

COLONIAL OFFICE

Gold Coast

Statement by his Majesty's Government on the
Report of the Committee on Constitutional Reform



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on the Report of the Committee
on
Constitutional Reform

DESPATCH OF 14TH OCTOBER, 1949
FROM THE SECRETARY OF STATE FOR THE COLONIES
TO HIS EXCELLENCY THE GOVERNOR

LONDON: HIS MAJESTY'S STATIONERY OFFICE
1949

FOURPENCE NET

Colonial No. 250

FROM THE SECRETARY OF STATE TO THE GOVERNOR OF THE GOLD COAST

Church House,
Great Smith Street, S.W.1.

14th October, 1949.

SIR,

I have now been able to study the Report of the Committee on Constitutional Reform in the Gold Coast which you forwarded to me on the 30th August, 1949. You have stated publicly that this Report will be rapidly considered and that the decisions of H.M. Government on it will be brought into effect without delay. I have been thinking how best I can contribute to that result and I have come to the conclusion that the most practical form of assistance which I can give at this stage will be to let you have immediately the views of H.M. Government on the more important recommendations of the Committee, so as to help forward the examination of the Report in the Gold Coast.

2. First of all, on behalf of H.M. Government, I must express my admiration of the manner in which the Committee has set about its extremely complicated task and the speed with which it has finished its work. Constitutional reform in such a country as the Gold Coast is a matter of great complexity. The careful weighing by the Committee of the many political, legal, economic and social factors involved and the application to them of their own knowledge and judgment has resulted in a most valuable report. I am particularly impressed by the heed which the Committee has paid to traditional African institutions in the recommendations which they make for the establishment of a modern and representative system of government. I shall be grateful if you will convey to Mr. Justice Coussey my sincere congratulations on his skilful leadership and to the Committee as a whole my warm appreciation of their devotion over several months to the difficult task now completed.

3. I wish to make it clear at the outset that, subject to the observations which I shall make later in this despatch, H.M. Government accept the proposals put forward in the Report as providing a workable plan within the framework of which constitutional development in the Gold Coast can now proceed. The observations which follow are made with the sole object of helping and promoting the progress of the Gold Coast to responsible government within the British Commonwealth, which it is the policy of H.M. Government and the manifest desire of the people of the country to see achieved as soon as practicable. I endorse the Committee's general conception of a representative system of central government firmly based on soundly conceived democratic institutions at the regional and local government levels.

4. It is clear that such a system cannot be built up merely by a legislative act. Much hard work will be needed to bring about the important changes in the form of the Central Government and the composition of the Legislature which the Committee proposes, to build up the regional administrations and councils and to strengthen and reorganise the institutions of local government, which the Committee rightly regards as providing the best opportunity for "the majority of the people to contribute to and participate actively in the process of government" and "the best foundation on which

to build a democratic central structure." I am sure you are, that this work should be pressed forward but it is of the highest importance to the endurance be established and to the well-being of the people of the process of bringing the system into being, there is in the machinery of government of such a kind as inevitable.

5. It is with these general considerations in mind that I make observations. I shall not refer in detail to each individual proposal of the Committee, but shall deal only with those recommendations of importance on which the early expression of my views may be of particular value in the further consideration of the Report in the Gold Coast. I propose to comment on the General Survey in Part I of the Report of the points made in this part of the Report do not bear direct recommendations made by the Committee. Although I do not think it necessary to express any opinion on the historical accuracy of the views expressed by the Committee in the General Survey, I should not wish it to be thought that I necessarily agree with all of them. Equally I shall not comment on the Introduction in Part II of the Report, valuable though this is as a general summary of the Committee's views.

LOCAL GOVERNMENT

6. Part III of the Report makes proposals for the reform of the local government system and I have been greatly impressed by the evident desire of the Committee to deal comprehensively with that sphere of government which most immediately affects the everyday life of the people and which is therefore the only sure foundation on which to base a democratic system of central Government. Paragraphs 78 to 83 of the Report very properly emphasise the importance of local government.

7. I agree generally with the Committee's broad conception of local government reform, although the individual recommendations will need detailed examination in the Gold Coast. The fact that such a widely representative Committee, drawn from all sections of the community and all parts of the Gold Coast, has made unanimous proposals on local government gives the whole country a great opportunity. Now that it is recognised that radical changes in the system of local government are needed, I trust that the people of the Gold Coast will not let pass the opportunity to make them. The new framework of Local Authorities proposed by the Committee will have to be developed from the existing system by orderly means and in a manner acceptable to the Chiefs and people. I suggest that, in order that this work may be put in hand without delay, a suitable body or bodies, perhaps in the form of one or more Select Committees of the Legislative Council, should be set up to examine the best means of implementing the proposals in consultation with the existing Territorial Councils and Native Authorities, and that at the same time steps should be taken in consultation with the Committees to draft the necessary legislation. If advice based on the experience of local government in this country is required on any point, I shall be glad to assist in securing it.

8. The recommendations on local government seem to me to have a number of admirable features. I welcome the proposals that the traditional elements should have the representation on the new Local Authorities recommended in paragraph 137 of the Report and that those Authorities should have elected majorities (paragraph 140). The proportion of seats to be allocated on each local council to the traditional and elected representatives, the

qualifications for voting and membership and the
cies are matters for close consideration in the Gold

the different classes of authorities and the allocation
of responsibilities between them are also matters for
consideration but I hope that it will be found possible to establish a
system which is simple and not too complicated, which will not stifle local
action at the lowest level through the creation of too elaborate a hierarchy
of authorities above that level, and which will provide the lowest councils with
adequate responsibilities of their own within a suitably defined sphere.

SIR,

I have welcome the proposals for the establishment of District Councils,
large enough to ensure efficiency and financial stability, through
Constitutional federation of smaller authorities (paragraph 91). I
30th Aug. am glad to see the Government's attention on the details of these proposals, but I hope that, where
considerations are considered to be in the interests of the local people,
parochial jealousies will not prevent them from being carried out. I welcome
the proposal that Municipal Councils should be the sole authorities with
local government powers in their areas (paragraph 110) and I also welcome
the recommendations for the establishment of suitable councils in other
urban areas (paragraph 98).

11. The Committee rightly emphasises the importance of local govern-
ment staff (paragraph 185) and refers to the question of training (paragraph
190), but makes no specific proposals for the provision of such training. If
the new Local Authorities are to be efficient, it is essential that their staff
should be adequately trained and I hope that early and vigorous action
will be taken to provide suitable training facilities in the Gold Coast.
Wherever it is desired that local government officers should receive training
in this country by attachment to local government bodies here, I shall be
glad to assist; experience has shown that local authorities in the United
Kingdom are very ready to provide facilities for training staff from Colonial
Territories. I agree with the Committee that, until sufficient trained local
government officers are available, the central Government should be pre-
pared to assist in meeting the staff difficulties of Local Authorities.

12. If the new system of local government is to be successful, it is most
important that full and early consideration should be given by all concerned
to placing the finances of Local Authorities on a satisfactory basis. Much
ingenuity will be required to overcome the difficulty of levying rates in
an equitable manner (paragraphs 200 to 202) and it may well prove necessary
as an interim measure, before it is possible to establish assessment committees
and a trained corps of valuers, to supplement the basic tax by special imposts
on particular activities designed to secure that the system of taxation taken
as a whole bears fairly on all classes of the community. The destination of
revenue derived from communal lands and the management of those lands
are clearly matters of special difficulty. I welcome the Committee's view
(paragraph 207) that the management, but not the ownership, of such lands
should be vested in the Local Authorities and that the revenue should be
accounted for by them, an agreed proportion according to the circumstances
of each area being paid over to the traditional authorities.

13. The suggestions of the Committee regarding Local Courts (paragraphs
218 to 234) are in harmony with recent trends in the development of the
existing Courts, and I feel sure that these trends will be encouraged by the
Committee's views. I hope that you will feel able to set up the special
committee suggested in the Report as soon as the great volume of more
urgent work required to give effect to the other recommendations permits.

14. I accept the arguments put forward by the majority in favour of the retention and development of Regional Administrations (paragraphs 284 to 287). I appreciate the practical problems involved, but I believe that at the present stage Regional Administrations have an indispensable part to play in the supervision and co-ordination of the new Local Authorities. If the Regional Administrations are to carry out their duties efficiently, it is necessary that they should be provided with a permanent staff adequate to deal with the volume of work which will inevitably grow. It is also necessary that the Central Government should be prepared to delegate authority to them and I agree with the Committee that a very substantial decentralisation of functions should be effected. I welcome the proposal (paragraph 292) of the Committee that a detailed examination should be made of the activities which can suitably be delegated to the Regional Administrations and of their relationship with the Central Government. I suggest that this examination should also cover the financial relations of Regional Administrations with Local Authorities and with the Central Government and Legislature. I shall look forward to considering the matter further when this examination has been completed.

15. The proposals of the Committee for Regional Councils (paragraphs 316 to 330) are designed to carry further the policy, already effected through Territorial Councils, of associating representatives of the public with the administration of government in each region. I agree that this is a most desirable objective, but I hope that it will be possible to avoid too complicated a system at the regional level. I do not intend to comment in detail on these proposals; like the other proposals in Part IV of the Report, they will require careful study in the Gold Coast. I am doubtful about the recommendation (paragraph 326) that elections to the Regional Councils should be carried out in the same way as elections to the Central Legislature. The conduct of these central elections, as well as those for Local Authorities, will tax the administrative resources of the country very heavily and, if similar elections are to be held for Regional Councils, I fear that the system may become too complicated. Both for this reason and because the Regional Councils and Administrations will be so closely concerned with local government, I am inclined to the view that it would be preferable for the members of the Regional Councils to be elected from and by the Local Authorities themselves. The question is one which it will be easier to determine when the precise functions of Regional Councils and Administrations have been worked out in detail.

16. I attach particular importance to establishing a proper relationship between the members of the Regional Councils and the administrative and technical staff of the Regional Executive at regional headquarters and in the field. I have noted the recommendations on this point made in paragraphs 331 to 338 of the Report; these will clearly require close examination in consultation with the Territorial Councils and might perhaps form part of the investigation recommended by the Committee and referred to in paragraph 14 of this despatch. The essential points seem to be that the members of the Regional Councils should be enabled to participate fully in the formation of policy for the region, in consultation with the Executive under the Chief Commissioner or Regional Administrator, and at the same time that the Regional Executive and its staff should be given fully adequate powers to carry out its important duties with regard to local government and in other fields.

9 to 303 of the Report the Committee proposes that a Southern Section should be established for the area described as "Volta-Southern Togoland", consisting of certain areas of the Gold Coast Colony east of the River Volta and the southern section of Togoland under United Kingdom Trusteeship, with the possible addition of the Krachi District. The Committee itself records in paragraph 301 that this recommendation was opposed by representatives from certain parts of Southern Togoland, and, both for this reason and because of the special position of the Trust Territory, I must examine the proposal with particular attention. The decision to be taken on it must clearly depend on the interests of the people concerned, and in determining where these interests lie I have no doubt that you will consider, in consultation with the accredited representatives of the people, what arrangement is likely to be most effective in promoting the political, economic and social development of the area. I will go into the matter further when you are in a position to let me know your recommendations and when the considered views of the people in the area are known. Meanwhile I hope that it will be possible to arrange in the immediate future for the representation of the Southern Section of Togoland on the Legislative Council and that, as an interim arrangement pending the setting up of constituencies as the Committee recommend, an electoral body will be constituted for this purpose in the area. I shall also await any recommendations which you may wish to make on the question whether the Krachi District should be included in the Southern Section of Togoland.

THE LEGISLATURE

18. I much appreciate the careful examination, summarised in paragraph 353, of the relative merits of a bicameral or unicameral system for the Legislature and I note that the Committee was almost evenly divided on this question. I recognise the strength of the arguments both for and against a bicameral system, but I am particularly impressed by the third, fourth and fifth arguments against it which the Committee has recorded. I cannot help feeling that the proposals for a bicameral system, if adopted immediately, might seriously detract from the efficiency both of local government bodies and the Central Legislature, by isolating in a chamber exercising relatively limited functions a number of the more able men whose services are needed in the Legislative Assembly and in local government. I agree also that, in the words of the Committee, "the interaction of thought between elected members and 'Elders' in a unicameral chamber would not only be beneficial but would be in consonance with the accepted traditions of the country". I feel accordingly that it would be advisable, certainly at this stage, to adopt a unicameral system.

19. I welcome the Committee's proposal (paragraph 374) that, except in municipalities, an indirect system of election should be adopted for the Legislative Assembly; I feel sure that under present conditions this recommendation is sound. The establishment of the electoral machinery, the delimitation of constituencies and the actual supervision of elections will obviously involve a great amount of work and for this reason I hope that the arrangements for primary elections will be as simple as is compatible with a fair system of representation. I hope also that these arrangements will be adapted to the conditions of each area and I assume that, when the Committee refers in paragraph 360 to "a method appropriate to each constituency", they mean that methods such as those recommended by the Committee in paragraph 145 for local government elections should be used wherever they are regarded as appropriate. For secondary elections by the

electoral colleges I suggest that it should be laid down that candidates should be members of the colleges themselves. It is clearly desirable that elections should be held as soon as possible, and, as the preparations will take a considerable time, I hope that it will be possible to set up a suitable body, perhaps a Select Committee of the Legislative Council, to examine the question of holding early elections and the measures necessary to enable this to be done.

20. The detailed recommendations in this part of the Report will require further examination.

THE EXECUTIVE

21. I have carefully examined the section of the Report dealing with the structure of the Central Government and I recognise the close attention which the Committee has given to this subject. My remarks on the Executive should be read in conjunction with what I have said in paragraph 3 of this despatch. H.M. Government are pledged to assist the people of the Gold Coast by all means in their power in their progress towards responsible government within the British Commonwealth, and they are anxious that this progress should be as rapid as the interests of the people themselves and the needs of good government permit. The Committee has recommended in paragraph 411 that the Executive Council should consist, under the chairmanship of the Governor, of ex officio members and members drawn from the Legislature, and that the majority of the members drawn from the Legislature should be given executive responsibility for the administration of departments. I shall comment in detail on these proposals, but before doing so I wish to make it clear that in principle, subject to what follows, H.M. Government accept them and warmly welcome them. If implemented, they will represent a most important step forward in the constitutional development of the Gold Coast.

22. The Committee has recommended in paragraphs 40 and 412 that the Executive Council should be collectively responsible to the Legislature, and has stated that any proposal whereby the Executive Council would be responsible to the Governor is considered to be unacceptable. It is evident that the Committee attaches great importance to this point, but I think that there may be some possibility of misunderstanding on it. It is the normal practice in constitutional development that the Governor should retain ultimate responsibility for the administration of a Territory until that responsibility is transferred to Ministers who are themselves collectively responsible to the Legislature. The Committee, while it is averse to the Executive Council being responsible to the Governor, has quite properly at this stage not proposed the granting of full responsibility to Ministers and rightly qualifies their responsibility in certain important respects. Under the recommendations of the majority report the Executive Council would include ex officio members and the Governor would have reserve powers. I quite agree with these recommendations and it follows that, so long as it is necessary for the Governor to have reserve powers, he must retain ultimate responsibility. In this respect the Committee's recommendation that the Executive Council should be collectively responsible to the Legislative Assembly and not responsible to the Governor requires modification.

23. This does not mean that the members of the Executive Council would not be answerable and in effect responsible to the Assembly. The power to grant financial supply and to legislate would lie with the Assembly and members of the Executive Council would be required to answer in the Assembly for the departments of Government for which they were responsible. In addition the members of the Executive Council other than the ex officio

members would be appointed, as I shall suggest in paragraph 31 below, on a resolution of the Assembly and would be removable by an adverse vote of the Assembly. Members of the Executive Council would in fact necessarily have a dual responsibility. While they would be responsible to the Governor in virtue of his ultimate responsibility for the administration of the Territory, they would clearly be responsible to the Assembly for the performance of their functions as members of the Executive Council. In the Committee's Report it appears to be implied that responsibility to the Governor and responsibility to the Legislature are inconsistent with each other; in fact they are not inconsistent but complementary.

24. The desire of Africans to bear responsibility for the initiation and execution of policy has the fullest sympathy of H.M. Government and, in their view, it is essential that this should be provided for in the new constitution. In considering the relationship between the Governor and the Executive Council it is important, if misunderstanding is to be avoided, to consider the actual manner in which the relationship will work. If the matter is looked at from the practical point of view, it will be apparent that the substance of the Committee's recommendations will in fact be achieved.

25. It is a matter of experience both in the Gold Coast and elsewhere that the Governor's reserve powers are in practice only used most sparingly. Under the Committee's proposals, with which I am in general agreement, questions requiring decision by the Legislative Assembly or the Executive Council would normally be settled by a majority vote, and this would secure the Committee's objective, expressed in paragraph 40, of making executive action responsive to considered public opinion and to informed criticism in the Legislature. In a word, the aim should be that, in the spirit of paragraph 426 of the Committee's Report, the business of government should be smoothly and efficiently carried on by consultation and agreement between the Governor, the Executive Council and the Legislative Assembly and, with the appreciation of each others' views which would be developed by this process, it is reasonable to hope that occasion for the exercise of the Governor's reserve powers would be avoided.

26. I readily agree that there should be a majority of Africans drawn from the Legislative Assembly on the Executive Council. It would be the body where all major questions of policy would be discussed and I suggest that it should be specifically laid down in the constitution that it is the principal instrument of policy. The Council should not simply, as at present, be summoned on the motion of the Governor himself, but also, as the Committee recommend, at the request of two-thirds of its members. All members of the Council and not the Governor only, as at present, should be entitled to initiate subjects for discussion.

27. H.M. Government accept the recommendation of the Committee that all questions proposed for decision in the Executive Council should be determined by the majority vote of the members present and voting, the Governor having a casting but not an original vote. It would be necessary to give the Governor the right to act against the majority decision of the Council when the issue under discussion was one which fell within the scope of his reserve powers. It would be laid down that the Governor should only exercise this right (except in an emergency) with the prior approval of the Secretary of State. This power of the Governor in relation to the Executive Council, which is similar to the Committee's recommendation in paragraph 421 in relation to the Legislative Assembly, would only be exercised in exceptional circumstances; any other course would impede the development of responsibility. Normally the decision would be taken by a majority vote

in a body on which elected members of the Assembly would be in the majority. Thus the Executive Council would be a very different body from the present Executive Council, which is purely advisory.

28. It is a corollary of this arrangement that the Executive Council should act collectively as a body and that an individual member of the Council should be under an obligation to carry out administratively, and support in the Legislature, the policy and decisions of the Council. A member of the Executive Council who felt himself unable to carry out this obligation should resign, and, in case he refused to do so, it should be provided in the constitution that the Governor should be empowered in these circumstances to terminate his appointment with the agreement of the majority of the Executive Council.

29. Before ending this part of my despatch I wish to emphasise again how very great a step forward is involved in these proposals, which would place Africans appointed on resolution of the Legislative Assembly and answerable to that Assembly in the majority on the Executive Council and would make that body responsible for formulating policy.

METHOD OF APPOINTMENT AND COMPOSITION OF THE EXECUTIVE COUNCIL

30. The Committee has recommended that there should be a Leader of the House of Assembly elected by the Assembly and appointed by the Governor (paragraph 382), that members of the Executive Council (other than ex officio members) should be appointed by the Governor in consultation with the Leader (paragraph 411), and that the Executive Council should resign collectively on a vote of no confidence in the Leader by not less than two-thirds of all the members of the House of Assembly (paragraph 413). In paragraph 403 the Committee describes the procedure under which the Leader would be elected by a majority of the House of Assembly as a transitional arrangement until parties emerge sufficiently to enable the Governor to ask the member who commands the largest following to assume office as Leader. I have carefully considered these proposals, but I do not believe that the institution of a Leader of the House would work effectively in the absence of an established and well-tryed party system, by which I mean a system where through usage over a period of years parties have become generally accepted as necessary and integral parts of the constitutional machinery of the country. In this sense there is not as yet a party system in the Gold Coast, and without it, while the member of the House of Assembly chosen as Leader would admittedly command the majority of votes on the occasion when he was so chosen, there would be no guarantee that he would continue to command a majority. If not, the efficiency of Government might be seriously hampered and the relations between the Executive Council and the Legislative Assembly impaired. For these reasons I believe that the appointment of a Leader elected by the House of Assembly would be premature; but I agree that it will be necessary in practice for one of the members of the Executive Council to lead the Government representatives in the Assembly. I suggest that the members of the Executive Council should elect one of their number for this purpose.

31. In the light of what I have said, the consequential arrangements proposed by the Committee for the appointment and resignation of members of the Executive Council are inapplicable at this stage. I would suggest

that instead the following procedure should be adopted; the Governor should put forward names of members of the Legislative Assembly for appointment as members of the Executive Council (after such consultation as may be appropriate) and should invite a resolution of the Assembly recommending the appointments; if the resolution was passed the Governor should make the appointments.

32. Since members of the Executive Council (other than ex officio members) would be appointed on resolution of the Assembly, I agree with the Committee that the Assembly should have power to initiate the steps necessary for the removal of such members. I am sure, however, that it will be generally accepted in the Gold Coast that, if there is to be proper continuity in the conduct of public business, this power should not be lightly exercised. I would suggest that a member of the Executive Council should be removable on a motion specifically made for that purpose, which should require a two-thirds majority vote of all the members of the Assembly. This would be additional and not alternative to the arrangement proposed in paragraph 28 above, under which the Governor would be empowered to remove a member of the Executive Council, with the agreement of the majority of that Council, should he refuse to act on its decision. I must make it quite clear that I could not agree to any proposal for the removal of an ex officio member from the Executive Council on a prayer of the Assembly; such an arrangement would be entirely without precedent and would be inconsistent with the position of ex officio members of the Executive Council.

33. In paragraph 413 the Committee recommends that members of the Executive Council—and they are no doubt referring to members other than ex officio members—should cease to hold their appointments on a dissolution of the Assembly. I feel that this procedure would lead to serious practical difficulty in administration and that provision ought to be made for the carrying on of the Government in the intervals between one Assembly and the next. I suggest that provision might be made to the effect that a member of the Executive Council should retain his appointment after dissolution until the first meeting of the newly elected Assembly.

34. In their statement of policy of August, 1948, H.M. Government suggested that the title of Minister proposed by the Watson Commission would not be appropriate to the present stage of constitutional development and that it would be more suitable to use the term Member of the Executive Council. The Committee has however proposed the use of the term Minister and, in the light of the practice growing up elsewhere, I agree to the use of the term in the Gold Coast.

35. The Committee recommends (paragraph 411) that there should be not more than three ex officio members of the Executive Council, the Chief Secretary, the Financial Secretary and the Legal Secretary. The Watson Commission recommended that there should be four ex officio members and H.M. Government in their statement of August, 1948, accepted this number and suggested that the ex officio members should be the Chief Secretary and three members with responsibility for justice, finance and economic affairs. In view of the recommendation of the Committee, to which importance is evidently attached, I agree that there should only be three ex officio members, the Chief Secretary, the Legal Secretary and the Financial Secretary. I also agree that there should be six Ministers with portfolio and two without portfolio. The actual distribution of portfolios would be made by the Governor in accordance with the needs of public business.

MINISTERIAL AND PERMANENT UNDER-SECRETARIES

36. In paragraphs 417 and 418 of the Report the Committee recommends the appointment of Ministerial and Permanent Under-Secretaries. These proposals do not appear to differ materially from the suggestions of H.M. Government in their statement of August, 1948.

GOVERNOR'S RESERVE POWERS, ROYAL INSTRUCTIONS AND LETTERS PATENT

37. It will have been clear from what I have said in paragraphs 22 and 25 above that I accept the proposals of the majority of the Committee with regard to the Governor's reserve powers (paragraphs 420 to 426). In doing so I wish to express my appreciation of the careful and objective manner in which the Committee has approached this subject. As regards the Governor's power to veto legislation, I should see no objection to an understanding, on the lines set out in Mr. Oliver Stanley's despatch of the 10th February, 1943, to the Governor of Jamaica quoted by the Committee in paragraph 425 of the Report, that, if an occasion arose when the Governor was not prepared to assent to a Bill, he should in practice either reserve it for His Majesty's pleasure or, before refusing assent, consult the Executive Council and, if they did not agree, the Secretary of State.

38. I assume that in recommending in paragraph 421 (c) that the appointment of public officers should be excluded from matters over which the Governor may exercise his reserve power in the Assembly the Committee is only referring to the actual word "appointment" as it appears in Article 38 (1) of the Gold Coast Colony and Ashanti (Legislative Council) Order in Council of 19th February, 1946, and is not suggesting that matters relating to the creation or abolition of any public office or to the salary or other conditions of service of any public officer or officers should also be excluded from the operation of that power. On that assumption I can agree to the proposal.

39. The Committee's proposals with regard to the Royal Instructions and Letters Patent will require further examination. In regard, however, to the proposal in paragraph 429 that Section 12 of the existing Letters Patent should be amended, it would not be proper to fetter the Governor in the exercise of the prerogative of mercy. It has been, and I trust will remain, obligatory for the Governor to obtain the advice of the whole Executive Council in such matters and I would deprecate any proposal that he should be required to act on the advice of one particular member of the Council only.

PUBLIC SERVICE COMMISSION

40. I welcome the proposal in paragraph 430 that a Public Service Commission should be established on a statutory basis to advise the Governor on matters relating to the Civil Service. This is fully in accordance with general policy and an interim Public Service Commission has already been set up in the Gold Coast. The composition, functions and powers of the Public Service Commission will require detailed examination.

MINORITY REPORTS

41. I have duly considered the riders to the Report added by a minority of the Committee and have taken them into account in my observations in this despatch.

CONCLUSION

42. I have covered without entering into great detail the general scope of the Report and have indicated that H.M. Government agree with most of its recommendations. I hope that all such steps as are necessary can now be taken without delay to give effect to these recommendations. I am aware that this will involve much detailed work and will throw a heavy burden on to members of the Legislative Council and Territorial Councils and in particular on to all branches and grades of the Civil Service. The carrying out of the Committee's recommendations for Regional Administrations and local government will place added responsibilities on to the administrative staff in the field, which I am confident that they will discharge with their traditional energy and enthusiasm.

43. The preparation of constitutional instruments can now be put in hand to give effect to the proposals of the Committee with regard to the Legislature and Central Executive, subject to the observations which I have made above. I am aware that these proposals and observations will be the subject of detailed discussion and examination both by the Government and by the public in the Gold Coast and the results of such discussion and examination will of course be taken into account in preparing the instruments. My only reason for starting the process now is my desire to avoid all delay in bringing the recommendations into effect.

I have the honour to be,

Sir,

Your most obedient, humble servant,

A. CRECH JONES.

Sir Charles Arden-Clarke, K.C.M.G.,
Governor of the Gold Coast.

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