

A CENTURY OF LAWMAKING IN NIGERIA

VOLUME I



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**THE CONSTITUTIONAL INSTRUMENTS
1861 - 1999**

*A Publication of the
National Institute for Legislative Studies
National Assembly*

**A CENTURY OF LAWMAKING
IN
NIGERIA**

VOLUME I

**THE CONSTITUTIONAL INSTRUMENTS
1861-1999**

Series Editors:
Ladi Hamalai
Hameed Bobboi

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PREFACE

The Making of Modern Nigeria, contained in the five Volumes of this publication was motivated by three factors. The first is the desire by NILS to make a contribution to the centenary celebration of Nigeria. The second is the Institute's mandate to develop a tool kit for new legislators to form the reading materials for the induction course of new legislators in April/May 2014. The third is the mandate of the Institute in Section 2(h) of the National Institute for Legislative Studies Act (2011) which empowers it to "document and publish for public use the history and politics of the legislature in governance in Nigeria from colonial period to the present". Pursuant to this mandate, the Institute finds it necessary to compile in these 6 volumes, the constitutional history of Nigeria as never done before. These volumes contain all the laws and constitutions related to establishment of territories, their governance, amalgamation, independence, and subsequent amendments by Military and Civilian Governments.

Volume I contains all the Constitutions and laws establishing territories from 1861 to 1963. The Volume started with some of the treaties from 1861, between colonial agents and different communities and kingdoms over trade, natural resources exploitation and administrative arrangements. This was followed by the law signed by Queen Victoria on 22nd January 1883, extricating Lagos from the Gold Coast colony to a protectorate of its own with a Governor General and Commander in Chief. The subsequent sections file the history of new constitutional developments in 1913, 1914, 1922, 1946, 1951, 1954, 1960 and 1963. Amendments to the different constitutions as well as regional constitutions are also provided. It is expected that the recent constitutions are available in bookshops and vendors stands. These are also made available for public use by the Institute. Nonetheless, constitutional amendments and proceedings of constitutional conferences are compiled and presented in Volumes two to six of the Publications.

Volumes II to VI contain background information, Constitutional Reports and Conference Proceedings from 1914 to 2014. The reports present details of political, economic and environmental contexts of each phase of constitutional development. The addresses of the various Governor Generals presented, give readers insight into the philosophy and justifications for each constitutional change in Nigeria's history. I make bold to say that the volumes contain a compilation of all the most important aspects of Nigeria's pre-colonial, colonial and post colonial legal, political, socio-cultural and economic instruments and rationale that would not be found anywhere else.

A study of the legislative council debates and Addresses of the Governor Generals reveal discordancy within the colonial agents and between the reality at that time and our simplistic branding of colonial agents as the same and imperialistic exploiters. A good reading of the developments showed stark philosophical differences between the colonial

administrators. For example, Clifford is known to be a reformer whose views were not popular with the colonial office. He believed that the native people should be better represented and should participate in governance. He also reformed the central administration system by injecting a centralized efficiency unlike the disparate situation that Lord Lugard left. This effort by Clifford is the beginning of a federal bureaucratic central authority that we have in Nigeria today. Sir Richards and Mcpherson only enlarged the legislative and bureaucratic structures initiated by Clifford. Sir Arthur Richard also introduced the principle of regionalism in 1946 after constitutionally creating three regions (North, East and West) and devolving legislative powers to the region in addition to the central legislative council. Sir John Macpherson introduced a quasi-Federal arrangement in 1954 when some executive powers were devolved to the three regions. Subsequent constitutional arrangements only deepened the federal structures established by Sir Richards. Each constitutional development was of course circumscribed by the dynamics of evolving movements for self-determination and end to colonial rule. The search for true federalism is still on-going. However, pundits for true federalism tend to propagate for a deepened fiscal federalism and evolution of confederalism. This may be difficult given the clamour for more states creation. The more the number of states, the weaker the states and the stronger the Federal Government. Confederalism would work better with larger confederating entities such as regions but not with micro (states) federating units. As the Constitutional Alteration process continues in the National Assembly, the future structure of the Federation would be determined.

It is my hope that Nigerians will take a renewed interest in the making of governance structures from pre-colonial times to date so as to make more informed assessments of the present and future political and social-economic trajectories of the nation. Nigeria's centenary celebrations will not be complete without these volumes of work.

The volumes were developed after years of research by Dr. Hameed Bobboi, who was the Director of Arewa House, one of the Archival Centers of the Federal Government of Nigeria. Several archivists were engaged to comb through several of Nigeria's archives to put together all the documents. It is worth noting that some of the documents are degenerating to the extent that many crumble upon touch. NILS has digitized the documents that were accessed but there is a need to save these historical records by a massive digitisation process. Documents from the National Assembly Library, National Library and Constitution Review Committees of the National Assembly were put together by myself and Aminci Thomas of NILS Library.

Three more volumes are still being compiled to present all the pre-colonial treaties that are in hundreds of pages and revenue/expenditure profiles of colonial governments from 1914 to 1960. It is my hope that the public will find these Volumes valuable contributions

to their libraries. A reading of these volumes of the historical development of Nigeria has been an exhilarating experience to me.

Dr Ladi Hamalai

Director General NILS

ACKNOWLEDGEMENTS

The collection of these documentary source materials began about a decade ago, when I was serving as Director, Centre for Historical Documentation and Research of Ahmadu Bello University, otherwise called Arewa House, Kaduna. I must express my profound gratitude to the Archivist of Arewa House, Musa S. Muhammad, for his painstaking efforts in locating most of these documents and making them accessible. I must equally register my appreciation to two former Zonal Directors of National Archives, Kaduna, Mr. Ezekiel Unuigbe and Alhaji Abdulyakin O. Umar, now the organization's National Director, for their support and assistance.

We must also acknowledge the patronage and support of Senator (Dr.) Abdullahi Adamu, then Executive Governor of Nasarawa State, for his firm interest in the project and for facilitating the documentation process. The advice, inspiration and technical assistance of Alhaji Adamu Fika, Wazirin Fika, also deserve special mention. The Waziri has put his vast library resources as well as his breath of experience at our disposal and for which we remain grateful.

Our thanks also go to the Director of programs of the Centre for Regional Integration and Development [CRID], Usman M. Usman, and his staff including Sadiq O. Ghazali Muhammad Ahmad, Hamman Adama and Yunusa Lawal for undertaking the pre-press processes with a sense of mission and diligence and to staff and research associates of Arewa House including Dr. Mustafa Gwadabe, Prof Abdullahi Ashafa, Usman Suleiman, Shuaibu Shehu, Salisu Bala and others too many to mention, for their abiding commitment to the project. We must equally express our thanks to Shuaibu Shehu, Usman Sulaiman and their colleagues for undertaking the verification exercise of both the typed and scanned documentary sources.

Finally, we must register our debt of gratitude to Dr. Ladi Hamalai, the Director-General of the *National Institute for Legislative Studies* [NILS] for reawakening interest in this vital project, and for her unreserved commitment to its realization. She made available the facilities of the Institute and undertook the timely publication of the entire work. It is hard to imagine how these volumes would have been published within so short a time without her profound support, patience and timely intervention.

Dr. Hamid Bobboyi
Centre for Regional Integration and Development
Abuja

INTRODUCTION¹

The **Making of Modern Nigeria** is a documentary source book, in three volumes, which seeks to assemble some of the key documents that had helped in shaping Nigeria as we know it today and in delineating the constitutional contours of its political life. The first volume of this work contains the major constitutional instruments which guided the nation's political evolution, while the second and third volumes contain reports and constitutional conference proceedings, between 1914 and 1963. These reports and proceedings provide valuable insights into early colonial history of Nigeria and document the long and tedious negotiations and compromises undertaken by Nigeria's founding fathers with a view to building an independent state that meets the legitimate aspirations of the majority of Nigerians.

Nigeria's colonial narrative² traditionally begins with the **Colony and Settlement** of Lagos which was ceded to the British crown in 1861. The cessation document is included in the first volume of this work; but in all probability it tells only half of the story. The other side, usually neglected in the colonial narrative, is the probable threat of war and destruction. With the **HMS Prometheus** anchored along the coast, that threat was real and fearsome. But be that as it may, the Colony and Settlement of Lagos was formally established in 1862 and it remained a separate colony until 1866 when it was merged with the Colony of Sierra Leone to form the British West African Settlements with Gold Coast and Gambia and administered from Free Town. From July 1874 Lagos was administered from the Gold Coast until January 1886 when it regained its separate status through the **Letters Patent** of 13 January 1886 which has been reproduced in this volume.

The second Stage of the colonial adventure had been the scramble for Treaties and the creation of Protectorates. Along the Coast, the Oil Rivers Protectorate was created in 1885 and subsequently renamed Niger Coast Protectorate in 1893. The Onitsha Protectorate Treaty was signed on 9th October, 1884. The Royal Niger Company [African National Company], usually through deceit and financial inducement, was very active in "harvesting" these Treaties. On 21st March 1887, the Company had two hundred and thirty seven (237) from the Benue and Lower Niger areas, including Gwandu and Sokoto. We have reproduced a sample of these Treaties to further illustrate this aspect of British Colonialism. But where deceit and financial inducement failed, the British resorted to

¹ This introduction has benefitted immensely from T.O Elias, Nigeria, **The Development of its Laws and Constitution**, London: Stevens and Sons, 1967; J. Wheare, **The Nigerian Legislative Council**, London: Faber and Faber, 1949 and J.P. Mackintosh, **Nigerian Government and Politics**, London: George Allen and Unwin, 1966.

² For a full understanding of Nigeria's socio-economic and political evolution, we must also draw attention to the rich tapestry of inter-group relations spanning various facets of our pre-colonial life. We must seek the roots of modern Nigeria in this pre-colonial narrative.

direct military conquest, as it happened in many parts of Southern as well as Northern Nigeria.

The third stage of the Colonial enterprise was the **amalgamation of territories**. Nigeria has had many of these amalgamations. The Niger Coast Protectorate was merged with the “territories” of the Royal Niger Company to form, on 1st January 1900, the Protectorate of Southern Nigeria. On the same date Frederick Lugard also proclaimed the Protectorate of Northern Nigeria. The second major amalgamation was the merger of the Colony and Protectorate of Lagos, which covered much of the West, with the Protectorate of Southern Nigeria in 1906 to form the Colony and Protectorate of Southern Nigeria. The third strategic amalgamation and one that created Nigeria as we know it today, was the amalgamation of the Protectorate of Northern Nigeria and the Colony and Protectorate of Southern Nigeria, on 22nd November 1913, to form the Colony and Protectorate of Nigeria which was formally inaugurated on 1st January 1914. We have included among the constitutional instruments, the 1913 Protectorate Order-Council of 1913 which provided for this amalgamation, Lugard’s Amalgamation Report, as well as some of the key legislation which sought to undertake various structural adjustments of the Protectorate up to 1951, when the Macpherson Constitution affirmed the creation of Eastern, Northern and Western Regions of Nigeria.

Despite earlier legislative contraptions at both Colony and Protectorate levels, the beginnings of Nigeria’s formal constitutional development may be traced to the promulgation of the Nigeria (Legislative Council) Order-in-Council of 1922, which came to be called the Clifford Constitution. The Council constituted of 26 official members, 4 Elected Members and not more than 15 Nominated Unofficial Members, with the Governor as President. Besides the **Nigeria (Legislative Council) Order – in – Council of 1922**, we have also included the **Protectorate Order in Council, 1922** which provided for the administration of the Colony and Protectorate of Nigeria and the **(Legislative Council) Order-in-Council 1928** which expanded the number of official members and effected other amendments.

The next major constitutional engagement was the promulgation of the Richard’s Constitution of 1946 consisting of various Orders in Council and Letters Patent providing for the administration and governance of the Colony and the Protectorate. An important component of the Richard’s Constitution was the **Nigeria (Legislative Council) Order-in-Council of 1946** which, for the first time, brought together representatives from all parts of the country, to form a Central Legislature. The Legislative Council under the Clifford Constitution of 1922 did not legislate for the Northern provinces. At the regional level, the Richard’s Constitution also provided for a House of Chiefs and House of Assembly for the Northern provinces and a House of Assembly for both the Eastern and the Western provinces. We have also included in volume II the Proposals by Sir Arthur

Richards for the revision of the Constitution of Nigeria dated 6th December 1944 and the Secretary of State's

Despatch of 14th December 1945 responding to these Proposals. These were further complemented by Sir Arthur Richard's inaugural speech to the Legislative Council which was delivered on 20th March 1947.

One of the key criticisms against the Richard's Constitution was that it was promulgated without the input of Nigerians. It therefore took only two years before agitations for its review took center-stage. The Legislative Council in 1949 appointed a Select Committee to organize a nation-wide debate, at the Provincial and Regional levels, which would culminate into a National Conference for the review of the 1946 constitution. We have brought the diverse recommendations of the regional conferences which fed into the National conference, along with **the Proceedings of the General Conference for the Review of the Constitution** which was held in Ibadan in January 1950.

The resultant Constitution, popularly called **the Macpherson Constitution of 1951** provided for a Regional Legislature, consisting of a House of Assembly for the Northern, Eastern and Western Regions and a House of Chiefs for the Northern and Western Regions. It also established Executive Councils for the regions. At the centre, the Constitution provided for a House of Representatives with one Hundred and thirty – Six [136] elected members, elected from the regional legislative houses and a Council of Ministers. The Colonial Governor still remained the President of the Council and about one third of the Council was still composed of ex-officio members.

The Constitutional Crisis of 1953 over the Action Group [AG] motion for Independence by 1956 which members of the Northern Peoples Congress [NPC] felt was forced on them without due consultation, to the **Nigeria Constitutional Conference** which was held in London, in July and August 1953. The Conference was resumed in Lagos in January and February 1954. The Reports and Proceedings of both Conferences have been included in volumes III and IV. **The Lyttelton Constitution of 1954** which came out of these constitutional conferences became operational on 1st October 1954. It provided, for the first time, Governors and Premiers at the Regional level and a Governor-General and Prime Minister at the centre. Nigeria officially became a federation, accompanied with the expansion of powers of the various Executive Councils as well as legislative houses, including the power of appropriation.

The **Lyttelton Constitution of 1954** provided the Principal Order which through several amendments, ushered Nigeria into Independence. These major amendments came after the Constitutional Conferences that took place between 1954 and 1960. For the record, we have included proceedings of the Nigeria constitutional conference of 1957 as well as the Resumed Constitutional Conference of 1958, The Willink Commission Report on the Minorities, in addition to the Report on Nigerian Citizenship from the 1959 Mini-

Constitutional Conference. We have also provided the various amendments as contained in the Constitutional Orders from 1954 to 1959.

The Nigeria (Constitution) Order in Council of 1960, the **Independence Constitution**, with the Regional Constitutions as Schedule III to V, represents the culmination of these Constitutional Processes.

The last lap of this journey through the documentary sources was the assumption of a Republican Status by Nigeria on 1st October 1963. We have provided in volume III the **Proposals for the Constitution of the Federal Republic of Nigeria**, which was produced by an **All party Constitutional Conference** in Lagos on 25 and 26 July, 1963. It was these proposals that were presented to the Federal Parliament as Sessional Paper No.3 of 1963, where it was approved on 9th August 1963. The constitutional amendments emanating therefrom were finally passed by the Federal Legislature in September 1963, bidding a final farewell to the British crown and establishing the Federal Republic of Nigeria.

The 1979 Constitution was drafted by the Constitution Drafting Committee (CDC) established by General Murtala Mohammad in 1975 after he took over power from General Gowon, the then Head of State. General Murtala came in with the promise to clean the system of corruption and handover power to a democratically elected government. The CDC adopted the Presidential system of government against the parliamentary system contained in the 1963 Constitution. The Constitution was promulgated in 1979 which ushered in the new democratically elected government of Shehu Shagari of the National Party of Nigeria (NPN). The 1999 Constitution and subsequent amendments carried the traditions of the 1979 Constitution with some hotly issues resolved and revised.

SECTION I

The Cessation of Lagos, 1861

The Cessation of Badagry, 1863

The Palma Leckie Settlement

Letters Patent Of 1886

*Constituting the Colony of Lagos, and providing for the
Government thereof.*

The Cessation of Lagos 1861

Treaty between Norman B. Bedingfield, Commander of Her Majesty's ship "PROMETHEUS" and Senior Officer of the Bights division and William M'Coskry Esquire, Her Britannic Majesty's acting Consul on the part of Her Majesty the Queen of Great Britain and Docemo, Oba of Lagos, on the part of himself and chiefs.

ARTICLE I

In order that the Queen of England may be the better enabled to assist, defend and protect the inhabitants of Lagos and to put an end to slave trade in this land and the neighbouring countries and to prevent the destructive wars so frequently undertaken by Dahomey and others for the capture of slaves, I, Docemo, do with the consent and advice of my Council, give, transfer and by this presents grants and confirm into the Queen of Britain, her heirs and successors forever, the port and Island of Lagos, with all the rights, profits, territories and appurtenances whatsoever, thereto belonging and as well the profits and revenues as the direct, full and absolute dominion and sovereignty of the said port, Island and premises, with all the royalties thereof, freely, fully, entirely and absolutely.

I do also covenant and grant that the quiet and peaceable possession thereof shall, with all possible speed, be freely and effectually delivered to the Queen of Great Britain or such person as Her Majesty shall there unto appoint for her use in the performance of this grant, the inhabitants of the said Island and territories, as the Queen's subjects and under her sovereignty, Crown jurisdiction and government being still suffered to live there.

Article II

Docemo will be allowed the use of the title Oba in its usual African significance and will be permitted to decide disputes between natives of Lagos with their consent, subject to appeal to the British law.

Article III

In the transfer of lands, the stamp of Docemo affixed to the document will be proof that there are no other native claims upon it and for the purpose he will be permitted to use it as hitherto. In consideration of the cessation as before mentioned of the port and Island and territories of Lagos, the representatives of the Queen of Great Britain do promise, subject to the approval of her Majesty, that Docemo shall receive an annual pension from the Queen of Great Britain equal to the revenue hitherto annually received by him; such pension to be paid at such periods and in such mode as may hereafter be determined.

Lagos August 6, 1861

Signed:	Docemo –	His	X	Mark
Telake	–	His	X	Mark
Rocamena	–	His	X	Mark
Obalekolo	–	His	X	Mark
Achebong	–	His	X	Mark

Norman B. Bedingfield
Her Majesty's Ship PROMETHEUS
Senior Officer, Bights Division

W. McCoskry
Acting Consul

Additional Article to the treaty of Cession of the Island of Lagos to the British Crown.

18th February 1862

King Docemo having understood the foregoing Treaty, agrees to all conditions thereof; and with regard to the 3rd Article, consents to receive as a pension, to be continued during his lifetime, the sum of 1,200 (twelve hundred) bags of cowries per annum, as equal to his net revenue; and I, the undersigned, representative of Her majesty, agree on the part of Her Majesty, to guarantee to said King Docemo an annual pension of 1,200 (twelve hundred) bags of cowries for his lifetime, unless he Docemo, should break any articles of the above Treaty, in which case his pension will be forfeited. The pension shall commence from July 1 of the present year, 1862, from which day he, the King, resigns all claim upon all former farmers of the revenue.

DOCEMO, his x mark
HENRY STANHOPE FREEMAN, GOVERNOR.

We, the undersigned, witness that the above Treaty and ratification was explained to King Docemo, in our presence was signed by him, and by Henry Stanhope Freeman, Esq., as representative of Her Majesty the Queen of England, on this the 18th day of February, in the year of our Lord 1862

JOHN H. GLOVER, Lieut. R.N
SAMUEL CROWTHER
J.C THOMAS, Secretary to the King Docemo
S.B WILLIAMS, British Interpreter.

Text of treaty quoted in Edwin Arney Speed, Attorney-General of the Lagos Colony, **Ordinances and Orders and Rules thereunder in force in the Colony of Lagos on April 30th**, 1901, Vol II, pp. 1063-4

THE CESSATION OF BADAGRY 1863

His Excellency John Hawley Glover, Lieutenant- Governor or Commander- in – Chief, and Vice – Admiral of Her Britannic Majesty’s Settlement of Lagos , and Acting Consul for the Bight of Benin, on the part of Her Majesty the Queen of Great Britain, and the Chiefs of Badagry, on the part of themselves and their people, have agree as follows:-

Article 1.- In order for the better keeping of the peace and quiet of the well-disposed persons living in Badagry, and for the better security of their lives and properties, as also for the purpose of setting aside all pretensions on the part of the King of Porto Novo and others to the right and royalty of this district of Badagry- We whose names are hereunto subscribed being Chiefs of Badagry, have freely and willingly ceded to her Majesty the Queen of Great Britain, her heirs and successors forever, the town of Badagry and all the rights and territories and appurtenances whatsoever thereunto belonging, as well as all profits and revenues, absolute dominion and sovereignty of the said town and territory of Badagry, freely, fully, entirely, and absolutely.

Article 2. – In consideration of which cession, as before me set forth, I John Hawley Glover, Commander in Her Majesty’s Royal Navy, Lieutenant- Governor, Commander-in-Chief, and Admiral of the Settlement of Lagos aforesaid, and Acting Consul for the Bight of Benin, on behalf of Her Majesty the Queen of Great Britain, promise that the Chiefs who have hereunto set their hands shall receive from the first of the present month of July, in the year of our Lord one thousand eight hundred and sixty-three, the further yearly sum of two hundred and forty pounds sixteen shillings (240£.16s.) in addition to the yearly pension of two hundred and fifty- nine pounds four shillings (259£.4s.), which they hitherto have received- that is to say, the sum of five hundred pounds (500£.) per annum so long as they shall live or reside peaceably and quietly in Badagry or within the territories of Her Majesty the Queen of Great Britain- that is to say, each Chief shall receive, so long as he lives, the sum of sixty-two pounds ten shillings (62£.10s.) per annum.

And we further declare that our right and property in the district of Badagry has always and does extend westward to the village of Witcheree, on the seashore, the half of the town of Quameh, and the eastern side or shore of Quameh Creek on the Lagoon.

Done in Badagry, under the Great Seal of the Settlement of Lagos, this seventh day of July, in the year of our Lord one thousand eight hundred and sixty-three.

JOHN H. GLOVER, Lieut-GOVERNOR.

(Their marks)

x Head Chief AkRAH (L.S)
X Chief AGROLO (L.S)
X Chief PASSO (L.S)
X Prince for Chief PHEORTAH (L.S.)

X Head Chief Wowo (L.S.)

X Chief BALA (L.S.)

X Chief GINGE (L.S.)

X Chief MOBI (L.S.)

Witnesses W.M' COSKERY,

Acting Chief Magistrate.

B.L. LEFROY, Commander R.N.

HOMAS TICKEL.

I hereby certify that the foregoing has been truly and faithfully translated, and explained by me to the Chiefs who have signed this Treaty.

THOMAS TICKEL.

PALMA AND LECKIE SETTLEMENT

Lagos, February 7, 1863

By the present document I, Kosoko, ex- Chief of Epe and formerly King of Lagos do declare that, when King of Lagos, my territory extended to the eastward as far as Palma and Leckie, and that when I was expelled from Lagos and settled at Epe, by permission of the King of Jebu, I claimed those parts as my port of trade, by right of my former ownership, and they were recognized as such by the British Government.

Having now left Epe and returned to Lagos by the kind permission of her Britannic Majesty's Government, I lay no further claim to the ports of Palma and Leckie, which consequently must revert to the Lagos Government.

Kosoko, his x mark

Signed in my presence, John H. Glover,

Commodore R.N Topo

H. N. LEVESON, Colonial Secretary.

I certify that I faithfully translated this document to Kosoko

S. B. WILLAMS

LETTERS PATENT OF 1886
*Constituting the Colony of Lagos, and providing for the
Government thereof.*

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, Empress of India: To all to whom these Presents shall come, Greeting.

WHEREAS by Our Letters Patent under the Great Seal of our United Kingdom of Great Britain and Ireland, bearing date at Westminster the twenty-second day of January 1883, We did constitute the Office of Governor and Commander-in-Chief of the Gold Coast Colony, then comprising Our Settlements on the Gold Coast and of Lagos and did provide for the Government of Our said Colony: And whereas We are minded into making separate provision for the Government of Our Settlement of Lagos hitherto comprised within Our Gold Coast Colony: Now know ye that We have, by Letters Patent of even date herewith, revoked and determined Our said Letters Patent of the twenty-second day of January 1883, but without prejudice to anything lawfully done there under: And further know ye that We do hereby erect Our said Settlement of Lagos into a separate Colony to be called the Colony of Lagos, and We do by these presents order and declare that there shall be, in and over Our said Colony of Lagos and charged with the Government thereof, a Governor and Commander-in-Chief, or a Lieutenant Governor or an Administrator, as We shall from time to time direct, and that appointments to such offices shall be made by Commission under Our Sign Manual and Signet.

2. Our Colony of Lagos (hereinafter called the Colony) shall, until We shall otherwise provide, comprise all places, Settlements, and Territories belonging to Us in Western Africa, between the second degree of east longitude and the sixth degree of east longitude.

3. We do hereby authorize, empower, and command Our Said Governor or Administrator (each of whom is hereafter called the Governor), to do and execute all things that belong to his said office, according to the tenor of these Our Letters Patent and of such Commission as may be issued to him under Our Sign Manual and Signet and according to such Instructions as may from time to time be given to him under Our Sign Manual and Signet or by Our Order in Our Privy Council, or by Us through one of Our Principal Secretaries of State, and to such laws as are now or shall hereafter be in force in the Colony.

4. And We do by these Our Letters Patent declare Our Will and Pleasure as follows:-

5. In the first instance the Government of the Colony shall be vested in an Administrator, and every such Administrator, and every Lieutenant Governor, if We shall think fit to

vest the Government in such an officer, and every person appointed to fill the office of Governor shall, with all due solemnity, before entering on any of the duties of his office, cause the Commission appointing him to be read and published at the seat of Government in the presence of a Judge of the Supreme Court, and of such Members of the Executive Council of the Colony as can conveniently attend, which being done, he shall then and there take before them the Session Holden in the Thirty-first and Thirty-second years of Our reign, intituled ‘‘An Act to amend the Law relating to Promissory Oaths;’’ and likewise the usual Oaths for the due execution of the office of Governor, and for the due and impartial administration of justice, which Oaths the said Judge, or, if he be unavoidably absent, the Senior Member of the Executive Council then present, is hereby required to administer.

6. The Governor shall keep and use the Public Seal of the Colony, for sealing all things whatsoever that shall pass the said seal: and until a Public Seal shall be provided for the Colony, the seal of Our said Governor shall be used as the Public Seal of the Colony

7. There shall be an Executive Council in the Colony, and the said Council shall consist of such persons as We shall direct by Instructions under Our Sign Manual and Signet, and all such persons shall held their places in the said Council during Our pleasure.

8. There shall be a Legislative Council in the Colony and the said Council shall consist of the Governor and such persons, not being less than three at any time, as We shall direct by any Instructions under Our Sign Manual and Signet and all such persons shall hold their places in the said Council during Our pleasure.

9. In pursuance of the powers vested in Us by an Act of the Imperial Parliament, passed in the sixth year of Our reign, intituled ‘‘An act to enable Her Majesty to provide for the Government of Her Settlement upon the Coast of Africa and in the Falkland Island,’’ We do hereby commission the persons who shall from time to time compose the said Legislative Council, and We do hereby delegate to them full power and authority, subject always to any conditions, provisoes, and limitations prescribed by any Instructions under Our Sign Manual and Signet, to establish such Ordinances, not being repugnant to the Law of England, and to constitute such Court and Officers, and to make such provisions and regulations for the proceedings in such Courts, and for the administration of justice, as may be necessary for the peace, order, and good government of the Colony.

The Governor shall have a negative voice in the making and passing of all such Ordinances.

10. We do hereby reserve to Ourselves, Our heirs and successors, full power and authority, and Our and their undoubted right to disallow any such Ordinances, and to signify such disallowance through one of Our Principal Secretaries of State. Every

such disallowance shall take effect from the time when the same shall be promulgated by the Governor in the Colony.

We do also reserve to Ourselves, Our heirs and successors, Our and their undoubted right, with advice of Our or their Privy Council from time to time to make all such Laws or Ordinances as may appear to Us or them necessary for the peace, order, and good government of the Colony.

11. In the making of any Ordinance the Governor and the Legislative Council shall conform to and observe all rules, regulations, and directions, in that behalf contained in any Instructions under Our Sign Manual and Signet.

12. The Governor, in Our name and on Our behalf, may make and execute under the Public Seal, grants and dispositions of any lands within the Colony which may be lawfully granted or disposed of by Us: Provided that every such grant or disposition be made in conformity, either with some Law in force in the Colony, or with some Instructions addressed to the Governor under Our Sign Manual and Signet, or through one of Our Principal Secretaries of State, or with some regulation in force in the Colony.

13. The Governor may constitute and appoint all such Judges, Commissioners, Justices of the Peace, and other necessary Officers and Ministers, as may be lawfully constituted or appointed by Us, all of whom, unless otherwise provided by law, shall hold their offices during Our pleasure.

14. The Governor may, upon sufficient cause to him appearing, suspend from the exercise of his office any person holding any office within the Colony, whether appointed by virtue of any Commission or Warrant from Us in our name or by any other mode of appointment. Every such suspension shall continue and have effect only until Our pleasure therein shall be signified to the Governor. In proceeding to any such suspension the Governor is strictly to observe the directions in that behalf giving to him by any Instructions as aforesaid.

15. When any crime has been committed within the Colony or for which the offender may be tried therein, the Governor may as he shall see occasion, in Our name and on Our behalf, grant a pardon to any accomplice in such crime who shall give such information as shall lead to the conviction of the principal offender, or of any one of such offenders, if more than one; and further may grant to any offender convicted in any Court, or before any Judge or other Magistrate, within the Colony a pardon, either free or subject to lawful conditions, or any respite of the sentence passed on such offender, or any respite of the execution of such sentence, for such period as the Governor thinks fit, and may remit any fines, penalties or forfeitures due or accrued to Us. Provided always, that the Governor shall in no case, except where the offence has been of a political nature unaccompanied by any other grave crime, make it a condition of any pardon or remission of sentence that

the offender shall be banished from or shall absent himself or be removed from the Colony.

16. Whenever the office of the Governor is vacant, or if the Governor becomes incapable or be absent from the Colony, then such person or persons as We may appoint under Our Sign Manual and Signet, and in default of any such appointment the Senior Civil Member of the Executive Council, shall, during Our pleasure, administer the Government of the Colony, first taking the Oaths hereinbefore directed to be taken by the Governor and in the manner herein prescribed, which being done, We do hereby authorize, empower and command Our Lieutenant Governor, or any other such Administration as aforesaid, to do and execute, during Our pleasure, all things that belong to the office of Governor and Commander-in-Chief, according to the tenor of these Our Letters Patent, and according to Our Instructions as aforesaid, and the Laws of the Colony.

17. In the event of the Governor having occasion at any time to visit any territories adjacent to the Colony, in pursuance of any Instructions from Us or through one of Our Principal Secretaries of State, he may by an instrument under the Public Seal of the Colony appoint any person to be his Deputy within the Colony, and in that capacity to exercise, during his pleasure, such of the powers hereby vested in the Governor except the powers of suspension and pardon as the Governor shall think fit to assign to him or them. The appointment of such deputy or deputies shall not affect the exercise by the Governor himself of any of his powers or authorities. Every such Deputy shall, in the discharge of his office, conform to and observe all such Instructions as the Governor shall address to him for his guidance.

18. And We do hereby require and command all Our Officers and Ministers, Civil and Military, and all other the inhabitants of the Colony to be obedient, aiding and assisting unto the Governor and to such person or persons as may, from time to time, under the provisions of these Our Letters Patent administer the Government of the Colony.

19. In the construction of these Our Letters Patent the term “the Governor,” unless inconsistent with the context, shall include every person for the time being administering the Government of the Colony.

20. And we do hereby reserve to Ourselves, Our heirs and successors full power and authority from time to time to revoke, alter or amend these Our Letters Patent, as to Us or them shall seem fit.

21. And we do direct and enjoin that these Our Letters Patent shall be read and proclaimed at such place or places within the Colony as the Governor shall think fit.

In witness whereof We have caused these Our Letters to be made Patent. Witness Ourselves at Westminster, the Thirteenth day of January, in the Forty-ninth year of Our reign.

By warrant under the Queen's Sign Manual.

MUIR MACREZNIE.

INSTRUCTIONS passed under the Royal Sign Manual and Signet to the Governor and Commander-in-Chief of the Colony of Lagos

Victoria R.

Instructions to Our Governor and Commander-in-Chief in and over Our Colony of Lagos, and to Our Lieutenant Governor or other Officer for the time being administering the Government of Our said Colony.

Given at Our Court at Osborne House, Isle of Wight, this Thirteenth day of January 1886, in the Forty-ninth year of Our reign.

Whereas by certain Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing even date herewith, We have Ordered, and declared that there shall be a Governor and Commander-in-Chief or a Lieutenant Governor or an Administrator, as We shall from time to time direct (each of whom is therein and hereinafter called the Governor) in and over Our Colony of Lagos (therein and hereinafter called the Colony): And whereas We have thereby authorized and commanded the Governor to do and execute all things that belongs to his said office according to tenor of Our said Letters Patent and of such Commission as may be issued to him under Our Sign Manual and Signet, and according to such Instructions as may from time to time be given to him under Our Sign Manual and Signet, or by Our Order in Our Privy Council, or through one of Our Principal Secretaries of State, and to such Laws as are now or shall hereafter be in force in the Colony: And whereas We are minded to issue these Our Instructions under Our Sign Manual and Signet for the guidance of the Governor, Lieutenant Governor, or other Officer administering the Government of the Colony: We do hereby direct and enjoin and declare Our will and pleasure, as follows:-

1. The Governor may, whenever he thinks fit, require any person in the public service of the Colony to take the Oath of Allegiance, in the form prescribed by the Act mentioned in Our said Letters Patent, together with such other Oaths or Oaths as may from time to time be prescribed by any Laws in force in the Colony. The Governor is to administer such Oaths, or to cause them to be administered by some Public Officer of the Colony.

2. During the absence of the Governor from the Colony these Our Instruction, so far as they apply to any matter or thing to be done, or to any power or authority to be exercised by a Deputy acting for the Governor, shall be deemed to be addressed to and shall be observed by such Deputy.
3. If in any emergency arising in the Colony during the absence of the Governor it is necessary that Instructions should be obtained from Us without delay, the Deputy (if any) acting for the Governor may apply to Us, through one of Our Principal Secretaries of State for Instruction in the matter; but every such Deputy shall forthwith transmit to the Governor a copy of every dispatch or communication which he has so addressed to us.
4. The Executive Council of the Colony shall consist of the following Members, that is to say: the Lieutenant Governor of the Colony (if any), the Senior Military Officers for the time being in command of Our regular troops within the Colony, the Officer lawfully discharging the function of Colonial Secretary, of Queen's Advocate, and of Treasurer (whether combined with any other office or not) of the Colony, and such other persons as We may from time to time appoint by any Instruction or Warrant under Our Sign Manual and Signet.

Whenever upon any special occasion the Governor desires to obtain the advice of any person within the Colony touching Our affairs, he may by an Instrument under the Public Seal of the Colony, summon for such special occasion any such person as an Extraordinary Member of the Executive Council.

5. The Members of the Executive Council shall have seniority and precedence as We may specially assign, and, in default thereof, the above mentioned Officers in the order in which their offices are above mentioned (except that the Senior Military Officer, if below the rank of Lieutenant Colonel in Our Army, shall take precedence after the person lawfully discharging the function Of Treasurer), and other Members according to the priority of their respective appointments, or if appointed by the same Instrument according to the order in which they are named therein.
6. The Governor shall forthwith communicate these Our Instructions to the Executive Council, and likewise all such others, from time to time, as We may direct or as he shall find convenient for Our service to impart to them.
7. The Executive Council shall not proceed to the dispatch of business unless duly summoned by authority of the Governor, nor unless two Members at the least

(exclusive of himself or of the Member presiding) be present and assisting throughout the whole of the meetings at which any such business shall be despatched.

8. The Governor shall attend and preside at all meetings of the Executive Council, unless when prevented by illness or other grave cause, and in his absence such Member as the Governor may appoint, or in the absence of such Member the Senior Member of the Council actually present, shall preside.
9. A full and exact journal or minute shall be kept of all the proceedings of the Executive Council: and at each meeting of the Council, the Minutes of the last preceding meeting shall be read over and confirmed or amended, as the case may require, before proceeding to the despatch of any other business.

Twice in each year a full and exact copy of all minutes for the preceding half year shall be transmitted to Us through one of Our Principal Secretaries of State.

10. In the execution of the powers and authorities granted to the Governor by Our said Letters Patent, he shall in all cases consult with the Executive Council, excepting only in cases which may be of such a nature that, in his judgment, Our service would sustain material prejudice by consulting the Council thereupon, or when the matters to be decided shall be too important to require their advice, or too urgent to admit of their advice being given by the time within which it may be necessary for him to act in respect of any such matters. In all such urgent cases he shall at the earliest practicable period, communicate to the Executive Council the measures which he may so have adopted, with the reasons thereof.
11. The Governor shall alone be entitled to submit questions to the Executive Council for their advice or decision; but if the Governor decline to submit any question to the Council when requested in writing by any Member so to do, it shall be competent to such Member to require that there be recorded upon the minutes his written application, together with the answer returned by the Governor to the same.
12. The Governor may act, in the exercise of the power and authorities granted to him by Our said Letters Patent, in opposition to the advice given to him by the Members of the Executive Council, if he shall in any case deem it right to do so, but in any such case he shall fully report the matter to Us by the first convenient opportunity, with the grounds and reasons of his action. In every such case it shall be competent to any Member of the Council to require that there be recorded at lengths on the minutes the grounds of any advice or opinion he may give upon the question.

13. The Legislative Council of the Colony shall consist of the Governor, the Lieutenant Governor (if any), the person from time to time lawfully discharging the functions of the sole or Senior Judge of the Supreme Court, the Senior Military Officer for the time being in command of Our Regular Troops within the Colony, the persons from time to time lawfully discharging the functions of Colonial Secretary, Queen's Advocate, and Treasurer (whether combined with any other office or not) of the Colony, and such other persons holding offices in the Colony as We may from time to time appoint by any other Instructions or Warrants under Our Sign Manual and Signet, and all such persons shall be styled Official Members of the Legislative Council ; and further of such persons, not holding offices in the Colony, as We may from time to time appoint by any Instructions or Warrants under Our Sign Manual and Signet, and all such persons shall be styled Unofficial Members of the Legislative Council.

14. If any Unofficial Member of the Legislative Council shall die, or become incapable, or be suspended or removed from his seat in the Council, or be absent from the Colony, or if he resign by writing under his hand, or if his seat become vacant, the Governor may, by an Instrument under the Public Seal of the Colony appoint in his place a fit person, to be provisionally a Member of the said Council.

Such person shall forthwith cease to be a Member if his appointment is disallowed by Us, or if the Member in whose place he was appointed shall return to the Colony, or as the case may be, shall be released from suspension, or shall be declared by the Governor capable of again discharging his functions in the said Council.

The Governor shall, without delay, report to Us... Every such person shall hold his place in the Council during Our pleasure, and the Governor may by any Instrument under the Public Seal revoke any such appointment.

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

16. The Legislative Council shall not be disqualified from the transaction of business on account of any vacancies among the Members thereof ; but the said Council shall not be competent to act any case unless (including the Governor or the Member presiding) there be present at and throughout the meetings of the Council three Members at the least.

17. The Official Members of the Legislative Council shall take precedence of the Unofficial Members ; and among themselves shall take precedence as We may specially assign, and, in default thereof, first the above mentioned Officers in the order in which their respective offices are mentioned except that the Senior Military Officers, if below the rank of Lieutenant-Colonel in Our Army, shall take precedence after the person lawfully discharging the functions of Treasurer; then other Official Members and all Unofficial Members according to the priority of their respective appointment, or if appointed by the same Instrument according to the order in which they are named therein.
18. The Governor shall attend and preside in the Legislative Council unless prevented by illness or other grave cause; and in his absence that Member shall preside who is first in precedence of those present.
19. All questions proposed for debate in the Legislative Council shall be decided by the majority of votes, and the Governor or the Member presiding shall have an original vote in common with the other Members of the Council, as also a casting vote, if upon any question the votes shall be equal.
20. The Governor shall frame and propose to the Legislative Council from time to time for their adoption such standing rules and orders as may be necessary to ensure punctuality of attendance of the Members of the Council, and to prevent meetings of the 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 Council, and to secure due deliberation in the passing of ordinances and to provide that before the passing of any ordinances intended to affect the interests of private persons due notice of the provisions thereof is given to all persons concerned therein.
- 21-23 [General conditions for making ordinances and ordinances outside the jurisdiction of the Legislative Council including Banking Associations, Differential Tariffs, Discipline and Control of the Armed Forces and Ordinances containing provisions to which the assent of Her Majesty has been once refused or which has been disallowed]
24. No private Ordinance shall be passed whereby the property of any private person may be affected in which there is not a saving of the rights of Us, Our heirs and successors, and of all bodies politic and corporate, and of all other persons except such as are mentioned in the said Ordinance, and those claiming by, from, and under them, the Governor shall not assent in Our Name to any private Ordinance until proof be made before him that adequate and timely notification, by public advertisement or otherwise, was made of the parties' intention to apply for such

Ordinance before the same was brought into the Legislative Council and a certificate under his hand shall be transmitted with and annexed to every such private Ordinance, signifying that such notification has been given, and declaring the manner of giving the same.

25. When any Ordinance shall have been passed in the Legislative Council, the Governor shall transmit to us, through one of Our Principal Secretaries of State, for Our final approval, disallowance, or other direction thereupon, a full and exact copy in duplicate of the same, and of the marginal summary thereof, duly authenticated under the Public Seal of the Colony, and by his own signature...
26. At the earliest practicable period at the commencement of each year, the Governor shall cause a complete collection to be published, for general information, of all Ordinances enacted during the preceding years.
27. Minutes shall be regularly kept of all the proceedings of the Legislative Council, and, at such meeting of the said Council, the minutes of the last preceding meeting shall be read over, and confirmed or amended, as the case may require, before proceeding to the despatch of any other business.

Twice in each year the Governor shall transmit to us through one of Our Principal Secretaries of State a full and exact copy of the said minutes for the preceding half year.

28. Before disposing of any vacant or waste land to Us belonging, the Governor shall cause the same to be surveyed, and such reservations to be made thereout as he may think necessary for roads or other public purposes. The Governor shall not, directly or indirectly, purchase for himself any of such lands without Our special permission given through one of our Principal Secretaries of State.
29. All commissions to be granted by the Governor to any person or persons for exercising any office or employment shall, unless otherwise provided by law, be granted during pleasure only; and whenever the Governor shall appoint to any vacant or to any other office or employment any person not by Us specially directed to be appointed thereto, he shall at the same time, expressly apprise such person that such appointment is to be considered only as temporary and provisional until Our allowance or disallowance thereto be signified.
30. Before suspending any public Officer from the exercise of his office, the Governor shall signify to such Officer, by a statement in writing, the grounds of the intended suspension, and shall call upon him to state in writing the grounds upon which he desires to exculpate himself. The Governor shall lay both statements before the Executive Council, and, having consulted them thereon,

shall cause to be recorded on the minutes whether the Council or the majority thereof does or does not assent to the suspension; and if the Governor thereupon proceed to such suspension; he shall transmit both of the said statements, together with the minutes of the Executive Council, to Us through one of Our Principal Secretaries of State by the earliest opportunity. But if in any case the interests of Our service shall appear to the Governor to demand that person shall cease to exercise the powers and functions of his office instantly, or before there shall be time to take the proceedings herein-before directed, he shall then interdict such person from the exercise of the powers and functions of his office.

31. The Governor is, to the utmost of his power, to promote religion and education among the native inhabitants of the Colony, and he is especially to take care to protect them in their persons and in the free enjoyment of their possessions, and by all lawful means to prevent and restrain all violence and injustice which may in any manner be practised or attempted against them.
32. Whenever any offender shall have been condemned to suffer death by the sentence of any Court in the Colony, the Governor shall call on the Judge who presided at the trial to make to him a written report of the case of such offender, and shall cause such report to be taken into consideration at the first meeting thereafter which may be conveniently held of the Executive Council, and he may cause the said Judge to be specially summoned to attend at such meeting and to produce his notes thereat. The Governor shall not pardon or reprieve any such offender unless it shall appear to him expedient so to do, after receiving the advice of the Executive Council thereon; but in all such cases he is to decide either to extend or to withhold a pardon or reprieve according to his own deliberate judgment, whether the Members of the Executive Council concur therein or otherwise, entering, nevertheless, on the minutes of the Executive Council a minute of his reason at length in case he should decide any question in opposition to the judgment of the majority of the Members thereof.
33. The Governor shall punctually forward to Us from year to year, through one of Our Principal Secretaries of State, the annual book of returns for the said Colony, commonly called the Blue Book, relating to the Revenue and Expenditure, Defense, Public, Works, Legislation, Civil Establishment, Pensions, Populations, Schools, Course of Exchange, Imports and Exports, Agriculture, Produce, Manufactures, and other matters in the said Blue Book more particularly specified, with reference to the state and condition of the Colony
34. The governor shall not upon any pretence whatever quit the Colony without having first obtained leave from Us for so doing under Our Sign Manual and

Signet, or through one of Our Principal Secretaries of State, except during his passage by sea to or from any part of the Colony.

The Governor during any such passage, or when in discharge of his duties he is in any territories adjacent to the Colony, shall not be considered absent from the Colony within the meaning of Our said Letters Patent.

- 35 In these Our Instructions the term “the Governor” shall, unless inconsistent with the context, include every person for the time being administering the Government of the Colony.

V. R.