, and both parties are thus in the hands of a person who is usually a native clerk employed by the applicant. He would therefore not be a person of any standing, and in all probability would not even be connected with the tribe. I think, therefore, he would have a tendency to consider the advantage of the applicant rather than that of the Chief or the tribe.

11. I do not think the Chiefs have the slightest idea of the extent of the lands they are conceding. They probably have no conception of what a square mile is. They only have knowledge of the money they are to receive, and have such misconception regarding the area that they would be more likely to dispose of a very large area for a moderate sum than of a much smaller area for a sum of money only slightly less. They merely seek money, and have no appreciation of the value of the land.

12. In more than one case it has happened that the Chief has alienated the same land to more than one person. This is more on account of his ignorance of the area leased than of any deliberate intention to defraud.

13. Personally, I do not think that the interests of the Chief and the tribe are adequately protected. I think, in order to do this effectively, it would be necessary to alter the present Judicial system, or to transfer the supervision of land matters to the Executive.

14. I see no reason why the first application should not be made to the office of the District Commissioner. This would enable the District Commissioner to at once place himself in communication with the Chief concerned, and to advise him as to the land to be alienated and the terms which should be obtained.

15. The Court summons to the hearing of Concessions cases such witnesses as it considers necessary. I have no personal knowledge as to the source from which the Judge obtains his information as to the persons who ought to be called, but I understand that he gets it from the barristers in Court. It is possible that some important witness might not be called.

16. The persons upon whom the Judge is dependent for a statement are usually as follows:—Sometimes the Chief attends in person accompanied by his linguist, and sometimes the linguist attends for him; an elder selected by the Chief and perhaps two or three witnesses. This class of evidence is likely to be of an unsatisfactory character, and it is difficult to see how the Judge, who is unacquainted with local circumstances, can be able to detect inaccuracies or false statements.

17. It would not, in my opinion, prejudice the interests of the native community if alienation of concessions of moderate area were permitted to continue, but I deem it advisable that in the case of mining concessions the rights of the natives to farm unoccupied portions of the surface of such areas should be preserved to them.

18. The labour force employed on the mines is principally composed of immigrants from other countries, but the natives of the Gold Coast are acquiring some advantage from learning and practising trades incidental to mining. There is also an advantage to be gained by native farmers, who find new markets for their produce.

19. I consider that the presence of European planters in the country is likely to prove an advantage to the native community by acquainting them with improved methods of cultivation and preparation of products.

(8)

Captain EDWARD FREDERICK WILLIAM LEES, R.E., Director of Surveys, states:—

I have been in charge of the department since January, 1908. Previous to that I was in the Colony between 1901 and 1904 in connection with various boundaries and surveys.

2. Surveys in connection with the alienation of land are partly carried out by the department and partly by licensed surveyors. We have a separate topographical branch. The number of surveyors attached to the department varies, at present there are eight. There are a considerable number of licensed surveyors, but their work is always found to be unreliable, and, as such, is not accepted by the department. The licences to these men were all granted prior to my taking over the department. Practically all the work passed by me is done by my own staff.

3. When I took over the department there were no arrears of work, but the number of applications for surveys has increased so much since then that it is a matter of difficulty for the department to keep pace with them. At one time we had an extra staff of surveyors. We are now gradually getting up to date with our work. At present there are 20 surveys outstanding that may be considered pressing and urgent. During last year we surveyed 200 square miles that have been or will shortly be alienated. These surveys have been carried out in different places all over the country, but mostly in Tarquah and for the Wallace Company.

4. The average cost of the survey of an area of five square miles is £370. Of this amount it is in my discretion to say how much shall be deposited in the first instance. I usually insist on about three-quarters being deposited.

5. We have a sufficiency of traverse work in the Colony. The average distance of a connection would be three to four miles. The cost of connection in addition to survey usually works out at about £8 per mile.

6. The surveyor of the department makes a rough computation in the field, but the final computation is made by the office staff. In an ordinary survey the limit of error is about one in 5,000. The actual permissible error is one in 2,000.

7. All boundary marks follow the direction drawn up by the Government for the guidance of licence holders, but it is in my discretion to decide which of the marks laid down in the Ordinance shall be erected. The marks are set up by the department. In a case where there are a large number of concessions belonging to one company, the firm usually delivers a supply of angle irons to the surveyor on the spot. In the case of isolated concessions which may be situated a long way off, the usual practice is to utilise hard wood or pitch pine boundary posts.

8. I consider that concessionaires have been put to very little expense in respect of boundary posts.

9. In the first instance I receive a request for survey from the applicant, who forwards a copy of the order of survey to me. The information on which the Court orders the survey is obtained from the witnesses at the hearing, and the Judge of the Court has no personal knowledge of the country and locality in respect of which he has to make order.

10. The order of survey gives details as to where the boundaries will be found and of the marks, distances and direction, and they are therefore instructions to the department. It also states that it is to be "tied," but leaves the "tie" point to the discretion of the department.

11. When I receive an order of survey, I write to the lessor and ask him to tell me where the land is situated, and then to arrange for a representative to be there on a certain date to point out the property to the surveyor. As much information as we can get is thus gathered from the local headmen.

12. The details contained in the order are of no value to me. The sole information that I have, other than that which is given to me by the local people, is that obtained from the schedule on the lease, and on this latter I have to depend. The work has never been carried out in accordance with the contents of the survey order.

13. It is not in my experience that the Court has ever made orders which have caused unnecessary expense to applicants.

14. The period that elapses between the receipt of the fee and the completion of the survey might amount in an extreme case to two years. It depends largely on where the land is situated.

15. In nine cases out of ten our work includes the cutting of boundaries.

16. The approximate total area of the Colony is, I believe, 24,300 square miles, of which there has been alienated up to the 31st December, 1911, 879 square miles. Adding thereto the areas of the concessions now pending in the office, the approximate total amount of land alienated when all certificates of validity have been issued up to date will be 1,130 square miles.

17. There is practically no survey work in arrear now, but it happens sometimes that people who have obtained an order of survey and deposited the fee, find that they have not sufficient money to proceed with the concession. The department is equal to the demands made upon it at the present time. The staff in the field and in the office is sufficiently strong to meet current requirements.

18. As regards Ashanti, the applicant goes to the Chief Commissioner's Court and makes his application, at the same time depositing £50 with the Chief Commissioner, who forwards to me the order of survey, and I can then go on with the work. Neither in the Colony nor in

Ashanti are the particulars sufficient to enable the surveyor to go into the field and get on with the work until I have made my inquiries. The progress of work in Ashanti is satisfactory; we are nearly up to date. The area of Ashanti is 24,800 square miles, of which 408 square miles have been alienated.

19. If applicants for concessions would undertake to provide licensed surveyors who are competent to carry out reliable work, the procedure in the office might be materially expedited. The concessionaire naturally prefers to get his work done by the Government, because it costs him less than obtaining an outside surveyor and also paying the department for the checking work. There is only one licensed surveyor that I know of whose work I can rely on.

20. There have been very few planting concessions, but they are increasing. I do not get an order of survey if these concessions are for less than one square mile, and I know nothing of these small concessions.

21. I have no requisitions pending for the survey of timber concessions.

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(9)

Chief MATE KOLE of Manyo Krobo, Eastern Province, states:—

As regards my own property, two areas of land have been leased for agricultural purposes: there is no mining land.

2. All land in the Colony belongs to one of the three following classes, viz., stool land, tribal land, and individual property. I do not think unoccupied land belongs to the Crown.

3. There is no absolute continuity of land tenure all over the Colony because customs vary in different districts and with different tribes.

4. A Chief can only sell his own property. Before he can dispose of stool land he must obtain the consent of the elders and sub-chiefs. Stool land is never the private property of the Chief, and he cannot will it to whom he likes—it must go on to the next Chief. No sales of land took place in former days because there was no demand, but the custom has grown up and has been recognised by the Chiefs and tribes in order to conform to the requirements of European traders. In the case of private ownership, which is possible in some instances, the land is quite out of the control of the Chief. The sale of such land is subject to the consent of the owner's family.

6. When land is leased the consideration takes the form of the payment of a lump sum in the first instance, and further annual payments in the nature of rent. That payment is made to the Chief, but it is not his actual property. It should be divided amongst the Chiefs of the tribe, the King retaining a portion for his own use. Each may spend his share as he likes. Where there are stool debts, the money should be appropriated in the first instance to the discharge of such debts. When this occurs no division of money is made amongst the Chiefs.

7. The existence of stool debts is not general, and where they occur are generally the result of prolonged litigation.

8. I am able to say that in some cases portions of money received in consideration of land leased have been appropriated for public improvements, such as wells for the villages. So far as I am able to judge, not having had personal acquaintance with cases in which large concessions have been granted, it would appear to be a desirable thing to set aside a portion of the consideration money to form a fund for the development and opening up of the country by means of increased facilities for travelling and transport. If in course of time alienation of land in my own country were to proceed on a larger scale than at present I should feel inclined to make some such arrangement for its development.

9. I am of opinion that, having regard to the requirements of the native community, the area of mining concessions should not be so much as 5 square miles. I would further add a limit prohibiting any Chief from alienating more than 20 square miles of the property attached to his stool. I consider that a period of 99 years is too long for a mining lease; I would limit it to 25 years.

10. As regards agricultural land, I would say that the Chief should not alienate more than 20 square miles of stool land for that purpose, and I and my people feel strongly that the period of alienation should not exceed 25 years. Our reason for suggesting such limitation is that in the case of cocoa and fruit trees the trees are bearing fruit after five years, and at the end of 25 years the trees are old and do not give much fruit. Our views are formed in respect of a country in which the principal products are cocoa, palm trees, maize, plantains and yams, all of which are comparatively short-lived products.

11. Coming to the question of population, it appears to me that there has been a general increase in the number of the inhabitants, and it is in order to provide for the requirements of the additional population that we are desirous of shortening the term of concessions so as to give to our people the right of re-entry at a not too distant date. The increase of population that I speak of is not that due to immigration, but to the growth of the native families of the country. I can recollect that in my own boyhood, 50 years ago, my village was a very small place, but it has so increased in size and population that I am now unable to recognise all the young men that I meet in the street, and I have reason to believe that a

similar increase is proceeding in other parts of the country. If I am correct in my surmise, it is apparent that the needs of the population in the matter of land 30 or 40 years hence will be considerably in excess of what they are at present.

12. In addition to the usual form of shifting cultivation, my people go in extensively for cultivation of a permanent nature, particularly palm-oil trees, cocoa, and rubber, and now that profits are being made by those in possession of plantations their example is being followed by others. Most of the plantations are the individual property of the owners, and these properties can be sold without reference to anyone but members of the owner's family. In the case of those plantations which are situated on stool land, the rights of the owner are limited to culture and usufruct. There is no right of alienation. So far as individual property is concerned, the owner has also the power to mortgage the land, but in the case of stool property only with the consent of the occupier of the stool. This is a procedure that very seldom occurs.

12. The right of the members of the tribe to collect forest produce is limited to the forests in the possession of that tribe. They can also collect such produce upon stool land subject to the consent of the Chief, and to their delivering a portion of the proceeds of the sale of the produce. The portion would vary in accordance with the amount received.

13. Particulars relating to the two concessions granted in my own country are as follows:—

Applications were made some time early last year, and the areas granted were about 3½ square miles, 1½ square miles being stool property and 2 square miles being family property. The applicant originally asked for a much larger area, but in accordance with the wishes of my people the grant was limited to the comparatively small areas mentioned.

14. I have personal knowledge of a case in which a Chief granted 32 concessions of 4 square miles each at a rental of only £50 each, thereby depriving the people of permanent cultivation over the whole of this extensive area. The Government should not allow the Chiefs to do this.

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(10)

FREDERIC HARRISON GOUGH, Senior Puisne Judge of the Gold Coast Colony, states:—

My appointment took effect in England in November, 1908, and I began sitting in March, 1909. I have therefore had three years' experience of the working of the Concessions Ordinance. I have sat almost exclusively in Sekondi.

2. I am aware that proceedings take place in the matter of applications for concessions before the inquiry in Court. Negotiations take place between the applicant and the landowner, and a preliminary arrangement as to situation and area of land to be conceded and the price to be paid for it is come to. These terms are incorporated in what is called an indenture. Under section 9 of the Ordinance this document has to be taken to the Registrar of the Court, and the notice is filed after having been stamped. These documents have frequently been registered in the Land Registry, although as a matter of fact there is no provision that prescribes registration. The Land Registry Ordinance, which precedes the Concessions Ordinance, has a provision stipulating that documents should be registered, and I take it that this provision would also cover concession agreements, as they are land indentures. After filing, the notice is gazetted and a period of three months must elapse before inquiry takes place.

3. Before the matter comes into Court it is a standing order that notice of the inquiry shall be served upon the grantor, his linguist, his chief councillors, and, if he is a sub-chief, the paramount Chief. When the matter comes before the Court those whose evidence is required are present; if not, the Judge will issue instructions for them to be called. The claimant usually sees to this, but I have occasionally had to send for other people.

4. The Court proceeds to satisfy itself that the proper parties have agreed to the concession. The claimant's counsel examines the grantor; he asks his name, if he remembers having given land to a white man, the situation of the land, and the name of the white man. Then he is further questioned as to why he has given the land, the amount of consideration money and annual rent he is to receive, both before and after mining commences, and the length of time for which the land is conceded (this is generally 99 years). He is also asked if the agreement has been translated to him, and, if he is a sub-chief, the name of the paramount Chief, who should send his representative to put his mark to the agreement. The linguist is then called—he represents more the people than the Chief. Similar questions are put to him. If the Chief tried to lease land that did not belong to him, it would soon get known and opposition would at once arise. It is possible that there may occasionally be important evidence which is not before the Court. Sometimes one of the persons called does not appear, and I only grant a provisional order. A sub-chief usually attends the hearing in person, but more often than not a big Chief will send a representative, who has personal knowledge of the arrangement. All native agreements are made through someone else—as illiterate people they must have a witness. The representative sent would be accompanied by another person to check him. I do not think the Chiefs are cognisant of the areas they grant. As a rule the native has a very hazy idea of the area and situation of the land he is granting.

5. I have never found it necessary to reduce the area of concessions that have come before me.

6. I have frequently increased the rents, and occasionally the amount of the consideration money, the ground for doing so usually being that the rent agreed upon is not as high as in other cases.

7. The Chiefs have as much knowledge of the terms that have agreed upon as may be reasonably expected. They have learnt by experience considerably more than they knew a few years ago, and they now make arrangements knowing what they are doing. Sir Brandford Griffith used to say that the Chief should be paid a percentage of profits instead of rent, but under this arrangement he might get nothing, and I prefer a definite rent. He is also indirectly remunerated by the demand for labour which arises.

8. There is no real standardization of consideration money. If I find that the amount is £250, that is a fair amount, and I let it go. I generally pass £150, but £100 would be an absolute minimum.

9. I do not think it does much harm to the native when the land is held up pending mining operations, because it only prevents them selling it again—it does not exclude them from the use of it. The occupation rent would probably be about £30, but might be as low as £12. Sometimes the mining rent is made payable on a given date, whether mining has been started or not. When I came here I began making this period five years from the date of the concession. Mr. Hunt, who is advocate for all the mining companies here, asked for a test case, and I agreed, and heard evidence as to the expense and time it takes to raise capital. I was impressed by what he said, and I arranged to give eight years in future, whilst some Judges give ten years. On the other hand, some Judges make no such order. The mining rent is usually from £250 to £300 a year.

10. At the first hearing an order of survey is given upon a printed form, and any particulars which the Judge thinks necessary are written on the back. I never give instructions as to how the survey shall be made, as I do not think I could usefully do so. Information as to where the land is situated is in the deed, a copy of which is sent to the Director of Surveys. I have no personal knowledge of the land, and it is because of the absence of such knowledge that I refrain from giving instructions. I think the survey department can do better without any instructions from me. I have no knowledge of any case in which the Judge's instructions have resulted in the survey being inordinately costly. When the order has been made everything remains in *statu quo* until the applicant deposits the fee with the Director of Surveys. When it is paid the department proceeds to carry out survey at such time as is convenient to it. It may happen that a year will elapse between the date of the order of survey and the presentation of the plans to the Court. The matter then comes before the Court on an application for a certificate of validity.

11. Cases do occur on account of opposition or otherwise in which certificates of validity are not granted. Therefore a man is in the position of having paid a large sum of money for survey fees, and possibly not getting what he has paid for. Opposition, however, usually arises at the first hearing. I do not think this has happened in my Court.

12. When once the notice has been filed there is no provision enforcing the automatic cessation of such concessions as are not proceeded with in a certain time. There is a provision by rule that the Court may strike out a case, but it is not in a position to do so unless it is so moved by an officer of the Court. There are some hundreds of notices standing on the record of my Court dating back in some instances for 10 years. It would be advisable to make applicants take action within six months or pay a penalty. Another six months could be granted after payment of this penalty, and then if nothing had been done they should lose the concession.

13. After a claimant has proceeded so far as to pay the survey fees, he can do nothing further until the survey has been completed. If during this time people trespass on his property I would allow him the right of proceeding against the trespassers.

14. Cases occur in which two concessions overlap one another. They may have been granted by two different Chiefs or by the same Chief. I then decide according to priority of concession or date of registration.

15. The only suggestion I can make to prevent waste of time in working under the present Ordinance is a more frequent appearance of the Law Officer before the Court.

16. On the question as to whether alienation of land should be within the jurisdiction of the Court or of the Executive, I hold very strong opinions. I consider that the whole business should be supervised and carried out by the Executive. The Judge is not subject to control, and section 13 gives enormous power to anyone who is not supervised. The extreme amount of discretion allowed is such as to make it undesirable that the supervision should be in the hands of one who is not under control by a superior officer.

17. It is quite impossible for a Judge to have such exact knowledge in these matters as an executive officer on the spot. I, personally, never stir out of Sekondi, except occasionally to Axim. Therefore, however complete and accurate the evidence put before him, he can have no first hand information. The executive officer would be guided, on one hand, by rules and, on the other hand, by his discretion, and on those points on which he is guided by discretion he would be supervised by his superior officer.

18. I consider that administration by the Executive would be more expeditious than the present system.

19. The Concessions Ordinance grew out of Sir William Maxwell's Land Bill of 1897, for which it was a substitute. The reason for placing the supervision in the hands of the Court, is that the Court is more popular than the Executive. The native has confidence in the decisions of the Court. I do not think this confidence is extended to the same extent to the Executive.

20. If this work was placed in the hands of the Executive I should not favour any right of appeal to the full Court, as the Executive deals with the matter in an executive manner

and the Court would have to deal with it in a judicial manner. I would prefer that the appeal be to the Governor in Council, although probably the natives would rather that it were to the full Court. If the appeal were to the full Court it would enable the native to continue to employ legal advisers, a thing which appeals to him. There would also be no objection to the native lawyers practising before the Executive as Parliamentary lawyers do in England.

21. With regard to the area and term of mining concessions, I prefer not to express an opinion. I have no practical knowledge of mining.

22. I do not think that alienation of land has gone far enough to deprive the native of land that he requires for his own use. The Colony is sparsely populated.
The presence of European industries enables the natives to earn higher wages, and they get money out of the land that they would otherwise never have got. They learn trades which enable them to become more useful members of the community.

23. At present there is no limit imposed upon the total amount of land that may be alienated by a particular tribe, and a Chief in his ignorance might dispose of all his land, and thus deprive his people of means of subsistence. I think they should not be permitted to dispose of more than a certain portion.

24. I do not think it desirable to impose an obligation on concessionaires to commence work within a certain time.

25. I would limit the surface rights of miners to such as are strictly appurtenant to mining. They should not be permitted to use the surface for other than mining operations.

26. I should like to put on record the following:—The fact that the Concessions Ordinance requires an applicant to obtain a certificate of validity does not prevent his working an uncertified concession—it only prevents him from substantiating his right in the Court. If he wants to go to law he must have the concession surveyed and get a certificate. I do not think this is a desirable state of affairs. Of course the Ordinance embodied a new idea when it was made, and everything could not be thought of at once.

27. When there is opposition, dealing with these concession cases takes up a good deal of my time. As a rule the Court keeps up to date with civil and criminal work, as well as with concession cases. The Court has no real back work. If concession cases remain in the hands of the Court, I do not think the Judges will have too much to do.

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(11)

Herbert Churchill Wrigley Grimshaw, Acting Provincial Commissioner, Western Province, states:—

I have been in the service of the Colony since September, 1902, during which time I have acted as District and Provincial Commissioner in different parts of the Colony, principally in the Central Province.

2. The Crown has, so far as I know, no land with the exception of such as has been acquired by agreement or under the Acquisition of Lands Ordinance. All other land is owned by the native tribes.

3. The paramount Chief administers as a trustee for the people all land belonging to the tribe, and such land is known as stool land. Some of the stools also possess land which is known as family land. Next to the paramount Chief come the small Chiefs, under whom are sub-chiefs. So far as I can gather, the land belonging to them is carved out of the land belonging to the stool. This land is held on behalf of a group of villages, and is administered in the same manner as stool land. Then we come to the village headmen, who may have more than one village, and have village land, which is again carved out of the stool land. In addition stool lands have been granted to a particular family and occasionally to an individual. These lands would seem to be outside the jurisdiction of the Chief, and are administered by the heads of the families and elders for the benefit of the family. There are cases in which individuals claim land for themselves, which land has been granted to them by the Chief for a small sum of money. Land in individual ownership is generally confined to urban or suburban properties, and is usually the site of a house and its immediate surroundings.

4. A Chief may not dispose of any stool land either by leasing or selling, without the consent of his elders and the head and foot of the stool (the two principal members of it), but he may do so if he obtains their approval. This is in accordance with native custom.

5. A sub-chief must obtain the consent of the paramount Chief before alienating his stool lands. The paramount Chief has no real control over this land: but he has to be approached because he is entitled to a portion of the money received.

6. Land having been alienated, the consideration money is paid to the head Chief through his linguist. The elders should be present when this money is paid.

7. The disposition of money received in consideration of land alienated is a matter of arrangement. The Chief receives the money, and if he is a sub-chief he must send a portion to the paramount Chief. Generally the head Chief keeps a third, which he is supposed to use for stool purposes. The money should not be kept by the Chief for his own use. He is supposed to keep up his state with stool money. One-third goes to the elders of the tribe, and sometimes a third goes to the headmen in the district from which the land is taken. No portion goes to the bulk of the people. Therefore, so far as they and those who follow

them are concerned, they have lost the use of the land without having received any compensation or material benefit. The portion that goes to the Chief is used to meet the cost of periodical ceremonials, or, in cases where there are stool debts, it may be appropriated to their liquidation. In some cases stools are very heavily in debt. One stool, to my personal knowledge, is in debt to the extent of some £5,000. A good many of the stool debts have been incurred in litigation, and when consideration money is used to liquidate these debts a further opportunity is provided to the Chief of indulging in litigation. Money distributed amongst the elders is partly used for their own benefit, and partly, as in the case of the Chief, in keeping up their stools.

8. I agree that it would be a good thing to retain a portion of the consideration money, and possibly also of the annual rent, and create a fund to be used in works of public utility and for the improvement of the condition of the people in the district. I do not think the majority of the Chiefs would object if they were made to understand that the Government were going to use the money for the good of their people.

9. Negotiations in respect of alienation of land are conducted in the first instance between the Chief and the applicant. The applicant describes as well as he may the situation and area of the land which he desires to acquire. The amount of the consideration money and subsequent rent are then settled in negotiation between the parties if the Chief is prepared to alienate the land.

10. Some earlier concessions comprised very large areas. I do not think the Chiefs in the past, or even now, have any real comprehension of the size of the area they are giving; they do not realise what a square mile is. They understand what they are to receive, but do not appreciate what they are conceding. Naturally the applicant is anxious to acquire the property he desires as cheaply as possible.

11. My view is that the preliminary negotiations between the two parties might proceed as at present, but that in the interests of the Chief and tribe the lease should be examined and ratified by the Provincial Commissioner before it is accepted for stamping or registration.

12. The procedure under the Ordinance is to the effect that the deed of indenture is brought down and stamped, and then presented at the office of the Registrar, together with the notice prescribed under Section 9, and thereafter at the expiration of such time as is also prescribed, the notice having been published in the Gazette, the case comes before the Court for inquiry. The Court then ascertains who are the proper parties to be called as witnesses, and has them called. When the witnesses have been examined, the Court, if satisfied with the evidence, issues an order of survey, and proceedings, so far as the Court is concerned, terminate for the time being until the survey has been completed and the plans prepared. The Court, on receipt of the plans, proceeds with the final inquiry, and if all is in order, and there is no opposition, the certificate of validity is granted.

13. There is no obligation for the deed of concession to be registered at the time of filing the notice, and, in my opinion, that is a defect.

14. I do not know how the Court satisfies itself as to who are the proper parties to be called to give evidence. As far as I know it judges by the names of the parties on the deed. It is quite possible that it may happen that the whole of the evidence and the best evidence is not brought forward, and the Court may be unaware of its existence. In some cases an interval of weeks elapses before the witnesses can be brought down owing to their being resident in distant parts of the country.

15. After the order of survey has been made the applicant has to deposit the survey fees, which may run into hundreds of pounds. Pending survey, the Court takes no further action. Surveys are never done expeditiously and sometimes they are very slow. The applicant has to spend this money before he is put in possession of what he is paying for. It would be more equitable to have the concession approved to him before he is asked to pay the fees. I see no reason why he should not be put in possession of his property pending the issue of the certificate of validity, subject to his taking the risk of going outside his eventual boundaries. I can see instances in which this system would be beneficial, especially in relation to agricultural work.

16. The area of 5 square miles permitted under the Ordinance strikes me as being rather large, but I should not like to express a definite opinion as to what it should be. If the practice of subleasing properties by mining companies is prevalent in the Colony it follows, I think, that the areas granted are larger than they can properly work.

17. As to the term of years for which a concession is granted, I can offer no decided opinion, although it might be an advantage to have a shorter term, with option of renewal.

18. With regard to the surface rights which should be permitted in the case of mining concessions, lessees must first of all build houses for the accommodation of their labour force. They ought not to make a profit from this, and no people other than the actual workers should be allowed to rent houses. I think that they should be permitted to admit traders to provide their people with the necessaries of life, but no rent should be charged except a small sum to be used for village conservancy.

19. At present there is no obligation attached to a concession other than the payment of rent, and it is within the power of the concessionaire to leave the land untouched as long as he likes provided he pays his rent. It would be advantageous if in future cases the concessionaire were placed under liability to commence operations within a certain time, and afterwards to proceed with the work continuously and effectively, subject to a certificate of exemption for good cause shown.

20. I have had no experience of the alienation of planting concessions, and so far as I know there are hardly any. Therefore I have never given consideration to the areas, periods, and terms which should be prescribed.

21. The practice has been to alienate land for the collection of rubber and timber in the same way as mining concessions, but I am under the impression that a certain number of timber concessions are being worked that have never come before the Court. Some of the timber and natural produce concessions cover very wide tracts, possibly as extensive as 50 square miles. In one case a deed was brought to me for approval for 80 square miles. I withheld sanction, and afterwards separate deeds were drawn up and brought to me. It would be preferable to give authority to applicants to collect and remove timber and natural produce by way of licence subject to the payment of a royalty to the Chief. This would be better than the present system, as it would leave the land free for the use of the inhabitants, and would save the concessionaire the expense of survey. It is a system which I think the Chiefs would easily understand and would probably welcome.

22. Prospecting licences are at present issued for the whole Colony and without any limit of time. I think it would be advisable to limit them to the district in which it is proposed to prospect.

23. I should say that there is a slight increase in population, but certainly not a large one. It is, however, difficult to judge owing to the way the people go about from place to place, and the child mortality is high. I have noticed no appreciable increase in the size of places.

24. I do not think the alienation of land to Europeans is likely to adversely affect the native population. The country is, I believe, under-populated, and there is plenty of room for the people. Alienation of land could continue without in any way interfering with the rights of the inhabitants, particularly if the areas are restricted, and the surface rights of the people retained to them.

25. I think the mining industries are of very little advantage to the people. It is true that they afford opportunity of earning higher wages, but mining does not appeal to the native. The majority of the people in the mines are outsiders. Those who go to the mines very often work in the shops and stores in the mining villages. They thus have opportunity of learning trades in the shops, and to that extent they benefit.

26. Agricultural work would be of greater benefit to the natives, as they would thereby learn the latest methods of preparing the soil, and of planting new products and their preparation when grown. But they do not readily absorb new ideas, and such are only brought home to them by slow degrees. Their natural inclination is to plant crops which are quickly realised, and to leave trees to take care of themselves after they have gone to the trouble of planting them. I do not think there is a growing inclination to substitute permanent for shifting cultivation.

27. I am in favour of having all land administration supervised by a Land department. I do not see how the Court can have any real knowledge of the facts of the case into which it is inquiring, whereas, of course, the Executive ought to be, and probably would be, well acquainted with them. I would entirely abolish the jurisdiction of the Court over land matters, with the right of appeal to, say, the Governor.

28. As to the consideration money paid for concessions, I do not think any standard of adequacy has been arrived at.

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(12)

Mr. JOHN COKER ADAMS, Acting Solicitor-General, states:—

Prior to acting as Solicitor-General I was a District Commissioner. I have served in the Colony since May 1st, 1906.

2. I have had experience of the Concessions Ordinance since last December as Acting Solicitor-General. Previously I did not come into touch with its working.

3. I am aware that the preliminary negotiations relating to concessions do not come before the Court. They are conducted between the applicant and the Chief, and the Court has no cognizance of the matter until the filing of the notice with the Registrar. The filing of notice does not, I take it, necessitate, or constitute, registration. As far as I am aware there is no obligation that the agreement shall be registered in the Land Registry, and it would be a good thing to insist upon registration. The applicant negotiates with the Chief and tells him the land on which he wants a concession, and afterwards the price is discussed. I think the Chief in alienating land has no knowledge of the area he is conceding: if he had he would often reduce the area. They seem to have no accurate knowledge of what they possess, and naturally the people who treat with the Chiefs want to get as good value as possible for their money. Their only protection is the native lawyers. It would be well if the Chief had advice in the early stages from the District Commissioner as to the area, situation, and value of the land under negotiation. The application might with advantage be in writing, and should state exactly what land is required, and the name of the Chief to whom the land belongs. The District Commissioner would then be in a position to advise the Chief.

4. I am aware that at present the general community receives no material benefit when land is alienated, and I am inclined to agree that it would be useful to retain a portion of the money to be spent on works of public utility in the district, but it is a matter that I should like to consider before expressing a definite opinion.

5. Provision is made in the Ordinance that no inquiries shall be made until the expiration of three months from the filing of the notice. From this it must be assumed that the procedure under the Ordinance is of a more dilatory nature than was anticipated.

6. In accordance with Section 11, sub-sections 2, 4, 5, and 6, the Court has to call evidence. As the Court sits at a distance of perhaps two hundred miles from the land forming the subject of the concession, the officers of the Court do not visit the district to see who are the interested parties. The only knowledge the Court has of who are the proper parties is contained in the names appearing in the agreement. I cannot suggest any other method of ascertaining who are the proper parties. The Court has to arrive at some decision, and no doubt satisfies itself as far as it is able. It is not, of course, in such a good position to decide on this matter as an executive officer on the spot.

7. There is no provision in the Ordinance whereby a claim shall automatically cease on account of inaction on the part of the claimant within a specified time. The fact that at present there are about 100 notices going back five or six years exposes the procedure to criticism. It would be advisable to have an arrangement providing for the automatic cessation of claims at the expiration of a fixed period, and it should be incumbent upon the Law Officers of the Colony to move the Court to strike out such claims from the list. If the applicant desires further time for good reason it may be left to the Court to grant his request for an extension.

8. When the matter comes before the Court the inquiries prescribed under Section 11 are made. At this stage the Court goes no further than to make an order of survey, and the matter then stands over until the plans have been completed, when the applicant makes his further application for a certificate of validity. I have no personal knowledge on the subject, but I believe before survey can take place the applicant has to deposit fees with the Director of surveys.

9. I have no knowledge of administration of land except under the system now in vogue in the Colony. I cannot, therefore, compare this system with any other.

10. With regard to the question as to whether the alienation of lands should preferably be in the hands of the Court as at present, or in those of the Executive, I think the latter might be the better system because the executive officers have greater knowledge of their Chiefs and people than the Judge, and presumably also have greater knowledge relating to land matters in the district. If this change were made, however, it would necessitate a reorganisation of the executive staff in order to make it efficient to cope with the work. As to whether or not there should be an appeal from the Executive to the full Court, in the absence of any precedent or knowledge to guide me I prefer not to express a decided opinion, but I incline to the view that there should be an appeal to the full Court.

11. With regard to the limitations prescribed by section 20 of the Ordinance, I have no advice to offer as to whether the amounts are excessive or otherwise.

12. I do not think that the areas leased in the past have unduly limited the lands which the natives require for their own use. I am unable to express an opinion on the subject of an increase or otherwise in the population, but in the six years I have spent here I have seen nothing which leads me to think that it is increasing. The infant mortality is very great and the population is scattered.

13. The existence of the mining companies is a benefit to the natives, and perhaps will be more so in future.

14. It would be a good thing to impose upon mining companies an obligation to commence work within a certain time, and thereafter to continue effectively and continuously. If, however, a company can show good reason for suspending operations a certificate of exemption might be granted.

15. I consider that the surface rights in the case of mining concessions should be limited to such as are strictly appurtenant to mining operations. If other rights are desired they should form the subject of a supplementary agreement.

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(13)

FRANK VARDON, Registrar of the Supreme Court, Sekondi, states:—

I have occupied my present position for nearly 18 years; therefore during the whole of the time the Concessions Ordinance has been in force. A good deal of the concessions work has been done at Sekondi—more than at Accra.

2. When the applicant files notice under section 9, he usually also deposits with me the indenture of agreement or other form of document. This indenture must be stamped before being taken to the Court. It is deposited with me as Registrar of the Court—not as Land Registrar. There is no prescription in the Ordinance requiring this document to be registered.

3. The Court obtains for itself information as to who should be called to the inquiry. When the notice is filed particulars are sent to the Colonial Secretary for publication in the Gazette under section 10. Nothing is done until the documents are filed. Subsequently the Registrar sends particulars to other Courts for posting. They are sent to Accra, Cape Coast, Elmina, and Axim. When they have been posted the Registrar at each Court sends me a certificate of posting, and these certificates are filed.

4. When the documents are filed they are placed before the Judge, who selects who shall be called on the evidence before him in the documents. In addition, if their names do not appear on the documents the Judge may also select the Amanhin, the head linguist, and the chief councillor. It is a remote possibility that a person in possession of material evidence may not be called. The applicant is also able to call any witnesses he likes.

5. The Court inquires into the arrangement made, and occasionally the terms are altered. There was a case last year in which it appeared that the Chief had received £50 consideration money, and that the rent was to be only £5 per annum. The Court decided that this was insufficient, and increased the rent to £150 a year for three years, and thereafter to £200 a year. As far as I can remember any alteration is in the nature of an increase, and therefore the Court studies principally the interests of the Chiefs.

6. In my books there are about 600 concessions awaiting enquiry. The earliest dates back as far as 10 years or more. The reason these cases have stood so long is that the applicants have taken no action to have their concessions prosecuted before the Courts. There is nothing in the Ordinance to provide for the automatic cessation of such cases, and nothing is done by me, but the Attorney-General may move the Court to have them struck out. This may be done in special cases, but it is not the general rule.

7. Nothing further is done at the first hearing than the granting of the survey order. Procedure at the Court stands over until the survey plans are put before it. Before the survey is carried out the applicant has to deposit the fee. Therefore delay may take place owing to his delaying the payment, and again owing to the department not being able to carry out the survey. Sometimes a year will elapse between the order and the production of the plans. I have at the present time cases in which the survey order was made in 1902, and in which the plans have not yet been presented. The greater number of concessions recorded in my office are those in which order of survey has been made, and nothing further done. In the normal course the time between the order of survey and the granting of a certificate of validity is nine months as a minimum. Cases have occurred in which the Court has refused a certificate after survey.

8. In one or two instances in my knowledge the Court has altered the area when the matter has come before it.

9. It is uncommon for mining concessions to include timber rights, and where such has occurred the Court has usually restricted the rights to mining rights. The rights are usually either for mining, or to cut and collect natural products.

10. I know of no case in which the Court has reduced the area of a mining concession from 5 square miles to less.

11. The order of survey is on a printed form, but is not prescribed by the Ordinance. The Judge causes to be written on the back of the order such particulars relating to the situation of the land as he has been able to gather from the documents and witnesses at the hearing. As a matter of practice the Judge does not visit the land, and has no personal knowledge of it. It may be 100 miles or more from the Court. It is possible that in the absence of such knowledge the Judge might include in the order something which would make the survey unduly costly.

12. The time that elapses between the serving of the subpœnas and the appearance of the parties varies from four or five days to two or three weeks.

13. I know of no case in which the Judge has inserted particulars in a concession limiting or varying the rights of the concessionaire.

14. When overlapping of conceded areas occurs the Court decides in favour of the holder of the earlier concession if his documents are in order.

15. A good many Chiefs are aware of their boundaries, but on the other hand others are not. They are getting a better knowledge of their boundaries now. Cases have occurred in which Chiefs have sought the assistance of the Court in settling their boundaries under the demarcation of boundaries Ordinance. I know of no case in which the Court has ordered the delimitation of boundaries without application.

16. There is a right of appeal after the issue of a certificate of validity, but it is a right that is not often used. The parties are as rule satisfied with investigation by a single Judge and are content with his decision.

17. Concessions at present come in at the rate of about 50 a year, and are disposed of at the rate of 15 or 20 a year. The remaining cases are those in which the applicant proceeds no further. There are no arrears of concession cases at present. The Court is usually able to deal with a case on presentation of the plans.

18. My experience leads me to believe that people are satisfied with the administration of land matters by the Court, and have confidence in its decisions.

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(14)

The Honourable GILES HUNT, M.L.C., Solicitor, practising at Sekondi, states:—

I have been practising at the Bar of the Colony for 11 years next June, and during that time I have been carrying on the legal business of most of the principal mining companies in the country.

2. With regard to section 3 of the Concessions Ordinance, I think the Order in Council might well be amended. There is doubt in the mind of the Court as to what is a concession from the point of view of agriculture or arboriculture—as to whether palm oil is such, or a concession within section 2. I doubt if agricultural and arboricultural concessions come within the definition.

3. Section 9, sub-section 2. This is practically ineffectual. I know of only one case in which a substantive penalty has been imposed. The only method of sanction that would be effective is to follow the idea that is brought into the Ashanti Ordinance and let the penalty imposed take the form of making the concession automatically void.

4. Section 6. The Supreme Court, with the sanction of the Legislative Council, has made rules. Rule 7 provides that a form K shall be issued where the list of documents and the documents have not been filed. Rule 12 calls for notice L to be served. On service of notice, if no action is taken, the Court can strike out the inquiry. When first these rules were passed they were ineffectual. There was in fact no sanction for them. It did not matter, because you still kept your concession. When the order was amended in 1906 a section was added. The effect of that was that if an inquiry was struck out and you did not reinstate it within six months the concession lapsed. The result now is that if you have complied with notices K and L you can never be struck out unless the Attorney-General decides to interfere and put the case on the list. So far as I know the Attorney-General has only once intervened. The consequence is that the Courts are blocked with two or three thousand concessions, which in some ways may be treated as valid. They have never been struck out and still hold good. Any one of them may be brought up at any time, and although the Court has power to impose terms on which opposition may be entered, it seems from a decision of the full Court of last month that if a concession has not been forfeited for non-payment of rent or otherwise, the Court ought to grant leave to oppose on an old concession when it is presumed to exist. I think that some special officer should have the power to force a claimant to prosecute his claim up to the stage of obtaining a certificate of validity.

5. I do not think that section 11 needs any remarks, except that if any amendments are made the proviso might come out. As to sub-section 2, the Judge does not, and cannot, assure himself that all the persons who are material parties appear before him. He must take the parties whose names appear on the agreement, and who are served with notice under section 10 as being the owners of the land, unless there is opposition. It is common practice now that the lessor himself need not give evidence unless he wishes. I presume that it is assumed that the land belongs to the grantor because no evidence is offered to the contrary. Although everything possible is done to comply with the section there cannot be any real certainty in the mind of the Judge. Sub-section 4: there is nothing before the Judge to enable him to decide as to the adequacy of the consideration. That has been the complaint of the Judges since the Ordinance was first put into force. In the first certificate of validity granted, Mr. Justice Nicol took evidence from various mining engineers, who were then at the head of their profession locally, as to the value of a concession, and on their evidence he fixed the mining rent of the Chider concession at £200 for 1,000 fathoms square, and he made the arbitrary arrangement that the mining rent should commence at the expiration of three years from the issue of the certificate of validity, whether winning operations were in progress or not. That one piece of evidence taken by Sir William Nicol was (with few exceptions) accepted by the Judges for all concessions, and it was squared or taken to some other power (as necessary) for a larger area. Concessions in the bush are sometimes rented at £800 a year within three years of the issue of the certificate, whether there is any value in the ground or not. The Judges make such efforts as it is humanly possible for them to make, but they have not the knowledge that would enable them to decide whether the proper sums are fixed. The late Chief Justice got over the difficulty in a very fair way. He gave the grantor the option of taking the mining rent provided by the deed, or, instead, £24 a year, plus 2½ per cent. of the profits, the assessment to arrive at that profit to be on the same lines as laid down in section 29 for profit tax. That seems a fair way of fixing the consideration so far as rents are concerned. The amount of the premium is another matter. I should say that £150 to £300 per concession would be fair. It is difficult to say how much the consideration money should be per square mile. I have generally paid sums of from £150 to £300 for concessions ranging from one to five square miles. For a timber, rubber or palm oil lease we pay a good deal less. The occupation rent on mining concessions varies from, say, £12 to £25. With regard to mining rents, I have never paid less than £200 per annum for any concession, but I do not think it fair that this should be squared for five square miles. I would make it £300 for five square miles.

6. Sub-section 6 of section 11. The details of what is reasonable protection have never been considered. We incorporate into the deed practically the terms of that sub-section. The rights of the native as regards shifting cultivation are retained, also their right to collect firewood and snails, and to kill game. They are also allowed to have their houses upon the land. That satisfies the Court.

7. Section 12. There will not be very much to say on that section if section 9 is going to be dealt with so as to operate in cases in which concessions are not completed. I have had to pay blackmail to the extent of four or five hundred pounds to get rid of old concessions on which I knew rents had not been paid. In Ashanti the rent from an uncertified concession passes through the Court. If not paid within 12 months the concession becomes void. That is not the case in the Colony.

8. I think section 13 gives an excessive power to the Judges. I have collected the Ordinances of most other countries, and I have never found any in which such power is given to a Judge. This power has been used in a very arbitrary manner. If a Judge gives a decision in a concession case, and the case is not opposed and carried to a higher Court, there is no power that can alter what has been done. It is an *ex parte* decision, and all you can do is to ask the Judge to review it. You cannot take the case to the Appeal Court. A section that gives such

power to a Judge is mischievous. It has been the cause of an expenditure of £40,000 in this Colony to comply with the arbitrary orders of the Judges. I have heard a Chief in Court tell the Judge that he did not want so much. There are a number of concessions which have lapsed because the Judge has ordered additional rent, but this has more often happened where speculators have taken up concessions, and not where a mining company takes up a concession and wishes to work. I have never been instructed to allow concessions to lapse on that ground.

9. Section 18. Personally, I am in favour of survey, and have never had any trouble with the Survey department. I think it would be preferable if the certificate of validity were issued prior to survey provided you could devise suitable machinery. It has frequently happened that after payment of survey fees an applicant has not obtained his concession (at any rate, not the whole), and he cannot recover his fees. In my opinion the period that elapses between the order of survey and the completion of the plans is not unduly protracted. If you are prepared to pay the fees there need be very little waste of time. I incline to the opinion that where the delay is great it is on account of the failure of the applicant to pay his fees. I only remember one instance in which the department was unable to take on work. It is the practice of the department to conclude a group of surveys in a particular district before proceeding elsewhere.

10. Section 20. I think five square miles for a mining concession too much. One square mile would be as much as any company could work. No company could put down sufficient machinery to work five square miles. A company's efforts must be concentrated on acres. I do not think a reduction would meet with opposition from *bona fide* people. If the maximum were reduced to one square mile the aggregate which could be held by one company might be reduced to five square miles.

11. Section 19. I see no objection to the term of 99 years. I am not prepared to say that a mine could be worked out quicker, and think that a company should be given every opportunity of working out its concession.

12. I do not desire to express any opinion as to the area to be granted for planting concessions, but I would like to see a cultivation clause inserted in all such leases in terms somewhat similar to those explained to me as being in force in the Federated Malay States.

13. As to the period that should be allowed for planting concessions, I do not know enough about the subject to offer an opinion. The planter should be given sufficient time so that the trees he plants should live their life and give him an opportunity of reaping the fruit of his outlay.

14. In the case of concessions to collect natural produce the same procedure has to be gone through as for a mining concession. Survey fees have to be paid, but they are half those charged for mining surveys. I agree that if you could devise an arrangement which will give a man quiet enjoyment of his privileges without interruption by a third party, it would be better to give him permission to collect his produce by licence. The boundaries of the land could be roughly demarcated by topographical features, and the rent take the form of a small fee for the licence and a royalty on everything taken away. In the case of Messrs. Lever Brothers' application for a palm oil concession on the coast, they were anxious to avoid taking a lease of the land and going to the expense of obtaining a certificate of validity. They tried to use the Order in Council of 1906, but I advised them that that would not meet the case. They made an arrangement with a Chief to take his palm fruit from him at a certain price, leaving the natives to do the collection, but reserving to themselves the right to go and collect if the natives would not bring it in. Messrs. Millers appeared on the scene and went to the Chief and got a lease on the land in order to stop Lever's. It is the possibility of that happening that makes it necessary to advise people to take a certificate. If the same security could be obtained by any less expensive means it would be an advantage.

15. It is necessary to have a concession and to file notice if the applicant wishes to mine, because he cannot carry on mining operations without a mining licence.

In other cases there is no necessity to have a concession filed, but a penalty of £5 is enforceable for omission to do so.

16. In the case of timber concessions, there are areas being worked which have never been before the Court at all. I think this is a defect in the Ordinance.

17. When a man wants an option he negotiates with the Chief for it. It is taken for three years, and I always pay a lump sum for it. It is best taken by way of demise, to get the legal estate. It gives the exclusive right to prospect and to acquire within the area concessions of not more than five square miles and aggregating not more than 20 square miles on terms. The terms are reduced into the form of an agreement under seal. Documents of this description have been placed before the gullible public at home, and have been accepted by them as titles. This has not been done recently to my knowledge, but it has been done. There was an option sold in London some time ago which gave something like 10,000 square miles. It is not desirable to give an unscrupulous person an opportunity to do this. If by any other method reasonable time could be given for selection, and if such an alteration did not place the applicant in a position to go home and mislead the public, it would be preferable, but it would be necessary to give the same advantages.

18. Section 23. This section in effect saves mistakes under section 11, subsection 2.

If I were to take a lease from Chief A and subsequently discovered that a portion of the land was disputed as belonging to Chief B, I should endeavour to effect an arrangement with Chief B that on paying him a lump sum of money he should covenant not to oppose the grant of a certificate in respect of the concession obtained from Chief A, and I would covenant that on his producing a certified copy of a judgment showing him to be entitled to a portion of the land included in the concession from Chief A, I would apply to the Court for an endorsement of the certificate to the effect that a certain portion of the rents was payable to Chief B.

A finding under section 11, sub-section 2 is *ex parte*, but if there is no opposition entered to the concession between the time of the finding and that of the application for a certificate of validity, the Court will grant a certificate to the claimant although it may be aware that the land is in dispute.

19. Section 25. This was passed on the petition of the mining companies on account of the Judges making mining rents payable on a fixed date.

20. Section 26. Non-payment of rent under a certificate of validity should cause the automatic cancellation of the certificate. Unless the Chief takes action in such a case the certificate remains perfectly good, and you cannot get over the certificate of validity. I would advise that the certificate be automatically cancelled when the rent is six months in arrear. There are a large number of concessions upon which rents are not being paid. The initiative under the present procedure rests with the Chiefs, and they do not always take action. If they took advice it would often be more expensive than losing the rent.

21. The preliminary negotiation in respect of concessions is generally a private one between the applicant's agent and the Chief. The applicant states the situation and area of the land he wants, and when the Chief is satisfied that he is prepared to grant the concession they bargain as to price. As a rule the applicant states what he wants in square miles or fathoms square. With regard to the statements made by various Chiefs that they are unacquainted with these measurements, and that they frequently find after the land has been surveyed that they have given more than they intended to give, I think these statements are incorrect, and not such as are likely to have originated with them. They do, however, frequently grant concessions that overlap one another. Prior to survey it is not customary for the land to be visited by any officer on behalf of the Chief. It would be an advantage if this were done and the nature of the land explained to the Chief.

22. When an agreement has been completed I always have it explained to the Chief as carefully as possible by a first-class interpreter. Of course, I can only speak so far as my own office is concerned, but I believe that sometimes such documents are expounded by a semi-educated native quite incapable of explaining the document properly. In such a case the Chief would have a very inadequate idea of what he was signing. It would be preferable if such documents were interpreted and explained to the Chief by some local officer, but I absolutely except the District Commissioner, whose clerk would frequently know no more than the Chief's clerk.

23. I agree that it would be preferable if all applications were made in the first instance in writing to an executive officer.

24. The Chiefs have only an imperfect knowledge of the lands. Difficulties and complications have arisen in the past owing to their lack of knowledge. It is a desideratum that the boundaries should be defined. I think if the Chiefs had the assistance of some suitable officer they would be able to settle the boundaries, or if they could not the officer could settle them for them. The demarcation of boundaries would probably be acceptable to the Chiefs.

25. A prospecting licence should be limited to a certain district or division, and should be valid for, say, three years. A natural complement of the licence should be the right of selection within the prescribed area. A fee should be charged for the licence, which should define the area by means of topographical features. The exclusive right to prospect in the area would not be necessary so long as you have regard to priority of selection. Of course, it would be necessary to approach the Chief as to his willingness to allow the area to be prospected. If the holder of a licence fails to commence prospecting work within six months he should forfeit his licence. The licence should also be cancelled if he ceases work at any time for six months. The period for selection should be the term of the licence and six months afterwards.

26. Section 29. The duty is assessed automatically in the same way as the income tax at home. The procedure is not complicated. There is an exception. Persons who hold concessions in the Colony who are not subject to the income tax Acts of 1842 have to make a return to the Treasurer on the same lines and subject to the same conditions as they would have to do if they were so subject. The procedure is now so well understood that it is not necessary to make any alteration in the machinery provided for assessing profits. In assessing the balance of profits and gains there are certain items that cannot be deducted under the income tax Acts. The reason for not assessing on gross output is, I believe, that certain communications took place between Mr. Chamberlain and some mine owners when the present system was arranged. If you make it a reasonable percentage on gross output I think the people at home would not object. 2½ per cent would be reasonable.

27. Sections 15 and 25. Section 15 provides that every certificate of validity shall be registered in the Land Registry. Section 25 provides power to vary the terms of a certificate, but does not provide that the variation shall be registered. The Registrar of Deeds has refused to register them in recent years. It is very necessary that they should be registered.

28. Section 51 has no sanction and is habitually contravened. There is no system of registration of powers of attorney in the Colony.

29. Section 54. The Government can only acquire lands which are the property of Chiefs and tribes by the powers conferred on it by the Acquisition of Lands Ordinance. That involves the payment to the Chief of a stipulated sum as compensation. It appears to me that this clause gives the Government power to acquire land forming a portion of a concession without compensation to either the holder of the concession or the Chief. It therefore gives power to the Government to take land without compensation which, although leased, is still the reversionary property of the Chief, and which, if it were not for the concession, would have to be paid for. I think that the Government has taken powers in this respect that are inequitable, not only so far as the Chief is concerned, but also from the point of view of the concessionaire, who

has to go on paying rent on land that has been taken away from him. We have a case in point where something like £1,400 has already been paid, and the rent will still have to be paid annually, and the Government has given notice that it intends to take possession of a portion of the property.

30. I cannot say that I think the Concessions Ordinance is entirely satisfactory. It has the very serious deficiencies that I have already mentioned, and it has also the lack of power to get rid of concessions that are not being prosecuted. There is the unlimited power given to the Judge to vary terms, and his inability in many cases to obtain evidence to form an opinion under section 11, sub-section 2. There is also the risk that has to be incurred in going to considerable expense on account of survey and afterwards possibly not getting the concession. On the other hand, I have found in practice that for those persons who mean business, and who are prepared to pay the expenses attendant on obtaining a certificate of validity, the Ordinance has acted admirably. The titles of all the principal mines in the Colony have been secured by me, and although considerable expense has had to be incurred in survey fees and payments to Chiefs, yet there have not been more than six cases of opposition which have involved expensive litigation. The objection that I feel to the Executive taking over the work is that there would be no remedy in the case of a decision by which an applicant might consider himself aggrieved. Speaking generally from the point of view of legislation and of the better administration of the Colony in respect of concessions, I think that, provided that there are safeguards on that one point, Executive administration is bound to be the best.

31. Regarding the surface rights of mining concessions, what I want the companies to have is the power to make necessary clearings and build villages and compounds for the accommodation of their labour, to have all the necessary ground for their mining operations, and the disposal of refuse in the shape of dumps, tailings, and slimes after the metal has been extracted, and land on which to provide housing accommodation for the staff. Also the right to occupy any land they want either for their garden ground, or, if necessary, for farming for the purpose of feeding their labour. They need also roads, waterways, and tramways; and where it can be done without serious injury to other persons, they should have the right to use watercourses by damming or any other works that are feasible. I want them to have exclusive rights so as to prevent strangers acquiring rights over their heads either for surface, planting, or timber rights. I want them to be able to limit, subject to Executive control, the number of spirit licences in any village. I want them to have power to get rid of insanitary conditions existing in the vicinity of their mines, works, and villages.

32. So far as timber is concerned, the right to take the same has usually been expressly conveyed by the terms of the concession and secured to the holder by the certificate of validity, but in cases where no such provision has been made timber rights should be considered to be one of the necessary surface rights to the miner, whether for the mine, burning or building.

33. In my opinion the rights under mining concessions as now prepared are not limited to those sanctioned by the Concessions Ordinance. They take the form of a lease of the land, including the minerals, by express grant, also the timber, but they are not, in any cases that I know of, confined to concessions of profits *à prendre*. I contend that when the deed is executed it gives to the lessee the legal estate in, and all rights to, the land, subject to the reservation that the grantor and his people (not traders) have the right to farm, to gather firewood, and to hunt, but no further right to any portion of the surface. I do not know to what extent the Court would uphold my contention, but on the legal construction of the lease I should probably have a better chance in a higher tribunal. It is open to the Court to modify or restrict the term of a lease, but I have not known it to do so on the question of surface rights. Our deeds have been certified practically as they stand, except in the case of a few old deeds, in which it was stated that the lessees should have every right over the land as if held in "fee simple." That expression was deleted. No case has occurred in which the Court has imposed any limitation in the rights over the surface of the land so long as the statutory native protection was provided. As a matter of fact, we have avoided taking the point in the Courts. I have usually come to terms with the squatter, which is practically an admission that we are afraid of the question. We have exercised our rights by building villages and keeping out persons to whom we object, but we made what I think was a great mistake in compelling our labourers to build their own houses and allowing traders to build their own stores—the result of this is that we have a number of persons in the villages who have nothing whatever to do with the mine, whose presence is undesirable, and over whom the mine manager has no control. I am of opinion that all buildings in or about a mining village should be erected by, and be the property of, the mining company. I think, in the instance I have quoted, the houses should be taken over by arbitration or otherwise. I have advocated this all through. I think a company should be obliged to house its labourers free of charge. In view of the present high rates of pay for labour I do not think it unreasonable to make the men pay a small rent for accommodation, but that should not be carried to the extent of allowing a company to make a profit out of its village. The responsibility and liability of making the place sanitary rests with the company, and the expenditure in connection therewith should be paid by the miner. As a matter of policy I would make the entry of traders into mining concessions subject only to the approval of the mine manager, and it should be permissible for rent to be reserved. With regard to spirit licences, there is no need for any further control than that of the mine owner and the Executive. The whole of the Tarquah town is situated in the Tarquah concession, and is the subject of a special agreement between the Government and the mining company. The Government wished to acquire the site of the present township for a town, and as there was no certificate in force they could only do so by paying compensation. The native township is held by the Government under a separate agreement, under which the Government undertakes the management and sanitation, and pays the company one-half of the rent it receives. The Tarquah concession is certainly peculiar and dates back to 1878, and there was considerable

doubt in the minds of the Law Officers as to what rights it gives the company. The company itself has no say as to what traders may enter the township, or what persons may occupy places in the native township. They have their own little village, and that they control themselves. There is nothing in the concessions granted by the Chiefs to the Tarquah company entitling them to exercise surface rights other than those appurtenant to mining. They are permitted to draw rents because of their agreement with the Government. The agreement with the company was dated November, 1902, and was an absolute assignment of certain rights to which the company claimed to be entitled. There was nothing special in the deeds that gave the rights that were assigned to the Government. In my opinion the receipt of the rents and profits accruing from the erection of these commercial buildings on the concession is profit which they are entitled to receive as owners of the land under a demise of the legal estate.

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(15)

HENRY HAY, Superintending Engineer of the Fanti Consolidated mines, The Gold Coast Amalgamated mines, and the West African mines, also looking after nine other mines, states:—

I have been connected with West Africa since March, 1910.

2. The larger number of the concessions with which I am now connected were acquired previous to my coming here, but I have also had considerable experience in obtaining concessions through Mr. Giles Hunt. The usual practice is to make verbal applications to the Chiefs through Mr. Hunt, but in one case I got into personal touch myself. The Chief comes with his headmen, and he is given some idea of what is wanted, but in the case in which I negotiated personally, I previously notified the Chief of the area desired. In this instance the Chief granted the land required, but it was afterwards found that he had previously conceded it to someone else, and that is why I now prefer to deal through Mr. Hunt. Money is the principal object of the Chief, and it is my experience that he will wilfully concede land to two different parties. Provided they can get money by so doing the Chiefs will say anything so long as they do not run the risk of being taken into Court. Directly the headmen think there is any danger they oppose the concession.

3. When taking up a mining concession we usually take up also a timber concession in an adjacent area, for fuel. We do not, however, take up timber rights for export—they are exclusively for fuel.

4. After our legal adviser has come to terms with the Chief—generally after protracted negotiations—the terms are incorporated in an indenture by him.

5. Previous to Mr. Hunt being instructed to negotiate with a Chief, the usual course is to take up an option on the area for two or three years for a lump sum, and carry out prospecting operations. If after prospecting we think it worth while, we take the land up. When I came out here we had several options. They were prospected and I condemned three.

6. The majority of the concessions with which I have had to do have been 1,000 fathoms square, but we had one option of 2,500 fathoms square.

7. With regard to the area that might be worked by a company in a year, I should say that 10 to 12 acres might be worked if the operations were carried on on a large scale, but none of the mines here are sufficiently equipped at present to do this. Further, the reefs here are very patchy, and there is a large amount of ground not worth working. There is gold, but not sufficient to make working the land a payable proposition.

8. The term of the mining concessions is usually 99 years. In the case of concessions that were taken up before the Court exercised jurisdiction over them, companies sometimes obtained much larger rights, even extending to freehold, and sometimes surface rights. I know of cases where these rights have been cut out since, and I think it is a point that some of the companies concerned have a fair claim for compensation for the loss of such rights.

9. Although the Ordinance permits concessions being taken up for 5 square miles as a maximum, they are sometimes smaller. Many concessions have been taken up for an area of 1,000 square fathoms, which is the standard of area generally adopted by the native. It is usual to take an option of more than it is intended to lease.

10. In certain circumstances, provided the nature of the ground and the cost and conditions of working are such as to justify the expenditure, it would be possible to work out the whole area within the term of the lease.

11. I have no decided opinion on the subject of the limit of 5 square miles prescribed. I think it is large enough but do not think it capable of reduction.

12. I think that in addition to mining rights there should be timber rights. Timber is very much cheaper than coal. It is necessary to burn wood on concessions far away from the railway line. We have the right to take timber from our mining concession, and any other concession for timber rights must necessarily be near.

13. As to the term of 99 years, I hold no decided opinion. I think the term is a fair one. It is possible, if the working conditions were improved, that a concession could be worked out in 60 years. It takes nine or ten years before gold can be got out of a mine in paying quantities. A light railway must be laid, the surface cleared, and, if circumstances justify, an appeal would be made to the Government to continue the railways. The plant

must also be laid down. In the case of the Wallace Syndicate, after working three years they have two shafts going down a few feet, but they have no plant yet. They are now in a position to guarantee a certain percentage to the Government to extend the railway. A company may start with only about £5,000, and has to spend a lot of money on this preliminary work. It takes longer to open up a mine in this country than in any other. The jungle is dense; the means of transport limited, and the nature of the country generally difficult. Any indulgence that can be extended to industrial operations in this country should be accorded to mining companies. The British public has invested large sums in the mines in this Colony, and the dividends paid so far have been very disproportionate. In the case of a concession which is not touched by the railway it costs anything from £30 to £60 a ton to transport plant, and a company might therefore decide to do nothing until the railway comes. Until some transport facilities have been arranged it is useless expenditure for a company to attempt to open up a mine. On the other hand, there are gold-bearing lands now touched by the railway where it does not pay at present to mine, on account of cost of labour and bad working conditions. Later on, they may prove workable at a profit if conditions improve. Generally, having regard to the varying conditions which affect working cost, I do not think it is a practicable proposition to insist upon a concessionaire commencing work within a certain time.

14. With regard to the suggestion that prospecting licences should be issued for a district or part of a district for a specific period, instead of the present system of taking up options, I see no objection to the proposed scheme, but think the present one as good.

15. I know of no case in which miners have used the surface for other purposes than those appurtenant to mining, except where they have an express right to do so. We have the right to cut down the mahogany trees for mining purposes, but not to sell. I agree that the right of the miners to the use of the surface is limited to making the necessary shafts, sites for houses for superintendents, miners, and labourers, and for machinery and plant, and ground for growing vegetables and other produce for the use of the people connected with the mine. Also the right to construct roads and waterways. These rights are necessary to the miners, but at present we do not get them. Traders who wish to establish themselves in a mining village are charged a ground rent of not more than £20 per annum. This money is spent in helping to keep the place in a sanitary condition.

16. There are cases in which a mining company has erected the houses for its labour forces, but there are also cases in which the houses have either been wholly or partly built by the labourers themselves, mostly on sites laid out for them. A trader would have to build his own house, or else take over one already built. The trader is very often merely the representative of a firm in a neighbouring town. In many cases the mine is situated at some distance from a town, and it is necessary for traders to come to supply the needs of the people connected with the mines. I do not, personally, believe in natives being permitted to build houses for themselves—I think the mining companies ought to do it for them. We should like to have the power of ejecting a native who creates a disturbance or refuses to work. At the present time there are five or six men idle for every one that works in the village. Those that do not work have no visible means of subsistence, and I think it desirable that the companies should have the right to keep that type of native out of the mining villages. Natives passing through the district often stay in the village for a fortnight, and it is these people who are responsible for most of the disturbances that occur. They are generally there either to collect debts or for the purpose of thieving. They usually pay about 2s. 6d. for the use of a room for a fortnight. No persons other than those connected with the mines should be permitted to reside in the villages without the consent of the mining company. The mining companies have to pay the Government for police to keep law and order. Of course, if the companies built the villages they could keep undesirables out, but it would be an expensive business now to pull down the existing houses, compensate their owners, and build fresh ones.

17. I am aware that there are cases in which companies have been reconstructed and have transferred their concessions, and also instances in which companies have subleased their properties. Companies sometimes acquire more land than they can effectively deal with themselves: they spend a good deal of money on preliminary work and then have nothing left to continue with. It takes more money to open up a mine in this country than it does in any other part of the world. Many companies are merely promoting companies, and some of the concessions taken up by them have never been worked.

18. As to those cases in which a concessionaire proceeds no further than obtaining a certificate of validity, I see no harm in allowing him to hold the land for an indefinite period. As far as I can see, the interests of the native and of other compantes are not prejudicially affected thereby.

19. The worst feature in the Gold Coast is the granting of options for large areas, sometimes as large as 10 square miles, which are renewed from time to time, without survey or certificate of validity, on payment of a small rent to the Chief. This system is harmful, and I am in favour of making an option for a specific period without power of renewal. The period might be three years; and at the end of that time the holder would either have to make a selection, or the option would lapse. The situation could be described by natural topographical features.

20. It does not pay a company to hold a concession without working it. They have their expenses to meet. The quicker they make the mine a paying concern, the better for everyone concerned. None of the companies with which I am connected would do such a thing, unless the land was of such low grade as to make it not worth while to proceed under present conditions. If a company found they had not sufficient capital to go on developing they could easily interest other companies in it.

21. I would like to call attention to the fact that in the Western Province the native makes beneficial use of only a very small proportion of the land. To a large extent he depends for his livelihood upon the mines—that is to say, the mining rents go towards buying food and drink, and keeping up the villages. Outside the mining centres the native has to some extent cultivated the land. It would be a mistaken policy to attempt to reserve the whole of the land for the native. The Colony has all the advantages of a tropical country, and efficient occupation of the soil would be more profitable, and to that end I suggest that every inducement should be offered to joint stock companies as they are in the East and in other parts of the world. The inducements might take the form of a freehold right or a very long lease with right of renewal for the surface. I think the leases should be for a term similar to those in the east, viz., 999 years, so as to give companies a reasonable prospect of reaping benefit from the land, instead of handing over their plantations to the natives at the end of 99 years. I would be quite prepared to accept a clause by which such companies should be compelled to do a certain amount of work within a certain time, and thereafter continue effectively. If a number of companies made profitable occupation of the land in this way other companies would come with the idea of taking up concessions and selling them—this would be a form of speculation which it is desirable to avoid. What is wanted is to make the best use of the land, and make an industrious people. Then you have a prosperous country. I can say that in the Western Province not 5 per cent. of the country is cultivated. The natives are not sufficiently numerous to cultivate the land themselves, and they have been spoilt by the amount of money they have received. The native in this district is useless for work, and labourers have to be brought from outside. Normally a third of the population of this province is composed of aliens. The best labourers we get are those that have been brought from outside the Colony. When it is required to cut down mahogany trees the native cannot be induced to do it, and it is necessary to look elsewhere for labour. There are a few native farmers, but the bulk of the farmers are Appollonians. The native in the Western Province is not much use to anyone. He is becoming a degenerate through drink and generally slack habits. If they continue to receive the money that they are at present getting I think they will disappear. In the Western Province the local indigenous population is not on the increase. Most of those working on the mines are outsiders. I see no immediate prospect of the native being deprived of land he legitimately requires for his own purpose owing to alienation of land to white men.

22. The matter of surface occupation for mining villages is one that is receiving attention by the sanitary authorities at Accra at the present time. The stand that the mining companies have taken is that they are entitled to the surface for the erection of these villages. There seems to be some doubt in the official mind as to whether we have that right, but there is no doubt in mine. It would put an end to a lot of contention if this matter were settled. In the matter of sanitation it costs more to put some villages in a good condition than others. It is impossible for us to go to expense in the matter for the benefit of that portion of the population unconnected with the mines unless we are going to get some recompense for the work done.

23. Some of the mining companies have taken up rubber rights on the same area as that of their mining concession. The reason for this was that I heard that certain trading firms were acquiring rights over the same areas and were erecting buildings. I have had two rubber rights taken up separate from, and in addition to, the rights taken up for mining.

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(16)

EDWARD COLLETT HOMERSHAM, General Manager of the Prestea mine and of the Appantoo Consolidated Co., states:—

I first came to this country in 1901 to inspect properties owned by my company, and I stayed here for nine months, travelling a good deal about the district between Tarquah and Prestea. Afterwards I was in practice for myself in London, and also spent some years in South Africa. In the early part of 1909 I came out here again for the West African Mining Co., and after a time at home I returned to take charge of the Prestea Block "A" mine. I have known the conditions of the country on and off for some time.

2. I have had preliminary negotiations with Chiefs in respect of alienation of land. I think they have a fair knowledge of the areas they are conceding so far as mining areas are concerned, and I do not consider that the white man has taken advantage of the native at all; in fact I should say that the reverse was the case. I have, however, known of cases in which the Judges have not had an exact knowledge of areas.

3. My experience has been in connection with concessions granted under the Concessions Ordinance. The area of the Prestea mine (Block "A") is less than 5 square miles. This mine has been working on and off for more than 30 years. I do not consider that 5 square miles is too large an area.

4. I think a company should be allowed to occupy the land forming the subject of a concession prior to survey, the land being roughly described in the indenture. We are allowed to do this now, but until a certificate of validity has been granted the company is always liable to be confronted with an old lease, and involved in litigation. Whatever form the approval may take or by whatever means it may be obtained, the concessionaire should not be called upon to pay survey fees until the land is approved to him.

5. I am in favour of land administration being in the hands of the Executive instead of the Court. My experience in Australia has taught me that the former system is the better one.

6. It would be to the advantage of the country if concessionaires were placed under obligation to commence work within a certain time, say, six months at the outside, and thereafter continue effectively and continuously. In the case of a concessionaire being obliged to discontinue work a certificate of exemption might be granted provided he can show good cause for the stoppage. It would be unfair to make this retrospective, but if it had been done from the start the country would have been opened up years ago.

7. Cases have occurred in which the rent has been raised by the Judge, and in which the applicant has thereupon refused to proceed further. In such cases the landowner has afterwards gone to the applicant and begged him to take up the land at the rent originally agreed upon.

8. The miner should be in possession of such surface rights as are reasonably appurtenant to mining operations, viz., occupation of such portion of the surface as is necessary for his plant and machinery, for housing accommodation for his staff and labour force, for the construction of roads and waterways, and for the planting of gardens for vegetables and other produce for the use of the people connected with the mine, and for the use of such timber as is required in the mining operations. I know of no case in which a mining company has made money other than by mining.

9. There are 2,800 workers on my mine. When I came to Prestea I started building houses on sanitary lines, and I have also assisted the boys working on the mine to build their own houses, but sub-letting is not permitted. There is a clause in the agreement which stipulates that the mine shall take over the house after they leave. It is desirable that the houses on the mining property should be in the hands of the mining company. There is a large number of people in the village unconnected with the mine. I consider it most desirable that mineowners should erect, manage, and control the villages provided for their labour force; and that workers should not be permitted to put up their houses in any place they like.

10. We have a resident doctor, and the sanitary condition of the village is in his hands. The people are gradually being moved to a village recently erected by the company on sanitary lines, but this cannot be done rapidly. They have to pay 10s. to give us the right to the property, and a sanitation fee of 2s. 6d. per month. These contributions represent only a small proportion of the money spent on sanitation. No profit is made; the whole, and more, is spent on sanitation.

11. We take up occasional timber concessions, which must be adjacent to the mining area. It is necessary to have the area taken up for timber surveyed.

12. I do not consider that the native is being deprived of land that he requires for his use owing to alienation of land to Europeans. There is plenty of room for both the native and the European.

13. Provision should be made for the automatic cessation of such concessions as are not proceeded with within a certain time after the filing of notice.

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(17)

Mr. James Wilfrid Newbury, General Manager of Tarquah and Abosso mines, states:—

This is my second tour in the Colony. The first tour lasted 11 months, and this, my second one, has so far extended over five months.

2. I have had no personal experience of applications for concessions here, but on four occasions I have been approached by natives who have represented themselves as being the agents for different Chiefs with concessions to dispose of. Two of them were in the north and two in this district.

3. I have had experience in obtaining concessions in Australia, China, India, and Burmah. I know of no place in the British Empire other than in West Africa where the administration of land is in the hands of the judicial authorities. It would be better and more expeditious if it were placed in the jurisdiction of the Executive. It is probable that the man on the spot is in a better position to learn all about the land than the Judge sitting in Court, and to that extent it would be preferable that the supervision of land matters should be in executive hands.

4. The preliminary negotiations are completed with the Chief without the intervention of anyone connected with the Government. It is not until the filing of notice that the matter comes within the cognizance of the Court. It would be a protection to both parties if the Government came into the matter in the first instance.

5. In Burmah the land is recognised as the property of the Chiefs, and to that extent the situation is similar to that here. Notwithstanding this the assistance that is given to the Chiefs is given by the Executive, and the Chiefs always refer to the Executive and the Executive to the Chiefs. Generally speaking it is a system to which the Chiefs are accustomed and which works exceptionally well.

6. The fact that the matter is dealt with by the Court here is the cause of the proceedings being so protracted. In many instances when a man takes up a concession he has no intention of working it, and if the proceedings were more expeditious this type of man would be kept out. There is still a good deal of hawking of concessions.

7. I approve of the suggestion that prospecting licences should be issued for a short term instead of the present system of options, with the addition that the holder of the prospecting licence shall be compelled to employ a certain number of men on prospecting work during each year that the licence is valid. The effect of this would be to compel the holder of the licence to carry on his work continuously and to a reasonable extent, and if he failed to do so at the end of any particular year it should entail forfeiture of the licence. Further, it would place the bonâ fide worker in much the same position as he is at present when in possession of an option and at the same time would prevent people taking up options with the object of going home to sell them, because they would have nothing to attract the attention of people at home.

8. The areas of the concessions I am working are both under 5 square miles, and no portion has been completely worked out. I could give no general idea as to how much land could be worked within any particular period, because it varies so much in different places.

9. I consider it desirable that in cases where concessionaires proceed no further than the filing of notice. and take no steps to get the area surveyed and apply for a certificate of validity, the concession should be forfeited, unless the man has a reasonable excuse.

10. Concessionaires should be placed under an obligation to commence work within a certain time, say 12 months, after approval of the land, and thereafter to continue effectively, under penalty of forfeiture.

11. It would be a distinct advantage to permit a concessionaire to commence work directly the land is approved to him. He might be able to start work at once, whereas in two years for some reason he might not.

12. The miner should be allowed such surface rights as are necessary for mining operations, and for the accommodation of the people connected with the mine, and the growing of vegetables for the use of the workers.

13. I know of no case in which a mining company has made use of the surface for purposes other than those connected with mining operations.

14. We have a mining village for the accommodation of our people. The site was originally selected by the mine authorities. The medical officers were not consulted because they had not come to the district then. The houses are sometimes erected by the company and sometimes by the natives. We do not propose to take over the houses belonging to the natives unless they become objectionable. If they did become objectionable we should apply to the Government to turn them out of the village, and take over the houses on valuation. There are not many outsiders in the village other than traders, who come in at will, but may not build without the approval of the company. They can take a house from the company on payment of a sanitation fee and a small rent, which is spent on the conservancy of the village. Traders are very necessary in a mining village that is isolated. All the workers in the village have to pay a sanitation fee of a penny per day, but this fee is in the first instance given to them by the company in addition to their actual pay, in order to give them a feeling of personal responsibility in the matter of cleanliness. As a matter of fact much more than the total of these fees has been spent on sanitation. So far in the present half-year we have spent about £1,500, which is £400 in excess of what has been collected. I know of no case in which a company has erected houses with the idea of making a profit.

15. We have taken up a concession for timber to use as fuel. This concession extends for 5 miles along the railway, and is half a mile wide on each side. We have an exclusive right to the area, but take no steps to keep people off the land. If the natives want to come to collect natural produce, or for the purpose of shifting cultivation they can do so. The fact of our having taken a concession on the land does not affect the native in the least. This concession was taken up in the usual way through the Courts, and we paid a survey fee. How much the survey fee was I cannot remember, but it was more than £100. It would be a good thing if a company could take a licence to collect timber instead of the present system whereby a concession is necessary. Our requirements would be equally well met by a licence.

16. I do not think that alienation of land is prejudicial to the interests of the native population. There is plenty of land to spare, and, so far as I am concerned, I encourage the natives to come on to my mining land.

17. With regard to the mining licences issued under section 27 of the Concessions Ordinance, I feel very strongly that they should be in the name of the company and not in that of an individual. At the present time a company has to go to the expense of a fresh licence every time a man is changed. I do not think this is equitable. The licence should be issued in the name of the company, and the number of labourers specified.

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(18)

Mr. Francis D. Bray, General Manager of the West African Trust, states:—

The concessions owned by my company are one of 6 square miles and twelve of 6,000 ft. by 6,000 ft. They were taken over by the Company two years ago from the Himan Company, who originally acquired them from the Chiefs between 1902 and 1910. With most of them we are in the secondary stage, that is to say we are laying down plant and sinking shafts.

2. I have had experience of this country since November, 1908, but have had no dealing with Chiefs regarding concessions.

3. One block of 2 square miles would be sufficient for working the mineral. If you have obtained an option and prospected in a thorough manner to enable you to locate the gold an area of 2 square miles would be sufficient. I do not think a term of 99 years too long. Owing to labour difficulties the term should be longer here than elsewhere.

4. I have had no experience of options on any property previous to titles.

5. The surface rights of miners should include: the right to take timber for fuel or any other purpose connected with the mining operations, the right to erect plant and machinery, and buildings generally; the right to occupy the ground for the purpose of making roads or aqueducts or other means of transport to the mines, housing accommodation for the labour force, and the planting of vegetables and other produce for the use of those connected with the mine.

6. The forests included within the boundaries of our concessions are not sufficient to supply all the timber required. One block would soon be exhausted. We do not use coal now on account of the cost of transport, but we shall have to eventually. How far it pays to carry timber depends entirely upon the configuration of the country.

7. About 300 natives are employed on one block during the sinking of shafts, but later on, when the mines are being worked, 1,000 will be required. They are provided with houses which have been built by ourselves on a definite plan, including drains and sanitary matters. The selection of the site received careful attention from a health point of view. We charge the boys a penny a day. Their wages average 1s. 10d. per day. If a boy is discharged from the mine, he is not turned out at once but is given an opportunity of getting work elsewhere. There is no resident population other than that connected with the mines and traders, and I should not allow it. So far we have got the whole matter of housing accommodation in our hands, including medical examination and sanitation. The whole of the fund raised by the boys' contribution of a penny a day is devoted to the expense of sanitation. Our houses are built on modern lines, with swish walls and galvanized-iron roofs, and cost £30 each. They were designed in consultation with native clerks and surveyors. The medical officer has visited the village several times and is quite satisfied with it.

8. If the mine is at some distance from a town, the presence of traders is necessary to supply the needs of the labour force. The goods supplied include luxuries as well as necessaries. Admission is limited to those traders who have been commended to us by a European firm. All applications for gin licences are referred to us, and to that extent we regulate them. This system works very well indeed. We have three gin licences in the village, and that is ample. We make the traders build their own houses in accordance with such plans as are approved by us, on an approved site, and on the understanding that the house belongs to us. In the event of their wanting to vacate it we take it over at the price they paid for it. They build for themselves better and more expensive houses than we would. They are charged a ground rent of 5s. per month, and the money goes into the fund for the improvement of the village. This fund does not cover the expenditure; and if a company looks after its village a surplus will never occur.

6. We have a resident medical officer who visits the village once every day. He has a body of men under him to carry out his instructions. They are entirely under his direction, and I think interference by the Government would lead to friction.

7. I have experienced no difficulty in getting labour, in fact I have to refuse it sometimes. The attraction is that we are not down to the low level yet, and the living is less expensive than at other places. I do not think the improvements in the village are sufficient to attract them, but they help. It is likely, however, that we shall have difficulty in getting sufficient labour when we commence mining, and we intend to substitute machinery for manual labour as much as possible in all departments. Not more than 30 per cent. of our present staff are natives of the district.

8. I do not think the areas already conceded have incommoded the native at all. So far as mining land is concerned alienation of land does not deprive the native of land that he has been in the habit of using. He benefits by the presence of the miner because it gives him a market for his produce. The people farm to within 500 feet of the shafts in some places.

9. I see no reason why a concessionaire should not get on with his work prior to survey being completed, provided he takes the risk of going outside his eventual boundaries. On the other hand I agree that a concessionaire should be placed under obligation to commence work within a certain time, and afterwards to keep on continuously and effectively, unless he obtain a certificate of exemption. This would prevent people sitting down and waiting for a rise in the market—a thing that has been done often in the past. I should, not, however, care to express an opinion as to what time a man should be allowed to commence work in. I suggest that the efficiency of the work should be measured by the amount of money spent on its development.

10. In a case where a man does not proceed with his application after a stipulated time, it would be in the interest of the mining community if the concession automatically lapsed.

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(19)

Paramount Chief of Bensu—KWAMINA ENINILL IV—states:—

There are 77 sub-chiefs in my division. I have occupied the stool since 1904.

2. I have personally received no applications for concessions: all my land is divided amongst my sub-chiefs. It is the duty of my sub-chiefs to advise me when they receive applications for concessions, and in practice they do so. If a sub-chief did not advise me, on the matter coming to my knowledge I could prohibit the concession, but if I am advised I have

no right to do so. I receive one-tenth of the money paid for land conceded in my district. Before a sub-chief disposes of land he should consult his own councillors and elders. I believe this is always done.

3. After the tenth of the money has been paid to me, the remainder is divided between the stool, the sub-chief, and the elders. The elders give some of their portion to the young men who help in the work of the village or district. The bulk of the people get nothing. The land is the property of the people.

4. A considerable number of the sub-chiefs have granted concessions.

5. My stool is in debt to the extent of £2,000 or £3,000. Most of the debts were incurred before I occupied the stool, those incurred since are two sums—one of £400 and one of £600. I believe most of the debts have been incurred in litigation. Chief Esselkojo's stool is in debt, but otherwise none of the other sub-chiefs' stools are indebted.

6. I subscribed £400 to the Gold Coast Aborigines Rights Protection Society during last year. The amount was suggested by the Society. I do not know what the other Chiefs subscribed. The reason for collecting the money was in order to send to England in connection with the Forest Ordinance. I believe the money is still at Cape Coast.

7. Although I have granted no concessions myself, I have knowledge of concessions granted by sub-chiefs during the time that I have been on the stool. The custom is for the white man to come to the Chief and negotiate, and they bargain as to the price to be paid. The Chief agrees to give so many square miles, or fathoms square, and quite appreciates what he is giving. Sometimes, however, they have given more than they thought. If they had known what they had been giving they would have got more money. The Chiefs never ask a white man for his advice. When an agreement is arrived at a document is drawn up in the English language. The Chief has always a clerk who can read English and it is read over to him by the clerk. It has sometimes happened that the Chief goes to the District Commissioner and asks him to explain the document. The amount paid for a concession varies; it may be £100 or it may be £200. Notwithstanding the concessions already granted, I think there is plenty of land. The people are allowed to go on concession land and cultivate. The fact of a concession having been granted does not prevent the people having the use of the land. In spite of infantile mortality the population amongst my people is increasing. My people are going on granting concessions.

8. My income is derived from fees received in my capacity of Paramount Chief. I cannot say what my income is.

9. It is a fact that I am about to be destooled.

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(20)

Chief Esselkojo of Appintoe (Tarquah district) states:—

I am the principal sub-chief under the Paramount Chief of Bensu. I have occupied my stool for about 17 years—therefore, during practically the whole of the time that the white man has been looking for concessions here.

2. The land attached to my stool is very extensive, but I could point out its boundaries. About one half of my stool land has been alienated. I have no intention of giving further concessions, but might do so in certain circumstances. I have refused to grant concessions on two or three occasions, but have so far granted between 60 and 70. I used to negotiate myself, but after the documents were prepared I would go to the District Commissioner and ask him to explain them before signing. This was to protect myself from any unreasonable clause inserted by the white man. The land is usually described in square miles. I do not know what a square mile is. Sometimes I have given more land than I intended, and if I had known the true extent I would have given less. It would be an advantage to have advice in the preliminary stages.

3. Of the money received in respect of land conceded, I usually give one-fifth to the Paramount Chief, the remainder being divided between my stool, myself, and my elders. The ordinary members of the tribe get nothing. I spend some of my portion on my tribe and some on myself and my family.

4. There is a debt attached to my stool to the extent of £5,000 or £6,000. The debts are two years old and were incurred mostly in lawyers' and court fees. My income from rents is £700 per annum. The Commissioner has, however, taken over the rents in order to make provision for the payment of the stool debts.

5. I consider there is still sufficient land left for my people to cultivate. The people are also allowed to cultivate upon the surface of the land given out in concessions.

6. A large number of infants are always dying, but I think the population is increasing largely.

7. At some date after the concession indenture has been drawn up, a Chief has to go to the Court at Sekondi. Sometimes I go myself and sometimes I am represented by my linguist. In addition, two or three people connected with the tribe have to go. I choose them myself, and take care to see that they know all about the concession.

8. I wish to complain that in the case of the Tarquah concession the concessionaires have allowed white people to build houses and shops on land forming part of the concession, and,

inasmuch as their surface rights are restricted to such as are appurtenant to mining, I think the rent should come to me instead of being appropriated by them, as now happens. They are not built for mining purposes; in fact, those I am referring to are the whole of the shops and houses in Tarquah town. I do not know whether the Government made any arrangement with the mining company respecting the Government buildings erected on the concession land, but they did not do so with me.

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(21)

JOHN TALFOURD FURLEY, Provincial Commissioner of the Central Province, states:—

I have been Provincial Commissioner of the Central Province for four months. Previous to that I was in the Western Province, stationed at Sekondi, and I was at one time District Commissioner of the Tarquah district.

2. I have a fair knowledge of matters connected with mining.

3. I agree with what has been said here with regard to the tenure of land, the rights of the Chiefs to alienate land, and the division and distribution of consideration money. I believe that the money has, as a general rule, been distributed in accordance with native custom. The general community receive no benefit from the alienation of land at present, and it would be equitable to retain a portion of the money to spend on works of public utility in the district. I anticipate, however, that the Chiefs would object to this on personal grounds, as it would be against native custom. The main objection to an applicant going direct to a Chief to negotiate for a concession is that the Chiefs never know the value and extent of the land they alienate. Stool land is sometimes alienated by Chiefs on the spur of the moment without proper consideration. The boundaries are never properly defined, and I do not think the Chiefs, especially those in the bush, know what they are doing, or whether they are receiving a fair rental. The Chief gets no advice from any one, and is prone to give a large area for a relatively small consideration. I agree that the District Commissioner might well come into the negotiations in the early stages. I think it would be in the interest of the Chiefs and people if the application was made in the first instance to the District Commissioner.

4. The present system by which the alienation of land comes within the jurisdiction of the Supreme Court is satisfactory, except for the fact that the Judge does not view the land, and in this connection I remember a case in which two villages disputed about a piece of land for some time, and in the end judgment was given by the only Judge who had visited the land to those parties who had previously been adjudged to be in the wrong. The natives will accept with more confidence the decision of an officer who has visited the land than one who sits in Court and never does so. The Judge sitting in Court can only decide on the evidence before him, and important evidence may never come out. For instance, there was a case of a Chief in the Axim district who was litigating with his head Chief for about ten years. He lost his case every time, and after an interval he started proceedings again and had a plan drawn. There were three absolutely independent witnesses, and the Court gave judgment in favour of the applicant, not knowing that there was opposition, and it was not brought to the notice of the Court that there had been previous litigation.

5. I think too much time is lost between the first application for a concession and the granting of a certificate of validity. Continual appearance before the Court and the assistance of lawyers is expensive, and if it were avoided it would be a good thing.

6. The alternative system of approval of applications for concessions by an executive officer of sufficient experience and authority would be as good as, and possibly better than, the the present system. The people in the Colony have no experience of any method other than the present one, and therefore to suggest anything else is to suggest something of which they have no knowledge.

7. With regard to the time and area for which concessions may now be granted, I think both might be reduced with advantage—the time to 50 years.

8. I would allow to the mining companies such surface rights as are necessary for their mining operations. The companies should be allowed to erect suitable housing accommodation for their labour forces, and they should have the right of admitting such traders as are required to supply the needs of the workers. For the housing accommodation they should be permitted to charge rent but not to make profit. The traders might be charged a small sum to reimburse the company for any expenses that they may have been put to. A small tax might also be made for sanitary purposes.

9. With regard to timber concessions, these are usually granted to take rubber and natural forest produce. I agree that it would be better to issue licences instead of leasing the land outright.

10. As far as my experience goes I should say that the population is not materially increasing, and I do not think there is any danger of the native being deprived of land that he requires for his own use.

11. The presence of the mining companies gives the native an opportunity of learning new and improved industries and also of earning better wages, but, on the other hand, the increase in earning power is counterbalanced by the additional cost of living. In my opinion the presence of the mining companies is an advantage to the native population.

12. So far as the Court can be satisfied it takes care to be satisfied, but it does not follow that the Court has always the best and most complete evidence before it.

As a matter of fact the applicant is usually so anxious to ensure that anybody who ought to be present is in Court, that the Chief usually brings more people than are necessary.

So far as I know the Chiefs never do consult the tribe as a whole, but they do consult their elders, which is all that is required of them by native custom.

13. To my knowledge the rates now approved by the Court for consideration and rent, are more or less recognised, but I am unable to say at the moment what they are.

14. There should be some procedure for registering leases before companies can be floated or work commenced. At present there is no compulsory registration. There is no supervision and anybody can go and take a grant of land that a Chief is willing to give, and do what he likes, float his company and get on with the work.

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(22)

AMANHIN AMONOO V of Anamoboe of the Saltpond District (Central Province), states:—

I am unable to say what the extent of my land is. There is no mining land in my territory. No concessions have been applied for or granted in respect of my land. My people are mainly interested in agriculture. Some of them have bought land in a neighbouring district for cocoa, but the cultivation of this product has not yet been started in my own country.

2. In my opinion the land in the Colony is divided into three classes: stool land, tribal land and land which is the property of individuals. The occupant of the stool for the time being has charge of all stool lands, but his subjects usually obtain permission from him to work on the land. A Chief has to consult the principal families of his subjects before disposing of the stool land; he cannot deal with it as his private property.

3. I know nothing of the alienation of land except by hearsay. I cannot say whether the Chiefs always do their duty in the matter of consulting their tribe before disposing of land.

4. All consideration money is paid to the occupant of the stool, whose duty it is to hold the money as trustee for the people and use it in the interests of his subjects. He has no right to dispose of it to his personal advantage, and if he did so it might cause his destoolment. Our people generally spend money in funeral customs, and if a family lost a member and after the ceremonies it was found that it could not pay the whole cost it would receive assistance from this fund.

5. The head of the family should be consulted in the case of alienation of tribal land, and he is obliged to consult the other leading members of the family, and afterwards the Paramount Chief. If the leading members of the family are not satisfied they complain to the Paramount Chief, who would oppose the alienation. The ultimate decision always rests with the Paramount Chief. The tribe can only dispose of its land with the sanction of the Paramount Chief and other members of the family.

6. It is my opinion that the population of my own tribe is decreasing owing to emigration to seek employment elsewhere. Some go to the mines, some become clerks, some work at agriculture, some get employment as boatmen, and others become fishermen. They can earn better wages elsewhere than in my own country. They, however, often come back.

7. Most of my people are farmers. I do not think there is any likelihood in my country of there being insufficient land for the use of the people, but if I were to alienate land to Europeans that danger might arise.

8. I think it right that a portion of the money received as consideration for land alienated should be devoted to the development of the land and to the interests of the people generally.

9. The presence of European industry in the country is a benefit to the native population, as it gives them opportunity to become skilled workmen and earn higher wages, and also to learn the planting and preparation of new products.

10. There is a suggestion at present to have a light railway from Saltpond to Anamoboe, the natives to make the road if the merchants will put the tramway upon it.

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(23)

AMANHIN AKINNIE of Ekumfie (Saltpond district), states:—

My land, which is entirely farming land, is situated at a distance of two days' journey from here. I have never received any applications for concessions.

2. With the exception of the forts and their immediate surroundings, and land acquired for public works, the Crown has no rights in the land. All land is owned by some Chief or tribe; there is no such thing as land without an owner.

3. Land in the Colony is divided into three classes: stool land, tribal land, and individual land.

4. An occupant of a stool is the owner for the time being of the stool land. The Chief usually gives his subjects permission to enter for the purpose of farming and they have to

give him a portion of the product as rent. The Chief has the right to turn a subject off the stool land if he so desires. The subject occupies the land merely at the pleasure of the Chief. It is the Chief's duty to consult with the elders of the tribe as to the disposal of stool property. The elders place the Chief on the stool and he must agree to what they say.

5. Tribal land is the property of the tribe and is managed by the elders. They, however, must consult the Paramount Chief before disposing of the land.

6. When stool land is leased, the money is divided into three equal portions, one goes to the Chief, one to the stool, and one is divided between the elders. The money is paid in the first instance to the Chief. The portion which goes to the stool is generally used in liquidation of stool debts, which are mainly due to expenses attendant on annual ceremonials. My stool is not in debt. I cannot say whether in the case of other stools the debts are due to litigation or not. It would be a reasonable thing to put aside a portion of the money for the benefit of the tribe as a whole.

7. The population in my district has increased since I was a boy, and I think it continues to increase. This is due to the natural expansion of the native families; few people come to my country to settle. Some of my people go away to work on the mines, and others to the forest to gather produce, but they generally come back. They go because they can make more money away than they can at home.

8. I think the presence of European miners and planters in the country is good for the people, because they thereby learn skilled trades, and become acquainted with improved methods of planting and preparation of products.

9. I am unable to say what the size of my land is. There is plenty for my people but not enough to spare for others.

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(24)

Amanhin Essandoh III of Yamoransa, Cape Coast district, states:—

My country is in the Cape Coast district and extends from the beach six miles inland. It is all farming land.

2. No applications for concessions have been received, and no persons other than my people cultivate thereon. We have not taken up cocoa-growing.

3. Land in the Colony is divided into three classes, *i.e.*, stool land, tribal land, and individual land. No land with the exception of the forts and their immediate surroundings, and such as has been acquired for public purposes, belongs to the Crown, and there is no land without an owner.

4. Stool land belongs to the occupant of the stool for the time being. He usually permits his subjects to enter upon it for the purpose of farming. He takes no rent from them, but the subjects have to contribute towards the liabilities of the stool. All stool land is administered by the Chief but he must consult the family which holds an interest in the stool. He may be said to act as trustee for the land belonging to the stool. He and his elders have the right to lease stool lands but he must consult his elders before doing so.

5. In the case of tribal land, the land is administered in the same way as stool land by the chief and elders of the tribe.

6. Before tribal land can be leased the Paramount Chief must be consulted. The Paramount Chief has the right of prohibition.

7. Money in consideration of stool land leased is paid to the Chief, whose duty it is to divide it into three parts. One portion goes to the stool, one to the Chief, and one to the elders. The money apportioned to the stool is generally spent in maintaining the dignity of the stool.

8. There was no debt attached to my stool when I was installed, and there is none now. I am unable to say whether it is usual for stools to be in debt. I have never been involved in litigation.

9. I concur in the suggestion that a portion of the money received in respect of land alienated might be set aside for the benefit of the tribe as a whole, or for the district.

10. I think the population is increasing in my district in consequence of the natural growth of the native families.

11. The whole of the land in my district, with the exception of forest land, is under cultivation.

12. I consider that the people of the country benefit by the presence of Europeans, as opportunities are thus afforded to them of learning new trades and new methods of planting and preparing products.

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(25)

Acting Amanhin Otu Akrabo II. of Akrabrampa, states:—

My country is situated about 12 miles from Cape Coast, and is entirely farming country. There are no Europeans working there, except in the Botanical Gardens. All the land in my district belongs to me—there is none without an owner and none belongs to the Crown. No applications for concessions have been received by me.

2. The land in the Colony is divided into three classes: stool land, tribal or family land, and individual land.

3. Stool land is the property of the occupant of the stool for the time being, and is managed by him. Stool land may not be disposed of without consultation with the elders of the tribe, but if the consent of the elders is obtained the Chief may lease or sell land. None of my land has been disposed of except such as has been let to my people for farming. In the event of any of my land being alienated, I would receive the money. My people would expect me to do something for the stool with the money if there were no debts. If there were stool debts the money would be appropriated to the liquidation of those debts. It does not often happen that a stool is in debt—my stool is not. Debts are usually incurred in meeting the expenses of the ceremonials, or in litigation in respect of land. I have never gone to law myself, but have been forced into litigation occasionally against my will. The expenses of litigation are heavy, and it is bad for a stool to be continually engaged in litigation. I think it would be reasonable to apportion some of the money received as consideration for land alienated to the improvement and development of the country.

4. The elders of the family manage family land in the same way as the Chief and elders manage stool land.

5. The principal industry in my district is the growing of palm trees. We are beginning to grow cocoa.

6. With regard to population, I think it is growing, due to the normal increase of the native families.

7. There is plenty of land in my district, in fact there is really more than my people can use properly.

8. Occasionally numbers of my people go away to work on the mines or other places where they can earn more money. Although they earn higher wages they find the cost of living correspondingly dearer.

9. I agree that the presence of Europeans in the country is beneficial to the natives.

10. I think the period for which land may be alienated under the Concessions Ordinance is too long. 25 to 30 years would be long enough.

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(26)

Chief Kumah, representing Kwanni Assesi of Dutch town, Sekondi, states:—

No concessions have been granted in my district and none have been applied for. My lands are agricultural and are farmed only by my people; there are no mining lands. There are no debts attached to my stool. The population is increasing in my district. There is sufficient land for my people, even if they took up farming on a larger scale. In making my complaint that if the Forest Bill was passed there would not be enough land for my people, I was referring to the land near Sekondi and not to the bush land, of which there is plenty.

2. Some of my people occasionally go away to the mines for a time, but they usually come back. They make more money at the mines than they do at home, where the only means by which they can get money is by selling surplus produce. Those who go usually take their wives with them. At the mines they learn such trades as blacksmithy, carpentry, &c., and are, therefore, more useful members of the community when they return. Cocoa is not grown in my district. I am aware that this flourishing industry was brought to the Colony by Europeans. I think the example of the planting of new products by Europeans a benefit to the natives.

3. Money received in consideration of lands alienated is handed to the Chief, whose duty is to divide it into three equal parts—one part goes to the Chief, one to the stool, and one to the elders. The portion which goes to the stool is spent on the annual ceremonies. The people of the country, therefore, get no material benefit from this money. A piece of land in my district was purchased by the Government some time since for £570, which was paid to the Chief some months ago for distribution amongst those families from whom the land was acquired. It is at the Chief's discretion when this money shall be distributed. This has not yet been done and the families have not yet applied for it.

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(27)

The Representative of Amanhin Mensah of Elmina, states:—

My country is entirely agricultural; there are no mining lands. My people are mainly farmers, but, in addition, prepare palm oil and collect palm kernels.

2. There are small debts attached to our stool, incurred mainly in annual ceremonials. We have never been involved in litigation.

3. In the event of stool land being disposed of, the Chief receives the money and divides it into three equal portions, one of which goes to the Amanhin, one to the stool, and one to the elders. The people generally get no benefit.

4. There are not so many in my country as there used to be, as some of them have gone to other parts of the Colony. There is plenty of land for the people subject to the stool, but there is none to spare for concessions. Some of the people go to the mines and I believe they earn more money there. They also learn trades and practise them when they come back, which is for the good of our community.

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(28)

AMANHIN KWAMIN BASSAYIM of Upper Wassau, states:—

A number of concessions have been applied for and granted in my country. The usual procedure is for the applicant to go direct to the Chief or sub-chief and negotiate, generally through an interpreter. Sometimes the applicant is a native.

2. I have granted concessions which I have believed to be of five square miles, but which on survey have been found to be much larger. If I had known what five square miles really meant I would have granted less.

3. I think the limit of five square miles under the Concessions Ordinance is too large, and suggest that it should be not more than two.

4. I have no complaint to make regarding the amounts of money received for the concessions granted by me.

5. About a quarter of my stool lands have been granted in concessions so far, but there still remains sufficient for my people.

6. (The Chief at this stage was understood to make a complaint to the effect that persons who have obtained mining concessions from him, in which timber rights are not included, have been cutting down timber and exporting it.)

7. I think the term allowed by the Ordinance is too long; 25 or 30 years would be quite enough.

8. It would be a good thing if, in the early stages, the Chief went to the District Commissioner for advice.

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(29)

THOMAS FREEMAN EDWARD JONES, Trader, first Vice-President of the Gold Coast Aborigines Rights Protection Association, states:—

The Society was formed in 1897 by the Chiefs and elders to watch their interests, and to stand between them and the Government in order to endeavour to obtain better administration. There was an apprehension that the interests of the Chiefs would be invaded by the Government.

2. I have an intimate knowledge of mining affairs in the Central Province. The country is partly agricultural but that is limited to native farms. There is no permanent agriculture by Europeans.

3. I think the population is increasing because those villages that I visit are larger than they used to be.

4. The proportion of cultivated land to fallow or forest land is quite fractional. I would say that not more than one-twentieth is under cultivation at the same time. I do not, however, think that there is more than enough for the natives as their cultivation is a shifting one. Permanent cultivation would be better, but the natives have never tried it. I encourage them to continue the old system because they know no other, but I consider that the Government ought to teach them the better method. No appreciable effort has yet been made to encourage the natives to cultivate the land to better advantage. I think that so far as the Central Province is concerned there is only enough land for the natives. Further, so far as my knowledge goes, the natives require the use of the whole of the land in the Colony, and there is no room for anyone else. I think concessions for mining and other purposes do harm to the native, but I can give no instance in which a native has not been able to get a piece of land because it had been taken by Europeans. My knowledge only extends, however, to the Central Province.

5. There is a large amount of forest land in the Colony, and before commencing cultivating the land the native, of course, cuts down the forest. The more he goes on with his work therefore the more the forest disappears. I agree that he leaves the land in an inferior condition to that in which he found it. There are certain portions of the forest land which a Chief will not give permission to be cleared, for instance, sacred groves and burial grounds.

6. I have been in mining districts but never actually on the mines. The mines are worked by both natives of the Colony and those who are brought from other places. The natives get better wages on the mines, and learn trades which make them of more value when they return to their districts. To that extent therefore the mining industry is a benefit to the people.

7. I was one of the deputation to London when a protest was lodged against Sir William Maxwell's bill. We not only protested against that bill but made suggestions as to the Concessions Ordinance. We submitted that the administration of land might with more propriety be left to the Supreme Court. After 13 or 14 years' experience of this Ordinance, I think it is fairly satisfactory, but requires alteration in some points. For instance, there is often a delay of two years and sometimes more, between the first application and the granting of the certificate of validity.

8. I think the Judge of the Supreme Court is the best person to deal with concessions. The Court is usually dependent on the evidence put before it, but in some cases the Judge has visited the land personally, although this is not a general practice. I do not think a Commissioner would be competent to do what the Judge does.

9. In the first instance the applicant goes to the Chief and bargains for a concession, and these negotiations are carried out before the matter comes into Court. In many cases, however, the applicant does not obtain the concession direct from the Chief, but from a middle man—that is to say a native of the coast—who has already approached the Chief and obtained a promise of a concession for a certain sum, which promise he takes back to the coast as an article for sale.

10. In some cases it has happened that a Chief has conceded a larger area for the money paid than he would have done if he had known the real amount and value of the land he was disposing of. It has sometimes happened that a Chief would not sign the indenture until it had been read over and explained to him by the District Commissioner.

11. Some protection should be given to the native in the preliminary stages of land alienation, but I consider that such protection should emanate from the Court and not from the Executive. I do not think that the preliminary negotiations are of vital importance because the terms can be, and should be, reviewed and altered if necessary when the matter comes before the Court.

12. With regard to mining land I think the area prescribed under the Concessions Ordinance reasonable, but I consider that the term should not exceed 50 years. As to planting concessions, 50 years would be quite long enough, but having had no experience of planting I would not like to say what would be a proper area.

13. As to the disposition of consideration money and rents, the Chief should give one-third to the Paramount Chief. The remainder should be divided between the stool, the Chief, and the elders. I believe the Chiefs usually carry out their duty in this respect. There have been cases in which a portion of these moneys has been spent on education in the district. I agree with the suggestion that a portion of the money should be used for the good of the community generally.

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(30)

Joseph Peter Brown, President of the Gold Coast Aborigines Rights Protection Association, states:—

When a Chief receives an application for a concession he generally calls together those of his people who are immediately connected with the stool and consults them. Before disposing of stool land he must get their consent—this is a universal custom and the Chief is bound by it. I believe the Chiefs always do their duty in this respect, and if they did not they would probably be destooled. During the last month or so a Chief has been destooled for alienating land without the consent of his people. In the case of tribal land the duty of the Chief of the tribe is similar, and I believe here also this duty has been properly carried out. I do not think the people have suffered on account of the rapacity of the Chiefs in this respect.

2. When stool land is alienated the consideration money is paid to the Chief. The duty of the Chief in respect of this money varies somewhat in different places. In some instances it is divided into three portions; one goes to the Chief for his personal use, one to the stool, and one is divided amongst the elders. The portion given to the stool is either used for annual ceremonies or for the liquidation of stool debts. The existence of stool debts is mainly the result of litigation, which is generally the cause when the debts are heavy. The natives of the Colony are very fond of litigation, but so far as I know the habit has only arisen since they have appreciated the value of their land. Litigation is generally the result of disputed areas or boundaries, which, before the land was sought by Europeans, were not considered important. As a general rule the main body of the community gets no benefit when land is alienated, although it not unusually happens that a Chief will give some of his own portion of the money to assist any of his subjects who are in temporary difficulties, and in some parts of the Colony a Chief has been known to expend a portion in providing money to those of his villagers who are engaged in the construction or maintenance of paths. It would be reasonable to reserve a portion of the consideration money to be applied for the benefit of the community, and I would suggest that about 15 per cent. be so retained.

3. I have had personal experience of the working of the Concessions Ordinance. The present practice is for the applicant to go to the Chief in the first instance and state the situation and size in square miles of the land he desires. The Chiefs have had up to the present time no knowledge of the area they were conceding; if they had they would often have received more than they have done. They are now beginning to have a better understanding on this subject. When the applicant goes to the Chief, he takes an interpreter with him. The Chief mentions the sum he wants for the land and they then usually bargain. The demands of the Chief are not based on any valuation, but on what he has heard some other Chief has received. The interests of the interpreter are naturally those of his employer. Chiefs have been known to provide themselves with the assistance of someone capable of watching their interests, but they do not generally do so, and more often than not they receive less for their lands than they might do. I therefore think it would be an advantage if the Chief had the whole matter explained to him at this stage by the District Commissioner. I do not know who instigated the method by which concessions are dealt with by the Court, and I know of no other place where they are dealt with by this authority. Concessions were applied for and granted before

the Concessions Ordinance was brought into operation, and negotiations were then completed between the applicant and Chief, subject only to registration of the indenture.

4. I believe there is usually a delay of about a year, or in some cases two years, between the filing of the application and the granting of the certificate of validity. This delay is not an advantage to either party.

5. It is the duty of the Court to call for such evidence as it considers necessary when the case is put on the list—generally the Chiefs and elders are called.

6. The Court makes such inquiries as are prescribed by the Ordinance. The Judge does not visit the land. So far as the Judges are capable of doing so they have taken pains to see that the proper parties have agreed to the grant, and they also inquire into the adequacy of the consideration money and rent. There have been cases in which the Court has altered the terms—generally in favour of the Chief.

7. At the first hearing the Court only grants an order of survey. This order is on the Survey Department, and is endorsed with certain particulars. The applicant then has to deposit the fees with the Director of Surveys. Surveys take time, and in one case I employed a local surveyor in order to get the work done more expeditiously. The plans got out by my surveyor were accepted by the Director of Surveys. After the plans are completed the case again goes before the Court. The Court examines the plans and if there is no complication grants the certificate of validity. It may happen that after an applicant has paid the survey and other charges he may not get his certificate. This is a defect in the system.

8. I believe that the people of the Colony are on the whole satisfied with the administration of land matters by the Court. It is, however, the only system of which they have any experience, and I am unable to make comparison between the practice here and that in other places.

9. I consider both the area and term of years allowed by the Ordinance for mining lands too large. They should not exceed two square miles and 50 years, respectively. So far as the term is concerned there might be a power of renewal where considered desirable. Planting concessions I would limit to two to five square miles with a term of 25 to 50 years.

10. In some cases miners have used their lands for purposes other than those connected with mining, and I am in favour of limiting the surface rights to such as are necessary to mining.

11. I think mining companies should be under an obligation to commence work within a specified time and thereafter continue effectively unless good cause can be shown for not doing so.

12. I am of opinion that the population is increasing in consequence of the growth of native families.

13. The area of concessions already granted is small compared with the whole area of the Colony. There is far more land in the Colony untouched than has ever been cultivated. If the size of the areas conceded is cut down I do not think there is any likelihood of the people being deprived of land that they may require for their own use.

14. I consider the presence of mining companies is an advantage to the natives, as they have thereby an opportunity of earning higher wages, and of learning trades. I think it is beneficial all round.

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(31)

Joseph Ephraim Casely Hayford, Barrister-at-Law, practising in the Courts of the Colony, states:—

I have been in practice since 1896; therefore during the whole time the Concessions Ordinance has been in force. As a matter of fact I held the first brief under the Ordinance with the late Mr. Sarbah.

2. The Lands Bill of 1897 was objected to, and a deputation went to London to urge that land control should be in the hands of the Court and not rest with the Executive authority. The suggestion emanated from the Coast. After my experience of working the Concessions Ordinance I think the Court is the best authority to exercise jurisdiction over concessions, and everyone has, so far, been completely satisfied and has confidence in the Court. No glaring defects in the Ordinance have come to my notice, and I consider it still remains a fair working measure. I do not think it necessary for the authority administering land matters to have personal knowledge of the land, and I think the Judge in the Court can obtain as accurate a knowledge of the circumstances of the case as a man on the spot. He obtains that knowledge from the evidence put before him. The lessee brings forward his own witnesses, but the evidence that is most relied upon is that of the lessor, because the Ordinance is a protective measure. The Ordinance works well enough, but I would suggest that it be so amended that where surface rights are taken the native villages cannot be interfered with.

3. Sometimes it takes a long time to get a concession, and this is commonly due to the difficulty of getting the land surveyed expeditiously. Sometimes it has taken as long as two, or even three years, but the average is about 12 months.

4. At the first hearing in the Court a certificate of validity is not granted; it goes no further than the order for survey. The applicant has then to deposit the fee with the Director of

Surveys, and the matter stands over until the plans have been prepared. When the plans are ready the case is set down for the second hearing, and if all is in order the applicant gets his certificate. It has happened that after the applicant has paid the money for the survey, a certificate of validity has not been granted. I think it would be possible to postpone the payment of fees for survey until the certificate of validity is granted, and in cases where there is no opposition and the Court is satisfied that everything is in order, I see no reason why the applicant should not be given permission to enter into possession of the land pending the completion of the plans, provided he takes the risk of going outside of his boundaries.

5. I think the area of mining concessions might well be reduced to two and a half square miles as a maximum and the term to 30 years, with power of renewal where thought desirable.

6. I have known cases in which concessionaires have tried to sell their concessions and have made no effort to work the land. I therefore think it would be useful to impose an obligation to commence work within a stated time and afterwards to work effectively and continuously.

7. Mining companies have sometimes used their land for purposes other than those connected with mining; for example, they have erected villages and let the houses out on rent. In the case of mining concessions, the surface rights should be restricted to such as are necessary for mining operations.

8. It has happened sometimes that mining companies have sub-leased a portion of their concessions, and it is reasonable to assume from this that they have more land than they really require, and that the area granted should be limited to such as they can themselves effectively deal with. It would be better if the sub-companies leased direct from the Chief.

9. I have nothing further to add respecting the Concessions Ordinance.

10. The amount of land alienated is quite a small fraction of the total area of the Colony. There is, therefore, no immediate danger of the native having insufficient land for his own needs, especially if the areas conceded are reduced. No Chief should be allowed to alienate more than half his property.

11. The natives gain advantage from the presence of miners. Without the mines the railways would be useless. The trains bring a market to the natives and are a great advantage to them generally. Further, the mines require quantities of materials, and large stores have been opened that otherwise would not. They also give the natives an opportunity of learning trades.

12. In my experience money received in consideration of land alienated is disposed of in a manner conformable to the customs of the country.

13. I think the use of a certain portion of the consideration money for the benefit of the tribe as a whole had better be left to the Chiefs.

14. I think the population is increasing but not to any considerable extent.

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(32)

Emanuel Joseph Peter Brown, Barrister-at-Law, states:—

I am a Barrister-at-Law and have been practising in the Colony since 1905. I have had experience of the working of the Concessions Ordinance.

2. In the first instance negotiations respecting the alienation of land are conducted between the Chief and the applicant only, and the Court does not deal with the matter until a later date. At the preliminary negotiations the area to be conceded and the price to be paid are settled. Therefore, inasmuch as this arrangement is made before the matter comes before the Court, the Chief has no one in the preliminary stages to guide him as to the area to be leased or the amount that should be received for it. I do not think the Chiefs have any accurate idea of the size of the areas they concede. Sometimes it happens that a native will go to a Chief and ask permission to prospect, and having prospected and paid a nominal sum to the Chief for the right of prospecting, will put his find on the market.

3. In my opinion the Concessions Ordinance needs amending in some respects.

4. As to the area and term of years for which mining land should be leased, I think they should be reduced to two and a half square miles and 25 to 30 years respectively. Further, a limit should be laid down, beyond which a Chief may not alienate the tribal lands, so that sufficient may be left for the people, thus protecting the Chiefs from their own ignorance of the extent of the lands they are leasing. On the subject of how much land a mining company can effectively work, I would mention the case of the Wassau mine, where not more than one square mile has been worked in 30 years.

5. I consider that the natives should have surface rights over mining land where they do not interfere with the mining operations; that is to say, the native right to farm on the land and take the produce of the forests should be left intact, and a provision should also be made in the lease that the miner shall not interfere with forest land which the native has reserved either as a sacred grove or as a burial ground. The surface rights of the miner should be restricted to such as are appurtenant to mining operations, and they should not be permitted to erect villages and let the houses out for profit to people other than those connected with the mines.

6. I agree that mining companies should be put under an obligation to commence work within a stated period, and thereafter to continue regularly and efficiently.

7. Provision should be made whereby mining companies will be liable to pay compensation to the wife and family of a native killed on a mine. Such accidents do occur, and I have never known a case in which a company has paid compensation.

8. When a concession case comes before the Court, it is its duty to call such evidence as may be necessary as directed by the Ordinance, and the Court usually calls those persons whose names appear in the indenture. The Court is entirely dependent upon what is told to it; it has no personal knowledge. It is quite true that in some cases it has taken as long as three months to get witnesses from distant places down to the Court, and to this extent the system is open to criticism. I consider, however, that in spite of the delay that occurs as the result of jurisdiction being in the hands of the Court, this system is preferable to a more expeditious administration by an officer on the spot.

9. At the first hearing before the Court, the only order made or direction given is an order of survey, if the Court is satisfied with the evidence put before it. It is then the duty of the applicant to pay the survey fee. It may happen that after he has paid this money he may not receive his certificate of validity, but I have never known a case in which this has happened. It would be more equitable if some arrangement were devised whereby the applicant will not be called upon to pay these fees until the granting of a certificate is assured to him. I can express no opinion as to whether an applicant might be permitted to occupy the land pending survey.

10. I think it is worth considering whether the restriction in the Timber Protection Ordinance should not be applied to mining companies cutting down timber for their mines. The nature of the restriction is that trees are not to be cut down under a certain girth, under penalty of £50 or imprisonment for six months.

B.

NOTES OF EVIDENCE RELATING TO PARTS I. AND II. (ASHANTI).

(1)

Captain C. H. Armitage, C.M.G., D.S.O., Chief Commissioner of the Northern Territories, states:—

I have spent nearly 18 years in Ashanti and the Northern Territories.

2. All land is owned either by tribes represented by the enstooled Chiefs, or by individuals, except such as has been purchased or acquired by the Crown for the purpose of building forts, or carrying out public works.

3. I do not support the suggestion that unoccupied land should be considered Crown land. In the case of Ashanti, which was acquired by conquest in the year 1900, if it had been stated at the time that the land was to be annexed to the Crown by right of conquest the natives would have known what to expect, but it would appear to be an unjust thing to take possession now. I do not consider that the Crown has any claim upon the land, except such as is required for public purposes, and which, so far as Ashanti is concerned, would, I believe, be freely presented by the Chief representing the tribe to which the land belongs.

4. In our indentures granting leases to mining companies, there is a special clause which stipulates that existing native rights must be recognised. The native has every right to cut and collect the economic products, except where mining operations prohibit it. The mining companies must compensate the natives for any loss of existing plantations or villages on areas they wish to exploit. In my opinion there is no disadvantage in permitting the natives to exercise their existing surface rights upon areas of land leased for mining, but in the case of areas leased for timber and agricultural purposes such an arrangement would be undesirable unless the leasing of such lands is very carefully watched and regulated. It would be a serious disadvantage to the population if the natives were refused admission to areas leased, and, furthermore, it would be to the disadvantage of the mining companies, as they would lose much of their native labour.

5. I cannot say that I see any disadvantage in reducing the size of areas leased. Mining leases might in my opinion be granted for shorter terms than the present term of 99 years, and be renewable if it can be shown that the mines have been effectively worked. In the case of timber and agricultural leases I would suggest that the term be reduced by at least one half, with a similar right of renewal. I consider that there should be forfeiture of leases where the land is not properly worked. I also think that mining concessions should be forfeited where it is clear that no sound work has been attempted within a stipulated period. On the other hand, syndicates which have spent money on their concessions should, if forced to suspend operations for a time, be granted certificates of exemption for that time.

6. In Ashanti preliminary investigation of mining land is carried out under special prospecting licences granted by the Chief Commissioner with the approval of the Governor. Prospecting licences are granted for districts or sub-districts. The condition of affairs does not require revision so far as prospecting licences are concerned.

7. In the case of mining concessions, no surface rights are granted apart from facilities appertaining to mining, unless specially agreed upon. I think that a system of licences to

take forest products, and to exercise such surface rights as are necessary for the acquisition and removal of such products would be preferable to the present form of lease.

8. In all agricultural leases it is desirable that an obligation should be imposed upon the lessee to clear and cultivate a certain area of land in the course of a specified period.

9. There is no danger that the alienation of native lands to Europeans will, under present conditions, prove in any way detrimental to native interests.

10. As far as alienation of land has gone in Ashanti, it has improved native conditions in every way. They are benefitted in the first instance by having the means of earning substantial wages brought within their reach; secondly, by securing additional facilities for the growth and disposal of native products; and thirdly, by enabling those employed on the mining properties to attain the status of skilled workmen. Generally, association with, and participation in, the operations of European companies is an all round benefit to the native population.

11. In Ashanti all control of concessions is in the hands of the Chief Commissioner, subject to His Excellency's approval. Certificates of validity are granted only after careful investigation in the presence of both lessors and lessees, and the practice has been, and continues to be, satisfactory. In granting such concessions the Chief Commissioner is brought into more intimate association with the native land-owner than it is possible for the Supreme Court to be. Practically every Chief who appears before the Chief Commissioner knows him intimately, and comes to his Court with the knowledge that his interests will be safeguarded at every point. It is infinitely preferable that these matters should be dealt with by an Officer with whom the land-owner is on terms of personal acquaintance than by an authority to whom he is a stranger. In Ashanti, so far as I know, no complaint has ever been made that these questions have not been settled with sufficient expedition.

(Captain Armitage at this stage gives an illustration from his personal experience of the intricacies which may arise when a concession area comprises land which is the property of numerous contiguous small holders with indefinite boundaries, and points out how, in such cases, it is possible by personal investigation on the spot to come to an arrangement which would otherwise be impracticable with the many lessors (*vide* the Ashanti Rivers Concessions and "Adrah" or "Ordra," and "Offin" river leases)).

12. The procedure in respect of claims for land in Ashanti is as follows: The application is made, in the first instance, to the Governor through the Colonial Secretary. A communication is forwarded to the Chief Commissioner, whereupon he notifies the receipt of the same to the land-owner and thereafter issues the prospecting licences. I see no reason why the Governor should be troubled in all cases. All applications are made in writing. Particulars relating to subsequent leasing of the selected land are left to the Chief Commissioner. I consider that it would be preferable if all applications were lodged direct in the Office of the Chief Commissioner, and considered by him in consultation with the native land-owner. No lessor in Ashanti is under any circumstances allowed to part with his indentures for a consideration to any other person. He holds these indentures as the property of the tribal stool. On the other hand, I am informed that Chiefs in the Colony have parted with the rights acquired under their indentures for a lump sum paid to them by either European or native lawyers, thereby divesting those who come after them of any right or interest in the rents subsequently accruing. In Ashanti every lease is executed in quadruplicate on printed forms of indenture drawn up by the Government (except in the case of the Ashanti Gold Fields Corporation, which has a special agreement). Of these one copy goes to the lessor, one to the lessee, one to the office of the Chief Commissioner, and one to the Colonial Secretariat, and all rents thereunder are paid through the Chief Commissioner to the lessor.

13. I am of opinion that it is desirable to remove the working of the Concessions Ordinance from the hands of the Court, and to place the administration of land in the hands of the executive officers, *i.e.*, the Commissioners of Provinces.

14. In Ashanti every formality prescribed by the Ordinance is complied with and the interests of the tribe as a whole are effectively safeguarded.

15. The consideration money ranges from £50 to £100 per five square miles, and the rents from £12 to £24 per annum, until such time as mining machinery has been erected when they are increased to £300 per annum. I think that this consideration is a fair and adequate payment in respect of the land leased. These amounts were settled by the Chief Commissioner, the Provincial Commissioners and the native Chiefs in consultation, but I am unable to give any information as to the basis on which the calculation is made.

16. The consideration money and annual rents are used to defray stool debts, and purchase additions to the stool regalia, also certain amounts are divided when available amongst the sub-chiefs and councillors. The Chiefs have also built for themselves larger houses on European plans, which have now become stool property. It would, in my opinion, be most difficult for a Chief to misappropriate any portion of the money for the purpose of satisfying his personal desires. Such a Chief would inevitably be reported by his councillors, and, if the charges were substantiated, be destooled. The whole of the consideration money and rent is at present paid to the Chiefs. So far as I am aware no public works of any importance have been undertaken with any portion of the consideration money other than as above explained. It would be fair if in future a portion of the consideration money and rent were retained by the Chief Commissioner for expenditure upon public works of utility in the district in which the land leased is situated. If such an arrangement is contemplated the Chiefs should have an opportunity of expressing their views on the subject before it is decided upon.

(2)

FRANCIS CHARLES FULLER, Esq., C.M.G., Chief Commissioner of Ashanti, states:—

I have held my present position since March, 1905.

2. Apart from the town of Kumasi, the Crown has no right of ownership of land in Ashanti; it is all vested in the tribes and Chiefs. No alteration in land tenure has been effected by British occupation.

3. Land in Ashanti is divided into two main classes; family land and stool land. Family land was acquired by the families of the original settlers, and is the communal property of the family. It is administered by the elders of the family, and passes by succession on the maternal side. No member of the family pays tribute in any shape or form for the use of the land. As to stool land, it is easy to follow the steps by which two or three families joined their lands together and formed a stool. Stool lands are also communal. Any member of the families that constitute the stool may work upon the lands with the permission of the Chief. The Ashanti custom has never been to exact tribute from their own people, except in the shape of game. For instance, a bag of snails is sent out of courtesy to the Chief, or a leg of a hind, or the tusk of an elephant, but beyond that there is no such thing as tribute. A stranger going on to the land is expected to pay some tribute, but not much more than a member of the family, and it is merely to emphasize the fact that he is a stranger, and has no right to the land. A few years ago we taught the native the value of rubber, and then difficulties arose as to tribute. They themselves evolved a rule that their own people should not contribute any portion of the rubber but that they should be called upon more than they used to be to help a stool that is in debt. The stranger has, however, to pay one third of all the rubber collected. With regard to cocoa, I made a rule that the contribution should be one tenth, instead of one third, which is enormous. These are the only tributes paid in this country so far as I am aware. According to native custom there is no such thing in Ashanti as individual ownership in land, and such as occurs at the present time has come into existence under British occupation. As a general rule land owned by individuals is confined to the towns, but there are cases in which individuals own country land for cocoa cultivation. In connection with these cocoa plantations difficulties arose owing to insecurity of tenure. We had to make a rule that where a man had properly planted a plantation it should be regarded as his own, so as to give him the fruits of his labour. That was the beginning of individual ownership.

4. As regards stool land, the Chief and his elders have no proprietary rights over the land. It is administered by them as trustees for the people. The authority to lease stool lands is vested in the occupant of the stool, but subject to his consulting his elders and councillors. So far as I am aware the Chiefs invariably do so. If a Chief tried to dispose of land without doing so it would probably lead to serious trouble for him.

5. Family land may be leased by the chief elder of the family. This class of land may not be alienated entirely; it can only be leased for a term of years. When family land is leased it is customary to inform the Chief, but this is purely an act of courtesy, as the latter has no right to interfere in family matters.

6. When stool land is leased, the consideration money and rent is paid to the Chief, whose duty is to divide it into three equal parts: one goes to the head Chief of the district, one to the Chief in charge of the land, and one to the elders of the Chief in charge of the land. The money is their own to do what they like with, and the bulk of the people get no material benefit at all. I most decidedly agree that a portion of this money should be set aside to form a fund to be expended upon works of public utility in the district. It is understood at present that the tribes must keep the roads clean out of this money, and I have added a clause in the agreement to that effect. I do not think that the proposal would be objected to by the Chiefs, provided the proportion was not made too high. I do not think they would care to contribute as much as one fourth.

7. In the first instance the applicant applies verbally to the Chief, and the negotiations are of a private nature. Whatever is settled between them is afterwards incorporated in a deed. The applicant first of all states the situation, area, and purpose for which he requires the land, and finally the price to be paid for it. The applicant has only a general knowledge of the land, and is not in a position to give the Chief an exact idea by means of a plan, but he may have a rough sketch. He generally asks for what he wants in square miles or fathoms square. The Chiefs now have some knowledge of what they are conceding, and have a very shrewd idea of what five square miles is. It may have been a defect in the past that Chiefs have found after survey that they have conceded more than they thought, but I have never had a complaint to this effect. No Chief in Ashanti will sign a deed without consulting the Commissioner first, and getting an explanation of what is written in the document. I consider this a very desirable thing in the natives' interests. By the procedure here the matter comes, in its initial stages, before a Government official, who interests himself on behalf of the Chief. It is a defect in the ordinance that no one is given authority to deal with the matter before the filing of the notice. I consider that some officer should render the Chief assistance from the beginning, and I prefer that it should be an Executive officer. The difference in Ashanti between management by Executive and by the Court is purely nominal, as the Chief Commissioner also sits in Court. If a change is made it will merely mean that the Chief Commissioner will deal with the matter in his office instead of in the Court, and the Chiefs will not know that an alteration had taken place. It will, therefore, be a much easier matter to arrange in Ashanti than in the Colony.

8. It is desirable that the application be made in writing to a Government officer. In fact I have always required it to be done in Ashanti.

9. It would be a most excellent thing if some Executive officer could examine the land to be leased, and explain its size and value to the Chief. It would give him a more practical knowledge of what he is parting with than he has at the present time.

10. I would substitute for the Concessions Ordinance a scheme by which the whole business of land alienation is entrusted to the Executive. I think the present ordinance much too legal. At the present stage of the country's development you cannot work such an ordinance, as the procedure has to be very elastic.

11. Under section 9 of the Ordinance in Ashanti, there is provision for the automatic cessation of concessions where notice is not filed within six months. There is no similar provision in the Colony. I only remember one case in which this has been exercised. There have been 36 certificates of validity issued in Ashanti, and there are 71 concessions at present outstanding in which notice has been filed, and further action is being awaited. In most cases survey fees have been paid. In addition, 27 applications have been abandoned.

12. With regard to those persons who are called to give evidence, the Court gives notice to those whose names appear on the agreement. It is not necessarily an exhaustive list, but being Commissioner in Ashanti I am in a better position to know if all the necessary parties have been called than a Judge in the Colony. When notices are sent out it is the invariable practice to also send a notice to the head Chief stating that if there is a rival claimant he should appear. I think the procedure in this respect is generally satisfactory.

13. At the first hearing the Court goes no further than the issue of an order of survey. Matters do not proceed until the applicant has deposited the survey fee, and, subsequently, the time that elapses depends upon the Director of surveys. There is a good deal too much delay in the survey work. I do not wish to exaggerate, but this is certainly not fair to people who come out here to develop the country. The applicant may have to wait for years before he gets his certificate of validity, and this ties the land up too long. Further, I do not think it fair to make a man pay a large sum of money for survey fees until he is certain of getting the land. He should not have to pay until the land has been approved to him. We permit a man here to go on to the land prior to survey subject to his taking the risk of his going outside his eventual boundaries. There should be a more expeditious system by which the land is approved to the applicant so that he can occupy it prior to survey. I would prefer an arrangement whereby such approval should not have to wait for survey.

14. With regard to the area of five square miles at present allowed for mining concessions, I advocate a reduction. At first it was no doubt desirable to be liberal in this respect to encourage people to come to the country, but that is not the case now. As to the period of 99 years, I have no opinion to offer. There has never been a complaint from either side as to this. I know of no valid reason for making an alteration there.

15. As to the area and period of timber concessions, here again I can offer no opinion, as the only concessions of this class that have been granted here have been in connection with mining rights. Any person desiring to take up a timber concession on an area of, say, twelve miles, would have to go through the same procedure as in the case of a mining concession. I see no objection to the suggestion that a licence should be substituted for the lease, the concessionaire paying a royalty on produce removed in lieu of rent.

16. No options on land have been granted in Ashanti, as they are expressly prohibited under the Ordinance. This is a desirable arrangement because the name of "option" creates a false impression, and enables people to go home and trade on what does not actually exist.

17. Prospecting licences should state approximately the district and period for which they are valid, but I do not think it would be desirable to confer any exclusive right upon the holder. Priority of selection under the prospecting licence should be considered by the Government as giving the first claim to the land selected.

18. Mining companies have the right to use the surface for purposes appurtenant to mining operations, but not for purposes unconnected with mining, unless the right to do so has been expressly conveyed to them by the title or by supplementary agreement. In fairness to the companies, I should say that when they have desired additional rights they have invariably applied for further concessions. In two cases I remember the company applied for rubber and cocoa rights in addition to mining rights. It is the duty of an employer to see that his labour force is adequately housed, and the use of the land for housing accommodation is appurtenant to mining. In Ashanti the mining companies leave the people to build their own houses on prescribed sites. The Obuassi Company laid out the whole town of Obuassi. I think a company should provide suitable housing accommodation for its staff free of cost, and keep it in a good condition, and that no persons other than the labourers should be admitted to the village, except such traders as may be certified by the company and approved by the District Commissioner as necessary to supply the requirements of life to the people.

19. A certain amount of planting by Europeans goes on in Ashanti under agreements ratified by the Commissioner. The products grown are cocoa and rubber, but mainly the former.

20. I think the period of 99 years for agricultural concessions is ample.

21. In Ashanti a miner has to commence work within five years or pay an annual penalty of £100 per square mile or fraction of a square mile. I should prefer a system whereby omission to commence work within a stated time entails forfeiture. I am also in favour of a further obligation to work effectively and continuously. If a miner has to suspend operations he may be granted a certificate of exemption, provided he can show good cause for stopping work.

22. I think the population amongst the Ashantis is greatly on the increase now. At the time of British occupation the population was depleted. If you can gauge the increase by

the number of children you see, the state of affairs is certainly very promising. I am afraid, however, that the infant mortality is very large. I do not think there is any danger of the people being deprived of land they require for their own use owing to the alienation of land to Europeans, as by far the larger part of the country is unoccupied and uncultivated. The total area of concessions granted and now under consideration is 562 square miles, and the total area of the country is 20,000 square miles.

23. The Ashanti derive benefit from the existence of concessions. A good many work on the mines, where they earn comparatively high wages. By working on the mines the native learns trades, and thereby becomes a more useful member of the community. The Obuassi company systematically trains the young natives who go to them. They get a lot of good from the mines in this way. The native also benefits by having a good and regular market for his produce. I therefore consider that the alienation of land to Europeans is an all-round benefit to the natives, more perhaps in the case of agricultural concessions, because they thereby get lessons that are an advantage to the whole of the community.

24. Administration of land in Ashanti would be facilitated by a general definition of boundaries. I should like to see the boundaries between the territories of the various Chiefs delimited. I should welcome it, because uncertainty and disputes would thus be terminated. At present the boundaries are settled by the Court here and there as disputes arise, but the Commissioner has no time to take up the work. I have now a District Commissioner who has been told off to attend to roads, and when he has time he supervises the cutting of boundaries that have already been adjudicated upon.

25. It would be an advantage if the whole town of Kumasi were properly surveyed, and a map prepared showing boundaries and road construction. I applied for a town surveyor some years ago, but the Government did not see its way to grant my request. We got a man from the survey department who helped, but until the whole thing is properly carried out it cannot be said that the matter is in a satisfactory state. It would probably be a more costly matter to undertake the work in ten years time than it would be at present.

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(3)

Major Charles Edward Dalile Oldham Rew, Provincial Commissioner, Obuasi, states:—

All land in Ashanti is stool land, and is administered by the occupants of the stools, together with their elders. It may not be alienated entirely, but may be leased for a term of years by the Chief. It is the duty of the Chief to consult his elders before disposing of stool property, and I believe this duty is always carried out. It would be most difficult for a Chief to dispose of land without his elders' knowledge, and if one did so he would probably be destooled. The ordinary members of the tribe are not consulted. Further, when a stool is in debt, or it is desired to raise money, land may be pawned and redeemed at any time. A Chief only holds the land whilst he is on the stool, and then as trustee for the people. There is no land in individual ownership in Ashanti. When a member of a tribe wants a piece of land for his own use, he simply takes it, and pays the Chief a third of the produce grown on it, retaining the remaining two-thirds for himself.

2. When stool lands are leased the consideration money and rent are divided into three equal parts, one of which goes to the paramount Chief, one to the Chief in occupation, and one to the elders of the Chief in occupation. This money is used by these people for their personal requirements. The ordinary members of the tribe get nothing. The Chief has no absolute duty in connection with the money he receives, and is not obliged to devote any of it to the stool or to the liquidation of stool debts. I do not know of any stools that are in debt, and if there were any I think I should be aware of it. It would be difficult to arrange to retain a portion of this money for the benefit of the tribe as a whole, on account of the disinclination of the Chiefs and also on account of the smallness of the sums.

3. Concessions have been granted in this province since I have been here. The usual course is for the applicant to get into verbal negotiation with the Chief, and state what land he wants in square miles or fathoms square, and, approximately, the situation of it. After this preliminary negotiation the applicant writes to the Provincial Commissioner, and states that he wants to take up a concession of the land in question and that the Chief is willing to grant it. Thereupon I write to the Chief Commissioner and obtain his directions. If I am directed to go into the matter here, as is usually the case, I summon the Chief and other members of the tribe and the applicant to appear before me. I explain fully to the Chief what the applicant desires, and also express to him my opinion as to the desirability of his leasing the land and the value of it. The Chief and his people are therefore adequately protected. I always take care to explain all the details to them in such language as they will readily understand, and they are therefore in a position to comprehend exactly what they are parting with. The Chiefs now have a very good idea of what five square miles is. After this, I, as Provincial Commissioner, have no further connection with the matter, except that the deed, in which is incorporated the agreement arrived at in the preliminary negotiations, is signed before me by both sides, and I forward it to the Chief Commissioner. The terms arrived at between the Chief and the applicant are usually satisfactory, and I seldom have to advise alterations. I am usually asked as to who should be called to appear at the inquiry before the Chief Commissioner in Court.

4. I have had no experience of the working of the Concessions Ordinance, and am therefore unable to express any opinion on those sections which refer more particularly to the legal procedure.

5. With regard to the question whether the administration would preferably be in the hands of the Judicial authority or in those of the Executive, I consider that the present system

is satisfactory so far as Ashanti is concerned. It is, however, a defect that no provision is made for intervention by a Government officer prior to the signing of the indenture. I think the Chief should be compelled to take advice from some local officer before he commits himself by signing the deed. To that extent I am in favour of placing the work in the hands of the Executive.

6. I think the area of five square miles at present permitted for mining purposes might well be reduced. Also the term, 99 years, is too long. The Chiefs always feel that they are parting with the land for ever, whereas if it was reduced to, say, 50 years, it could be explained to them that their children would get the land back, and they would be more satisfied. The people as a whole would prefer that the term should be shorter.

7. There is a growing tendency amongst the natives of Ashanti to take up permanent cultivation, and that tendency is encouraged by the Chiefs—perhaps on account of the fact that they get a third of the produce. Cocoa and rubber are the principal products grown. There is only one European plantation in Ashanti—that known as the Ashanti Plantations. I think that agricultural concessions should be treated in the same way as those for mining, irrespective of any new system that may be brought into force.

8. I know of a case in which a man purchased the right to cut down a certain number of mahogany trees, and I have also heard of two cases in which miners have taken up concessions for timber for use as fuel. When timber concessions are taken up the same procedure has to be gone through as in the case of a mining concession, and the same expenditure has to be incurred. It would be preferable if licences were issued to take natural produce on payment of a fee for the licence and a royalty to the Chief on produce removed. The area could be roughly described on the licence. This system would be more satisfactory to both parties and would save expense.

9. In almost all the mining concessions with which I am familiar the miner has been granted rights additional to those appertaining to mining. He has usually the right to cut timber for fuel, but not for sale. This right is given on the printed form relating to mining concessions. If further surface rights are required they must be obtained by a supplementary agreement. I remember one case in which a mining company exceeded its rights under the impression that they were entitled to do what they liked with the land. The matter was explained to the company and the additional rights are now paid for. As a matter of principle the rights on mining concessions should be strictly limited to those connected with mining, and no further use should be made of the land without proper arrangement. As a matter of fact the Chiefs keep a careful watch on the land, and if they think a mining company is going beyond its rights they soon raise the question.

10. It should be obligatory on a mining company to provide housing accommodation for its labour force. In Obuasi the whole of the town is situated upon the mining concession, and the native town not only includes the mining force but also a large population unconnected with the mine. In this case the authority rests jointly with the Government and the mining company. There is a town committee consisting of Government officials and the mine manager and doctor. I think the housing accommodation should always be put up by the company. Traders should be admitted to those mining villages that are situated far from a town, on the authority of the mine manager, and subject to the approval of the District Commissioner. I do not think the company should charge for housing accommodation or for sanitation. Sanitation is necessary for the health and well-being of the population, and it is the company's duty to attend to this without charge to the labourer.

11. The Obuasi company has sub-leased portions of its concessions to other companies. It would be preferable to avoid sub-leasing by reducing the area granted. No company should hold more land than it can work itself.

12. Section 50 of the Ashanti Concessions Ordinance stipulates that if work is not commenced within five years the miner shall pay a money penalty for every year in excess of that period. I would prefer that it be incumbent on the miner to start work within two years under penalty of forfeiture. Also that the miner should be under obligation to continue work regularly and effectively, subject to certificate of exemption. Similar obligations might be imposed in the case of agricultural concessions, by enacting that the planter shall cultivate a portion of the concession within a stated time. In the event of non-compliance, forfeiture should not apply to that portion of the concession which has been planted.

13. The population in Ashanti is decreasing. It is very small in comparison to the size of the country. Villages that two or three years ago were prosperous, to my knowledge, have now dwindled down or disappeared entirely. I do not know why. The mines have not taken all the people, and the Chiefs cannot get young men for labour. The infant mortality is great, and a family with more than two children is an exception. I often make inquiries on this subject and frequently come across cases where, say, five children have been born, and two only have lived.

14. If the areas conceded are reduced, I can see no possibility of alienation of land to Europeans depriving the native of land that he requires for his own use. I think a Chief would refuse to alienate land if it were required by his own people. They are fully alive to the interests of the tribes in this respect, and the fact that they are willing to alienate land is an indication that it can be spared. I have always inserted a clause in agreements that where native farms are interfered with the people shall be compensated. So far as Ashanti is concerned I see no reason to believe that the Chiefs give more land away than their people can spare. The Chief's position on the stool is so precarious that he has to take care to administer the land wisely.

15. Some of the men of Ashanti work on the mines. They earn more money there, and some of them learn skilled trades. The opportunity of acquiring such knowledge is a benefit

to the community. The people also benefit by having a steady and profitable market for their produce. There are more plantations near the mines than elsewhere.

16. No standardization of what should be paid for concessions has yet been arrived at. For five square miles it is usual to pay £200 consideration money, £12 per annum occupation rent, and £300 per annum mining rent. I believe this is generally satisfactory to both parties.

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(4)

Mr. Gordon Riseley Griffith, District Commissioner, Ashanti, and acting Police Magistrate, Kumasi, states:—

I have been in Ashanti for five years. Altogether I have been resident in the Colony for ten years, and am in my 15th year of service.

2. The town and environments of Kumasi are Crown property, but otherwise the rights of the Crown in land in Ashanti are limited to such as have been acquired by purchase. Although Ashanti was subjugated by conquest, the Crown has never exercised rights over the land, and it may be taken that, with the exception of Kumasi and its environments, the country remains the property of the Chiefs and tribes.

3. I have no exact knowledge of the different classes of tribal land, because the land matters that I have dealt with have only been small ones, and have generally related merely to boundaries. I should not, therefore, care to express an opinion on this subject.

4. Before alienating land it is the duty of a Chief to consult his councillors, and, so far as I know, this duty is invariably carried out.

5. In cases where land is alienated by a sub-chief, the paramount Chief would have to be informed, because, as overlord of the people, he would expect a portion of the money received, but the applicant would go to the sub-chief, and not to the paramount Chief. I cannot say to what extent the paramount Chief would have power of prohibition, but he would certainly have some influence in the matter.

6. I have had no experience in the matter of granting concessions.

7. Money in respect of concessions is usually paid to the Chief in the presence of his linguist, headmen and councillors, and is divided up by them. When land is disposed of by a sub-chief, one-third of the money is handed to the paramount Chief, and of the remainder the sub-chief would get a third and the rest would be divided between his elders. The ordinary members of the tribe get nothing.

8. When a man desires to obtain a concession he goes to the Chief concerned and explains approximately the situation and area of the land he wants. They bargain together, and eventually come to an agreement as to the area to be conceded and the price to be paid for it. At this stage the Chief and his people have not the assistance of anyone; they have to rely upon themselves.

9. I should say that, as a rule, the Chief has not the remotest idea what a square mile consists of, but he has some idea of his boundaries, so far as they can be demonstrated by topographical features.

10. It would be undoubtedly an advantage if the preliminary arrangements were subject to intervention by an executive officer, or some other disinterested party, who could advise as to the extent and value of the land to be leased. At present the only authority that has the right to intervene is the Court, and the Court does not come into the matter until the negotiations have been completed and the terms incorporated in a deed. This is a defect, particularly in a country where the people have to be fathered. It would be a good thing if the application were made in the first instance to the District Commissioner in writing. Some Chiefs might object to this and think they could do better by themselves, but others would probably be glad of the assistance. The application does not come within the cognizance of the Court until the notice has been filed.

11. The Judge in Court cannot, in most cases, have personal knowledge relating to the land, and must, therefore, base his opinion on the evidence before him, but with the aid of a map and the particulars in the deed he may be able to form some idea of the location, extent, and nature of the area forming the subject of the concession. Here, of course, the Judge of the Court is also the Chief Commissioner, and, therefore, in a better position to deal with the matter than a Judge of the Supreme Court. His executive knowledge assists him in coming to his judicial decision.

12. It is the duty of the Judge to satisfy himself that the proper parties have been called to give evidence before him. In doing this he has to depend on the names appearing in the deed, and such other evidence as he may be able to obtain from these persons. However, interested persons are usually anxious to come forward, and, in most cases, would hear of the matter.

13. I should say that the population is increasing, but more owing to the influx of natives from other places than to natural means. I think the people of Ashanti have a normal increase.

14. The land occupied by natives is infinitesimal compared to the total area. I do not think that the alienation of land to Europeans is likely to result in the native being deprived of land that he requires for his use.

15. Administration of land matters by the Executive would be preferable to the present system. It would be more expeditious and superior in every way.

16. It would be well if a portion of the money paid in respect of land alienated were retained by the Government to form a fund for the benefit of the people of the district. I suggest that two-thirds of the money should be so retained.

17. I have had no experience relating to mines and mining concessions, so do not feel in a position to offer any opinion on the subject.

18. So far as Ashanti is concerned, I should like to represent that the work done by the Survey department is insufficient to keep matters up to date. Boundaries should be delimited and shown on a general map. Generally, in Ashanti, the Executive is under-staffed, and I do not think this work could be undertaken with the present staff of surveyors. The difficulty of ascertaining boundaries increases, and it is highly desirable that the work should be carried out as early as possible. Every step taken in that direction will tend to reduce the elements of uncertainty.

19. In the case of both mining and agricultural leases the concessionaire should be placed under obligation to commence work within a certain time, and afterwards continue regularly and efficiently.

Town of Kumasi.

The whole of the town is the property of the Government. The Government rights extend for one mile from the fort in all directions. Land is leased to natives for a term of seven years, with option of renewal for a similar period. By Executive order no plot shall be leased to natives of less than 50 feet by 50 feet. For such a plot natives of Ashanti pay £2 per annum, and others £4 per annum. Plots of land 100 feet by 160 feet are leased to Europeans for from 50 to 99 years, with option of renewal at a rental of £24 per annum. No land is leased for any other purpose than building. Sometimes squatters are allowed to farm on vacant land, but the land is not leased to them and they may be turned off at any time. Certain Kumasi Chiefs who originally owned land in the town pay a nominal rent of 1*s.* per year as a form of recognition that the land belongs to the Crown. All rent is paid into the general revenue, and the officer who collects it keeps a rent roll. The areas to be disposed of are delimited, and a plan of such delimitation is included in the lease before it is executed. That delimitation is carried out as land is applied for. The leases do not allow transfers without the consent of the Chief Commissioner. It is preferred that the lease be surrendered and a fresh one issued. There is no fee for transfer. A register of transfers is kept. Every lease is prepared in duplicate—one copy goes to the lessee and one is kept in my office. Holders of leases cannot mortgage their property without reference to the Chief Commissioner.

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(5)

JOHN SWAN WATKINS, Manager of Ashanti Gold Fields Corporation, states:—

I have been in the colony nine years, seven years on the Obuasi mine and two years on the Tarquah mine.

2. I have personal acquaintance with the acquisition of two concessions, but certificates of validity have not yet been obtained. I did not open the early negotiations, but completed them. I gave the Chiefs a plan showing what was wanted, and the boundaries were quite clear to them. In each case the money was paid to the Chief Commissioner. In the case of timber concessions, the natives are glad to get the areas cleared, as they are then able to farm on the land, for which privilege we charge them a rent of 1*s.* a year. I am aware that a timber concession does not carry agricultural rights.

3. I have always found the Chiefs shrewd enough, and they are not easily taken in. After an agreement is arrived at the particulars are included in a Government indenture form.

4. When only timber rights are required I think it is waste of money and time to take a concession. It would be better to give a licence upon payment of a small fee, and a royalty on timber taken.

5. I do not recommend a reduction in either the area or term of years allowable for mining concessions. The fact that a mine is being worked does not prevent the natives from going on to the land, and the clearing of the land enables them to farm areas that they would never clear for themselves.

6. Prospecting licences should be granted for a definite district and period, and should be presentable at stated intervals. If this were done options would not be necessary, which would be a good thing. Options are taken up more to work a swindle at home than anything else. The holder of a licence should have the right to select what land he requires at the end of a stated time.

7. With regard to concessions that are not worked, I do not think that so long as people pay their rent any harm is done. If you make the conditions too stringent you may keep capital out of the country.

8. At present my company is working three or four square miles of its concessions, and some of the remainder has been sub-leased to subsidiary companies. These companies are, however, merely prospecting companies, and anything they find will be worked by the parent company.

9. Four thousand miners are employed on the Obuasi mine, about one-half of them being Ashantis. The natives are employed mainly as labourers in the mines and in cutting firewood. Some of the better class—such as Chief's sons—become carpenters, fitters, foundrymen, and clerks. I think, therefore, that the mines are an advantage to the natives. Opportunity is afforded them of earning higher wages and learning trades, and a market is provided for their produce. Some of the people work at their trades when they return to their villages.

10. Ashanti is sparsely populated, and the granting of concessions to Europeans is unlikely to deprive the native of land that he requires for his own use. In fact, the more land that is worked by Europeans the more there is cleared for the native to farm upon.

11. The natives have lately neglected the cultivation of their own products in order to grow cocoa, but there is too much planting and too little care of the trees afterwards.

12. On our concession we have mining rights, timber rights, and agricultural rights. The town is under a joint committee, and is administered by a Sanitary Board, which includes two doctors and the medical officer. People unconnected with the mine pay a rent, and those who work on the mine are charged a sanitation fee of one day's pay a month. The money is spent on the policing and sanitation of the town. I think a mining company is quite within its rights in charging rent for land leased to its labourers for building. I do not consider that the company is under any obligation to build houses for its labourers.

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(6)

Osei Manpon, head Chief of Korentin, states:—

All land in Ashanti, with the exception of the town of Kumasi, is the property of the Chiefs and tribes.

2. It is divided into three classes, stool land, family land, and individual land. Stool land is held by the Chief of the tribe as trustee for the people, and he has no right to dispose of it without consulting his councillors and elders. Similarly in the case of family land, the head of the family must consult other members of the family before disposing of land. There is a good deal of land in individual ownership; this has usually been acquired by purchase from a Chief. It is the custom in Ashanti to alienate land to natives as well as to Europeans.

3. When land is disposed of the Chief receives the money, and it is his duty, if there is no stool debt, to give some to the sub-chiefs, and the remainder to the stool. The portion that is contributed to the stool is devoted to its upkeep, and may also be used by the Chief for himself and his family.

4. When family land is alienated a portion of the money is given to the Chief, but no definite share is laid down by custom.

5. I believe the stools generally in Ashanti are in debt—my own is. When a Chief who has incurred debts is deposed, his successor becomes responsible for the debts. These debts are often incurred in litigation, because, although there are no lawyers, a stool may be mulcted in damages which may amount to a large sum. Litigation is generally in respect of land.

6. About ten concessions have been granted to white men in my district, mostly for mining rights, but one or two for cocoa and rubber. I cannot remember their sizes.

7. I know the boundaries of my land, and I think the Chiefs in Ashanti generally do.

8. Applications for concessions are sometimes made to a Chief in writing and sometimes verbally. The applicant will name a village near to the land he wants, and I should know more or less the land he was referring to. I should not know the exact block, and would have only a general idea of its locality. Until the land is surveyed I do not know exactly what I am conceding. A Chief often gives more than he would do if he knew the exact size of it. It would be an advantage if particulars relating to size and area were explained to the Chief by a Government officer before the agreement is made. We always rely upon the Chief Commissioner to prevent us from being cheated. After agreement has been arrived at the terms are incorporated in a deed, which is usually signed before the Chief Commissioner, who explains it to the Chief.

9. After the deed has been signed the matter comes before the Chief Commissioner in Court. Usually the Chief and his linguist and elders are called to give evidence, and sometimes the head Chief appears. Before the concession is finally granted the land is usually examined either by the Chief Commissioner or the District Commissioner.

10. None of the concessions granted in my district are being worked. Mining was started on one of them, but has since been stopped. With that exception none of the concessions have ever been worked. In one case only has rent been paid regularly. It would be a good thing to insist upon work on a concession being started within a certain time.

11. The fact that a concession has been granted does not prevent the native from going on the land for the purpose of cultivating crops. The people are taking to permanent cultivation more than they used to, with gardens ranging from one to ten acres. Kola has been grown for some time, also cotton, but the principal products are now cocoa and rubber. The people are gradually giving up shifting cultivation for permanent plots.

12. Notwithstanding the requirements of the natives and the areas conceded to the white man, there is still plenty of land to spare. I do not think there is any danger of the native being deprived of land that he requires for his own use.

13. I do not believe that the Ashanti population is growing. There has been great mortality this year—but no special type of disease.

14. When the people take up cultivation they usually do so near a mine or mining town, where a ready market exists for their produce. To that extent the presence of the mines is a benefit to the native community.

15. Some of my people go to the mines occasionally, and after a time come back. They earn more money at the mines than about the village, and those who live reasonably can save money. It is an advantage to the native to have a place to go to where he can earn comparatively high wages. Some of them learn trades, for instance, carpentry, and with the money they save they are able to buy tools. When they return to the village they exercise the trade they have learnt, and are more useful members of the community. Therefore the presence of the mines is a benefit to the country. A further advantage is that when a man is in debt he can go to the mines and earn money to come back and pay his debts.

15. I have no opinion to offer on the suggestion that a portion of the money paid for concessions should be set aside to be spent on works for the benefit of the tribe.

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(7)

Chief FRIMTON, one of the head chiefs of Kumasi, and head of the Adontin tribe, states:—

Outside Kumasi the whole of the land in Ashanti belongs to the Chiefs and tribes. The Crown has never exercised any rights of ownership over it. It is in the same hands as before the English came to Kumasi. Our ancestors acquired it either by conquest or priority of settlement. When the King of Ashanti was in the country he claimed the land as paramount Chief, but it actually belonged to the Chiefs and tribes.

2. Every stool has land attached to it, which the Chief holds as trustee for the people whilst he is on the stool. Additionally, there is land held by families and land held by individuals.

3. It is the duty of a Chief to consult his councillors as to the disposal of land, and to obtain their consent before doing so. It is not within the authority of a Chief to dispose of land before consulting any one. I believe the Chiefs always carry out their duty in this respect. With the consent of the elders the land may be either leased or sold outright.

4. In the case of family land, the head of the family must consult the other members before alienating land.

5. Individual land has generally been acquired by purchase.

6. When stool land is alienated the Chief receives the money and divides it into three parts. He gives one part to the elders, one to the stool and one he retains himself. The ordinary members of the tribe get nothing, except such as the elders may give away of their own free will. The portion which is devoted to the stool is usually spent in maintaining the dignity of the stool and in buying ornaments, or where stool debts exist, in the liquidation of them. Stools are often in debt in Ashanti, but the amount is seldom large, and is usually incurred in entertaining subjects. If a Chief were to run heavily into debt he would probably be destooled. There are no lawyers in Ashanti and, therefore, debts are not incurred in litigation. It would be well if a portion of the money received in respect of concessions was devoted to works for the good of the people. I have a building, which I erected at my own expense, which is used by my people.

7. When land is alienated by the head of a family, or by a sub-chief, the paramount Chief usually receives some portion of the consideration money.

8. I granted a concession to a white man about ten years ago. The white man came to me and explained through an interpreter the size and situation of the land. I quite understood what was wanted, because it was explained to me by topographical features, and afterwards he had a path cut round the area. I do not, however, think that the Chiefs in Ashanti understand what a square mile is, nor do they appreciate the extent of the area they are conceding until it has been marked out, when they sometimes discover that more has been given than was intended. They are now beginning to have more knowledge on the subject than they had in former days. I think it is desirable that the Government intervene. It is usual when an agreement is arrived at, to take the deed to the Chief Commissioner before signing it, and the Commissioner sees that the Chief is protected. It is right that he should be advised by the Chief Commissioner.

9. The population is increasing in Ashanti. Since the English King took Ashanti people have only died natural deaths. Whilst the population is peaceable it gives the people a chance to increase. There is no particular infant mortality in Ashanti.

10. The people have taken up cultivation on permanent lines, and grow cocoa, rubber and kola. Previous to the white man coming kola was grown, but not cocoa or rubber. Some have as many as 1,000 cocoa trees. I do not think that alienation of land to the white man is likely to leave the native insufficient for his own use. There is plenty of land.

11. The concession granted by me is not being worked yet. The concessionaire also owns an adjoining concession, and is still at work there. It conveys dredging rights. The rent is paid regularly. It would be a good thing to make concessionaires start work within a specified period.

12. Boundaries in my district are either known to myself or to some of my responsible elders. I think the Chiefs in Ashanti, generally, know their boundaries. It is improbable that a Chief, in granting a concession, could by mistake include a portion of land belonging to a neighbour, and if he did, the other would appear at the Court and protest.

13. Some of the young men of my district go and work on the mines for a time and then come back. They go because they earn more money, but it costs them more to live. Those who are careful bring back money with them. They do not, however, learn trades, as they generally work as labourers. I think the presence of the mines is a benefit to the native community.

14. With regard to planting, the people are willing to learn, and when a planter comes along and cultivates a product new to the country, the natives soon follow his example. Of course they want to be sure that there is some profit to be made before taking up a new thing.

15. The opening up of a road or railway attracts the native to plant alongside, because he has a better market than he would have out in the bush. He also finds a good market for his produce in the neighbourhood of a mine or mining town.

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(8)

AKWESSI INUAMA, head linguist in Ashanti, and a Chief in his own right, states:—

Outside Kumasi, the Crown has no right to the land; it is all in the possession of the Chiefs and tribes. It is in the same hands as before the British came to country.

2. Land in Ashanti is divided into three classes, stool land, family land, and land in individual ownership. Stool land is held by the Chief during the time he is on the stool. He holds it as trustee for the people, and has no personal right of disposition, which can only be exercised with the consent of the elders of the tribe. I believe the Chiefs always consult their elders before attempting to dispose of land. In the same way a head of a family must consult the other members regarding the disposition of family land. When family land is alienated the Chief must be informed, but he has no power of prohibition.

3. There have been no concessions granted in my district, so I am unable to give information as to the disposition of money received in respect of alienation of land. Some portion goes to the elders, and a portion to the stool. The Chief can use the stool portion as he likes. Nothing goes to the ordinary members of the tribe.

4. I believe the population is increasing in Ashanti, but it is still small compared to the size of the country. There is more land unoccupied than occupied, and there is plenty for everyone. I think the population is increasing because the villages are larger and we do not make human sacrifices, or go to war, nowadays.

5. I do not know whether any of my people go to the mines. I know some young men do, and sometimes return with money.

6. There is more chance of good business for farmers near a mine.

7. My people go in for permanent cultivation of cocoa, rubber, and kola. If they see a white man producing a new product on profitable lines they will be quick to follow his example.

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(9)

KOBINA KUFNO, Chief of Nkawe, states:—

All land in Ashanti outside Kumasi belong to the people; the Crown has not right in it at all. So far as land ownership is concerned matters are in the same condition as before the British came to the country.

2. The land is divided into three classes, stool land, family land, and individual land. Stool land is held by the Chief and elders of a tribe as trustees for the people. The right of the Chief to administer stool land only lasts as long as he occupies the stool. The Chief and the elders are the sole authority as to who shall settle on the land. It is the duty of a Chief to consult his elders in the matter of alienation of stool land, and I believe this duty is always carried out. A Chief would get into trouble if he did not do so. In the same way the head of a family must consult the other members before disposing of family land. The head of the family must also inform the Chief, but this is merely formal, as the Chief has no power of prohibition. Individual land is acquired by purchase, gift, or inheritance.

3. When stool land is alienated the Chief receives the money, which is generally divided into two parts, one going to the elders and the other to the stool. In other cases it is divided into three, when one part goes to the Chief, one to the elders, and one to the sub-chief who looks after the land. Nothing goes to the ordinary members of the tribe, except such as the elders may choose to give to those under them. I do not think that any portion should be set aside for the benefit of the people.

4. Some of the stools are in debt, but not many. My own stool is in debt as the result of litigation with a neighbouring Chief regarding boundaries. We won our case. Litigation is a usual cause of stool debts.

5. I know the boundaries of my land and could point them out by streams and hills. When a range of hills is taken as a boundary the line is assumed to be on the top.

6. Three mining concessions have been granted in my district, two of them during the ten years I have been on the stool. In one case the white man was introduced by a native of Cape Coast, named Arkaah. He came and saw the land and then went back. Afterwards Mr. Sarbah wrote making application for the land on behalf of Arkaah. Arkaah also sent a representative, named Kofi, to me, and I bargained with him as to the price to be paid. I have agreed to concede five square miles, but have no conception of the extent of such an area. The land has not yet been surveyed. After an agreement was arrived at the particulars were included in a deed, which was signed by myself and my elders. The deed was written in English, and was read and explained to me by the Registrar of the Court. It is the usual practice in Ashanti for a Chief to get a deed explained to him by a Government officer before signing it. It would be a good thing if this were made compulsory, as it is not wise to trust altogether to a man who is applying for a concession. In the case of both the concessions granted by me I have consulted a Government officer before signing the deed.

7. After a deed is signed the Chief and his people have to appear before the Chief Commissioner in Court. One of the concessions granted by me has been before the Court, but the other has not.

8. I do not think the granting of concessions to white men is likely to result in the native being deprived of land that he requires for his own use. The last war took away a lot of our people, and the population is not nearly large enough to effectively use the whole of the land. Further, where a concession has been granted the people are not prevented from going on to the land for agricultural purposes. Speaking generally I do not think the granting of concessions to the white man is disadvantageous to the native.

9. Some of my people go to the mines for a time, and when they return they generally bring back money with them. They earn more money at the mines than they do about the village, but, as far as I know, they do not learn trades.

10. The people practised shifting cultivation in the past, but they are now taking up cultivation on permanent lines cocoa, kola, and rubber. The introduction of new products into the country by Europeans is an advantage to the people. They are willing to take up new products if they are taught, especially if they are sure of making a profit thereby.

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(10)

YAO BOATCHI, Amanhin of Bekwai, states:—

My headquarters are at Bekwai. I have a number of sub-chiefs under me. The Crown has no land in Ashanti, and conditions are the same as before the British came here. The whole of the land in my district is attached to the stool, and is administered not as my property but as the property of the stool. In any disposition of land I have to consult with my councillors. There is no land in private ownership in my district. A good many concessions have been granted, the consideration for which takes the form of a lump sum down and an annual rent. I have always consulted my councillors and the terms have been such as have been approved of by them as well as by myself. The money is paid to me and I divide it into three parts—one part I retain myself, one goes to the elders, and one to the sub-chief who looks after the land. Some of my money I divide amongst certain of my people according to their rank. Generally speaking, the money is spent in purchasing articles for the stool regalia, for my own personal use and adornment, and on entertainment. If any of my subjects get into debt I help them.

2. In some cases an applicant for a concession makes his application through the Commissioner, who then explains the situation and area applied for. In other cases he comes to me direct, and I then go to the Commissioner for advice. The clerk explains the area to me, and he knows what a square mile is, but we have often found after the area has been surveyed that we have given more than we intended.

2. When terms are settled, they are included in an agreement, and the Commissioner explains the document to us. Afterwards the matter goes before the Chief Commissioner's Court at Kumasi, when the linguist and the sub-chief who looks after the land represent the Amanhin, the clerk being also present. Anyone who has any information to give is asked to appear, and the Chief Commissioner has full particulars before him.

3. I cannot say how much of my stool land has been leased. We know our own boundaries. The only land that I should now be prepared to lease is land that has been already conceded but is not being worked, the concessions having lapsed.

4. I think the area of five square miles at present allowed under the Concessions Ordinance should be reduced to two and a half square miles. I should also prefer that the term of years were shorter with an enhanced rent at the commencement of each fresh term.

5. I know that the Obuasi concession is 100 square miles in extent. More of this land belongs to Adansi than to my stool, but there was only one agreement because Adansi had not returned. I do not know whether the agreement was for the whole area. The Bekwai people fought the Adansis and drove them away. They therefore became owners of the Adansi land. Whilst Adansi was away the concession was granted, and included some of the Adansi land, which we owned by conquest. When Adansi returned we were asked by the Commissioner to let his people enjoy the land again, and a portion of the rent from the Obuasi concession is granted.

to them. The larger portion of the land belongs to Adansi, but the greater portion of the rent comes to me.

6. There are a number of concessions in Bekwai which are not being worked. There should be an obligation imposed on concessionaires to start work within a certain time, and afterwards to continue steadily.

7. No agricultural concessions have yet been granted in my district. My people still cultivate on the shifting principle, but some cocoa is grown. When a man wants land to grow cocoa he applies to the Chief in occupation of the land. There is no definite time laid down, and he can continue to cultivate as long as he likes provided the Chief does not turn him off. It is not the practice in Bekwai to take a portion of the produce as rent, and when the farmer dies the land goes to his next of kin. When planted the land becomes valuable, but the farmer has not the power of disposing of it.

8. The population in Bekwai is increasing, but there is still more land than the people can use. The fact that the land has been leased for mining does not prevent the people going on to it.

9. The mines are a benefit both to those who work upon them and to those who grow produce for sale.

10. No concession, except the Obuasi mine, is being worked in Bekwai, but rent is being paid on three other concessions. The concessions on which no rent is being paid have lapsed. I cannot say how many have lapsed, but it is a large number.

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(11)

KOBINA FOLI, Amanhin of Adansi, states:—

I have a considerable number of sub-chiefs in my district. All land in Adansi is the property of the Adansi people, with the exception of one piece of land which has been given to the Government. The fact of the British having come to the country has made no difference; things are exactly as they were before. There is land attached to my stool and also to the stools of my sub-chiefs, the latter including family land. There is no land in individual ownership. The paramount Chief and sub-chiefs hold the land so long as they are on the stool, as trustees for the people. Land belonging to my stool may be disposed of by me with the consent of my elders. If a sub-chief wishes to dispose of land he must inform me, but this is merely formal, I am not in a position to exercise the power of prohibition. When land belonging to my stool is disposed of I receive the money and divide it into three parts—one goes to the elders, one to the sub-chief who looks after the land, and I retain one myself. I use my portion for stool purposes, but I may appropriate some of it for the use of myself and my family. Similarly, when a sub-chief disposes of land he receives the money and divides it into three. I get one portion, and the remainder is distributed between the sub-chief and his elders. So far as I know, the elders are always consulted regarding the alienation of land and the disposition of the money that is paid for it. Many concessions have been granted in my district in my time, some from my stool lands and some from the sub-stools.

2. In most cases the applicant goes to the Commissioner in the first instance, and the Commissioner directs him to me. The applicant advises me of the situation of the land he wants as well as he can, and also the size in square miles. We have no knowledge of what a square mile is; therefore it sometimes happens that when it is too late to say anything we discover that we have given more land than we intended. Before signing the agreement I appear before the Commissioner to have the document explained to me. He describes the area in square miles, so we are not much wiser then. The Commissioner never visits the land. I should like a local officer to visit it and explain the boundaries to me. We protect ourselves as far as possible by not signing the agreement until we have seen the Commissioner.

3. Later we have to appear before the Chief Commissioner in Court. He sends a letter inviting me to go, and if I cannot go myself I send a representative. He leaves the selection of witnesses to me.

4. The concessions in my country are not being worked. Six are paying rent. In the other cases the rents have not been paid, but we have not re-entered into possession. There is more land in my country than my people can use themselves, and we are therefore willing to grant more concessions.

5. I think the present area of five square miles too much for a mining concession, and that it should be reduced to three square miles. I also consider the term of 99 years too long, because the land will not come back to the people now living. If the rents were larger I should not mind, but I do not think they are sufficient at present. I should prefer that the rents be fixed by the Government.

6. There have been two blocks granted for planting rubber, cocoa, and ginger. I cannot remember the areas of them.

7. I agree that an obligation should be placed upon concessionaires to commence work within a certain time, under penalty of forfeiture.

8. I think the population is increasing, but it is still very small in comparison to the size of the country. Every Adansi man has as much land as he wants.

9. Some of the Adansi people work on the mines. They can earn higher wages there, which enables them to pay their debts. Sometimes they bring money back and are able to buy a new wife and other luxuries. They also learn trades, and when they come back they exercise them in the village, and are, therefore, more useful members of the community. The mines are a benefit to the people, not only to those who actually work on them, but also to the farmers, who plant near the mines because they get a better market.

10. Cocoa is grown in my district. I have a very large farm and my people grow it as well. The Adansi man works on the land free. He stays on the land as long as he likes, but cannot sell it, although he may dispose of the trees. When a man does sell the trees the owner of the land takes one-third of the proceeds and the planter the remainder.

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(12)

KOBINA APPIAH, Amanhin of Kokofu, states:—

I have been on the stool for four years. Concessions have been granted on my land. Work has been started in three places but operations have since been suspended.

2. All the land in my country belongs to my stool, but it is divided amongst my sub-chiefs. I have the right of disposing of the land, with the consent of my elders. An application for a concession would come to me.

3. The money received in respect of a concession is paid to the sub-chief in charge of the land, and he hands it on to me. One third of this money I retain for myself, and the remainder goes to the sub-chief. I divide my portion with my elders.

4. Concessions have been applied for since I have been on the stool. Usually the application is made to the Commissioner, but sometimes the applicant will send a representative to see what land can be obtained. The Commissioner gives us his opinion as to the area of the land. When it is described in square miles I have no knowledge of its extent. It would be an advantage if someone visited the land and explained details to us on the spot. The Commissioner never visits the land.

5. When an agreement is arrived at a deed is drawn up, and is signed by the Amanhin, the Chief who looks after the land, and the Commissioner. The document is signed before the Commissioner and he explains it to us before we sign.

6. After the deed is signed the matter comes before the Court at Kumasi.

7. I think five square miles is too much for a mining concession, but I have not sufficient knowledge to say what it should be. I have no objection to raise to the term of 99 years.

8. I have had no application for agricultural concessions or concessions to cut timber; only mining concessions have been asked for.

9. I think the population is increasing; there are still a lot of people living in Akim. If more concessions are applied for I shall consider them; there is still plenty of land to spare.

10. My people have taken to permanent cultivation and grow cocoa and rubber. They go on to the land without asking permission. A man can stay as long as he likes and cannot be turned out. He pays no rent.

11. My people go away sometimes and work on the mines. They do not stay away altogether, but return after a time, and those who are careful bring money back with them. They earn more money in the mines than they do in their own village. So far as I know they do not learn trades. I think the presence of the mines is good for the country. There is plenty of room for the white man as well as for the native.

C.

NOTES OF EVIDENCE RELATING TO PART IV.

ADDRESS BY JOSEPH EPHRAIM CASELY HAYFORD.

MR. SPECIAL COMMISSIONER BELFIELD:—

In addressing you upon the general conditions governing the alienation of native land in the Gold Coast, and upon the Forest Bill, 1911, on behalf of the Amanhin, Ahinfu, and other rulers and people of the Western, Central, and Eastern Provinces of the Gold Coast, in conference with The Gold Coast Aborigines' Rights Protection Society, their accredited representatives, I desire, first of all, to express the appreciation of the country for the consideration shown by the Right Honourable the Secretary of State for the Colonies in appointing you as a Special Commissioner to hear their views and those of others upon these matters, so as to enable him to advise the King in Council as to the withholding his Assent or not to the Forest Bill, 1911, which has passed a third reading of the Legislative Council of the Gold Coast.

In doing so my object will be to show you in the clearest way that those for whom I am speaking have got good, strong, and valid grounds for objecting to the underlying principles of the Forest Bill, and that since the passing of the Concessions Ordinance, 1900, the general conditions governing the alienation of native land have been strenuously maintained by the

Concessions Court. At the close of what I have to say I will hand you copies of the several documents to which I will refer.

It appears that a Forest Bill was in 1910 submitted to the Council, and as it was considered that the underlying principle was the same as the proposed Lands Bill of 1897, *i.e.*, the "administration" by the Government of the lands of the people of the Gold Coast, a petition was presented in March, 1911, against this Forest Bill of 1910.

This Bill of 1910 was not proceeded with by the Legislative Council, and the Forest Bill, 1911, was presented in its place and read a first time on the 13th May, 1911. This latter Bill appears in the Government Gazette of 20th May, 1911.

The Bill of 1911 was considered equally objectionable, and a petition was presented against it on the 23rd August, 1911, to the Governor of the Gold Coast by the Kings and Chiefs of the Central and Western Provinces, in conference with the Aborigines' Rights Protection Society and other inhabitants of the Gold Coast.

A cable was also sent to the Secretary of State for the Colonies through the Governor, to the following effect:—

> Amanhin, Ahinfu people, Central and Western Provinces, Gold Coast, in conference, respectfully but emphatically protest against new Forestry Bill, and pray that their immemorial rights to their lands may be left intact to them and their representatives be given opportunity of laying before His Majesty in Council their petition.

Amendments which were suggested by the petitioners to the Bill were presented to the Governor and Legislative Council on behalf of the Kings and Chiefs and people of the Gold Coast. In considering the amendments, I am asked specially to point out that the suggestion as to leases being taken by the Government only applies to particular cases, *i.e.*, such as the laying out of Botanical Gardens, but not to the wholesale acquisition of the lands of the people, which, as will be seen, cannot by any possibility be construed into acquisition for the benefit of the public.

Counsel were also allowed to appear (13th September, 1911) before the Governor and Legislative Council, and argued their objections to the second reading of the Bill—myself and Mr. Brown representing the Amanhin and Ahinfu (Kings and Chiefs) and rulers of the Central and Western Provinces of the Gold Coast, and the Omanhin of Akwapim in the Eastern Province, in respect of whom Mr. C. J. Bannerman supported us, and the Gold Coast Aborigines' Rights Protection Society, the accredited representatives of all these people. Mr. Bannerman also represented other parts of the Eastern Province.

The Bill, however, early in November, 1911, passed the second and third readings, being very little altered, and the principle involved is still remaining and is objected to by the Kings and Chiefs and other people of the Gold Coast. The principal alteration made at the second reading of the Bill is the substitution of acquisition by lease instead of acquisition compulsorily under the "Public Lands Ordinance, 1876." The latter Ordinance I will hereafter refer to.

Representations were then made to the Colonial Office with a view to the assent of the King being withheld to the Bill, and also as to a deputation being received. The Secretary of State at first stated that no advice on the subject of the Bill could be tendered to the King until a petition had been presented through the Governor of the Gold Coast, as to which there was to be no undue delay.

A petition was, early in December, 1911, accordingly presented to the King through the Governor of the Gold Coast in accordance with the Colonial Office Regulations.

The Secretary of State intimated that before he would come to a decision on the matter he proposed to have a report made by you, and that you were leaving England about the end of January this year for the Gold Coast. Mr. G. Fiddes, writing by the direction of the Right Honourable the Secretary of State for the Colonies from Downing Street, under date the 13th of January, 1912, to Messrs. Ashurst, Morris, Crisp and Company, of 17, Throgmorton Avenue, London, E.C., the Solicitors of the Amanhin and Ahinfu (Kings and Chiefs) and the Aborigines Society, said:—

> "I AM directed by Mr. Secretary Harcourt to acknowledge the receipt of your letter of the 27th of December, forwarding a copy of a petition from certain native Kings and Chiefs against 'The Forest Ordinance,' recently passed by the Legislative Council of the Gold Coast.
>
> "2. Before arriving at a decision regarding the advice which should be tendered to His Majesty respecting this Ordinance, Mr. Harcourt is of the opinion that it is desirable to await the submission of a report on the general conditions governing the alienation of native land in the Gold Coast, which will, in due course, be presented by Mr. H. Conway Belfield, C.M.G., who is proceeding to the West Coast at an early date as a Special Commissioner to investigate this question. Your clients will be given an opportunity of stating their case before Mr. Belfield on his arrival in the Colony, and the adoption of this course will render it unnecessary to send a deputation to England.
>
> "I am, Gentlemen, &c.,
> G. FIDDES."

ASHURST, MORRIS, CRISP AND COMPANY.

I propose, therefore, in the first instance to address you generally "on the general conditions governing the alienation of native land in the Gold Coast," and particularly upon the "Forest Bill, 1911," against which those by whom I am instructed have lodged a respectful but emphatic protest, and have, further, petitioned His Majesty the King in Council.

It is of considerable importance at the outset to notice that the Lands Bill, 1897, consisted of three parts. Part I. dealt with preliminary matters and the interpretation of terms which I will refer to in the course of my address; Part II. with Public Land and the occupation thereof; and Part III. with the Constitution of a Concessions Court. I may at once dismiss this part of the matter by pointing out that both in the discussion which took place in the Legislative

Council upon the second reading of the Bill, when the Chiefs were heard by Counsel, and that before Mr. Chamberlain at Downing Street, when a deputation was received, it was conceded by the Government that the soil of the Gold Coast was in the hands of the indigenes and that there were no Crown Lands in the country. Accordingly, Part II. of the Bill was dropped, that is to say, those provisions in the Bill which related to "Public Land and the occupation thereof." Part III., with certain amendments, became the Concessions Ordinance, 1900, which has since governed the general conditions of the alienation of native land in the Gold Coast.

The first case in the Concessions Court, known as the Chidda case, was heard before His Honour Mr. Justice Nicol, an able and a most careful Judge, who subsequently became Chief Justice of Lagos, and was knighted on the 1st day of March, 1901. It was an opposition case—a most important case. It raised several points of interest, and the first certificate of validity was granted. The said certificate of validity, following the provisions of the Concessions Ordinance, stated clearly who the grantors and the grantees of the Concession were, the boundaries, extent, and situation of land in respect of which the certificate was given; the nature of the Concession. Further (and this is important to note in this connexion) the Court imposed limitations under which the Concession was to be held in the following terms:—

"1. The Concession shall not be construed so as to deprive any native of his customary rights as to shifting cultivation, the collection of firewood, and hunting and snaring game on the land.

"2. The Concession shall be construed to include only such timber as is necessary in connection with mining operations.

"3. The Concession shall extend for a period of ninety-nine years only, from the 24th day of April, 1897, and no longer.

"4. The Concession shall not be construed to confer any right to have it renewed.

"5. The Concession shall be read and construed as if the following clause were omitted from the Concession:—'It is mutually agreed and understood between the lessors and the lessees, their heirs, successors, executors, administrators, and assigns, that in the event of cessation of crushing operations through want of funds or other lawful causes, the yearly rent of two hundred pounds for that particular mine shall be reduced to one hundred pounds per annum during such cessation, provided it does not exceed three years from the date of such cessation.'

"6. The Concession shall be read and construed as if the word 'three' in the clause 'This lease may be determined at any time by the lessees, their heirs, executors, administrators, and assigns, on their giving three months' notice in writing to the lessors, their heirs, successors, and assigns' were deleted therefrom, and the word 'twelve' inserted in lieu thereof.

"7. The Concession shall be read and construed as if the following clause were inserted therein:—'Provided always that if the lessees or their successors in title shall make default in payment of any rent reserved under the Concession for three calendar months after the same shall become due, it shall be lawful for the lessors, their successors, or assigns by writing under their hand to give three months' notice to the lessees or their successors in title of their intention to determine the Concession, and, in the event of the rent in arrears at the time of giving such notice not being paid before expiration of three months, the rights, privileges, and powers granted by the Concession shall cease and be at an end, and the lessors, their successors, and assigns, shall be at liberty to re-enter upon the said lands and take the possession of the same.'

"8. Notice of intention to terminate the Concession shall be given on a rent day only."

It then regulates the rent payable and incorporates an undertaking to maintain boundaries in these words:—

"The holders of the Concession having undertaken—

(*a*) to keep the boundary road clean;
(*b*) to keep the pillars marking the boundaries in good condition and repair;
(*c*) to keep the name of the Concession (Chidda) legible on each pillar;
(*d*) to lay down the said lands with reference to the Government datum point when such Government datum point has been fixed in the district of Tarquah.

"The Concession shall be read and construed as if the lessees had bound themselves accordingly." (*See* Gold Coast Native Institutions, pages 289 to 310.)

I have dealt with this particular certificate of validity to show that from the first the Court has been particularly careful to scrutinise a deed to see if its terms are within the provisions of the Ordinance, and have incorporated terms to bring it within such provisions where necessary. It will also be noticed that from the first the local limits of each concession were definitely fixed, connecting the same with a Government datum point.

This form of certificate of validity has been followed since, with slight modifications here and there to suit the circumstances of the case and the nature of the particular Concession; and it is worth recalling here the fact that a concession is defined to cover surface products.

Under the system and conditions sanctioned by Colonial Office policy working under the Concessions Ordinance, the alienation of native lands in the country since 1900 has been guided and governed. Since then the number of concessions filed, including those for gold, timber, rubber, and other surface rights, amount to the aggregate of at least 1,242, and, as the law now stands, it is impossible for any one of these to be held validly till it has passed the terms and provisions of the Ordinance.

By reason of this Ordinance and in faith of its stability, the Chiefs of the country have freely submitted questions of title to land to the Concessions Court, which has generally satisfactorily settled them. In the books of Reports are several important test cases which have

gone to the Court of Appeal, and the customary law, governing title, ascertained and fixed. (*See* Sarbah's Fanti Law Reports, page 148 and 159, and Hayford's Gold Coast Native Institutions, pages 49 and 50.) Concession holders, in faith of the stability of the system, have gone to the enormous expense of having their concessions surveyed and then checked by Government Surveyors, which has necessitated the establishment, as a branch of the service, of a Survey Department. The Chiefs themselves have now and again called for a declaration of boundaries between themselves which have been satisfactorily adjusted by the Court. All this is to receive an unnecessary shock by the introduction of the services of a Reserve Settlement Officer, an executive officer by the way, as against the Supreme Court, backed by decades of experience and the confidence of the people. The bargain between a grantor and a grantee is one that may fairly be left with an experienced Judge to interpret and enforce, where necessary, modifying its terms to bring it witlin the protective provisions of the Bill. As I will show later on, this was the view taken in the petition for the people in 1897 which was settled by Mr. Asquith.

For a running commentary upon the working of the Concessions Ordinance, I invite your attention to pages 198 to 207 of "Gold Coast Native Institutions." It is obvious that the mere filing of a concession, the mere printing of the notice of such a concession in the Government Gazette, does not give valid title to land, for when such a concession comes before the Court, unless it conforms strictly to the provisions of the Ordinance, it is most likely to be set aside or ordered to be modified and made conformable to such provisions.

The foregoing are the conditions which, after matured consideration, the Colonial Office, then administered by the Right Honourable Mr. Joseph Chamberlain, sanctioned to regulate the alienation of land by the people of this country. These are the conditions which the people have agreed should regulate grants of land by them to foreign capitalists. I have always understood, Sir, that the burden of proof is upon him who asserts a given proposition. Where are the facts of those who maintain that the Concessions Ordinance has failed, or is unworkable or inefficient? Where are the facts, I ask, for suddenly altering a policy of twelve years' standing, for altering a decision come to by the Colonial Office after deliberately taking the view of those whom the matter most concerned? So far as we know the public has only been treated to generalities which, examined in the light of the actual facts of the situation, will be found to have little or nothing to maintain them. Therefore it is, and for other reasons that will later appear, that I am to ask respectfully that you may recommend the continuance of the working of the Concessions Ordinance, or, at the utmost, such slight amendment as might meet any well-founded complaint in the judgment of the Right Honourable the Secretary of State for the Colonies. It would appear that if a concession holder were allowed, say, a term of five years within which to get a certificate of validity, or to show good cause after that period why the concession should not be determined, it would meet any desire not to tie up indefinitely the lands of the people.

Before referring in detail to the Forest Bill in question, it will be well to deal shortly with the history and matters relevant to the question leading up to the present time.

In early times British settlements on the Gold Coast consisted of forts here and there on the Coast, which had either been acquired by, or fallen into the hands of, the British from time to time.

Mr. Lucas, of the Colonial Office, in his "Historical Geography of British Colonies," says:—

> "To judge from the old maps, a row of isolated forts and factories lined the water's edge, but they had no territory or territorial rights attached to them."

Nor does it appear that the possession of these forts and settlements in the mind of the British Government constituted a right to jurisdiction over the indigenes.

In 1836 the Committee of African Merchants had occasion to write, with reference to the trial of Adoasi and Amuah for murder, as follows:—

> "Your proceedings in Council, April 6th, in reference to the trials of Adoasi and Amuah for wilful murder, we observe, were conducted in the Public Hall of Cape Coast Castle in your presence and that of Cabboceers and Paynims, and found guilty upon their own confession; these men were executed.
>
> "It seems, in your information to us, that there has been a very important departure from the proceedings of our Criminal Courts, inasmuch as the confession of the prisoners was the chief evidence against them, but of the justice of the sentence there can be no doubt.
>
> "These remarks lead us to remark to you, which we feel bound to do, that we have been instructed expressly by Lord Gleneg that the British Government pretends neither to territorial possession nor to jurisdiction over any portion of the Gold Coast, excepting the actual site of the several forts and castles. It is, therefore, necessary that your authority should be exercised with very great caution."

In 1842 it was recommended:—

> "That all jurisdiction over the native tribes beyond the immediate radius of the forts should be the subject of distinct agreement with them—not the allegiance of subjects, but the deference of weaker powers to a stronger and more enlightened neighbour."

The wars with the Ashantis in which the British took active part, did not alter the relations, nor was any claimed, between the Government and the aborigines, for after the last war there was a communication from the Colonial Office in 1887 in which it was stated:—

> "That the term of annexation used by Mr. S. is also incorrect, inasmuch as the greater portion of the Gold Coast Colony still remains a Protectorate, the soil being in the hands of natives under the jurisdiction of the Chiefs."

It may also be mentioned that after the war the British Government claimed and received a portion of a war indemnity from the Ashantis.

For more detailed information and for authorities upon this subject I may refer you to:—

Chapter 4 of Gold Coast Native Institutions, pages 135 to 167. (Sweet & Maxwell, Limited.)

Fanti National Constitution, pages 71 to 120. (W. Clowes & Sons, Limited.)

In 1894 a Crown Lands Bill was introduced and afterwards abandoned. It was an Ordinance to vest "all waste land and forest land in the Gold Coast in the Queen for the use of the Government of the Colony."

The impression then was that there were waste lands and forest lands in the country which might be rightly vested in the Crown, and the desire was to so vest them.

In the message, with regard to the Bill, of His Excellency Sir William Maxwell to the Legislative Council, in March, 1897, he said:—

> "The principle which was thereby sought to be laid down had been the subject of criticism, and, under the direction of the Secretary of State for the Colonies, had been abandoned;" and the Bill was not proceeded with.

In 1897 the "Lands Bill of 1897" was introduced, which sought (*inter alia*) (preamble 5) "to provide for the proper exercise of their powers by those entrusted with the disposal of public lands and to prevent the improvident creation of interests therein and rights thereover," and stress was laid upon the reckless felling of timber and the necessity "to preserve waste and forest land and minerals being improvidently dealt with."

It was by this proposed Bill of 1897 recognised that the power of disposal was not in the Government, but that is was necessary to prevent the improvident creation of interests in land by persons having the power of disposal. The Ordinance, however, went on to define public land, and Section 13 stated (*inter alia*)—

> "No right of any description shall be deemed to have been or shall be acquired by any person over any land except the following:—
>
> "(*a*) Rights acquired by the Government by prescription, purchase, possession, occupation or user, or under any law for the acquisition of land for public purposes."

It further went on to declare in Section 4 that—

> All public land in the Colony may be "administered" by the Government of the Colony as herein provided.

and proceeded to deal with the following matters:—

> The manner of reserving land for specific purposes.
>
> Reserve land not to be occupied.
>
> Notice of permanent reservation of the land to be published in the Gazette before such reservation.
>
> Notice of temporary reservation to be published in the Gazette after such reservation.
>
> Governor may divide territory into districts.
>
> Grant by native Chief without previous consent of Governor to be unlawful.
>
> Authority to native to settle on public land.
>
> Allotment of land for shifting cultivation.
>
> Settlers' rights, &c.

It was obvious, therefore, that the Lands Bill of 1897 dealt with the acquisition of the lands of the people for public purposes in one or other of several ways, and the "administration" thereof by the Government.

The people then objected to this (as they are now objecting to the Forest Bill, 1911). Petitions were presented to the Queen; these were settled by the Right Honourable H. Asquith, K.C., M.P. The matter was also urged in the Legislative Council of the Gold Coast.

In 1898 a deputation from the Gold Coast was received by the Right Honourable Mr. Joseph Chamberlain, when, after a lengthy discussion, the latter acknowledged in substance the validity of the objections which had been taken to the proposed Bill of 1897 and directed the Concessions Ordinance to be passed as a regulative measure, and the Concessions Ordinance, 1900, was the result.

I shall hand you with the other Documents referred to in my address a bound book containing the proposed Lands Bill of 1897, the petitions, and other papers, together with the arguments of Counsel when the deputation was received by the Right Honourable Mr. Joseph Chamberlain.

This was the position of affairs when an Order in Council of 26th September, 1901, was passed. This was, however, repealed by the Order in Council of 22nd October, 1907.

In 1906 the Government attempted to pass a Bill—"The Native Jurisdiction Bill of 1906"—which in effect "conferred" upon the indigenes the jurisdiction which they already possessed and claimed as inherent.

The person addressing you then appeared at the second reading as Counsel in opposition to the Bill before the Special Committee of the Legislative Council, and the matter was fully dealt with by him as to the principles of the Bill, and there will be handed you a copy of his address. The historical allusions and references to decided cases may assist in this matter.

I now come to the Forestry Bill, 1910, which I have before mentioned as having been proposed and withdrawn. This, with the attempted Bills of 1894 and 1897, was the third attempt by the Government at land legislation for the Gold Coast.

Upon comparing the Forest Bill of 1911 (the Bill in question) with the Crown Lands Bill of 1894 and the Lands Bill of 1897, it will be abundantly clear that it introduces the same encroachments on the people's proprietary rights which were objected to in 1894 and again in 1897.

As I have already pointed out, the object of the Lands Bill, 1897, was to vest in the Government the lands of the people as Crown Lands. The attempt failed, and a regulative measure in the form of the "Concessions Ordinance of 1900" was passed. By this Ordinance grants of mining land were regulated, leaving the right of ownership in the indigenes

unimpaired. The excuse put forward at the time for the promulgation of the Lands Bill, 1897, was that the natives were alleged to deal recklessly with their rights in the lands. I am to point out that the same excuse is now put forward in the Forestry Bill, 1911, for *partly* vesting in the Government the surface rights of the country, at first through the operation of an Ordinance passed in 1876 called the "Public Lands Ordinance," and for the management of the remainder, and I submit that the result of this would be to arrive indirectly at the object sought in the Lands Bill, 1897, which, as I have already shown, was abandoned. It may be noted that after the arguments of Counsel upon this Forest Bill the Government withdrew from the position of compulsory purchase under the Ordinance of 1876 and introduced acquisition by lease. This is even still more objectionable, as it places the Government under the temptation of exploiting the lands of the protected people directly or indirectly, and, moreover, places the native grantor in an embafrassing position as dealing with a most powerful grantee, the "Protector"—in other words, the trustee or guardian.

It would, therefore, appear that for the purposes of the present case the history of land legislation on the Gold Coast may be taken from the year 1894, when the Crown Lands Bill was introduced, and it should be remembered that the then Secretary of State admitted the soundness of the criticisms passed on the Bill. It should further be borne in mind that the Right Honourable Mr. Joseph Chamberlain in 1898 acknowledged the validity of the objections to the proposed Lands Bill of 1897, and directed the Concessions Ordinance of 1900.

I am to submit that since 1898 the land question of the Gold Coast has been a settled one, and should not be open to argument. The soil was not vested in the King of England and has never been acquired by conquest, cession, or purchase.

It will now be necessary to examine the proposed Forest Bill, 1911, with some detail.

It is important to notice that the Bill was without preamble, showing, so far as the title was concerned, the reasons and objects which had called for its promulgation. Some reasons and objects were, however, stated at the foot of the Bill by the Attorney-General, but their connexion with the Bill would, of course, cease when it became law. It is submitted that it is essential for future guidance that a Bill should state in a preamble its scope and meaning and the objects for which it is required. It may be noted that since the speeches of Counsel before the Legislative Council a preamble has been inserted in the Bill as passed.

I am to submit, respectfully, that the Bill as a whole gives the Government the power of administering and granting stool, family, individual, and tribal lands, with three-fifths of the gross receipts going to the Government, and the remaining two-fifths to the owner or owners. This, in effect, establishes a system of farming out the lands of the people, which, I am to point out prominently, is one of the most objectionable features of the Bill.

In the definition clauses of the Bill there appear (*inter alia*) in Clause 2 "unoccupied land means land which is not used for permanent habitation, and has not been cultivated for ten years."

"Reservation land means land with respect to which a Reserve Forest Officer has given judgment under Section 8."

These definitions appear to be too wide. As there is no definition of "forest," it has its ordinary meaning, and if the title of the Bill is construed to govern strictly all its provisions, lands other than forest lands without limitation are included. From the definition of unoccupied land as land which is not used for permanent habitation and has not been cultivated for ten years, the idea seems to be conveyed that if such land were to be left fallow for the purposes of shifting cultivation in vogue on the Gold Coast for a given period, it would be deemed unoccupied land, and many private lands would be thereby declared "unoccupied" lands.

The Bill then proceeds to deal with such matters as the following:—

Clause 4. Governor in Council may declare certain lands subject to forest reservation.
Clause 5. Prohibition to take timber, collect rubber, &c., during period of order.
Clause 7. Inquiry by Reserve Settlement Officer.
Clause 11. Enables the Government to acquire and manage land under Lease.
Clause 13. Prohibits the cultivation of land in Forest Reserve, and the collection of Forest produce, &c., in such Reserve.

I submit from the above, that it is clear that the "administration" of public lands by the Government, proposed by the "Lands Bill, 1897," was the same thing as "management" by the Government of reserved lands now proposed by the Forest Bill, 1911, now in question. Under the Lands Bill of 1897 the Government proposed to acquire lands for public purposes in one or other of several ways, and that is the intention of the present Bill, and such lands would, in effect, be Crown Lands. The Bill of 1897 and this present Bill deal with reserved lands, and whether it is called "waste land," "unoccupied land," "forest land," or "bush land," the result is the same to the person or persons claiming proprietary rights to such land.

Before proceeding at the moment with the further consideration of the sections and scope of the proposed Forest Bill, it may here be convenient to refer to the nature of the criticisms which have been made with regard to the claim of the Government to introduce land legislation affecting the proprietary rights of the people of the Gold Coast.

I have already referred to the remark of Mr. Lucas of the Colonial Office, when he says:—

> "To judge from the old maps a row of isolated forts and factories lined the water's edge, but they had no territory or territorial rights attached."

In a well-known work on Fanti and Ashanti by Captains Huyshe and Brackenbury, it is stated:—

> "It appears that all the European Companies on the Coast, Dutch and Danish as well as English, had paid ground rent to the Coast tribes for the land on which their forts were built."

In the Government Gazette Extraordinary of August 13th, 1897, pages 298 and 299, are grouped the following opinions by influential officials upon land tenure upon the Gold Coast:—

His Honour Mr. Justice Smith (Acting Chief Justice):

> "Land in the Colony is distinguished under the following heads: stool land, private land, and family land. Under these designations all the land in the Colony, save what the Government have from time to time taken for public purposes, has, according to native law, an owner.
>
> "Most carefully do the natives preserve and hand down all traditions connected with the ownership of such lands, and no matter how small may be the plot of land, they are always keen in preventing any encroachment on their rights in respect thereof."

The Honourable Bruce Hindle (Attorney-General, and afterwards Chief Justice of Sierra Leone):

> "It is considered by the natives that all lands, whether reclaimed or not, are attached to the stools of the different Kings and Chiefs, with the exception of the comparatively small portions attached in manner hereinafter mentioned. There is no land which is not or which has not been so attached. In the bush the boundaries are generally fixed by particular trees, by natural features, such as rivers and streams."

Major-General Sir Francis Scott (Inspector-General of the Gold Coast Constabulary), said:—

> "As a general rule among the real natives of the Gold Coast the tenure of land is perpetual, whether cultivated or otherwise. All land on the Gold Coast is either the property of a (1) tribe, (2) country, (3) town, (4) Company, (5) family, or (6) an individual."

W. H. Adams, B.A., Barrister-at-Law (District Commissioner):

> "Every acre of land on the Gold Coast has an owner. There is no unoccupied land. Though no boundaries may be visible to a European, they are perfectly clear to the eyes of the various owners. It would seem as if in the remote past the whole land had been vested in the various kings, each stool, with its boundaries, forming a commonwealth."

In "Fanti Customary Law," the learned author, the late Hon. J. M. Sarbah, C.M.G., Barrister-at-Law, who addressed the Legislative Council of the Gold Coast upon the subject of the proposed Lands Bill, 1897, and who, subsequently, became a prominent and useful member thereof, says:

> "The King, *by the law of England*, is the Supreme Lord of the whole soil. Whoever, therefore, holds lands, must hold them mediately or immediately of him; and while the subject enjoys the usufructuary possession, the absolute and ultimate dominion remains in the King (Co. Ltd., 1a).
>
> "*As far as the Gold Coast* is concerned this portion of the English law does not apply, for it is a group of territories, under native rulers, taken under British protection. It is British territory, but not so by conquest or cession; as a matter of fact, the Colonial Office stated on the 11th day of March, 1887, as published in Parliamentary Blue Book of that year, that it is inaccurate to state that after the successful Ashanti expedition of 1874 the Protectorate was annexed by Great Britain and became a Colony, inasmuch as the greater portion of the Gold Coast Colony still remains a Protectorate, the soil being in the hands of the natives and under the jurisdiction of the native chiefs.
>
> "According to native ideas, there is no land without owners. What is now a forest or unused land will, as years go on, come under cultivation by the subjects of the stool or members of the village community, or other members of the community."

And the following authoritative statement of His Excellency Sir William Macgregor, M.D., C.B., K.C.M.G., sometime Governor of Lagos, based upon matured experience, is well worth noting:

> "In dealing with the natives one must never touch their rights in lands, or compromise the authority of the chiefs. If one wished to stir up trouble in West Africa, all one would have to do would be to suggest that the land of the natives is about to be taken away from them. Unfortunately, their credulity in this respect is sometimes practised upon."

I also again call attention to the result of the deputation in 1898 to the Right Honourable Mr. Joseph Chamberlain with regard to the proposed Lands Bill of 1897.

Mr. Chamberlain acknowledged as valid the objections to that Bill, and he directed a regulative measure to be passed, *i.e.*, the "Concessions Ordinance, 1900." Under Section 11 of that Ordinance, concessions can only be declared valid under certain conditions, and the definition of a Concession is "any writing whereby any right, interest, or property in or over land with respect to minerals, timber, &c., or the option of acquiring any such right, &c., purports to be either directly or indirectly granted or agreed to be granted by a native."

The Acting Governor of the Gold Coast Colony recently, in introducing the estimates, foreshadowed a further regulative measure (and he no doubt had in mind this Forest Bill), and said:—

> "The Government is making inquiries as to the extent to which tribal lands have been and are being alienated under the Concessions Ordinance, 1900. It has been represented that the area already alienated is so extensive as to hinder the natives of the country from exercising their custom of shifting cultivation, to menace their means of livelihood, and to deprive them of their customary rights in timber and other sylvan produce. It may be necessary, as the outcome of present inquiries, further to restrict in future the area of Concession Lands, and also further to safeguard native customary

rights in lands and its natural produce. If such action should be necessary the Government will lay before you a Bill to amend the Concessions Ordinance, 1900, and in the directions which I have indicated."

I have to point out in regard to this, that the proposed Forest Bill, 1911, cannot possibly be construed as an amendment of the Concessions Ordinance, 1900, on the lines indicated in the above speech.

In August last during a sitting at Cape Coast of the Amanhin and Ahinfu (Kings and Chiefs), in conference with the Gold Coast Aborigines' Rights Protection Society, they had an audience with the Acting Provincial Commissioner. The Commissioner told them that the Forest Bill was intended for their good, that the Gold Coast was of small importance to the British nation, and that, if the latter left them, some other Power would snatch them up, or their old enemies, the Ashantis, would return.

The Amanhin upon this remarked, through one of their number (Amonoo V.), that many European people had visited their shores from remote times, and that they had selected the English to live with them, knowing that they would treat them fairly and well.

I am, however, again to point out that the people find from the Government a periodical return to the same line of legislation which in 1894 and again in 1898 was admitted to be untenable and inapplicable.

I will now continue the reference to the main principles of the Forest Bill, 1911, and some of the sections and scope of the Bill.

It will be seen that Section 11, sub-section (*c*), is very drastic, for it makes it lawful for the Government, in the form of leaseholds, to acquire the right of holding and administering the lands of the people. This, in effect, is as objectionable as the similar clause in the amended Bill, which gave the Government the right of acquiring compulsorily the lands of the people. If Section 11 became law, it is conceivable that within a generation or two all the lands would pass into the hands of the Government as completely as if they had been compulsorily acquired, and instead of protection there would be confiscation. I am to point out that any further regulation of the granting of land by the owner so that both grantor and grantee may be, if necessary, better protected, will not meet with disfavour. But what the people respectfully, but emphatically, object to, is that the Government should transform itself into a mammoth syndicate for the purpose of exploiting the lands of the protected people. And, in this connexion, it must be emphasised the distinction between acquiring by lease small plots outside municipal areas for, say, a Botanical Garden, and the wholesale power of thus acquiring any lands whatsoever, for purposes which cannot by any stretch of terms be construed into "public service."

To find the true interpretation of the words "public service," one must refer to the preamble of the Public Lands Bill, 1876, which says:—

> "Whereas it is expedient that provision should be made for regulating the acquisition of lands required for the service of the Gold Coast Colony and the method of holding such lands, &c."

These words can scarcely be construed to convey the same meaning as protection of individual, stool, tribal, and family land by way of compulsory acquisition and alienation, as was proposed by the Bill. For neither the immediate nor the remote object affects the general public, as in the case of acquiring lands for railways, the building of hospitals or museums, and the laying out of parks and botanical gardens. Similarly, neither can the holding of land by Government for, say, a term of ninety-nine years, with the power of sub-letting the same, be possibly construed either immediately or remotely into a holding for the general public. The distinction is most important, and I am specially instructed to emphasise it. It would appear that Section 11, which I am discussing, provides the principle whereby the Government are going to create or acquire Crown Lands, thus practically recalling and reintroducing the abrogated Lands Bill of 1897, for it should be remembered that there are practically no Crown Lands in the Gold Coast, the soil of which belongs to the indigenes. The section, it must be remarked, goes far beyond the scope of the title of the Bill (Forest Bill). A Forest Bill implies a protective measure. The Bill before us, it is important to remark, when put into operation, will amount to an act of confiscation and dominion. If the reservation of forest or bush lands cannot come within the provisions of the Public Lands Ordinance, 1897, and be construed into acquisition for the public service, no more can such reserved land be held under lease by the Government and construed into a holding for the public service. In the case of acquisition of lands at Sekondi by the Government, and then selling or leasing them out to "other persons," the matter was questioned by the Gold Coast Aborigines' Rights Protection Society. (*See* "Gold Coast Native Institutions," pages 382 to 388.)

In considering the objectionable parts of this Bill to which attention has been drawn, it is necessary to keep in view the principle and the precedent laid down in the case of the abrogated Lands Bill, 1897, and it will be seen that it is not a mere blind opposition that is offered to the Bill. Rather am I directed to submit in sympathy with the principle of safe-guarding the interests of the indigenes in their lands and securing the interests of coming generations, that before a Court certifies as valid a concession with respect to timber, rubber, or other products of the soil, or the option of acquiring any such right, interest or property, it should be proved to the satisfaction of the Court that an area of not less than one-half of the entire original land of the grantor has been reserved for the cultivation of the stool, tribe, or family, and that no concession shall be for a longer period than fifty years.

Such a provision would be ample to protect reckless alienation of stool, tribal, and family lands. Provision might also be made for any stool holder to regulate such portions of such reserved land as shall be cultivated, subject to the advice of a Forestry Instructor, this constituting the inalienable special reserve of stool, tribal, or family lands.

As to Sections 11 to 16 of the Forest Bill, these taken together are tantamount to the similar provisions in the abrogated Lands Bill, where it was laid down that the Governor of the Colony should "administer" all public lands in the Colony.

As a general comment upon Sections 11 to 16 of the Bill, section 11, sub-section iii, says:— Every such Forest Reserve shall be managed (*b*) "by the Government for the benefit of the owner or owners."

I have before stated that whether it is called "administration" or "management," it is the same thing.

In the petition (prepared by Mr. Asquith) presented against the Lands Bill, 1897 (Bound Book, page 2), this point is dealt with.

> "7. The practical effect of this 'administration' (to be collected from the various clauses of the Lands Bill) is to vest in the Governor the ultimate and paramount title to all the unoccupied lands in the Colony."

And it is submitted that the provisions in the Forest Bill will produce the same result when set in operation.

An anomaly introduced by the Forest Bill is the making of a Reserve Settlement Officer practically a judicial officer. The same thing was attempted by the Land Bill of 1897 and was objected to. In the petition (Bound Book, page 2), paragraph 5 says:—

> "If it be essential to the well-being of the Colony and Protectorate that concessions should be regulated by some authority, and that some system for the sale and transfer of rights by native owners to foreigners should be established, Your Petitioners would most humbly suggest that such authority should be the said Supreme Court."

I am instructed that instead of the proposed Forest Bill which, as I have shown, is an encroachment on their right, what the people really require is regular instruction as to the way to grow their crops and prepare them for the market with but as little interference as possible with their deep-rooted ideas of land tenure. I am to submit that instead of a number of Forest Officers and a department which will swallow up three-fifths of the gross receipts of the managed property, Forestry Instructors might be appointed in order to educate the people in scientific agriculture and arboriculture. Such instructors should be duly qualified persons versed in the native language. In this connection it is important to note that the Amanhin having power under the Native Jurisdiction Ordinance to make by-laws for the conservation of their forests, they would work hand-in-hand with such instructors, guided by the constant advice of the latter, to the benefit of the economic development of the country. For the remuneration of the instructors it is suggested that an additional stamp duty of £2 might be charged for every square mile of the area in respect of which any rights are acquired, transferred, assigned, or surrendered, besides an additional charge of 2s. for every 20s. of the annual amount of all profits from or in respect of rights conferred by a concession, with a provision that it shall not apply to a native farming in the ordinary native way. Any suggestion to ensure normal rainfall in the country, and the natural productiveness of the soil, cannot but meet with general approbation. The people are anxious to learn; and if the Amanhin and Ahinfu (Kings and Chiefs) are duly instructed, they will, under the power they have under the Native Jurisdiction Ordinance, of conserving forests, secure the desired object without the introduction of drastic principles proved to be inapplicable to Gold Coast conditions.

The last Native Jurisdiction Bill was a regulative measure, and the Government have shown much anxiety that it should succeed, but I am instructed to point out that should the Forest Bill become law, according to native ideas such jurisdiction as there is will have little or no foundation.

It is inconceivable in the native mind, a jurisdiction without land or without the right and power of active management of such land. To take away the control of the lands by the Amanhin and Ahinfu is to practically destroy the whole fabric of native institutions.

To summarise and emphasise a few leading points, in the year 1894 the Crown Lands Bill was introduced into the Legislative Council. It was proved beyond question, and it was admitted by the Government, that there were no Crown Lands on the Gold Coast.

Three years afterwards the same matter came up in a different form, with the introduction of the Lands Bill of 1897 into the Council. The matter was fought out first in this country, then at Downing Street, and the then Secretary of State for the Colonies, the Right Honourable Mr. Joseph Chamberlain, "acknowledged in substance the validity of the objections which had been taken to the Ordinance proposed by the Governor." The Lands Bill was not proceeded with. A regulative measure, in the shape of the "Concessions Ordinance, 1900," was passed in its stead, which, while abandoning the principle of ownership, acquisition, or administration on the part of Her Majesty's Government, sought to protect the interests of the grantor and grantee of land on the Gold Coast. This was tantamount to a pledge and an understanding that the land question on the Gold Coast, and the principles appertaining to the tenure thereof, were for ever settled. From the people's point of view they did not think it possible that on the slightest provocation the self-same question would be raised again. Hence the grave apprehension of the people at the periodic return on the part of the Government to the same line of legislation, admitted to be untenable and inapplicable, particularly when it is remembered that since the days of Lord Gleneg, a former Secretary of State for the Colonies in 1836, as over and over again repeated in official despatches, it has been impressed upon the local Government that the soil of the Gold Coast is not in the King of England. The soil of this country, Sir, has never been acquired by conquest, cession, or purchase, and it may be particularly pointed out that since 1898 the land question of this country has been a settled one and not open to question.

But on the most cursory reading of the Forest Bill it is clear that the same objects are aimed at as in the two former Bills of 1894 and 1897, which were abandoned upon criticism by the people. If an amendment of the Concessions Ordinance, as foreshadowed in the Acting Governor's speech, is what is intended, then this Bill goes entirely beyond the scope of an amending Ordinance. For in the people's view it is a drastic measure, one which, unintentionally perhaps, defeats what must be regarded as the solemn pledge of Mr. Chamberlain in the admission and acknowledgment which he made as to the validity of the people's objections to

the Lands Bill, and which may go a great way in unnecessarily shaking the confidence of the people in the intentions of the Government; for the principle of appropriation, confiscation, management, or administration, goes to the very root of the institutions and social economy of the people. Take away the control and active management of the lands by the Amanhin and Ahinfu (Kings and Chiefs) and you have practically destroyed the whole fabric of native institutions. This is but the naked fact, I am respectfully to point out.

All these facts, and the circumstances of the case, Sir, point unerringly, I am to submit, to only an amendment of the Concessions Ordinance, if it can be shown that the need for so doing exists; for it does seem as if the situation had been unnecessarily exaggerated. It has been taken for granted that the notices appearing in the Government Gazettes are tantamount to such areas as will ultimately receive certificates of validity. As an experienced practitioner of the Supreme Court, I can tell you that there is many a slip between a notice in the Gazette and the obtaining of a certificate of validity. Upon examining the records it will be found that the number of concessions filed go beyond 1,240, but there are very few men practising at the Gold Coast Bar who can claim a dozen certificates of validity to their credit. The alarm raised, it will be found, has little or nothing to support it when you come to examine the actual facts.

The Concessions Ordinance lays it down clearly what areas may be alienated—in the case of a Gold Mining concession five square miles, in the case of timber twenty square miles, and, according to the Conservator of Forests, the timber areas of the country have scarcely been touched, the cuttings having been confined to the banks of the rivers and along the Government Railway. Possibly, in some instances, agricultural leases have been negotiated which give ground for investigation. But negotiating a lease, it may be respectfully submitted, is obviously a different thing from its passing the Concessions Ordinance, which is the protective and regulative creation of Mr. Chamberlain's administration. If the administration of the Ordinance be in any way lax, it would be simple enough to introduce amending rules instead of introducing wholesale a drastic measure of far-reaching consequences.

Nor does the fact that there is a Forest Ordinance in Southern Nigeria affect the case. With all deference it may be submitted that the history of Southern Nigeria is different from that of the Gold Coast, and Earl Carnarvon has warned us that it is a safe rule, when approaching any question of local legislation, to have due regard to the circumstances of the case. Writing to Governor Blackwell in 1867, who was then administering this Government, he said: "I can only look to the history of the place, and the nearest approach which can be discovered to a precedent for my assistance in endeavouring to arrive at a just conclusion." Lagos, the capital of Southern Nigeria, was ceded to the British Government by its King in 1861. The Gold Coast has never been conquered, ceded, or alienated in any way to the British Crown. Said Mr. P. H. Meade of the Colonial Office in 1887, writing for Lord Knutsford with reference to the Gold Coast: "The term annexation used by Mr. S. is also incorrect, inasmuch as the greater portion of the Gold Coast Colony still remains a protectorate, the soil being in the hands of the natives, and under the jurisdiction of the chiefs."

I thank you, Sir, on behalf of the Amanhin, Ahinfu, and other rulers and people of the Gold Coast, and the Aborigines' Rights Protection Society, their mouthpiece, for the courtesy and the patience with which you have heard us this day. The matter is so important that I beg to hand you herewith, in writing, what I have had to lay before you, and I trust that I have shown ample reasons wherefore the policy of the Right Honourable Mr. Chamberlain, while administering the Colonial Office, should not be set aside, and the solemn pledge then given by him, which has become the Magna Charta of the people of the Gold Coast, set at nought, and that you will see your way to recommend to the Right Honourable the Secretary of State for the Colonies the supreme importance of advising His Majesty the King in Council to withhold his assent to the Bill.

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(2)

ADDRESS BY EMMANUEL JOSEPH PETER BROWN.

Mr. Special Commissioner BELFIELD:—

I am very pleased to have the opportunity of addressing you on the Forest Ordinance, as well as on certain matters touching the Concessions Ordinance. In my friend Mr. Hayford's speech, delivered before you this morning, are incorporated some of the main points of objection which I advanced against the Forest Ordinance (then a Bill) in a speech delivered before the Legislative Council of this Colony in September of last year, on behalf of the people.

First of all I wish to say that certain criticism has appeared in the English Press with regard to the position of educated natives and the Amanhin and Ahinfu of this country. The suggestion, or rather the accusation, has been made that Barristers, and a handful of educated persons instigate our people to raise objections against measures intended for our own good. It is a false accusation and a gross misrepresentation of the true state of affairs. As you were rightly informed yesterday at the Reception Ceremonial, I am connected with one of the Stools in this country and have family lands, forest and otherwise. I wish then to ask you to hear me, not only as a Barrister and a member of the Aborigines' Society, but also as one who has family lands and, therefore, likely to be affected by the Forest Ordinance.

Before going into my main subject, I desire to make some remarks about Mr. Morel, who, in part, has been successful so far in getting the Colonial Office to send you out here to inquire into the system of granting concessions in vogue in this country. I am, therefore, referring to Mr. Morel, not in any carping spirit, but merely pointing out that his mind on the conditions and the peculiar system of land tenure obtaining in this country, as well as of the great interests which the Forest Ordinance seriously threatens to disorganise and ultimately destroy, was, up to the time he wrote on the subject, a *tabula rasa*.

Mr. Morel, hitherto, has been contending that under the Concessions Ordinance the term of ninety-nine years is too long a period, and that in practical politics it amounts to absolute alienation of native rights in the soil of this country, which is quite true. Also that the areas alienated are enormous and, therefore, provision should be made to reserve lands for coming generations. His contention is, indeed, a sound, wholesome, humanitarian view of the situation, which every right-thinking native must readily admit and thoroughly appreciate. But here again is Mr. Morel supporting another measure which would have the same adverse effect on the inherent rights of the indigenes, such as is being deplored under the Concessions Ordinance. For, as there is no provision restricting or limiting the term of years under the Forest Ordinance, a grant by way of lease under it may carry the same term of ninety-nine years and even more; there is also the danger that the quantity of land to be reserved may extend beyond the limit of what is allowed under the Concessions Ordinance. Furthermore, it is quite obvious that under the Forest Ordinance those who will have to lease reserved areas from the Government will be foreign speculators or capitalists, natives being entirely out of the question, and that being the case, it would certainly be adding to the same agrarian dangers which Mr. Morel is endeavouring to ward off in the interests of the native African, and which will assuredly be a recurring evil impossible of any permanent remedy.

Mr. Morel goes on further to say that the Government are reserving our lands, according to the preamble of the Ordinance, for our own benefit, and he therefore fails to see the propriety of our opposition to the measure. In this connection it is interesting to recall his own words in an article dated 25th February, 1909, on "Free-grown Cocoa" which he contributed to the "Daily Chronicle," in which he eulogises the people of this country for the marked progress they have hitherto shown and are showing in the development of their lands. Says he:—

"The first sod of the Accra-Akwapim Railway, in the Gold Coast, was cut by the Governor, Sir John Rodger, on January 7. It is being built to develop the agricultural wealth of the Colony, especially the cocoa industry.

"We have heard something about 'Slave-grown cocoa' recently, and we shall hear a good deal more when Mr. William Cadbury and Mr. Joseph Burtt return from their mission of investigation in Angola and San Thomé. But how many Englishmen are acquainted with the romance of 'Free-grown cocoa' in one of their own West African dependencies? Yet the story is one which should be known, just now especially.

"In 1879, Tettey Quassie, a Fanti of Accra, on the Gold Coast, hired himself out as a labourer with others of his countrymen for a term of service on the Spanish island of Fernando Po. There he worked on a cocoa plantation. When his term expired Tettey Quassie returned to 'We Country,' as his cousin the Kroo-boy puts it, but he did not return empty-handed. He brought with him a few plants and pods of cocoa, and he put them in the ground at a village called Mampong. Four years later the plants began to bear fruits, which Tettey Quassie sold to neighbouring villages at £1 a pod. Seeing that there was money to be made the natives eagerly bought the pods at this price, and Tettey Quassie, full of his Fernando Po experiences, gave his countrymen some rudimentary tips in the art of fermenting and drying the cocoa. In 1885 the first consignment of native-grown cocoa was exported from the Gold Coast to Europe. It weighed 121 lb., and was valued at £6 1s.

"I do not know what became of Tettey Quassie after that; probably he died, and with his death his acquired knowledge. In 1890 the Basel Mission imported some cocoa pods from the West Indies and sold them to natives at 2s. apiece, and some years later a botanical station was established at Aburi. By 1894 20,312 lb. were exported by native growers, valued at £547.

"Since then the industry has advanced, literally by leaps and bounds. With no expenditure of European capital, with only some technical help from the Government—and very little of that until comparatively recently—but with its good-will and sympathetic encouragement, the native of the Gold Coast has built up a purely native industry on his own land, as his own landlord, farmer, and vendor. This man, reputed to be lazy by the superficial globe-trotter or the exponent of the 'damned nigger' school, has carved from the virgin forest an enormous clearing, which he has covered with flourishing cocoa farms. Armed with nothing better than an imported axe and machete, and a native-made hoe, he has cut down the forest giant, cleared the tropical undergrowth, and kept it cleared. With no means of animal transport, no railways, and few roads, he has conveyed his product to the sea, rolling it down in casks for miles and miles, or carrying it on his own sturdy cranium. So industrious has he shown himself that in fourteen years his output has risen from 20,312 lb., valued at £547, to 20,956,400 lb., valued at £515,089.

"Here is a result to make some of us pause in our estimate of the negro race. A people that can do this, under these circumstances, will not be a negligible factor in the economic development of the world, when science and the white man's arts and crafts have given them the technical knowledge which they still lack, together with adequate means of transport.

"The cocoa plantations now extend to the western side of the Aburi hills through Akim and Kwahu, until they reach and even cross the borders of Ashanti; while in Ashanti proper, the Ashanti himself is taking to the industry with such zest that few are now the natives who cannot boast of at least one cocoa farm, while many of them own three, four, and even more plantations. Neither in the Colony proper nor in Ashanti has the cultivation attained to anything like its full development, and in many parts of Southern Nigeria climatic conditions are equally favourable to the growth of *theobroma*, 'the food of the gods' as old Linnaeus used to call it.

"In recent years the Gold Coast Government has, to its credit, realised all the potentialities of this native enterprise. European and native instructors have been appointed; technical classes are regularly given—for the native producer has yet much to learn in the scientific treatment of the bean after picking, fermenting, &c., and his product often fetches much lower prices than it would under a more careful system of production. The Government has even gone the length of printing and distributing in large quantities pamphlets on the cultivation and preparation of cocoa in the Fanti and Ashanti languages, one of which bears the euphonious title of 'Koko adow na ne nsiesei (yebea) ho nsem tia bi.' And last, but not least, the much demanded railway from Accra to Mangoase, in the heart of the Gold Coast cocoa

fields, has at length been started. In the matter of a railway the Ashanti is better off, for he has a line from Kumasi to the Coast.

"Now, if the uprising of this purely native industry is an object lesson as regards the character and the future of the negro when left undisturbed in the possession of his soil, and encouraged by an honest Government to make the most of it for his own benefit as well as for the benefit of the outer world, it is also a magnificent opportunity for really constructive work on the part of the powerful and honourable men who control the cocoa manufacturing industry in Great Britain.

"On the one hand, in Portuguese San Thomé, we have an industry marvellously equipped mechanically, wonderfully organised, in itself a model of up-to-date scientific methods, and in which very large sums of money have been sunk; but run by slave labour. The African's connection with it is a shameful and a degrading connection. The undertaking flourishes, but the African dies; the European alone profits. On the other hand, in the Gold Coast we see the African himself building up an industry of his own; a free man, enjoying the fruits of his land and the reward of his own labour; producing a class of cocoa very similar to the San Thomé article, and which only requires a little more experience and instruction on the part of the native planter to be equally excellent in quality. In the one case, an industry carrying within it the seeds of death and human misery; in the other, an industry carrying within it the seeds of life and human progress.

"There is good reason, happily, to believe that the British manufacturing firms are not indifferent to all the lessons, moral and material, which may be drawn from West African native cocoa production. Messrs. Cadbury have already sent a buyer to the Gold Coast, and it is in their power and in the power of their colleagues to give an immense impetus to what is assuredly one of the most interesting and promising features of modern economic development in the African tropics, one which blows the 'arrested development theory' to smithereens. They will not, I feel assured, fail to rise to the opportunity, and it is encouraging to know that Mr. William Cadbury is now paying a visit to the Gold Coast cocoa fields on his way home."

Here is an admission, frank and true, by Mr. Morel that we are not only important factors, but are also deserving of encouragement, in the development of our country, and that for these reasons we should not be disturbed in the possession of our lands. When a foreign speculator obtains a lease of our land through the Government under the Forest Ordinance and we are ousted as a result of such lease, are we not, Sir, disturbed in the possession of our lands which we may wish to work for our own benefit? For in the natural order of things we shall surely be asked by the lessee to give up our holdings under the tribal, stool, or family communal system, and if we be unwilling to work at a starving wage in addition to paying rents for our dwellings for his benefit, then we could please ourselves and quit the land. Such is the position of affairs under the Forest Ordinance which Mr. Morel is counselling us to accept—a position of economic slavery which he had himself characterised as a disgraceful impolicy at which no enlightened Government should consciously connive. I repeat, Sir, that it is inconceivable that Mr. Morel, who delivers himself in the manner referred to in his article praising the native African for his remarkable industry and activity, and emphasising the absolute necessity of leaving undisturbed to him the possession of his land for his own working and profit, should be the very person now advocating the taking over of our lands by the Government for the purpose of leasing out same to foreign speculators, who in process of time will absorb our lands and thereby reduce us to a landless proletariat fit to work at a wage for the benefit of outsiders. There is no getting out of this fact, namely, that under the Forest Ordinance we have neither voice nor choice in the matter—for by a stroke of the pen the Governor has the power to reserve and afterwards lease our lands, and this, in effect, is compulsory acquisition of our lands for the benefit of outsiders.

Apropos of the development of our lands it is important to remark that hitherto the Government have given us little or no assistance, and that whatever development there is at present the same has been due to native initiative. By this I do not mean to accuse the Government of intentional reticence, but simply to show that in all such matters the natives have been the first to do so instead of the Government taking the lead. And it is the fact that when fair progress is in sight then measures are promulgated to tax the result of the people's labours. I am referring to the recent abandoned Customs Tariff Bill, 1911, which aimed at the taxation of rubber and timber industries in the country. We are thankful that this Bill was timeously dropped, for it would undoubtedly have arrested the further progress of these industries and thrown the country back for many a day.

With your permission, Sir, I wish to refer to the efforts of the Aborigines Society in connexion with the economic development of this country. The Society formulated a scheme for training young men at the Botanical Gardens in the Colony in the proper cultivation of cocoa. These young men were to be distributed among the cocoa districts to diffuse among the cocoa planters a technical knowledge of the method of cultivating, pruning, and fermenting cocoa, and thereby generally to develop and advance the cocoa industry. The scheme was a tentative attempt by the Society to put upon a proper and scientific basis the material development of the agricultural possibilities of this country. A copy of this scheme was sent to Mr. E. C. Eliot, a former Provincial Commissioner. All the initial expenses such as clothing, board, and other incidental expenses, were borne by the Society, and it was further proposed that the Society should employ the young men for five years after the completion of their course, at substantial salaries. All that the Government had to do in the matter was to give the young men free tuition and lodging at the Gardens.

As the result of this scheme about six young men were sent up to the Asuantsi Botanical Gardens by the Society. They did very well from the reports which came to hand. After a time the Society applied to the Government to give permission for the young men to have free tuition and lodging at the Aburi Botanical Gardens, where they were to complete their course. As far as I can now remember the Government wrote back to the effect that inasmuch as the young men had not passed the Seventh Standard (although all had passed the Sixth Standard) they were not eligible within the existing regulations. The efforts of the Society were thus thwarted, and the scheme fell through for want of sympathy from the Government, not to

mention the enormous expense to which the Society was put. Here it will be seen, Sir, that we have not been apathetic to our interests and welfare as regards the economic development of our country in which the Aborigines Society has played no small part. Why then must the Government expropriate us of our ancestral lands in favour of outsiders when we have shown and demonstrated beyond question the capacity for progress and advancement in the economic development of our own country? Why not teach us the proper way to look after our lands instead of adopting a policy of compulsory dispossession under the plea of protection?

It is essential that to thoroughly appreciate the interests at stake, Sir, one should endeavour to discover the intention of the Government in passing the Forest Ordinance. I do not know that that intention can be defended as *bonâ fide*, judging from the whole surrounding circumstances and previous attempts by the Government in this direction. I am not accusing the Government of any dark design, but I think their real intention can be seen on a reference to the withdrawn Forestry Bill, 1910. I mean the first Bill against which the people also petitioned. The real intention, it would seem, was to acquire Crown lands for forest reservation either with the consent of the owner or compulsorily under the provisions of the Public Lands Ordinance, 1876—this is plainly stated under Section 14 of the withdrawn Bill. Section 15 of the same Bill also sought to introduce a fundamental alteration of the customary law of alienation so that a chief or any native, without conforming to the usual law of alienation, that is to say, where the consent of the community, tribe, or family is necessary for such alienation, and if such parties be unwilling to give their consent, could be made to barter away the communal rights of the village community, tribe, or family to the Government, and the latter could then acquire absolutely such stool or family land. Under Section 16 of the same Bill, on the cessation of a forest reserve by order of the Governor, rights extinguished therein when the same was constituted a forest reserve do not revive as the result of such cessation. In other words, the land becomes a Crown land and the owner's rights thereunder are lost for ever. You see, Sir, that the Government have recorded their own intention, good or bad, in the withdrawn Bill as regards their own *bonâ fides* in promulgating the Forest Ordinance. You would say, Sir, that these objectionable provisions have been eliminated in the Ordinance. That is quite true, but they were not eliminated until attention was called to it by the people's counsel during the discussion on the second Bill, which was subsequently amended, read a second and third time at one Session of the Legislative Council, and passed into law. During the discussion on the Second Bill, I called attention to the entire absence of a preamble showing the scope and purview of the Bill and the evils it purported to remedy. Although a preamble has now been supplied, it is not ample and explicit as it should be, that is to say, the reasons for the promulgation of the measure and the previous bad state which the measure purports to remedy have been conspicuously omitted, and the omission is eloquent of the fact that there are no evils to remedy except to get at our lands by some way or other. Even in the second Bill the danger of people losing their rights if they were not prompt in attending the Reserve Settlement Officer's inquiry to prove their title to lands lurked in the notice under Section 6, and I drew the Governor's attention to it, and the same has been eliminated from the Forest Ordinance.

Having prefaced my address with the foregoing observations, I propose now to deal with the principle involved in the Forest Ordinance.

As you are aware already, the principle governing the conservation of forest lands in England and other European countries is based on the doctrine that the ultimate ownership of all lands is vested in the Sovereign, and therefore he has absolute right to conserve and reserve lands for various purposes. This principle has its origin from the feudal system in vogue in Europe. There is no such ultimate ownership in lands in the Sovereign, that is, Omanhin, Ohin, Mantse, Amagah or Konor, in this country. The Forest Ordinance in principle assumes that the ultimate ownership in lands in this country is vested in the King of England, and therefore the Governor can, by an Order in Council without the consent of the people, declare any part of the country forest reserve for the purpose of leasing same out to foreign speculators or capitalists. The owner has no say in the contractual arrangements for the lease, the Government being the contracting party and lessors in the first instance with the lessee.

The definition of "unoccupied land," namely, "land which is not used for permanent habitation and has not been cultivated for ten years," would work a great hardship on the people. The power of reservation is so unrestricted in the Governor that he could reserve any lands that are not permanently inhabited and grant leases of them. It is the custom for the people here to use certain areas as temporary habitations for farming purposes apart from the hamlet or homestead where they permanently reside. It will therefore happen that such areas not being for cultivation proper and not being for permanent habitation would come under this definition and be compulsorily reserved. Besides, it would seriously hamper the system of shifting cultivation in this country which the Government apparently want to prohibit. How are the people to live without this only method of cultivation known to them from time immemorial in the absence of other scientific methods, and by which they have exported produce to England and other parts of Europe annually amounting to nearly a million pounds sterling?

Having now seen that the principle involved in the Forest Ordinance is instinct with expropriation tendencies, let us see to what extent it would affect the customs and institutions of this country.

I have already mentioned that I have family lands and have my people now on them working for their own profit. Each member of my family has a right to farm on the land—but I have the right to forbid waste and to restrict him as to the quantity of land he is to cultivate on. Our *Busum pow'* (sacred groves) and *Samman pow'* (burial groves), which are forest lands, are strictly reserved areas wherein the members have the right of collecting forest produce, &c. When there is any debt in the family each member has to contribute his share according to his status in the family. The general upkeep of the family or tribal property including the stool is also contributed to from incomes accruing from tributes paid by outsiders working on portions of the land, besides other special contributions from members of the family. Thus the communal interests and the natural obligations arising therefrom are welded together

by the ties of mutual assistance and co-operation, which it becomes the duty of the occupant on the stool of the village community, tribe, or family and the youngest member thereof to strictly observe, and which, but for the communistic nature of their holdings, they could not maintain and preserve. The customs, institutions, and usages of this country rest upon the foundations of these communistic interests and natural obligations, and therefore to legislate for forest conservancy with the object of leasing the same out to Europeans and other foreign capitalists is to uproot the cherished institutions of the people, divest the stools of all inherent rights and interests in the soil, and ruthlessly tear asunder the social and political systems of this country, as the people would be asked to give up their holdings and make room for the lessee.

It is an elementary principle of the English law, Sir, that although there is no slavery in England yet it exists in some modified form in the case of tenants on manorial lands. For on the sale of the Manor all the tenants thereof go with it to the new owner, but he does not dispossess them of their holdings. They and their descendants continue their holdings and work for their own benefit and profit subject to the payment of their rents, &c., to the lord of the manor. Whereas, in the case of a lease of a forest reserve by the Government to the foreigner, the latter will dispossess our people, and if they be unwilling to work at a wage for the lessee's benefit they must give up their holdings and quit the land, as I have already mentioned. Surely this state of affairs will not be the beneficial working of our lands and protection from deforestation as it is being preached to us by our would-be friends and well-wishers.

Supposing I have unoccupied land, which may happen to be the only land I have, and I wish to work and improve it myself. Upon the Government declaring it reserved I am deprived of my rights thereunder, and no amount of appealing to the Divisional Court, full Court, or the Privy Council could restore to me the immediate user and free enjoyment of my land. I do not consider the reservation of my land and the payment to me of two-fifths of the profits arising therefrom a matter of public interest to which must be subordinated my private interest, right, and ardent desire to work and improve my own land myself. It is an injustice as well as an uncalled-for restriction of the enjoyment of proprietary rights in the soil of this country. As it would affect the individual so it would the tribe, family, or village community. When the Government reserve any area the owners are prohibited from entering and collecting forest produce, &c. thereon, and should the reserved area be the only piece of land owned by the parties affected by such reservation their only alternative would be to leave their homes and abandon the tribal or family stool, whereby would be extinguished all customary rights, &c., appertaining thereto.

It is not shown in this Ordinance the term of years for a lease of reserved areas. For aught we know the term may be for ninety-nine or nine hundred and ninety-nine years, which will practically amount to absolute ownership. It is not unlikely that my immediate or remote successor may not be an educated person. He may be told that the lessees have a ninety-nine or nine hundred and ninety-nine years' right over the land, and this might be taken by him to mean that he is never to get back his land. Imbued with such an idea and ignorant of his right to turn out the lessees if they committed breaches of covenant under their leases, he bequeaths from successor to successor this impotent exercise of his rights, and as new towns spring up on the land with the right in the lessee to collect ground rents, sometimes from the lessor and his people, as appears to be the case at present in some mining districts in this country, his rights will be gradually swallowed up and the lessee will ultimately become the owner of the soil.

If the desire is to introduce foreign capital into the country, which seems to me to be the likely reason, then there is no necessity for the Forest Ordinance. For under the Concessions Ordinance, agricultural rights, and, impliedly, forest rights, can be acquired subject, of course, to the many amendments, such as the reduction of the term of 99 years and the quantity of land to be granted, the reservation of surface rights for the lessor's benefit, and other kindred alterations which this Ordinance so urgently requires at present. If on the other hand the sole object is to conserve the forests because of the alleged reckless deforestation on the part of the natives, then permit me to point out, Sir, that those who are really deforesting the country are the mining companies, who indiscriminately cut timber for timbering their mines on every part of the area granted. I am strongly of the opinion that if a concession is granted for mining rights it should be worked for those purposes only, and to prevent reckless deforestation a limited area should be set apart for fuel and timbering purposes. There is a Timber Protection Ordinance in force in this Colony, but I do not think the mining companies take any notice of it nor do the Government see that it is enforced in the mining districts to guard against deforestation. The object of that Ordinance is to prevent the cutting of immature trees except trees of a certain girth and width. Now, if as it is alleged, the native is reckness in cutting down his forest land, why should the lessee, who ought to know better, be given unlimited rights to add to the so-called evil?

As I mentioned a little while ago, forest conservancy is not unknown to our people. To effectually prevent deforestation, the reservation is invariably associated with prohibitions the wilful infraction of which is believed to bring upon the wrong-doers the anger of the tribal, family, or national gods or the displeasure of the spirits of our forbears when the sanctity of their sleeping place is disturbed, besides penalties in the way of fines, &c. Besides these reserved sacred groves, we have other reserved forest areas for cultivation purposes. These communal lands are sometimes added to by the misfortune of a tribe, family, or community through debt, war, or some other adversity. In this way a headman or chief sells or commends himself, people, and belongings to a wealthy or more powerful headman or chief. All his interests and rights, &c., merge in the stool or family property of his benefactor, and the same are held in common by all the family, tribe, or village community. Sometimes the member of a family, tribe, or village community would acquire property and amass wealth, and on his death his property is added to that of the family, tribe, or stool. In all such accession or devolution of property lands which have been originally reserved for burial or other sacred purposes remain intact. Certain areas only are marked out and cultivated on

when the necessity arises. These sacred and burial groves are material evidence in determining the ownership of stool, tribal, family, and other communal lands.

There is a Native Jurisdiction Ordinance in force in this country. Under it native kings and chiefs have the right to pass by-laws. Now, as they have already forest reserves, they can improve upon the aboriginal system of forest reservation by making suitable by-laws under this Ordinance. I believe some by-laws have already been passed in connexion with the cocoa, oil-palm, and rubber industries in some parts of the country. The desire to preserve forest produce has been very keen of late. Recently there came before one of the Judges of this Colony, who is now transferred to another Colony, a case of waste by the destruction of palm trees. The defendant, a licensee or tenant of the plaintiff, received strict directions not to uproot the palm trees on the land on which he was carrying on cocoa farming. In spite of these definite directions, the defendant began to uproot the palm trees in order to make room for his cocoa plantation. Plaintiff objected to this wholesale waste of his palm trees, and brought an action against defendant for waste. Evidently the plaintiff misconceived his action, which should have been for trespass and damages. But what I disagreed with in the learned Judge's finding was his reference, evidently by way of *obiter dictum*, to the cocoa industry as an exotic one and entailing more labour and expense in its cultivation and preparation, and holding that no waste had been committed by the uprooting of the palm trees, but that, on the contrary, the rooting up of the palm trees improved the cocoa farm. I was present in Court and heard the remark. I am in no way inveighing against the Judiciary of this Colony, but I am merely pointing out that the system of appointing officers entirely new to local conditions and who do not take the pains to inform themselves of such local conditions in order to arrive at a correct view of things is a great drawback to the material development and advancement of this Colony. I may also point out that the oil-palm is a much more staple industry than cocoa, and there was no necessity for its destruction, as it always afforded shade for, and, as it were, facilitated the growth of, the cocoa. Now, had the learned Judge, who was known to be a very sound Judge, been thoroughly conversant with the conditions and system of cultivation in vogue here, I am sure he would not have held that the uprooting of palm trees on a cocoa farm was no waste. Since this decision, the Government, be it said to their credit, have issued out instructions to several cocoa planters advising them not to uproot the palm trees on their farms.

In connexion with the efforts of the Aborigines Society to protect the people from improvident alienation, special messengers were sent at considerable expense to the various cocoa districts to warn the people against making out-and-out sale of their cocoa trees to foreign capitalists, which in effect meant the sale of their land to the purchasers. They were advised to arrange with the purchasers for advances for a sale of the crops only. When the Abura Produce Market was opened at Abakrampa a few years ago, the then Provincial Commissioner, Mr. Eliot, with the representatives of the Aborigines Society, including myself, impressed on the people of that division the necessity for extending and improving their production both in palm oil and kernels, of course with the promise of a fair price being paid for them. This promise met with a hearty response, and a report received through the Government of an analysis of the early shipments to England was very favourable and highly encouraging. Now, these precautions were taken to educate the people that the retention and working of their lands were essential to their well-being as well as safeguards against economic slavery.

The people are quite able to take care of their own lands. Anyone who tells you, Sir, that the people need protection in this direction tells you an untruth, for the British Courts have been frequently resorted to whenever the native African felt that his proprietary rights in the soil were being invaded.

I will now proceed to show the similarity between the Lands Bill of 1897 and the Forest Ordinance of 1911. In the preamble to the Lands Bill, the late Governor Maxwell stated that the reason for the promulgation of that measure was that people were improvidently, and for inadequate valuable consideration, giving away their rights; that in most cases rights were asserted over lands to which the parties were not entitled, and that it was proper that the Government should administer all the public lands in this country, that is to say, all areas which shall be reserved under the provisions of the Bill. The preamble reads as follows:—

> "Whereas from time to time various instruments purporting to create interests or rights over land in the Gold Coast Colony especially in regard to mining and timber felling have been executed by natives claiming to be Chiefs or persons in authority, and whereas the claims of such persons to be Chiefs or to have the requisite authority to create such rights and interests is not in all cases admitted, and it is doubtful if the disposal of the land of a native tribe or community to foreigners is lawful by native custom, and whereas there is reason to believe that certain of the instruments aforesaid have been made improvidently and without adequate consideration;
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> "And whereas the rights of persons claiming under all such instruments are doubtful, and in certain cases there has been litigation owing to uncertainty of boundaries;
>
> "And whereas the uncertainty of native customary tenure is calculated to retard the development of the Colony;
>
> "And whereas it is expedient to provide for the proper exercise of their powers by those entrusted with the disposal of public land and to prevent the improvident creation of interests therein and rights thereover and to facilitate the acquisition of public land by private persons on proper conditions and to decide upon the validity and scope of claims founded upon grants of land or mineral or other concessions alleged to have been already acquired from native Chiefs or other persons."

Section 2 of the Bill gives the definition of "Public land"; Section 4 provides that "all public land in the Colony may be administered by the Government as herein provided."

In Section 6 it is provided that "after any land has been temporarily reserved the same shall not be occupied or made the subject of a Land Certificate until such temporary reservation shall have been revoked by the Governor, and after any land has been permanently

reserved every disposition thereof except for the purpose for which such reservation has been made shall be absolutely void."

It is abundantly obvious that the Forest Ordinance is the replica of the abandoned Lands Bill, 1897, for the principle involved in the former assimilates that of the latter by a comparison of the foregoing preamble and sections thereof. For example, the ascertaining of the rights and interests of parties in areas to be reserved by the Reserve Settlement Officer, the prohibition of the exercise and enjoyment of rights in lands after reservation thereof, the administration of reserved areas (which by assumption are deemed to be public lands though in a somewhat restricted sense now) by the Government for the purpose of leasing same out to private persons and others, apparently outsiders, and the general application of the measure to all parts of the country.

The Forest Ordinance has been passed, it is believed, upon Mr. H. N. Thompson's report. But even Mr. Thompson himself does not recommend wholesale reservation as the measure assumes in principle. He says that about 30 to 40 per cent. should be sufficient, and even, in this connexion, he makes special mention of certain areas in the country for the purpose. But whether a portion or the whole of our lands be reserved, we have sufficiently shown that the principle of the measure is a dangerous one which would do us incalculable harm and deprive us of the free enjoyment of our rights and interests in our soil and ultimately destroy our institutions and customary laws which are based upon these lands. I may mention that the Governor assured Counsel during the discussion on the measure that he would see that the measure is not applied to every part of the country. That may be so, and we do not doubt the sincerity of the Governor. But he will not be the Governor for all time. His successor in office may not hold the same views, and may enforce to the fullest extent his general and unrestricted powers of reservation with respect to all lands in the country.

Mr. Thompson says that owing to depopulation consequent upon internecine wars between the people of this country, the forests have been saved from destruction. It is not the fact, because since the Ashantis stopped molesting this country and internecine wars had practically ceased, the population has grown and the people have need for lands for their use, and this is one of the very reasons why the Government should not compulsorily reserve and lease the people's lands to outsiders. It may be stated that the census does not show an increase in population. But the truth is that our people, like the Israelites of old, have a belief that they die out quickly when numbered. There is also another reason for their objection to being numbered, and that is the poll-tax. Hence it is that in a house of about twelve inmates only a quarter or half the number is invariably given the enumerator, and from these facts you can easily infer that the census as taken by the Government is never full.

We have cause to be apprehensive of confiscatory tendencies in regard to land legislation in this country, when we come to think of the many uses to which the Public Lands Ordinance, 1876, has been put. This morning my friend Mr. Hayford mentioned the Seccondee case. When the railway was being constructed at Seccondee the Government, under the Public Lands Ordinance, acquired absolutely the site of Seccondee at an inadequate valuable consideration and asked the people to remove to Essikadu. I may mention that it is the practice here that the appraiser of lands required for the services of the Government of this Colony is always an official of the Public Works Department. No independent non-Government appraiser is ever asked to help in the matter—so that always the valuation of lands required for the service of the Colony is a one-sided contract to which the owner must perforce agree, as he has no other alternative, especially if he happens to be financially unable to prosecute his appeal before the full Court and finally to the Privy Council, and there are very few people in this country who can afford the luxury of appealing to this ultimate Court of Appeal. As I was saying before, the people moved to Essikadu, and the Government parcelled out, by way of lease, the site to tenants at substantial rentals instead of selling it outright in the same way as they had acquired it. The people have now their homes at Essikadu, and have lived there for ten years. Now the Government have applied the same Public Lands Ordinance to oust them from this place also at inadequate consideration by an out-an-out sale. It is a very painful situation, which is strongly suggestive of an unpleasant agrarian *modus vivendi* between the Government and the natives, and which is not at all edifying to the much vaunted protection of native rights and interests.

In connexion with the subject of compulsory acquisition and its attendant inadequate valuable consideration under the Public Lands Ordinance, I would mention the case of the late Chief Mensah, of Asuantsi (Abura Division), from whom the Government acquired the present site of the Asuantsi Botanical Gardens. I was the legal adviser to the Chief. I advised him to get the Government to lease the land even at a nominal rental so that he could get back his land whenever the Government gave it up, instead of selling it outright to them. The Government, however, insisted on absolute sale, and bought it at their own price for £100, when they should have paid between £500 and £800, as the land was very fertile and about a mile square. What else could the Chief do but to accept the £100, for the machinery of the Public Lands Ordinance would have been put in motion to compulsorily acquire it all the same had he refused to accept the Government's offer. It is because of this unpleasant *modus vivendi* in land questions between the Government and the people, as I have already stated, that the latter have always viewed with suspicion the sincerity of the Government in land legislation of any description. And is it not plainly provided in the Forest Ordinance that the Governor, by an order in Council, can reserve any unoccupied land without the consent, impliedly, of the owner or owners? As I have said before, this, in effect, is compulsory acquisition, and the measure is one which is intended to do away with the native customary tenure, the abolition of which the abandoned Lands Bill, 1897, chiefly aimed at.

It is difficult to say what has given rise to the Ordinance. If from the mining people with the intention of reserving wood for mining purposes, the Government's best plan is to see that the companies take their concession and use their wood from reserved portions of the

demised area for the purposes they need, which may last 25 or 30 years, during which trees of any size can be grown. Therefore there is no reason why industries should die for others, as cocoa, rubber, and oil for minerals, which are not lasting. I believe there is scarcity of labour—a difficulty which the Government think they can overcome by starving the people by preventing them doing any other work.

The cocoa-growing cannot be a means of deforesting the Colony because, assuming that each cocoa plant yields 5 lbs. of cocoa per annum, and that they are planted 15 feet apart, the 20,956,400 lbs. of cocoa produced in the year will cover only 34 square miles area out of the total of about 40,000 of the Gold Coast only, which, assuming it is responsible for the production, is only one out of every 1,176 square miles. So there is no necessity to restrict the growth of cocoa on the plea of deforesting the country.

One of the reasons given by Mr. H. N. Thomson in recommending forest reserves is to ensure sufficient rainfall for farming and other purposes, which is not necessary when you compare the mean rainfall of the Cape Colony, which is about 15 inches, that of the Transvaal about 29 inches, of the Orange River Colony 21 inches, and of Natal about 34 inches, or a mean for all of about 20 inches per annum, to Cape Coast, which is brushwood like these Colonies, of 38·01 inches, or an average in the Colony of 49 in 1907. However, replacing one kind of vegetation for another, that is forest for cocoa or rubber or oil-palm, ought to have the same effect on the rainfall.

The machinery for acquisition under the Forest Ordinance appears to put the lessee into more speedy possession than is the case under the Concessions Ordinance. The person who will experience difficulty in getting matters righted if his land has been improperly dealt with is the owner. When the Reserve Settlement Officer has concluded his investigations, the proceedings and his finding thereon become a record of the District Commissioner's Court, and from this Court an appeal lies to the Divisional Court, and ultimately to the full Court. A long step this is, which is sure to prove an insuperable difficulty to an owner who may be unable to follow up his right simply for want of means. By this long step the owner's remedy is placed beyond reasonable reach in appealing against the finding of the Reserve Settlement Officer to obtain which will mean the expenditure of large sums of money.

Under the Concessions Ordinance the owner's remedy is certain and speedy. The grantee is the first party to move in the matter by filing his notice of the grant in due course in the Concessions Court. An opportunity is thereby afforded any person claiming the subject-matter of the grant to put in his claim, and the whole matter is thrashed out and finally determined. The unsuccessful party goes to the full Court on appeal, and the right, title, or interest of the successful party always remains undisturbed. Under the Forest Ordinance, if the owner does not appear before the Reserve Settlement Officer within a specified time to establish his title to a proposed reserve his rights thereunder do not appear to remain intact, for the Government, through the Reserve Settlement Officer, evidently pronounce the area ownerless, and thereupon intervene to reserve it and make a grant thereof to outsiders after the expiry of the period for appeal. And it is reasonably apprehended that on the cessation of the grant the Government would assert prescriptive right over the land and thereby constitute it Crown land.

The Reserve Settlement Officer has got the powers of a constable—powers which will naturally inspire terror in the minds of the people, the majority of whom are illiterates, and which will ultimately operate as a means of frightening away owners from coming forward to prove their claims when they are told that the area has been reserved by order of the Governor. A bushman long absent from home enters a land belonging to his family. It may be a large tract of land and he may not be living in the same village with the other members of his family. It may happen that the land has been reserved by order of the Governor, which the other members may or may not know. Immediately he sets foot on the land and takes a leaf, rope, wood, or anything therefrom the Reserve Settlement Officer suddenly pounces upon him. He is summarily tried and convicted. Knowing as we do the eagerness of some of our policemen to get conviction in order to show to their superiors their sense of duty, it is not improbable that needless arrests and imprisonment will follow the operation of the Ordinance, and the people molested, especially in the up-country. To give an instance, I would refer you to the Gold Mining Products Protection Ordinance, 1909. A goldsmith was arrested by two policemen in the up-country and brought down to Cape Coast for dealing in gold without licence. Before the District Commissioner one of the policemen swore that he saw the man working gold. On cross-examination he admitted it was silver, and the prisoner was discharged. I was present in Court and heard the evidence. Now the poor man was needlessly arrested and kept in prison for days before the trial and no reparation was made him for the unlawful arrest and imprisonment. The case was reported in the local Press. I afterwards learned that the constable (who by the way was either a corporal or a sergeant) was departmentally dealt with after the case had appeared in the local Press as before stated.

Now, to have our people educated in the development, from a scientific standpoint, of the different industries is a matter that our people would readily appreciate and welcome. They have shown the capacity as well as made efforts for the material development of their country, as I have already stated. The enormous quantity of produce exported to England from this country, which reaches an annual value of about £1,000,000, is mainly due to the initiative and energy of the native African. To expropriate him at this time of day, when he has shown beyond dispute his ability, capacity, and usefulness in the development of his own soil and reduce him, under the plea of protection and beneficial working of his land, to a mere labourer and squatter on his own land is to enact a manifest injustice which will for all time tarnish the fair name of British fairplay and equality of rights.

The establishment of an Agricultural and Forestry College to educate and train instructors for the diffusion of the proper technical knowledge among the people will be a great impetus to the rapid development of this country, and that is the *desideratum* for the beneficial working of our land, the supply of which we urgently desire. When our native kings and chiefs have

made by-laws under the Native Jurisdiction Ordinance for forest conservancy, object lesson reserves can be established for the education of the people without the necessity for the Government administering our lands to our detriment by any legislation whatsoever.

At the close of Counsel's speeches in the Legislative Council in September of last year, the Conservator of Forests remarked to the effect that Forestry law in Nigeria is working satisfactorily and that some of the Chiefs have given away to the Government absolutely their lands for forest reservation. I subsequently communicated with a friend of mine at Lagos, who is very prominent and influential in Nigeria, on the subject, and the following is an extract from his reply to me: "That the Forestry Ordinance is working satisfactorily in Nigeria and that some of the chiefs have given away to the Government absolutely their lands for forest reservation voluntarily is news to me. The Lagos community ever since the introduction of the law have viewed it with disfavour, and I remember well that several mass meetings were held to protest against the Ordinance as far back as 1901. For that matter it appears that the operation of the law was suspended until the amalgamation of Lagos with the old Southern Nigeria Protectorate—the Ordinance having previously been put in operation in the latter province." From the foregoing it will be seen that our brethren in Nigeria are also supremely dissatisfied with the land laws which have been introduced by their Government in whose wake our Government also are following.

As I have already said, the conditions and customary tenure of land in this country are totally different from those prevailing in Europe and other parts of the British Colonies, and the enactment of a measure such as the Forest Ordinance is certain to bring about the breaking up of the social and political economy of the country in its operation. For its chief aim is to abrogate the native customary tenure, root and branch, and reduce the people to a labouring class for the benefit of the lessee, who would practically become the lord of the land, and to whose will the owners in their reversed position as tenants on sufferance must always bow.

We have implicit confidence in His Majesty King George V. that he would keep inviolate the treaty obligations and promises which he and his predecessors have always held out to the people of this country, namely, to respect and keep intact our customs, laws, usages, and institutions which are founded on our lands. If His Majesty withholds his assent to the Forest Ordinance then he has indeed kept inviolate these compacts and promises; if he gives his consent thereto then he has reduced into economic serfs a loyal people whose contact with the good British people has been founded purely upon mutual friendship and absolute trust than by any right of conquest, cession, or purchase of their soil.

I thank you, Sir, for the very patient hearing you have so kindly given me on behalf of my people; and to enable you to follow certain points in my speech delivered before the Legislative Council, Accra, in September of last year, to which reference has been made in the course of this address, I append herewith a copy of the said speech.

Cape Coast,
5th March, 1912.

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(3)

AMANHIN AKINNIE states:—

I am acquainted with the views of Mr. Hayford and Mr. Brown, and so far as I understand them I am in agreement with them.

2. I cannot remember the date on which I first heard about the Forest Bill, but it was when I received the Government Gazette. I can read English, and I have also someone in my country who can explain things in the Gazette that are not clear to me. When I read the Bill I was not satisfied with it—I objected to the whole of it. I was sent for by the Secretary of the association soon after it appeared in the Gazette and was told that if I could not understand it it would be explained to me. I did not come to Cape Coast at first myself, but sent my linguist, who attended a meeting of the Chiefs for the purpose of discussing the Bill. Later I personally attended a conference of the Chiefs and members of the Society. The Secretary explained the Bill to me when I did come.

3. I know that the first Bill was withdrawn and another substituted.

4. I cannot say who first made the suggestion of a memorial, nor can I say at what time it was made. There were three memorials, one to the Governor, one to the Secretary of State, and one to the Secretary of State for transmission to His Majesty the King. It was after I had signed the petition that I read the second Bill. The petitions were against the first Bill, but I object to both, as I think them both bad. My reason for objecting is that I prefer to manage my forests myself. There is a portion of my forest where there is a fetish and a graveyard, and I should not like these disturbed. I would prefer to have my own people trained to do the work.

5. Trees are cut down in my country, but none have ever been planted.

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(4)

AMANHIN AMONOO V. of Anamoboe states:—

The views expressed yesterday by Mr. Casely Hayford and Mr. E. J. P. Brown accord with my own.

2. When I received some time early last year the Gazette containing the original print of the Forest Bill I wrote to the President of the Gold Coast Aborigines Rights Protection

Society. Later, in May, the Chiefs who were present yesterday met and consulted with the members of the society.

3. I came to the conclusion that this Bill was in principle the same as Sir William Maxwell's Bill, because the forests are on the land and if the forests go the land must go also. This was my opinion before I consulted with anyone, and was not suggested to me by any person.

4. I am one of the Chiefs who signed the three memorials. A committee was appointed to draw them up, and they were read to us before we signed them. As to the date of signing, I think one was signed in May and the other two between August and December. One of the latter at least was signed before December. I am aware that the original Bill was withdrawn. We had a meeting in August and a deputation was sent to the Legislative Council in September, when the second Bill was about to be considered. Our representatives were heard in Council. We prepared the petitions as soon as we received telegraphic information from Accra that the Bill had been passed. I am unable to say that I saw the Bill as it now stands before the petitions were prepared. I recollect that Section 11 of the first Bill was taken out of the new Bill. The Bill in its latest form met some of our objections. Therefore there is less to object to in the second Bill than in the first one.

5. The principles of forestry as carried out in India and elsewhere were explained to the Chief, who then expressed his opinion as follows:—

I am of opinion that there would be no disadvantage if certain forest lands were reserved in order to improve and develop them, provided the Chiefs retain the control and the English teach us the methods to be followed.

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(5)

Amanhin Essandoh III., of Yamoransa, of Cape Coast district, states:—

I take in the Government Gazette regularly. I can only read English a little, but I have a clerk who reads it to me.

2. I cannot remember when I first heard of the Forest Bill, but I think it was about May of last year when I saw it in the Gazette. I shortly afterwards came to Cape Coast in response to a request from the Society to discuss the Bill with my fellow Chiefs. It was then explained to us by the Secretary. Afterwards the Chiefs discussed the Bill and came to the conclusion that its provisions were objectionable. It was thereupon decided to send a petition to His Excellency the Governor. This was a unanimous decision, and was not suggested by anyone individually. As a result of the petition the Bill was withdrawn and another substituted. In my opinion both Bills are bad, but the second is worse than the first. I have no reason to put on record for this opinion. My principal objection to both is that the Government proposes to take over our lands and look after them. The petition was read to the Chiefs in Fanti, and this was their only opportunity of knowing what was in it. It was not read to us individually. I know that I signed three petitions, but I cannot now recollect whether they related to the first or second Bill.

3. The Gold Coast Aborigines Rights Protection Society is supported mainly by contributions from the Chiefs. Ever since I became a Chief I have contributed £10 annually, and other Chiefs pay the same. In addition to this, special "calls" are sometimes made upon the Chiefs. Since the agitation connected with the Forest Bill arose I have paid £150 in addition to my annual subscription. The money is paid into the Bank, and is drawn out by the Treasurer as occasion arises, on the signature of some of the Chiefs, whose approval must be obtained.

4. In conclusion, I desire to say that I am glad to have been invited here to express my opinion. All the Amanhin recognise that they are under His Majesty the King of England, and that His Majesty has instructed you to come here and investigate this matter, and they are glad to see you. They wish to assist the Government, and they hope that the Government will assist them. If the Government proposes something which bears hardly on us it must help us by removing that which is objectionable. We wish to live in peace with the Government.

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(6)

Acting Amanhin Otu Akrabo II., of Akrabrampa, states:—

I first heard of the Forest Bill by reading about it in the "Gold Coast Leader," and in the early part of last year I read a copy of it. I came to the conclusion that the measure was not good, and wrote to that effect to Mr. Jones, of the Society. I subsequently attended a conference of the Society at which Mr. Casely Hayford explained the Bill. We decided to represent our views to the Government by means of a petition, and later we sent lawyers to represent us before the Legislative Council. Personally, I thought it expensive to do both. After a time the first Bill was withdrawn and another substituted. On receipt of the Government's reply we all went to our respective countries to await further intimation from the Government. Some time in November I learnt that the second Bill had passed its first and second readings. When I heard this I communicated with the Secretary of the Society, who informed me, in reply, that the Bill, as amended, had passed its third reading. I saw the Bill, as passed, for the first time in December of last year. I had signed the three petitions previous to that month. They were against the first Bill and not the second.

2. I am in favour of adopting new methods by which my forests lands may be improved, but I prefer that the management should remain in the hands of myself and my people under the direction and instruction of European officers.

3. I pay an annual subscription of £10 to the Society, but in connection with the agitation over the present Forest Bill I have paid an additional sum of £150. Most of the Amanhin paid this sum, and some paid more. This amount was fixed by ourselves. Such sums of money are paid into the Bank and are drawn out as occasion arises by one of the Financial Committee, on the signature of four of the Amanhin. There is still a balance left, but some has been spent in the upkeep of the Society and in sending counsel to represent us before the Legislative Council. The native lawyers who drew up the petitions received nothing for their work. The Society paid the expenses of Mr. Hayford when he went to England. Only the passage money of the two counsel we sent to Accra was paid for them.

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(7)

Chief KUMAH, representing KWANNI ASSESI, states:—

I first heard of the Forest Bill about seven months ago, when I received a copy of the Gazette from the white man in the fort at Sekondi. My clerk read it to me and explained its provisions. It is my usual custom to have Government Ordinances read and explained to me by my clerk. After the Bill had been read to me my clerk wrote for me to the President of the Society, asking him to confirm the impressions of the Bill which had been given to me by my clerk. In this letter I informed Mr. Brown that I did not approve of the way in which the Government were proposing to take over the forests, and that I did not like the Bill at all. Later I went to Cape Coast and met nine or ten other Chiefs; it was quite by chance that we all met there. After a conference between ourselves we met again with the Society. At the first meeting, at which only the Chiefs were present, we discussed the way to raise money to oppose the Bill, and decided to write to the Government asking postponement. We also asked the lawyers to draft a letter, which was in due course sent. Government replied that the second reading would take place; accordingly Mr. Hayford and Mr. E. J. P. Brown were sent to Accra to address the Council. Afterwards the Chiefs requested Mr. Hayford and Mr. Brown to draw up the three petitions. The suggestion came from the Chiefs, who instructed the lawyers what to say. I signed all three petitions. The petitions were read to the Chiefs before being signed, but they were not read over and explained to us individually. The Bill objected to was the first one, but I am aware that that was withdrawn and another substituted. When the petitions were signed we all knew what the provisions of the second one would be, and our objections really applied to both.

The Representative of AMANHIN MENSAH, of Elmina, states:—

I read and write English.

2. I first learnt of the Forest Ordinance by reading it in the Gazette, and I expounded its provisions to the Amanhin. I thought it a most dangerous measure. My objections to it are those stated by Mr. Hayford and Mr. Brown on Tuesday last. After reading the text I wrote to the Society, and shortly afterwards came to Cape Coast to attend a meeting called by the Chiefs. It was decided at that meeting that the Chiefs should be represented at the Legislative Council at the second reading. Afterwards three petitions were drawn up, and I signed them all. I am aware that the first Bill was withdrawn and another substituted. The petitions were against the second Bill. I read the petitions before signing them. After having the dates of the three petitions and that of the issue of the final Bill explained to me, I am satisfied that I saw the final Bill before signing the petitions to the Secretary of State and to His Majesty the King.

3. My principal objection to the measure is the power taken by the Government to lease our lands. We should be glad if the Government would send us instructors to teach us how to improve our forests, but we wish to manage them ourselves. I admit that we have never taken steps to improve our forests, in fact at present we do not understand the management of forest lands.

4. Apart from the Government having power to lease forest lands, I should not be satisfied with any arrangements which do not give to the people the sole control of the forests. We wish the Government to confine itself to teaching us how to do the work for ourselves, and we think our people are capable of doing it if they are taught. We think that we should decide what forests should be conserved, with the advice of the instructors. The danger is that if the Government takes over the forests, the people will be deprived of the land altogether.

5. If the management of any part of our lands is entrusted to Government my experience in the past causes me to fear that action taken by one Governor may be dissented from by his successor, and, consequently, no continuity of procedure is assured to us. Therefore, we cannot allow the Government to interfere in matters connected with our land. It was managed by our ancestors, and we have to look after it and pass it on intact to our posterity without interference from anybody.

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(8)

THOMAS FREEMAN EDWARD JONES, Trader, First President of the Gold Coast Aborigines Rights Protection Society, states:—

Some time early last year I first heard that there was going to be a Forest Bill. I learnt this from seeing a draft in the Government Gazette. I read and examined it carefully. It

struck me that the general intention was similar to the provisions of Sir William Maxwell's Bill. At the time I read this draft I was Vice-President, and Acting President, of the Society. Soon afterwards I had a letter from a Chief, who pointed out clauses to which he objected, and told me that he was coming to Cape Coast. A little after this I had a letter from another Chief on the same subject. The initiative in the matter of opposing the Bill came from the Chiefs and not from the Society. Finally, the Chiefs all came in and a conference was held. The disapproval of the Bill was unanimous, and it was arranged that the interests of the Chiefs should be represented at the Council, by two barristers, who addressed the Council. The matter went on for some time, and then the first Bill was dropped. Three petitions were drawn up, the wording of which was practically identical. The petitions were against the second Bill, to which I object just as strongly as to the first.

2. The elementary principles of scientific forestry having been explained to the witness, he said:

I do not think there would be any disadvantage in such treatment of the forests, but the natives would not like it because they prefer to manage their lands themselves. I do not see why the native should not be trained to do this work. I think he could do it if he received the necessary education. Our people are anxious to be trained for this sort of work, but they strongly object to Government interference in matters relating to their land, even if such interference results in an improvement in the forests.

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(10)

Joseph Peter Brown, President of the Gold Coast Aborigines Rights Protection Society, states:—

I have been resident in Cape Coast for many years, and, in addition to being President of the Society, am engaged in commercial business.

2. I was a member of the deputation to Mr. Chamberlain. It was about that time that the Society was formed. I was one of its originators. The original object of its formation was to express its protest to the Land Bill that was introduced at that time. When that Bill was withdrawn after our interview with Mr. Chamberlain the Amanhin decided that the Society was a useful body and wished it to continue.

3. The first President was J. W. Sey, and I was the first Vice-President. I cannot remember the first Secretary's name. Mr. W. E. Peterson was the second Vice-President.

4. Rules were drawn up and approved by the members. The native Chiefs became members at the time of its formation. Any native of the Gold Coast can join the Society on election by ballot, and, of course, those who formed it are members. There are at present about 100 members.

5. There is an entrance fee of 1s., but no compulsory annual subscription. The paramount Chiefs, however, subscribe £10 annually. The officials in Cape Coast pay no subscriptions, but give their services free. The expenses of the Society and of any particular movement fall upon the Amanhin. In connexion with the present agitation the Amanhin themselves fixed the amount they should pay. They all promised a special subscription, but they have not all paid yet. Some eight or ten have paid, or have promised to pay, £150 each; three I recollect promised £300 each, but in one case the amount was only £90. As a result of this special "call" upon the Amanhin there is a balance at the bank of about £4,000. About £400 has so far been expended in connexion with this movement. The reason for collecting so much money was that it was intended to send a deputation to England. The money is in the charge of a financial board consisting of five of the Amanhin, and is entirely controlled by it. With the exception of petty expenses the officials in Cape Coast have no authority to deal with the money of the Society. When the financial committee gives authority for money to be withdrawn I draw on the bank.

6. The Society exists for the purpose of protecting the interests of the aborigines generally, and particularly against measures introduced by the Government which are considered undesirable.

7. My objection to the present Forest Bill is practically the same as that to the original Bill, that is to say I object to the Government taking power to administer the land for the people. The petition was directed mainly against that portion of the Bill which allows land to be leased by the Government. The use of that term appears to foreshadow an intention on the part of the Government to take land and use it for itself or lease it to others.

8. The principles of forestry having been explained to the witness, he said:

I am of opinion that there are both advantages and disadvantages in what is proposed. There is, no doubt, that it would be to the advantage of the country if the forests were conserved and properly looked after, but our people are gradually becoming more prosperous and more intelligent, and it is our intention that the rising generation shall be properly taught the things which make life enjoyable, and should have the means of living useful lives put before them. The view of the people is that the natives are not sufficiently encouraged to do the work of the country. For instance, we have doctors trained in England. I cannot say whether they are as competent as European doctors, but they are given no chance of employment because Europeans object to being treated by natives—a feeling which I quite understand. We spend money on learning a profession, and are given no opportunity of making use of it officially. I consider that it is highly desirable that the native youth of the Colony should be trained in the science of forestry to carry out this work, but I maintain that the control of the forests should always remain in the hands of the Chiefs.

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(11)

JOSEPH EPHRAIM CASELY HAYFORD, Barrister-at-Law, practising in the Courts of the Colony, states:—

I have been a member of the Gold Coast Aborigines Rights Protection Society almost from its beginning, but I took no part in its actual formation. The Society was formed at the time of the deputation to London in connexion with the Crown Lands Bill at the instigation of the Amanhin, as the people thought they ought to have an organised body to make representations to the Government. The Amanhin are all members, as are the Ahinfu. The entrance fee is 1s., but there is no compulsory annual subscription, although the Amanhin do pay £10 per year. The members resident at Cape Coast pay no annual subscription, but occasionally they provide sums of money for petty expenses. During the last 12 months the Amanhin have paid large sums of money, as a result of which there is a balance at the Bank of over £3,000. The reason for collecting this large sum was that a deputation to London was contemplated, and the Amanhin thought it advisable to have the money ready. There is a local committee composed of educated native gentlemen. Petitions and deputations are always at the instigation of the Amanhin. They are put into suitable language by the officials at Cape Coast and are read over to the Amanhin before being presented. I have never received a penny from the Society, and I do not think any local members do. In fact, I have lost money owing to neglecting my practice to further the interests of the Society.

2. I went to London recently in connection with the Forest Bill, but found soon after my arrival that consideration of the memorial had been postponed until you had visited the country and made your report. I was therefore asked to return to the Colony, and only remained in London a fortnight. My expenses in connexion with this visit were paid by the Society.

3. I take it that the name of the Society implies that it exists for the purpose of protecting the people of the country from any encroachment on their rights. The object is not to attack the Government, but sometimes the Government brings in a measure which is intended for the good of the people, but about which the people hold other views, and it is then the duty of the Society to represent those views to the Government. The people have very little voice in the affairs of the country, as the unofficial members of the Council are not elected by the community but nominated by Government. Members so nominated rarely represent the views of the people, and some organized body is therefore required to enforce them.

4. I first learnt of the Forest Bill when I saw it in the Government Gazette at Sekondi, and I at once formed the opinion that it was detrimental to the interests of the people on the grounds mentioned in my address to you on Tuesday last. The views expressed by me in that address were not merely the arguments of an advocate: I personally associate myself with them in their entirety. I am not only a lawyer but a native of the country.

5. At the time I first heard of the Bill I was very busy, and some little time afterwards the President came to Sekondi, and told me that the Amanhin had met here (Cape Coast) and had had the Bill explained to them and that they did not like the provisions of it. They had therefore given instructions for their views to be represented to the Government. When I came to Cape Coast there was a conference between the Amanhin, us here and other members. I am quite certain that the agitation was started by the Amanhin themselves and not by the Society. At the meeting the Amanhin went away by themselves and consulted, and came back and gave their opinions in practically the same terms as those in the petition. After they had expressed their views they inquired whether we agreed. They were quite unanimous in their decision to oppose the Bill. Their views were represented at the Legislative Council, and the original draft was withdrawn, and a second produced, which I first heard of, I believe, some time before August. When we heard that the second Bill had been read a second time three petitions were prepared—one to Governor, one to the Secretary of State, and one to His Majesty the King. The substance of these petitions was precisely what the Amanhin themselves desired. I myself assisted in their drafting. They were all three practically the same. The petition to the King was against the second Bill as amended, as, although we had not actually seen it in print, we knew generally what it would contain. We had a copy of the first draft, and entered the amendments on to it, and we therefore had before us what was practically a copy of the second Bill in its final form. The new Bill was different in that section 11 was left out, otherwise it was practically the same, and our main objections remained and do so still.

6. We do not object to being taught forestry, but we hold the opinion that there is no necessity for a Forest Ordinance. The native Chief has the right of taking care of unoccupied land and of conserving forests. They have their own ways of conserving forests, and of preserving game, and the difference between allowing the natives to do this work in their own way and doing it on the lines of the Forest Bill is that in the latter case it will cause the tribes to scatter as their means of livelihood will be taken away from them. The existence of a tribe is entirely bound up in its land, and without it the community would break up. I consider that any interference by the Government in matters relating to the conservancy of forests is contrary to the wishes and interests of the people, and that if forest conservancy is necessary or advisable the people should be allowed to do it themselves—but they should be instructed by Government in the proper methods. What I suggest is that a few intelligent young men should be selected and sent to the Far East to study the science; that the power to create reserves should be vested in the Chiefs by an extension of the Native Jurisdiction Ordinance, and that the necessary rules for the conservation of forests and the imposition of penalties for transgression should be included in the same ordinance.

7. Until we had discussed the matter with you, it was not clear that the management of the forests required of the native Chief was a scientific one. It would be impossible for

a Chief to manage his forests in a scientific manner in six months, and this would mean the whole of the forest lands passing into Government management within that period, which our people think to be a hardship.

8. The people do not object to scientific management of their land, but they think the Chiefs should be allowed to conserve their forests in accordance with their own custom instead of the same being done by the Government under the Forest Ordinance. If the Chiefs are allowed to conserve the forests in their own way it will be for the common good of the Chief and the people, and therefore no hardship will be caused to the subjects, and they will not scatter and their tribe will not be broken up.

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(12)

EMMANUEL JOSEPH PETER BROWN, Barrister-at-Law, states:—

The views expressed in my address to you on Tuesday last were my personal views, and so far as Mr. Hayford dealt with the same subject I am in agreement with what he said also.

2. I am a member of the Gold Coast Aborigines Protection Society, and have been so since its inception.

3. The formation of the Society was due to the objections that arose to Sir William Maxwell's Land Bill, emanating out of which the Chiefs thought they would have an organisation to protect native interests. The object of the Society is to protect the natives against any action by the Government, or by any person, that may run counter to native interests, or be in any way prejudicial to them. It reserves to itself complete discretion as to the time and manner of putting forward its protection. Its sole object is to ensure that at the time of measures being introduced relating to the natives the Government shall be in possession of the native views, but it does not exist for the purpose of opposing Government measures. One deficiency in the present Government system is found in the fact that the leave regulations are such that there is no continuity of view for any length of time. Where continuity of view is absent continuity of policy is also likely to be wanting, and the comparatively short time during which officers remain in their provinces or districts renders them unable to make themselves personally acquainted with the people and their customs to the extent that is desirable.

4. The Society was started at the request of the Amanhin themselves, and they are, and have always been, members.

5. The entrance fee is 1s., and the Amanhin pay an annual subscription of £10. It has also been customary for the Amanhin and the gentlemen at Cape Coast to subscribe for special contingencies. In connexion with the present agitation the Amanhin have contributed special sums ranging from £75 to £300 or £350, the average amount being £150. This money was paid into the Bank and is under the control of a financial committee constituted by the Amanhin. I cannot say exactly what is the amount now standing to credit at the Bank, but I think it is between £3,000 and £4,000. The money is kept exclusively for the objects of the Society. It was collected when a deputation to London was anticipated, but now that this is unnecessary the question of refund or otherwise rests with the Amanhin themselves. Lawyers have been sent to represent the interests of the people at the Legislative Council. They have drafted petitions and done other work, but they have not received fees for their services—nothing but their out-of-pocket expenses. The accounts of the Society are periodically audited—I believe on the last occasion by a mercantile gentleman. The Amanhin themselves investigate the accounts for travelling expenses.

6. I am aware that the first Forest Bill was withdrawn subsequent to the petitions, and that another was substituted for it in which certain modifications were introduced. The three petitions of November last were against the final bill. I know that we had not then seen the final bill, but the amendments had been sent to us by the Government.

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(13)

SAMUEL RICHARD BREW, Attoh Ahuma, states:—

I am Secretary of the Gold Coast Aborigines Rights Protection Society. I have held this position for about a year, and have been a member of the Society since its formation.

2. It was started during the agitation that arose over Sir William Maxwell's Land Bill. Its object is to protect native interests and to see that their views on current subjects are properly put forward. The danger against which the Society protects the native is that of the wholesale importation of Western ideas into the country, inasmuch as the natives prefer to continue the administration of their country on their own lines. The natives are not jealous of European methods so long as they do not clash with their own ideas and customs. The Society took steps in the interests of the community in connexion with the Native Jurisdiction Bill and the new Forest Bill. There was a memorial against the Town Councils Ordinance and the Tariff Ordinance. The views put forward have invariably been those of the Chiefs and members. The Society has met with success inasmuch as its petitions have resulted in the withdrawal of the Town Councils and Tariff Ordinances. There has never been any trouble between the Government and the Society.

3. The Amanhin pay an annual subscription of £10 and additional sums when occasion demands, as settled by themselves. In connexion with the present movement they have paid nearly £4,000. This was placed in the Bank, and is under the control of a financial committee, of which I, as Secretary, am a member. In order to draw money from the Bank the signatures of the President, Treasurer, and Secretary are required in the case of the current account. When money is required from fixed deposit the signature of five Chiefs is necessary. There is about £2,000 to £3,000 at present on fixed deposit. The accounts were last audited by J. M. Mills, a member of the Society. Three or four of the Chiefs are accountants, and were connected with business before becoming Chiefs. They are therefore quite able to take care of themselves. The accounts were audited in November last—not since the special subscriptions were paid. They are, however, ready for auditing. I receive an honorarium of £5 per month in order to pay a tutor to take my place at the College when I am attending to my secretarial duties. No one else receives any money from the Society.

4. I share the objections to the Forest Bill put forward by Mr. Hayford and Mr. Brown. My chief objection is that whereas in other places a Chief or King may dispose of land to advantage, it is not possible here, where the whole life of the people is bound up in the land. I consider that the Bill would dissolve the relations between the stools and the land. I am afraid the people have not been taught to have confidence in the Government in land affairs. They have an apprehension that the Government is going to take away their land. I am unable to say what grounds there are for that apprehension. The people wish to keep the management of the forests in their own hands, but do not object to being taught forestry. I think the cost of forestry instruction could be got out of the revenue, which is just now more than a million pounds.

5. When the first petition was sent we had a letter from the Colonial Secretary that before its receipt the Bill had been withdrawn and that a new one had been drafted. A copy of the draft was sent to us and we forwarded another petition, to which we received a reply from the Government fixing a time for the second reading. We sent counsel to represent us at the Legislative Council, and after they had been heard the second reading was postponed. Later we wired to know the exact date of the second reading. A reply was received on the 30th October, and a telegram was sent to the Government asking permission for Mr. Charles Bannerman to represent us. This was permitted. Before the reading of the Bill the Government sent us a copy of the suggested amendments, and we brought up to date a copy of the old Bill that we happened to have in our possession. We had reason to think that the second and third readings might take place at the same time, and we therefore sent in a petition to His Majesty the King.

EAST INDIA (QUESTION OF THE SETTLEMENT OF INDIAN AGRICULTURISTS IN TANGANYIKA TERRITORY, AND OF THE FUTURE SYSTEM OF ADMINISTRATION OF THE TERRITORY).

Report by Sir Benjamin Robertson, dated 4th August 1920, regarding the proposed settlement of Indian Agriculturists in Tanganyika Territory,

and

Letter from the Government of India to the Secretary of State for India, dated 10th February 1921.

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EAST INDIA (QUESTION OF THE SETTLEMENT OF INDIAN AGRICULTURISTS IN TANGANYIKA TERRITORY, AND OF THE FUTURE SYSTEM OF ADMINISTRATION OF THE TERRITORY).

No. 1.

Sir Benjamin Robertson's Report, dated Dar-es-Salaam, the 4th August 1920, on the proposed settlement of Indian agriculturists in Tanganyika Territory (German East Africa).

On the 24th July I discussed with His Honour the Administrator the proposed settlement of Indian agriculturists in Tanganyika Territory (German East Africa).

2. Sir Horace Byatt put before me certain practical objections to the scheme. The two most important may be briefly summarised as follows:—

(1) There is no vacant land suitable for an Indian reserve. The land which is now vacant is generally vacant because it has some defect. That is, it is either sterile or dense bush or swamp or remote from the main lines of communication. In order, therefore, to obtain really good land for an Indian settlement it would be necessary either—

(*a*) to expropriate the natives, or take land necessary for their natural expansion, which would be contrary to the principle of Article 22 of the Covenant of the League of Nations; or

(*b*) to confiscate some of the privately-owned German plantations which, under the economic clauses of the Peace Treaty, are to be realised subject to the conditions of the original grant.

(2) It is the view of the Administration that small settlers with only a moderate amount of capital, whether white or coloured, face grave risk of disaster in a country where capital for the employment of native labour is essential.

3. Sir H. Byatt also expressed the opinion that the principle of a reserve specially set apart for Indians would be resented by the Indians who are already settled in the Territory, as implying exclusion from free selection throughout the Territory. He considered that, as Indians desire equal treatment, they should be given equal rights with the nationals of other members of the League of Nations to settle on any available land, but that there should be no Indian reserve.

4. After this discussion, I journeyed up the Central Railway as far as Kilossa in order to get some idea of local conditions in the short time at my disposal. I visited the Government experimental farms which were established by the Germans at Morogoro and Kilossa, and the great Otto plantation and several smaller Greek plantations at Kilossa. I also motored for about 150 miles through the country round Kilossa along the rough tracks which serve for roads in the dry season, and saw a considerable amount of native cultivation. On my return journey I stopped at Ruvu, where there is a well-run plantation belonging to a Greek.

5. The principal crops on the plantations are rubber, sisal and cotton. Rubber has been a failure, and thousands of acres must be cleared of the useless rubber trees before they can be profitably cultivated. The sisal and cotton are excellent. The sisal staple runs to 5 feet, and the cotton staple to 1¼ inches. Some of the German plantations, however, are being carelessly cultivated by the contractors, to whom they are being leased annually pending sale as enemy property. The area cultivated by the natives is large. The chief food crop is a variety of sorghum. A fair amount of cotton is also being grown.

The soil is rich and fertile, especally in the Ruvu and Mkata valleys, where there are wide stretches of fine black alluvium. These valleys, however, are mostly under water during the rainy season. Large areas of good soil are unoccupied, and are covered with dense bush and long grass.

6. It is not within my province to consider whether it would be possible, after making every allowance for the expansion of native cultivation, to set apart a suitable area of good land within reasonable distance of the railway for an Indian settlement. Supposing, however, that land were available, there would still be serious obstacles. It is understood from para. 6 of the Secretary of State's Despatch No. 101, dated the 21st August 1919, that the settlement contemplated would be "a reserve "where Indians could practice their traditional methods of agriculture under a system "of small holdings." Any such scheme would be confronted with the following difficulties:—

(1) The climate is unhealthy and malarious. The Indian railway staff, who live in towns where there are medical and sanitary arrangements, or who, if

living elsewhere, are provided with excellent accommodation, frequently suffer from fever; several of those to whom I spoke said that they intended to return to India on the termination of their contracts. Conditions in the bush would, of course, be very much worse. From my own experience in the settlement of jungle tracts in the Central Provinces, I am of opinion that the mortality amongst Indian settlers would be heavy; and I do not think that many Indian cultivators to whom the conditions were fairly explained, would be willing to come here.

(2) The tsetse fly has spread during the war over large areas which were formerly free. In a great part of the Territory it is now impossible for cattle, horses or any domestic animal to live. Even the donkey does not long survive. In time perhaps the fly area may be reduced. But meanwhile all cultivation is done by hand, and porters are practically the only means of transport. When the country settles down, machinery will doubtless be extensively used on the big estates. But it is scarcely possible to imagine the Indian without his bullock practising his traditional methods of agriculture under a system of small holdings.

(3) The climate and the absence of domestic animals mean that the Indian settler would be dependent on native labour; and it is doubtful whether the necessary labour would be forthcoming.

7. From what I have been able to see of the country, and from what I have been told not only by Government officials, but also by business men who are interested in the development of close relations between the Territory and India, and by the Indians themselves who are established here, I am satisfied that the settlement of Indian cultivators would only be possible under close Government supervision and with liberal financial support. It would be necessary to provide special administrative officers, medical officers, agricultural experts, engineers, and so on. Government would have to be prepared to undertake not only the capital outlay, but also to provide an annual subsidy for several years at least. Even then success would be doubtful, and heavy mortality would almost certainly not be avoided. It would obviously be unreasonable to expect that the Administration of the Territory should saddle itself with the trouble, risk and heavy cost of a scheme from which it does not expect to derive advantage. It would presumably be necessary for the Government of India to undertake all responsibility. It is for the Government of India to consider whether they would be justified in embarking on so costly and hazardous a venture. Moreover, the administration by officers of the Government of India of a settlement within the territory of a Government responsible to the League of Nations, would be likely to be a constant embarrassment.

8. There is another aspect of the case. The Secretary of State remarked in para. 7 of his Despatch No. 101, dated the 21st August 1919, that he did not feel sure that a scheme of agricultural colonisation would necessarily coincide with local Indian aspirations; and he pointed out the danger that the concession of an area for exclusive Indian colonisation might be accompanied by, or become a future pretext for, the imposition of restrictions on the entry and free activities of Indians in other parts of the Territory. This danger is fully realised not only by local Indians, but also, it appears, by politicians in India. Resolution No. 17 of the East Africa Indian National Congress held at Nairobi on the 15th and 16th November 1919, was as follows:—

> "That this Congress, in consideration of the services rendered by the Indians in conquering the ex-German East Africa, respectfully prays the League of Nations and the mandatory Power thereunder, to reserve the said territory for the purpose of Indian colonisation."

But the President of the Congress in his letter, dated the 17th January 1920, forwarding a copy of the proceedings to His Honour the Administrator of the Tanganyika Territory, withdrew this resolution in the following terms:—

> "It may not be out of place to mention here that on the advice of political leaders from India and in the hope of sharing equal rights and responsibilities with the other fellow subjects of His Majesty the King in East Africa, Uganda, Zanzibar, and ex-German East Africa Protectorates, my Congress Committee has decided to refrain from asking any preferential treatment for Indians and consequent reservation of ex-German East Africa for Indian colonisation; *vide* Resolution No. 17."

In my opinion, the position which the Indians here have taken up is right. In particular, I venture to doubt whether it would be possible to claim preferential treatment for Indians in one part of the Territory, and equality of treatment everywhere else, as suggested in para. 8 of the Despatch of the 21st August 1919. Such a claim would appear to conflict with the rights of other members of the League of Nations.

9. Finally, Article 22 of the Covenant of the League of Nations requires that in the administration of the Territory there should be applied the principle that the well-

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being and development of its peoples form a sacred trust of civilisation. This is not a matter with which I am directly concerned; but I may perhaps be permitted to suggest that it would not be consistent with this principle to exclude the native peoples from part of the Territory in order to form an Indian reserve.

10. The Indians with whom I have discussed the question in Dar-es-Salaam and elsewhere in the Territory, would appear to endorse these views. They appreciate the policy that the interests of the natives should come first, and they expect no more than equal opportunity with the nationals of other members of the League of Nations. Further, they are generally of opinion that the vacant lands of the Territory are not suitable for the settlement of the Indian cultivators.

11. In my opinion, Indians only require equal opportunity to enable them to play an important part in the development of the Territory. Indian traders, who with their families now number about 15,000, have penetrated to every corner of the country and practically monopolise the retail trade. The retail dealers are largely supplied by Indian merchants. And it is the policy of the European firms whose representatives I have met, to work with the Indians and not against them. The door is open for the closest commercial relations between the Territory and India.

Again, the climate gives the Indian an undoubted advantage over the European in many walks of life. There will be many openings for Indians as professional men, engineers, clerks, and so on, both in private business and in Government service.

Regarding agriculture and the development of the land, I am not prepared to dissent from the considered opinion of the Administrator that small-holders, whether white or coloured, face grave risk of disaster in this country where capital for the employment of native labour is essential. I would only make one reservation; and that is that Indian market gardeners who, as I myself saw at Kilossa, are growing excellent vegetables, should be given reasonable opportunity for acquiring land for cultivation in the vicinity of towns and villages instead of depending, as they now do, on short leases from natives or others. Apart from this, it is enough that Indians with capital have equal opportunity to acquire large estates. A Kilossa shopkeeper has already a controlling interest in an adjoining cotton estate; and it is open to any Indian with sufficient capital to make similar investments. Later, when the country has developed, smaller holdings may become practicable, and the Indian cultivator will then again have equal opportunity. But the proposal to settle small cultivators in a special Indian reserve is, in my opinion, unsound both politically and economically, and I recommend that it should now be dropped.

No. 2.

Letter from the Government of India to His Majesty's Secretary of State for India, No. 9, dated the 10th February 1921.

We have the honour to refer to the correspondence ending with our Despatch No. 35, Emigration, dated the 25th December 1919, regarding the question of Indian colonisation in Tanganyika Territory, formerly known as German East Africa.

2. The immediate issue raised in your Despatch No. 101, Public, dated the 21st August 1919, was Lord Milner's offer, conveyed in Colonial Office letter No. 13721, dated the 4th April 1919, to discuss the possibility of encouraging the settlement of Indians of a desirable class (preferably agriculturists and ex-service men) in some part of the Territory. Lord Milner was unable at that time to commit himself to any definite policy; but he recognised that India, in view of her services in the war and on general grounds of Imperial policy, had a claim to consideration in the matter. It was assumed by you that the suggestion was that some area or areas, sparsely inhabited by natives but suitable for colonisation, would be set apart as a reserve where Indians could practise their traditional methods of agriculture under a system of small holdings. You recognised the need for previous examination of local conditions by a deputation of experts, but in view of the disturbed condition of the country and the probability of an administrative redistribution of territory when the mandates were assigned, you considered that the despatch of any such deputation should be postponed. Meanwhile, however, you asked for our general views on the following points:—

(1) Whether from the point of view of India we regarded it as desirable and practicable to attempt an organised scheme of settlement.

(2) How far a suitable type of agriculturist, ex-service men or others, would be attracted by the prospects of free settlement in the Territory so far as could be judged in the light of the information at present available as to its physical characteristics and potentialities.

(3) Whether we should be prepared to encourage such colonisation and how far we should be prepared to go in giving financial assistance.

3. The Government of India referred these questions to the Local Governments of the provinces from which settlers would be most likely to go. Copies of our Commerce Department's letter No. 825 D., dated the 19th December 1919, and of the replies of the Local Governments, are appended to this despatch. Sir Benjamin Robertson also was requested by us, with the consent of the Colonial Office, to break his return journey from South Africa at Dar-es-Salaam and discuss the matter informally with His Excellency the Governor of Tanganyika Territory. A copy of his report, dated the 4th August 1920, is appended. It will be understood that Sir Benjamin Robertson only stayed for a fortnight in Tanganyika Territory, and the area which he was personally able to visit was comparatively small. His report, as he himself has insisted, should in no way be regarded as a substitute for the report of the deputation of experts, including Indian representatives, which we had contemplated. At the same time, we attach great importance to the views of Sir Benjamin Robertson, who not only has long experience of agricultural colonisation in India itself, but also has exceptional knowledge regarding the settlement of Indians overseas.

4. The Local Governments, as we had anticipated, have found it difficult to give a satisfactory reply to the points referred to them without more detailed and definite information regarding agricultural conditions in Tanganyika Territory. Provisionally, however, they are generally of opinion that agriculturists of the required type would not be attracted by the scheme.

The Government of the Central Provinces consider that the Central Provinces are not likely to provide any appreciable number of colonists.

The Government of Bihar and Orissa are of opinion that there is no prospect of inducing agriculturists to emigrate to Tanganyika Territory from that province.

The Madras Government say :—

> "Agriculturists of a suitable type are not likely to be attracted by the prospects of free settlement held out to them under the scheme. As a class they are much too conservative to migrate to, or settle in, an unknown country like East Africa, and even if they go they would not take their women folk."

The Government of the United Provinces say :—

> "There seems grave doubt as to whether the class of settler would be available. The Allahabad Zamindars' Association considers that the best form of colonisation would be to make large grants of land to Indian princes and big landowners. The Lieutenant-Governor considers that rapid success in any experiment in colonisation must not be looked for in view of the reluctance to emigrate of the classes to which ex-Service men generally belong. Religious scruples and deep attachment to their homes are characteristic of these men."

The Punjab Government, however, are more hopeful that a scheme of colonisation might gradually be developed from small beginnings :—

> "From the papers forwarded with Mr. Ley's letter, Sir Edward Maclagan, however, thinks that a fully developed scheme of colonisation could not be started in the immediate future, and that it would be necessary, as a preliminary, to send a few suitable settlers who would be tempted by large grants and large concessions and who would be given facilities for occasional return to India. If this were done, His Honour believes that a score or two adventurous agriculturists of a good type would be found in the Punjab who would be attracted to German East Africa; and if their settlement were successful, a further scheme could then be developed with a view to attracting larger numbers with their families."

The Bombay Government are unable, on the material now before them, to express a definite opinion. In particular, they consider it essential that the political and administrative questions to which we referred in our Despatch of the 25th December 1919 should first be settled.

5. The report of Sir Benjamin Robertson shows that there are serious practical objections to any scheme of colonisation under a system of small holdings. It is true that the area which he personally inspected was comparatively small, and it is not suggested that the difficulties enumerated by him would necessarily be encountered throughout the Territory. But, on the information now before us, it must be admitted that there is, *primâ facie*, reason to accept the view of the Tanganyika Administration that the country, in its present state of development, is not suited to the small settler.

6. We are thus forced to this conclusion. On the one hand, the replies of the Local Governments to our enquiries show that small Indian farmers are not likely at present to be attracted by the prospect of settlement in Tanganyika. On the other hand, we are informed that a system of small holdings will not be practicable in Tanganyika, at any rate until the country is more developed. In other words, for the present at any rate, it would appear that the demand is only for large estates, and only large estates are likely to succeed.

7. But, as Sir Benjamin Robertson has emphasised, there is another aspect of the case. On the one hand, we cordially agree that it would be contrary to the principles enunciated in Article 22 of the Covenant of the League of Nations to exclude the native peoples from part of the Territory in order to form an Indian reserve. On the other hand, as you yourself suggested in your Despatch of the 21st August 1919, there is a danger that the reservation of an area for exclusive Indian settlement might be made a pretext for the imposition of restrictions on Indians in other parts of the Territory. It might be argued with some speciousness that preferential treatment in one area implied differential treatment elsewhere. The concession of an Indian reserve might even be regarded as an admission of the principle of race-segregation.

8. It appears from Sir Benjamin Robertson's report that the Indians who are already settled in East Africa, accept the view that the interests of the natives should be considered first; and at the same time, on their own behalf, they ask for nothing more than equal rights and equal opportunity with the nationals of other Members of the League of Nations. Their position is clearly stated in a letter, dated the 19th January 1920, from the Secretary of the British East Africa Indian Association to the Honourable Mr. K. K. Chanda, which was published in the Indian Press.

> "We feel that by claiming 'special' treatment in a particular place we shall forfeit our claim for 'equal' treatment everywhere. What we want is equal treatment in both East and South Africa, and in fact throughout the British Empire. By asking for special treatment in German East Africa we shall be violating the fundamental principle which we have all along been fighting for, namely, that there shall be no differentiation in the treatment meted out to various sections of His Majesty's subjects."

9. The terms of the Mandate for German East Africa, which was forwarded to us with letter No. J. and P. 1521, dated the 1st April 1920, from your Assistant Secretary, Judicial and Public Department, guarantees equal treatment for the nationals of all Members of the League of Nations. This guarantee was specifically confirmed by Lord Milner's assurance, conveyed in Colonial Office letter No. 15886/20, dated the 12th April 1920, that "Indian settlers in the territory will be treated on a footing of "complete equality with other settlers, and that no discrimination will be made in "their disfavour." If this guarantee is respected, in spirit as well as in letter, the claims of the East African Indians will be satisfied.

10. We agree with Sir Benjamin Robertson that the position which the East African Indians have taken up is right, and we believe that it will be generally supported by public opinion throughout India. We have opposed, and will continue to oppose, unfair discrimination against our nationals overseas. We desire no discrimination in their favour. We ask for no more than equal rights. We can be satisfied with nothing less.

11. It follows that we accept Sir Benjamin Robertson's recommendation that the proposal to settle small cultivators in an Indian reserve should be dropped. There will be no need, therefore, for us to send a deputation of experts to examine local conditions and select an area for Indian colonisation. At the same time, we trust that no obstacle will be placed in the way of Indians who may wish to acquire land on the same footing as the nationals of other Members of the League of Nations. We are informed by Sir Benjamin Robertson that the intention of the local authorities is first to sell by auction the existing German estates, which are now leased to contractors, and afterwards to alienate vacant Crown lands from time to time as occasion offers. Sir Benjamin Robertson was assured by His Excellency the Governor that the same opportunity would be given to Indian purchasers as to purchasers of other nationalities. We would also ask that we should be given ample notice of such sales to enable us to answer enquiries from intending purchasers who are resident in India, and also to encourage colonisation, should we so desire, on the lines suggested by the Punjab Government.

12. We would also request that the attention of the local authorities should be invited to Sir Benjamin Robertson's recommendation that Indian market gardeners should be given reasonable opportunity for acquiring land for cultivation in the vicinity of towns and villages, instead of depending, as they now do, on short leases from natives or others. It is understood that the transfer of land from natives to non-natives is ordinarily prohibited, but may be permitted, in accordance with Article 7 [redacted] Mandate, with the previous consent of the public authorities. We would [redacted]hat it should be represented to the authorities that consent in such cases [redacted]ithout good reason, be withheld.

13. In conclusion, we must refer once more to the point which we urged in our Despatch of the 25th. December 1919, that administrative conditions in Tanganyika Territory should be such as to afford an absolute guarantee that Indians will stand on a footing of unquestioned equality with other settlers, of whatever nationality. The Mandate guarantees economic equality, but, as we understand, makes no provision for political equality. On the contrary, Article 11 of the Mandate authorises the Mandatory to constitute the territory into an administrative union with the adjacent territories under his own sovereignty or control. In view of recent events, we may perhaps be pardoned if we regard with grave misgiving the possibility of administrative union with the adjacent territory of Kenya Colony. If there is no political equality, we fear that even the guarantee of economic equality may prove to be illusory. Experience elsewhere has shown how easy it is to subvert nominal equality by administrative action. We need only recall the exclusion of Indians from the uplands of Kenya "as a matter of administrative convenience." As the Government of Bombay have expressed it, in their letter No. 12267, dated the 9th December 1920, which is appended to this Despatch:—

> "They consider it absolutely necessary in the first instance to know what form of government will prevail in German East Africa and what class of people will have power to legislate and to conduct the administration. While it is true in theory that under the Mandate every resident of an original member of the League of Nations will have equal rights in the new territory, everything will depend in practice upon the people who exercise the governing power."

14. In our Despatch of the 25th December 1919, we suggested the desirability of associating representatives of the Government of India in the preliminary discussions regarding the system of administration to be set up in the Territory. But Lord Milner replied, in Colonial Office letter No. 1795/19, dated the 6th March 1920, that as the system of administration had already been settled, our proposal could not usefully be considered. We understand, however, from a subsequent letter from the Colonial Office, No. 15886/20, dated the 12th April 1920, that Lord Milner referred only to the organisation of Government Departments and staff, and not to the political rights of the inhabitants of the Territory. We may say here that we fully recognise that the well-being and development of the native peoples should, under the conditions of the Mandate, be the first principle of the administration of the Territory. And we may perhaps add that Sir Benjamin Robertson was convinced by his experience in East Africa that it was not desirable, during the period of tutelage, that the Government should in any way be controlled by alien settlers, of whatever nationality. At the same time, our interests in Tanganyika Territory, both actual and prospective, are large. Their extent has not always, perhaps, been fully realised. To quote from Sir Benjamin Robertson's Report:—

> "In my opinion, Indians only require equal opportunity to enable them to play an important part in the development of the Territory. Indian traders, who with their families now number about 15,000, have penetrated to every corner of the country and practically monopolise the retail trade. The retail dealers are largely supplied by Indian merchants. And it is the policy of the European firms whose representatives I have met to work with the Indians and not against them. The door is open for the closest commercial relations between the Territory and India.
>
> "Again, the climate gives the Indian an undoubted advantage over the European in many walks of life. There will be many openings for Indians as professional men, engineers, clerks and so on, both in private business and in Government service.
>
> "Indians with capital have equal opportunity to acquire large estates A Kilossa shopkeeper has already a controlling interest in an adjoining cotton estate; and it is open to any Indian with sufficient capital to make similar investments. Later, when the country has developed, smaller holdings may become practicable, and the Indian cultivator will then again have equal opportunity."

We regard it as essential that there should be adequate safeguards against the development of a system of Government which might be apathetic, or even hostile, to our legitimate aspirations. We must, therefore, repeat our request that we should be consulted. In para. 29 of our Despatch, dated the 21st October 1920, regarding the position of Indians in Kenya Colony, we referred to the suggestion that a Royal Commission should be appointed to consider the whole question of the administration of the East African territories. The future form of Government in Tanganyika Territory would naturally be among the matters referred to such a Commission. We would again urge that a Commission should be appointed, and should include representatives of the Government of India. We would again submit that it is not possible to arrive at a statesmanlike solution of the East African question without full consideration of all the interests involved and full knowledge of the facts.

UGANDA PROTECTORATE.

ANNUAL REPORT

OF THE

DEPARTMENT OF AGRICULTURE

FOR THE

YEAR ENDED 31ST DECEMBER, 1922.

Published by Command of His Excellency the Governor.

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UGANDA PROTECTORATE.

DEPARTMENT OF AGRICULTURE.

		P. O. Box No.	*Telephone No.*
HEAD OFFICE	Kampala ...	53	15
MYCOLOGICAL OFFICE AND LABORATORY	Kampala ...	5	26
ENTOMOLOGICAL OFFICE AND LABORATORY	Kampala ...	5	25
BOTANICAL GARDENS AND METEOROLOGICAL OFFICE ...	Entebbe ...	60	38

EXPERIMENTAL PLANTATIONS :—

(1) Kampala.
(2) Kakumiro, Mubende.
(3) Simsa, Soroti.
(4) Fort Portal, Toro.
(5) Kumi, Teso.
(6) Serere, Teso.
(7) Bukalasa, Mengo.

ANNUAL REPORT, 1922.

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STAFF LIST.

Director of Agriculture	...	...	S. SIMPSON, B.SC. (EDIN.), M.R.A.S.E., N.D.A.
Deputy Director of Agriculture	...	...	L. HEWETT, M.R.A.C.
Office Superintendent	...	...	A. S. WIDGERY.
Clerk	...	...	H. G. SMITH.

GENERAL DIVISION.

Senior District Agricultural Officers :

R. G. HARPER. A. R. MORGAN.

District Agricultural Officers :

J. D. SNOWDEN R. T. WICKHAM. (VACANT).

Assistant District Agricultural Officers :

C. HAZEL. P. CHANDLER. CAPT. HARMSWORTH, M.C.

G. T. PHILPOTT. F. W. HALL. E. A. RUCK.

Ploughing Instructor ... A. FISHBURN.

COTTON DIVISION.

Ginning Inspector	...	...	O. E. LORD.
District Agricultural Officer	...	..	E. G. STAPLES, B.A., DIP. AGRIC. (CANTAB.), M.R.A.C.
Engineer	...	...	CAPT. F. G. R. LE PLA, M.C., A.M.I.MECH.E.
Ploughing Instructor	..	...	E. M. BAIRD.

BIOLOGICAL DIVISION.

Mycologist	...	...	W. SMALL, M.B.E., M.A., B.SC., F.L.S.
Botanist	..	...	T. D. MAITLAND.
Entomologist	...	...	H. HARGREAVES, A.R.C.S., D.I.C., F.E.S.

BOTANICAL DIVISION.

Curator, Botanic Gardens, Entebbe ... ... T. D. MAITLAND.

CLERICAL STAFF.

W. NORONHA. J. C. DE SOUZA.

P. S. J. SILVA. A. S. REMEDIOS.

ANNUAL REPORT

OF

THE DEPARTMENT OF AGRICULTURE,

UGANDA PROTECTORATE,

for the Year ended 31st December, 1922.

Staff.

Mr. S. Simpson, Director of Agriculture, went on leave on 24th April and returned on 21st November, and during his absence Mr. L. Hewett, Deputy Director, was in charge.

Mr. A. R. Morgan, Senior District Agricultural Officer, went on leave on 24th April and returned on 21st November.

Mr. J. D. Snowden, District Agricultural Officer, went on leave on 3rd July and was away at the end of the year.

Mr. R. T. Wickham, District Agricultural Officer, went on leave on 24th April and was away at the end of the year.

Mr. E. G. Staples, District Agricultural Officer, arrived on 21st November on first appointment.

Mr. C. Hazel, Assistant District Agricultural Officer, returned from leave on 19th February.

Mr. P. Chandler, Assistant District Agricultural Officer, returned from leave on 16th April.

Capt. J. S. Harmsworth, M.C., Assistant District Agricultural Officer, went on leave on 29th August and was away at the end of the year.

Mr. F. W. Hall, Assistant District Agricultural Officer, went on leave on 29th August and was away at the end of the year.

Mr. T. D. Maitland returned from leave, on transfer from Kenya Colony, on 31st May on appointment as Botanist.

Mr. H. Hargreaves, Entomologist, went on leave on 24th April and returned on 21st November.

The appointment of Capt. F. G. R. Le Pla, M.C., Engineer, was terminated on 31st March owing to the temporary closing down of the Siroko Valley development scheme.

Mr. A. Fishburn, Ploughing Instructor, went on leave on 28th February and returned on 28th September.

Mr. E. M. Baird, Ploughing Instructor, arrived on 28th September on first appointment.

Mr. H. G. Smith, Clerk, returned from leave on 16th April.

It will be noticed that during the greater part of the year the number of officers available for duty in the country was small. Some increase was made to the number of native Agricultural Instructors, although it was difficult to obtain very suitable candidates. Amongst the Baganda the better educated still prefer clerical work.

General.

The effects of the 1921 trade depression were still felt throughout the greater part of the year, but towards the close signs were not wanting of a gradual return of more normal times. On the whole the climatic conditions were good, although late in the year the drought affected the yield of the cotton crop adversely in the Eastern Province.

Exports.

The table below shews the details of exports—comparative tables for the last five years will be found in Appendix No. 8:—

			£	*Per cent.*
Cotton	Cwts.	172,464	877,625	72·185
Coffee	„	51,262	99,227	8·162
Ivory	lbs.	136,837	68,419	5·627
Chillies	Cwts.	11,935	52,768	4·340
Sim-sim	„	55,927	47,100	3·874
Skins, Sheep and Goat	„	2,832	18,680	1·537
Hides and Calf Skins	„	5,397	11,197	0·921
Cotton Seed	„	42,478	9,532	0·784
Ground Nuts	„	10,137	9,236	0·759
Ghee	„	909	4,329	0·356
Jaggree	„	2,398	3,742	0·308
Rubber	lbs.	124,867	3,741	0·308
Cacao	Cwts.	565	2,370	0·195
Other Exports			7,827	0·644
			£1,215,793	

Cotton.

Cotton is by far the most important crop grown in the country and a glance at the above table of exports shews that it represents over 72 per cent of the total value of produce exported. It is almost entirely grown by thousands of native peasants, throughout the country on their own plots and, as it is a crop that lends itself so admirably to this type of cultivation, its position has become well established in native agriculture and steady progress can be reported.

(*a*) *Acreage.*—The approximate acreage planted throughout the Protectorate in 1922 is shewn in the table below:—

	Acres.
EASTERN PROVINCE:—	
Teso District	83,971
Bukedi District	72,148
Busoga District	59,492
Lango District	35,008
	250,619
BUGANDA PROVINCE:—	*Acres.*
Mengo District	60,000
Entebbe District	10,000
Masaka District	10,000
Mubende District	6,000
	86,000
NORTHERN PROVINCE:—	*Acres.*
Gulu District	4,000
West Nile District	2,000
Chua District	1,000
Bunyoro District	1,500
	8,500
GRAND TOTAL	345,119

(*b*) *1921-22 Crop.*—The crop was a very poor one owing to very dry weather in December. Late plantings, which represented a large proportion of the acreage, gave very little yield and the season was a disappointing one.

(*c*) *Government Purchase of Cotton.*—The final figures of this transaction, alluded to in the report for 1921, shew a net profit of £31,022 on an expenditure of £45,805 and this sum was credited to Revenue.

(*d*) *Ginneries.*—The Ginning Inspector paid 118 visits involving 63 different ginneries and in connexion with the year's work he reports that the ginning of the 1921/22 crop in the Eastern Province was practically completed before the end of June. He notes considerable improvement in the handling of cotton at the majority of ginneries visited, particularly as to picking over the cotton before ginning. An improvement is recorded by the more general use of baskets in place of hessian and sacking for conveying seed cotton from the opener to the gins and the lint from the gins to the press, thereby reducing the risks of extraneous matter adhering to the cotton. More care, however, is needed at re-pressing stations to prevent the packing into a single bale of two hand-pressed bales of different quality or colour and to exclude the damaged cotton so often found just inside the wrapping of hand-pressed bales.

(*e*) *Cotton Seed Selection Stations.*—

Serere, Teso District.—The buildings were completed during the year. This plantation is under the charge of a Senior Agricultural Officer and is the main centre in the Eastern Province for cotton selection work and for the training of natives in cotton cultivation. The report for the year will be found on pages 18—26.

Bukalasa, Mengo District.—This plantation has been started for work on similar lines to the one at Serere and to deal with Buganda Province cotton. The house, office and main store were completed during the year and some 50 acres of cotton and other crops are under cultivation.

Tractor Ploughing.

The three Austin tractors and ploughing equipment presented by the Empire Cotton Growing Corporation were operated until the end of March when work was temporarily suspended.

The area chosen was the Siroko Valley in Bukedi District—a fertile but uninhabited part of the country. 336 acres were ploughed and harrowed and the land was speedily taken up by various of the neighbouring hill tribes, who planted wimbi and subsequently cotton. The area was divided into half-acre plots and the experiment gave such promise of success and development that it was soon evident that the scheme could be proceeded with safely the following season.

Coffee.

European Cultivation.—Coffee is the main crop for European cultivation. As a result of the Coffee Expert's visit in 1921, more attention has been paid to the question of shade and new systems of training the trees are being tried. The exports for the year amounted to 51,262 cwts. valued at £99,227.

Native Cultivation.—More interest was shewn during the year by native growers and there were indications that coffee would be more extensively grown in future. Instruction was given and a small native staff for coffee work was trained on the Kampala Plantation. Beds of selected coffea robusta were also laid down for distribution in due course.

Bugishu Coffee Industry.

Small coffea arabica plantations had been started some years ago amongst the Bagishu in the Elgon hills of Bukedi District, and during the year a small pulping station was opened at Bubulu where the coffee is properly handled under supervision. The native grower brings in his fresh cherry to the depôt where it is treated in bulk, and subsequent parchment, after careful drying, is sold on behalf of the producers.

Four tons were exported in December valued at £265. Towards the end of the year more nurseries were laid down in both Northern and Southern Bugishu and the trained native staff was augmented, with the object of teaching the Bagishu how to treat their coffee plots on better lines.

General Crops.

Rice.—The chief rice growing area in the Protectorate is found in Bunyuli in Bukedi District where the number of plots planted amounts to several thousands. Arrangements were made to open a power hulling plant for dealing with the rice, which it is hoped to have in working order in 1923. The crop is also grown in other parts of the country, *viz.*, Toro, Sese, and to some extent in the neighbourhood of Kampala. Several varieties are under cultivation and of them "Bungara" is perhaps the most popular.

Chillies.—The cultivation of this crop was extended during the year and prices were good up to June. Exports amounted to 11,935 cwts. valued at £52,768.

Sim-sim.—An increased export of this crop is also recorded amounting to 55,927 cwts. compared with 20,060 cwts. the preceding year.

Rubber.—The price of rubber remained very low until towards the close of the year, when a sharp rise to 1/- a lb. took place on the home markets. Exports from Uganda re-commenced as a result of the improved situation and tapping was resumed on several of the established estates. Exports for the year amounted to 124,867 lbs. valued at £3,741, but with the improved outlook, there is every likelihood that rubber will take a more important place in the near future.

Ground Nuts.—Prices moved upwards at the end of the year and shipments took place on a fair scale. Exports amounted to 10,137 cwts. valued at £9,236.

Cacao.—The crop has not received much attention and exports only amounted to 565 cwts. valued at £2,370.

Ploughing.

Some progress was made in ploughing extension in the late months of the year, following a period of stagnation arising from the scarcity of money in the natives' hands. The Ploughing Instructor was on leave during the year, returning in October, when a second Instructor also arrived, and by December, and the opening of the cotton buying season, a demand for ploughs arose and general activity was resumed in the Eastern Province. 83 ploughs were bought by natives in Kumi and Bukedi Counties of Teso District.

Other Crops.

Sugar.—This crop began to assume a more important place in the local agricultural system and large areas were put under cultivation in Kyagwe County in Buganda, where a factory for manufacturing white sugar was under construction during the year. The acreage under sugar is probably not more than 4,000 but statistics are not available. Jaggree has been turned out in fair quantities and there are several small plants for dealing with cane on these lines and exports to the extent of 2,398 cwts. is recorded. The stocks of cane on the Government Plantations were extended and several varieties have been undergoing trial for some years.

Tea.—This is a crop that has considerable possibilities in Uganda for the local market. It is grown on several of the Government Plantations and seed is always available for distribution. The tea which is prepared by only the simplest methods finds a ready market amongst natives and many of them have recently inquired for seed for their own gardens. It is grown and prepared on more advanced lines by one planter and the product meets a demand for European consumption in Uganda and Kenya.

Tobacco.—Trials were continued during the year in Teso with seed from Nyasaland. A successful crop was raised, but without adequate means for thorough treatment, little can be done.

Wheat.—Experiments with Kenya varieties were continued at the Butorogo station in Mubende and some increase in acreage in both Toro and Mubende Districts was made in native cultivation.

Government Plantations.

The Botanic Gardens, Entebbe.—In referring to the distribution of plants and seeds the Manager writes:—

"The period under review shows the highest recorded distribution of economic and decorative plants from the Gardens. The number of applicants for fruit trees and seeds during the free distribution in April was 47, and 4,580 plants and 59 packets of seeds were distributed. The following is the total list of plants and seeds sent out during the year:—

PLANTS.		SEEDS.	
Economic.	Decorative.	Economic.	Decorative.
6,394	6,383	Packets ... 178 Single Seeds ... 930	Packets ... 277 Single Seeds ... 406

"A considerable number of new plants has been added to the collection in the Gardens, from seeds which have been received from various sources, including the Royal Botanic Gardens, Edinburgh; the Royal Botanic Gardens, Kew; and La Mortola, Ventimiglia, Italy."

The cacao records are of special interest as they are obtained from some of the oldest trees in the country and of this crop the Manager writes:—"The number of pods collected from the Forastero variety in both plots shews an increase on the records of last year, whereas the Calabacillo variety shows a decrease. There is no apparent reason for the above as the varieties are mixed together on each plot and are not in any way treated differently from each other. The scale insect *Stictococcus diversiseta*, Silv., has been a troublesome pest throughout the year, and has undoubtedly been the cause of destroying a large number of the young pods. An experiment which was carried out with whale oil soap at a strength of 1 lb. to 4 gallons of water, to note its effectiveness in combating this pest, was commenced on the 7th October on 32 trees most badly infested and discontinued on the 24th November. The trees were sprayed 14 times at various intervals, and at the time the spraying was discontinued there was no apparent sign of scale. From the observations which were made it was found that whale oil soap mixture to be effective in controlling this insect should be sprayed every eight or nine days."

The Kampala Plantation.—The Botanist's report on this is enclosed.

The Kakumiro Plantation, Mubende.—In connexion with shade trees in coffee the Manager writes as follows:—

"Erythrina velutina is the best of the shade trees tried here up to the present. Some of these trees planted in 1914 are now giving a spread of 30 feet and they are worthy of trial in other districts. Erythrina velutina is a flat topped, leguminous tree branching at about nine feet from the ground. It sheds a good mulch of leaves, but is difficult to establish owing to the attacks of a stem boring caterpillar. Leucaena glauca is a slow grower and has made little headway dring the past twelve months. Albizzia Lebbek planted in April has made very poor growth."

Expenditure.

Under the ordinary estimates and loan the expenditure on the Agricultural Department vote was as under for 1921 and 1922:—

Under Ordinary Estimates	£19,691	...	1921
" " "	£19,855	...	1922
Under Loan	£ 4,377	...	1921
" "	£ 4,622	...	1922

During the same periods and under the same headings the figures of the Protectorate *Total* expenditure was:—

Under Ordinary Estimates	£786,166	...	1921
" " "	£920,228	...	1922
Under Loan	£175,122	...	1921
" "	£138,375	...	1922

It will be seen from the foregoing that of the total expenditure under both headings, the proportion charged to agriculture was very small.

Agricultural Education.

There is as yet little to report in this connexion. The new Technical College at Makerere started taking in students, but agricultural classes had not begun.

Agricultural Statistics and Meteorological Returns.

All details available will be found in the appendices to the report.

Mycological.

The report of the Mycologist is enclosed.

Entomological.

The Entomologist's report is enclosed.

S. SIMPSON,
Director of Agriculture.

ANNUAL REPORT

ON THE

GOVERNMENT PLANTATION, KAMPALA.

Labour.

The labour supply has been good throughout the year and we have had from time to time to turn men away who have come seeking work as we had sufficient for our needs. The average wage for labourers was Shs. 12 per month.

Meteorological.

The weather conditions were on the whole favourable for the plantation crops. The total rainfall was 49·23 inches. That is a higher figure than for the two previous years, but is still below the average. The months of January and December were as usual hot and trying. During August, a violent storm occurred, causing considerable damage to the crops. The damage was soon repaired, however, owing to the subsequent favourable conditions. Comparative rainfall figures for the last six years are given together with the average monthly Shade and Dry and Wet Bulb temperatures:—

RAINFALL: COMPARATIVE RECORDS FOR SIX YEARS.

MONTHS.	1917		1918		1919		1920		1921		1922	
	No. of days.	Inches.	No. of days.	Inches.	No. of days.	Inches.	No. of days.	Inches.	No. of days.	Inches.	No. of days.	Inches.
January	13	3·54	8	1·37	2	0·05	6	3·88	9	2·19	9	2·89
February	17	6·14	4	0·56	12	8·97	6	0·65	14	1·68	17	8·05
March	7	4·18	11	1·97	12	8·18	15	4·38	14	2·09	18	4·06
April	19	8·63	19	5·41	20	5·16	17	4·74	18	5·63	18	4·16
May	18	8·10	13	4·93	14	3·29	21	5·48	24	2·97	20	7·88
June	12	4·46	11	3·29	6	1·79	14	3·24	13	2·57	16	3·01
July	3	0·23	4	0·89	10	1·36	15	4·69	15	4·05	10	2·94
August	14	4·29	12	4·55	11	3·54	10	2·92	21	2·30	19	5·02
September	16	8·58	10	3·47	15	6·64	11	4·45	15	1·74	16	2·68
October	12	5·83	14	2·64	15	8·45	18	3·50	17	7·25	25	7·45
November	4	1·60	12	1·50	16	5·04	20	5·58	17	8·00	13	2·67
December	6	0·52	7	1·79	13	2·76	15	3·39	9	2·26	12	3·47
	141	55·60	125	32·37	146	50·28	168	46·35	186	43·63	193	49·23

MONTHLY AVERAGE SHADE TEMPERATURES, 1922.

MONTHS.	7 A.M.		2 P.M.		Maximum Temperature.	Minimum Temperature.	Highest Maximum Temperature.	Lowest Minimum Temperature.
	Dry Bulb.	Wet Bulb.	Dry Bulb.	Wet Bulb.				
January	66·5	64·7	85·0	72·3	81·6	63·8	96·0	61·0
February	66·4	64·8	84·8	73·0	87·2	64·0	92·0	62·0
March	66·1	64·5	78·8	71·4	82·6	63·8	87·0	62·0
April	66·2	65·2	80·6	71·3	82·2	63·9	86·0	61·0
May	66·3	64·7	75·9	70·8	77·6	63·5	84·0	61·0
June	65·4	63·7	75·6	70·6	77·1	63·6	81·0	61·0
July	64·4	62·3	72·6	69·2	77·1	63·4	82·0	60·0
August	64·0	62·7	75·4	72·4	77·5	62·4	85·0	60·0
September	64·8	63·2	77·8	74·4	81·3	63·6	88·0	61·0
October	65·4	64·1	78·5	74·2	83·2	64·4	90·0	63·0
November	66·6	65·3	82·4	78·1	86·3	64·2	98·0	62·0
December	66·1	64·8	83·9	79·8	86·8	63·9	93·0	62·0

Distribution of Plants and Seeds.

The following table gives in detail the distribution of plants and seeds for the year. There is a considerable increase shewn in the number of economic plants distributed, owing largely to the free issues during the planting months of April and May:—

PLANTS.		SEEDS (Packets).		SEEDS (Weight).		Tea seeds.	Rice.	Maize.	Beans.	Coffea robusta (selected).
Decorative.	Economic.	Decorative.	Economic.	Decorative.	Economic.					
				ozs.	lbs.		lbs.	lbs.	lbs.	lbs.
618	8,261	18	30	28	234	5,436	1,514	552	—	78½

Coffeas.

Neither the "Coffee Bug" (*Antestia lineaticolis*) nor the "Leaf Disease" (*Hemileia vastatrix*) was much in evidence during the year. The latter began to make its appearance, however, during December on the young flush of leaves produced by the growing period of October and November.

Arabica.—The yields from the arabica plots for the year are very disappointing indeed. A large number of the trees were again stumped and the low yields were largely due to this—the trees have also been over-pruned. Hitherto the blocks of coffee were divided up into sections or plots numbering in all 13. These sections have had various individual treatment from time to time, details of which are given in previous reports. These sections were grouped during the year under review. Sections 1—7 forming group A., 8, 9 and 10 group B., 11, 12 and 13 group C. From these three groups the yield was only 173 lbs. of parchment and although the stumped trees have responded well the prospects for next year are not too bright.

Robusta.—The yields of the robusta plots are lower than those of last year, indeed the yields from all the principal coffeas which we have under test are less and it is probable, as a review of the previous years' yields indicates, that low yields will alternate with heavy. The prospects for next year are certainly good as there have been two recent heavy flowerings.

The following table gives the comparative yields of the Toro and Bwamba plots for the last seven years. There is added also for the first time the yields of Toro No. 9. This yield is of course not comparable with the others as it is from much younger trees:—

COFFEA ROBUSTA.

Number of Plot.	Origin.	Number of Trees.	Area:—Acres.	Date planted.	Distance apart.	Average Yield of Parchment Coffee. Per Tree. 1916-17	1917-18	1918-19	1919-20	1920	1921	1922	Yearly Average for Period.	Per Acre. 1916-17	1917-18	1918-19	1919-20	1920	1921	1922	Yearly Average for Period.
						lbs.	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.
1	Toro or Congo	190*	·62	March, 1914	Feet 12×12	2·00	4·5	·85	1·10	1·55	1·94	1·32	1·81	604	1,359	258	333	505	581	397	552
2	Bwamba ...	160	·50	May, 1915	12×12	...	1·92	·31	·75	1·19	2·42	·96	1·55	...	614	102	81	382	775	306	376½
9	Coffea Robusta No. 9	253	·30	March, 1918	12×12	...	...	...	...	...	·22	1·14	·68	...	...	...	...	...	112½	576	344½

* 172 trees from August, 1921.

These are undoubtedly poor yields for robusta, and apart from the incidence of low yields following heavy. They are too poor to be accounted for by that alone. The fault lies, it would appear, in applying the system of pruning *Coffea arabica* to these trees. They will not accommodate themselves to it and from the experience we have so far gained we should say that the robusta type should be allowed to grow *ad lib*, or at least abandon to a very large extent the drastic prunings practised on these trees hitherto.

The following table gives the yield from a native tree grown under native conditions, *i.e.*, allowed a free and natural development from the start. The tree is

roughly 12 feet high and 12 feet broad. Most of the high branches were bent down by means of a hooked stick and picking the cherry presented no unsurmountable difficulties.

YIELDS OF NATIVE ROBUSTA TREE GROWN UNDER NATIVE CONDITIONS, 1922.

Date of Picking.	Weight of Cherry.	Weight of Parchment.	Per cent of Parchment to Cherry.
	lbs.	lbs.	%
1st :—30th October	17	4½	25
2nd :—13th November	15	3	25
3rd :—22nd December	24	5	25
Total ..	56	12½	—

It will be observed that this is only part of this year's crop—the autumn picking. The tree, however, will be kept under observation next year in order to obtain some definite idea as to what a normal tree under these conditions is capable of yielding.

It would be quite impossible for our *robusta* trees to approach any way near that yield if we persist in our pruning methods for they would simply not have the wood on which to bear it.

Coffea Selection.—We have made considerable progress in the selection of good *robusta* types and our No. 9 represents a fine bold bean. The cherry almost approaches in size the Arabian cherry and this feature in itself is good as it facilitates pulping. The bean is of good appearance and was favourably reported on by the home market as far back as 1918. The one great fault in the *Coffea robusta* planted throughout Uganda is the irregularity in the size of the cherry and bean. In No. 9 these bad features have been eliminated. Plot No. 9 is the progeny of tree No. 9—a tree which presented rather bold features. In plot No. 9 a further lot of trees shewing bold features, in all 16, have been numbered, and from these seed is being sown and distributed. Owing to the comparatively high prices for, and the ready sale of, *Coffea robusta* on the home market in recent years considerable demands have been made for seed, and numerous inquiries have been received with respect to the suitability of this type as a plantation crop. Seed to the extent of 73½ lbs. of our best types was disposed of and it would have been a simple matter disposing of a much larger quantity had seed been available. This is an indication of how far *Coffea robusta* is in favour here as a plantation crop. We have impressed on our inquirers, however, that to obtain a steady and profitable market for *Robusta* it is imperative to have the best seed available and a bean approaching, in appearance, and liquoring qualities, the Arabian type.

It will be appropriate to quote here from the reports of the Imperial Institute on our samples of *Robusta*.

The following refers to samples from individual trees possessing desirable features:—

"Samples 2 and 3 represent good types of Robusta coffee of first class quality from this variety and consisting of well made beans."—*January, 1918.*

"The brokers stated that the samples were too small for roasting and liquoring trials, so that the above report is based solely on the appearance of the raw coffee. They also expressed the opinion that when these coffees are husked in bulk by modern machinery the results will be more satisfactory. With the exception of No. 1 Plot 3 and No. 6 Plot 3 respectively, (Bwamba wild coffees) these samples are of satisfactory character and would be suitable for the United Kingdom market."—*June, 1918.*

"The report of the brokers on these samples confirms the result of the examination of the previous samples forwarded in May, 1917, and indicates that Robusta coffee grown at Kampala is of a very promising quality."—*April, 1918.*

The following refers to a mixed sample, but made up mostly of No. 9:—

"The sample was submitted for roasting trials to experts who reported that it consisted of well-grown, heavy beans, rather small but very even in size; only a few imperfect beans were present.

"The characters of the roasted coffee were pronounced to be particularly good, especially in the evenness of colour and the close, hard texture of the beans,

whilst the liquor was remarkably free from any undesirable taint. The firm regarded the sample as of excellent quality and stated that it could be used freely for blending purposes.

The following refers to ordinary mixed samples:—

"A demand might perhaps be found at a low price either in the United Kingdom or on the Continent for the Robusta coffees represented by Nos. 9 and 13."—*31st July, 1920.*

"Nos. 5 and 10. These samples of Robusta coffee are regarded as of inferior character and as worth Shs. 45 to Shs. 50 per cwt. in London at the present time. The sample differs widely in quality from the Robusta coffee dealt with in Imperial Institute report, dated November, 1918, which was an exceptionally good sample. It is not considered in the trade that the production of Robusta coffee representing the present should be encouraged," and further "The samples of Robusta coffee are of poor quality and unless there is a prospect of producing this variety in commercial quantities equal to the sample dealt with in Imperial Institute report of November, 1918, it is doubtful if a remunerative market will be found for the product."—*March, 1922.*

These reports are very illuminating and make the position with regard to *Coffea robusta* quite clear. It is obvious that amongst our Robusta there are types of very inferior quality which detract, when in the bulk, from those of higher quality, and that before a reliable product can be established these inferior types must be eliminated.

As regards selection we have made, as already stated, considerable progress since 1916, and the seed of *Coffea robusta* now being distributed is the third generation of variety No. 9 so favourably reported on by the Imperial Institute. At present there are 16 trees of bold character in the plot and we are endeavouring to confine distribution of seed to these.

Excelsa and Liberian.—These two types of coffee come practically within the same category both botanically and commercially. *Excelsa* is the more robust grower here and also more prolific in yields. From the table below it will be observed, however, that they are much lower than they were last year. Quoting again from the reports of the Imperial Institute on samples of both these types, we have the following:—

"The *Excelsa* coffee represented by these samples was considered unattractive and undesirable for the London market. *Liberian* coffee is not saleable in London for the United Kingdom but is occasionally in demand for export to foreign countries."

On comparing these two reports we find that there is not the same promise in the latter group. This is of course obvious in making a comparison of the beans in the field. In the parchment they are decidedly less attractive. In liquoring qualities they are harsher and approach in a much less degree the desirable qualities of *Coffea arabica* than do the *Coffea robusta*. There is nevertheless considerable variation among the *Excelsa* trees, especially so in "Culture" Plot No. 1 and 2, and this fact is not being overlooked.

COFFEA EXCELSA.

Number of Plot.	Variety.	Number of Trees.	Area in Acres.	Date planted.	Distance apart.	Average Yield of Parchment Coffee. Per Tree. 1918-19	1919-20	1920 9 months	1921	Present Record.	Yearly average for period.	Per Acre. 1918-19	1919-20	1920 9 months	1921	Present record.	Yearly average for period.
					Feet.	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.	lbs.
1	Culture No. 2	196	1*	Sept. 1915	15×15	·45	·11	·34	6·81	2·34	2·01	90	22	68	1,336½	432	372
2	Plyendel No. 1	120	·62	do	15×15	·21	·22	·78	1·77	·68	·73	42	44	152	349	132	142
3	Plyendel No. 2	65	·33	do	15×15	·06	·35	·50	2·09	·87	·77	12	70	98	412	171	153

* 180 trees from August, 1921.

Sugar Cane.

The sugar cane work has been carried on throughout the year and the sugar men are now well up in the process of producing Muscovado sugar. There have been few demands for cane for planting purposes for the simple reason that most plantations have now their own stock. We have, however, supplied quantities of juice to local firms for tests in the production of white sugar locally.

A large amount of cane has been sold to natives for consumption, and the quantity disposed of in this manner realized Shs. 776/52 cts.

The following table shows the yields from the ¼-acre plots laid down during January, 1921. The plots are arranged side by side and on a soil of even texture throughout. For that reason alone these tests provide fairly reliable records of the yielding qualities of our several types. Two plots, Native and Ceylon var. No. 2 respectively, were ruled out of the list as they were unfortunately badly attacked by "red rot"? disease and had to be dug up and burned.

Referring to the table it will be observed that Var. 1528 gave the highest percentage of sugar to cane, *viz.*, 10·19. Our previous record bears out this high yielding tendency compared with others, *vide* Agricultural Report, 1921, pp. 18—21. "Striped Ribbon" again stands high, but probably over a larger area and with soil conditions similar to those of these plots there would not be a very wide choice with respect to the yielding properties of these several types.

The total sugar manufactured from all our plots during the year was 6,830 lbs., and the quantity sold realized Shs. 1,685. The price of first quality, Muscovado dropped from 40 to 30 cts. per lb. but there has been on the whole a ready sale for it. There was difficulty, however, in disposing of our 2nd quality, which is sold at 20 cts. per lb.

Muscovado Sugar Yields.

Variety.	Date planted.	Where grown.	No. of canes.	Weight of canes.	Juice extracted.		Muscovado Sugar.							
					Amount	Per cent to weight of cane.	Total.	Per cent to weight of cane.	1st Quality.		2nd Quality.		3rd Quality.	
										%		%		%
D. 131 ..	January, 1921.	Upland.	739	3,000	1,777	59·23	303	10·10	47	15·51	158⅛	52·48	118⅛	37·27
D. 74 ...			999	3,600	2,135	59·31	360	10·00	92	25·55	267⅜	74·44	nil	—
1,528 ...			1,171	3,600	2,144	59·56	366½	10·19	131 1/16	35·97	214 9/16	58·58	30	8·34
Striped Ribbon			562	2,400	1,423	59·71	240¾	10·04	100½	41·91	140¼	58·09	nil	—
White Tanna ...			1,085	4,800	2,845	59·27	482	10·04	112 3/16	23·24	369 1/16	76·56	nil	—
L. Red Ceylon			1,424	6,000	3,551	59·18	603½	10·07	88 9/16	14·74	420 7/16	69·70	93	15·40
Java Cane ...			2,107	8,400	4,980½	59·30	841¾	10·02	261 5/16	31·00	577 7/16	68·65	nil	—
Black Tanna ...			1,266	5,700	3,376	59·23	572	10·03	182	31·82	386½	67·66	nil	—

Para Rubber.

Tapping has been carried on throughout the year on two groups of series. The yields from the old group were pooled so that they possess little or no interest.

The new group was set up during July, 1921, with the object in view of ascertaining or demonstrating the causes which lead up to "Brown Bast." This disease is generally attributed to excessive tapping or is accelerated by it. The systems of tapping adopted in this experiment range therefore from those of an excessive, *i.e.*, daily tapping, to those of an extremely conservative nature, *i.e.*, with four months rest period.

So far "Brown Bast" has not made its appearance; there have been, however, cases of "Bark rot" of the tapped surface, but they have not been confined to the excessively tapped series although the trouble has been more severe here.

The range in the methods of tapping in this group will no doubt provide some useful information as tapping proceeds; it is sufficiently wide to make the degrees of physiological disturbance in the trees readily perceptible and to demonstrate the happy medium in tapping method.

Cacao.

The original table, *i.e.*, giving the yields of the numbered trees is not included here this year. The table gives the history of a number of trees over a period of nine years and is of considerable interest. The average yields shew on the whole a gradual decrease, they have been at no time at a high level.

These trees were numbered as they came into bearing so that the record covers their whole yielding period to date. They can be taken as fairly typical of the cacao trees in the country. During their young stages of growth and yielding periods they were healthy, vigorous and full of promise and it is safe to say that the climatic conditions are not the cause of the practical failure of cacao as a plantation crop in these parts, unless it is argued that the climatic conditions favour the insects and fungoid pests which have devastated the plantations so much.

The major pests have been the "Mosquito Blight" *Helopeltis bergrothii*, which in addition to sucking and thereby damaging the young twigs and branches has been responsible for a lot if not the bulk of useless pods, and the "canker" of the trunk of the trees which finally, if slowly, kills them out.

The proof of the contention that the climatic conditions are not at fault, and it may be added the soil conditions, is that these "cankered" trees very often send up remarkably strong suckers from below the "cankered" area and by which it is often possible to re-establish the tree; these suckers are liable of course to infection and very often do become "cankered" from the parent stem.

Deaths from this infection of "die back"? *Botryodiplodia theobromæ*, Pat., have been frequent, and some of our best trees, *i.e.*, the Nicaraguan and Forastero types have succumbed to it; its effects are both rapid and complete.

This appears to sum up briefly the position as regards cacao here and points to the cause of this crop having gone out of favour.

The areas on the plantations are gradually being reduced; the object is to reserve a few trees for Mycological and Entomological work and to confine experiments in the way of manurial treatment, the keeping of yield records, etc., to the two plots at Entebbe, which have been all along in better condition than those in the Plantation.

Native Food Crops.

Musa spp.—In connection with our work on native food crops, a plot was set out during 1919 with all the available native types of bananas or "matoke." In all 37 varieties were collected, six suckers of each being obtained and labelled with the native varietal name. Interpretations of these native names were obtained as far as possible and some very interesting and valuable information regarding the varieties has been thereby obtained. The native aptitude in applying appropriate and indicative names to objects, etc., is well exemplified in these interpretations.

The majority of these types belong, as has been stated, to the "matoke" or cooking class of *Musa*, or are treated as belonging to that group by the native. They do not therefore include our well known table varieties. There is a probability, however, that some of these may be admirable table bananas and it has been arranged to allow all the varieties to ripen their fruits in store in order to ascertain if such be the case. We are aware so far that one at least is a useful table banana, *viz.*, "Mbide," the variety from which the native beer is made.

The table along with the interpretations of the names gives the yield of bunches and their weights for the year 1922. The yields are not very encouraging; that is accounted for to some extent at least by the fact that the position of the plot is not very favourable; it suffers during the dry weather and the soil too, lacks body. Furthermore a number of suckers have been attacked by the "Stool borer" *Cosmopolites Sordidus*, Germar., which has to some extent affected their productivity. In any case it would be premature to say anything with regard to the respective yielding qualities of the varieties as the records of yields have not been observed over a very long period.

Flour has so far been prepared from 25 varieties and sent to the Imperial Institute for report and analysis. We hope thereby to arrive at the nutrient value of each; and possessing this information combined with a knowledge of the prolificacy, vigour of growth, and other desirable and non-desirable qualities which it is hoped these tests will show, we shall know which variety or varieties will be the most economical for planting as sources of food.

Records of Native Bananas—(*Musa spp.*).

Variety Number.	Date planted.	Native Varietal Name.	YIELD OF BUNCHES, 1922.																												Interpretation of Native Name.
			January.	Weight.	February.	Weight.	March.	Weight.	April.	Weight.	May.	Weight.	June.	Weight.	July.	Weight.	August.	Weight.	September.	Weight.	October.	Weight.	November.	Weight.	December.	Weight.	Total bunches.	Total Weight.				
				lbs.		lbs.		lbs.		lbs.		lbs.		lbs.		lbs.		lbs.		lbs.		lbs.		lbs.		lbs.		lbs.				
1	August, 1919	Nakitembe ..	..	..	..	..	..	..	3	36	..	..	..	..	2	21	..	..	..	..	..	..	1	12	3	30	9	99				So named because of its resemblance to the wild banana "Kitembe," *Musa ensete*.
2	,,	Nakabululu ..	1	20	1	12	..	..	..	..	..	..	..	..	2	20	..	..	..	..	..	..	..	..	..	..	4	52				So named because of the shortness and shape of its bananas.
3	,,	Luwunzika ..	1	22	1	25	..	..	..	..	..	..	1	25	1	14	..	..	..	..	..	..	..	..	..	..	4	86				So named because the bunch hangs or clings close to the stem.
4	,,	Sira	..	..	..	..	..	..	..	..	1	32	..	..	2	22	..	..	..	..	..	..	..	..	..	..	3	54				"Okwesira," to walk painfully. This variety grows slowly.
5	,,	Ndizabaulu ..	1	20	..	..	..	..	..	..	..	..	..	..	2	24	..	..	..	..	..	..	1	14	1	17	5	75				The beauty of this banana makes bachelors cry when they cannot get it.
6	,,	Nabusa	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	12	..	..	1	12				—
7	,,	Kibuzi	1	15	..	..	..	..	..	..	1	18	..	..	1	18	1	22	..	..	..	..	4	59	..	..	9	132				The leaves are so large that one is sufficient to wrap a leg of goat (mbuzi) in for stewing.
8	,,	Mbwazirume ..	1	15	..	..	..	..	..	..	..	..	..	..	..	..	1	15	..	..	..	..	3	32	..	..	5	62				Let the flies "Mbwa," bite as long as I am eating such a good banana (commonly grown in Chagwe).
9	,,	Muvubo	..	..	..	..	..	..	..	..	2	26	1	25	1	19	1	20	..	..	2	62	7	120	1	24	15	296				The bananas are like bellows "Muvubo"—native type.
10	,,	Lusumba ..	..	..	..	..	..	..	..	..	..	..	..	..	1	18	..	..	..	..	..	..	3	61	..	..	4	79				—
11	,,	Namwezi ..	2	28	..	..	..	..	..	..	..	..	..	..	1	15	..	..	..	..	..	..	5	74	..	..	8	112				The colour of its bananas is like that of the moon.
12	,,	Kajuba	..	..	..	..	..	..	1	30	..	..	..	..	2	37	..	..	..	..	..	..	2	35	2	40	7	142				—
13	,,	Mbide	..	..	2	37	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	10	..	..	3	47				"Mbide," male goat—probably implying strength as this is the type from which native beer is made.
14	,,	Nakakongo ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	11	..	..	..	..	1	11	..	..	2	22				The food of this banana is like that of the yam "Kikongo."
15	,,	Nandigobe ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	2	19	..	..	2	19				"Nandigobe," tall and good looking. Applied to the bananas as they are good and long.
16	,,	Nakyetengu ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	23	1	23				Vigorous and does not need much attention.
17	,,	Sitakange ..	..	..	..	..	..	..	1	18	..	..	..	..	..	..	1	17	..	..	..	..	1	18	2	31	5	84				Means does not produce many suckers and consequently not many bunches.
18	,,	Nakabinyi ..	..	..	..	..	..	..	1	16	..	..	..	.	..	..	.	..	..	..	..	..	4	48	1	17	6	81				Bent backwards. The fruits turn backwards slightly.
19	,,	Musenzalanda ..	..	..	..	..	2	30	..	..	1	22	..	..	..	..	..	..	..	..	..	..	2	16	..	..	5	68				"Omusenzalanda." A person who will not settle with one master but goes here, there and everywhere. This plant has a peculiar spreading habit and takes up considerable space.
20	,,	Musibampima ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	21	..	..	1	21				—
21	,,	Simbalukono ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..				"Lean on your arm on the mat and enjoy the sweetness of the food." It provides in one bunch food for several days, so there is no anxiety with regard to food during that time.
22	,,	Naserugiri ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..				To plant this type only one would be liable to starve as it wont bear during dry periods.
23	,,	Nambi	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..				*See* "Sitakange."
24	,,	Nakawangazi ..	..	..	..	..	..	..	..	..	1	11	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	11				"Live Long." Its bananas take a long time to ripen.
25	,,	Kigerekyanvubu ..	1	16	..	..	..	..	..	..	1	20	..	..	1	28	..	..	..	..	..	..	..	..	..	..	3	64				"Hippo foot." The bananas are short and thick.
26	,,	Nyuka	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	7	..	..	1	7				—
27	,,	Ndyabalangira ..	..	..	..	..	..	..	..	..	..	..	..	..	2	29	..	..	..	..	..	..	..	..	..	..	2	29				"The food of princes." The bananas are very sweet and delicious.

Native Agriculture.

Some useful work has been accomplished in recent years in connection with native agriculture. The year under review has been no exception. Our native agricultural instructors have been touring their respective districts, *viz.*, Kyagwe, Busiro, Kyadondo, Bulemezi, Mawokota, Busuju, and Singo. Their task has been principally an endeavour to interest native chiefs and other land-holders in agriculture, apart from their usual food plantations. They have been instructed during these tours to take counts of *Coffea arabica*, *Coffea robusta*, *Cacao* and *Para Rubber* as distributed amongst the natives. These figures are of sufficient interest to be included here and they are given in the table below. As a result of these tours, we have had numerous enquiries from chiefs and other natives about suitable crops for planting, and also about the disposal of their cocoa, rubber, coffee and other crops. There is no doubt about the keen interest the native has in agriculture and especially in exportable commodities from which he can make money.

The figures in the table, as far as cocoa and para rubber are concerned, are rather less than the totals arrived at in past years. That is because the native has lost interest in these crops and for the reason that he cannot dispose of small parcels in the local market. Consequently a number of para trees have been cut out, and in one case at least, they were known to be some of the oldest trees in the country. As a rule the produce from any of the crops which the native may be induced to plant, will come forward in small or comparatively small parcels, and in view of that fact and from the enquiries we have received from native farmers it is imperative for them to have traders with whom they can deal on these lines. The position as regards coffee is perhaps an exception to some extent, as the native can dispose of part of it in the native markets, but the native markets do not by any means absorb all that is produced. There are one or two Europeans in Kampala and several Indian traders who are dealing in small parcels of coffee and bulking it for export. The prospects are therefore good for this crop. At present, however, it is doubtful if it is generally known that such a market exists, and as the coffee is widely distributed, these markets would require to be extended.

The counts of *Coffea robusta* or "Uganda Coffee" have revealed a surprisingly large number and although generally the native possesses a few trees only, there are others who appear to be coffee planters.

With a view to extending *Coffea robusta* cultivation amongst the natives and especially on the Sese Islands, large numbers of plants of our bold types are being raised for distribution.

ENUMERATION TO DATE OF NATIVE-OWNED PARA, COCOA, COFFEA ARABICA AND C. ROBUSTA IN BUGANDA PROVINCE.

SAZA.	PARA.		COCOA.	COFFEA ARABICA.					TOTAL	COFFEA ROBUSTA.					TOTAL
	Tapped	Untapped.		1 Year	2 Years.	3 Years.	4 Years.	Over 4 Years.		1 Year.	2 Years.	3 Years.	4 Years.	Over 4 Years.	
Kyadondo ...	2,367	13,167	644	...	340	3,897	5,152	74,938	84,317	...	81	307	117	2,368	2,873
Busiro ...	3,064	7,667	8	24	...	1,097	552	13,424	15,097	65	58	...	47	9,925	10,095
Kyagwe ...	1,947	7,064	3,360	1,720	1,414	2,158	5,005	85,542	95,839	70	420	25	13	2,318	2,846
Bulemezi ..	...	2,907	1,610	173	580	876	1,696	28,705	32,020	...	784	289	263	5,176	6,542
Mawokota ...	...	1,421	...	...	390	870	440	13,137	14,837	80	...	70	46	1,343	1,519
Busuju ...	...	...	...	656	890	1,476	2,131	5,871	10,524	355	539	108	1,439	3,459	5,970
Singo ...	...	..	...	2,489	4,017	4,595	962	48,415	55,478	...	160	...	100	6,908	5,468
Grand Total ...	6,678	32,226	5,612	5,061	7,131	14,969	15,938	265,022	308,121	570	2,042	889	2,025	29,797	35,313

General.

Among the more important of the minor crops, cassava, sweet potatoes and rice may be mentioned. To our stock of cassava we have added another variety making eight in all; they all belong to the *Manihot Palmata* group. We have not been able to continue the tests with this crop owing to the lack of suitable land to allow of the respective varieties being laid down side by side. We have nevertheless worked up a stock of sets for distribution.

Similarly with the sweet potato, several other obscure varieties have been added. These were mostly obtained through the native agricultural instructors and were brought in from remote parts. Yields from the varieties of these crops so far tested are to be found in previous reports.

Rice.

The rice crop was grown entirely in the swamp area of the plantation and was partly irrigated. The yields were satisfactory apart from loss caused by "Rice Blast." This crop will succeed only under thoroughly wet conditions. The ears on the plants on the outside edge of the plots and slightly raised above the general level of the plot were empty. Several varieties new to the country have been obtained for test, these include six Indian and six Coast or Mombasa varieties, and they are some of the very best rices.

Kampala Swamp.

The swamp work was carried on throughout the year along the usual lines. The annual vote for this work only allows for the employment of 20 men; it has been found, however, that this does not allow much progressive work to be done, as the large area which has been brought under cultivation entails considerable labour in keeping it in order. The planting of sugar cane has helped wonderfully in clearing the land which had been partly drained. It has moreover brought in a fair amount of revenue, as it is readily bought by the natives. It is a crop which might with advantage be advocated for the purposes of cleaning and breaking up the heavy swamp land, for we find the parts which have been planted up with this crop now in a very fine condition.

T. D. MAITLAND,
Botanist.

ANNUAL REPORT

ON THE

GOVERNMENT SEED FARMS IN TESO DISTRICT.

Meteorological Report.

Table No. I at the end of this report gives a summary of the rainfall and temperatures taken at Serere and Simsa farms during the past year.

The rains were well distributed throughout the year, and the rainfall was ample for all crop needs.

There was no abnormal feature as regards the weather during the year, except that hailstorms were rather more prevalent than usual throughout the Province, although all three farms escaped damage.

Crop of Year 1921.

The results of the cotton crop of 1921 could not be included in the last annual report, and these are shown on Table No. II at the end of this report.

In the last annual report it was stated that the crop was likely to be a poor one, due to climatic and other conditions. A glance at the column under yields per acre will show that the forecast was a correct one. It seems likely that, in addition to environmental causes, fungoid organisms played an important part in the result, as will be shown later.

The Simsa Farm crop, although not of very high yield, was the most successful, the quality of the lint being better, and there was much less disease. This result was gratifying in view of the light unretentive nature of the soils on this farm, and the extraordinary dry season, and indicates that the system adopted of crop rotations supplemented by green manuring is having an appreciable effect in maintaining the fertility of the soil. This system is referred to later on in this report.

Crop of Year 1922.

(A) SERERE.

1. Cotton.

The main crop consisted wholly of the Allen variety, the seed being obtained from Selection No. 14, originally found in 1915, and propagated on the farms since then. The Allen variety has not been tried in general distribution since 1913, when it gave a heavy yield, but developed a weakness in the fibre, and was abandoned on that account.

The selection in question has maintained its characteristics throughout the experimental period of seven years, and appears to have become acclimatised. It was therefore deemed worthy of a trial in general distribution at some future date.

The crop was put in under excellent conditions. The double-furrow disc plough was again used, and the greater part of the area under cotton was ploughed by this implement, although at less depth than the previous year. The seed was sound, germination was good and an excellent stand of plants obtained.

The crop made good progress up to the middle of September, when some deterioration was observed on the first sown cotton. A block of five acres sown in the first half of May had reached the bearing stage, when flowering and bolling should have been profuse, if a successful early crop was to be obtained. However the leaf took on a sickly appearance and curled up, there was heavy bud shedding, and any bolls which did set were later on seen to be deformed and abnormal. The above condition spread over all the May sown cotton.

Up to the end of October the second early and late cotton had been free from the above diseased condition, but early in November it was seen that the latter had become likewise affected. A partial crop failure was predicted, and material was forwarded to the Mycologist for investigation. A visit from the latter has been promised, but has not so far materialised.

It seems probable that the previous year's crop was similarly affected, although in a minor degree.

Selection Experiment Plots.

The following procedure is now used in regard to the propagation of selections on the farms:—

1st year, seed from individual plant selections are sown in single rows.
2nd year, seed from single row selections are sown in ten-row plots.
3rd year, seed from ten-row plots are sown in three-acre plots.
4th year, seed from three-acre plots are sown as the main crop on either of the farms.
5th year, seed from the main crop is sown in a segregated area by native peasants, such as Kaduguru area.
6th year, seed from the the segregated area is sown over the whole of Serere County.
7th year, seed from Serere County is sown in general distribution.

It is thus seen that six years must elapse between the original selection of any type and its ultimate distribution throughout the country, and during that period it is under continuous observation, and any defects noted.

In 1921 there were numerous single-row and ten-row experiments. They were all early sown, and in consequence suffered rather more than the main crop from the adverse conditions prevailing. So much so that only a very few of them could be retained for propagation in 1922.

Of the ten-row experimental plots in 1921, five were retained, and sown in three-acre plots in 1922. These were:—

Nyasaland No. 17, Allen Nos. 11 and 14, and Sunflower Nos. 12 and 14.

Of the 36 single-row experiments in 1921, only ten were retained and sown in ten-row plots in 1922, these being:—

Sunflower Nos. 2, 3, 4, 7, 10, and Allen Nos. 2, 4, 6, 7, and 10.

The results of the examination of the above selections are shown in Table III at the end of this report.

The samples were all ginned by the hand-gin and the seed was hand-picked before sowing.

The plots were sown in the latter end of May, and the seed germinated well. The crop had an excellent appearance up to the end of September, when the diseased condition manifested itself as previously stated. This condition spread throughout the plots but was probably least severe on the plot of Nyasaland No. 17.

In consequence of this unfortunate condition, it has been quite impossible to carry out any selection work on the above plots.

INDIVIDUAL SELECTIONS.

A large number of individual selections were made on the crop of 1921-22, 31 of which were sown in single rows at the same time as above plots, and were similarly affected by disease.

2. Minor Crops.

TOBACCO.

Three new varieties were sown, *viz.*:—Gold Leaf, Warne and Conqueror, imported from Nyasaland, as well as the two varieties, Pusa and Assam, imported the previous year.

Germination in the seed beds was not very good in the first instance, and so planting out was slow. Ultimately areas of one-sixth acre in size were planted out, and the crop made good progress. For reasons of economy in labour it was decided to allow the crop to run to seed, and to sacrifice the leaf for seed production.

A large quantity of excellent seed was thus obtained from all five varieties.

MAIZE.

One acre of maize, var. Hickory King, was sown and yielded 1,200 lbs., the quality being rather poor.

Four new varieties received from South Africa, named Potchefstroom Pearl, Ladysmith White, Salisbury White and Hickory King, were sown in one-quarter-acre plots in May, the plots being separated by areas of other crops to prevent crossing.

Germination was good and growth was well maintained up to the fertilising stage, when rust appeared on the leaf. This probably affected the yield, which was as follows :—

	Lbs.		Lbs.
Potcthefstroom Pearl	233	Salisbury White	403
Ladysmith White	217	Hickory King	229

The best cobs have been selected for further experiment next year.

KAFFIR CORN.

Seed imported from South Africa was sown in a ¼-acre plot in May. Germination was good, and the crop made good growth. Rust soon appeared on the leaf, and no seed set on first flower spikes. The plants were cut down in September, and further growth produced flower spikes, which bore a small crop of seed, of which 20 lbs. was collected for further experiment.

SIMSIM (KAVIRONDO VAR.).

One acre was broadcasted in April. Germination was good. Crop was harvested in July, and yielded 538 lbs., the sample of seed being good.

JUTE.

A small plot was sown. Germination was rather poor, and the trial did not yield any result.

RICE.

Eight varieties were sown, of which six were Indian importations and two local varieties.

Nurseries were sown in February, and transplanting was done in April, the delay being due to the ravages of insects on the young plants in the nursery, which disappeared with the advent of the rains in March.

One or two of the new varieties did well, but the yields were much under those of the local varieties. A further trial will be made next season. The yields per acre were as follows:—

Indian.		Lbs.	Local.		Lbs.
Batulasi Aus.	... ...	380	Sindano	... ...	420
Kataktari Aus.	... ...	288	Karundi	... ...	520
Pallavgori Aus.	... ...	252			
Satlia Aus.	... ...	328			
Meghie Aus.	... ...	248			
Chakladhanga Aus.	... ...	84			

Sweet Potatoes.

An interesting experiment with nine varieties of locally grown sweet potatoes was carried out. The sets were planted out in plots one-sixth acre in size in April and May. The season was a favourable one for this crop, and a successful yield was obtained.

A test was carried out to find the starch content of the different varieties.

Indian Gram.

A quarter-acre plot sown in April germinated well, and yielded at the rate of 200 lbs. per acre.

Soy Beans.

Four varieties were sown in one-quarter-acre plots in April. Germination was good, and the crop was harvested in July. The average yield from the plots was 290 lbs. per acre, which is low by comparison with other years.

Chillies.

Two varieties were sown in beds in April, and planted out in June between bananas. These were the small common variety from Busoga, and the large red variety from India. Both kinds can be grown with success, and the latter is a less difficult crop to handle, as it is easily picked, whereas the small chilli is difficult to pick owing to the irritant effect of the pod on the hands and eyes of the pickers.

Only one picking was made, the bulk of the crop being left on the bushes on account of shortage of labour.

3. Nurseries and Tree Planting.

During the year the following seeds of trees, etc., were received and sown in the nurseries:—

Fruits.

Anona Cherimolia (Cherimoyer)	Eriobotrya Japonica (Loquat)
Diospyros Discolor (Velvet Apple)	Anona Muricata (Soursop)
Citrus Medica (Lemon)	Carica Papaya (Papaw)
do Decumana (Pomelo)	Morus Nigra (Mulberry)
do Medica var. acida (Lime)	Eugenia Jambos (Rose Apple)
do Sp. in var. (Orange)	Punica Granatum (Pomegranate)
Psidium Guajava (Cherry Guava)	Persia Gratissima (Avocado Pear)
do Cattleyanum (Common Guava)	Cyphomanda Betacea (Tomato)

Shade Trees, etc.

Poinciana Regia	Cinnamomum Zeylanicum (Cinnamon)
Cedrela Toona	Elaeio Guineensis (Palm Nut)
Measopis Berchimoides	Eugenia Caryophyllata (Clove)
Leucaena Glauca	Picralima Klainiana
Widdringtonia Whytei	Encephalartos sp.

Germination of most of above was good, and a number of plants have been obtained for next year's planting out and general distribution.

The season was a favourable one for the planting out of trees, etc. Trees and shrubs for ornamental purposes, avenues and wind breaks were set out, and the laying out of the ground around the farm buildings was carried out successfully.

The following were planted out:—

Grevillea Robusta	Poinciana Regia
Eucalyptus Robusta	Spathodea Nilotica
Albizzia Lebbek	Areca Catechu
Cedrela Toona	Persea Graissima
Juniperus Cedrus	Mangifera Indica
Pinus Canaryiensis	Carica Papaya, etc.

There were no plants available for general distribution last year.

4. Crop Areas.

The following is a list of crop areas under cultivation:—

	Acres.		Acres.
Cotton	70	Gram	¼
Maize	2	Soy Bean	1¼
Simsim	2	Chillies	¼
Kaffir Corn	¼	Bananas	2
Tobacco	1	Trees	10
Rice	3	Nurseries	3
Sweet Potatoes ...	3		
		TOTAL ...	98

5. Instruction Work.

Last year a beginning was made with instruction work on the farm, although this branch has not received the attention it deserves.

A few boys were sent in by the District Commissioner, Gulu, for instruction in ploughing and general cultivation. Four of the Lango Chiefs also sent in boys for training in general farm practice. The latter remained five months at Serere, and showed considerable aptitude in their work. They are now employed by the chiefs as headmen in charge of their private shambas, and are said to be working well.

It is hoped to develop this side of the farm work in the near future; so that every Chief, who wishes it, can have lads trained, who will afterwards become headmen and supervisors under the chiefs, and assist in bringing in better methods of cultivation in their several areas.

6. Labour.

During the year some difficulty was experienced with labour, the attendance being particularly poor in the months of April and May, which are the most important months as regards cultivation and sowing.

7. Live Stock.

An outbreak of rinderpest occurred in May amongst the work oxen, a large number of animals being affected, of which 11 died.

This outbreak, occurring in the most important season of cultivation, tended to throw the smooth running of the farm out of gear for a time.

(B) SIMSA FARM.

This farm was carried on as usual, as an auxilliary to the Serere Station, with a native overseer in charge and an average daily attendance of about 25 labourers, and occasional visits of supervision by an officer of this department.

The season was a favourable one for this farm, and crop results were mostly good. The following is a list of crops grown with areas and yields obtained:—

NAME OF CROP.	Area in Acres.	Yield per Acre, lbs.	Total Yield, lbs.	REMARKS.
Cotton	40	250	10,000	—
Ground Nuts	9½	600	5,735	—
Maize	5	900	4,500	—
Millet (Matama)	3	800	2,420	—
Millet (Bulo)	3	400	1,200	—
Beans	2½	220	550	—
Chillies	¼	1,000	250	—
Simsim	1	160	160	—
Peanuts	1	—	—	Failed.
Tobacco	1¼	600	750	—
Lucerne	½	—	—	No yield.
Cassava	2¼	—	—	Roots not lifted.
Mweli	1½	—	—	Failed.
Sugar Cane	1½	—	—	Canes being sold ret.
Sweet Potatoes	1¼	800	1,000	Part of crop lifted and dried.
TOTAL AREA ...	73½	—	—	—

1. Cotton.

The cotton crop on this farm consisted entirely of Selection No. 21 of the Nyasaland variety, grown on Serere Farm the previous year.

The land was prepared as follows:—Ploughed in February, by single furrow mould board plough, and sown with either Giant Bean, Groundnuts or Bulo. Towards the end of April above crops were ploughed in as green manure, and harrowed well with disc and drag harrows to break up the clods and consolidate the ground by the trampling of the oxen. Cotton requires a firm seed bed, and it is important that the ground should be firmly pressed by some means especially after ploughing in green crops, if a satisfactory plant of cotton is to be obtained.

Sowing began on 15th May, and was continued until the first week in July. Germination was good all over. Some damage was done to the young plants by white ants, one plot of early cotton in particular being badly thinned out by these pests. The only remedy against this attack appears to be extra thick sowing, and less severe thinning to allow for subsequent loss.

Early in October severe storms passed over the farm which did some damage to the early crop, the plants being laid flat, and subsequently there was considerable bud shedding.

The crop made a quick recovery later, the plants being well covered with bolls, and picking began in November, about 150 lbs. per acre having been picked by the end of the year.

The quality of the cotton is very good, and percentage of stain small.

Insect pests have not done much damage so far, and there is no evidence of the disease affecting the Serere crop.

2. Minor Crops.

Tobacco.

Nurseries were sown in April with three new varieties imported from Nyasaland, *viz.*—Gold Leaf, Warne and Conqueror, also two previous importations—Pusa and Assam.

Planting out took place in June and July, being somewhat delayed by dry spells of weather, but ultimately an excellent plant was obtained, and the crop was a very successful one. The leaf was cut and hung up to dry in September—October and at this date it is still hanging, the continuance of the dry weather since 1st November preventing its being touched. The quality of the leaf appears to have been exceptionally good this year, and the new varieties appear to suit the climate.

There was no damage by insects or storms.

Groundnuts.

This crop does well on the light soils of Simsa. The past season's crop was a successful one, and the yield would have been larger if a portion of the crop had not been left too long in the ground and spoiled. The digging up and drying of the nuts is a slow job, and one specially suitable for women and children. The latter do not come forward readily for the lighter jobs on the farm, although offered daily payment in cash or kind.

Selected large seed from the previous year's crop is used for sowing this crop, the smaller seed being sown for ploughing in as manure.

Millets—Bulo.

A small area was sown with selected seed for food and seed purposes.

Millets—Matama.

This crop was again tried and proved successful. The yield shown is small, but reaping was delayed for lack of labour, and much of the seed was taken by birds, etc.

Millets—Mwele.

This crop came up well, and would have given a fair yield, but on account of labour economy the crop could not be reaped when mature.

Maize.

Seed of the var. Hickory King was sown and gave a successful crop. The yield, although not large, was satisfactory, considering the light nature of the soil, and the quality of the produce was excellent.

BEANS.

Small areas of Soy and other varieties were sown. The former was successful but the latter failed.

SIMSIM.

This crop was tried for the first time on this farm, but the results were poor, the soil being too light and unretentive for this crop.

CHILLIES.

A quarter-acre plot of the small Busoga var. was sown in May, the seed being broadcasted in the open with surprisingly good results. The seed germinated well, and, although white ants took a number of the young plants, a satisfactory stand of plants was obtained. There was no shade of any kind, but the plot was sheltered from the winds by a belt of trees. Owing to labour shortage only one picking was taken, equal to about 1,000 lbs. per acre, and the rest of the crop was lost.

This experiment is interesting as showing that the crop can be grown with success on the lighter soils. It might be introduced among the natives of Teso and Lango, and the seed will be kept for that purpose.

3. Live Stock.

An outbreak of rinderpest occurred among the work oxen in August, and resulted in the death of nine animals. Luckily the ploughing season was practically over, and so the outbreak did not upset the season's work as it might have done earlier in the year.

4. Buildings.

Towards the end of the year a seed store was built on the farm. This store, which is of a permanent rat and ant proof nature, will be used mainly as a cotton seed depôt for the Eastern side of Teso and Lango districts. It will also form a useful adjunct to the farm buildings, which were built in 1916 of a temporary wattle and daub nature, and are now very dilapidated.

(C) KUMI FARM.

This farm was run as heretofore as an auxilliary to Serere, and as a centre for ploughing instruction. It was found to be impossible to carry on a ploughing school last year, for reasons set forth under ploughing, and so a number of oxen were sent from Simsa to Kumi to plough the land in readiness for cotton. An area of about 18 acres was ploughed, of which 17 acres were put under cotton.

For reasons of economy the labour employed was cut down to one native headman and five labourers at a cost of about Shs. 60 per month and it was decided to concentrate on the cotton crop only. Sowing began about the middle of May, the seed used being derived from Selection No. 3 of the Sunflower var.

Germination was good and the crop made good progress throughout the year. For the first time for some years, the cotton crop on this farm escaped damage by hail and severe rainstorms, and so, when picking began, the plants were standing erect, well branched and well bolled.

By the end of the year 130 lbs. per acre had been picked, the cotton being of very good quality and percentage of stain low.

Ploughing Instruction and Development.

During the year under review little or no progress can be recorded in the matter of the development of the use of ox-drawn ploughs by natives.

There were important circumstances against development—(*a*) the small monetary return from the previous year's cotton crop, resulting in an almost entire absence of ready money in the hands of natives to buy anything with; and (*b*) the sporadic outbreaks of cattle disease, necessitating restrictions in the movement of cattle. The former prevented the purchase of implements and spare parts, and the latter acted against any assembly of oxen for instruction purposes.

Other Crops.

Large quantities of ground nuts and simsim have been marketed during the year, at medium prices, which tended upwards towards the end of the year. Both crops gave satisfactory yields, the late simsim crop being a specially good one.

R. G. HARPER,
Senior Agricultural Officer.

Table I.

Rainfall and Temperatures at Serere and Simsa Farms.

A. Serere.

Month.	RAINFALL. Rainy days.	RAINFALL. Inches.	TEMPERATURES. Average maximum.	TEMPERATURES. Average minimum.	TEMPERATURES. Highest recorded.	TEMPERATURES. Lowest recorded.
January	1	0·20	90·2	70·7	95	68
February	13	3·20	88·4	67·6	95	63
March	15	6·06	85·3	67·8	92	60
April	12	3·78	83·8	65·6	91	61
May	13	4·82	81·4	65·7	86	63
June	10	6·91	81·4	65·8	85	62
July	13	2·64	80·5	65·2	82	63
August	14	9·27	80·7	64·1	86	61
September	17	4·04	83·8	64·7	89	61
October	14	8·61	85·7	65·3	89	63
November	4	2·85	89·7	66·2	93	64
December	4	1·50	88·8	65·2	94	62
Total ...	130	53·88	—	—	—	—

B. Simsa.

Month.	RAINFALL. Rainy days.	RAINFALL. Inches.	TEMPERATURES. Average maximum.	TEMPERATURES. Average minimum.	TEMPERATURES. Highest recorded.	TEMPERATURES. Lowest recorded.
January	3	2·75	95·0	64·0	102	56
February	8	1·60	93·1	65·2	100	61
March	12	3·66	88·0	64·0	98	60
April	14	5·30	87·0	65·0	99	61
May	15	5·42	86·5	65·0	90	62
June	14	5·96	86·0	64·0	93	61
July	12	4·31	86·0	63·0	90	60
August	15	8·07	85·4	63·8	92	61
September	14	5·66	89·0	65·2	95	63
October	16	6·92	92·4	65·9	98	63
November	4	0·77	97·3	65·2	101	62
December	4	0·31	95·9	64·5	103	61
Total ...	131	50·73	—	—	—	—

Table II.

Main Crop Results, 1921.

Plantation.	Variety.	No. of Selection.	Area Acres.	Total yield. A.	Total yield. B.	Yield per acre.	Percentage of lint.	Staple.	Remarks.
Serere ...	Allen ...	14	18	3,563	1,184	263	29·21	1¼ in. Fair strength.	Has maintained its properties of length and silkiness in a season of extra drought.
do	Sunflower	7	18	4,193	1,289	304	30·24	1 3/16 in. Good strength.	Gave the best result of the three.
do	Nyassaland	21	18	3,083	981	225	29·35	1 3/16 in. Good strength.	Gave the least satisfactory result both as to yield and quality of staple.
Simsa ...	Sunflower	3	30	5,603	1,815	247	30·30	1 3/16 in. Very good strength.	An excellent sample of cotton, regular and strong.
Kumi ...	do	6	6	867	221	181	30·21	1 3/16 in. Fair strength.	Crop affected by adverse circumstances. Sample of moderate appearance and quality.

The above cotton was ginned by the Bombay Uganda Co., Ltd., at their Rappayi ginnery and a careful record kept of the results.

TABLE III.

Results of Examination of Selection Experiments—Year, 1921-22.

No.	Variety.	No. of Parent.	Yield lbs.	Average length of staple, inches.	Strength.	Regularity.	Fineness.	Percentage of Lint.	Seed.	Remarks.
A.	**10-Row Plots.**									
17	Nyasaland ...	30/18	70	1 3/16	Strong ...	Fairly regular.	Fine ...	32·9	Large. Fuzz covered	Sample of very good colour, strong and lustrous.
11	Allen ...	25/29/17	48	1¼	Strong ...	Regular ...	Very fine ...	31·2	Small. Sparsely covered.	A nice sample of good colour and lustre.
14	„ ...	25/29/16	60	1¼	Fairly strong	Fairly regular.	Very fine ...	30·0	Medium size. Fuzz covered.	A typical sample of Allen of good length and lustre.
12	Sunflower ...	7/26/7	56	1 3/16	Strong ...	Regular ...	Very fine ...	32·1	Large. Fuzz covered	A pleasing sample. Distribution good.
14	„ ...	18/14/10	50	1 3/16	Fairly strong	Fairly regular.	Very fine ...	30·2	Small. Sparsely covered.	A fair sample. Distribution not very good.
B.	**1-Row Plots.**									
2	Allen ...	5/14	—	1 3/16	Fairly strong	Regular ...	Fine ...	27·5	Small. Sparsely covered.	A moderate sample. Some immature fibre.
4	„ ...	6/14	—	1 3/16	Strong ...	Regular ...	Fine ...	32·2	Medium size. Well covered.	do do do
6	„ ...	6/14	—	1¼	Fairly strong	Very regular	Very fine ...	31·0	Small. Well covered	A nice sample. Some weakness.
7	„ ...	6/14	—	1¼	Fairly strong	Fairly regular.	Fine ...	28·1	Small. Sparsely covered.	A fair sample. Some weak fibres.
10	„ ...	6/14	—	1 3/16	Strong ...	Regular ...	Very fine ...	30·2	Large. Well covered	An average sample of good strength.
2	Sunflower ...	1/3	—	1¼	Strong ...	Regular ...	Fine ...	30·4	Large. Well covered	do do
3	„ ...	1/3	—	1¼	Very strong	Regular ...	Very fine ..	28·3	Small. Sparsely covered.	An excellent sample.
4	„ ...	7/26/7	—	1 3/16	Fairly strong	Very regular	Fine ...	32·3	Large. Well covered	A good sample except for some weakness. Distribution extremely good.
7	„ ...	3/9	—	1 3/16	Very strong	Regular ...	Fine ...	32·3	Medium size. Well covered.	A nice sample of good strength.
10	„ ...	3/9	—	1¼	Very strong	Regular ...	Fairly fine ...	28·8	Small. Sparsely covered.	do do

ANNUAL REPORT

OF

THE GOVERNMENT MYCOLOGIST.

1. I have been on duty during the whole year. During part of the time, I attended to entomological matters as well as to my own duties.

2. As in former years, I have been greatly indebted to the Directors of the Royal Botanic Gardens, Kew, and the Imperial Bureau of Mycology for the identification of material, and I beg to thank both officials for their help.

3. I have toured during the year in Budama, Bunyuli and Bugishu districts and among the Sese Islands, and I have paid, in addition, numerous visits to estates in the Kyagwe, Kampala, Mubende and other districts at the request of owners or managers.

4. The cereal disease investigations mentioned in last year's report were brought to a point beyond which it was impossible to go under the circumstances, and the results have been incorporated for local use in Circular No. 8 which was published at the end of November. A further circular dealing with the local diseases of coffee is almost completed and will be published as soon as possible. Minor matters are omitted from this report.

Coffee.

5. There is nothing of importance to add to the mentions of the diseases of this crop in past reports. The usual leaf fungi, *Hemileia*, *Cercospora*, and *Colletotrichum*, have been in evidence, and the two latter fungi have been found also on the berries, but it was only in very few cases that real harm was wrought by them. Likewise, cases of damaged beans have been few. Two minute fungi were found for the first time on coffee leaves, but they were of minor importance. Their names have not yet been received from home. The usual cases of anthracnose of branches occurred, but none of them could be attributed to a cause that was not well-known. A mention of the fungus of root rot, a disease that attacks coffee and many other hosts in Uganda, will be found under the heading of *Hevea*.

Hevea.

6. A few cases of dieback were sent for examination. In one of these, the fungus present, *Botryodiplodia theobromæ* Pat., had progressed from the upper parts of the tree well into the roots. Bark and cortex diseases have not been in evidence, and no new cases of root disease have been reported. It might be mentioned here that, during the year, two finds of the sporophores of the fungus causing the disease which is locally known as root rot and which occurs on coffee, tea, cocoa, *Hevea*, ceara, mango, *Hibiscus*, *Eucalyptus*, roses, etc., and on dead stumps, were made by the Botanist in Entebbe. In one case, the sporophores were associated with the root rot on *Hevea*, and, in the other, with an old stump. The sporophores had been the object of a search extending over several years, and their discovery enables the fungus of the root rot to be definitely identified for the first time. The fungus was originally suspected of being a species of agaric, and it is now known to be *Armillaria mellea* (Vahl.) Fr. a form which attacks many hosts and is widely distributed. The Uganda sporophores are much smaller than those of the European species. The brown bast experiments mentioned in last year's report have been carried on, and the trees have been examined after a year's tapping. There are five series of tappings varying from daily and alternate days throughout the year to alternate days for three months and rest for three months and so on, and it falls to be recorded that, though certain series of trees might have been expected to show a greater incidence of brown bast than others, there is such a complete absence of the trouble that the experiments are totally inconclusive so far as they have gone. A little mouldy rot of the tapped surface is in evidence. It appeared during a spell of wet weather. Other *Hevea* diseases, for example, patch canker, have been negligible during 1922, but it is to be expected that the resumption of regular tapping throughout the country will lead to the reappearance of the common stem troubles. The leaf mildew (*Oidium sp.*) reported for the first time in 1921 occurred on several estates, and it is therefore extending its range. Its effects were as before—deformation and loss of a few leaves.

Cotton.

7. Several severe outbreaks of grey or areolate leaf mildew (*Ramularia areola* Atk.) were recorded. The fungus occurred only on the mature leaves of the plant, and in some of the material examined it was found to have caused a certain amount of defoliation. Continued moist weather was responsible for its appearance on a larger scale than usual, and the attacks died out altogether on the cessation of the rains. Boll anthracnose might have been expected to be common, but it was not so, owing, perhaps, to the fact that when the conditions were favourable to the anthracnose fungus, the bolls were still hard and green and able to resist infection. On the whole, cotton boll anthracnose is not so common in Uganda as might be expected.

Sugar Cane.

8. *Leptosphæria sacchari* van Breda and *Helminthosporium sacchari* Butl. are fairly common on the leaves of sugar cane in Uganda and have been known for several years. There now falls to be recorded the occurrence of a rot of the stem which has been found to be fairly widespread since its original discovery on the Kampala Plantation. Three fungi, *Colletotrichum falcatum* Went., *Melanconium sacchari* Massee, and a species of *Cephalosporium*, have been found in association with the disease, but no definite pronouncement as to which fungus is the cause of the disease can be made pending further investigation. It is hoped that the matter will be cleared up soon, for the disease is apparently capable of being destructive.

Other Crops.

9. No diseases of cocoa or tea have been investigated during the year. The dieback of chillies due to *Vermicularia capsici* Syd. was identified for the first time. The outbreak of the disease coincided with an unusual period of rains in the month of October, and the symptoms were exactly those described for the same disease in India. Individual flowers drooped and dried up at the beginning of the attack. Many fell off the plants, and so prevented the fungus of the disease from passing into the adjoining tissues, but others were found to persist and give opportunity for growth into the stems. Lateral branches were thus killed off, and in some diseased plants the whole of the upper portions died. The bark of the stem became brown and then white in longitudinal strips. The dieback was not of a deadly nature, but it is evidently capable of causing great loss in an unfavourable year. An interesting root disease of *Grevillea robusta* has been under investigation during 1922. *Grevillea* has been widely planted in townships and as a shade and wind-break for coffee, and its diseases are therefore assuming a certain amount of importance. Many well-grown trees have died on road-sides and among coffee, and it has been usual to refer their death to white ants, for the examination of a dead or dying tree very often reveals only the presence and work of the insects. It is now known, however, that in most cases, if not in all, death is due to a root disease caused by the parasitism of a species of *Rhizoctonia*. The morphology of the fungus has been studied as it occurs both in nature and in culture, and its supposed *Corticium* stage has been discovered. The latter is apparently strictly parasitic for it has not developed in culture. The *Rhizoctonia* may prove to be a new species, and it is hoped to publish an account of it in due course. In view of the presence among coffee of *Grevillea* affected with *Rhizoctonia* disease, there arises the important question as to whether the fungus will pass from *Grevillea* to attack adjacent coffee, and infection experiments to test this point have been in progress for some time. Up to date the results have been negative.

In the course of routine work during the past few years it has been found that a species of *Colletotrichum* indistinguishable from *Colletotrichum coffeanum* Noack, occurs under circumstances which at times point to its parasitism and at others to its saprophytism. During 1922, a collection of cultures of the fungus from as many host plants as possible was set up with a view to a morphological comparison of the various strains and their testing by a series of cross-inoculation experiments. The strains included the *Colletotrichum* from coffee, tea, avocado pear, *Anona muricata*, vanilla, oil-palm nuts, papaw fruits, mango (anthracnose of floral branches), and fruits of *Voacanga* sp. The inoculation experiments are still in progress, and the results will be published when the work is completed. It may also be shown that the various strains of the *Colletotrichum* are conidial forms of *Glomerella cingulata* S. and v. S.

In last year's report, it was mentioned that a species of *Fusarium* was causing a destructive wilt of cashew nut seedlings in the Government Plantation, Kampala. The

fungus was studied and has been labelled *Fusarium udum* Butl. It occurred in the same locality on young plants of *Grevillea robusta*, rose apple, and loquat, and it was made to infect its host in India where it was originally studied, *viz.*, pigeon pea. An account of this *Fusarium* was published in the Kew Bulletin, pp. 269—291, No. 9 of 1922.

A second occurrence of the nematode *Heterodera radicicola* Greef was noted on the roots of *Thunbergia erecta* T. Anders. in the Entebbe Gardens. In continuance of the rice disease investigation outlined in last year's report, the rice areas of the Eastern Province and the Sese Islands were inspected. The presence of the diseased condition of rice described in Circular No. 8 and referred to as blast disease was demonstrated in the Eastern Province, and was confirmed several times from material sent to the laboratory from the field, and the disease has also been proved to be present in Sese.

W. SMALL,
Mycologist.

ANNUAL REPORT

OF

THE GOVERNMENT ENTOMOLOGIST.

I was absent on leave from the Protectorate during the period April 18th to November 21st. My early departure was sanctioned by the Secretary of State for the Colonies to enable me as a Carnegie Student to visit the United States during the time most favourable for the study of cotton pests. The Mycologist attended to routine work during my absence.

Visits were paid during the year to eight estates managed by Europeans and many plots of cotton, etc., cultivated by natives were examined.

Several insects new as pests in Uganda are recorded in the following account of insects of economic importance:—

On Coffee.

1. *Antestia lineaticollis* Stal var. The variegated bug.

This is the most serious insect pest of coffee. It would appear that the outbreaks were becoming more frequent. The annual loss to planters has been estimated to exceed £15,000.

The factors which favour the increase in numbers of this pest are very obscure; no weather condition or other factor seems constantly to be associated with serious attacks by bug. Careful aud continued collection of all stages, and breeding of parasites from collected eggs, prove successful in controlling the insect in some instances, while in others, these measures are attended by partial success only. This seems to indicate migration of bug, in the latter cases, from surrounding breeding places but I have not yet succeeded in finding this pest feeding on any plant other than coffee. Various reports of the discovery of *Antestia lineaticollis* on other food plants have been received from time to time but in no instance was the report supported by insect specimens.

I hope to be able to pay more attention to this problem during the coming year, although the projected absence of the Mycologist will necessitate my presence at headquarters during the greater part of the time.

2. *Stephanoderes hampei* Ferr.—Berry-borer.

No reports of serious attack by this pest have been received but I have observed the insects' presence in abnormal numbers on several estates.

During the coming year I intend to test the efficiency of breeding of the parasites from "buni" coffee as a means of control of this borer.

3. *Pseudococcus citri* Risso—Root mealy-bug.

This insect continues to be a serious pest on some estates. Treatment with tobacco-soap solution seems to be only temporarily effective and the application has to be repeated every three months or so. It is probable that the ant *Acropyga gowdeyi* Wheeler which attends the mealy-bug is partly responsible for the re-infection of coffee roots.

The projected test, mentioned in my report for 1921, of the effect of applying lime to the soil around the infected roots was not carried out because lime was not available.

Several soil insecticides, which if efficient should be more lasting in effect than tobacco-soap solution, are to be tested during the coming year.

4. *Metadrepana glauca* Hmp.—Leaf-eating caterpillar.

Several severe outbreaks occurred during June and July. Control was effected either by hand-picking of caterpillars or by spraying the trees with poison.

5. *Diarthrothrips coffeae* Will—Thrips.

On estates in districts subject to moderately long periods of drought, severe attacks were experienced. Spraying is the only means of control, but this in most cases proves very expensive.

6. *Bixadus sierricola* White.—Stem-borer.

Reports of attack were received from two widely separated plantations in Entebbe and Masindi districts. In both cases the attacked coffee trees were adjacent to forest land.

The injuries closely resemble those due to *Anthores lenconotus* Pasc. The larva after feeding for a time in the bark of the lower part of the stem, bores into the wood, making large burrows; often the stem is ringed and the plant soon dies.

Early detection of attack is essential to safeguard the trees. In advanced cases "stumping" may be necessary, but where the burrows are not extensive and have not appreciably affected the mechanical strength of the stem, injection of carbon tetrachloride, carbon bisulphide or petrol and subsequent plugging of the holes with clay should control the pest. Cut stems or dead trees should be burnt as soon as possible.

7. *Isconiris* sp.—Leaf-eating weevil.

This insect new to the collection here and hitherto unrecorded as a pest on coffee in Uganda has thus far been noticed on one estate only. The beetle eats the young buds and leaves. Hand-picking or spraying with poison (lead arsenate or Paris green) are recommended for control.

8. *Pseudococcus virgatus* Ckll.—Mealy-bug.

One infestation of coffee trees requiring treatment was reported.

9. *Asterolecanium coffeae* Newst.—Scale.

This was responsible for the death of several coffee trees which were previously noted to be in a weak condition.

10. *Achaea catocaloides* Gn. (Noctuidae)—Leaf-eating caterpillar.

An unusual outbreak of this caterpillar occurred. It is said to appear periodically in enormous numbers but this is the first time the insect has been identified. Evidently the caterpillar is a general feeder living normally in the forest from which in this instance it spread through bush land on to coffee, maize and beans, threatening enormous damage to the first-named crop.

Control was effected by dusting the infected coffee trees with Paris green and burning the bush vegetation between the forest and the coffee.

On Cotton.

1. *Earias insulana* Boisd.—Boll-worm.

During the early part of the year the pest was uncommon but several serious infestations of the succeeding crop were reported during December in Bukedi and Kyagwe Districts. One caterpillar was found parasitised but I failed to rear adult parasites. In one instance the insect was noticed boring into young shoots. When flower buds or young bolls are attacked they are generally shed very early; shedding of bolls may also be due to drought or other causes.

This species has been bred:—from the fruits of "bikyenke" (Lunyoro)—probably *Hibiscus sabdariffa*—which is grown on a small scale by natives of Bunyoro who use the seed for making a kind of flour; and from the caterpillars feeding on flowers of the deep red *Hibiscus* much used as a hedge plant in Uganda.

2. *Aphis gossypii* Glover—Green-fly.

The growth of young or weak plants, or of older plants during periods of drought, is much retarded by this pest. The insect was observed to be preyed on by the adults and larvae of the Coccinellid (lady-bird) beetles *Chilomenes vicina* Muls. and *C. lunata* Fab.

3. *Oxycaraenus* spp.—Stainers.

These were not common on cotton. *O. rufiventris* Germ., *O. fieberi* Stal. and *Oxycaraenus* sp. not in the British Museum were found on cotton; the last mentioned species was also found on "lubera" (Hibiscus cannabium) as also was *O. hyalipennis* Costa which has previously been recorded on cotton.

4. *Dysdercus* spp.—Stainers.

Insects of this genus were less common than *Oxycaraenus* spp. *D. nigrofasciatus* Stal. was found on the fruits of "kifula" (*Abutilon indicum*).

5. The Meloid beetles *Coryna apicornis* Guer. and? *Coryna* sp. (not named in this collection) are common cotton flower-eaters but the damage they do is negligible.

6. An Aleurodid (white fly) which has not yet been identified was found in small numbers on cotton leaves in the Eastern Province.

On Tea.

A number of trees were discovered with their roots infested by a Coccid new to the collection here.

On Sweet Potato.

Acraea acerata Hew.—the leaf eating caterpillar—was as usual responsible for a certain amount of damage.

On Maize.

The caterpillar of *Busseola fusca* Hmp. is recorded for the first time as a stem-borer in maize in Uganda.

On Shade Trees.

The rain tree (*Pithecolobium saman*) was attacked by an unidentified stem-boring caterpillar and a Buprestid beetle.

Mulberry Silk.

A sample of dried cocoons weighing about nine pounds was sent in April to the Imperial Institute, London, for examination and report. At the time of writing no report has yet come to hand.

During my absence from the country my native assistant continued to rear silkworms. On my return I reared all the caterpillars to the pupal stages and after selecting a few of the best white and yellow cocoons for breeding purposes I killed the remainder. The eggs obtained from the selected insects have not yet hatched though it is six weeks since they were laid.

As soon as time permits I propose to have a small box fitted up for hibernating the eggs in order to bring about regular hatching. The recent installation of an ice plant in Kampala renders this process possible.

Native Famine Food Stores.

While on tour in the Eastern Province during January, I inspected numerous food stores for the presence of insect pests but in no case was the food found infested.

Insects and other Specimens received.

I am indebted to the following for specimens they have sent in:—Dr. G. D. H. Carpenter—about 600 miscellaneous insects; the late Mr. R. A. Dummer—Lepidoptera in papers; Mr. G. T. Philpott—3 species of Coccidae; Mr. D. N. Stafford—intestinal parasites from a native; Mr. W. C. Simmons—one tick; Mr. H. T. Wells—one Lasiocampid caterpillar; and Dr. W. D. Hunter of the United States Bureau of Entomology—a collection of cotton pests.

The Reference Collection.

A large number of the insects already in the collection have been named during the year; there must still be at least half of the specimens unnamed. Numerous additions have been made to the reference collection.

The Imperial Bureau of Entomology has rendered valuable services in this work. I am greatly indebted to the following Entomologists for identification of insect species:—Dr. G. A. K. Marshall; Dr. B. Uvarov; Mr. G. E. Bryant; Mr. E. Meyrick; Mr. W. H. T. Tams; Dr. G. Arnold (Rhodesia); and Mr. H. Desbordes.

Plant Imports.

One hundred and forty-five consignments were examined from countries as shown below:—

United Kingdom	78
France	15
India	14
Kenya	8
Holland	7
South Africa	7
United States of America	4
Belgium	4
Egypt	4
Japan	2
Nyasaland	1
Zanzibar	1
TOTAL	145

Kampala Museum.

A few more local products have been placed on exhibition.

The old roof was replaced during December by one of the ordinary type. While repairs were in progress the exhibits and cases were stored in a house kindly loaned without charge by Mr. G. C. Ishmael. A few panes of glass in the cases were broken during removal and many labels detached from exhibits.

H. HARGREAVES,

Government Entomologist.

APPENDICES.

Appendix No. 1.

IMPERIAL INSTITUTE OF THE UNITED KINGDOM,
THE COLONIES AND INDIA.

Report on Banana Flour from Uganda.

The samples of banana flour which are the subject of this report were forwarded to the Imperial Institute by the Acting Director of Agriculture, and are referred to in his letter No. 911/511 dated the 21st September, 1922.

It was stated that the flours had been prepared from native varieties of bananas, and a report on them was desired in connection with the work of the Department of Agriculture on native food crops.

Description.

"*No. 1, Nakitembe.*"—Weight 12½ ozs. Dark cream coloured flour with a mild, slightly sweet taste, and containing many small lumps.

"*No. 2, Nakabululu.*"—Weight 15½ ozs. Brownish-cream coloured flour, not so lumpy as No. 1, and stronger in taste.

"*No. 3, Lweunzika.*"—Weight 10 ozs. Slightly darker flour than No. 1, but not so lumpy; similar in taste to No. 2.

"*No. 5, Ndizabaulu.*"—Weight 14 ozs. Very slightly darker than flour No. 3, with a taste similar to that of No. 2.

"*No. 7, Kibuzi.*"—Weight 12½ ozs. Very slightly darker than flour No. 5, of coarser texture and stronger taste.

"*No. 8, Mbwazirume.*"—Weight 14 ozs. Of lighter colour than flour No. 1, with a taste which was similar but not so good.

"*No. 9, Muvubo.*"—Weight 11½ ozs. Fairly dark cream coloured flour (the lightest in colour of the series) with a rather strong taste.

"*No. 11, Namwezi.*"—Weight 6 ozs. Very slightly darker than flour No. 9, with a taste similar to that of No. 1.

"*No. 14, Nakakongo.*"—Weight 8½ ozs. Similar in colour to flour No. 9, and in taste to No. 1.

"*No. 19, Musenzalanda.*"—Weight 15 ozs. Brownish-cream coloured flour, the darkest of the series, with a taste, not quite so strong as that of No. 9.

"*No. 25, Kigere Kyanjuvu.*"—Weight 15½ ozs. Similar in colour to flour No. 9, and in taste to No. 1.

"*No. 27, Ndyabalangira.*"—Weight 1 lb. Similar in colour to flour No. 14, with a mild taste, sweeter than that of No. 1.

"*No. 30, Mamba.*"—Weight 12 ozs. Very similar in colour to flour No. 9, with a mild taste and good flavour.

"*No. 31, Luwata.*"—Weight 14½ ozs. Similar in colour to flour No. 27, with a taste not so strong as that of No. 9.

"*No. 33, Ntika.*—Weight 1 lb. 1½ ozs. Similar in colour to flour No. 9, with a mild taste and good flavour.

"*Red Gonja, grown at Entebbe*"—Weight 7½ ozs. Similar in colour to flour No. 30, with a strong, rather unpleasant taste.

"*Yellow Banana, grown at Entebbe.*"—Weight 9½ ozs. Greyish-cream coloured flour containing numerous small dark-coloured particles. The taste was rather strong.

Results of Examination.

Samples Nos. 9 and 19, the lightest and darkest of the series, and the two flours described as "Red Gonja" and and "Yellow Banana," were analysed at the Imperial Institute with the following results:—

	No. 9. *per cent.*	No. 19. *per cent.*	"Red Gonja" *per cent.*	"Yellow Banana" *per cent.*
Moisture	13·3	13·3	14·1	14·2
Crude Proteins	4·8	5·1	3·1	3·5
Fat	0·6	0·5	0·8	0·6
Starch (by acid hydrolysis) ...	64·8	63·6	67·8	62·8
*Other Carbohydrates (by difference) ...	12·6	13·2	11·5	15·7
Crude Fibre	0·9	1·0	1·0	1·1
Ash	3·0	3·3	1·7	2·1
Nutrient Ratio	1:16·4	1:15·3	1:26·2	1:22·8
Food Units	91·0	91·0	89·0	89·0

*Including sugars, as follows:—

Reducing sugars, expressed as dextrose, per cent	2·0	1·53	1·16	2·28
Non-reducing sugars, expressed as sucrose, per cent	0·27	0·47	nil	nil

These results show that Samples Nos. 9 and 19 contained more protein than the "Red Gonja" and "Yellow Banana" flours, but were otherwise similar to them.

As the relative value of the flours depends chiefly on the proportion of protein present, the amount of this constituent was determined in the remaining 13 samples. The percentages of moisture and crude proteins in all the flours are given in the following table:—

Sample.	Moisture. *per cent.*	Crude Proteins. *per cent.*	Sample.	Moisture. *per cent.*	Crude Proteins. *per cent.*
1	10·6	5·8	19	13·3	5·1
2	10·9	6·2	25	11·1	4·8
3	10·4	5·9	27	11·0	4·6
5	10·4	6·1	30	12·1	5·4
7	10·9	5·9	31	11·4	5·6
8	10·7	6·5	33	11·4	5·1
9	13·3	4·8	Red Gonja	14·1	3·1
11	11·8	4·8	Yellow Banana	14·2	3·5
14	11·7	6·1			

Remarks.

Banana flour is essentially a carbohydrate food stuff and contains only a small percentage of protein. It should therefore be employed in conjunction with other foods richer in protein (*e.g.*, beans and peas) in order to ensure a sufficiency of protein in the diet.

The more protein a banana flour contains, the greater is its value as a food. From this point of view Nos. 2, 5, 8 and 14 of the present series are the best, whilst the "Red Gonja" and "Yellow Banana" varieties, which contain considerably less protein than the other flours, are the least desirable.

The slight differences in colour and taste shown by the various samples are probably not sufficiently important to be worth special consideration as affecting the comparative value of the flours as foodstuffs for native use.

16th February, 1923.

Native Agriculture—Estimates of Approximate Acreages of Crops under Cultivation.

Province and District.	Potatoes.		Millets.		Rubbers.		Cotton.	Coffee.	Plantains	Maize.	Dhal.	Beans.	Sim-Sim.	Sugar Cane.	Ground-nuts.	Cassava.	Tobacco.	Wheat.	Rice.	Chillies.	Cacao.	Peas.	Onions.
	Sweet	English.	Matama.	Wimbi.	Para.	Other.																	
	ACRES.																						
BUGANDA :—																							
Mengo ..	120,000	250	500	1,000	750	..	50,000	4,000	370,000	4,000	*	10,000	5,000	1,000	4,000	5,000	500	10	200	1000	50	200	*
Entebbe ..	6,500	300	600	150	100	..	10,000	2,000	150,000	3,300	30	3,900	1,000	1,500	1,700	5,000	400	..	16	180	12	200	*
Masaka ..	2,518	1	..	222	5	..	9,219	2,610	65,000	1,505	..	500	226	..	678	500	..	..	1	236	..	176	*
Mubende ..	25,000	40	1,000	10,000	..	..	6,000	700	30,000	3,000	100	3,500	2,000	150	600	1,000	1,000	50	15	100	..	250	*
TOTAL ..	154,018	591	2,100	11,372	855	..	75,219	9,310	615,000	11,805	130	17,900	8,226	2,650	6,978	11,500	1,900	60	232	1466	62	836	..
EASTERN :—																							
Busoga ..	*	*	*	*	*	*	59,490	*	*	*	*	*	*	*	*	*	*	..	*	*	*	*	*
Bukedi ..	*	*	*	*	*	*	72,148	80	*	*	*	*	*	*	*	*	*		500	*	*	*	*
Teso ..	23,000	..	21,000	93,000	..	30	84,000	..	1,000	500	..	10,000	8,000	..	17,500	3,000	25	..	75	..	..	..	..
Lango ..	...	..	44,000	98,000	..	..	35,000	..	500	500	3,000	10,500	32,000	..	10,000	2,600	..	..	*	..	..	..	..
Karamoja Lobor										NO	BASIS	FOR AN	ESTIM	ATE.									
TOTAL ..	23,000	..	65,000	191,000	..	30	250,638	80	1,500	1,000	3,000	20,500	40,000	..	27,500	5,600	25	..	575	..	..	..	..
NORTHERN :—																							
Bunyoro ..	12,000	30	500	6,200	..	..	1,500	150	5,300	2,000	..	5,800	3,590	6	2,200	500	150	..	5	2	..	2,000	50
Gulu ..	826	..	5,167	..	..	..	4,000	..	50	..	..	2,530	5,167	2	206	50	..	..	10	..	..	..	..
Chua ..	4,320	..	13,250	13,840	..	..	672	..	6	2	..	1,623	5,674	..	1,520	130	..	..	10	..	..	..	..
West Nile ..	85,000	..	32,000	42,000	..	..	1,000	1	30	700	..	4,500	30,000	900	50	..	25	5	200	..	..	10,500	..
TOTAL ..	102,146	80	50,917	62,040	..	..	7,172	151	5,386	2,702	..	14,453	44,431	908	3,976	680	175	5	225	2	..	12,500	50
WESTERN :—																							
Toro ..	20,000	6	1,000	40,000	150	..	20	1,000	50,000	1,000	..	20,000	1,000	400	1,000	400	5	500	..	50	..	1,000	..
Ankole ..	25,000	15	4,000	18,000	..	..	*	150	20,112	4,000	2	10,000	10	11	300	4,000	..	200	..	640	..	11,500	..
Kigezi ..	10,000	..	25,000	30,500	..	..	..	8	11,000	5,100	..	45,000	..	5	10	30	150	15	..	5	..	85,000	..
TOTAL ..	55,000	21	30,000	88,500	150	..	20	1,158	81,112	10,100	2	75,000	1,010	416	1,310	4,430	155	715	..	695	..	97,500	..
RUDOLF :—																							
Turkwel Turkana Dabossa										NO	BASIS	FOR AN	ESTIM	ATE.									
GRAND TOTAL ..	334,164	642	148,017	352,912	1,005	80	333,020	10,699	702,998	25,607	3,132	127,853	93,667	3,974	39,764	22,210	2,255	780	1,032	2163	62	110,836	50

* Not known.

Appendix No. 3.

Native Agriculture—Live Stock.

Province and District.		Cattle.	Sheep.	Goats.	Horses.	Mules.	Donkeys.
BUGANDA:—	Mengo	33,000	*	120,000	—	1	12
	Entebbe	17,138	5,000	41,000	—	—	2
	Masaka	53,115	7,096	18,011	—	—	—
	Mubende ...	18,752	5,000	37,000	—	2	2
	TOTAL ...	122,005	17,096	216,011	—	3	16
EASTERN:—	Busoga	52,450	*	*	—	—	—
	Bukedi	190,805	17,981	57,369	—	2	34
	Teso	177,704	24,406	94,400		—	—
	Lango	91,000	35,000	65,000	—	—	—
	Karamoja, Lobor ...	No basis for an estimate.					
	TOTAL ...	511,959	77,387	216,769	—	2	34
NORTHERN:—	Masindi, Hoima ...	3,184	4,860	20,873		—	—
	Gulu	24,580	9,407	25,554	—	2	25
	Chua	25,000	—	—	—	2	4
	West Nile ...	50,000	23,000	58,000	1	—	4
	TOTAL ...	102,764	37,267	104,427	1	4	33
WESTERN:—	Toro	25,000	15,000	40,000	—	1	8
	Ankole	100,000	60,000	120,000	—	2	2
	Kigezi	56,980	60,000	140,000	—	—	—
	TOTAL ...	181,980	135,000	300,000	—	3	10
RUDOLF:—	Turkwel ... Turkana ... Dabossa ...	No basis for an estimate.					
	GRAND TOTAL ...	918,708	266,750	837,207	1	12	93

* Not known.

European Agriculture.

COMPILED FROM RETURNS OF 146 PLANTATIONS.

Province and District.	No. of Estates.	Total Acreage taken up.	Total Acreage under cultivation.	Total Acreage not cultivated.	Acreage of Coffee (*Arabica*).		Acreage of Coffee (*Robusta*).		Acreage of Para Rubber.		Acreage of Other Rubbers.		Acreage of Cacao.		Cotton.	Maize.	Sugar.	Tea.	Miscellaneous Crops.
					Under 2 years.	Over 2 years.	Under 2 years.	Over 2 years.	Under 5 years.	Over 5 years.	Under 5 years.	Over 5 years.	Under 5 years.	Over 5 years.					
BUGANDA :—																			
Mengo	62	25,079	11,725	13,354	316	6,170	38	134	1,570	7,005	—	357	—	697	425	178	36	—	102
Entebbe	18	9,116	3,041	6,075	115	2,173	2	8	832	1,293	—	—	—	35	23	25	30	—	—
Masaka	11	4,804	1,145	3,659	183	867	—	1	87	316	—	—	—	94	—	—	—	—	—
Mubende	9	5,777	1,677	4,100	28	1,517	5	—	210	250	—	—	—	12	25	—	20	70	—
TOTAL ...	100	44,776	17,588	27,188	642	10,727	45	143	2,699	8,864	—	357	—	838	473	203	86	70	102
EASTERN :—																			
Busoga	9	10,131	1,640	8,491	70	1,325	3	2	60	10	—	—	—	30	27	20	87	—	355
NORTHERN :—																			
Bunyoro	22	14,475	3,691	10,784	457	2,909	6	44	620	715	—	—	—	—	80	275	—	—	—
WESTERN :—																			
Toro	15	8,137	1,309	6,828	182	1,051	40	10	—	—	—	—	—	—	—	—	—	—	26
GRAND TOTAL ...	146	77,519	24,228	53,291	1,351	16,012	94	199	3,379*	9589†	—	357	5	868‡	580§	498** ††	173	70	483‡‡ §§

NOTE :—Small acreages are also cultivated under the control of the various Missions.

45 Estates have been abandoned, and the above figures have been compiled from returns actually received.

* 2,469 acres interplanted with coffee.
† 5,785 „ „ „ „
‡ 344 „ „ „ rubber.
§ 283 „ „ „ coffee.

** 73 acres interplanted with coffee.
†† 105 „ „ „ rubber.
‡‡ 87 „ „ „ „
§§ 284 „ „ „ coffee.

COMPILED FROM RETURNS OF 27 PLANTATIONS.

Province and District.	Number of Estates.	Total Acreage taken up.	Total Acreage under cultivation.	Total Acreage not cultivated.	Acreage of Coffee (*Arabica*).		Acreage of Coffee (*Robusta*).		Acreage of Para Rubber.		Acreage of Other Rubbers.		Acreage of Cacao.		Cotton.	Maize.	Sugar.	Miscellaneous Crops.
					Under 2 years.	Over 2 years.	Under 2 years.	Over 2 years.	Under 5 years.	Over 5 years.	Under 5 years.	Over 5 years.	Under 5 years.	Over 5 years.				
BUGANDA :—																		
Mengo	10	6,023	3,871	2,152	190	1,010	...	105	180	695	...	...	...	...	35	...	2,281	...
Entebbe	3	974	670	304	70	102	10	5	180	185	...	...	...	...	38	...	140	...
Masaka	1	1,272	339	933	...	170	...	30	50	120	...	...	...	10	100	...	...	29
Mubende	6	2,702	1,365	1,337	290	636	...	5	20	20	...	...	...	...	...	...	429	5
TOTAL ...	20	10,971	6,245	4,726	550	1,918	10	145	430	1,020	...	...	...	10	173	...	2,850	34
EASTERN :—																		
Busoga	5	3,668	304	3,364	15	145	7	...	...	...	...	...	5	...	...	2	125	5
NORTHERN :—																		
Masindi	2	850	254	596	...	254	...	...	...	...	...	...	...	...	...	...	...	...
GRAND TOTAL ...	27	15,489	6,803	8,686	565	2,317	17	145	430*	1,020†	...	...	5	10	173	2	2,975	39

* 310 acres interplanted with coffee. † 585 acres interplanted with coffee.

Live Stock on European Plantations.

Province.	Oxen.	Mules.	Donkeys.	Sheep.	Goats.	Pigs.
BUGANDA	780	4	—	8	50	11
EASTERN	54	—	5	98	100	6
NORTHERN	92	1	2	3	—	—
WESTERN	211	—	—	—	—	33
TOTAL ...	1,137	5	7	109	150	50

Live Stock on Indian Plantations.

Province.	Oxen.	Mules.	Donkeys.	Sheep.	Goats.	Pigs.
BUGANDA	162	—	3	—	—	—
EASTERN	12	—	—	—	—	—
NORTHERN	43	—	1	161	206	—
TOTAL ...	217	—	4	161	206	—

Comparative Statement of Exports from the Uganda Protectorate for the year ended 31st December, 1922.

Articles.	Unit.	From 1st Jan. to 31st Dec., 1922.		From 1st Jan. to 31st Dec., 1921.		Increase.		Decrease.	
		Quantity	£	Quantity	£	Quantity	£	Quantity	£
Cotton, Ginned	cwts.	172,464	877,625	290,592	1,281,357	—	—	118,128	403,732
Coffee, Husked	,,	51,262	99,227	44,682	89,452	2,406	5,189	—	—
,, Parchment	,,			4,174	4,586				
Rubber, Plantation	lbs.	124,867	3,741	74,002	4,441	50,865	—	—	700
Cacao	cwts.	565	2,870	329	1,475	236	895	—	—
Chillies	,,	11,935	52,768	7,355	80,213	4,580	22,555	—	—
Ground Nuts	,,	10,137	9,236	44	35	10,093	9,201	—	—
Cotton Seed	,,	42,478	9,532	97,311	22,113	—	—	54,833	12,581
Castor Seed	,,	569	574	269	302	300	272	—	—
Simsim Seed	,,	55,927	47,100	20,060	18,907	35,867	28,193	—	—
Simsim Oil	,,	57	162	12	47	45	115	—	—
Ghee (Clarified Butter)	,,	909	4,329	481	2,075	428	2,254	—	—
Jaggree (Unrefined Sugar) ...	,,	2,898	3,742	2,593	4,341	—	—	195	599
Hides and Calf Skins	,,	5,897	11,197	1,985	6,211	3,412	4,986	—	—
Skins, Sheep and Goat	,,	2,832	18,680	3,000	20,041	—	—	168	1,361
,, Miscellaneous	value	—	43	—	34	—	9	—	—
Hippo Teeth	lbs.	15,344	1,534	2,114	211	13,230	1,323	—	—
Horns	,,	1,011	626	6,562	4,524	—	—	5,551	3,898
Ivory	,,	136,837	68,419	98,198	46,599	43,639	21,820	—	—
Miscellaneous Produce	value	—	4,470	—	1,691	—	2,779	—	—
Timber	,,	—	35	—	843	—	—	—	808
Goods, Manufactured, unenumerated	,,	—	313	—	483	—	—	—	170
Goods, Unmanufactured, ,,	,,	—	70	—	57	—	13	—	—
Totals ...	—	—	1,215,793	—	1,539,538	—	99,604	—	423,349

Net Decrease £323,745.

Appendix No. 8.

Comparative Statement of Exports from the Uganda Protectorate.

Articles.	Unit	Year ended 31st March, 1919.		Year ended 31st March, 1920.		Year ended 31st Dec., 1920.		Year ended 31st Dec., 1921.		Year ended 31st December, 1922.	
		Quantity	£	Quantity	£	Quantity	£	Quantity	£	Quantity	£
Cotton Ginned ...	cwts.	98,188	965,951	130,464	1,209,663	186,381	3,919,453	290,592	1,281,357	172,464	877,625
Coffee, Husked ...	,,	50,460	102,658	54,694	156,668	36,808	129,901	44,682	89,452	51,262	99,227
,, Parchment ...	,,	3,851	3,851	4,266	5,046	4,385	8,009	4,174	4,586		
,, Buni ...	,,	...	...	...	...	1,919	3,361	...	...	...	...
Rubber, Wild ...	lbs.	14,262	620	2,089	90	3,745	244	...	...	...	...
,, Plantation ...	,,	253,063	12,893	388,523	25,902	446,427	32,521	74,002	4,441	124,867	3,741
Cacao ...	cwts.	209	331	660	1,281	1,235	4,933	329	1,475	565	2,370
Chillies ...	,,	5,487	6,847	5,153	10,251	4,535	14,176	7,355	80,213	11,935	52,768
Ground Nuts ...	,,	896	562	1,135	1,388	248	359	44	35	10,137	9,236
Cotton Seed ...	,,	33,223	6,149	105,457	25,783	47,232	10,873	97,311	22,113	42,478	9,532
Castor Seed ...	,,	737	468	8,518	1,443	7,763	828	269	302	569	574
Sim Sim Seed ...	,,	939	1,008	23,384	30,697	42,992	69,365	20,060	18,907	55,927	47,100
,, ,, Oil ...	,,	27	99	102	470	3	19	12	47	57	162
Cotton Seed Oil ...	,,	448	837	335	876	257	1,150	...	...	...	...
Ghee (Clarified Butter) ...	,,	6,443	26,122	3,196	15,303	1,744	9,539	481	2,075	909	4,329
Jaggree (Unrefined Sugar)	,,	2	3	432	502	777	1,226	2,593	4,341	2,898	3,742
Hides and Calf Skins ..	,,	15,053	64,125	52,171	242,238	20,528	118,184	1,985	6,211	5,397	11,197
Skins, Sheep and Goat ...	,,	1,967	8,177	4,295	28,230	2,776	34,130	3,000	20,041	2,832	18,680
,, Miscellaneous ...	value	...	29	...	9	...	79	...	34	...	43
Hippo Teeth ...	lbs.	3,265	261	12,891	1,074	7,589	876	2,114	211	15,344	1,534
Horns ...	,,	129	9	327	250	1,322	1,411	6,562	4,524	1,011	626
Ivory ...	,,	94,795	37,918	161,091	65,952	123,657	74,298	98,198	46,599	136,837	68,419
Timber ...	cwts.	3,040	1,939	1,975	1,311	1,074	905	306	343	...	35
Animals, Living ...	No.	417	1,985	3	3	...	...	...	...	...	...
Miscellaneous Produce ..	value	...	2,835	...	3,395	...	3,615	...	1,691	...	4,470
Goods, Manufactured, Unenumerated ...	,,	...	2,220	...	694	...	671	...	483	...	313
Goods, Unmanufactured, Unenumerated ...	,,	...	60	...	50	...	358	...	57	...	70
Totals ...		...	1,247,457	...	1,828,537	...	4,440,484	...	1,539,538	...	1,215,793

Notes:—Exports for the year ended 31st December, 1920, includes the Quarter ended 31st March, 1920.

Stations, for the Years ended 31st December, 1921 and 1922.

		OTHER PORTS AND STATIONS.				TOTALS.				INCREASE.		DECREASE.	
ar ended 31-12-21.		Year ended 31-12-22.		Year ended 31-12-21.		Year ended 31-12-22.		Year ended 31-12-21.					
antity.	£	Quantity.	£	Quantity.	£	Quantity.	£	Quantity.	£	Quantity.	£	Quantity.	£
,959	156,300	36,031	181,649	43,636	192,459	172,464	877,625	290,592	1,281,357	...	...	118,128	403,732
118	245	11,436	17,424	5,257	10,723	51,262	99,227	44,682	89,452	2,406	5,189	...	...
250	178			1,114	1,303			4,174	4,586				
...	...	...	...	...	...	124,867	3,741	74,002	4,441	50,865	...	..	700
...	...	...	...	...	...	565	2,370	329	1,475	236	895	...	...
239	1,005	848	3,609	137	539	11,935	52,768	7,355	30,213	4,580	22,555	...	...
19	15	8,357	7,636	...	...	10,137	9,236	44	35	10,093	9,201	...	...
196	44	7,784	1,738	19,981	4,649	42,478	9,532	97,311	22,113	...	...	54,833	12,581
...	...	...	...	...	...	569	574	269	302	300	272	...	...
,638	1,550	50,719	42,701	14,987	13,894	55,927	47,100	20,060	18,907	35,867	28,193	...	...
...	...	7	19	9	35	57	162	12	47	45	115	...	...
127	538	198	945	46	216	909	4,329	481	2,075	428	2,254	...	...
..	...	221	371	...	...	2,398	3,742	2,593	4,341	...	..	195	599
274	920	291	636	16	46	5,397	11,197	1,985	6,211	3,412	4,986	...	...
433	3,430	978	5,622	129	951	2,832	18,680	3,000	20,041	...	...	168	1,361
...	2	...	...	...	...	...	43	...	34	...	9	...	...
907	91	1,889	189	76	7	15,344	1,534	2,114	211	13,230	1,323	...	...
...	...	145	93	4,919	3,654	1,011	626	6,562	4,524	...	...	5,551	3,898
...	...	1,685	842	38,543	19,271	136,837	68,419	93,198	46,599	43,639	21,820	...	...
...	12	...	...	...	24	...	35	...	343	...	...	...	308
...	185	...	13	...	11	...	4,470	...	1,691	...	2,779	...	...
...	4	...	23	...	142	...	313	...	483	...	...	...	170
...	...	...	...	...	...	...	70	...	57	...	13	...	...
...	164,519	...	263,510	...	247,924	...	1,215,793	...	1,539,538	...	99,604	...	423,349

APUTI.		KELLE.		SANGAL		BUGONDO.		LALLI		TOTALS.	
ntity.	£	Quantity.	£	Quantity.	£	Quantity.	£	Quantity.	£	Quantity.	£
...	...	...	...	521	2,626	6,073	30,607	14,688	74,025	36,031	181,649
...	...	...	...	...	...	...	...	...	...	11,436	17,424
...	...	...	...	...	...	2	10	...	...	848	3,609
...	...	...	...	518	464	7,839	7,172	...	...	8,357	7,636
...	...	...	...	...	...	1,719	385	2,050	454	7,784	1,738
12	178	15,464	13,036	16,943	14,267	9,752	8,208	473	397	50,719	42,701
...	...	7	19	...	...	...	...	...	...	7	19
...	...	51	257	4	19	70	314	12	59	198	945
...	...	...	...	...	...	...	...	...	...	221	371
...	...	39	87	57	112	84	170	6	12	291	636
...	...	9	62	9	62	880	4,982	...	...	978	5,622
...	...	...	...	...	...	...	...	...	...	1,889	189
...	...	42	25	...	...	...	...	...	...	145	93
...	...	...	...	...	...	...	...	186	93	1,685	842
...	...	...	...	...	1	...	...	...	...	...	13
...	...	...	...	...	...	...	...	...	...	...	23
...	178	...	13,486	...	17,551	...	51,848	...	75,040	...	263,510

Entebbe Meteorological Statement for the Year 1922.

Lat. 0° 4′ 31″ N. Long. 32° 28′ 30″ E. Height of Barometer above M. S. L. 3842 Feet.

Month.	7 A.M.				2 P.M.				9 P.M.								
	Barometer corrected and reduced to 32° F.	Attached Thermometer	Dry Bulb.	Wet Bulb.	Barometer corrected and reduced to 32° F.	Attached Thermometer	Dry Bulb.	Wet Bulb.	Barometer corrected and reduced to 32° F.	Attached Thermometer	Dry Bulb.	Wet Bulb.	Maximum Temperature.	Minimum Temperature.	Sunshine.	Rainfall.	No. of days Rain fell.
1922.															Hrs. Mts.	Ins. Cts.	
January	26·165	71·6	68·5	66·0	26·103	82·1	77·8	70·7	26·148	68·5	67·9	65·1	79·6	63·0	6-23	2·28	11
February	26·161	71·2	68·8	65·9	26·102	83·4	78·0	70·4	26·155	69·0	68·3	65·2	79·8	63·2	6-57	3·16	13
March	26·180	71·2	68·2	66·1	26·129	80·7	75·5	69·3	26·161	69·0	68·2	65·7	77·1	62·7	4-20	8·05	17
April	26·198	74·7	72·7	67·3	26·152	83·4	77·2	70·5	26·205	69·1	68·9	66·2	78·5	64·3	8-11	7·40	13
May	26·222	73·2	69·3	66·4	26·180	81·0	74·7	68·8	26·219	68·5	68·0	65·4	76·8	63·2	6-56	2·40	22
June	26·212	71·2	68·3	65·7	26·187	80·4	74·9	69·3	26·218	68·8	68·5	65·7	76·8	61·7	6-16	3·27	10
July	26·257	71·0	67·5	64·2	26·228	79·3	74·9	68·3	26·254	67·6	66·8	64·6	76·7	60·4	5-50	2·95	9
August	26·209	69·9	66·3	64·1	26·166	76·6	73·0	67·5	26·209	66·0	65·3	63·2	75·8	60·5	4-17	3·10	16
September	26·205	69·9	65·9	64·2	26·156	80·1	75·2	68·7	26·181	66·9	66·1	63·1	77·6	60·9	5-38	1·34	9
October	26·179	71·0	66·7	64·3	26·121	81·9	76·0	68·8	26·177	67·6	67·0	64·7	78·7	61·5	5-25	3·30	14
November	26·179	68·7	67·1	64·7	26·149	82·4	76·4	69·0	26·169	70·4	71·6	67·1	79·4	62·5	6-08	5·32	8
December	26·225	74·5	69·1	65·9	26·172	81·2	76·5	70·8	26·186	70·0	69·4	66·1	79·2	62·0	4-09	4·37	12
Mean for the Year ...	26·199	71·5	68·2	65·4	26·154	81·0	75·8	69·3	26·190	68·4	68·0	65·2	78·0	62·2	5-52	Total 56·94	154

Statement of Extra Meteorological Observations taken at Entebbe, for 1922.

MONTH.	Solar Radiation Thermometer.		Terrestrial Radiation Minimum Thermometer.
	Black Bulb. 2 P.M.	Bright Bulb.	
	°	°	°
JANUARY	135·1	99·7	53·5
FEBRUARY	139·4	101·1	57·8
MARCH	136·8	101·9	56·2
APRIL	140 6	102·1	53·5
MAY	137·6	98·8	57·9
JUNE	137·4	99·3	55·9
JULY	137·2	99·2	53·5
AUGUST	131·8	96·2	55·1
SEPTEMBER	141·3	100·8	55·8
OCTOBER	142·3	101·7	56·6
NOVEMBER	143·5	101·0	57·1
DECEMBER	139·1	100·1	55·7
MEAN FOR YEAR ...	138·5	100·2	55·7

Statement of Extra Meteorological Observations taken at Entebbe for 1922.

MONTH.	Earth Thermometer 1½ feet deep.			Earth Thermometer 4 feet deep.		
	7 A.M.	2 P.M.	9 P.M.	7 A.M.	2 P.M.	9 P.M.
	°	°	°	°	°	°
JANUARY	76·5	76·6	76·4	76·0	76·1	76·0
FEBRUARY	77·4	77·6	77·5	76·2	76·2	76·2
MARCH	76·9	75·9	75·8	76·3	76·3	76·1
APRIL	77·4	77·7	77·5	76·2	76·3	76·9
MAY	75·9	76·1	75·6	76·4	76·5	76·4
JUNE	74·8	74·9	74·7	75·7	75·8	75·7
JULY	73·8	73·7	73·5	74·7	74·7	74·5
AUGUST	73·3	73·5	73·4	74·2	74·3	74·1
SEPTEMBER	74·8	74·6	74·5	74·2	74·3	74·2
OCTOBER	75·6	75·8	75·5	75·0	74·9	74·8
NOVEMBER	75·4	76·0	76·0	75·4	75·5	75·4
DECEMBER	75·4	75·6	75·4	75·1	75·2	75·1
MEAN FOR YEAR ...	75·6	75·7	75·5	75·4	75·5	75·4

Statement showing average Hourly Velocity of Wind for 1922 between the hours of:—

MONTH.	9 P.M. TO 7 A.M.	7 A.M. TO 2 P.M.	2 P.M. TO 9 P.M.
JANUARY	2·6	4·0	2·4
FEBRUARY	2·8	4·2	3·4
MARCH	2·1	3·6	2·4
APRIL	3·0	4·3	3·0
MAY	2·0	3·7	2·6
JUNE	1·8	3·4	2·1
JULY	2·1	3·4	2·3
AUGUST	1·8	3·2	2·2
SEPTEMBER	1·8	3·5	2·2
OCTOBER	2·3	3·6	2·4
NOVEMBER	2·2	3·1	2·3
DECEMBER	1·6	2·7	2·5
MEAN FOR YEAR ...	2·2	3·6	2·5

MASAKA Meteorological Statement for the Year 1922.

Lat. 0° 21′ S. Long. 31° 47′ E. Height above M.S.L. 4150—4250 feet.

MONTH.	7 A.M. Dry Bulb.	7 A.M. Wet Bulb.	2 P.M. Dry Bulb.	2 P.M. Wet Bulb.	9 P.M. Dry Bulb.	9 P.M. Wet Bulb.	Maximum Temperature.	Minimum Temperature.	Rain.	No. of days rain fell.
	°	°	°	°	°	°	°	°	In.	
JANUARY ...	63·8	61·9	75·9	68·9	67·1	63·8	87·9	77·0	1·82	8
FEBRUARY ...	63·6	61·6	76·3	67·4	66·7	63·6	89·7	74·9	3·50	11
MARCH ..	63·1	61·6	72·9	67·1	66·2	63·2	89·3	75·1	4·15	12
APRIL ...	62·8	61·3	75·9	69·2	67·4	65·5	88·1	...*	5·83	11
MAY ...	62·8	61·0	72·9	67·3	68·3	65·1	86·7	70·9†	10·48	14
JUNE ...	62·1	59·9	74·6	66·5	65·8	62·9	85·1	56·1‡	1·45	2
JULY ...	61·5	59·2	73·1	65·4	65·5	62·2	87·6	51·6	2·56	4
AUGUST ...	61·8	60·6	73·4	66·9	63·0	60·9	82·5	51·6	1·76	7
SEPTEMBER ...	61·7	60·5	71·9	66·4	64·9	63·0	81·7	51·3	4·16	9
OCTOBER ...	62·6	61·3	73·5	66·6	66·2	63·5	83·7	51·2	4·14	8
NOVEMBER ...	63·2	61·8	75·5	68·9	66·0	63·3	85·2	51·3	3·24	8
DECEMBER ...	62·4	56·5	71·5	67·7	65·7	63·3	86·5	51·3	1·85	3
MEAN FOR YEAR	62·6	60·2	73·9	67·1	66·1	63·4	86·2	60·2	TOTAL 44·94	97

JINJA Meteorological Statement for the Year 1922.

Lat. 0° 26′ N. Long. 33° 11′ E. Height above M.S.L. 3722 feet.

MONTH.	7 A.M. Dry Bulb.	7 A.M. Wet Bulb.	2 P.M. Dry Bulb.	2 P.M. Wet Bulb.	9 P.M. Dry Bulb.	9 P.M. Wet Bulb.	Maximum Temperature.	Minimum Temperature.	Rain.	No. of days rain fell.
							°	°	In.	
JANUARY ...							81·6	66·0	1·05	6
FEBRUARY ...							79·7	61·0	2·16	10
MARCH ...							77·6	54·9	5·44	13
APRIL ...							78·9	51·9	6·21	14
MAY ...							...*	...*	8·04	18
JUNE ...		Not Available					80·9	61·6	0·85	5
JULY ...							80·6	62·6	0·83	6
AUGUST ...							80·2	61·2	8·51	19
SEPTEMBER ...							82·0	61·6	2·79	14
OCTOBER ...							83·2	62·0	3·04	15
NOVEMBER ...							84·4	63·2	2·45	8
DECEMBER ...							85·1	62·8	2·70	11
MEAN FOR YEAR							81·3	60·8	TOTAL 44·07	139

MBARARA Meteorological Statement for the Year 1922.

Lat. 0° 31′ S. Long. 30° 47′ E. Height above M.S.L. 4500 feet.

MONTH.	7 A.M. Dry Bulb.	7 A.M. Wet Bulb.	2 P.M. Dry Bulb.	2 P.M. Wet Bulb.	9 P.M. Dry Bulb.	9 P.M. Wet Bulb.	Maximum Temperature.	Minimum Temperature.	Rain.	No. of days rain fell.
	°	°	°	°			°	°	In.	
JANUARY ...	66·4	64·6	79·8	75·3			84·8	71·4†	0·76	6
FEBRUARY ...	66·6	64·0	80·2	70·9			83·6	77·8	4·50	12
MARCH ...	66·8	64·2	77·7	69·8			81·7	77·7	5·78	10
APRIL ...	67·3	64·7	80·5	73·7			83·9	...*	3·39	9
MAY ...	65·4	62·8	75·7	69·3	No records.	No records.	81·2	73·4	5·62	9
JUNE ...	65·0	61·8	80·4	70·9			84·6	63·6	0·42	1
JULY ...	65·9	62·7	79·3	74·8			83·1	63·8	0·02	1
AUGUST ...	64·5	62·2	74·6	70·0			80·5	59·9	7·63	18
SEPTEMBER ..	65·5	63·7	76·9	74·2			84·4	62·7	4·32	12
OCTOBER ...	64·5	62·5	74·6	69·5			78·8	60·5	5·38	16
NOVEMBER ...	66·7	64·1	77·9	72·1			82·7	62·3	2·16	9
DECEMBER ...	64·6	61·9	78·6	69·3			81·9	61·7	2·46	9
MEAN FOR YEAR	65·8	63·3	78·0	71·6			82·6	66·8	TOTAL 42·44	114

* No Records. † Records for 25 days. ‡ Records for 26 days.

FORT PORTAL Meteorological Statement for the Year 1922.

Lat. 0° 43′ N. Long. 30° 8′ E. Height above M.S.L. 5290 feet.

MONTH.	7 A.M.		2 P.M.					
	Dry Bulb.	Wet Bulb.	Dry Bulb.	Wet Bulb.	Maximum Temperature.	Minimum Temperature.	Rain.	No. of days rain fell.
	°	°	°	°	°	°	In.	
JANUARY	60·0	57·7	78·0	76·5	79·3	53·5	1·60	3
FEBRUARY	59·5	57·8	75·7	66·1	80·6	53·3	5·15	7
MARCH	61·0	59·5	71·4	66·2	77·7	53·6	5·07	9
APRIL	62·0	60·8	73·0	69·4	76·7	55·1	4·30	10
MAY	61·6	57·1	71·7	65·4	74·1	54·2	1·64	5
JUNE	60·6	58·5	73·2	65·2	75·8	52·9	1·18	2
JULY	58·9	57·3	74·4	65·9	78·6	51·3	0·84	2
AUGUST	59·4	58·5	77·5	66·0	75·9	52·8	9·10	13
SEPTEMBER	58·1	56·6	71·7	67·1	76·5	62·5	10·50	22
OCTOBER	59·4	57·3	69·3	66·4	75·9	53·9	10·71	18
NOVEMBER	60·1	58·3	...*	...*	76·1	53·3	4·24	11
DECEMBER	56·5	55·5	74·9	66·6	79·3	50·9	2·51	5
							TOTAL	
MEAN FOR YEAR	59·8	57·9	72·8	67·3	77·2	53·9	56·24	107

* No Records.

GULU Meteorological Statement for the Year 1922.

Lat. 2° 45′ N. Long. 32° 25′ E.

MONTH.	7 A.M.		2 P.M.					
	Dry Bulb.	Wet Bulb.	Dry Bulb.	Wet Bulb.	Maximum Temperature.	Minimum Temperature.	Rain.	No. of days rain fell.
	°	°	°	°	°	°	In.	
JANUARY	73·4	64·4	83·8	79·9	86·6	62·2	1·42	2
FEBRUARY	74·3	66·5	85·4	74·2	88·4	62·9	2·03	6
MARCH	73·3	65·6	79·3	68·2	85·4	61·5	5·06	10
APRIL	73·1	66·5	78·8	68·3	84·2	59·9	6·20	11
MAY	71·4	66·8	77·9	68·8	80·2	60·6	10·92	19
JUNE	71·7	63·5	79·7	68·8	80·2	61·0	7·60	11
JULY	69·4	66·0	76·6	68·2	78·8	69·6	6·99	12
AUGUST	68·4	65·9	77·4	68·4	79·1	58·6	7·76	11
SEPTEMBER	68·2	66·2	77·2	69·5	79·3	57·2	7·18	14
OCTOBER	71·9	68·2	80·1	70·3	84·8	64·3	5·25	12
NOVEMBER	72·5	67·3	83·7	72·5	86·3	58·5	1·19	3
DECEMBER	71·8	65·3	83·7	72·1	88·3	61·9	1·39	3
							TOTAL	
MEAN FOR YEAR ...	71·6	66·0	80·3	70·8	84·3	61·5	62·99	114

KAMPALA Meteorological Statement for the Year 1922.

Lat. 0° 19′ N. Long. 32° 35′ E. Height above M.S.L. 3905 feet.

MONTH.	7 A.M.		2 P.M.					
	Dry Bulb.	Wet Bulb.	Dry Bulb.	Wet Bulb.	Maximum Temperature.	Minimum Temperature.	Rain.	No. of days rain fell.
	°	°	°	°	°	°	In.	
JANUARY	66·5	64·7	85·0	72·3	87·6	63·8	2·89	9
FEBRUARY	66·4	64·8	84·8	73·0	87·2	64·0	3·05	17
MARCH	66·1	64·5	78·8	71·4	82·6	63·8	4·06	18
APRIL	66·2	65·2	80·6	71·5	82·2	63·9	4·16	18
MAY	66·3	64·7	75·9	70·8	77·6	63·5	7·83	20
JUNE	65·4	63·7	75·6	70·6	77·1	63·6	3·01	16
JULY	64·4	62·3	72·6	69·2	77·1	63·4	2·94	10
AUGUST	64·0	62·7	75·4	72·4	77·5	62·4	5·02	19
SEPTEMBER	64·8	63·2	77·8	74·4	81·3	63·6	2·68	16
OCTOBER	65·4	64·1	78·5	74·2	83·2	64·4	7·45	25
NOVEMBER	66·6	65·3	82·4	78·1	86·3	64·2	2·67	13
DECEMBER	66·1	64·8	83·9	79·8	86·8	63·9	3·47	12
							TOTAL	
MEAN FOR YEAR ...	65·7	64·2	79·3	73·1	82·2	63·7	49·23	193

NAGICHOT Meteorological Statement for the Year 1922.

MONTH.	Maximum Temperature.	Minimum Temperature.	Rain.	No. of days rain fell.
	°	°	°	
JANUARY	—	—	—	— Observations
FEBRUARY	—	—	—	— started
MARCH	—	—	—	— in April.
APRIL	72·6§	60·6§	4·42§	9§
MAY	68·9	58·9	5·48	17
JUNE	69·0	58·3	8·86	14
JULY	67·9	57·0	8·00	18
AUGUST	65·6	56·7	8·63	17
SEPTEMBER	65·9†	56·6†	3·44	9
OCTOBER	70·6‡	58·5‡	0·92‡	5‡
NOVEMBER	74·9	59·3	0·08	1
DECEMBER	74·0	58·3	0·15	3
MEAN FOR THE YEAR.	69·9	58·1	TOTAL 39·98	93

BOMBO Meteorological Statement for the Year 1922.

MONTH.	9 A.M.		Maximum Temperature.	Minimum Temperature.	Rain.	No. of days rain fell.
	Dry Bulb.	Wet Bulb.				
	°	°	°	°	°	
JANUARY	...*	...*	85·1	63·4	1·30	7
FEBRUARY	...*	...*	85·2	62·8	3·71	12
MARCH	68·9	63·9	81·2	63·6	8·55	15
APRIL	71·3	69·9	82·5	62·9	3·53	14
MAY	...*	...*	68·9	58·9	5·48	17
JUNE	69·3	65·7	78·9	61·5	1·24	12
JULY	68·1	64·3	79·7	60·8	3·94	5
AUGUST	66·6	64·4	78·2	60·8	6·96	19
SEPTEMBER	69·4	66·4	78·9	60·9	4·70	15
OCTOBER	69·7	66·5	80·5	61·6	5·31	20
NOVEMBER	69·9	67·1	79·7	62·3	4·69	10
DECEMBER	69·8	67·1	81·9	61·4	4·46	10
MEAN FOR YEAR	69·2	66·1	80·1	61·7	TOTAL 53·87	156

MUBENDE Meteorological Statement for the Year 1922.

Lat. 0° 30′ 26″ N. Long. 31° 22′ 22″ E. Height above M.S.L. 5121 feet.

MONTH.	7 A.M.		2 P.M.		9 P.M.		Maximum Temperature.	Minimum Temperature.	Rain.	No. of days rain fell.
	Dry Bulb.	Wet Bulb.	Dry Bulb.	Wet Bulb.	Dry Bulb.	Wet Bulb.				
	°	°	°	°	°	°	°	°	In.	
JANUARY ...	65·4	61·9	77·5	66·7	67·8	63·4	80·3	61·1	0·63	3
FEBRUARY ...	64·6	60·6	78·1	66·2	67·8	64·8	81·2	59·4	2·76	12
MARCH ...	64·5	60·8	74·5	67·0	66·7	62·1	78·4	59·7	5·12	9
APRIL ...	64·5	61·9	78·1	69·0	66·2	62·7	80·7	60·7	3·76	9
MAY ...	63·0	60·6	74·9	67·3	64·5	61·5	78·2	59·5	4·68	16
JUNE ...	63·3	60·6	76·4	66·8	64·4	61·1	79·4	59·6¶	1·41	5
JULY ...	62·5	57·9	77·7	65·5	64·0	59·9	78·3	57·1	0·87	4
AUGUST ...	62·2	59·9	70·9	65·7	63·5	60·9	73·3	55·5	8·06	13
SEPTEMBER	62·2	59·8	71·9	66·9	64·1	61·3	77·5	58·3	2·85	9
OCTOBER ...	62·6	60·8	71·8	68·3	64·5	62·2	76·0	62·4	8·60	18
NOVEMBER ...	64·2	61·8	77·3	69·5	65·4	62·9	78·9	61·2	3·58	6
DECEMBER ...	63·9	61·2	77·2	69·5	65·5	63·2	79·0	60·3	1·10	2
MEAN FOR YEAR	63·6	60·6	75·5	67·4	65·4	62·2	78·5	59·6	TOTAL 43·42	106

* No records. § Records for 21 days. † Records for 16 days. ‡ Records for 11 days. ¶ecords for 19 days.

Appendix No. 11—*continued.*

MASINDI Meteorological Statement for the Year 1922.

Lat. 1° 40′ N. Long. 31° 50′ E. Height above M.S.L. 3764 feet.

MONTH.	Maximum Temperature.	Minimum Temperature.	Rain.	No. of days rain fell.
	o	o	In.	
JANUARY	88·0	57·0	0·32	2
FEBRUARY	88·4	60·2	2·20	8
MARCH	86·8	61·0	5·45	12
APRIL	89·8	62·0	7·85	15
MAY	87·5	60·3	9·14	17
JUNE	87·9	59·6	2·15	8
JULY	89·1	59·6	3·45	10
AUGUST	88·6	58·6	10·95	15
SEPTEMBER	87·1	58·0	4·61	14
OCTOBER	83·1	58·2	7·01	22
NOVEMBER	85·1	51·8	1·76	4
DECEMBER	88·9	52·8	1·36	5
MEAN FOR YEAR ...	87·5	58·3	TOTAL 56·25	132

SERERE Meteorological Statement for the Year 1922.

Lat. 1° 31′ N. Long. 33° 27′ E. Height above M.S.L. 3600 feet.

MONTH.	Maximum Temperature.	Minimum Temperature.	Rain.	Number of days rain fell.
	o	o	In.	
JANUARY...	90·2	70·7	0·20	1
FEBRUARY	88·4	67·6	3·20	13
MARCH ...	85·3	67·8	6·63	15
APRIL ..	83·8	65·6	3·78	12
MAY ...	81·6	61·7	4·82	13
JUNE ...	81·4	65·8	6·91	10
JULY ...	80·5	65·2	2·64	13
AUGUST ...	80·7	64·1	9·27	14
SEPT. ..	83·8	64·7	4·04	17
OCTOBER...	85·7	65·3	8·61	14
NOVEMBER	89·7	66·2	2·85	4
DECEMBER	88·9	65·3	1·50	4
MEAN FOR YEAR	85·0	65·9	TOTAL 54·45	130

BUKALASA Meteorological Statement for the Year 1922.

Lat. 0° 43′ N. Long. 32° 30′ E. Height above M.S.L. 3700 feet.

MONTH.	Maximum Temperature.	Minimum Temperature.	Rain.	Number of days rain fell
	o	o	In.	
JANUARY	87·6	64·2	0·48	5
FEBRUARY	88·5	64·4	1·96	10
MARCH ...	86·8	64·6	6·27	16
APRIL ...	87·7	64·8	6·45	15
MAY ...	84·1	63·3	7·01	23
JUNE ...	81·2	61·5	2·07	9
JULY ...	81·9	61·2	1·59	6
AUGUST ...	80·5	60·9	7·23	17
SEPT. ...	83·3	61·8	5·36	18
OCTOBER...	84·2	63·1	4·97	20
NOVEMBER	86·7	62·5	3·59	11
DECEMBER	85·4	62·2	1·92	10
MEAN FOR YEAR	84·8	62·9	TOTAL 48·90	160

Comparative Rainfall Statement, showing the Monthly Rainfall for the Year 1922, of Forty-five Localities of the Uganda Protectorate.

MONTH	Entebbe.		Jinja.		Fort Portal.		Masaka.		Mbarara.		Masindi.		Gulu.		Mubende.		Budo.		Butiaba.		Mbale.		Kampala.	
	In.	No. of days	In.	No. of days	In.	No. of days	In.	No. of days	In.	No. of days	In.	No. of days	In.	No. of days	In.	No. of days	In.	No. of days	In.	No. of days	In.	No. of days	In.	No. of days
JANUARY	2·28	11	1·05	6	1·00	3	1·82	7	0·76	6	0·32	2	1·42	2	0·63	3	No records		·085	1	0·40	—	2·89	9
FEBRUARY	3·16	13	2·16	10	5·15	7	3·50	11	4·50	12	2·20	8	2·03	6	2·76	12	3·01	7	1·30	3	2 51	12	3·05	17
MARCH	8·05	17	5·44	13	5·07	9	4·15	12	5·78	11	5·45	12	5·06	10	5·12	9	3·22	14	4·48	7	3·57	11	4·06	18
APRIL	7·40	13	6·21	14	4·30	10	5·83	11	3·39	9	7·85	15	6·20	11	3·76	9	3·85	13	4·25	10	5·56	—	4·16	18
MAY	12·40	22	8·04	17	1·64	5	10·48	14	5·62	9	9·14	17	10·92	19	4·68	16	5·96	17	3·30	8	9·42	—	7·83	20
JUNE	3·27	10	0·85	5	1·18	2	1·45	2	0·42	1	2·15	8	7·60	11	1·41	5	3 36	7	1·96	3	2·70	9	3·01	16
JULY	2·95	9	0·83	6	0·84	2	2·56	4	0·02	1	3·15	10	6·99	12	0·87	4	0·77	8	1·00	2	3·59	11	2·94	10
AUGUST	3·10	16	8·51	19	9·10	13	1·76	7	7·63	17	10·95	15	7·76	11	8·06	13	3·34	11	6·72	8	14·02	13	5·02	19
SEPTEMBER	1·34	9	2·79	14	10·50	22	4·16	9	4·32	12	4·61	14	7·15	13	2·85	9	7·20	12	2·92	7	1·64	9	2·68	16
OCTOBER	3·30	14	3·04	15	10·71	18	4·14	8	5·38	16	7·01	22	5·25	12	8·60	18	3·45	14	4·20	8	2·63	7	7·45	25
NOVEMBER	5·32	8	2·45	8	4·24	11	3·24	8	2·16	9	1·76	4	1·19	3	3·58	6	2·20	9	—	—	2·11	8	2·67	13
DECEMBER	4·37	12	2·70	11	2·51	5	1·85	3	2·46	9	1·36	5	1·39	3	1·10	2	No records		1·40	3	0·73	3	3·47	12
TOTAL ...	56·94	154	44·07	138	56·24	104	44·94	96	42·44	112	56·25	132	62·96	113	43·42	106	36·36	107	32·38	60	48·91	78	49·23	193

MONTH	Kakumiro.		Lira.		Soroti.		Hoima.		Namukekera		Butiti.		Bukumi.		Rubaga.		Ngora.		Kisubi.		Kivuvu.	
	In.	No. of days	In.	No. of days	In.	No. of days	In.	No. of days	In.	No. of days	In.	No. of days	In.	No. of days	In.	No of days	In.	No. of days	In.	No. of days	In.	No. of days
JANUARY	1·89	6	0·26	1	0·82	1	1·17	6	—	—	0·67	3	1·87	4	2·23	2	0·26	1	2·06	2	No records	
FEBRUARY	2·88	11	1·36	5	3·61	5	4·31	9	5·62	11	3·41	10	4·19	4	3·14	5	2·49	6	3·50	6	9·20	—
MARCH	6·46	14	7·68	12	5·15	9	5·23	11	4·69	8	5·11	12	7·17	8	4·03	10	3·43	10	10·29	10	No records	
APRIL	4·05	13	6·57	13	5·78	17	5·23	13	8·11	15	2·73	8	2·41	6	3·99	13	6·18	15	7·18	9	No records	
MAY	4·86	16	8·20	15	8·04	16	8·58	9	4·78	11	4·29	12	3·01	7	7·18	11	9·39	17	No	r	e c o r d	s
JUNE	4·28	11	5·00	8	8·11	8	1·79	8	0·86	2	3·11	4	3·61	6	1·50	4	2·81	10	No	r	e c o r d	s
JULY	1·09	7	4·18	10	2·80	4	4·00	11	0·10	3	1·75	4	1·48	5	0·71	3	4·52	10	No	r	e c o r d	s
AUGUST	7·62	22	11·63	11	10·55	16	9·15	16	8·62	19	8·65	17	11·88	18	4·35	11	14·96	15	No	r	e c o r d	s
SEPTEMBER	5·90	20	4·34	9	2·97	8	9·15	18	1·63	7	9·56	20	5·84	13	3·61	6	6·06	12	No records		7·08	14
OCTOBER	8·23	24	4·96	10	4·58	9	7·91	21	5·65	15	6·89	21	8·66	16	6·45	10	2·40	12	No records		5·08	18
NOVEMBER	4·39	13	1·31	4	1·32	4	4·45	11	2 58	8	2·81	12	2 93	7	5·09	6	0·72	2	No records		2·80	11
DECEMBER	1·18	8	1·16	3	No records		2·41	8	1·92	2	4·75	12	2·56	6	4·19	6	1·02	4	7·13	7	6·00	7
TOTAL ...	52·33	165	56·65	101	53·73	97	63·38	141	44·87	101	53·76	135	55·11	110	46·47	87	54·18	114	30·16	34	30·16	50

Comparative Rainfall Statement, showing the Monthly Rainfall for the year 1922, of Forty-five Localities of the Uganda Protectorate—*continued.*

Month	Mairye.		Nandere.		Moniko.		Bwavu.		Bunyaruguru.		Katigondo.		Masindi Port.		Kitgum.		Kilclooney.		Namasagali.		Hoima River Estate.		Nyondo.		Mutai.	
	In.	No. of days	In.	No. of days	In.	No. of days	In.	No. of days	In.	No. of days	In.	No. of days	In.	No. of days	In.	No. of days	In.	No. of days	In.	No. of days	In.	No. of days	In.	No. of days	In.	No. of days
January ...	0·60	4	1·10	4	0·97	3	2·78	6	1·18	2	0·91	7	1·71	8	0·17	2	1·26	6	4·62	4	0·74	5	1·21	3	1·77	4
February ...	3·38	12	2·16	7	5·40	7	4·91	11	4·83	4	3·73	6	1·49	4	0·92	5	3·07	12	2·41	8	2·97	8	5·55	12	2·78	4
March ...	5·53	17	8·81	10	9·10	8	7·83	18	5·90	9	4·66	15	4·59	10	5·61	11	6·41	18	3·12	8	4·80	12	6·36	16	4·81	10
April ...	3·36	14	4·24	7	7·03	12	7·82	16	5·63	7	4·94	11	3·28	8	1·27	6	4·21	16	6·30	13	5·38	18	8·96	20	7·40	7
May ...	5·09	10	6·07	7	2·62	7	5·21	19	4·04	4	11·10	15	4·63	11	10·40	20	4·94	16	4·48	11	6·44	9	4·23	14	7·13	7
June ...	2·29	5	1·84	3	0·40	3	1·14	6	2·20	5	0·61	2	2·99	7	3·05	10	0·65	6	1·88	8	1·57	10	4·67	11	4·27	8
July ...	1·55	5	1·68	3	0·81	2	2·22	14	0·21	1	0·30	3	3·31	5	4·67	14	1·36	6	0·36	3	3·21	11	3·03	12	1·24	3
August ...	6·89	11	6·47	9	6·40	6	3·93	17	5·41	11	2·65	8	5·45	13	4·12	17	7·90	23	3·97	17	6·85	17	4·79	12	4·29	8
September ...	3·91	12	4·40	8	7·28	10	5·15	20	9·68	16	3·99	13	5·38	13	4·01	9	11·40	21	3·75	9	7·39	21	2·66	16	3·91	5
October ..	6·67	10	2·97	12	4·50	8	3·84	17	6·98	18	2·51	11	5·89	15	5·86	14	10·84	29	7·97	18	10·17	24	2·74	15	3·02	6
November ...	4·18	9	3·25	6	2·62	7	7·15	14	2·35	11	1·46	6	1·17	3	0·60	4	3·48	18	1·85	10	2·40	7	2·16	5	1·58	3
December ...	3·56	5	2·98	7	2·72	5	4·29	12	2·91	10	3·58	9	0·73	5	1·81	3	3·99	12	2·37	7	3·16	7	1·89	6	0·65	1
Total ...	46·95	114	45·42	88	43·85	78	56·22	180	51·27	98	40·39	106	40·62	97	43·42	115	59·51	183	43·08	116	54·38	149	48·25	136	42·85	61

Month	Nsambya.		Bugondo.		Lale.		Kabale.		Buye.		Serere.		Bukalasa.		Bombo.		Nagichot.	
	In.	No. of days	In.	No. of days	In.	No. of days	In.	No. of days	In.	No. of days	In.	No. of days	In.	No. of days	In.	No. of days	In.	No. of days
January ...	3·14	6	3·15	4	0·49	3	1·66	6	2·11	7	0·20	1	0·18	5	1·80	7	—	—
February ...	2·66	17	3·48	4	3·33	8	2·39	10	3·67	15	3·20	13	1·96	10	3·71	12	—	—
March ...	5·07	13	6·56	11	5·68	9	4·21	11	2·68	17	6·68	15	6·27	16	8·55	15	—	—
April ...	4·43	12	3·40	10	6·95	12	2·56	8	6·33	13	3·78	12	6·45	15	3·53	14	4·42	9
May ...	6·88	17	5·09	12	6·63	12	1·76	9	2·55	16	4·82	13	7·01	23	5·07	17	5·48	4
June ...	2·98	8	2·54	6	6·11	9	0·10	1	0·37	6	6·91	10	2·07	9	1·24	12	8·86	14
July ...	1·61	8	3·56	5	1·70	6	—	—	0·88	5	2·64	13	1·59	6	3·94	5	8·00	18
August ...	4·77	12	5·98	8	8·57	9	7·22	15	13·65	21	9·27	14	7·23	17	6·96	19	8·68	17
September ...	2·56	17	3·54	9	4·99	10	6·54	12	7·64	19	4·04	17	5·36	18	4·70	16	3·44	9
October ...	6·21	16	5·48	11	7·80	11	4·69	8	5·01	14	8·61	14	4·97	20	5·31	20	0·92	3
November ...	4·57	14	3·00	4	0·56	1	3·29	7	1·48	8	2·85	4	3·59	11	4·69	10	0·08	1
December ...	2·38	12	0·36	1	0·90	3	5·65	10	No records		1·50	4	1·92	10	4·46	10	0·15	3
Total ...	47·26	152	46·14	85	53·71	93	40·07	97	47·32	141	54·45	130	48·90	160	53·46	157	39·98	80

Appendix No. 11—*continued.*

Statement showing Situations and Latitudes, Longitudes and Heights of the Meteorological Stations of the Uganda Protectorate.

Station.	*Situation.*	*Latitude.*	*Longitude.*	*Height in feet above Mean Sea Level.*
Bombo	Buganda Province	0°34'30"N.	32°32' E.	4040
Budo	" "	0°16' N.	32°29 E.	4200—4300
Bugondo	Eastern "	1°37' N.	33°17' E.	3500
Bukalasa	Buganda "	0°43' N.	32°30' E.	3700
Bukumi	" "	0°49' N.	31°22' E.	4200
Bunyaruguru	Western "	0°14' S.	30°00' E.	3200
Butiaba	Northern "	1°50' N.	31°20' E.	2025
Butiti	Western "	0°39' N.	30°32' E.	—
Buye	Buganda "	0°12' N.	32°00' E.	4270
Bwavu	" "	0°21' N.	33° 1' E.	4200 (Approx.)
Entebbe	"	0° 4' 31" N.	32°28' 30" E.	3842
Fort Portal	Western "	0°43' N.	30° 8' E.	5299
Gulu	Northern "	2°45' N.	32°25' E.	—
Hoima	" "	1°30' N.	31°30' E.	3801
Hoima River Estate	" "	1°30' N.	31°21' E.	4000
Jinja	Eastern "	0°26' N.	33°11' E.	3722
Kabale	Western "	1°15' S.	29°59' 28" E.	—
Kakumiro	Buganda "	0°46' N.	31°18' E.	4511
Kampala	"	0°19' N.	32°35' E.	3905
Katigondo	" "	0°19' S.	31°44' E.	4290
Kilolooney	Western "	0°30' N.	30°20' E.	—
Kitgum	Eastern "	3°20' N.	32°55' E.	—
Kisubi	Buganda "	0°10' N.	32°33' E.	3850
Kivuvu	" "	0°23' N.	32°47' E	3600—3700
Lale	Eastern "	1°42' N.	33°28' E.	—
Lira	" "	2°15' N.	32°55' E.	—
Magigye	Buganda "	0°29' N.	32°36' E.	3900
Masaka	" "	0°21' S.	31°47' E.	4150—4250
Masindi	Northern "	1°40' N.	31°50' E.	3764
Masindi Port	" "	1°42' N.	32°05' E.	3360
Moniko	Buganda "	0°23' N.	32°55' E.	4100
Mubende	" "	0°30'26"N.	31°22' 22" E.	5121
Mutai	Eastern "	0°34' N.	33°14' E.	3600
Mbale	" "	1° 2' N.	43° 6' E.	—
Mbarara	Western "	0°31' S.	30°47' E.	4500
Nagichot	Sudan "	4°17' N.	33°32' E.	6300
Namasagali	Eastern "	1°00' N.	32°57' E.	3400
Namukekera	Buganda "	0°41' N.	32°14' E.	3700
Nandere	" "	0°38' N.	32°30' E.	3900 (Approx.)
Ngora	Eastern "	1°28' N.	33°48' E.	—
Nsambya	Buganda "	0°18' N.	32°34' E.	4020
Nyondo	Eastern "	1° 1' N.	34°14' E.	—
Rubaga	Buganda "	0°18' N.	32°33' E.	4135
Serere	Eastern "	1°31' N.	32°27' E.	3600
Soroti	" "	1°43 N.	33°37' E.	3690