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Sir Adetokunbo Ademola

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Sir Adetokunbo

ADEMOLA

CHIEF JUSTICE
of the
FEDERATION OF NIGERIA



A BIOGRAPHY

by

FOLARIN COKER

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1960

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The Honourable Chief F. R. A. Williams Q. C.

FOREWORD

By

The Honourable CHIEF F. R. A. WILLIAMS, Q.C.,

PRESIDENT

of the

NIGERIA BAR ASSOCIATION

Sir Adetokunbo Ademola Kt. as Chief Justice of the Federation of Nigeria occupies a unique position. He is at the end of the old and at the same time at the beginning of a new era. He will be the last Chief Justice of the Federation to be appointed by the Governor-General on the instructions of Her Majesty through a Secretary of State. He will also be the first Chief Justice of an Independent Federation of Nigeria. It is therefore a worthy attempt on the part of the writer of this book to embark upon writing his biography. Works of this nature inevitably throw light upon the history of our times at least in the sphere of activities where the life portrayed has its greatest impact. I believe therefore that this work will throw light for future historians of the Judiciary in Nigeria.

Mr. Folarin Coker the author of this book, had just qualified as a lawyer in 1958 when he completed the manuscript. He has not merely made this book a narration of the facts as far as he was able to ascertain them, but he has been bold enough to express his views upon those facts clearly and forthrightly. As Mr. Coker has not himself had the opportunity to practise as an Advocate before Sir Adetokunbo the readers of this book would miss his (Coker's) own assessment of the demeanour and characteristics of our Chief Justice on the Bench. But in lieu of that Mr. Coker has provided his readers with a lively discussion of some of the well known cases that came before Sir Adetokunbo in his career as a Magistrate and later as a Judge. But I feel justified in saying a few words on this aspect of the Chief Justice's career having had the opportunity of practising before him as a Magistrate, as a Judge, and finally as President of the Federal Supreme Court.

Generations of lawyers from Francis Bacon down to our times, have written in condemnation and disapproval of judges who talked too much on the bench. But it seems that some Judges no less than ordinary folks, are very jealous of their fundamental right of freedom of speech, and in spite of all that has been written they would not easily surrender it to other people's ideas about judicial propriety. Sir Adetokunbo is a shining example of a Judge who talks very little on the bench and interrupts only when it is absolutely necessary.

So long as counsel does his homework properly he has very little to fear from Sir Adetokunbo. If he is a very new comer to the profession he is encouraged and given a sympathetic hearing as I was when in my very early days at the bar I conducted a difficult private prosecution (which deservedly failed) before Sir Adetokunbo who was then the Magistrate in charge of Warri in Western Nigeria in 1944.

Counsel learns by experience, by trial and error. Nothing is more damaging to a beginner's morale and enthusiasm at the Bar than the ill luck of an early appearance before a "much talking" Judge who assails him for his incompetence, or stupid arguments or for not knowing an "elementary" point of law which a first year student should know or, indeed, for impertinence in suggesting or trying to show that His Lordship may be wrong in a proposition of law which he had rashly put forward during one of his interruptions.

After our country's independence the judiciary will increasingly depend for new blood to form the Bar, and it is essential to the maintenance and improvement of the present standards that young lawyers be encouraged in the pursuit of this noble profession. By virtue of their learning, experience, and position our Judges are in a special position to assist in building up and maintaining the highest standards at the Bar. At the same time they have a part to play in encouraging and training the young practitioners. I appreciate that it is not by any means an easy task to do all these at the same time. Encourage young practitioners, yes! But certainly not to the extent of suffering fools gladly! It is my considered view that Sir Adetokunbo has succeeded in this task and that is why I have attached such importance to his demeanour and characteristic on the bench.

It is certain that after Independence the responsibilities of Sir Adetokunbo as Chief Justice of the Federation will increase tremendously. He will not have to stage the type of battle that Chief Justice Marshall of the United States Supreme Court had to stage in order to establish the right and the duty of the Judiciary to pronounce upon the validity of laws passed by the various legislatures. It is already provided in the Constitution that in Nigeria this right and duty squarely rests upon the shoulders of the Judiciary. It is surely a task of the very greatest delicacy and responsibility to be called upon to determine whether or not the will of the people as expressed by their elected representatives in the various legislatures shall be or remain law. But that is precisely what the Judiciary in Nigeria will very often be called upon to do and the Federal Supreme Court with its appellate jurisdiction in such matters and at the head of which is Sir Adetokunbo will have a special responsibility in this regard. What is more, in regard to the Constitutional provisions for fundamental human rights, the Chief Justice and his colleagues may be called upon to determine whether a particular piece of legislation or provision of a legislation is "reasonably justifiable in a democratic society". A decision one way or the other is bound to be used as weapons by political parties particularly if the decision is against a government controlled by a political party or combination of parties. The

discharge of his duties after independence will certainly call from our Chief Justice the highest qualities of learning, of wisdom and of tact. If this book serves to give its readers the assurance that he will be equal to that task, it will have served a very useful purpose.

I recommend the book not only to judges, magistrates and lawyers but also to the general reader who takes an intelligent interest in the role of the Judiciary in an Independent Nigeria and who wants to know something about the man who will provide the necessary leadership in that sphere of our national life.

F. R. A. WILLIAMS

MULETE,
IBADAN,
1st August, 1960.

which he is the head. I have treated some cases more fully and others less fully than the practising lawyer, or practical jurist, may think necessary. Where I have been brief, I do not pretend to have written with a reserve of knowledge, and I have said no more because I have no more to say.

Unlike Justinian's "TANTA", however, I can make no claim that this little book is free from errors or mistakes, for which the responsibility is mine alone; but I gratefully acknowledge a debt of deep gratitude to many friends both in the civil service as well as in the legal profession who have insisted on remaining anonymous. Nevertheless, I cannot but place on record my genuine appreciation of the help afforded to me by the Honourable, Mr. Justice L. N. Mbanefo, Chief Justice of Eastern Nigeria, who has sacrificed time to read the manuscript and to give me the benefit of his mature knowledge and sound advice. He made many constructive suggestions which have been incorporated in the book to its improvement. Similarly, my thanks are due to Mr. Charles Madarikan, Director of Public Prosecutions, Western Nigeria, who in a busy life has made time to read this book in manuscript, and has made important observations which have been attentively considered. His vigilance has saved me from many errors.

I also owe a debt of deep gratitude to Mr. David Williams, Editor of "West Africa" weekly-magazine in London, MR. CARL ROUTLEDGE, an Authors's Agent in London, and the Associated Negro Press (National News Service) in CHICAGO, for their unselfish labours which had culminated in the publication of this book. I owe an acknowledgement to my Publishers for the unfailing courtesy and assistance they have afforded to me.

Lastly, I could not have written this book had not all that has gone to its making been shared with Apinke — my wife and companion in all weathers. I say no more than this because she will not permit me to do so; but I hope that this book will be to her a humble compensation for long hours of silence.

FOLARIN COKER

Lincoln's Inn,
London,
Trinity, 1960.

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Chapter 1

THE ROAD TO AKE

I have often thought, in reading the history of Nigeria, how much is lost to us because so few of our great men have told their own stories. What we know of them, in several cases, has come down through legends and tales told by old people — tales which stumble along the trail of the past, seeking to revive the passion of former days. Of these tales some are guess-work. But little can we guess. Very little. It would be ineffably comforting to know more of the facts — what dangers and difficulties our leaders encountered; what was in their minds, and what led them to do what they did.

Here is a story about one of the greatest Nigerians of today — Sir Adetokunbo Ademola. The story is written as a tribute to him on his appointment to the highest judicial office in Nigeria. Historians writing an account of the constitutional development of Nigeria will be compelled to record that self-determination was first achieved over the administration of justice and that Nigeria may well be grateful to the providence which, at the moment when her need was most urgent, brought forth the man equipped by training, knowledge, and temper, to lead the judicial organ of the State.

Sir Adetokunbo Ademola is the eldest son of the Alake of Abeokuta — the Head Ruler of the Egba people. The story, therefore, begins at Ake — a metropolitan district in Egba-land. The Egbas are a section of the Yoruba people. They live in open rolling country well watered by numerous rivulets springing among the "Olumo Rocks". Besides the great "Olumo", however, one finds in Abeokuta a land with several rock outcrops and wooded water-courses — it is a type of country usually described as open parkland. The area involved is vast, and the men and women who speak Egba as their native language in Western Nigeria alone number thousands. There are varying accounts of when the Egba people arrived in Abeokuta, and whence they came. It is generally agreed that in the olden days of inter-tribal warfare, one community of Yoruba people took shelter in the rocks beyond the hills. They were the ancestors of the Egba people.

Margery Perham observed that the Egbas are "peculiarly conservative and perhaps more ceremonious than any other division of the Yoruba people". They seldom live quite alone. Several people live in the same house and there are a number of houses in one compound. These large family compounds are built near each other, and the neighbouring boys and girls played together in them. Invariably, early personal relationships grew between playmates in these compounds. Indeed, not a few customary marriages began that way.



FATHER—

Sir Ladapo Ademola — The Alake of Abeokuta.



and MOTHER

Otherwise, the young men and unmarried girls met in the local markets. In one of the family compounds at Ake began the relationship which formed the background of this story.

As it happened, at twenty-four, the Alake fell in love. At that time, he was Prince Ladapo Ademola. The scene was the Egberongbe Compound next door to the Palace Grounds at Ake. It was the dry season, and the occasion — a local celebration which was attended by several ladies from the neighbourhood. Tejumade Assumpcao, who later became the wife of Prince Ladapo, was present at the festival. She was a most elegant lady — fair, tall, and slender — for many years a friend of Prince Ademola. The Assumpcaos hailed from Ikija, a town along the trunk road from Ake into the hinterland. They had returned home from Brazil, and at a later time, the Assumpcao family name was changed to Alakija.

The story now centres around this young lady — Tejumade — who spent her childhood days in Ake. Like the average girl of her day, her education began at home, under her mother's discipline, but her father later sent her to the Roman Catholic Convent in Lagos. There she acquired a strong religious sense and a high respect for anniversaries. She was growing in grace. The milestones passed one by one.

After an absence of five years, Tejumade returned home to Ake, and there began in the Egberongbe family compound, a fond relationship with Prince Ademola — a courtship. There seemed to be nothing particularly romantic about the courtship. It was rather reserved and undemonstrative. The Alake smiled, but did not talk too freely about it; and after questioning him, I concluded that it was a customary and old fashioned type of courtship. However, the Alakija family beamed on it. They vouchsafed their consent. It ended in a union in 1904.

It was a quiet customary marriage in Lagos. Few people of note attended. Tejumade's younger brother, Adeyemo, was present. At that time, Prince Ademola lived in a humble little house in Victoria Road, a short distance from the Cenotaph, on the site where Dr. J. C. Vaughan later built his surgery. For most people at that time, life was simple and inexpensive. Food was cheap, rents were low. Politics, too, was at low ebb. There was no telephone, no radio, nor electric light and television was unknown. The old-house — the wavy floor, the brown cane sofas and simple small rooms, furnished with astonishing economy. All these things have gone now. But the Alake can remember it all clearly today. Very soon, the young Ademola family moved into a bigger house at Balogun Street and continued to live in Lagos.

In contrast with his wife, Prince Ladapo Ademola was an assertive person. Good fortune favoured him, and he accompanied his uncle — Gbadebo — on the historic visit to England. Gbadebo was then the Alake of Abeokuta. He was the first Nigerian native ruler to visit England. Records show that together with Prince Ademola in the Royal Party was Mr. Edun—Adegboyega Edun — who was Secretary of what was then described as the Egba United Government. The visit was sponsored by the Governor, Sir William Mc-



Sir Ladapo in his hey-day—wearing a gorgeous native dress.



At a social function Sir Ladapo welcoming the Honorable Oba Akinyele, the Oyo

Gregor, and the party were received by King Edward VII in the Throne Room at Buckingham Palace in London. In 1905 the Alake and his entourage returned to Nigeria.

Prince Ademola was back in Lagos. And there was a happy re-union with his wife. Now, he settled down and became the Lagos Agent for the Egba United Government. This was the hey-day of Prince Ademola, who was far and away the liveliest and most dynamic member of the Egba nobility. He was a remarkable figure in that generation. A man of many parts, and with the abiding presence of a cool and charming wife, he bears a garb which suits him best — a garb which grew in stature with the passing of the years. But the personality, courage and support of his wife were an immense help to him in his early career. It was indeed fortunate that these two people should have been privileged to live and work together.

The days rolled by and the following year brought the Ademola family a son, destined to become one of the most distinguished sons of Nigeria. In order that this son may be understood, it is necessary that both parents be clearly seen. For if the son inherited strength of body from his father, it was from his mother, as so often in the records of great men, that he must have drawn strength of mind. We need not go beyond them in the family tree. Their story is told, not so much for its romantic flavour, but because it throws immense illumination on the circumstances surrounding the birth of a great man.



"Arise Sir Ladapo" — The Alake being Knighted.

Chapter 2

CHILDHOOD

On February 1st, 1906, a son was born to Tejumade and Prince Ladapo Ademola. The baby arrived while the family was at Ake in Abeokuta. According to custom, the women of the Royal household assembled and carried the baby in their arms. But no trumpet was sounded. There was no comet seen. Nevertheless, more than fifty years later, the Alake recalled vividly that it was a rainy day. A very rainy day indeed. According to one view of astronomy, the zodiacal constellation for that period was Aquarius — a Latin word meaning “water-carrier”, As Faraday said “There is power in water”.

There were few stirring events in the family history to make those years memorable. One thing, however, was worthy of note. The birth of the child had closely followed the voyage of his father to England. To commemorate this event, the baby was named ‘Adetokunbo’ — meaning:— Ade —Crown: Tokunbo — “a child of the sea” (or a child from the waves). It seemed most significant that the child is associated with water both by his zodiac influences and by the events in his family life at his birth.

’Tokunbo (as the shortened name of the child is called) lived with his mother in Lagos in the early years. His first familiar figure and companion was a young relative — Sarah — the family nurse-maid to whom he was greatly devoted. All accounts seem to agree that he was a shy and gentle little boy. His one real friend was his nurse, Sarah. They were inseparable. From this time forward, various members of the family appeared on the scene, and it is absorbingly interesting to trace the influence which these people exerted upon his career.

At the age of four, ’Tokunbo returned to Abeokuta, accompanied of course, by Sarah, to live with his maternal-grandfather — Daddy Alakija. He was a pious and simple country man who had a small cottage within his family compound. Daddy Alakija kept a beautiful orchard. He was keenly interested in poultry and the rearing of sheep and goats. In that household, a religious tradition prevailed — a tradition born of the Roman Catholic faith. This was the most receptive stage in a child’s development. And ’Tokunbo must have listened carefully to every word that fell from the lips of his grandfather. More than this, perhaps, his grandfather moulded his thought and outlook and taught him that innate virtue of modesty.

Experts on child psychology tell us that there is a vital sense in which a child can change both in time and place. Adult persons also succumb to changes of environment; but it seems more so with children, and little ’Tokunbo



'Tokunbo's mother—sitting in the centre—with two ladies of the family.



A close study of Tokunbo's mother—wearing a flowery dress typical of her day.

was no exception to this rule. Arriving in Abeokuta in the spacious environment of the countryside, he grew increasingly lively and often tiresome. By the time that he was five, he had become too restless an inmate for the household, and so they packed him off to school — of course, a Roman Catholic school.

Thus, 'Tokunbo began his education at five — quite early for that time — in the Roman Catholic school at Itesi, in Abeokuta. Reports disclose that he was fond of outdoor games, and acquired a wealth of kites and tops with which he threw himself around the neighbouring grounds. At home, however, in the family compound, when it was too dark to fly a kite or whip a top, his favourite amusement was horse riding. He had toy horses and was constantly riding, — in itself an energetic game for the evening.

All accounts agree, and this is worthy of note, that at that time, 'Tokunbo showed no particular promise, and no one singled him out for special attention — a familiar fact in the stories of great men. No doubt there were explosions of childish petulance. A friend of his childhood recalled that as a lad in the Sunday School service at Itesi, he always raced to take up a prominent place in the front row. Would historians hold this behaviour of any significance?

Once, out of sheer curiosity, while assembling the data for this work, I asked the Alake whether it would be true to say that, as a child, 'Tokunbo was "a notably good boy". He smiled, and then, suddenly — as though a memory of some vital event came across the years — he replied: "Well, boys must be boys". Then he continued; "I remember in later years that the Principal of his school once recorded in his Annual Report: 'He has more ability, but has not exerted himself'. He was playful — very playful. I scolded him severely. Thereafter, throughout his school and college career, I received very satisfactory reports about him". At this juncture, there was a long pause as though some solemn facts were coming out from the inner recess of his mind. I remained motionless. Then he continued: "And he was the most obedient boy in the world. He would not allow me to rebuke him twice for the same offence.

He is also a devoted son to me."

A telephone call to the Palace disturbed the serenity of the atmosphere and the sequence of thought to which I had listened absorbingly as the Alake told the story of his own son. After the telephone conversation the trend, unfortunately, was lost. Nothing would help to recapture it. We do know, however, that as a child, 'Tokunbo loved to play; a thing rather unwelcomed to the anxious minds of ambitious parents. Lord Randolph Churchill was intensely disturbed by the playful and unstudious ways of young Winston. But a German philosopher has said:—

*"In the true man lurks
a child who wants play."*

And so, in his early years, 'Tokunbo swung round the ordinary pivot of the country life — the morning at school; play all afternoon; mass on Sundays, followed perhaps, by an outing with Sarah clad in their Sunday finery. This

formed a stiff formula for country folks, but wholly inadequate for the passion of a growing youngster. In the end, however, his parents decided to send him to a bigger school in Lagos. Just then, Daddy Alakija died. The first lamp had gone out. And so the scene shifted to Lagos where 'Tokunbo went to live with his mother.

It is noteworthy that up to that time, 'Tokunbo had stayed with people who were good-living, laborious, and regular in the attendance at Church — people who were careful about saving and spending. People who were generous to the poor. In later years these early impressions made an indelible mark on the mind of the child.

Chapter 3

EARLY BEGINNINGS

'Tokunbo was eight years old when he returned to Lagos. He lived with his mother in a family house then situated at Broad Street. The house stood a few yards from the site of the old Supreme Court. According to most views of psychology and education, his character was then essentially formed, and this, as we have seen, in an atmosphere of piety and modesty. Admitted to the Holy Cross School, he continued his education in Lagos.

The story was told of his first day at the Holy Cross School. He arrived as the other boys stood in a circle in the class-room ready for mental arithmetic. Impressed, presumably, by the confident look of the lad, the teacher invited him to take part in the exercise. He made a creditably good start. Among 'the other boys' of those days were some of the eminent men of later years — men like T. A. Adu, the great cricketer. Another student at Holy Cross was Alaba Akerele, a Lagos lawyer. Then there was Dosa (later Chief Akran of Badagry) who was reported to be 'Tokunbo's chief rival for the first place in the class. The class-teacher, a man named Wilkie, was a brilliant scholar who indulged in periodic orgies of thrashing. Indeed, practically everyone got his full share of those canings.

Those were the war years — the first world war. To Nigeria, it was a comparatively distant war. True, many Nigerians enlisted in the Army, but the battlefields were pitched abroad. Aerial attack on Lagos was not likely to occur, and nuclear weapons were unknown. Consequently, the schools in Lagos remained open, unaffected by foreign affairs. But 1918 brought an outbreak of influenza in Lagos. It was like the Black Death in medieval England. Hundreds of men, women and children were wiped out. The schools closed down. Yet, this was a crucial point in the life of one man.

'Tokunbo left the family house at Broad Street. He went to stay with his maternal uncle, the late Sir Adeyemo Alakija — Knight of the Order of the British Empire, and a distinguished lawyer and legislator. He later stayed with another maternal uncle, the Hon. Olayinka Alakija, who will long be remembered for his magnificent address in the Legislative Council debate in Lagos on March 7th, 1939. On that occasion, as the third Lagos Member, he urged the promotion of more Africans to what were then known as 'European' posts in the Civil Service.

History will pay tribute to the efforts of his uncle Sir Adeyemo Alakija, for the creation of better relationships between various races in Nigeria, his interest in prison reform with after-care of discharged prisoners, and the welfare



'Tekunbo — a gay fresher and Clerk in the Chief Secretary's Office, Nigerian Secretariat, Lagos.

of ex-Servicemen. But whatever the judgment of history upon him may be, future generations will learn that Sir Adeyemo Alakija — a solemn advocate of public service for Nigerian lawyers, was a maternal ascendant and guardian of the little boy who became a lawyer, entered the public service, and climbed his way to the highest judicial office in the land. How strangely the minor and major things are linked across the years; the little chances of an individual's life and the turning point in the life of the people. One question seems particularly relevant. What influence did Sir Adeyemo exert on 'Tokunbo's mind in those early school days when he lived with him? The answer is to be found in the coming events and the shadow they cast afore.

As the war was over, and the influenza epidemic abated. 'Tokunbo — then 13 years of age — who had been receiving tuition under a private tutor during the epidemic, returned to school. He had reached the Fifth Form and was thus enrolled for secondary education in what was then known as St. Gregory's Grammar School. Once again, he came under the tuition of Mr. Wilkie, his elementary school tutor, who had been transferred on promotion from the Holy Cross School to the Grammar School.

There is something in this continuity between tutor and pupil — for good or bad. Indeed, Wilkie played his part too — for if the boy was described as 'very playful', the school master certainly did not fail to make a generous use of the cane which in those days was considered an essential accompaniment of education. At St. Gregory's, after religion, even before Latin, came cricket. And if a student did not shine at cricket he was nowhere. 'Tokunbo, however did not like Latin — a remarkable thing for his later career in law — but he studied it. Cricket and football he played well and won colours.

In 1920, 'Tokunbo's father — Prince Ladapo Ademola — ascended the Throne of Egba land — the Alake of Abeokuta. It is not known what, if any, immediate effect this event created in the life of the son. It is significant that in that year he entered a higher school. A magnificent Government institution had long been established in Lagos — King's College. It was more expensive than the missionary schools in Lagos at that time, but the novelty of the educational and sports facilities provided in the new institution brought about a noticeable drift from the existing secondary schools.

Thus, after a year's attendance at St. Gregory's, 'Tokunbo transferred to King's College for the rest of his secondary education. As a student, he had no time for art. Even at King's, under Onojobi — the legendary 'Ade-Onojobi' — the Latin teacher, he studied less Latin. Probably, science subjects, he learnt up to pass mark, notwithstanding the inspiration of Mr. J. A. Ojo, his beloved science master. His avowed interests were literature and history.

Five years later, in 1925, 'Tokunbo passed out of King's College. He had been successful in the Senior Clerical Examination and had qualified for admission into the Nigerian Civil Service. A gay fresher; he was appointed a clerk in the Chief Secretary's Office at the Nigerian Secretariat in Lagos. Records show that he first served in the general administration branch. After working in Government employment for two years, his father, the Alake, pro-

duced his proposals for 'Tokunbo's future career. He was to study medicine in England.

The foundation for this proposal would appear purely patriotic. At that time, few Nigerian medical practitioners had appeared in Abeokuta. The first two medical officers engaged by the Egba United Government (as it was then known), were Dr. Oyejola and Dr. Ladapo Oluwole. Dr. Oyejola left Abeokuta after some years to establish a private practice in Lagos. Dr. Ladapo Oluwole, who succeeded him died later at Abeokuta. A few years after, Dr. Isaac Ladipo Oluwole, established himself as a private Medical practitioner at Abeokuta but after sometime left to take up a Government appointment in Lagos. Dr. Adefolu, who next entered the scene, became the sole medical practitioner at Abeokuta. The Alake then conceived the noble idea of a resident medical officer for the Egba Native Administration.

At that time, general medical facilities were limited to the service of a priest of the Roman Catholic Church — the Reverend Father Coquerard — a man who had stayed in Abeokuta for very many years and was well advanced in years. The Alake, convinced of the local usefulness of the medical profession, decided that his son should study medicine. Litigation, in his view, had poor prospects. And in any case, in those days, barristers could not appear before the Native Courts of any grade. Nothing was more pressing and promising than a medical service organised by the Egba Native Administration for the benefit of the people. To the Alake, the study of medicine almost amounted to a charitable gift of his son.

Meanwhile, 'Tokunbo was living in Lagos with his uncle — Mr. Adeyemo Alakija — a lawyer of high distinction. Around him in the house were law books. And a love of literature — less of science — had been apparent from his school days. Besides, there were strong forces at work, forces irresistible to the tender mind of a child.

First of all, the Alakija family house, where his mother lived in Broad Street, was only a stone's throw from the Supreme Court. 'Tokunbo, like other boys, joined the crowd to watch the pageantry of the law at the opening of the Lagos Assizes.

Furthermore, Broad Street at that time was comparable to Chancery Lane in London. Near to the Alakija family house, on the other side of the road, were the chambers of legal luminaries — the law chambers of men like Egerton Shyngle and Montacute Thompson, about whom many stories of legal prowess were told. A few yards away from Shyngle lived the great legal pioneer, Sapara-Williams, who retained for a long time a reputation in advocacy and an intimate knowledge of unwritten customary law. Then, there was Foresythe — who figured prominently in many leading cases.

Among the legal giants of that period was Sir Kitoyi Ajasa — the first Nigerian to be knighted. He was a distinguished advocate and legislator. High on the list was E. J. Alex-Taylor, "the Cock of the Bar". He later became the Leader of the Nigerian Bar. And very prominent in the legal arena of those days was Eric. O. Moore, to employ his full and familiar appellation.

History will remember Moore and Egerton-Shyngle for the part they played in the cases against the Secretary, Southern Nigeria, on the issues of native land tenure and customary law.

Indeed, the practice of law was lucrative, for the immediate post-war years in Nigeria were years of prosperity. There was a great boom in trade. Apart from the brilliant lawyers, there were the acorns of commercial oaks and great businessmen who pioneered the economic activity in which the lawyers flourished. That was the heyday of Nigerian mercantilism. On the scene, in Lagos, were illustrious merchants—Vaughan from Alabama in America; J. H. Doherty, "the Prince-Merchant" and Sanni Adewale, a Lagos merchant of great fame.

Law and trade apart, it was a period of endless agitation in Lagos. In 1925, Esugbayi Eleko, the Oba of Lagos, was deported following prolonged political unrest. There had also been great agitation over the payment of water rate, and long litigation over certain lands claimed by the Lagos "White Cap" Chiefs.

Such was the atmosphere which surrounded 'Tokunbo when he left school — an atmosphere that savoured of law and agitation. The leading politicians, (Herbert Macaulay and Dr. Adeniyi-Jones apart) were lawyers. To traders and agitators alike, the lawyers were a help in time of trouble. It is difficult to assess fully the influence exerted by lawyers on the people who lived in Lagos in the early twenties of this century. Whether those men did what was right is a matter for the judgment of history. Moral standards change and we must choose our yardstick from the standards of their day. One thing will certainly endure for ever. These men kindled the torch with which generations that followed them have found their way into the darkness of the unknown.

*"So give them a passing thought some times,
Those men of the earlier day;
The men who have founded the track we tread,
The men who have paved the way."*

It is not surprising, therefore, that 'Tokunbo chose for his career the study of law. His father disagreed but 'Tokunbo had made up his mind and the daily events of life at that time must have solemnly assured him of the wisdom of his choice. It was the only logical thing in the circumstances. As the ancient Greek philosopher — Draco — said:

"The study of law is an agitation of the mind".

And, in line with this opinion, Lord Hewart, addressing an assembly of Inner Templers, reminded his generation that *"amidst the cross-currents and shifting sands of modern life, the law is like a great rock on which a man may set his feet and be safe."*

There was a time lag. His father persistent—'Tokunbo unyielding. Eventually, the Alake conceded; he finally agreed, not without reluctance, that his son should study for the profession of his choice. A happy ending to a family crisis. And, in 1927, towards the middle of the year, 'Tokunbo left Lagos on board a steamship for further education in England.

Chapter 4

THE CAMBRIDGE MANNER

On a summer Saturday morning — June 18th, 1927, a West African steamship arrived at Plymouth — a port on the South West Coast of England. It was dawn. The boat was carrying among other passengers, some Nigerians who were going on holiday as well as Nigerian students from Lagos. Among the former were the late Mr. Larunde Johnson a Lagos lawyer, Dr. Magnus Macaulay, a medical practitioner. And among the latter were the Adeshigbin brothers (who became professional men) three Nigerian girls — the Misses Doherty and a Miss Thomas. And 'Tokunbo Ademola. They had sailed from Lagos on June 3rd; it was the birthday of King George the Fifth — a public holiday in Nigeria. The party arrived in England after an uneventful voyage. At Plymouth, however, there were at that time, no Students' Arrival Officers or Port Welfare Agents with whom we are familiar today. The earlier Nigerian students in England were adventurers. Even so, soon after landing in Plymouth, the students boarded the train and began their journey to London.

In the afternoon, the train reached its destination, crawling into Paddington Station in London. 'Tokunbo was met by the late Chief Adekunle Solanke—who was then the Secretary of the West African Students' Union in London. A former schoolmate — Alaba Akerele — was also at the station to meet him. The journey was over. The students bid farewell, and dispersed. Some to hostels, others to private lodgings. 'Tokunbo went to a private family in Bayswater near the West End. So his career in England began. His purpose was to proceed to Cambridge for the law tripos.

A good night's rest — 'Tokunbo got up early the following morning. It was Sunday. He went out of his lodgings to explore the surroundings. A few yards away stood St. Luke's — the parish church of Bayswater. Walking towards the church he found it was time for worship. And, with that religious training which was part of his life, he entered, and betook himself to prayer.

Cambridge lay ahead — an entity behind walls of tradition. The great English Public Schools of Harrow, Eton, and Winchester, and the ancient English Grammar Schools had, in the past enjoyed what almost amounted in a monopoly of places in the colleges of Cambridge. After the first world war however, there appeared to be a general levelling of opportunities and the admission of boys from other educational institutions in England and the British Commonwealth countries became a noticeable feature at Cambridge. Even so, thirty years ago, admission into Cambridge was highly selective and almost parochial. For 'Tokunbo, however, there was a prospect of admission



'Tokunbo at Cambridge — a most eligible bachelor.



The Cambridge Graduate.

into Cambridge in the Autumn of 1929, provided that he was successful in the "Cambridge Previous" — the University entrance examination. He plunged into preparation immediately. Consequently his early months in London centred around a tutorial college in Red Lion Square.

March, 1928 — following a success in the Cambridge Previous, 'Tokunbo was fortunate in finding a place in Cambridge at the end of the next Summer holidays — a year earlier than was expected. Needless to say that it would have been a pleasant experience for a young person. It was at least a happy beginning which was the cornerstone of his academic career. Simultaneously, he gained admission into the Middle Temple in London.

'Tokunbo was twenty-two when he went up to Cambridge, and was entered at Selwyn College. He was described by a college-mate as a "tall, slender, vivacious and self possessed person." Three years he was at Cambridge—three years, moving steadily on through the set stages of the law tripos. He himself spoke of that time as "the pleasant years, with many friends", and no doubt, much work, and some play, and a gradual widening of the intellectual horizon. It would, perhaps, be idle to dwell in any detail on his academic achievement, other than to say that he obtained an Honours degree in Law. Instead, it seems more profitable to pursue an objective study of that hidden splendour which Selwyn sustained in him — the Cambridge manner.

After some enquiries on this issue, I decided to visit Selwyn College in Cambridge — not in the forlorn hope of finding, or meeting, anyone there who belonged to 'Tokunbo's generation, but because I had felt a little at sea in assessing the influence upon him of certain things linked with Selwyn — things such as personal poise, his interest in sports, an infinite courage of conviction, and reverence for the Christian faith.

I arrived at Cambridge on a bright morning. Begowned students were turning into the King's Parade for in-between-lecture coffee. All the time, a never-ending stream of bicycles moved up and down this thoroughfare, weaving in and out of the traffic like quicksilver. I proceeded to Selwyn — a young College alongside the other Colleges of Cambridge. It has not the large features of Trinity, nor the magnificent architecture of King's, but it has built up a great tradition. It is an Anglican foundation in memory of Bishop Augustus Selwyn of New Zealand—having the avowed intention of "giving persons wanting academic education a College wherein sober living and high culture of mind may be combined with Christian training". One's immediate inference, therefore, was that men of Selwyn are basically men of "culture and Christian training".

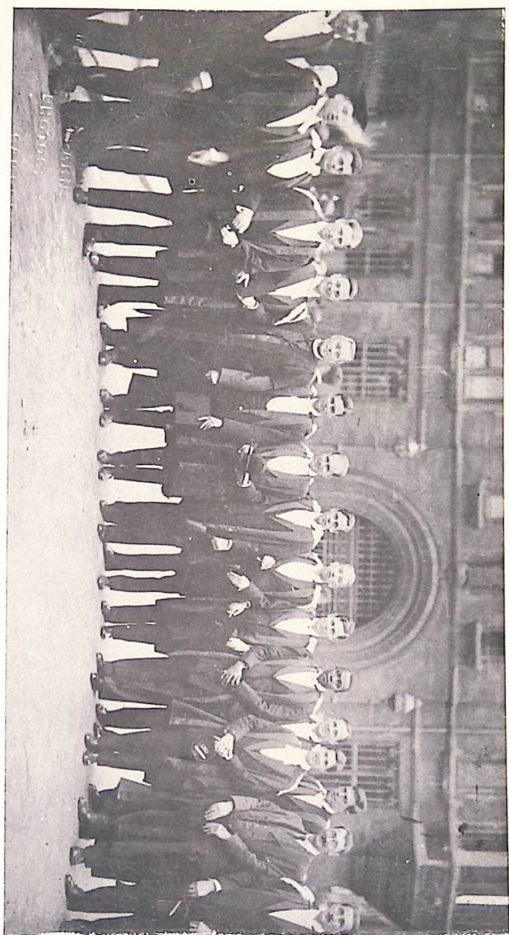
Pondering on the validity of this inference, I walked into the students' common room. It was the morning hour get-together, which looked like a mixed grill-full of variety. Half an hour in the common room provided me with a score of answers to my curiosity. There was a humanizing touch about the scene in that smoke-laden room where an assorted company of young and old, men of letters and beginners—all felt equal. They entombed themselves in sombre shade which the London student would have spurned. Their



Graduation Day at Cambridge. 'Tokunbo—fourth from right—posed for a photograph with his Colleagues.



*"Tokunbo—wearing a University Sports Jacket—stands with an English Friend
in the College Grounds.*



Another photograph of Graduation Day at Cambridge. 'Tokunbo—sixth from right—posed reverently with his colleagues.



'Tokunbo—first from left. At Cambridge he played tennis. And bridge too.

interests were catholic in range—including philosophy, history, ethics and law. I must add that this relationship was not confined to the common room. In sunlit afternoons on the river and at social gatherings in the evenings, the men of Selwyn pursued their search for certain things more valuable than anything to be found in all the libraries and lecture rooms of Cambridge—things that promote the culture of the mind.

Such was Selwyn when 'Tokunbo entered it, and left it—for these things were born of tradition. And tradition dies hard. This meant it is not alone in academic training that his connection with Selwyn is to be assessed. There, in the catholicity of the student body, he learnt to play games, to persevere, and defend his convictions. There he acquired that peculiar poise—a sort of self-assured ease of movement.

Those who shared that time with him at Cambridge recalled that, at Selwyn, 'Tokunbo was neither rich nor poor, neither aristocratic nor of the common folk. They did not even notice that he was serious in his studies. He played tennis. He took up boxing and played bridge too. In none was he a Blue; neither was he a captain. As it seems, providence shielded him from the pain of extremes.

Throughout his days in Selwyn he had one intimate friend—a young Englishman of about his own age — Edwin Abington—at whose home 'Tokunbo spent some of his holidays. Some may be curious to know why he was attracted in particular to Abington who, incidentally, was then reading history. The answer was that Abington was the first person who came up to speak to him on his first day in Cambridge. And they have remained friendly ever after.

Thus, in the quietude of the English countryside, the years passed pleasantly and fruitfully away. At the end of three years, 'Tokunbo was admitted to a degree in Arts and Law, and he went down from Cambridge to read for the Bar in London.

Chapter 5

THE TEMPLAR

In the same year as 'Tokunbo went up to Cambridge, he was admitted into the company and fellowship of the Honourable Society of the Middle Temple, reading for the Bar. The expression, "the Bar", is used today to denote the body of professional advocates in the Court of Law; but in origin, it was an actual bar, or bench, placed in the halls of the Inns of Court.

The ancient Hall of the Templars is one of the four historic Inns of Court. Fundamentally, there is little difference between the four Inns. Not infrequently, family associations were the deciding factor in the student's choice of Inn. In 'Tokunbo's case, the Middle Temple was the Inn of his uncles—the late Sir Adeyemo Alakija and the late Olayinka Alakija. Traditionally, it was the meeting hall of the Knight Templars, and a visitor to the present Hall would no doubt be struck by the variety of coats of arms of distinguished members exhibited on the walls—a survival of the custom of knights hanging their shields round the hall as they arrived for dinner.

In the olden days there were no examinations for a call to the Bar. The only requirement was that a student/member of the Inns of Court should "read in Chambers" with a barrister, and a student had to produce a certificate that he had satisfied this condition. But, in the last century, the four Inns of Court set up the Council of Legal Education which provided a course of instruction for students and a system of examinations replaced the certificate given by a barrister in whose chambers a student had read.

Thus, when 'Tokunbo arrived at the scene, the call to the English Bar depended upon two conditions—the first condition was the passing of a law examination in two parts; the second was the keeping of twelve terms by dining in the Hall of the Inn during a term of which there were four in the year.

A dispensation from one subject of the law examinations was in those days granted to students who were reading law in the Universities; so 'Tokunbo obtained a dispensation from Roman Law. Consequently, when he returned to London in 1931, he virtually commenced a fresh course of instruction leading to the examinations in Parts One and Two of the Bar. 1932—a freshman of the Middle Temple—'Tokunbo lived with an English family at Hampstead in the North West of London. With him again, was—Edwin Abington—who had then obtained an honours degree in history and modern languages, and had secured an administrative appointment in London. Little is on record about 'Tokunbo's days in London, but it is clear that on many occasions, and on most evenings, he was with Abington. He kept a second-hand car. And besides



**Tokumbo with the Monks at Buckfast Abbey. A man of great reverence for the Christian faith.*



A handsome beginning.

tennis, his main hobby was motoring, especially during the vacations of Lent and Summer.

His landlord and landlady (Mr. & Mrs. Gilliland) —a Canadian with an English wife both living at Hampstead—recalled that he was a “lively fellow full of charm.” They were very devoted to him and he must have been devoted to them also. Several years later when 'Tokunbo (who was then a Puisne Judge) visited England, he went with Abington to Hampstead to see the Gillilands.

A remarkable event occurred in 1932 while 'Tokunbo was in London. It was the ceremony of the opening of Buckfast Abbey—an ancient monastery in Devonshire. 'Tokunbo was invited to stay for a week at the Abbey. During the Mass at the dedication of the Abbey, he participated in an ancient ceremony involving the washing of the feet of the Cardinal who sang the Mass. It was said that the ceremony was last performed several decades before then by Edward the Black Prince! Soon afterwards, 'Tokunbo returned to Cambridge for post-graduate work which he combined with his preparation for the Bar and the keeping of the dining terms. For three years he continued this way, approaching gradually the most significant moment in his professional career—the call to the English Bar.

At last the day arrived—the 21st day of Trinity Term, 1934. At the Middle Temple, unlike the other Inns of Court, students who are to be called, don for the first time the traditional gown of a barrister, together with the wig over a full evening dress; but in line with the other Inns, the “call” at the Temple is a simple fascinating ceremonial. The wigged and gowned Templars are called at the “Cupboard” —a piece of old wooden furniture which has an important place in the tradition of the Inn.

On the dais before the High Table the Treasurer and Reader with the Benchers took their place. The Reader then announced:

“Master Treasurer, it is my duty and privilege as Master Reader to present to you those students of this Honourable and Learned Society whose proposals for call to the Degree of the Utter Bar have been authorised by ‘Parliament’. After they have been called by you they will, after the ancient manner, enter their names at the Cupboard in the Book containing the Roll of the Barristers of this Inn.”

(The word “Parliament” above is the term given to the periodic meetings of the Benchers of the Middle Temple to transact the business of the Inn.) Thereafter, the Reader presented each student to the Treasurer, who proclaimed, as 'Tokunbo came forward:

“Mr. Adetokunbo Ademola, in the name of the Bench, I call you to the Degree of the Utter Bar.”

'Tokunbo entered his name in the Roll and resumed his place. The call was over—perhaps the simplest ceremony in the inheritance of the English Law; yet, it was the most decisive event in the life of every barrister. Following this event, and in line with tradition, 'Tokunbo

was admitted into the Chambers of Mr. Austin Farligh.

In September, 1934—aged 28—after seven years' absence—during which he obtained a degree in Arts and Law, qualified as a barrister with post-graduate and constructive Chamber work—Tokunbo set off to sea on his way home. Throughout his stay in England, he had not once been home for vacation. His holidays were spent partly with English friends and families and partly in motoring around the English countryside. The years had wrought a change in him and he arrived home a young Templar of bursting energy—eager to savour to the full the adventure of life, and to carry out that promise which is implied in every educated person—to live nobly.

Chapter 6

PROMISE AND PERFORMANCE

"Everyone is a prodigy. The average man is at his mental best between the ages of fifteen and twenty. Thereafter a slow decline of mental ability is countered by the rising curve of experience. And a man is likely to do his best work at thirty to thirty-five. After that age, he can 'keep up' by seeking new experience."

So Dr. Bronowski summed up his views on "The Best Years of Our Lives" in a recent television series in London. There have been exceptions to the rule that we do our best work at thirty to thirty-five—a crumb of comfort. All the same, there is evidence in the history of great men of all nations which seem to support the validity of this proposition.

'Tokunbo returned home from England at twenty-eight. A man of promise, perhaps, greater promise than could be realised at that time. The performance of that promise is our main enquiry. And what happened? If, however, the thirty-five peak concept is accepted, then, every day of 'Tokunbo's first five years after his return to Nigeria seemed germane to this study. This refers to the period between 1934-39—the eventful years of professional practice, administrative service, some politics, then matrimony, and magistracy.

It is important to remember that in 1934 the Egba Native Administration was by far the most progressive Local Government Organisation in Southern Nigeria. Indeed, an able lawyer of considerable experience—Adebesin Folarin—had then given up a lucrative practice to assume the office of Judge of the Native Court of Appeal at Ake in Abeokuta. Furthermore, it was the close of the Sir Donald Cameron Regime — a regime which witnessed the introduction of such comprehensive reformation as the enactment of the Native Authorities Ordinance, and the Native Courts Ordinance. These were two of the greatest milestones in the development of Nigerian administrative law.

The former legislation systematised Native Authorities throughout the Country. It turned some of the prerogatives of Native Rulers into the privileges of the people. The latter group of Ordinances sought to reform Nigeria's legal system by separating the executive from the judiciary. And under the Native Courts Ordinance of 1933, a "High Court for the Protectorate" replaced the Provincial Courts which had been as infamous as the "Star Chamber" in England.

Throughout the Divisions of the Protectorate were set up Magistrate's Courts before which practising barristers had a right of audience in many important causes. Among other outstanding innovations of that period was the

inauguration of a hierarchy of institutions of appeal, progressing from the Native Courts, through the High Court, to the West African Court of Appeal. It was a most fascinating and eventful period in the history of Nigerian public administration. Its chief relevance for our purpose is, however, that extensive reform of the local government administration and the judicial system had been carried out, and just then, in 1934, 'Tokunbo arrived on the scene.

'Tokunbo was consulted by some members of the Egba Native Authority and asked if he wished to take up an administrative post in the Egba Native Administration. That was his first hurdle—whether to accept the invitation to join the local government service or go into private legal practice. It is material to remember that there was far less competition in professional practice at that time than there is today. Altogether, there were about seventy barristers in Nigeria in 1936, and more than three-quarters of them were established in Lagos. Whichever way 'Tokunbo decided, a handsome income seemed ensured. But the Alake—'Tokunbo's father—decided for him. There was to be no local government service nor immediate private practice. Rather, there was a standing arrangement designed to give 'Tokunbo as wide experience of public administration as possible.

Here is one of the turning points in this story. 'Tokunbo obeyed his father. First, he was admitted into the Attorney-General's office in the Lagos Secretariat for six months. In the days of A.C.V. Prior, the Attorney-General, he worked mostly with him in his chambers. Thereafter, he transferred to the Judicial Department. He was granted the unique privilege of pupillage by sitting with Presiding Magistrates in the Magistrates' Courts. Some who shared those days with him remembered his careful attitude and lowly behaviour on the 'Pupil Bench'. But, "lowliness is young ambition's ladder".

After a short spell of sitting with Magistrates in Courts, 'Tokunbo joined the unified Nigerian Administrative Service. He was posted to the Secretariat in Enugu where he was largely employed on matters pertaining to the administration of the Native Courts Ordinance and the review of tax collection. Ultimately, it was proposed that he should serve in the field as an Administrative Cadet in a Division. The proposition remained for ever on paper. Even enlightened Native Rulers at that time fought severely shy of the idea. Hitherto, only European Administrative Officers were assigned to field work. Not even the great Joseph McEwen was entrusted with a Division. To assign a Nigerian Cadet to a Division, therefore, was a new idea. And, as Cicero said "nothing is more painful to human mind than the pain of a new idea". None of the Native Rulers would give it a trial. Now, 'to be or not to be'—that was the question. But 'Tokunbo would only continue to be in the Administration provided he went into the field.

So, after an agreed period of administrative service in Enugu in the Eastern Region, 'Tokunbo returned home and established private legal practice in Lagos. He practised in various divisional Courts in Lagos, Ijebu-Ode, Benin and Warri Provinces. During this period, he was not only engaged in the practice of law, but was also active in politics.

In 1937, the late Dr. James Churchill Vaughan founded the Nigerian Youth Movement—a dynamic political organisation which, like the Pied Piper of Hamelin Town in Brunswick, called together practically all the educated Nigerian elements of that generation. It has been described as the renaissance of Nigerian party politics. There were two major political parties; the first was the Nigerian Democratic Party, which had enjoyed a glorious past: the second was the Nigerian Youth Movement. 'Tokunbo—then a Lagos lawyer—joined the Youth Movement.

Records show that at that time, in 1938, his uncle—the late Olayinka Alakija—was elected as Third Lagos member. Already a second uncle, Sir Adeyemo Alakija was a nominated member for Egba Division. Naturally, there was some cause for increasing family enthusiasm in politics, and for a short while it appeared as though 'Tokunbo would himself make a career in politics. He served on the Assignment Selection Committee of the Youth Movement for the Legislative Council Members, and participated in several public campaigns. Indeed, 1938 was a year of intensive political activity in Lagos.

Historians will pay great regard to the cross-currents at work during the Lagos Town Council electioneering campaigns of that year during which 'Tokunbo supported the late Caxton-Martins. But perhaps the loudest Hosannah ever cried before triumphant politicians occurred after the defeat of the Democratic Party candidates in the 1938 Legislative Council elections. 'Tokunbo was not a candidate for the election but he was a vigorous supporter of the Party men.

It was a memorable day. The result of the election was to be announced at six o'clock in the evening at the Glover Memorial Hall on the Marina. Clerks and workers went to the Hall direct from their offices and shops. Women abandoned the evening markets. The Marina was one sea of heads—school children, young and old, men and women—sandwiched together with burning anxiety to hear the result of the election. The announcement came through the loudspeakers—the three candidates of the Nigerian Youth Movement won the day against their implacable Democratic Party opponents. The result was received with roaring cheers after which the crowd formed a long procession of 'political konga', led by the Lagos Philharmonic Orchestra, to the house of the triumphant candidates.

'Tokunbo, however, would appear then to be at the cross-roads. He was one of the few Party men who were allowed to go into the Glover Memorial Hall to look after the interests of the Party candidates. He watched political triumph from within, and it seemed to me a trifle difficult to unfathom the reason why he declined to remain in politics so early after the victorious 1938 elections. This is certainly one of the mysteries of this story. For within a year of the elections, he joined the Judicial Department as a Magistrate. He forsook politics; and it is, perhaps, his great fortune—especially in the early years of his judicial career—that the political party which he had publicly championed, gradually disintegrated into oblivion. 'Tokunbo was appointed a Magistrate in 1939, and he has remained in the Judicial service ever since.

At a time when politics performed wonders, when boxing brought better rewards than brains, and all over the pubs and beer-houses:

"malt does more than Milton can to justify

God's ways to man;"

it was comforting that there was one person who did not change. Between politics and the Bench, however, there was one important event in 'Tokunbo's life which, I think, deserves a separate chapter—MATRIMONY.

Chapter 7

MATRIMONY

The year 1939 was one to be marked in red in any account of 'Tokunbo's career. In that year, he married Miss Kofoworola Moore. In the same year as his marriage, he was appointed a Magistrate and began his judicial career. The coincidence was most significant, and in it was a source of strength. For a happy marriage underlies most of the great careers in human history. Artists and poets may thrive upon unhappiness; but public men do not. The vicissitudes of public life demand a helper; the burden of judicial office requires a hostess and a home where evidence or findings may be forgotten or contrived in rest and quiet.

As the story goes, the engagement of Tokunbo to Miss Kofo Moore was announced in 1937. Kofo, an attractive Yoruba lady, born in Lagos—the second daughter of the Honourable and Mrs. Eric O. Moore. Her father was a Lagos lawyer with a lucrative practice, who was for many years a Lagos Member for the Legislative Council. Kofo attended a kindergarten school in Lagos—A missionary female institution then known as 'The Girls' Seminary'. Unlike her husband, however, she went to school in England. At eleven, she entered the Portway College in Reading where she remained for five years. Then she was admitted into Sheffield University for a year preparatory to studying at St. Hugh's College in Oxford. Three years in Oxford University—three fruitful years—during which she read History, English and French. Little is recorded of her extra-mural or vocational activities while in Oxford, but she obtained a good degree and left behind her an indelible imprint of great personal charm.

'Tokunbo had left Cambridge when Kofo went up to Oxford. She had seen him a number of times in childhood and the gap narrowed with 'Tokunbo's arrival in England. Although the engagement was not announced until 1937, it seemed probable that they settled the question privately between themselves in England. For, shortly after her graduation in Arts at Oxford, instead of going to the United States of America as originally planned, Kofo returned home in 1935, and 'Tokunbo was at the port to meet her. There was another reason for supposing that the relationship was born in England. Eric Moore—Kofo's father—was one of the top-notchers of the Nigerian Democratic Party, but 'Tokunbo was not a "Young Democrat". Rather, he was one of those venturesome youths who relentlessly campaigned and manoeuvred the overthrow of the Nigerian Democratic Party at the 1938 elections. It seemed, however, that even in days of political immaturity, 'Tokunbo's politics did not appear to



The late Mr. Eric O. Moore—father of Lady Ademola.



Kofo in the grounds of Portway College. Behind her is Miss Ayo Adeniyi-Jones (now Mrs McGrath) behind whom is Miss Ayo George—now Lady Alakija.

affect his romance. In itself a comforting sidelight to his idea of politics—to him it is a thing of the head and not of the heart. The romance progressed—'Tokunbo, a politician and lawyer; Kofo, a graduate educationist at Queen's College—a Lagos secondary girls' institution. She was indeed the first West African girl to take a degree at Oxford or any English University for that matter.

The wedding day arrived—January 31st, 1939. The scene was the Cathedral Church of Christ in Lagos, where the cream of Lagos society had congregated. Indeed, it was a unique occasion, unique in that it was in effect a union of a Cambridge graduate with an Oxford graduate for the first time in West Africa. The Universities of Oxford and Cambridge seldom unite for a common purpose.

Hand in hand the married couple proceeded slowly down the aisle, and emerged from the Church to receive the loud cheers of the crowd; the bride with her long, lovely train, and then the bridegroom, stepped into the car which moved slowly away. Still, the crowd followed them dogging their trail until they arrived at the Glover Memorial Hall where a delightful reception has been arranged. The day ended with the departure of the bride and bridegroom to Ake in Abeokuta for their honeymoon.

Thus, Kofo and 'Tokunbo began together the journey along the road destined to lead to the highest judicial office in the realm. It seemed natural that, before the marriage, Kofo must have discussed, and agreed with her fiancé, what their matrimonial career would be. Which bride would not? Upon this premise, one can hardly overstress the part which Kofo might have played in winning her fiancé away from the turbulence of politics into the calm of the judicial service. To an enquiry directed at this question, Kofo replied with a smile and silence. What exactly she did, I think, will never be told, Verily, as Lord Vaisey put it:

"the privities of husband and wife are not to be known."

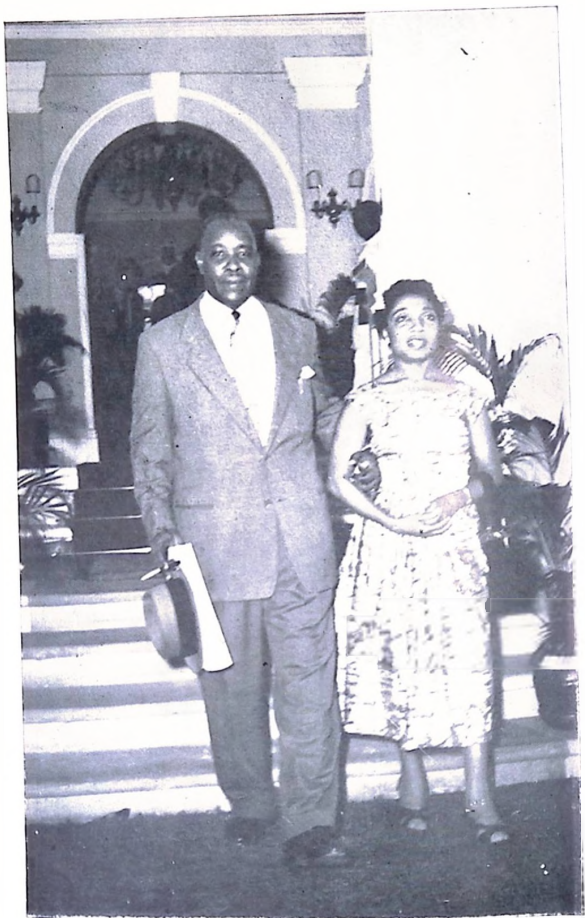
One fact stands beyond doubt—most brides play a decisive part in the pursuit of matrimonial careers. Whether it be by positive declaration of her preference, or by the feminine art of persuasion, to Kofo would historians assign some measure of influence in any interpretation of the events in 'Tokunbo's career from the time of his marriage.

Mary Gladstone was the unshaken pillar of her husband's chequered career. Emily sustained Palmerstone through the stormy days whilst he defied the Opposition and the Press. Beaconsfield, Russell, Rosebery, Balfour, and later, Baldwin—great careers in modern times behind whom was some force—a woman, companion, supporter, and friend. And, here, Kofo walks with her husband into the presence of history, sustained by the knowledge that danger shared is affection deepened.

Soon after the marriage, in 1939, she accompanied her husband to Warri. There are, even today, several persons born and bred in Lagos without ever travelling far in Nigeria. But for Kofo this is not so. In 1938 she travelled to many parts of Nigeria, but it was her first time of going to settle in a home away from Lagos. Her first familiar sight at Warri was the golf course, the river and



Kofc—wearing a brooch with the original symbol of Africa—the elephant & palmtree



*Sir Adetokunbo and Lady Ademola coming out of the Supreme Court
in Lagos after a ceremony.*



Kofo—in the centre—conversing with an official of the British Red Cross Society in London.

the blue sky; her only companion, 'Tokunbo. In a bungalow on the outskirts of Warri they lived for five years, during which period their first daughter—Ronke—was born. While at Warri, Kofo founded the Warri Literary Circle—a flourishing society of enthusiastic young people, whose activities comprised lectures, debates and play-reading. Twice during that period, the Literary Circle organised a public concert—a great novelty in Warri in those days. In 1944, the inception of the Government College in Warri provided Kofo with an opportunity to return to teaching. And, for two years, she was engaged in part-time teaching of English to boys ranging between ten and fifteen.

In 1946, Kofo returned with her husband on transfer to Lagos. She had been away from home all the long years. On arrival in Lagos, however, her insatiable thirst for educational work received expression in founding a Secondary Modern School in the Oriel Girls' School. About the same time, realising the fact that girls' education was still a long way behind that of the boys, particularly at Secondary level, a Committee of Lagos ladies decided to establish a Girls' School—the New Era College—and Kofo was invited to serve as the first Principal of the Institution—a position which she held for some years until, upon another transfer, she resigned her appointment and accompanied her husband to the Eastern Region.

From that time onwards, Kofo worked silently—travelling with her husband around the country—and here and there some literary work, some teaching, and social services.

In 1953 when she arrived in Ibadan, she was invited to undertake the Western Regional Directorship of the British Red Cross Society, which later became her principal social activity. Yet, she kept alive her interest in education. She served as Secretary of the Western Region Scholarship Board, and later became the Secretary of the Western Region Production Development Board Scholarship Committee—a post which she held until 1956. During her period of office about seven hundred Scholarships were awarded. She was the moving force behind the foundation of the Nigerian Council of Women's Societies. To these activities she added the chairmanship of the Ibadan Day Nursery Committee, and a lively enthusiasm in the work of the Young Women's Christian Association.

Since returning to Lagos, Kofo has increased her public and welfare duties by serving on the Advisory Committee of the Farmcraft Centre at Ikeja—an institution for the training of blind farmers. She is also a member of the Federal Scholarship Selection Board. In appreciation of her multifarious public duties, Kofo was awarded by Her Majesty the Queen, in 1959, the honour of being made a member of the distinguished Order of the British Empire.

But the story is not closed. In recent months, Kofo has been one of the key people behind the development of the Nigeria Council for Women Societies which organised a Seminar for African Women at the University College at which were represented Delegates from all the West African Territories. At this Seminar Kofo advocated the creation of a forum for Leadership training of



At a Social Party in London—left to right: Lady Oyinkun Abayomi, Kofa, Sir John Macpherson, formerly Governor-General of Nigeria, and Mrs. Remi Doherty—then a Liaison Officer in the Colonial office in London.



*Kofo and Tokunbo with their daughter Demi—admiring a flower
in the garden of their house.*



Ronke—the elder daughter of Sir Adetokunbo and Lady Ademola—talking to Sir John MacPherson at a Social Party. She is now in the University of Exeter studying Public Administration.

women throughout West Africa. She declared that the forum would recognise the dual responsibility of women as home makers and citizens.

Addressing the Seminar on "The need for African Women to plan the future", Kofo urged the delegates "to explore new concepts of leadership which would absorb the high sense of community responsibility inherent in African women".

To Kofo, the type of leadership contemplated must be realistic to both literate and illiterate African Women. "Politics should be practical, and practical politics should mean a lively interest in the affairs of our country and a contribution to the daily life of the "society in which we live".

President Franklin Roosevelt once complimented Lady Churchill by saying that:—

"Women, like good wine, improve with age." And, the same can faithfully be said of Kofo who, over the years, has worked out her own art of home life—of love, and succour, and support. Apart from house-keeping, and cookery, Kofo is fond of gardening. She likes theatres, classical music, and afternoon tea.

This account deserves prominence because it throws light on those intimate circumstances surrounding the career of a great man. Generally, a woman is an index of her husband's personality; and the Chinese even go further and say in a proverb, that to measure the quality of a man's heart, take a look at his wife. It is said that beauty and brains are two gifts which nature seldom bestow together; but, to Kofo, nature seems to have been generous in this context. One of the key aspects of this story is that 'Tokunbo married a woman of great charm and high educational standing. In her, Nigeria found a scholar, teacher, and welfare worker; and 'Tokunbo . . . a wife, mother, and home.

Chapter 8

AROUND THE COUNTRY

'Tokunbo was appointed a Magistrate in 1939. The appointment brought vociferous criticism in one particular section of the Press. It was contended that he had not at that time obtained the full requirements for a magisterial appointment, one of which was that the candidate should have had five years professional legal practice. Apparently, 'Tokunbo had not been "practising" law the whole of the time since he returned to Nigeria. Part of the time he spent in the Attorney General's Chambers, part on the Bench understudying Presiding Magistrates, part in the Administrative Service in what was then known as the Eastern Provinces, and part in private legal practice in Lagos.

Records show, however, that he was called to the Bar in June 1934, and that he had at that time acquired over four years post-call legal and administrative experience. It cannot, therefore, on the true representation of the facts, be held that he had only practised law during the period of private practice following his cadet administrative service.

Public opinion was alerted at the commencement of 'Tokunbo's judicial career—in itself a significant indication of coming events. Needless to say that for several reasons the appointment was made. Perhaps chief among these reasons was that the Government proposed to initiate an experiment of African Provincial Magistrate. And, as it happened, the hour produced the man.

'Tokunbo, now a Magistrate, was posted to Warri. It is relevant to recall that it was the first time that an African Magistrate was ever placed in charge of judicial duties in the Protectorate. Secondly, it was a time of great public excitement—the beginning of the Second World War. Thirdly, there was a lot of criminal actions in the Warri Judicial Division, during the war years. There were records of harbour theft cases, illicit customs activities, black marketing and other wartime rackets which marked the area out for firm action.

So, in effect, 'Tokunbo began with what was, to all appearances, a tough assignment. After the first year, and as war-time malpractices became rampant, he acquired more extensive protectorate powers. His judicial circuit was extended to include Kabba, Benin, Warri, and later Ondo Divisions. Those were the years of faith; of long weeks of touring; years of trial and error. For the first six years, 'Tokunbo served in Warri, which became the cradle of his judicial career.

In January 1946, he returned to Lagos and sat as a Magistrate at the St. Anna Court. Those who were privileged to serve under him at 'St. Anna,



Sir Adetokunbo and Lady Ademola being received by Oba Adele at a social function in Lagos.

After a Church Service in Ibadan — Sir Adetunbo in the centre—with Chief Rotimi Williams standing at the extreme right, next to the Rt. Rev. A. W. Horells — Bishop of Lagos.



testified to his sense of punctuality. The Court sat at nine in the morning—even if the Registrar and Orderly alone were present. Counsel and litigants at St. Anna in those days carried tales of the remarks from the Bench upon failure to appear when their cases were called. He remained at St. Anna for one short year when he had his first spell of acting as a Judge.

His assignment was, again, away from home; but this time he went to the Eastern Region. The place was Opobo—the year 1947. After a year, 'Tokunbo was appointed Acting Puisne Judge, simultaneously supervising the Aba Judicial Division. Those were times that tried men's souls—the days of the Leopard Murder cases—days which called for courage.

And when one comes to reflect upon the various assignments and events in the early years of 'Tokunbo's judicial career, it becomes crystal clear that he actually began it in the hard and touch way.

The desperate wartime smugglers and black marketers in the Creeks and water areas, combined with threats from anonymous supporters of the so-called Leopard Societies, would appear to demand a man of firm footing and granite courage.

Returning to Lagos in 1948, however, 'Tokunbo resumed sitting at St. Anna Magistrate Court. Soon afterwards, he was appointed, with two other law officers—the late Mr. Justice Charles Abbot and Mr. Manyo-Plange (formerly Crown Counsel in Ghana) but at that time a Senior Crown Counsel in Nigeria—to serve on a Committee for the revision of Supreme Court Legislation and Rules of Court.

On completion of the law revision, 'Tokunbo's next assignment took him back to Warri as Arbitrator in a long-standing dispute between the Government and the people on the question of rents payable on Government leases. At the close of the arbitration, however he began his second spell of acting as Puisne Judge. Early in 1949, 'Tokunbo sat as Judge in Warri, and from that time forward he did not return to the magisterial bench.

At this juncture, it is relevant to recall that Mr. S. Bankole Rhodes—a nominated member for the Rivers Division in Eastern Nigeria, in the course of a debate in the Legislative Council, had entered a strong plea for the selection of suitable Nigerian barristers for appointment as Judges. And that, in 1945, Rhodes himself became the first Nigerian to be appointed direct from the Bar to the Bench. The significance of this event was that it marked the advent of a succession of Nigerian Judges. It underlined the shape of things to come.

Meanwhile, in December, 1949, while in Warri, 'Tokunbo was appointed to serve on the Fitzgerald Commission, consisting of Sir William Fitzgerald (as Chairman), Mr. Justice S. O. Quashie-Idun and Mr. R. W. Williams. The Commission was set up under an Instrument dated December 3rd, 1949, to inquire into, and report on, the disorders in Nigeria at that time, with special reference to the labour troubles at Enugu Colliery, and the events that followed. Events leading to the shooting of people at Iva Valley, where several miners lost their lives.

The Commission flew to Enugu. To assist the appreciation of the evidence

tendered concerning the various events, the Commission paid a visit to what the Press described as the "blood bath of Iva Valley". After concluding the hearing of evidence, the Commission left Enugu and assembled again in London to prepare their report.

The Fitzgerald Commission, of which 'Tokunbo was a member, proved to be one of the most constructive ad hoc bodies in the history of Nigerian public administration. The recommendations made by the Commission formed the basis of present-day Nigerian Labour policy. Indeed, the establishment of a Ministry of Labour, of Conciliation Boards, of a National Reference Tribunal, and the reconstitution of the Whitley Council, remain today an enduring testimony of the arduous enquiry undertaken and of the proposals made by the Fitzgerald Commission.

On completion of the Fitzgerald Commission's Report, 'Tokunbo, accompanied by his wife, returned to the Eastern Region. He sat in Onitsha as Puisne Judge—acting for Mr. Justice Manson. Thereafter, he proceeded to Port Harcourt where he remained for two years.

Perhaps the most significant incident during his sojourn at Port Harcourt was the Kalabari and Okrika Dispute—a dispute on fishing rights which led to a wholesome massacre of over one hundred Okrika fishermen on the river at midnight. The facts of this incident and the attitude of the "Umpire" in the dispute, will be examined in detail in the next chapter; but its particular relevance here is that the Kalabari Fishing Massacre was one of the peculiar cases which unsheathed the inner personality of the man beneath the judicial service calm.

These were memoirs of 'Tokunbo's early days on the Bench—memories that linger in the galleries of the mind, and portray the genesis of a great career; memories which paint a picture of inexhaustible courage and will power, and which reassure us that, in this country, by the grace of God, by trial and error, and by perseverance over the years, we have produced an eminent man of which any nation would well be proud.

Chapter 9

REVELATION

'Tokunbo was appointed a Puisne Judge in 1949. He was 43—the youngest Puisne Judge in West Africa. Many people unconnected with the law may go through a lifetime without coming into contact with a Judge. It is no mean thing to be one of the Judges of Her Majesty's Court of Justice.

The English tradition tends to produce a certain measure of uniformity in the attributes of the Judges. It is a complex thing to analyse—yet there is something about English Judges which enables one to think about them almost as one does about the Cabinet—something suggestive of a body of men whose inclinations and purposes appear homogeneous. Generally, the English Judges were barristers of at least ten years standing. These men invariably began with a period in the University—usually Oxford or Cambridge—followed by call to the Bar; perhaps some politics, later they “took silk” (i.e. they became a King's or Queen's Counsel), and then the Bench. In recent times there was only one instance of a junior (late Mr. Justice Macardie) who became a Judge. This is why the English Judges refer to each other as “my learned brother”. For once, all were brethren of the ancient Order of the Sergeants-at-Law.

In West Africa, however, as indeed, in other Colonies, the tradition is some years of practice at the Bar; an appointment as a Magistrate or Crown Counsel, followed by elevation to the Bench.

In line with this hallowed tradition, 'Tokunbo, as we have seen, spent a period at Selwyn College in Cambridge, followed by call to the English Bar, and professional practice in Nigeria. He had a 'brief splash' in politics but got out of the water before it became chilly. And then the Bench—first as a Police Magistrate and later became a Judge. He did not take 'silk'. Indeed, until 1959 there was no 'Nigerian Silk'. There were, however, silk in the official Bar—the Attorneys-General and the Solicitors-General. The taking of Silk in Nigeria was a matter hotly contested and finally settled by legislation in November 1958. Chief F. R. A. Williams—formerly Minister of Justice and Attorney-General, Western Nigeria, and Chief H. O. Davies, became the first Queen's Counsel in Nigeria. Incidentally, Chief F. R. A. Williams is a product of Selwyn College.

It is said that in any portrait or profile of a person, the human figure is best shown by its true relation to the objects or scenes against which it is cast. Men are ennobled by the causes they serve. We admire philosophers, artists, poets and musicians by their works. Similarly, the best way to see a Judge is through

the events on the Bench. For, as Professor Laski said; "Events are more than mere incidents of time. There is a 'mind in events'. And as a man's mind is, so he judges things." Our object therefore, is revelation through the cases. To this end, let us wander, receptive, but without any fixed itinerary, through the more significant cases which Tokunbo heard, together with the views which he had expressed on those matters about which he had felt and spoken strongly, during his first six years on the higher Bench, i.e. during the period 1950 to 1956.

Here, we have to return to the early days at Port Harcourt and select for our purpose the sensational case:—

R. Vs. Seth John Otajinta & 20 Others (The massacre of the Okrika people), 1951 followed by the civil case

AMACHREE AND OTHERS

vs.

NEWINGTON (1952)

It is not proposed here to recapitulate in detail the facts of this case which were fully unfolded during the trial itself. The object is to discuss certain aspects of the case which were not in issue before the Court, but which nevertheless, must be present to the mind of the Judge.

Briefly, the Kalabaris have as their neighbouring tribe, the Okirikas with whom they had had disputes over fishing rights for several years. The report of a Commission of Enquiry into the dispute failed to placate the Kalabaris. The tension increased and finally led to a wholesome massacre of about one hundred and fifty Okrika fishermen at midnight at a great fishing centre known as Ochokorocho.

The defendant, Newington, an Administrative Officer, took steps at once to procure information and bring the culprits to justice. The plaintiffs, the Kalabari Chiefs, were summoned and asked to give the names of the Kalabari men who took part in the massacre. The Chiefs came but they gave no names. Thereupon, the Defendant detained them and guarded them with Policemen.

Eventually, one hundred Kalabaris were committed for trial on a capital charge. The first twenty men put up for trial, were at the end of three weeks trial acquitted and discharged. During the trial, visits were made in launches by the Judge, prosecuting and defence counsels together with the accused persons and witnesses, not only to the scene of the onslaught, but all over the dispersed areas including hamlets and fishing villages. This case held in awe practically every lawyer in the land, but after the 20 men had been discharged, the prosecution withdrew the case against the remaining eighty accused persons. Then the Kalabari Chiefs, who had been detained for failing to give information, filed one claim for £20,000 damages by several of them, in respect of false imprisonment on separate occasions, basing their procedure on the Supreme Court Rules for joinder of parties.

The Judge himself raised a technical point — whether there was necessarily a joint ground upon which the Plaintiffs could institute one suit. The point was keenly contested by counsel for the plaintiff but the Judge held that, in the

circumstances of the case, the plaintiffs could not bring one suit claiming damages generally in respect of damage suffered by each of them upon alleged false imprisonment. Thereupon, the writ filed was declared bad, and the plaintiffs were non-suited with costs to the Defendant.

The remarkable thing about this case which found voice in many newspapers at that time, was that the defendant did not deny any of the facts and allegations regarding the detention of the Chiefs. He pleaded that he considered that the circumstances justified the detention of the men on the different occasions. To the simple minds of the Kalabari villagers, it was uncustomary to restrain the liberty of Chiefs in their own domain — a travesty of traditional dignity. But, in the mind of the Judge would appear to be something else—something which is sometimes forgotten, namely, that Administrative Officers are not always bound by customs and traditions. What is customary or traditional in a given community need not be just or right: "We seek to do the right", said Lugard, "as we see the right... as God gives us to see the right."

Whether the defendant — Newington — was right or not was not argued before the Judge, who was content to leave the question open. He concentrated on the central issue of the validity of the writ, and on this alone, he gave the case a technical 'knock out'. It need hardly be said that had the case been argued on the pleadings, the arm of the Court was long enough to uphold the just and right actions of constituted authority. This was one of those decisions that make men marvel at the strange ways of the law. The duty of a Judge is not merely to do justice. It is to do justice according to Law:

Perhaps a more revealing picture of the Judge is to be seen in an eye-opening case which came before the High Court in 1956.

JOSHUA FOWOWE

vs.

H. H. AJIMOKO (HASTRUP)
(The Owa of Ilesha) (1956)

In that case, the plaintiff — one of the defendant's subjects — made a claim in respect of fees and monies paid by him for a chieftaincy title which was conferred on another contestant. The customary legality of the payment of the money having been established, the Judge held that after the selection of one contestant, the other contestants who failed will have the customary monies paid refunded to them. It seems fair enough both at law and in equity — that a citizen should, with perfect propriety, proceed to recover money paid upon total failure of consideration. But there was more to that judgment than that. It remained on the Record Book a silent and subtle reminder that native rulers, no less than the subjects, are under the law. Or, as Bracton would put it—"The Ruler is under God and the law".

Here, it is appropriate to recall the long line of cases in which 'Tokunbo' had expressed firm and frank views as to the customary rights and prerogative of Native Rulers and Local Authorities. The *locus classicus* of this issue was the case —

IBADAN DISTRICT COUNCIL vs.
ISHOLA MOSADOGUN and 4 others (1955)

This case involved a claim for declaration of title, possession and forfeiture under native law and custom in Ibadan. After a lengthy statement of his findings thereon, Ademola J., concluded--

"I regret to say that I am not satisfied, in native law and custom of Ibadan, that a lease is invalid because it has not received the approval of the Olubadan and Council (i.e., the Local Traditional Authority). If even I find it were so, I would not declare the lease void; nor would I agree that a subsequent lease, which has the benefit of the Olubadan as a consenting party, should override the first lease."

With these words, the Judge dismissed the plaintiff's claim in toto with costs.

That judgment represented more than a vindication of the acquired rights of private citizens. In legal circles, it was indeed a milestone in Ibadan land law. It went a long way in establishing that native administrations and local authorities are legal persons, and like human beings under the law, they cannot purport to give away anything which they do not possess. But for the decision in that case, and others like it, private family rights, powers, titles and interests in land in Ibadan would be virtually extinguished.

Like many a strict and severe Judge, however, it is in the realm of criminal cases that "Tokunbo sets about his job with the utmost determination. His criminal cases generated great public comment. Rarely can one find a Judge with firmer punitive attitude towards criminals. It is said that no Judge had dealt more strictly with the Police or expressed stronger views on the conduct of a case in the court below.

A case in point was— HOVART vs. POLICE
(1952)

In this case, after both sides had closed their respective cases, and made their final address, the Magistrate, on the day fixed for judgment, recalled the appellant (who had given evidence) and questioned him. And, then found him guilty. Hovart appealed against conviction.

The issue involved in this appeal was one which had sorely tried generations of lay justices, Magistrates and even Judges in England. Again and again, the question arises on appeal as to whether the trial court has any, and if so, what right to call evidence after the close of the defence.

Lord Goddard — formerly the Lord Chief Justice of England — delivering the judgment in *Rex vs. Owens* (1952) said:

"In any case, we think it right to lay down that once the summing up is concluded, no further evidence ought to be given. The jury can be instructed in reply to any question they may put on any matter on which evidence has been given, but no further evidence should be allowed."

In line with this legal authority, Hovart's appeal was allowed, and the judgment and sentence passed by the trial Magistrate were set aside. But the Judge had a word for the learned Magistrate:

"It was wrong on the part of the Magistrate"—he said "after the case had been closed and adjourned for judgment, to recall and question the appellant—apparently in order to clear up his doubts in the case: for that course deprived the appellant of the benefit of the doubt and was against the spirit of the law."

These are solemn words which conjure veneration in the minds of those who are associated with the law. They raise the fundamental principle enshrined in the English common law—the presumption of innocence and the practice flowing from it, that where there is a doubt in any criminal case, the accused is entitled to the benefit of it. For as the Fathers of the Criminal Law wrote: "It is better that ten criminals should escape punishment than that one innocent man should, without cause, be found guilty of offence".

Guided by these principles, the appeal was also allowed in—

Re — STANLEY BAZUAYE

ALLI ADEKUNLE and Two others (Appellants)

vs.

INSPECTOR-GENERAL OF POLICE (1955)

That was a case in which the appellant was charged with two others with stealing the sum of three hundred and twenty-five pounds. During the course of the trial, however, the learned Magistrate visited the *locus in quo* in the absence of the accused person. Except for the reference in the judgment of the Magistrate, there was nothing in the record of proceedings about this visit. The accused was convicted and sentenced to eighteen months imprisonment. The accused of course, appealed. On appeal — per Ademola J;

Held: "This is an irregularity which is so grave as to amount to a substantial miscarriage of Justice. When the court visits the locus, this forms part of the trial, and it is essential that the accused person should be present especially when the object of the visit is to see the opportunity open to the accused for committing the offence".

It is instructive to consider yet another case in which the accused was discharged with a mild rebuke to the Court below:

REGINA vs. DIYAOLU
(1955)

In that case, the accused was charged with stealing nearly two thousand pounds. The offence was alleged to have been committed at Ebute Metta in the Lagos Magisterial District, but the accused was apprehended at Abeokuta where he was charged and brought before the Magistrate in Abeokuta District who committed him for trial at the Assizes at Abeokuta.

On submission — the Judge held:

"The learned Magistrate in charge of Abeokuta Magisterial District had no jurisdiction to take the case, although he could have assumed jurisdiction, it being clear that the accused was apprehended at Abeokuta. But the learned Magistrate, it would appear, gave no consideration to the matter and there is no note that he considered the matter at all. It cannot be presumed that he did, and if he did at all, the ground upon which he assumed jurisdiction must appear on the face of the record."

With these corrective remarks, the accused was set happily free.

A man of discipline, decision, and action. With 'Tokunbo discipline, like charity, begins from home. And the variety of cases in which he had allowed appeals lodged against the Police in criminal cases show plainly that whenever there was any flaw either in the evidence of the Police, or in the procedure of the trial Court, he would not hesitate to set the accused person free.

Pondering on the catalogue of those cases in which appeals had been allowed and the accused persons set free, one gets the seeming impression of a sparing Judge, a fond father, who uses the stick only casually. But this is not so. When once the prosecution has done its duty and the guilt of the accused is established, one sees a totally different picture — the picture of a remorseless and unyielding Judge.

This characteristic severity was indeed noticeable right from his magisterial career. An illuminating issue in point was the Postal Order Case brought by the police against a former European Officer of the Censorship Department in 1947:—

COMMISSIONER OF POLICE

vs.

WALDO TRANCH FOX

Fox was charged with stealing seven 20/- Postal Orders out of a postal packet in the course of transmission by post — an offence punishable under section 390 of the Criminal Code. A really lengthy case. Mr. Reece (Crown Counsel) appeared for the prosecution. The accused was represented by Mr. Cameron — a most brilliant expatriate advocate.

The prosecution alleged that a Nigerian soldier in the Middle-East in 1944 sent through the post seven £1 Postal Orders to his wife in Kano. They never got to Kano. In March, 1945, Offiong, a clerk in the Censorship Department was prosecuted for stealing some articles which came to his hands by virtue of his employment. He was convicted and sentenced. Among the articles he stole were said to be the seven £1 Postal Orders.

The Court ordered, after sentence was passed on Offiong, that the stolen articles be returned to the Censorship Department by the Police. They were so returned by a Criminal Investigation Department Policeman and the accused — Fox — signed for them.

As the story goes, the soldier in the Middle East, it would appear, returned to Nigeria and continued to make exhaustive enquiries as to what happened to the seven Postal Orders which he sent to his wife at Kano. The Post Office sympathetically took up an enquiry and at long last seven unaddressed £1 Postal Orders issued from the Military Field in the Middle-East were forwarded to the Post Master General, Lagos. They had been cashed at Falmouth Post Office in England. They were found to be the Postal Orders the soldier sent by registered post to Kano. The signature on the payee column on each of the Postal Orders was suspected to be that of the accused — Fox — who by this time, had returned to Nigeria in a private capacity.

Eventually, Fox was arrested and brought before the Magistrate's Court. His counsel mustered a most ingenious defence — for which even the trial Magistrate expressed admiration in his summing up — but the Magistrate disbelieved the defence. The accused was found guilty. His counsel made solemn pleas in mitigation — the age of the accused, his position in society — a retired pensioner. It was to no avail — sentence — 18 months imprisonment with hard labour.

'Tokunbo's manner is tough and feared among criminals. No doubt, to many people he must have presented the appearance of a cold and hard Judge, when, in the sensational case — *R. vs. Esther Johnson* (1953)— he handed out capital punishment to a young woman who had been committed for the murder of her lover a European Railway Official, notwithstanding the great storm of public opinion. There was some feeling among the ordinary folk that Miss Johnson should not hang, and many people were comforted by the knowledge that, in the end, she was recommended to mercy.

Such were the events which provide the back-cloth to the climax of this story — events which linger in the mind, and which proclaim that in his role on the Bench, we have found in 'Tokunbo, to say the least, one of the most remarkable men the law has known in our time — a man who had done fearlessly what he sees as his duty in protecting public liberty and safety, caring little for what reputation it might have earned him. A man who guards the law and its independence with great vigour and undaunted courage. Here, we must end this chapter and see what happened in later years when 'Tokunbo assumed the leadership of a Regional judiciary.

Chapter 10

HIS FINEST HOUR

In 1953, 'Tokunbo arrived in Ibadan as Puisne Judge. By then, he was beginning to be something more than a Judge. Quite frankly, he became a propagandist — the foremost propagandist from the Bench against the regionalisation of the Judiciary. It is one of the lesser ironies of human nature that sometimes the things which we fear most are the things that bear our fortunes. Not infrequently, we are up against what is, in fact, our greatest interest.

As it happened, in August, 1953, 'Tokunbo submitted a memorandum to the Nigerian Government regarding his views on the role of the Judiciary in a self-governing Nigeria. In that memorandum he made a strenuous plea against the regionalisation of the Judiciary. For a long time after, he represented the forefront opposition from the Bench against the creation of a Regional Judiciary.

At that time, a Legislature and Executive had been created in each of the three Regions of Nigeria, and now to look at the argument critically, one wonders what sort of regime would have been created were the Courts to remain centralised in an age when the other two organs of the State had been decentralised. Apparently it has worked well in a Federation — the Union of South Africa. But public administration has not the axiomatic quality of mathematics. We cannot safely say that a system which worked well in South Africa would produce the same, or similar, results in another community. However, time vindicated those who held the view, in those days, that a decentralised Judiciary was a necessary and inevitable consequence of regionalisation. But there must be sympathy for those lawyers who held the contrary opinion. Law is traditionally conservative, and the opposers of a regionalised Judiciary sought to preserve the traditional ways of the Court even in an age saturated with constitutional experiments. In a democracy, however, the will of the Legislature prevails. Consequently the Federal House of Representatives approved the proposition that the Judiciary be regionalised. And so it was done.

The Western Region of Nigeria was the first to set up a Regional Judiciary. Under the Western Region High Court Law of 1955, a High Court was created for the Region under a Regional Chief Justice.

It seemed apparent that the post of the Regional Chief Justice would be filled by a Nigerian Judge — otherwise it would appear inconsistent with the spirit of self-government. Speculations ran wild — built largely around the few eligible Nigerian Puisne Judges — in particular those Judges who had at least fifteen years post-call standing. In the short run, 'Tokunbo was appointed



Sir Adetokunbo reverently following the Rt. Rev. A. B. Akinyele, in a Church procession at Ibadan. In the background is Sir John Rankine—former Governor of Western Nigeria, and Mr. N. G. Hay former Attorney-General, Western Nigeria.



Sir Adetokunbo in the centre—flanked on both sides by Puisne Judges of the High Court, Western Nigeria.

the Chief Justice of the Western Region. Although he was a Chief Justice of a Region, he did not abandon his views about a Regionalised Judiciary. It was perfectly plain that the preservation of a national and independent Judiciary was more precious to his mind.

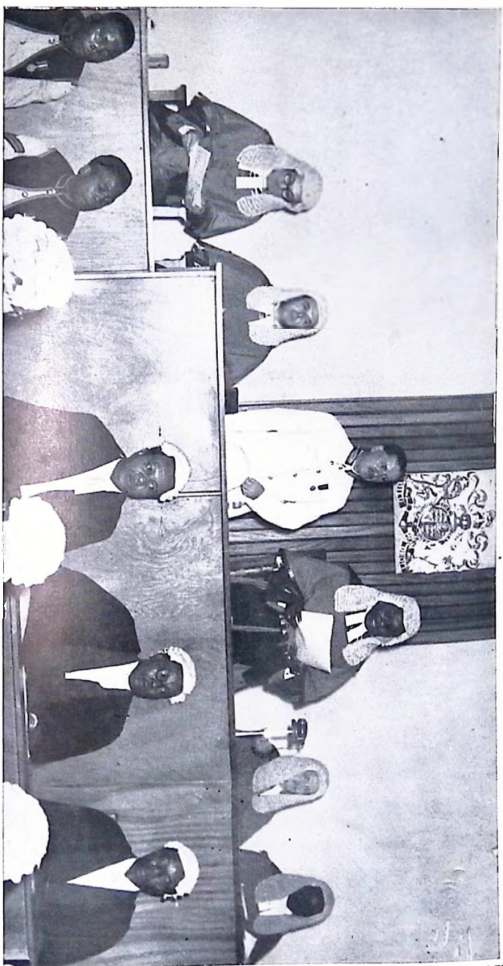
In such a situation as this, one sees the truth of the saying "there is a divine hand that shapes our ends, rough hued it though we will"; and, on reflection, it stands to 'Tokunbo's credit today that in his vigorous opposition to the creation of a Regional Judiciary, he was not acting insincerely in the hope of personal advantage. This is the only inference which can be drawn from the facts of that drama, because according to the normal behaviours of mankind, it seemed hardly likely that a person would set himself so relentlessly and with overspilling energy against a proposition which he knew or believed, even in the slightest degree, to contain a matter of personal benefit. After the usual formalities had been performed, however, 'Tokunbo assumed the duties of Chief Justice of Western Nigeria in April, 1955. In June 1955, the Western Region Judiciary was inaugurated.

History began inconspicuously enough on that day, and the domestic events in the Western Region were dominated by what was happening in the rest of the country. Here, it is relevant to recall that the political atmosphere in Nigeria in 1955 was in many ways remarkably different from the one we know today. It was a time of activity and transition, marked by very swift and far reaching changes. New forces, as yet hardly recognised, were beginning to stir in the nation. New ideas were fermenting — ideas of politics even in Native Administration; of party comradeship, of the Honourable Member of the Legislature and the Executive Minister of State — ideas which found expression in the supremacy of the Legislature and the authority of Cabinet government.

In that critical hour, 'Tokunbo took the helm of the Judicial organ of the Western Region. Enormous questions which had long remained bricked up at the back of his mind began to occupy half his waking hours. How can we preserve respect for the law? Should the Courts become subservient? What are the main features of an independent Judiciary? What exactly is the purpose of the Courts in a democratic society? These were some of the questions that set him thinking and acting in terms of earnest judicial reform.

Soon after his appointment, 'Tokunbo flung himself exultantly into the task of establishing the machinery of the law—a task in which he shared the profound devotion of a good and faithful officer — the late Mr. N. O. A. Morgan, his Chief Registrar. Probably, the most formative influence in the Western Judiciary in those days was Morgan, and with him 'Tokunbo transformed his avowed judicial principles into practice. In the years that followed, the Judiciary grew in size, potency and efficiency.

Having completed the organisation of the High Court, 'Tokunbo directed his mind to the reformation of the law. Far-reaching amendments were made especially in the provisions of the High Court Law and the Magistrate's Court Law. The Native and Customary Courts also came under the reformation. A Central Registry was created in Ibadan as the repository of all important



Sir Adekunle assumes the office of Chief Justice Western Nigeria. Standing beside him is Mr. T. M. Shaniland—former Deputy Governor Western Nigeria, and below them—in the centre—is the late Mr. N. O. A. Morgan Chief Registrar of the High Court.



Inspecting the Guard of Honour—Opening of Ibadan Assizes.

cases decided under the then existing Native Courts Ordinance — a practice which is now adopted in respect of the administration of the Customary Courts Law.

In the general scheme also was a proposition for the appointment of Touring Officer who would visit the archives of Divisional Offices for collecting valuable records of the old Native Court cases. But at the inner level of his mind remained a loftier purpose, namely, to ensure respect for the rule of law. And, deeper even than that lay that jealously guarded preserve of all Judges — the independence of the Judiciary.

On these two issues, 'Tokunbo admitted no compromise, and he seemed prepared to stand alone if the need arose. It is said, and even the late Harold Laski agreed, that in every age and clime, the temper of the Judiciary varies with the prevailing social and political circumstances. If we turn to English legal history, we will find records of battles fought by eminent Judges throughout the centuries — battles vigorously waged against actions which they regarded as a trespass on the law — battles which revive our veneration for such men as Gascoigne, who fearlessly committed Prince Hal for contempt, and Coke who uncompromisingly proclaimed that the King cannot alter the Law. That spirit is still with us today.

'Tokunbo too, fought his own battles. A man of strong individuality and independence of mind — he had perfectly clear views on the status and functions of the Chief Justice. Unlike Coke in his struggles against law by prerogative, 'Tokunbo did not have to contend with the divine right of rulers. But, for him, there were graver problems. Throughout the difficult days which followed the 1955 general elections in the Western Region, one voice was continually raised — staunch and unfaltering — in defence of justice, law and order. But it was a voice crying in the wilderness.

A time of intense political strife had come. Two big political groups divided the field between them. Party struggle grew. Factional strife worked its mischief publicly. And by many deeds of shame we learnt that the bonds of law, order, and good neighbourliness were snapping one by one. 'Tokunbo protested vainly against the alarming situation. So far, the Courts had remained neutral, but a conflict between politicians and the Courts now seemed unavoidable, and, indeed from time to time, it occurred in a modified form.

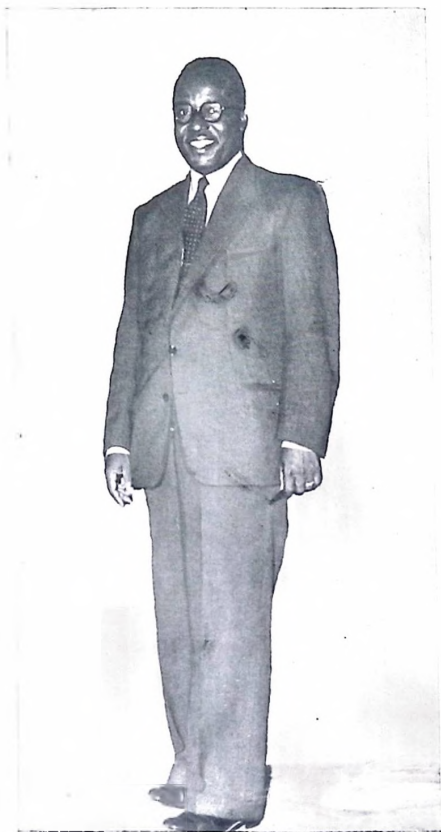
1956 brought a break in the clouds. Party strife was carried to the court. Certain politicians invaded the Court. And the Police sought redress for contempt. In the annals of the history of the Nigerian Judiciary, perhaps no event generated greater public feeling than the sensational case—

INSPECTOR OF POLICE

vs.

ADEGOKE ADELABU & L. ADE. BELLO.

A historic case, in which two Nigerian politicians stood repentantly before justice. The first — Adegoke Adelabu — was convicted of contempt of Court and sentenced to a term of two months imprisonment with hard labour. The second — L. Ade Bello — was convicted of common assault, and sentenced to



The late Mr. N. O. A. Morgan, Chief Registrar Western Nigeria, with his familiar cigarette holder. A good and faithful man.

a term of six months imprisonment with hard labour. The two men appealed against conviction. The Appeal was heard by Chief Justice Ademola.

It is not intended here to narrate the lengthy grounds of appeal, nor the legal arguments adduced by Mr. Dingle Foot, Q.C. — leading counsel for the appellants on that occasion. What is relevant to our purpose were the memorable remarks from the Bench in the course of the judgment on the appeal — remarks which were hard, blunt and drastic.

On that morning, bewigged and robed, 'Tokunbo entered the Court to deliver the judgment. The Court rose and in a few slow steps, he was in his seat. He leaned forward, his face looked calm and solemn. For thirty minutes he reviewed the grounds of appeal — then while the Court was motionless and anxiously awaiting his decision — he paused, and, raising his voice, he said these words:—

“It is bad manners and the worst form of irresponsibility on the part of a Minister of State to attempt, in any way, to bring a Court of Law into disrepute or try in any way to scandalise it, merely because the Judge of that Court holds a different political view to his. Although in my view, a system which permits a Judge of the Native Court to take active part in politics to the extent of remaining a member of the Regional Legislature, as borne out by evidence in this case, leaves very much to be desired.

“There is one aspect of this case I feel it is my duty to touch as it concerns administration of justice generally. The learned trial Magistrate made no comments about it in his judgment. I refer to the proceedings before the learned Magistrate and the conduct of the case before him. It appears to me that counsel for the appellants in the Court below overstepped the bounds of propriety in the conduct of the case. A witness for the defence, namely the Native Court Clerk, was led in his “evidence-in-chief to criticise unnecessarily and without restraint, the judicial acts of the Native Court Judge. It should be obvious to counsel that the witness box is hardly a place to criticise judicial functions of a Judge, from his own Registrar of Court at that.

“Ineptitudeness, bad manners, irresponsibility are all hidden under the cloak of politics; in this case, the defence sought to make the case an outcome of political differences. The evidence before the learned Magistrate does not, in my view, justify this. On the other hand, the evidence shows indiscretion, abuse of power, recklessness, and utter disregard of responsibility of office, particularly on the part of the first Appellant who happens to be a Minister of State.”

The remainder of the case will be omitted. Sufficient to say that with these remarks 'Tokunbo proceeded to establish the grounds upon which the appeal of the first appellant — Adelabu — was to be allowed. In the end, Adelabu's conviction and sentence were set aside. In respect of Ade Bello — the second Defendant — the appeal was dismissed. His appeal to the Federal Supreme Court was also dismissed. Adelabu left the Court with both hands triumphantly raised high above his head; he mounted a white horse, and followed by his political supporters, a victorious procession was led to his house.

For 'Tokunbo, however, it was more than an appeal against conviction for contempt — it was a supreme emergency — one of those events that shaped history. This deplorable deed had two good results. In the first place, it provided an opportunity for an interpretation of a difficult point of law, namely, when was a Native or Customary Court constituted according to law? In the second place, it was a unique occasion for an unequivocal declaration of the independence of the Judiciary.

Before a crowded Court, and in one long and solemn hour, 'Tokunbo pronounced those valiant words — which were uttered as a call and a spur to all Judges and other faithful servants of law and justice; words that will live for ever in our history as those of a man gifted with impregnable fortitude to defend his cause to the utmost — to the end. That, I think, was his finest hour.

Chapter 11

THE END OF THE BEGINNING

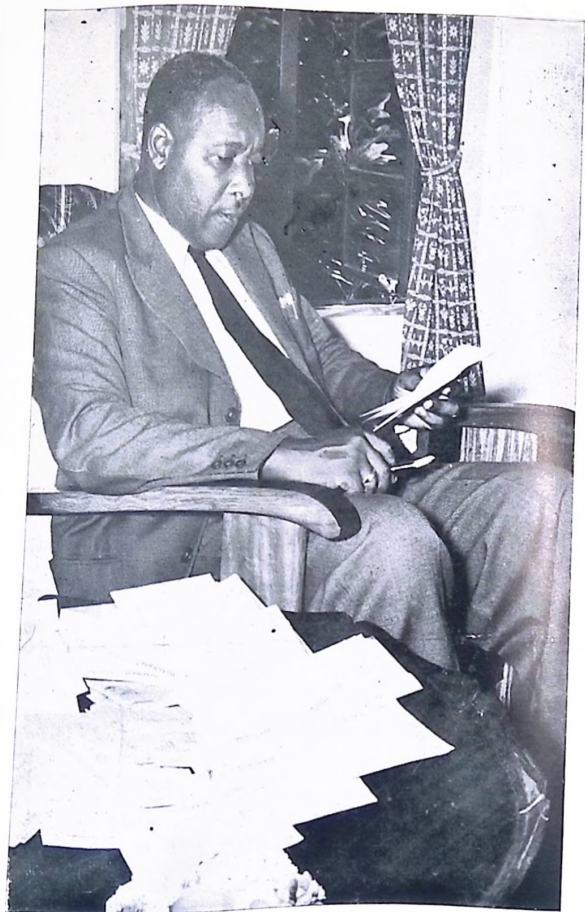
By 1956 'Tokunbo had established a reputation as a reformist — staunch and stern — determined to crush crime and to defend the eternal verities of liberty and justice. Following the turbulent political cases, the people of every sect and class realised that in him they could look for hope, and that in the law courts, at any rate, they would find a redress for their grievances.

Such was the tradition which 'Tokunbo established in the nineteen years since he joined the Judiciary. The dominant note of his career was continuity — representing, as he does, a link between the practice of the present and the traditions of the past. At the beginning, like every Judge in the realm, 'Tokunbo took the oath of office whereby he was sworn to do justice and right to all manner of people after the laws and customs of our country — without fear or favour, affection or ill-will. The acts which are expected of a judge in different ages and by different systems of law seem to fluctuate between two poles — 'fear or favour' — 'affection or ill-will'. In the pages of this book are some of the facts and events which might enable everyone to answer one question that must now be asked. Has 'Tokunbo performed his obligation? — the obligation to do justice and mercy which lay upon the conscience of every Judge.

In cases touching the welfare of the public, the liberty of the subject, and the rule of law, the obligation to do justice lay heavily on him. What evidence or record have we? When we turn to the pages of the judicial books, we find records such as the trial of people connected with the Oyo Riot (1953): the Court's ruling on the writ of Certiorari over the banishment of the son of the Alafin of Oyo (1955) — and the Okeho Cases. We find records of stormy days and dispute between the Native Rulers and their subjects which were resolved upon grounds of justice and good conscience — records of conflict between Local Authorities and private citizens which were determined without fear or favour. Also, we find record of political crimes and public offences which have been visited with the most deterring punishment.

The great historian of Criminal Law — Stephen — recommended that public offences should meet with severer punishment on the ground that the cohesion of society must at all costs be safeguarded. No one who is familiar with the Reports of Appeals in criminal cases heard in the High Court of the Western Region of Nigeria would dispute that, on this issue, 'Tokunbo shared the same view.

As the days passed eventfully away, 'Tokunbo's stock increased. His views were known. The judicial frontiers were defined. Judges of the land



Sir Adetokunbo—in his study—reading the congratulatory telegrams received on his appointment as the Chief Justice of the Federation.



Sir Adetokunbo with Lord Evershed—Master of the Rolls of the Court of Appeal in England.

grew in favour and respect. Outside the Courts, the storm of politics was blowing and the country was lashed with the fury of its gales, but in the Judiciary, there was peace. What heartened the country more than anything else at that time was the audacity and sober confidence with which 'Tokunbo stood firmly by his solemnly given pledges. About his devotion and service to the country in those turbulent days, the nation was of one mind.

1957 — the New Year's Honours List — in recognition of his services to his country and people, 'Tokunbo received from Her Majesty the Queen the honour of the most distinguished Order of the Knight Bachelor — an honour that was equally shared with his wife — Kofo — who became Lady Ademola. Thereafter, Tokunbo added to the burden of office an ever widening range of friendships and social interests, for which Lady Ademola's grace and poise were a real complement.

In the months that followed, 'Tokunbo was tirelessly on the alert — acting in all judicial interests with candour and thoroughness. Soon, a sudden situation faced the country. The Federal Chief Justice — at that time, Sir Stafford Foster Sutton — retired. This situation mustered the claims of all the great Judges in West Africa, renowned for their learning and experience in the responsibilities of the administration of the law. 'Tokunbo's name was on the list. There was great anxiety both in legal and judicial circles, but it endured only for a short while.

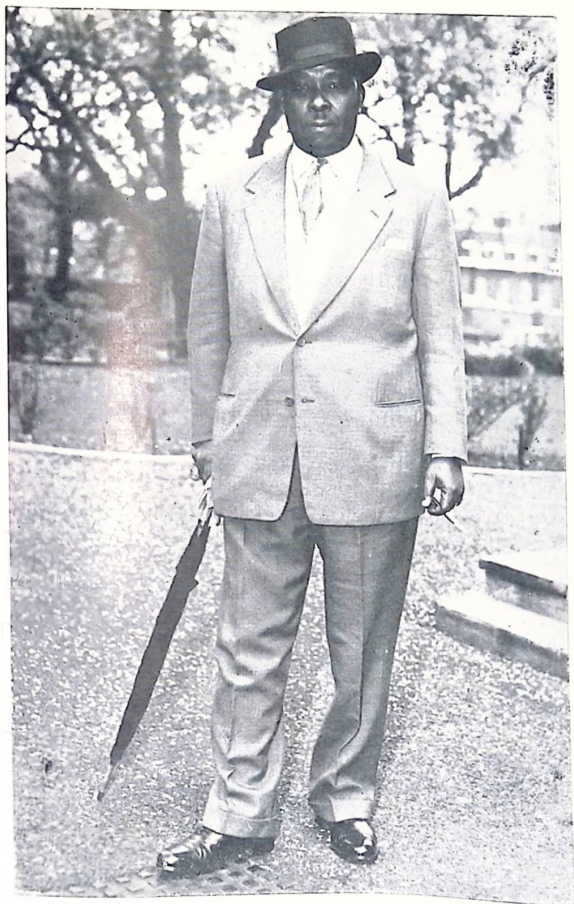
On April 1st 1958, the announcement appeared in the Press — Sir Adetokunbo Ademola had been appointed the Chief Justice of the Federation — the pinnacle of the country's judicial hierarchy. The hundreds of letters and telegrams of congratulation, the continuous telephone calls, the open tributes and comments and editorials in all the newspapers of the country — these things broadcast to the world that a popular appointment had been made.

Here we must end this story. The human story does not always unfold like a mathematical formula. What followed 'Tokunbo's arrival on the federal scene will one day be told. Here, we mark the end of the beginning — a fresh beginning on the federal plane.

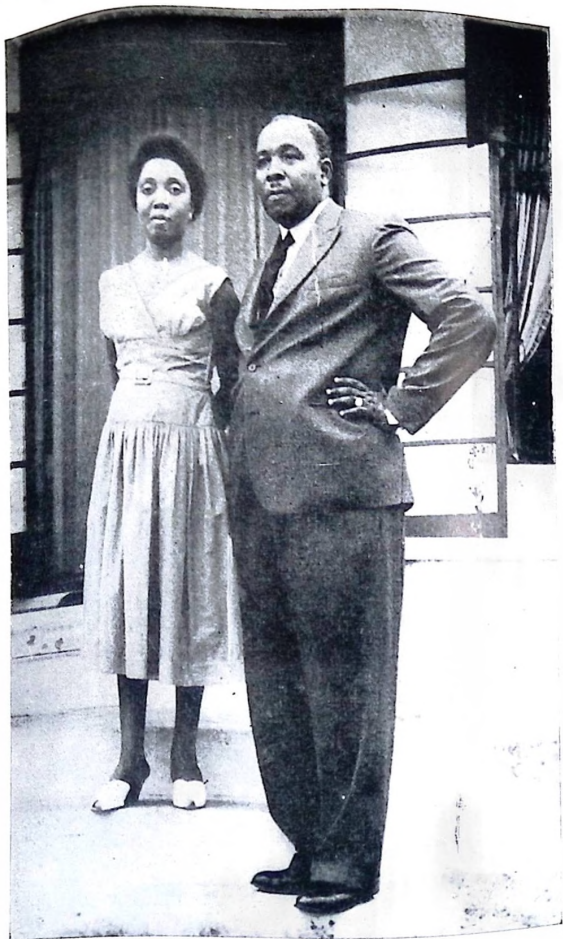
Here, again, he has set to work. His peculiar approach seems to be, first to rectify any defect in the machinery of justice, and then later to propose any modifications that may be necessary in the rules of law.

The Federal Supreme Court now travels to the headquarters of all the Regions and to the Southern Cameroons. The justice of appeal is brought to the people. It is not sufficient that appeals be heard. They must, so far as possible, be seen to be heard.

In January, 1959, the Governor-General of Nigeria presented a Mace to the Federal Supreme Court. This event coincided with the visit to Nigeria of Lord Evershed the Master of the Rolls of the Court of Appeal in England. And shortly afterwards, in April, 1959, 'Tokunbo was made an Honorary Bencher of his Inn—the Middle Temple.



Sir Adetokunbo — a Bencher of the Middle Temple—"as sober as a Judge."



Sir Adetokunbo with Lady Ademola in the grounds of their home in Lagos.

This is indeed a rare distinction and the first of its kind in West Africa.

To those who know 'Tokunbo only in his familiar role as a Judge, however, it is desired to add that there is still one myth to be discovered about him—his life at home. 'Tokunbo flourishes more easily in private than in public. Curiously, he is an unassertive person with a uniformly mild demeanour and ease of movement.

'Tokunbo could not correctly be described as an orator; but there is much else in his veins. He achieves emphasis without raising his voice. His generous and responsive nature, his witty humour, his pleasant presence and compulsive smile—these are the hidden splendours known only to those who are privileged to come into contact with him, away from the Bench.

We all know one man. There is another. A man of family love and affection, 'Tokunbo has three sons and two daughters. He has a keen sense of trusteeship and a great devotion to his family. For recreation, he plays golf. He retains a fondness for horse racing and, occasionally, he visits his Club—it might be the Island Club in Lagos or the Ibadan Recreation Club. But only occasionally.

Such is the story of Sir Adetokunbo Ademola—a story of fifty-four years that were crowded with events. How many ages hence shall this lofty story be told over? Here is one fresh figure of the first magnitude arising out of the needs of our time. His deeds, his hopes and his words will endure so long as there are courts in the land; they will be hallowed into heritage with the passing of the years, and when the account of this age comes to be written, the name of Sir Adetokunbo Ademola will find a secure place in history—the history of men who have well deserved of their country.



Sir Adetokunbo retains a fondness for horse racing—he is seen here with a horse and jockey.

Chapter 12

THE OUTLOOK

Every career is a human lesson. So, at the close of this story, it seems to me appropriate to underline some of the more important lessons that emerge from this career.

The first lesson, to my mind, is that parents should never compel a child to pursue the trade or profession of their own choice. A child is more likely to accomplish far greater success in that particular sphere of life or field of study for which he felt a natural inclination. Whether Sir Adetokunbo would have made the grade or served the country equally nobly in some other field is beyond our knowledge. As it happened, the Alake conceded his son's preference for law, and he has lived through the changing scenes and vicissitudes of life to see the happy morning when Sir Adetokunbo assumed the highest Bench in the realm.

The second lesson is the place of opportunity in human affairs:—

“Full many a gem of purest ray serene,
The dark unfarthomed caves of ocean bear
Full many a flower is born in blossom unseen
And waste their sweetness on the desert air.”

Perhaps Sir Adetokunbo might still be known to history without his nobility of birth or privilege of education. Perhaps not. He himself does not disclaim the solid background against which his life is set. Did not Sir Isaac Newton write?—

“If I had seen farther than other men, it is because I have been standing upon the shoulders of giants.”

What is noteworthy in this story is that opportunity is not self-executive. The individual must have it in him to catch the abstract and passing chances of life, and to convert them into the reality of success. Opportunity is like a tide in the affairs of men. It must be taken at the flood; only then does it lead to fortune. Ah! We are still the masters of our fate: We are still the captains of our life. The spirit of creation is in us yet — bards are we, prophets, poets, philosophers—if we will. Every one has his day, and some days come earlier than others. As Gamal Abdul Nasser said—

“Everyone of us is able in his own way to perform a miracle.”



The Two Knights — Father and Son. Sir Adetokunbo poses for a photograph with his father — Sir Ladapo Ademola, the President of the House of Chiefs, Western Nigeria.

Sir Adetokunbo and Sir Abubakar Tafawa Balewa — a handshake and smile of harmony between the Law and the State.



And perhaps the main merit and simple summary of this story is that Sir Adetokunbo had a fine opportunity and he made a splendid use of it.

The third lesson is the effect of continuity. There is a benediction in continuity. Sir Adetokunbo has an unequalled tenacity of purpose. He joined the Nigerian Judiciary at the age of thirty-three, and has remained there ever since. It is said that a rolling stone gathers no moss. This is a special lesson to people who are now between the ages of thirty and thirty-five.

The best years of our life—the period when modern sociologists suggest that we must seek to lay our bed and lie on it thereafter. Dr. Bronowski, who propounded the 'theory of the best years of our life' recognised occasional exception to the 30—35 years rule; but Sir Adetokunbo, like many other great men of our time, conformed to this rule. The thirty to thirty-five years, in the majority of mankind, are the golden years.

The fourth lesson is the place of foresight in human life. Indeed the Alake had foresight. At a time when there were few lawyers in the country, he agreed that his son should seek his future in the administration of law, notwithstanding the comparatively low income which that situation then involved.

Dr. L. Hill—a Lecturer in Public Administration in the University of Exeter—once told me:

"From games to government, foresight is the most important factor of all."

"What is the most decisive thing in modern life?", asked Bismark—"pre-science"; the ability to look ahead intuitively and clearly, and to act accordingly. 'Tokunbo displayed great intuition not only in choosing a judicial service career, but also in his early resignation from politics.

The fifth lesson is the danger of complacency. Whatever may be the artificialities of modern life, we still live to a great extent with nature, and in the state of nature nothing is stagnant. Whatever does not progress, regresses. Sir Adetokunbo is never complacent—no matter how bright the sky may be. Any one who thinks otherwise really does not know him.

Finally, Sir Adetokunbo is a man of faith—faith in himself, faith in his cause, faith in his friends; and above all—for this holds all other faiths together—faith in God. In several ways, at home and abroad, in church, at Buckfast monastery, he displayed great reverence for the Christian faith. This aspect of his life is a thing perhaps generally unseen but not unknown. In this way had he kept near the throne of grace and the centre power and repose.

As I write the closing chapter of this book, the hour of the evening strikes five. Outside the room—in Lincoln's Inn Fields,—the shadows lengthen; the evening comes. Soon another day will be gone, and somewhere beyond the seas and far away the people of Nigeria would have drawn one day nearer that memorable event in the life of a nation—Independence Day. On that glorious morning all those who take part in the Government of the people will re-dedicate themselves to the service of the nation—for loved ones, for home and happiness and prosperity—for fundamental human rights and personal



Sir Adetokunbo — a mood of relaxation.

freedoms, for the sacred cause of liberty and justice.

In particular, the courts of the land will be re-dedicated to the rule of law. For in no country in the world do the courts and the judicial office stand in higher popular regard than in Nigeria. "Ours is a government of law and not of men"—declared Sir Adetokunbo on the presentation to him of the mace of office. A government in which the law holds supreme. A government in which the ruler and the ruled are under the law.

And here, perhaps, lies the claims of our generation to the essentials of statehood. Here lies the foundation of our social order which reaches out into the remotest corners of the country, and which affects the small affairs of the poor and peasant, as well as the great affairs of the rich and noble.

For, in a democratic society, the Courts are more than places where disputes are determined and rights established. They are—in the words of Ellesmere—"the refuge of the poor and afflicted; the sanctuary for such as against the might and the countenance of great men cannot maintain the goodness of their cause and the truth of their title.

In the realm of the courts are to be found the remedies open to every subject for the breach of their rights and freedoms—remedies by way of the orders of mandamus, prohibition, and certiorari, and of the writ of habeas corpus.

These are the great things that are subsumed in the leadership of the judiciary—the things for which Sir Adetokunbo laboured, in which he believed, and by which he will abide to the end. And so we give him pride of place; because a good work has been done. A good work is an offering unto God.

THE END



