

and the Patron of the said Benefice of Wasing shall have the second turn.

"Provided always that nothing herein contained shall prevent us from recommending and proposing any other measures relating to the matters aforesaid, or any of them, in accordance with the provisions of the said Act, or of any other Act of Parliament."

And whereas drafts of the said Scheme have been published locally in the manner prescribed in the Statutory Rules made under the said Act and also transmitted in the manner so prescribed to the Patrons affected, together with a Notice in each case requiring any objections to such draft Scheme to be stated or transmitted in writing to the said Ecclesiastical Commissioners within the time prescribed in the same Rules:

And whereas certain objections have been so stated or transmitted to the said Ecclesiastical Commissioners within the time prescribed in the same Rules:

And whereas the said Ecclesiastical Commissioners after giving full consideration to such objections have deemed right to make certain alterations in such draft Scheme:

And whereas public notice of the certification to His Majesty in Council of the said Scheme and the consent thereto in writing of the Bishop of Oxford has been duly given in the manner and within the time prescribed in the Statutory Rules aforesaid:

And whereas no appeal has been made to His Majesty in Council within the period of one month after the date of the said public notice in accordance with the provisions of the said Act against the said Scheme or any part thereof by any person who has made objection as aforesaid to the said draft Scheme:

And whereas neither of the two Benefices affected by the said Scheme is situate in a City or Municipal Borough:

And whereas the said Scheme has been approved by His Majesty in Council:

Now, therefore, His Majesty, by and with the advice of His said Council, is pleased hereby to affirm the said Scheme and to order that the two Benefices therein recommended to be united shall be united to the extent and for the purposes recommended in the said Scheme, and further to order and direct that the said Scheme and every part thereof shall be effectual in law immediately from and after the time when this Order shall have been duly published in the London Gazette pursuant to the said Act.

And His Majesty, by and with the like advice, is pleased hereby to direct that this Order be forthwith registered by the Registrar of the said Diocese of Oxford.

M. P. A. Hankey.

At the Court at *Buckingham Palace*, the 21st day of *November*, 1922.

PRESENT.

The KING's Most Excellent Majesty in Council.

WHEREAS by certain Letters Patent passed under the Great Seal of the United Kingdom of Great Britain and Ireland bearing date at Westminster the Twenty-ninth day of November, 1913, His Majesty the King did constitute the Office of Governor and Commander-in-Chief in and over the Colony of Nigeria, and did amongst other things provide for the establishment of a Legislative Council for the said

Colony, and did further reserve to Himself, His heirs and successors, His and their undoubted right, with the advice of His or their Privy Council, from time to time to make all such laws or ordinances as might appear to Him or them necessary for the peace, order, and good government of the Colony:

And whereas by the Foreign Jurisdiction Act, 1890, it is, amongst other things, enacted that it shall be lawful for His Majesty to hold, exercise and enjoy any jurisdiction which His Majesty now has or may at any time hereafter have within a foreign country in the same and as ample a manner as if His Majesty had acquired that jurisdiction by the cession or conquest of territory:

And whereas by treaty, grant, usage, sufferance and other lawful means His Majesty has power and jurisdiction within the territories known as the Protectorate of Nigeria:

And whereas by an Order in Council bearing date the Twenty-second day of November, 1913, known as the Nigerian Council Order in Council, 1913, provision was made for the establishment of an advisory and deliberative body to be known as the Nigerian Council:

And whereas by an Order in Council bearing date the Tenth day of August, 1914, known as the Nigeria Order in Council, 1914, power was conferred upon the Governor and the Legislative Council of the Colony of Nigeria and the Governor of the Protectorate of Nigeria of legislating jointly for matters affecting the whole territory of Nigeria:

And whereas His Majesty has this day, by and with the advice of His Privy Council, been pleased to direct that Letters Patent be passed under the Great Seal of the United Kingdom of Great Britain and Ireland for the purpose of providing for the Government of the Colony of Nigeria, as in the said Letters Patent more fully appears, and the draft of the said Letters Patent has this day been approved by His Majesty in Council:

And whereas by an Order in Council bearing date this day and known as the Nigeria Protectorate Order in Council, 1922, provision has been made for the exercise of His Majesty's jurisdiction in the territories known as the Protectorate of Nigeria:

Now, therefore, His Majesty, by virtue and in exercise of all powers enabling Him in that behalf, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

I. This Order may be cited as the Nigeria (Legislative Council) Order in Council, 1922.

II. This Order shall apply to the Colony and to the Protectorate of Nigeria, which are hereinafter referred to collectively as "Nigeria."

III. In this Order "His Majesty" includes His Majesty's heirs and successors; "Secretary of State" means one of His Majesty's Principal Secretaries of State; "Governor" means the Governor and Commander-in-Chief for the time being of Nigeria and includes every person for the time being administering the Government of Nigeria; "the Council" means the Legislative Council established by or under the provisions of the last hereinbefore recited Letters Patent and Order in Council, which Council shall be known as "the Legislative Council of Nigeria."

IV. The Council shall consist of:—The Governor as President, 26 Official Members, 3

Elected Unofficial Members representing the municipal area of Lagos, 1 Elected Unofficial Member representing the municipal area of Calabar, and not more than 15 Nominated Unofficial Members.

V. The Official Members of the Council shall consist of the following persons:—

The members of the Executive Council.

The ten senior officers for the time being lawfully discharging the functions of Senior Resident in Nigeria, and the Officers lawfully discharging the functions of Deputy Chief Secretary to Government, of Secretary, Northern Provinces, and of Secretary, Southern Provinces.

The officers lawfully discharging the functions of General Manager of the Railway, of Director of Public Works and of Postmaster-General.

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

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

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

VII. The Nominated Unofficial Members of the Council shall be such persons not holding office in Nigeria as the Governor may, from time to time, by instrument under the Public Seal appoint, subject to disallowance or confirmation by His Majesty, signified through a Secretary of State.

Every such Member shall vacate his seat at the end of five years from the date of the Instrument by which he is appointed or at such earlier date as may be provided by that Instrument.

Provided that if any such Member is provisionally appointed, as hereinafter provided, to fill a vacant seat in the Council, and his provisional appointment is immediately followed by his definitive appointment, the aforesaid period of five years shall be reckoned from the date of the Instrument provisionally appointing him.

Every such Member shall be eligible to be re-appointed by the Governor for a further period not exceeding five years, subject to the approval of His Majesty, signified through a Secretary of State.

VIII. Whenever upon any special occasion the Governor wishes to obtain the advice of any person within Nigeria touching any matters about to be brought before the Council, he may by an Instrument under the Public Seal of Nigeria appoint any such person to be, for such occasion, an Extraordinary Member of the Council.

IX. The Members of the Council shall take precedence as His Majesty may specially assign, and in default thereof:—

(1) First the Official Members according to their seniority in the Executive Council or, if they are not Members thereof, according to the order in which they are named in Article V. of this Order, provided that officers of the administrative service of Nigeria shall rank according to their seniority in that service.

(2) Secondly, the Elected Members and the Nominated Unofficial Members according to the length of time during which they

have been continuously Members of the Council, members elected or appointed at the same time taking precedence amongst themselves according to the alphabetical order of their names.

Provided nevertheless that any such Member re-elected or re-appointed immediately on the termination of his term of office shall take precedence according to the date from which he has been continuously a Member of the Council.

X. No Member of the Council shall sit or vote therein until he shall have taken and subscribed the following oath before the Governor, or some person authorized by the Governor to administer such oath:—

“ I, A.B., do sincerely promise and swear that I will be faithful and bear true allegiance to His Majesty King George, His heirs and successors, according to law.

So help me God.”

Provided that every person authorized by law to make an affirmation instead of taking an oath may make such affirmation instead of taking the said oath.

XI. Whenever any Nominated Unofficial Member of the Council shall die or shall, with the permission of the Governor, by writing under his hand addressed to the Governor, resign his seat in the Council, or shall be suspended from the exercise of his functions as a Member of the Council, or shall be declared by the Governor by an Instrument under the Public Seal to be incapable of exercising his functions as such Member, or shall be temporarily absent from Nigeria, the Governor may by an Instrument under the said Seal appoint some other person resident within Nigeria to be provisionally a Member of the Council in the place of the Member so dying, resigning, or being suspended, or declared incapable, or absent.

Every such provisional appointment may be disallowed by His Majesty through a Secretary of State, or may be revoked by the Governor by any such Instrument as aforesaid.

Every person so provisionally appointed shall be to all intents and purposes a Nominated Unofficial Member of the Council until his appointment shall be disallowed, or revoked, or superseded by the definitive appointment in his place of a Nominated Unofficial Member of the Council, or until the person in whose place he has been appointed shall be relieved from suspension, or declared by the Governor by an Instrument under the Public Seal to be capable of exercising the functions of a Member of the Council or shall have returned to Nigeria.

XII. The Governor shall, without delay, report to His Majesty for his confirmation or disallowance, signified through a Secretary of State, every provisional appointment of any person as a Nominated Unofficial Member of the Council. Every such person shall hold his place in the Council during His Majesty's pleasure, and the Governor may by an Instrument under the Public Seal revoke any such appointment.

XIII. The Governor may by an instrument under the Public Seal suspend any Official Member or any Nominated Unofficial Member of the Council from the exercise of his functions as a Member of the Council. Every such suspension shall be forthwith reported by the Governor to a Secretary of State, and shall remain in force unless and until it shall be

either removed by the Governor by an Instrument under the said Seal, or disallowed by His Majesty through a Secretary of State.

XIV. Any person (save as hereinafter excepted) who shall be registered as an elector for the election of Elected Members of the Council shall be qualified and entitled to be elected a representative of the Municipal area of Lagos or of Calabar, as provided in Article VI. of this Order.

XV. No person shall be capable of being elected a Member of the Council, or, having been elected, shall sit or vote in the Council, who—

(1) has been sentenced by any competent British Court, whether of Nigeria or not, for any crime punishable by death, hard labour for any period, or imprisonment for a period exceeding one year, and has not received a free pardon from His Majesty for the crime for which he has been so sentenced; or

(2) is an undischarged bankrupt, whether he has been declared a bankrupt by a Court in Nigeria or by any other British Court; or

(3) has within five years before the election received charitable relief in Nigeria from any public source; or

(4) is of unsound mind; or

(5) is in receipt of salary payable out of the public revenue of Nigeria; or

(6) is not registered as an elector.

XVI. All questions which may arise as to the right of any person to be or remain an elected Member of the Council shall be referred to and decided by the Supreme Court of Nigeria.

XVII. Every elected Member of the Council shall vacate his seat at the expiration of five years from the date of his election, but shall be eligible for re-election if not disqualified under the provisions of this Order.

XVIII. If any Elected Member of the Council shall at any time, by writing under his hand addressed to the Governor, resign his seat in the Council, or shall become subject to any of the disqualifications specified in Article XV. of this Order, or shall take any oath or make any declaration of allegiance to any Foreign State or Power, his seat in the Council shall thereupon become vacant.

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

Whenever the seat of an Elected Member has become vacant, the Governor shall, as soon as possible, issue directions for the election of a new Member in the place of the Member whose seat has become vacant.

XIX. Every person who, having been returned as a Member of the Council, but not having been at the time of his election qualified to be elected, shall sit or vote in the Council, shall for every day on which he shall sit or vote in the Council, and every person who shall sit or vote in the Council after his seat shall

have become vacant shall for every day on which he shall sit or vote after his seat shall have become vacant, be liable to a penalty not exceeding Fifty Pounds, to be recovered by action in the Supreme Court of Nigeria by any person who shall sue for the same.

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

(1) is a British subject, or a native of the Protectorate of Nigeria;

(2) is of the age of twenty-one years or upwards;

(3) has been ordinarily resident for the twelve months immediately preceding the date of registration in the municipal area for which the election is being held; and

(4) was during the calendar year immediately preceding in possession of a gross annual income, from all sources, of not less than one hundred pounds.

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

(1) has been sentenced by any competent British Court, whether of Nigeria or not, for any crime punishable by death, hard labour for any period, or imprisonment for any period exceeding one year, and has not received a free pardon from His Majesty for the crime for which he has been so sentenced; or—

(2) is of unsound mind.

XXII. The Governor shall, as soon as possible after the coming into operation of this Order, establish by proclamation such regulations, not inconsistent with this Order, as he may think necessary for regulating the registration of electors, and generally in regard to the election of Members of the Council, and such regulations shall take effect and have the force of law in Nigeria immediately on the proclamation thereof. But any regulations so made may be repealed or altered by any Ordinance or Ordinances hereafter to be enacted by the Governor, with the advice and consent of the Council.

XXIII. It shall be lawful for the Governor, with the advice and consent of the Council, to make laws for the peace, order, and good government of the Colony of Nigeria and for that portion of the Protectorate of Nigeria known as the Southern Provinces. Such laws shall be styled "Ordinances," and the enacting words shall be "enacted by the Governor of Nigeria, with the advice and consent of the Legislative Council thereof."

The sanction of the Council shall also be required for all expenditure out of the funds and revenues of Nigeria in respect of that portion of the Protectorate of Nigeria known as the Northern Provinces.

XXIV. It shall be lawful for the Governor of the Colony of Nigeria, with the advice and consent of the Council, and the Governor of the Protectorate of Nigeria, from time to time by joint Ordinance to provide for the peace, order, and good government of Nigeria, and of all persons therein, provided as follows:—

(a) That such Ordinances shall be subject to the advice and consent of the Council only so far as the provisions thereof relate to the Colony and to the Southern Provinces of the Protectorate, and such Ordinances shall be expressed to be enacted by the Governor of

the Colony and Protectorate of Nigeria, with the advice and consent of the Council, so far as the provisions thereof relate to the Colony and to the said Provinces;

(b) That subject to the foregoing proviso the provisions of the Nigeria Protectorate Order in Council, 1922, relating to the making and establishing of Ordinances by the Governor of the Protectorate for the Northern Provinces thereof, shall apply to all Ordinances made under the authority of this article in all respects as if they were made under the authority of the said Nigeria Protectorate Order in Council, 1922.

XXV. If any Ordinance passed under the provisions of either of the two preceding Articles shall be in any respect repugnant to the provisions of any Letters Patent or of this Order or of any other Order made by His Majesty in Council, such Ordinance shall be read subject to such Letters Patent or Order, and shall to the extent of such repugnancy be absolutely void.

Nothing in this Order contained shall be construed to diminish or affect the powers of making Ordinances conferred upon the Governor, with the advice and consent of the Council, and upon the Governor of the Protectorate, or to confer any power upon the Council of making any Ordinance affecting the Northern Provinces of the Protectorate, save as provided in the preceding Article, or upon the Governor of the Protectorate of making any Ordinance affecting the Colony and Southern Provinces of the Protectorate.

XXVI. The Governor shall transmit to the Chief Justice of Nigeria, to be enrolled in the Supreme Court, a transcript, authenticated under the Public Seal and by his own signature, of every Ordinance made by the Governor under the provisions of the Nigeria Protectorate Order in Council, 1922, and of every Ordinance passed by the Governor, with the advice and consent of the Council, and of every Bill reserved by him for the signification of His Majesty's pleasure. He shall also from time to time transmit to the Chief Justice, to be enrolled in the said Court, a certificate, under his hand and seal, of the effect of every Order or other direction which he may have received from His Majesty for confirming or disallowing the provisions of any such Ordinance or Bill which certificate shall in like manner be enrolled in the said Court, and there remain on record to the intent that the Judges of the said Court may, without further or other proof, take cognizance of all Ordinances made and promulgated for the peace, order, and good government of the Colony and the Protectorate, or any part thereof: Provided always that the Judges of the said Court have not, and shall not have, any right or authority to prevent or delay the enrolment of any such Ordinance or Bill, and that the validity thereof does not and shall not depend upon such enrolment.

XXVII. The Governor, if present, or, in the absence of the Governor, such Member of the Council as the Governor shall from time to time appoint, or in default thereof or in the absence of such Member, the Member present who stands first in order of precedence, shall preside at the meetings of the Council.

XXVIII. Every Member of the Council may, upon due notice being given, propose any Ordinance or resolution which does not im-

pose any tax or dispose of or charge any part of the public revenue.

XXIX. No Member of the Council may propose any Ordinance, vote or resolution the object or effect of which is to impose any tax or to dispose of or charge any part of the public revenue, unless such Ordinance, vote, or resolution shall have been proposed by the direction or with the express sanction of the Governor.

XXX. The Council shall not be disqualified for the transaction of business by reason of any vacancy or vacancies among the Members, but no business except that of adjournment shall be transacted unless there shall be present at least ten Members besides the Governor or other presiding Member.

XXXI. Subject to the provisions of this Order the Governor and the Council shall, in the transaction of the business of the Council, and the passing of, assenting to, and enrolment of Bills or Ordinances, conform as nearly as may be to the directions contained in any Instructions under His Majesty's Sign Manual and Signet which may herewith or hereafter be addressed to the Governor in that behalf; but no Ordinance enacted by the Governor, with the advice and consent of the Council, shall be invalid by reason that in the enactment thereof any such Instructions were not duly observed.

XXXII. The Sessions of the Council shall be held at such times and places as the Governor shall from time to time by proclamation appoint. There shall be at least one Session of the Council in every year, and there shall not be an interval of twelve months between the last sitting of one Session and the first sitting of the next following Session. The first Session shall be held within six months from the coming into operation of this Order.

XXXIII. The Governor may at any time, by proclamation, prorogue the Council.

XXXIV. All questions proposed for debate in the Council shall be decided by the majority of votes, and the President shall have an original vote in common with the other Members of the Council, and also a casting vote if upon any question the votes shall be equal.

XXXV. The Governor may, with the advice of the Council, from time to time make, alter, revoke, or renew such Standing Rules and Orders as may be necessary to ensure punctuality of attendance of the Members of the said Council, and to prevent meetings of the said Council being holden without convenient notice to the several Members thereof, and to maintain order and method in the despatch of business and in the conduct of debates in the said Council, and to secure due deliberation in the passing of Ordinances, and to provide that before the passing of any Ordinance intended to affect the interests of private persons due notice of the provisions thereof is given to all persons concerned therein.

All such Rules and Orders, not being repugnant to any Letters Patent for the time being in force in the Colony, or to any Order of His Majesty in Council or to any Instructions which the Governor may receive from His Majesty, shall at all times be followed and observed and shall be binding upon the said Council unless the same or any of them shall be disallowed by His Majesty.

And until any such Rules and Orders shall be made, and subject to any Rules and Orders to be so made, the Standing Rules and Orders

of the Legislative Council of the Colony of Nigeria shall remain in force and apply, so far as the same are applicable thereto, to the Council established by this Order.

XXXVI. It shall be competent to any Member of the Council to propose any question relating to the affairs of Nigeria for debate therein, and if seconded by any other Member, such question shall be debated and disposed of in accordance with the Standing Rules and Orders: Provided always that every Ordinance, vote, resolution, or question, the object or effect of which may be to dispose of or charge any part of the public revenue, shall be proposed by the Governor, unless the proposal of the same shall have been directed or expressly sanctioned by him. Provided further that any resolution or question which any Member may propose to bring forward for debate shall be notified to the Governor at least ten days before the meeting of the Council.

XXXVII. Minutes shall be regularly kept of all the proceedings of the Council, and at each meeting of the Council the Minutes of the last preceding meeting shall be confirmed or amended, as the case may require, before proceeding to the despatch of any other business. The Governor shall transmit to His Majesty through a Secretary of State, as soon as possible after every meeting, a full and exact copy of the Minutes thereof.

XXXVIII. This Order shall come into operation on a date to be fixed by the Governor by Proclamation in the Nigeria Gazette, and shall be published in the said Gazette; and the Governor shall give directions for the publication of this Order at such places and in such manner and for such time or times as he thinks proper for giving due publicity thereto within Nigeria.

XXXIX. From the date of the coming into operation of this Order the above recited Orders in Council, dated the Twenty-second day of November, 1913, and the Tenth day of August, 1914, shall be revoked, without prejudice to anything lawfully done thereunder, and thereupon the Nigerian Council shall cease to exist.

XL. His Majesty may from time to time revoke, alter, add to, or amend this Order.

And the Most Noble the Duke of Devonshire, K.G., G.C.M.G., G.C.V.O., one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

Almeric FitzRoy.

[This Order came into force on the 1st June, 1923, by Proclamation of the Governor in the Nigeria Gazette of the 26th April, 1923.]

At the Court at *Buckingham Palace*, the 21st day of *November*, 1922.

PRESENT,

The KING's Most Excellent Majesty in Council.

WHEREAS by the Foreign Jurisdiction Act, 1890, it is, amongst other things, enacted that it shall be lawful for His Majesty the King to hold, exercise and enjoy any jurisdiction which His Majesty now has or may at any time hereafter have within a foreign country in the same and as ample a manner as if His Majesty had acquired that

jurisdiction by the cession or conquest of territory:

And whereas by treaty, grant, usage, sufferance and other lawful means His Majesty has power and jurisdiction within the territories known as the Protectorate of Nigeria:

And whereas by an Order in Council bearing date the Twenty-second day of November, 1913, and known as the Nigeria Protectorate Order in Council, 1913, provision was made for the administration of the Government of the Territories therein defined and described as the Protectorate of Nigeria:

And whereas by a further Order in Council bearing date the Tenth day of May, 1917, and known as the Nigeria Protectorate Order in Council, 1917, the Nigeria Protectorate Order in Council, 1913, has been amended:

And whereas it is expedient to make further and other provision for the peace, order and good government of the Protectorate of Nigeria:

Now, therefore, His Majesty, by virtue and in exercise of the powers by the Foreign Jurisdiction Act, 1890, or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

I. This Order may be cited as the Nigeria Protectorate Order in Council, 1922.

II. This Order shall apply to the territories of Africa which are bounded on the south by the Atlantic Ocean, on the west, north, and north-east by the line of the frontier between the British and French territories, and on the east by the territories known as the Cameroons:

Provided always that such parts of the territories so bounded as are within that portion of His Majesty's Dominions which is known as the Colony of Nigeria shall not be included within the limits of this Order. The territories within the limits of this Order shall be known and described as the Protectorate of Nigeria.

III. In this Order, unless the subject or context otherwise requires,—

“His Majesty” includes His Majesty's heirs and successors.

“Secretary of State” means one of His Majesty's Principal Secretaries of State.

“Treaty” includes any treaty, convention, agreement, or arrangement made by or on behalf of Her Majesty Queen Victoria, of His late Majesty King Edward the Seventh, or of His Majesty, with any civilised Power, or with any Native tribe, people, chief, or king, and any regulation appended to any such treaty, convention, agreement or arrangement.

“Governor” means the Governor and Commander-in-Chief for the time being of the Colony of Nigeria, and includes every person for the time being administering the Government of the said Colony.

“Colony” means the Colony of Nigeria.

“Nigeria” used without qualification means the Colony and Protectorate of Nigeria.

IV. The Governor and Commander-in-Chief for the time being of the Colony of Nigeria (hereinafter called the Governor) shall be the Governor and Commander-in-Chief of the Protectorate of Nigeria, and he is hereby authorized, empowered and commanded to exercise on His Majesty's behalf all such powers and jurisdiction as His Majesty at any time before or after the passing of this Order had or may have within the said territories, and to that