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(L.S.)  
W. EGERTON.

No. III.

1908.



Colony of Southern Nigeria.

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IN THE EIGHTH YEAR OF THE REIGN OF  
HIS MAJESTY KING EDWARD, VII.

SIR WALTER EGERTON, K.C.M.G.,  
*Governor.*

An Ordinance to provide for the consolidation Title.  
and amendment of the Statute Laws in force  
in the Colony and Protectorate.

[30TH JANUARY, 1908.] Date.

WHEREAS by Letters Patent passed under the Preamble.  
Great Seal of the United Kingdom bearing date at  
Westminster the 28th day of February, 1906, it was  
declared that the Colony of Lagos should from the date  
of the coming into operation of the said Letters Patent  
be known as the Colony of Southern Nigeria ;

AND WHEREAS the said Letters Patent came into operation on the 1st day of May, 1906;

AND WHEREAS by an Order of the King's Most Excellent Majesty in Council bearing date the 16th day of February, 1906 it was ordered among other things that the territories therein described and declared to be within the limits of the said Order should be known and described as the Protectorate of Southern Nigeria;

AND WHEREAS the said Order commenced and came into operation on the first day of May, 1906;

AND WHEREAS it was further provided by the said Order that all Laws, Ordinances, Proclamations, Bye-Laws and Regulations of whatsoever nature in force at the date of the commencement of the said Order within the said territories or any of them should continue in force until repealed or revoked by or pursuant to any law or ordinance passed by the Legislative Council of the Colony of Southern Nigeria;

AND WHEREAS it is expedient to provide for the amendment and consolidation of the Statute Law in force within the Colony and Protectorate;

Enactment.

BE IT THEREFORE ENACTED by the Governor of the Colony of Southern Nigeria with the advice and consent of the Legislative Council thereof as follows:—

Short Title and commencement.

1. This Ordinance may be cited as "The Statute Laws Revision Ordinance, 1908" and shall commence and come into force on such date as the Governor may appoint by proclamation to be published in the Gazette

Repeal of existing enactments.

2. All Ordinances and Proclamations, and all Orders, Rules, Regulations and Bye-Laws made under or by virtue thereof, in force in the Colony and Protectorate on the 31st day of October, 1907, are hereby repealed and revoked save as is expressly provided in the First Schedule hereto and the provisions contained therein are hereby substituted by the provisions therefor, subject to the amendments, additions and repeals set forth in the Second Schedule hereto.

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Provided that nothing herein contained shall be construed to affect in any way the validity of any act done or of any right or liability acquired or incurred under or by virtue of the Ordinances, Proclamations, Orders, Rules, Regulations and Bye-Laws hereby repealed and revoked or any of them.

Saving for validity of acts done under repealed enactments.

3. Each of the chapters of the First Schedule hereto shall be numbered and construed as though it were a separate Ordinance, and may be cited as such by the title therein set forth and provided, and the application thereof shall be limited as therein provided, and the said chapters and each of them shall take effect as from the date of the commencement of this Ordinance in all respects as though each of them were enacted as an Ordinance in the manner provided by the Letters Patent and Order of His Majesty in Council hereinbefore recited.

Chapters of First Schedule to be construed as separate Ordinances.

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## THE FIRST SCHEDULE.

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## THE SECOND SCHEDULE.

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The First Schedule is hereby amended as follows :

1. Chapter 3, entitled The Supreme Court Ordinance, is amended (a) by adding after section 119 the following:—

120 (i) All persons appointed to any office under the provisions of the Supreme Court Ordinance 1876 or The Supreme Court Proclamation 1900, or any Ordinance or Proclamation amending the same or either of them, shall be deemed to have been appointed under this Ordinance and shall continue to hold Office accordingly.

(ii) All proceedings pending in the Supreme Court of the Colony or in the Supreme Court of the Protectorate as constituted prior to the commencement of this Ordinance shall be continued in all respects as though they had been commenced in the Supreme Court as constituted by this Ordinance, and the Court shall have power to carry into effect, modify or reverse all judgments, orders and decrees of the said first mentioned Courts or either of them, whether final or interlocutory, in all causes and matters pending in the said first mentioned Courts or either of them in the same manner in all respects as though the said causes and matters had been commenced in the Court as hereby constituted.

and (b) by adding to the first second of the Fifth Schedule the following:—

Oyo, The third Monday in February, May, August and November.

2. Chapter 14, entitled The Criminal Procedure Ordinance, is amended by omitting section 155a which is hereby repealed.

3. Chapter 33, entitled The West African Frontier Force Ordinance, is amended (a) as to section 21 by inserting after the word "and" in the last line but one thereof the words "every groom and grass-cutter;"

and (b) as to section 23 by omitting the words "artillery and maxim gun carriers" in the fifth line thereof, which words are hereby repealed.

4. Chapter 38, entitled The Customs Ordinance, is hereby repealed.

5. Chapter 39, entitled The Customs Tariff Ordinance, is amended (a) as to the First Schedule by omitting items 16 and 17, which items are hereby repealed and (b) as to the Second Schedule by adding the following :—

44. Sugar,
45. Flour,
46. Bread,
47. Biscuits,
48. Beef,
49. Pork,
50. Fish,
51. Provisions,
52. Rice,
53. Tea,

6. Chapter 88, entitled The Race Course Management Ordinance, is amended as to Section 2 thereof by inserting after the word "land" in the fourteenth line the words "but without diminishing the area thereof."

7. Chapter 116, entitled The Railway Ordinance, is amended as to Section 9 thereof by inserting at the end of sub-section (1) the following :—

- (iii) The charges to be paid by persons travelling on any railway constructed under this Ordinance and for the carriage of animals, produce and other goods on such railway shall in no case exceed the charges in force at the date of the commencement of this Ordinance except by

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order of the Governor made with the approval signified by resolution of the Legislative Council.

Passed in the Legislative Council this 30th day of January, in the year of our Lord, one thousand nine hundred and eight.

*(Reprinted.)*



(L.S.)

W. EGERTON.

No. IV.

1908.



## Colony of Southern Nigeria.

IN THE EIGHTH YEAR OF THE REIGN OF  
HIS MAJESTY KING EDWARD VII.

SIR WALTER EGERTON, K.C.M.G.,  
*Governor.*

An Ordinance to make provision for the enforce- Title.  
ment in the Colony of Judgments of Courts  
of other British Possessions and for the  
enforcement in other British Possessions of  
Judgments of the Supreme Court of the  
Colony of Southern Nigeria.

[4TH FEBRUARY, 1908.] Date.

BE IT ENACTED by the Governor of the  
Colony of Southern Nigeria with the advice and con- Enactment.  
sent of the Legislative Council thereof, as follows:—

Short Title  
and com-  
mencement.

1. This Ordinance may be cited as "The Foreign Judgments Extension Ordinance, 1908" and shall commence and come into operation on the same day as the Statute Laws Revision Ordinance, 1908.

Decrees of  
certain  
Courts may  
be transferred  
to Supreme  
Court for  
execution.

2. Where a decree or Judgment has been obtained or entered up in the Supreme Court of the Gambia, the Supreme or Circuit Court of Sierra Leone, the Supreme Court of the Gold Coast Colony, or the Supreme Court of Northern Nigeria, for any debt, damages or costs, and it is desired that such decree or judgment shall be executed in the Colony upon the person or property of the person liable thereunder, such decree may upon the request of the Court wherein the same has been obtained or entered up be transferred to the Supreme Court of the Colony for execution.

Procedure  
to obtain  
transfer.

3. (1) The request for the transfer to the Supreme Court of the Colony of any such decree or judgment as aforesaid shall be signed by the Judge or other Officer presiding over the Court where the decree or judgment was originally obtained or entered up, and shall be addressed to the Chief Justice at Lagos.

(2) Every such request shall be accompanied by a copy of the decree or judgment sought to be transferred, certified as correct by the Judge or other Officer issuing the request, or authenticated by the Seal of the Court pronouncing the decree or judgment and shall contain a statement of the amount sought to be recovered in the Colony under such decree or judgment and the date of the decree or judgment and setting forth that the decree or judgment was not obtained by default in the absence, other than wilful, of the defendant from the jurisdiction of the Court pronouncing the same.

(3) The fee for a transfer of a decree or judgment under this Ordinance shall be ten shillings.

(4) The Chief Justice shall, if the request is in order and the fee has been paid, sign an indorsement on the copy of the decree or judgment in the following form, viz. :—

"Transferred this                      day of                      19  
to the Supreme Court of the Colony of Southern

Nigeria for execution, pursuant to the Foreign Judgments Extension Ordinance, 1908, to be executed in the Province.

*Chief Justice."*

And on such indorsement being signed, the decree or judgment shall be deemed to be duly transferred to the Supreme Court of the Colony for execution by the Divisional Court of such Province, and the copy of the decree or judgment so indorsed shall be sent to such Divisional Court and such decree or judgment and indorsement thereon shall be recorded in the Minute Book of such Court.

4. Every such decree or judgment transferred under the provisions of this Ordinance shall be enforced and shall be subject to the same conditions as if it were a decree or judgment obtained in the Divisional Court of the Province mentioned in the indorsement. The costs of the transfer of such decree or judgment shall be recoverable in like manner as if the same formed part of the original decree or judgment.

Provisions of Supreme Court Ordinance to apply to transferred decrees.

5. The Governor may, by proclamation to be published in the Gazette extend the provisions of this Ordinance to decrees or judgments obtained or entered up in the Supreme Court of any other British Colony, Protectorate, Dependency or Possession.

Power of Governor to extend provisions of Ordinance.

6. When any British Colony, Protectorate, Dependency or Possession has made provision for the execution within its territories of the judgments and decrees of the Supreme Court of this Colony, any judgment or decree obtained in the Supreme Court may be transferred for execution in such other British Colony, Protectorate, Dependency or Possession in accordance with the law there in force.

Judgments of Supreme Court may be transferred for Execution in another Colony, &c.

7. This Ordinance shall apply to decrees and judgments obtained or entered up prior to the commencement of the Ordinance as well as subsequent thereto.

Application of Ordinance.

8. The provisions of the Supreme Court Ordinance as to the making of rules, shall be deemed to extend to the making, altering, or revoking of rules

Rules.

for the purpose of carrying out the provisions of this Ordinance.

Definition.

9. In this Ordinance, unless the context otherwise implies, Colony includes Protectorate.

Passed in the Legislative Council this 4th day of February, in the year of our Lord, one thousand nine hundred and eight.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

SIMON I. DE SOUZA,

*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctiy and faithfully printed copy of the Bill as passed by the Legislative Council.

C. E. DALE,

*Acting Colonial Secretary.*

E. A. SPEED,

*Attorney-General.*

Assented to in His Majesty's name this 4th day of February, 1908.

W. EGERTON,

*Governor.*

(L.S.)

W. EGERTON.

No. VII.

1908.



## Colony of Southern Nigeria.

IN THE EIGHTH YEAR OF THE REIGN OF  
HIS MAJESTY KING EDWARD VII.

SIR WALTER EGERTON, K.C.M.G.,  
*Governor.*

An Ordinance for raising the sum of Title.  
£3,000,000.

[5TH MARCH, 1908,] Date.

WHEREAS it is expedient to raise by loan a sum not exceeding £3,000,000 for the purpose of defraying the cost of certain public works and undertakings;

BE IT THEREFORE ENACTED by the Governor of the Colony of Southern Nigeria with the advice and consent of the Legislative Council thereof as follows:— Enactment.

1. This Ordinance may be cited as the Loan Short Title.  
Ordinance, 1908.

Authority to issue stock or debentures to amount of £3,000,000, and cost of issue.

2. The Governor is hereby authorized to issue Stock or Debentures or both under the provisions of the General Loan and Inscribed Stock Ordinance, to an amount sufficient to produce as nearly as may be the sum of £3,000,000 sterling and such further sum as may be necessary to defray the expenses of issue, the said sum of £3,000,000 to be appropriated and applied to the purposes specified in the Schedule hereto.

Contribution Sinking Fund.

3. Contribution to Sinking Fund as contemplated by the provisions of sections 11 and 24 of the Ordinance above referred to shall commence three years from the date of the first issue of Debentures or Stock under this Ordinance.

### THE SCHEDULE.

<i>Mileage.</i>	<i>Works.</i>	<i>Amount.</i>
		£
62½	Railway, Oshogbo to Ilorin (Completion) ...	173,426
56	Railway, Ilorin to Jebba ... ..	402,053
	Railway Ferry at Jebba ... ..	30,000
153	Jebba to junction with Baro-Kano line about 30 miles beyond Zungeru (pioneer type) ...	586,845
	Rolling stock for Jebba Zungeru section ...	50,000
	Extension of Railway Wharf at Iddo ... ..	23,000
	Open Line { Additional Rolling Stock ... ..	90,000
	{ Additional Workshops, Sheds, &c., at Ebute Metta ... ..	40,000
	Improvement of Ibadan-Iddo section and other Railway Extensions ... ..	174,676
400	Railway from Baro to Kano (pioneer type) (a) ...	1,200,000
	Dredgers and Barges, &c., for improving Niger Navigation (a) ... ..	30,000
671½	Lagos Harbour Works ... ..	200,000
	Total ... ..	£ 3,000,000

(a) These two items are being carried out by the Northern Nigeria Government.

Passed in the Legislative Council this 5th day of March, in the year of our Lord, one thousand nine hundred and eight.

*(Reprinted.)*



(L.S.)

W. EGERTON.

No. VIII.

1908.



## Colony of Southern Nigeria.

IN THE EIGHTH YEAR OF THE REIGN OF  
HIS MAJESTY KING EDWARD VII.

SIR WALTER EGERTON, K.C.M.G.,

*Governor.*

An Ordinance to make Provision for borrowing <sup>Title.</sup>  
the sum of £2,000,000 from the Imperial  
Treasury and for the raising, appropriating  
and applying the loan and for the due repay-  
ment of the same, as provided by the Public  
Works Loans Act, 1907.

[5TH MARCH, 1908.] <sup>Date.</sup>

BE IT ENACTED by the Governor of the Colony <sup>Enactment.</sup>  
of Southern Nigeria with the advice and consent of the  
Legislative Council thereof as follows:—

1. This Ordinance may be cited as the Imperial <sup>Short Title.</sup>  
Loan Ordinance, 1908.
2. In this Ordinance, unless the context otherwise <sup>Interpretation.</sup>  
requires;

The expression "Treasury" means the Commissioners of His Majesty's Treasury :

The expression "Crown Agents" means the person or persons for the time being acting as Crown Agents for the Colonies in England.

Governor may borrow £2,000,000.

3. The Governor may borrow from the Treasury a sum not exceeding two million pounds bearing interest at the rate for the time being applicable to loans made out of the Local Loans Fund on the security of local rates in England, and repayable within such period (not exceeding fifty years from the date of the advance) as the Treasury and the Secretary of State determine, and either by means of equal instalments of principal or by means of an annuity of principal and interest combined as may be similarly determined.

Appropriation.

4. The money to be borrowed under this Ordinance shall be appropriated and applied to the purposes of constructing and improving railway and other communication in Southern and Northern Nigeria and to no other purpose.

Charge on general revenue.

5. The principal money to be borrowed under this Ordinance and the interest thereon are hereby charged upon and shall be payable out of the general revenue and assets of the Government of Southern Nigeria with priority over any charges thereon not existing at the date of the passing of this Ordinance.

Mode of providing for payment.

6. The Governor shall in each year remit to the Crown Agents out of the general revenues of the Colony the amount of the aforesaid annuity and shall make this remittance on such date as will enable the Crown Agents to pay over the amount to the Treasury on the date on which it falls due.

Rate of interest.

7. In the event of any such payment not being made at the date on which it falls due, interest on such payment shall be charged and payable at such rate as the Treasury fix.

Crown Agents may give receipt.

8. The Crown Agents are hereby authorized to receive the money so borrowed from the Treasury and to give such an acknowledgment on behalf of the Govern-

ment of Southern Nigeria for the same as the Treasury may require and as may not be inconsistent with the terms of this Ordinance.

9. It shall be lawful for the Governor or for the Crown Agents on his behalf, with the consent of the Treasury at any time hereafter to repay to the Treasury the amount then outstanding of any loan under the provisions of this Ordinance on giving such notice of the intention to do so as may be agreed with the Treasury.

*Repayment.*

Passed in the Legislative Council this 5th day of March, in the year of our Lord, one thousand nine hundred and eight.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

SIMON I. DE SOUZA,

*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

C. E. DALE,

*Acting Colonial Secretary.*

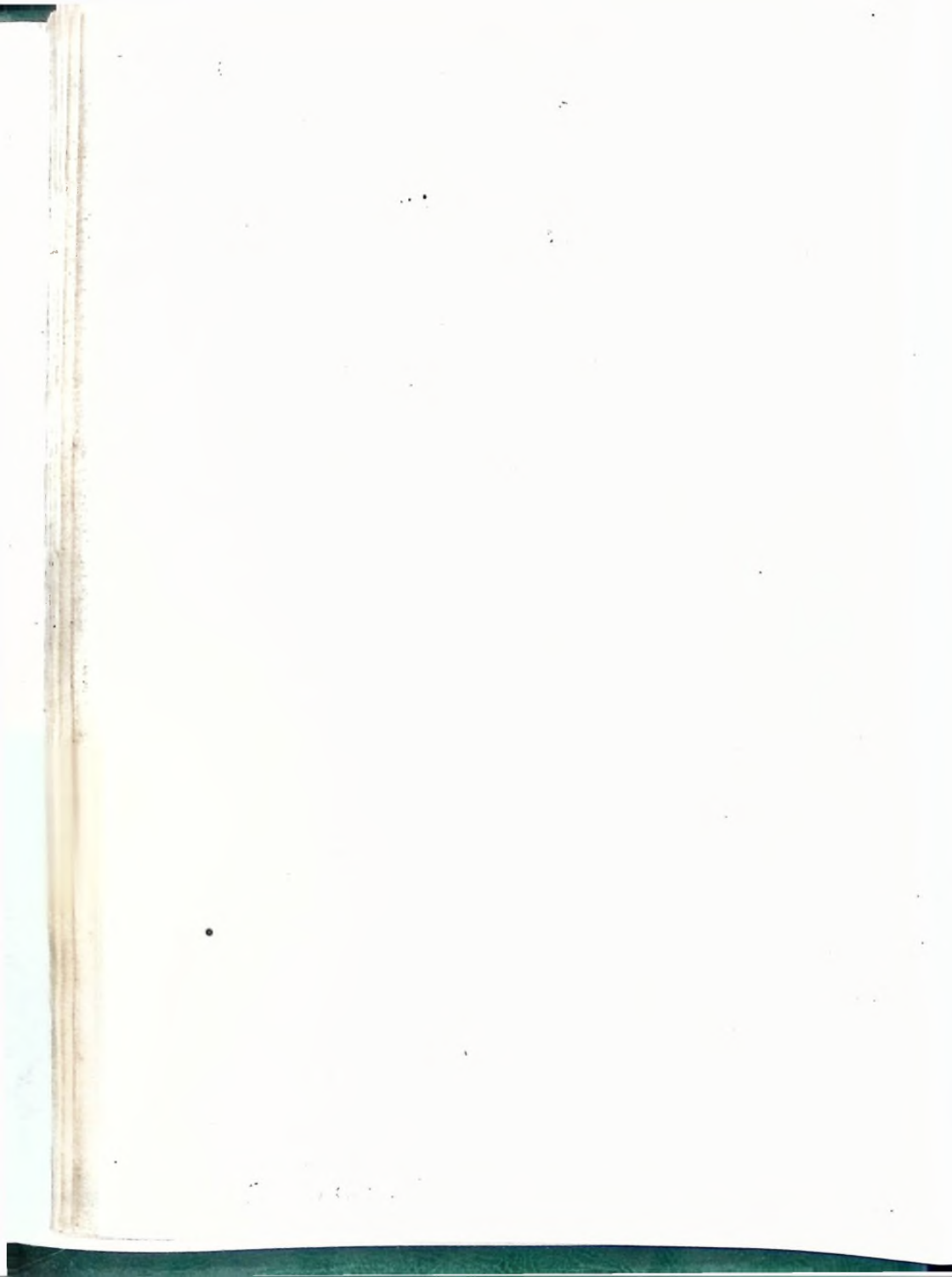
E. A. SPEED,

*Attorney-General.*

Assented to in His Majesty's name this 5th day of March, 1908.

W. EGERTON,

*Governor.*



(L.S.)

W. EGERTON.

No. IX.

1908.



Colony of Southern Nigeria.

IN THE EIGHTH YEAR OF THE REIGN OF  
HIS MAJESTY KING EDWARD VII.

SIR WALTER EGERTON, K.C.M.G.,  
*Governor.*

An Ordinance to provide for the appointment of a <sup>Title.</sup>  
Government Printer for the purposes of the  
Evidence (Colonial Statutes) Act, 1907.

[5TH MARCH, 1908.] <sup>Date.</sup>

Whereas by an Act of the Imperial Parliament <sup>Preamble.</sup>  
entitled the Evidence (Colonial Statutes) Act, 1907, it is  
provided among other things that copies of Ordinances  
passed by the Legislature of any British possession if  
purporting to be printed by the Government Printer shall  
be received in evidence by all Courts of Justice in the  
United Kingdom as therein provided;

And whereas the First Schedule to the Statute Laws  
Revision Ordinance, 1908, has been printed and published

in two volumes by the firm of Stevens & Sons, Limited, of Chancery Lane in the City of London, under the title of the Laws of the Colony of Southern Nigeria, 1908;

Enactment.

BE IT THEREFORE ENACTED by the Governor of the Colony of Southern Nigeria, by and with the advice and consent of the Legislative Council thereof as follows:--

Short Title.

1. This Ordinance may be cited as the Evidence (Colonial Statutes) Ordinance, 1908.

Schedule of Statute Laws Revision Ordinance to be deemed to have been printed by Government Printer.

2. The said Schedule to the Statute Laws Revision Ordinance 1908, published as aforesaid, shall be deemed to have been and to be printed by the Government Printer of the Colony, and the said firm of Stevens & Sons, Limited, of Chancery Lane in the city of London, shall be deemed to have been duly appointed Government Printer of the said Schedule within the meaning of the Evidence (Colonial Statutes) Act, 1907.

Passed in the Legislative Council this 5th day of March, in the year of our Lord one thousand nine hundred and eight.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

SIMON I. DE SOUZA,

*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

C. E. DALE,

*Acting Colonial Secretary.*

E. A. SPEED

*Attorney-General.*

Assented to in His Majesty's name this 5th day of March, 1908.

W. EGERTON,

*Governor.*

(L.S.)

W. EGERTON.

No. X.

1908.



Colony of Southern Nigeria.

[ ] IN THE EIGHTH YEAR OF THE REIGN OF  
HIS MAJESTY KING EDWARD VII.

SIR WALTER EGERTON, K.C.M.G.,  
*Governor.*

An Ordinance to make provision for the prevention of the spread of Leprosy within the Colony and Protectorate. Title.

[5TH MARCH, 1908.] Date.

WHEREAS it is expedient to make provision for the prevention of the spread of leprosy within the Colony and Protectorate. Preamble.

BE IT THEREFORE ENACTED by the Governor of the Colony of Southern Nigeria with the advice and consent of the Legislative Council thereof, as follows:— Enacting clause.

1. This Ordinance may be cited as "The Lepers Ordinance, 1908." Short Title.

Definitions.

2. In this Ordinance, unless the context otherwise requires.

"Leper."

"Leper" means any person suffering from any kind of leprosy, and includes any person lawfully detained as a leper.

"Qualified Medical Practitioner."

"Qualified Medical Practitioner" means any person who has been registered in accordance with the requirements of the Registration of Medical Practitioners and Dentists Ordinance.

Community."

"Community" includes house, family, town, village and quarter of a town or village.

"Commissioner."

"Commissioner" means a District Commissioner or an Assistant District Commissioner holding a Judicial Warrant and includes a Police Magistrate.

"Asylum."

"Asylum" means an asylum for the detention of lepers and includes any place for the temporary detention of lepers.

"Conveyance."

"Conveyance" means any conveyance used for conveying persons by land or water.

Establishment of Asylum.

3. (i) The Governor in Council may from time to time establish asylums at such places as he may think proper for the reception and detention of lepers and may declare any place heretofore used for the treatment and segregation of lepers to be an asylum within the meaning of this Ordinance.

General supervision.

(ii) Every asylum in a District shall be under the general control and supervision of the Medical Officer of the District, or any Medical Officer appointed for the purpose.

Appointment of Officers.

(iii) The Governor may from time to time appoint a fit and proper person to be the officer in charge of each asylum and also such other officers and servants as he may think necessary for the management of each asylum.

Prohibition of certain callings to lepers.

4. (1) If in the opinion of the Governor the carrying on by Lepers of any trade or calling is a source of danger to the public health, the Governor in Council may from time to time by Order prohibit the carrying on by lepers of such trade or calling.

(2) Any Order under this section may be made subject to such exceptions, qualifications and conditions as the Governor may by such Order prescribe.

(3) Any leper who shall carry on any trade or calling and any person who shall knowingly employ a leper to carry on any trade or calling in contravention of an Order made under this section shall be liable on conviction to a fine not exceeding £5, or to imprisonment with or without hard labour, for a term not exceeding one month.

Penalty for contravention or employing leper to act in contravention of Order.

(4) Any leper convicted under this section may be committed by a Commissioner by warrant to an asylum to be detained there until discharged by the Governor under the provisions of section 14.

Detention of leper convicted of offence under this section.

5. (a) Any leper who shall enter any public conveyance, or lodge in any public lodging house, or bathe in any public bath or in any pool used by the public as a bathing place, and any person in charge of a public conveyance, public lodging house, bath or pool aforesaid who shall knowingly permit or suffer a leper to enter into such conveyance, or lodge in such lodging house or bathe in such bath or pool shall be liable on conviction to a fine not exceeding £5, or to imprisonment, with or without hard labour, for a term not exceeding one month.

Leper entering public conveyance, &c.

(b) Every leper convicted of an offence under this section may be committed by a Commissioner by warrant to an asylum to be detained therein until discharged by the Governor under the provisions of section 14.

Detention.

6. Whenever any person is convicted of being an idle and disorderly person, rogue and vagabond or incorrigible rogue and a Commissioner is satisfied that the person so convicted is a leper, such person may be committed by the Commissioner by warrant to an asylum there to be detained until discharged by the Governor under the provisions of section 14.

Detention of vagrant lepers.

7. Whenever a Commissioner has reason to believe that a person, within his jurisdiction alleged to be a leper, is a leper, such Commissioner upon the application of any person, or the Chief of any Native Community, bound by law to support the alleged leper, may hold an enquiry and if such Commissioner is satisfied that the alleged leper is a leper, he may by warrant commit such leper to an asylum there to be detained until discharged by the Governor under the provisions of section 14, and the person or native community bound by law to maintain such leper shall pay into the Local Treasury every month during the detention of such leper, such sum for his maintenance as the Commissioner having regard to all the circumstances of the case shall direct.

Detention of leper upon application of person liable for their support.

Detention of  
leper by  
direction of  
the  
Governor.

8. Whenever it appears to the Governor that a person alleged to be a leper, is a source of danger to the public health, it shall be lawful for the Governor to direct any Commissioner to cause such person to be brought before him upon a summons or by warrant and to enquire whether such person is a leper, and whether, having regard to his condition and his mode of living and all the circumstances of the case, his detention in any asylum is necessary for the preservation of the public health, and, if such Commissioner shall find that such person is a leper and that his detention in an asylum is necessary for the preservation of the public health, such Commissioner may by warrant commit such leper to an asylum there to be detained until discharged by the Governor under the provisions of section 14.

Detention of  
leper upon  
his own  
application.

9. (1) Any leper desirous of being admitted into an asylum may make an application to the Medical Officer of any District, or to the Medical Officer in charge of any leper asylum.

(2) The Medical Officer shall bring the applicant or cause him to be brought before a Commissioner and such Commissioner shall thereupon enquire whether such applicant is a leper, the period during which he desires to be detained in the asylum, whether he understands the effect of the application, and whether he is able to pay for or has made sufficient and, if so, what provision for the payment of the cost of his maintenance.

(3) Immediately after the enquiry the Commissioner shall issue a certificate stating the results of his enquiry, and upon receipt of such certificate the Medical Officer may in the exercise of his discretion admit or refuse to admit the applicant into the asylum named in the certificate.

(4) The applicant after his reception into the asylum, unless previously discharged by the Governor under the provisions of section 14 shall not leave such asylum until the expiration of the term mentioned in the certificate, and such applicant may be detained therein until the expiration of such term.

(5) Unless the Governor otherwise directs, any leper admitted into an asylum under this section shall

during his detention therein he liable to pay for his maintenance, and unless the Governor otherwise directs an applicant shall not be admitted into any asylum unless he satisfy the Commissioner that he is able to pay for or has made sufficient provision for the payment of the cost of his maintenance while in the asylum.

10. (1) No leper who is not a native of the Colony or Protectorate shall land at any of the ports in or enter the Colony or Protectorate from any place outside the Colony or Protectorate.

Landing of lepers prohibited.

(2) Any person who conveys or assists in conveying into the Colony or Protectorate, whether by land or water or who procures, induces or assists to enter the Colony or Protectorate a person whom he knows or has reasonable grounds for believing to be a leper or by due enquiry could have ascertained to be a leper shall be liable on conviction to a fine not exceeding £100.

Penalty for permitting landing.

11. Every leper landing in or entering the Colony or Protectorate in contravention of section 10 may be committed to an asylum by the Governor by warrant and may be detained therein for such period as may be directed by such warrant unless previously discharged by the Governor under the provisions of section 14.

Detention of leper unlawfully.

12. (1) Every leper landing in or entering the Colony or Protectorate in contravention of section 10 may be arrested by any member of the Police or Officer of the Court without a warrant and brought before a Commissioner who may examine such leper and any witness on oath touching the place from which such leper was brought into the Colony or Protectorate and may cause such leper to be removed to the place from which he was brought.

Power to return lepers unlawfully landing to place from which they came.

(2) Such Commissioner may by warrant direct the detention of such leper in an asylum or other suitable place until he is removed from the Colony or Protectorate or until he is discharged by the Governor under the provisions of section 14 from such asylum or other place.

Temporary detention of lepers unlawfully landing.

(3) The cost of and incidental to such detention and removal shall be borne and paid by the person or persons or any one or more of them who conveyed or assisted in conveying such leper into, or who procured, induced or assisted such leper to enter the Colony or Protectorate as aforesaid.

Cost of detention.

Removal of lepers from one asylum to another.

13. The Colonial Secretary may in writing direct the removal of any leper from any asylum to any other asylum and such direction shall be sufficient authority for the removal of such leper and also for his reception into the asylum to which he is directed to be removed.

Power of Governor to discharge persons detained as lepers.

14. The Governor in the exercise of his discretion may in writing direct the discharge from any asylum of any person detained therein as a leper under the provisions of this Ordinance, and whenever the Medical Officer of an asylum certifies in writing that any person so detained is cured of his leprosy, the Governor shall in like manner direct the discharge of such person.

Detention and capture of escaped lepers.

15. Every person received into an asylum under the provisions of this Ordinance may be detained therein until he be removed or discharged and in case of escape may be captured by the officer in charge of the asylum or any officer or servant belonging thereto or any member of the Police or Officer of the Court and be again conveyed to and received and detained in such asylum.

Proof of leprosy.

16. (a) No alleged leper shall be convicted of an offence under this Ordinance or shall be committed to an asylum or removed from the Colony or Protectorate under the provisions of this Ordinance, and no person shall be convicted of any offence with respect to the landing or entering and no costs shall be recovered with respect to the detention or removal of an alleged leper except on the evidence of a qualified medical practitioner that the alleged leper is a leper.

(b) A certificate signed by a qualified medical practitioner stating that an alleged leper is a leper shall without proof of the signature or any other matter or thing be deemed *prima facie* evidence in all Courts in the Colony or Protectorate that the alleged leper is a leper.

Voluntarily allowing a leper to escape.

17. Any person, who, having the custody of a leper, committed for detention or detained in an asylum, voluntarily allows such leper to escape from detention shall be liable to a fine not exceeding £100, or to imprisonment, with or without hard labour, for a term not exceeding one year.

18. Any person, who, having the custody of a leper, committed for detention or detained in an asylum, negligently suffers such leper to escape from detention shall be liable to a fine not exceeding £50, or to imprisonment, with or without hard labour, for a term not exceeding six months.

Negligently suffering leper to escape.

19. Any person who knowingly aids or assists a leper in escaping from lawful detention or rescues or attempts to rescue or harbours or conceals any leper who has escaped from lawful detention or attempts to offer any resistance to the recapture of such leper shall be liable to a fine not exceeding £100, or to imprisonment, with or without hard labour, for a term not exceeding one year.

Aiding escape of leper.

20. Any person who resists or attempts to resist any officer in charge of an asylum or any officer or servant belonging thereto or any member of the Police or Officer of the Court in apprehending under the provisions of this Ordinance, any person alleged to be a leper shall be liable to a fine not exceeding £25, or to imprisonment, with or without hard labour, for a term not exceeding three months.

Resisting apprehension of lepers.

21. Every person who without the consent of the officer in charge of an asylum or contrary to any rule made under section 22 conveys or attempts by any means whatever to convey or permits or suffers to be conveyed into or out of an asylum or gives or sells to, or purchases or accepts from an inmate of an asylum any liquor, food, clothing or other article, or suffers or permits any liquor, food, clothing or other article aforesaid to be kept or used in the asylum contrary to any rules aforesaid shall be liable to a fine not exceeding £50, or to imprisonment, with or without hard labour, for a term not exceeding six months.

Prohibition of dealings with inmates of asylums.

22. Subject to the provisions of this Ordinance, the Governor in Council may from time to time make rules with respect to all or any of the following matters:—

Power of Governor in Council to make rules.

- (a) The forms of certificates, warrants and orders to be used under this Ordinance.
- (b) The government, management, inspection and control of asylums.
- (c) The providing of separate asylums for men and women and children and the providing of special apartments for lepers paying the cost of their maintenance.

- (d) The visiting of lepers in asylums by their relations and friends and the communications of lepers with persons outside the asylums.
- (e) The visiting of asylums by the Governor and other officers.
- (f) The appointment and duties of officers in charge of asylums and of subordinate officers, and
- (g) The making of monthly reports to the Governor and other officers by the officers in charge of asylums with regard to the number of lepers detained therein, and their condition, and the requirements and conditions of such asylums.

Until a rule is made under sub-section (e) of this section, the asylums in every Province shall be visited at least once in every six months by the Provincial Commissioner of the Province or by some other officer appointed by the Governor.

Protection of  
Medical  
Practitioner.

23. No action, suit or other proceeding shall be brought against any qualified medical practitioner for any certificate given or for any act or omission done or omitted to be done in good faith in pursuance to the provisions of this Ordinance.

Procedure.

24. Every offence under this Ordinance may be tried and determined by a Commissioner, or, where the accused is a person subject to the Jurisdiction of Native Courts, by a Native Court duly constituted under the Native Courts Ordinance.

Recovery of  
costs of  
maintenance  
of leper.

25. (1) All sums due to the Government under the provisions of this Ordinance for the maintenance of any leper detained in an asylum or for the removal of any leper unlawfully landing in or entering the Colony or Protectorate shall be recoverable as a debt at the suit of the officer in charge of the asylum or of any officer authorized by the Governor to take proceedings.

(2) A certificate signed by the Provincial Treasurer, or in an out-district by the local Treasurer, stating the amount of any sum due as aforesaid to the Government shall without proof of the signature or any other matter or thing be deemed *prima facie* evidence in all Courts in the Colony or Protectorate that the sum specified is due to the Government.

(3) When any community is liable to support a leper, the head-chief of such community may be sued for any sum due by such community for the maintenance of such leper and for the purposes of any proceedings in respect thereof shall be deemed to be personally liable therefor, provided that such chief shall have the right to recover such amounts from such members of the community as the Court may direct in satisfaction of the whole or part of any sum paid by him under any Judgment of the Court for or in respect of such maintenance.

26. For the purposes of any enquiry under this Ordinance every Commissioner shall have the same powers of summoning and examining witnesses, enforcing their attendance, administering oaths, taking affirmations, and issuing and serving process as in criminal cases triable summarily.

Powers of  
Commissioners at  
enquiries.

27. This Ordinance shall commence and come into operation on the 1st day of July, in the year of our Lord, One thousand nine hundred and eight.

Commence-  
ment of  
Ordinance.

Passed in the Legislative Council this 5th day of March, in the year of our Lord, one thousand nine hundred and eight.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

SIMON I. DE SOUZA,

*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

C. E. DALE,

*Acting Colonial Secretary.*

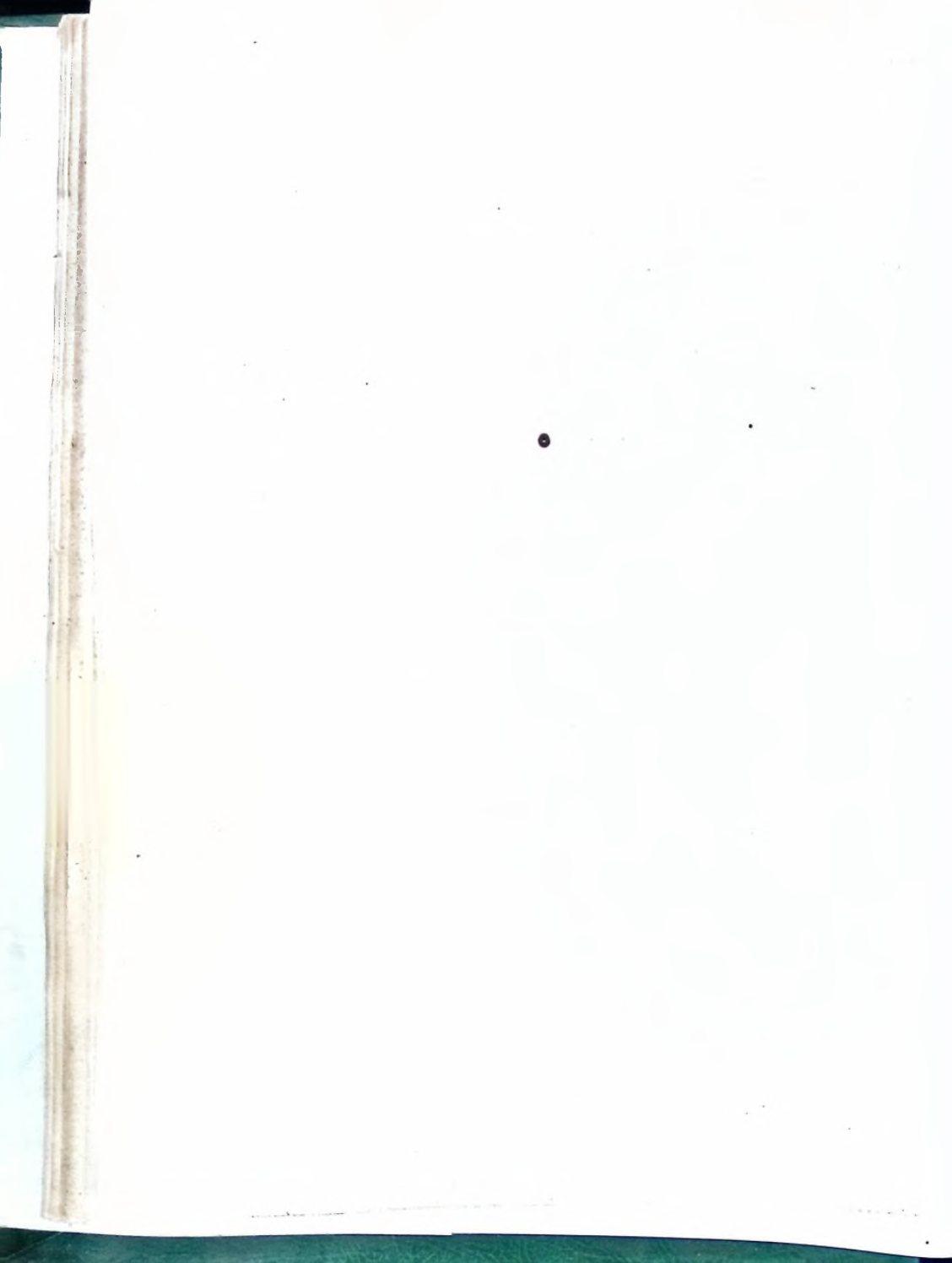
E. A. SPEED,

*Attorney-General.*

Assented to in His Majesty's name this 5th day of March, 1908.

W. EGERTON,

*Governor.*



(L.S.)

W. EGERTON.

No. XVI.

1908.



## Colony of Southern Nigeria.

IN THE EIGHTH YEAR OF THE REIGN OF  
HIS MAJESTY KING EDWARD VII.

SIR WALTER EGERTON, K.C.M.G.,  
*Governor.*

An Ordinance to provide for the proper identification and demarcation of lands granted by the Crown to private owners, and situated in that part of Lagos Island, East of the MacGregor Canal, generally known as Ikoyi.

[1ST JULY, 1908.]

*Title.*  
*Date.*

WHEREAS by a Treaty dated August 6th, 1861, Docemo, King of Lagos, on the part of himself and Chiefs, gave and transferred unto the Queen of Great Britain, Her heirs and successors for ever, His Sovereign rights over the port and island of Lagos with all the rights, profits, territories and appurtenances whatsoever thereunto belonging:

AND WHEREAS the said Island of Lagos is now divided into two unequal portions by the cutting known as the Macgregor Canal :

AND WHEREAS the fee simple in possession of the greater part of the portion situate to the East of that Canal (generally known as Ikoyi) was granted to the British Crown in or about the year 1865, which fact was established by a judgment of the Supreme Court of the Colony in the year 1904.

AND WHEREAS Crown Grants have been made or are alleged to have been made from time to time of certain parts thereof :

AND WHEREAS the position of the majority of the lands alienated by such Crown Grants is not sufficiently defined, and the lands themselves have in many cases been deserted and abandoned for years :

AND WHEREAS it is desirable that the boundaries of all private lands still occupied on that portion of Lagos Island should be defined and the areas of Crown Lands be clearly ascertained :

Enactment.

BE IT THEREFORE ENACTED by the Governor of the Colony of Southern Nigeria with the advice and consent of the Legislative Council thereof as follows :—

Short Title.

1. This Ordinance may be cited as The Ikoyi Lands Ordinance, 1908, and shall come into operation on the 1st day of August, 1908.

Private owners to exhibit titles.

2. All private persons claiming to be possessed of lands situated on that part of the Island of Lagos, East of the Macgregor Canal, shall within six months from the coming into operation of this Ordinance, or if then absent from the Colony and Protectorate, within 12 months therefrom exhibit their titles thereto to the Commissioner of Lands.

Crown Grants purporting to include land not claimed to lapse.

3. All Crown Grants (whether registered at the Lands Registry or not) purporting to include any portion of the said land to which no claim is made and no title exhibited as provided by the foregoing section

shall lapse as from the end of the said period of six months, or twelve months as the case may be.

4. All lands specified in every Crown Grant produced shall be re-surveyed and a fresh Crown Grant for the same area shall be issued in each such case free of all survey fees, stamp duty and registration fees, but subject to the owner bearing the expense of erecting not less than 4 stones or cement blocks bearing a broad arrow and of not less dimensions than  $2\frac{1}{2}$  feet by 6 inches by 3 inches at the salient angles of the land for purposes of demarcation as enacted by The Lands Ordinance.

Re-survey and issue of fresh grants.

(3 of 1908, Schedule 1, chapter 107.)

5. All lands held under any other title than through an original grant from the Crown shall have their boundaries demarcated by not less than 4 permanent marks within one year from the date of this Ordinance, and their dimensions shall be entered on the plans to be kept for the purpose by the Commissioner of Lands and Director of Surveys respectively.

Land held under any other than a Crown Title to be demarcated within one year.

6. If any person claims any title to or interest in any land situated within the limits above described, and does not furnish evidence of his claim to the satisfaction of the Commissioner of Lands, or if separate and conflicting claims are made in respect of any such land the Commissioner of Lands shall apply to the Supreme Court of the Colony to have the question of the ownership of such lands determined: and the Supreme Court of the Colony shall forthwith proceed to determine the question in the same manner and subject to the same rules of procedure and otherwise as though a notice had been issued under the Public Lands Ordinance and the question stood for the determination of the Court under the provisions of the said Ordinance.

Procedure in case of unproved or disputed claims.

(3 of 1908, Schedule 1, chapter cxi.)

7. All lands situated within the limits above described to which no claim is made within the prescribed time shall be deemed to be Crown Lands thenceforward.

Unclaimed lands to revert to the Crown.

Provided always that any owner who shall not have submitted a claim thereto within that period may nevertheless, within the further period of one year, on satisfying the Supreme Court of the Colony of the former validity of his claim, recover the agricultural value of the land in question.

Proviso for recovery of value in certain cases.

Passed in the Legislative Council this 1st day of July, in the year of our Lord, one thousand nine hundred and eight.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

SIMON I. DE SOUZA,

*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

F. S. JAMES,

*Acting Colonial Secretary.*

W. H. STOKER,

*Acting Attorney-General.*

Assented to in His Majesty's name this 1st day of July, 1908.

W. EGERTON,

*Governor.*

(L.S.)

W. EGERTON.

No. XVII.

1908.



## Colony of Southern Nigeria.

IN THE EIGHTH YEAR OF THE REIGN OF  
HIS MAJESTY KING EDWARD VII.

SIR WALTER EGERTON, K.C.M.G.,  
*Governor.*

**An Ordinance to provide for the regulation of Har-** Title.  
**bours within the Colony and Protectorate.**

[1ST JULY, 1908.] Date.

BE IT ENACTED by the Governor of the Enactment.  
Colony of Southern Nigeria with the advice and con-  
sent of the Legislative Council thereof, as follows :—

1. This Ordinance may be cited as the Harbour Short Title.  
Regulation Ordinance, 1908.

2. (1) The Governor in Council may by order de- Application of  
clare that the provisions of this Ordinance shall from ordinance by  
a date therein mentioned apply to any harbour in the order to any  
Colony or Protectorate. harbour.

Limits of harbour  
may be declared.

(2) Any such order may define and declare the extent and boundaries of the harbour to which it relates.

Otherwise to be as  
under the Customs  
Ordinance.

(3) Unless and until the extent and boundaries of any harbour be defined and declared as aforesaid they shall be deemed to be identical with the port limits as from time to time declared under the provisions of the Customs Ordinance, 1908, or of any Ordinance amending or substituted for the same.

Application to  
Forcados.

(4) Subject to any order which may hereafter be made as aforesaid the provisions of this Ordinance shall apply to the harbour of Forcados.

Appointment of  
Harbour Master.

3. (1) The Governor may appoint a fit and proper person to be Harbour Master of any harbour declared to be under the provisions of this Ordinance.

In default of  
appointment,  
Senior Marine  
Officer to be Har-  
bour Master.

(2) Unless and until such appointment be made the Senior Marine Officer stationed in the district in which any harbour is situated shall perform all the duties and be subject to all the liabilities and shall have and exercise all the powers appertaining to the office of Harbour Master as hereinafter described.

Powers of Harbour  
Master in the  
mooring, &c., of  
Ships.

4. The Harbour Master shall have full power to direct and regulate the locality, position and method of anchoring, and the moving of ships within the Harbour, and to vary or add to any directions given by him.

Penalty on con-  
travening, his  
directions.

Any master of a ship or other person shall incur a penalty not exceeding fifty pounds who

Refuses or neglects to moor, unmoor, remove, or place any ship at the time and in the place and manner directed by the Harbour Master ; or

Obstructs or hinders the mooring, unmooring, or removal of any ship ordered by the Harbour Master to be moored, unmoored, or placed in any situation ; or

Obstructs the Harbour Master in the discharge of any of his duties, or neglects or refuses to obey his lawful directions.

5. If the Harbour Master from ignorance or want of care moors or places any ship in such a position as to occasion damage to it, or to any other ship, or to any wharf, he shall be liable to make good such damage, and may be proceeded against by action.

Liability of Harbour Master.

6. In case of any dispute arising between the Harbour Master and any master, charterer, consignee, or owner of any ship touching the method in which the Harbour Master shall perform his duties, or touching any direction he shall give as Harbour Master in any particular case, the matter may be referred to the Governor, who may decide the matter as he sees fit.

Disputes with Harbour Master how decided.

7. The Governor in Council may make rules for carrying into effect the provisions of this Ordinance.

Power to make rules.

Passed in the Legislative Council this 1st day of July, in the year of our Lord, one thousand nine hundred and eight.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

SIMON I. DE SOUZA,

*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

F. S. JAMES,

*Acting Colonial Secretary.*

W. H. STOKER,

*Acting Attorney-General.*

Assented to in His Majesty's name this 1st day of July, 1908.

W. EGERTON,

*Governor.*



L.S.)  
W. EGERTON.

No. XVIII.

1908.



## Colony of Southern Nigeria.

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IN THE EIGHTH YEAR OF THE REIGN OF  
HIS MAJESTY KING EDWARD VII.

SIR WALTER EGERTON, K.C.M.G.,  
*Governor.*

An Ordinance to make further provision with regard to the navigation of the inland waters of the Colony and Protectorate. Title.

[1ST JULY, 1908.] Date.

BE IT ENACTED by the Governor of the Colony of Southern Nigeria with the advice and consent of the Legislative Council thereof as follows:— Enactment.

1. This Ordinance may be cited as the Inland Waters (Protection to Navigation) Ordinance, 1908. Short Title.

## Definition.

2. For the purposes of this Ordinance, the term "Inland Waters" means and includes all rivers, creeks and lagoons inside the river bars of the Colony and Protectorate.

## Removal of obstruction.

3. Where any vessel or other article liable to cause an obstruction to navigation is sunk, stranded, abandoned, or adrift, in or upon any of the inland waters of the Colony or Protectorate, any officer of the Marine Department or District Commissioner or any other officer authorized in that behalf may

- (a) take possession of and raise, remove or destroy the whole or any part thereof;
- (b) light or buoy it until the raising, removal or destruction thereof;
- (c) apply to a Court of summary jurisdiction for an order of confiscation, and if such order be made, at any time not less than 14 days after the date of such order, confiscate it to the use of the Government, or sell it, or any part thereof, in such manner as may seem fit, and out of the proceeds of the sale reimburse himself for any expense lawfully incurred under this section and pay the balance into the Treasury in aid of the general revenue of the Colony.

Proviso. Owner may recover on payment of penalty.

Provided that the owner of such vessel or other article may at any time within 14 days of the date of such order of confiscation apply to the Court, and the Court shall upon payment by the said owner of all costs and damages incurred and of a penalty not exceeding £5 order the said vessel or other article to be returned to him and the said order of confiscation shall be deemed to be annulled accordingly.

Regulations for floating logs tied together in rafts.

4. It shall not be lawful to float, logs of timber upon any of the inland waters except in accordance with the following provisions:—

- (1) No greater number of logs than 56 shall be fastened together in one raft, and no greater number than 4 shall be fastened together abreast.

- (2) There shall be not less than three men in charge of each raft consisting of a greater number than forty logs and two men for any smaller number.
- (3) Each raft shall carry a bright light ahead and astern between the hours of 6 p.m. and 6 a.m.

5. If any raft of logs, with regard to which the provisions of the foregoing section, or any of them, have been not complied with, be found upon any of the inland waters, any Court of summary jurisdiction may upon complaint being made by any officer of the Government either (1) inflict a fine not exceeding forty shillings upon each or any of the persons in charge of the said raft, or (2) if satisfied that the said raft is a danger to navigation order the same to be confiscated and upon such order being made the said raft shall be deemed to be abandoned within the meaning of section 2 hereof and may after the lapse of 14 days from the date of the order be dealt with accordingly.

Penalty for con-  
travention.

Provided always that the owner of the said logs or of any of them may at any time within 14 days of the date of such order of confiscation apply to the court, and the court shall upon payment by the said owner of all costs and damages incurred and of a penalty not exceeding £25 order the logs to be returned to him and the said order of confiscation shall be deemed to be annulled accordingly.

Proviso. Owner  
may recover on  
payment of  
penalty, etc.

Passed in the Legislative Council this 1st day of July, in the year of our Lord, one thousand nine hundred and eight.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

SIMON I. DE SOUZA,

*Clerk of the Legislative Council.*

*Inland Waters (Protection to Navigation)  
Ordinance, 1908.*

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Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

F. S. JAMES,  
*Acting Colonial Secretary.*

W. H. STOKER,  
*Acting Attorney-General.*

Assented to in His Majesty's name this 1st day of July, 1908.

W. EGERTON,  
*Governor.*

(L.S.)

W. EGERTON.

No. XIX.

1908.



## Colony of Southern Nigeria.

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IN THE EIGHTH YEAR OF THE REIGN OF  
HIS MAJESTY KING EDWARD VII.

SIR WALTER EGERTON, K.C.M.G.,  
*Governor.*

An Ordinance to make provision for pre-<sup>Title.</sup>  
venting the Introduction and Spread of  
Infectious and Contagious Diseases affecting  
Animals.

[18th September, 1908.] <sup>Date.</sup>

WHEREAS it is expedient to empower the Governor  
in Council to make regulations for preventing the  
introduction into the Colony and Protectorate of

infectious and contagious diseases affecting animals and for preventing such diseases when introduced or appearing from spreading in the Colony.

IT IS HEREBY ENACTED by the Governor of the Colony of Southern Nigeria with the advice and consent of the Legislative Council thereof as follows:—

Short Title.

1. This Ordinance may be cited as "The Prevention of Disease (Animals) Ordinance, 1908."

Interpretation.

2. In this Ordinance and any rules made thereunder unless the context otherwise requires the word "Cattle" means bulls, cows, oxen, buffaloes, heifers and calves. "Animals" includes horses, asses, mules, cattle, dogs, sheep, goats and swine and any kind of four-footed or four-handed beast.

"Fodder" means grass or other substance commonly used for food for animals.

"Litter" means straw or other substance commonly used for bedding or otherwise for or about animals.

"Disease" means any disease of an infectious or contagious nature affecting animals and includes "rabies."

"Diseased" means affected with disease.

"Carcase" means the carcase of an animal and includes part of a carcase and the meat, bones, hide, skin, hoofs, horns, offal or other part of an animal separately or otherwise or any portion thereof.

Rules.

3. The Governor in Council may make such rules and regulations as may seem to the Governor in Council necessary or expedient for the purpose of preventing the introduction into the Colony or Protectorate of any disease and also of preventing the spread of any disease.

Matters in respect of which rules may be made.

4.—(1) The rules and regulations made under the last preceding section may provide (amongst other things):—

- (i) for prohibiting or regulating the landing of animals from vessels either absolutely or conditionally ;
- (ii) for establishing and maintaining quarantine stations for animals and for regulating the management of the same ;
- (iii) for slaughtering with or without compensation as may be deemed expedient, diseased animals or with compensation animals suspected of being diseased or of having been in circumstances in which they were likely to have become infected with disease ;
- (iv) for prohibiting or regulating the movement of diseased animals or animals suspected of being diseased and the removal of carcasses, fodder, litter, dung and other things ;
- (v) for isolating all cases of disease ;
- (vi) for the cleansing and disinfecting houses, buildings, rooms and other places which have been occupied by any diseased animal ;
- (vii) for the disinfecting and if expedient destroying with or without compensation as may be deemed expedient, clothing, litter, fodder and other articles which have been in contact with any diseased animal or which may be reasonably suspected of being a vehicle for spreading disease ;
- (viii) for prescribing the conditions and regulations under and in accordance with which dogs may be kept and in particular the conditions and regulations under and in accordance with which they may be allowed to go abroad in public thoroughfares and for destroying dogs kept or allowed to go abroad otherwise than under and in accordance with such conditions and regulations ;
- (ix) for prescribing and regulating the seizure, detention and disposal of any animal dealt with in contravention of any rule or regulation made under this Ordinance and for prescribing and regulating the liability of

the owner or consignor or consignee or importer of the animal to the expenses connected with the seizure, detention and disposal thereof;

- (x) for the registration of all persons carrying on the trade of cow-keepers, dairymen or purveyors of milk and for prescribing regulations for securing the cleanliness of cow sheds and milk shops or other places where milk is kept for sale and milk vessels and utensils used by such persons and for prescribing precautions to be taken to protect milk against infection or contamination and for preventing and punishing the adulteration of milk with water or any other substance;
- (xi) for the appointment of Inspectors and other Officers to carry out the provisions of this Ordinance or of any rules or regulations made thereunder and for regulating their duties and conduct and for investing them with all powers necessary for the due execution of their duties;
- (xii) for prescribing the publication of any rules or regulations made under this Ordinance and for prescribing and regulating the form and mode of service or delivery of notices and other documents;
- (xiii) for prescribing the fine with which the contravention of any rule or regulation made under this Ordinance shall be punishable but so that such fine shall not exceed one hundred pounds.

(2.) Provided always that nothing in this section contained shall in any way restrict or be construed to restrict the generality of the powers conferred on the Governor or Council by the last preceding section, but such powers shall extend to all matters whether similar or not to those in this section mentioned as to which it may be expedient to make rules or regulations for the better carrying into effect the objects of this Ordinance.

5. If any person without lawful authority or Offences. excuse (proof whereof shall lie on him) does or omits to do anything which under the provisions of this Ordinance or of any rules or regulations made thereunder he ought not to do, or omit, or if he obstructs or impedes or assists in obstructing or impeding any inspector or other officer appointed under this Ordinance or any Police Officer in the execution of this Ordinance or of any rule or regulation made thereunder he shall be guilty of an offence against this Ordinance.

6.—(1) If any person is guilty of an offence Punishments. against this Ordinance for which no penalty is prescribed by any rule or regulation made thereunder he shall be liable on conviction before a Magistrate to a fine not exceeding five pounds.

(2) A person convicted of any offence against this Ordinance who is within a period of twelve calendar months convicted for a second or subsequent like offence against this Ordinance shall be liable in the discretion of the District Commissioner or Magistrate to imprisonment with or without hard labour for any term not exceeding two calendar months either in addition to or in lieu of a fine.

(3) Nothing in this section contained shall affect the liability of any person to any punishment or penalty to which he is liable at common law or under any enactment other than this Ordinance but so that a person shall not be punished twice for the same offence.

7.—(1) If any person lands or attempts to land Forfeitures. any animal or thing in contravention of any rule or regulation made under this Ordinance such animal or thing shall be forfeited.

(2) Forfeitures under this Ordinance may be declared by a District Commissioner or Magistrate and all animals and things forfeited shall be dealt with as the Governor may direct.

8.—(1) When a person is seen or found committing or is reasonably suspected of being engaged in committing an offence against this Ordinance any Duties of Inspectors and Police Officers. Inspector

tor or other Officer appointed under this Ordinance or any Police Officer may without warrant stop and detain him and if his name and address are not known may without warrant apprehend him.

(2) If any person obstructs or impedes an Inspector or other Officer appointed under this Ordinance or any Police Officer in the execution of this Ordinance or of any rule or regulation made thereunder or assists in any such obstructing or impeding he may be apprehended by such Inspector or other Officer or Police Officer without warrant.

(3) A person apprehended under this section shall be taken with all practicable speed before a District Commissioner or Magistrate.

(4) Nothing in this section shall take away or abridge any power or authority that a Police Officer would have had if this section had not been enacted.

Presumption.

9. Where the owner or person in charge of a diseased animal is charged with an offence against this Ordinance relative to such disease he shall be presumed to have known of the existence of such disease in such animal unless and until he shows to the satisfaction of the Court before whom he is charged that he had not such knowledge and could not with reasonable diligence have obtained such knowledge.

Passed in the Legislative Council this 18th day of September, in the year of our Lord, one thousand nine hundred and eight.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

SIMON I. DE SOUZA,  
*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

J. J. THORBURN,  
*Colonial Secretary.*

J. P. SMARTT,  
*Acting Financial Commissioner.*

Assented to in His Majesty's name this 18th day of September, 1908.

W. EGERTON,  
*Governor.*



(L.S.)

W. EGERTON.

No. XX.

1908.



## Colony of Southern Nigeria.

IN THE EIGHTH YEAR OF THE REIGN OF  
HIS MAJESTY KING EDWARD VII.

SIR WALTER EGERTON, K.C.M.G.,  
*Governor.*

An Ordinance to provide for the Service of the Title.  
Colony for the year ending on the thirty-  
first day of December, one thousand nine  
hundred and nine.

[29th September, 1908.] Date.

WHEREAS it is requisite to make provision for Preamble.  
the expenses of the Civil Government of the Colony for  
the year ending on the thirty-first day of December,  
one thousand nine hundred and nine :

BE IT THEREFORE ENACTED by the Governor Enactment.  
of the Colony of Southern Nigeria with the advice and  
consent of the Legislative Council thereof as follows :—

Expenditure of  
£1,650,889,  
authorised.

1. The Treasurer may, on the warrant of the Governor, pay out of the revenue and the funds of the Colony during the year ending on the thirty-first day of December, one thousand nine hundred and nine, any sum or sums not exceeding in the whole the sum of one million six hundred and fifty thousand eight hundred and eighty-nine pounds.

Appropriation.

2. The said sum or sums in the whole not exceeding the sum of one million six hundred and fifty thousand eight hundred and eighty-nine pounds shall be appropriated to the purposes and in the manner expressed in the Schedule annexed to this Ordinance.

Balance  
unissued to lapse.

3. The moneys granted by this Ordinance are intended for the services in respect of which moneys will become payable within the year ending on the thirty-first day of December, one thousand nine hundred and nine and any balances thereof remaining unissued at the end of the month of December in that year shall lapse and not be available for making payments in any subsequent month.

Short title.

4. This Ordinance may be cited for all purposes as "The Supply Ordinance, 1909."

## SCHEDULE.

### EXPENDITURE, 1909.

ORDINARY.		
HEAD.		£
1.	Charge on account of Public Debt	205,000
2.	Pensions and Gratuities	12,592
3.	Governor's Office	9,362
4.	Colonial Secretary's Office	16,133
5.	Political and Administrative	81,510
6.	Judicial	13,077
7.	Legal and Registration	3,577
8.	Treasury	14,588
8a.	Customs	30,254
9.	Postal	15,950
10.	Telegraphs	29,011
11.	Audit	7,52

## ORDINARY—continued.

## HEAD.

	£
12. Printing ... ..	11,469
13. Force ... ..	100,802
14. Volunteer Force ... ..	1,725
15. Marine ... ..	114,068
16. Civil Police ... ..	43,995
17. Prisons ... ..	30,690
18. Forestry ... ..	13,667
18a. Agriculture ... ..	13,474
19. Medical ... ..	64,089
19a. Medical Research Institute ... ..	743
20. Sanitary ... ..	3,817
21. Native Affairs ... ..	26,492
22. Education ... ..	29,333
23. Surveys ... ..	12,359
24. Mineral Surveys ... ..	2,239
25. Lands ... ..	3,165
26. Laboratory ... ..	742
27. Rent ... ..	2,256
28. Charitable ... ..	500
29. Transport ... ..	58,161
29a. Motor Transport ... ..	4,333
30. Contribution to Northern Nigeria... ..	70,000
31. Miscellaneous Services ... ..	36,038
32. Public Works Department... ..	42,485
33. Public Works—Roads Construction ... ..	7,460
34. Works and Buildings Annually Recurrent ... ..	30,442
35. Roads and Bridges Annually Recurrent ... ..	11,325
36. Railway ... ..	127,272
37. Tramway ... ..	2,348
38. Carter and Denton Bridges ... ..	1,485

Total Ordinary Expenditure ... .. £ 1,305,858

## EXTRAORDINARY.

39. Works and Buildings Extraordinary ... ..	167,231
40. Roads and Bridges Extraordinary ... ..	52,100
41. Telegraphs Extraordinary ... ..	18,563
42. Marine Extraordinary ... ..	107,147

Total Extraordinary ... .. £ 345,031

## SUMMARY.

Ordinary Expenditure ... ..	1,305,858
Extraordinary Expenditure ... ..	345,031

Grand Total ... .. £ 1,650,889

Passed in the Legislative Council this 29th day of September, in the year of our Lord, one thousand nine hundred and eight.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

D. C. CAMERON,

*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

J. J. THORBURN,

*Colonial Secretary.*

J. P. SMARTT.

*Acting Financial Commissioner.*

Assented to in His Majesty's name this 29th day of September, 1908.

W. EGERTON,

*Governor.*

(L.S.)  
W. EGERTON.

No. XXI.

1908.



## Colony of Southern Nigeria.

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IN THE EIGHTH YEAR OF THE REIGN OF  
HIS MAJESTY KING EDWARD VII.

SIR WALTER EGERTON, K.C.M.G.,  
*Governor.*

An Ordinance to legalize Certain Payments Title.  
made in the Year ended on the Thirty-first  
day of December, One thousand nine hun-  
dred and seven, beyond the Expenditure  
authorized by Law.

[30TH SEPTEMBER, 1908.] Date.

WHEREAS certain expenses have been in- Preamble.  
curred and payments made in the year ended on  
the Thirty-first day of December, One thousand  
nine hundred and seven, beyond the amounts  
granted by the Legislature for the service of the  
Colony and it is desirable that such expenses and  
payments should be sanctioned by an Ordinance :

Enactment.

BE IT THEREFORE ENACTED by the Governor of the Colony of Southern Nigeria with the advice and consent of the Legislative Council thereof, as follows:—

Additional Expenditure for 1907 as set out in the Schedule legalized.

1. The sums of money set forth in the schedule hereto annexed having been expended for the services therein mentioned beyond the amounts granted for such services by the Ordinance passed for making provision for the expenditure of the said Colony for the year ended 31st December, One thousand nine hundred and seven, the same are hereby declared to have been duly and necessarily paid, laid out, and expended for the service of the said Colony in that year, and are hereby approved, allowed and granted in addition to the amounts mentioned for such services in the Ordinance aforesaid.

Short Title.

2. This Ordinance may be cited for all purposes as "The Supplementary Supply Ordinance, 1907."

## SCHEDULE.

Head of Service.		Amount Expended.		
		£	s.	d.
Charge on Account of Public Debt	...	345	9	1
Pensions & Gratuities...	...	2,610	0	1
Audit ...	...	20	16	4
Force, S. N. Regiment	...	10	17	1
Marine...	...	15,757	12	8
Surveys	...	994	10	1
Rent ...	...	436	17	11
Transport	...	11,191	3	0
Works & Buildings Annually Recurrent,	...	12,214	15	1
Roads & Bridges do.	...	157	7	2
Roads & Bridges Extraordinary ...	...	22,683	10	5
Marine Extraordinary	...	44,819	4	1
Govt. Motor Transport, Ibadan & Oyo	...	1,945	3	6
Railway	...	997	4	4
Works chargeable to Surplus Balances...	...	1,665	11	1
		£	115,850	1 11
Extraordinary Expenditure from Loan Funds (Harbour Works) incurred in anticipation of raising Loan	£16,071 14 7			
Railway Construction Expenditure incurred in anticipation of raising Loan	£69,304 6 4			
Grand Total	...	85,376	0	11
			201,226	2 10

Passed in the Legislative Council this 22nd day of September, in the year of our Lord, one thousand nine hundred and eight.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

D. C. CAMERON,  
*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

J. J. THORBURN,  
*Colonial Secretary.*

J. P. SMARTT,  
*Acting Financial Commissioner.*

Assented to in His Majesty's name this 30th day of September, 1908.

W. EGERTON,  
*Governor.*



(L.S.)  
W. EGERTON.

No. XXIV.

1908.



## Colony of Southern Nigeria.

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IN THE EIGHTH YEAR OF THE REIGN OF  
HIS MAJESTY KING EDWARD VII.

SIR WALTER EGERTON, K.C.M.G.,  
*Governor.*

An Ordinance to regulate the sale of Intoxi- Title.  
cating Liquors to be consumed on licensed  
premises.

[8th October, 1908.] Date.

IT IS HEREBY ENACTED by the Governor  
of the Colony of Southern Nigeria, with the advice  
and consent of the Legislative Council thereof as  
follows:—

Short Title and application.

1. This Ordinance may be cited as The Licensing Ordinance, 1908, and shall from and after the first day of January, 1909, apply to the town of Lagos, including the island of Iddo and the town of Ebute Metta, and to such other towns or places in the Colony and Protectorate as the Governor by Order in Council may from time to time declare.

Restriction of scope of Ordinance.

2. The provisions of this Ordinance refer only to the sale by retail of wine, beer and spirits, as hereinafter defined, to be consumed on the premises; and nothing herein contained shall be construed to affect the provisions of the Spirit Licence Ordinance save in so far as they refer to such sale as aforesaid.

Definitions.

3. For the purposes of this Ordinance unless the context otherwise requires:

The term "Spirits" means and includes rum, brandy, gin, whisky and all kinds of spirits and spirituous liquors of any description and all mixtures and compounds made with spirits, and any distilled and spirituous liquor, but does not include the spirits ordinarily known as trade spirits and does not include wine. Provided that any fermented wine or beer containing a greater proportion than 40 per centum of proof spirits shall be deemed to be spirits;

The term "Wine" means any kind of liquor offered for sale as foreign wine, or under the name by which any foreign wine is usually known, or any liquor made or obtained from fruit and sugar, or from fruit and sugar mixed with any other materials, or from a tree or plant, by a process of fermentation; but does not include palm wine or any other native made wine;

The term "Beer" means and includes any description of beer, cider, or perry, and any fermented malt liquor;

And the term "Intoxicating Liquor" means and includes wine, beer, and spirits as above defined.

"Licensing Justice" means a person appointed under Section 31 of this Ordinance by the Governor in Council.

“Licensing Authority” means a Board consisting of Licensing Justices having jurisdiction in the district where the premises to be licensed are situated sitting together with the President.

“President” shall in the case of Lagos Town, Iddo Island and Ebute Metta, Warri and Calabar mean the Police Magistrate acting in those places and in all other places the District Commissioner of the District in which the premises are situated.

“Licensing Officer” means any officer appointed by the Governor to issue licences under this Ordinance.

4. No person shall sell any intoxicating liquor Licences. unless he has first obtained either

- (a) A Bar licence, to sell intoxicating liquors to be consumed on the premises to which the licence refers,
- (b) A wine and beer licence, to sell wine and beer only, to be consumed on the premises to which the licence refers; or
- (c) An occasional licence to sell intoxicating liquors on a special occasion.

5. (1) Any person desirous of obtaining one of the licences (a) or (b) specified in Section 4 hereof, shall make application to the Licensing Authority of the District in which the premises to be licensed are situate; and if the Licensing Authority shall be satisfied by evidence of the character of the person applying for such licence as aforesaid, and of the suitability of the premises proposed to be used for the sale of intoxicating liquor, and that the licence applied for is required for public convenience, such Authority may grant to such applicant a certificate addressed to the officer appointed by the Governor to issue licences under this Ordinance in the form set forth in the first Schedule to this Ordinance, specifying the particular licence which may be granted to such person and the situation of the premises so approved of, and such certificate shall be required by the said officer before any licence under the authority and provisions of this Ordinance shall be granted to such person.

Application for certificate for licence.

Application for certificate for licence to sell liquor to be consumed on the premises.

Application to be made 2 months before.

Apply Licensing Authority.

Proviso as to application which is out of time.

(2) No such Certificate shall be granted until the following requirements have been complied with.

- (a) Any person desirous of obtaining either of the licences aforesaid shall, two months at least before the licence is required, make application in writing for a certificate to the Licensing Authority of the District in which the premises to be licensed are situate, and shall in such application set forth his name and address, and a description of the licence for which he applies and of the situation of the house in respect of which the application is made, and the Licensing Authority on receiving such application shall issue a notice under his hand in the form prescribed in the First Schedule to this Ordinance, and shall cause the said notice to be published once in the Government Gazette, and to be affixed for a period of not less than ten days on the door of the premises to be licensed and on the nearest Police Station thereto. Provided always that it shall be lawful for the Licensing Authority in cases where the application is by a person already holding a licence granted under the provisions of this Ordinance, and the applicant has failed to give notice in time for the aforesaid period of two months to expire before the date on which the application would ordinarily be heard, to hear the application on such date after the expiration of the said period as the Licensing Authority shall fix, subject to the applicant paying into Court a sum equal to one-fourth of the fee payable for an annual licence of the class which the applicant requires, and due publication of such date shall be made. The original licence shall continue in force till the date of such hearing, and the fresh licence if granted, shall be dated as of the beginning of the year, or half year as the case may be. The money paid into Court as aforesaid shall be deemed to be paid on account of the licence fees, and in the event of the licence not being granted, the Court may order such refund to be made from the

amount paid into Court as the Court may adjudge.

- (b) It shall be lawful for any friendly Society registered under the provisions of any Ordinance now or hereafter in force, any Senior Officer of Police, any Advisory, Municipal or Administrative Board established under the provisions of any Ordinance now or hereafter in force, and for any person owning or occupying premises, or the Minister of a place of worship situated within one hundred yards of the premises intended to be licensed, to object to the granting of such certificate. Power of objection in certain bodies and person.
- (c) Any person or body to whom the power of objection is conferred by this sub-section, shall give written notice of such objection and of the grounds thereof to the Licensing Authority, and shall also supply the applicant with a copy thereof at least fourteen days before the date of the hearing of the application, and the Licensing Authority shall not entertain any objection to the grant of such certificate or take any evidence with respect to such objection, unless the person objecting has complied with all the requirements herein-before specified. Notice by objectors to issue of certificate.
- (d) On the day appointed for entertaining objections, the Licensing Authority may, after hearing the opposing parties, either grant or refuse his certificate as to him in his discretion shall seem meet. The Licensing Authority shall not receive any evidence with respect to the grant of such certificate which is not given on oath. Hearing of objections.
- (3) In cases where the applicant is already the holder of a licence under this Ordinance in respect of the premises for which he is applying for a fresh licence, and there is no opposition to the grant thereof, it shall be lawful for the Licensing Authority to grant the same without requiring evidence as to the character of the applicant, the suitability of the premises, and that such licence is required for the Public convenience. Evidence as to character, etc., may be dispensed with in case of licence holder when application is unopposed.

Executors, etc.,  
may use unexpired  
license.

6. If any person to whom a licence has been granted shall die before the expiration of the time limited in the said licence, the executors or administrators of such person may use or enjoy the benefit and privilege of such licence for the residue of the time limited therein. Provided always that if the estate of the deceased shall vest in a person who is himself disqualified from being a licence holder, the Licensing Authority shall, on application by the person interested, appoint a fit and proper person to be manager of the premises in respect of which the licence was granted for the residue of the time limited therein; and such manager shall be deemed to be the holder of the licence for the purposes of this Ordinance.

Appeal from  
decision of  
Licensing Authority.

7. If any person feels aggrieved by the grant or refusal of a grant of a certificate for any licence, by the Licensing Authority the person aggrieved may appeal to a judge of the Supreme Court, and the judge shall have power either to refuse the appeal or to remit the case to the Licensing Authority ordering him to grant or refuse the certificate.

Granting of  
licence.

8. (1) The Licensing Officer on the payment to him of the sum prescribed by the Second Schedule to this Ordinance, and on the production of the proper certificate or authorization when such certificate or authorization is required under the provisions of this Ordinance shall grant to any person a licence of the kind applied for and such licence shall be in the form in the First Schedule to this Ordinance or as near thereto as possible and when granted shall be sufficient authority for the person named therein to sell such intoxicating liquor as is mentioned therein and on the premises and in the manner specified therein.

At the time of granting the licence there shall be given to the grantee a certified copy thereof, and at any time if the Licensing Officer is satisfied that such copy has been lost or destroyed, he may give another certified copy on the application of the licence holder and on production of the licence.

(2) When application is made for an Occasional licence, the Licensing Officer shall not grant such licence, unless he is satisfied by enquiry from the Superintendent or other Officer of

Police that it is desirable that such licence should be granted.

9. Any person who sells, barter or exposes for sale any intoxicating liquor without being duly licensed to sell the same; or who being licensed, sells, barter, or exposes for sale intoxicating liquor in any quantities which, or at any place where, he is not authorised by his licence to sell; or who allows to be consumed on his licensed premises liquor of any description which he is not authorized by his licence to sell, shall be guilty of an offence and on conviction thereof shall be liable to a penalty not exceeding Fifty Pounds sterling: Provided that nothing in this section contained shall be deemed to extend to physicians, surgeons, apothecaries or druggists as to any spirits or spirituous liquor that they may use in preparing or dispensing medicines. Provided also that in proceeding under this section, it shall not be necessary for the prosecutor to prove that the person proceeded against had no licence, or that the premises on which any sale or barter of spirituous liquor took place was not mentioned in the licence, but the person proceeded against, if he alleges that he was licensed or that the premises on which any sale or barter took place was mentioned in his licence, shall prove the same.

Selling, etc., without licence an offence.

Exceptions.

Onus of proof.

10. Every occupier of unlicensed premises on which any intoxicating liquor is sold shall, if it is proved that he was privy to the sale, be guilty of an offence against this Ordinance, and on conviction thereof shall be liable to a penalty not exceeding Twenty Pounds.

Liability of occupier for sale on unlicensed premises.

11. An Auctioneer may, by virtue of a licence under the hand of the Licensing Officer on the occasion of any sale of the furniture and effects of any person at a private dwelling house, sell any intoxicating liquor being the private property of the owner of the furniture and effects, and for such licence no fee or sum shall be paid, but such licence shall be prepared by the Auctioneer requiring the same and shall specify particularly the name of the owner of the intoxicating liquor, the quantity and kind to be sold and the premises from which the same is intended to

Auctioneer when exempted from payment for licence.

be sold, and before the granting of such licence, the Auctioneer shall make a declaration that the intoxicating liquor is, to the best of his knowledge and belief, the property of the person whose furniture and effects, and at whose premises such furniture and effects are about to be sold.

Sign boards to be exhibited.

12. Any person who shall hold a licence under Section 4 (a) or (b) of this Ordinance shall during the continuance of such licence, and no longer, exhibit in a conspicuous position over the entrance to the premises in respect of which such licence shall be in force, a sign board bearing the name of the person licensed, and a description of the licence painted thereon in letters not less than 3 inches in length and one inch in width in white on a black board.

Hours for closing.

13. All premises on which intoxicating liquor is sold for consumption on the premises, under the provisions of this Ordinance shall be closed as follows: That is to say from 10.30 p.m. on Saturday, until 1 p.m. on Sunday, from 2 p.m. until 8 p.m. on Sunday, and from 10 p.m. on Sunday, until 5.30 a.m. on Monday, and on all other days from 10.30 p.m. until 5.30 a.m. on the following day.

Such premises shall be closed on Christmas Day and Good Friday and on the days preceding Christmas day and Good Friday respectively as if Christmas Day and Good Friday were respectively Sunday and the preceding days were respectively Saturday but this provision shall not alter the hours during which such premises shall be closed on Sunday when Christmas Day immediately precedes or succeeds Sunday.

Order of exemption may be granted.

Provided that the President of any Licensing Authority upon the production of such evidence as he may deem sufficient that it is desirable so to do may in his discretion grant to the holder of a licence granted under this Ordinance an Order in writing exempting such person from the provisions of this Ordinance with respect to the closing of his premises on such days and during such times as may be specified in such Order and may at his discretion revoke such Order.

The holder of an Order of Exemption under this section shall not be liable to any penalty for not closing his premises on such days and during such times as may be specified in such Order but he shall not be exempt from any other penalty under this or any other Ordinance or otherwise.

Effect of Order of Exemption.

14. Any person who during the time when premises licensed for the sale of intoxicating liquor are directed to be closed by, or in pursuance of this Ordinance, sells or exposes for sale in such premises any intoxicating liquor, or opens or keeps open such premises for the sale of intoxicating liquor, or allows any intoxicating liquor, although purchased before the hours of closing, to be consumed in such premises, shall for the first offence be liable to a penalty not exceeding Ten Pounds and for any subsequent offence to a penalty not exceeding Twenty Pounds, and any conviction for an offence under this section shall be recorded on the licence of the person convicted.

Penalty for selling liquor after the closing time.

Provided that nothing in this Ordinance shall preclude a person licensed to sell any intoxicating liquor to be consumed on the premises, from selling such liquor at any time to persons lodging in his house.

Except to a lodger.

15. If within any period when any premises are required under the provisions of this Ordinance to be closed, any person is found on such premises, he shall, unless he satisfies the Court that he was an inmate, a servant, or a lodger on such premises, or that otherwise his presence on such premises was not in contravention of the provisions of this Ordinance with respect to the closing of licensed premises, be liable to a penalty not exceeding Forty Shillings.

Penalty for being found on premises after closing time.

Any constable may demand the name and address of any person found on any premises within the period when they are by the provisions of this Ordinance required to be closed and if he has reasonable ground to suppose that the name or address given is false, may require evidence of the correctness of such name and address, and may, if such person fail upon such demand to give his name and address or satisfactory evidence of the correctness of such name and address, apprehend him without warrant and carry him as soon as practicable before a Magistrate.

Name and address of person found on premises after closing time to be given on demand.

Penalty for refusal to give name or address.

Any person required by a constable under this section to give his name and address who fails to give the same, or gives a false name or address, or makes a false statement with respect to such name or address, shall be liable to a penalty not exceeding Five Pounds.

False personation of lodger.

Every person who, by falsely representing himself to be a lodger, buys or obtains, or attempts to buy or obtain at any premises, any intoxicating liquor during the period when such premises are closed in pursuance of this Ordinance, shall be liable to a penalty not exceeding Five Pounds.

Penalty for allowing drunkenness on licensed premises.

16. If any licensed person permits drunkenness, or any violent, quarrelsome or riotous conduct to take place on his premises, or sells any intoxicating liquor to any drunken person, he shall be liable to a penalty not exceeding Ten Pounds for the first offence, and not exceeding for the second and every subsequent offence Twenty Pounds. Any conviction for an offence under this section shall be recorded on the licence of the person convicted.

Penalty for permitting gaming.

17. If any licensed person suffers any gaming or any unlawful game to be played on his premises, he shall be liable to a penalty not exceeding, for the first offence, Ten Pounds and not exceeding for the second and any subsequent offence Twenty Pounds. Any conviction for an offence under this section shall be recorded on the licence of the person convicted.

Power to exclude drunkards from premises.

18. Any licensed person may refuse to admit to, and may turn out from, the premises in respect of which his licence is granted, any person who is drunken, violent, quarrelsome, or disorderly, and any person whose presence on his premises would subject him to a penalty under this Ordinance, and any such person who, upon being requested in pursuance of this section by such licensed person, or his agent, or his servant, or any constable to quit such premises, refuses or fails to do so, shall be liable to a penalty not exceeding Five Pounds; and all constables are required on demand of such licensed person, agent, or servant, to expel or assist in expelling every such person from such premises, and may use such force as may be required for such purpose. The Court com-

mitting any person to prison for non-payment of any penalty under this section may order him to be imprisoned with hard labour.

19. The Licensing Officer shall furnish the Chief Officer of Police in the district during the first week of each year, or half year respectively, with a list of all licences granted, by him and the said Chief Officer of Police shall cause to be hung up in some conspicuous place at each head Police Station of each District in the Colony, or Protectorate a copy of the list of licensed houses in that District.

Licensing Officer to furnish Chief Officer of Police with a list of licences granted.

20. If any licensed person knowingly permits his premises to be the habitual resort or place of meeting of reputed prostitutes, whether the object of their so resorting or meeting is or is not prostitution, he shall, if he allow them to remain thereon longer than is necessary for the purpose of obtaining reasonable refreshment, be liable to a penalty, not exceeding, for the first offence, Ten Pounds, and not exceeding, for the second and any subsequent offence, Twenty Pounds. Any conviction for an offence under this section shall be recorded on the licence of the person convicted.

Penalty for keeping disorderly house.

21. If any licensed person is convicted of permitting his premises to be used as a brothel he shall be liable to a penalty not exceeding Fifty Pounds, and shall forfeit his licence.

Penalty for permitting premises to be used as brothel.

22. If any licensed person :

- (1) Knowingly harbours or knowingly suffers to remain on his premises any constable during any part of the time appointed for such constable to be on duty, unless for the purpose of keeping or restoring order or in the execution of his duty ; or
- (2) Supplies any liquor or refreshment, whether by way of gift or sale, to any constable on duty unless by authority of some superior officer of police ; or
- (3) Bribes or attempts to bribe any constable, he shall be liable to a penalty not exceeding, for the first offence Ten Pounds, and not exceeding,

Penalty for harbouring constable.

for the second or any subsequent offence, Twenty Pounds. Any conviction for an offence under this section shall be recorded on the licence of the person convicted.

Forfeiture on repeated convictions.

23. If any licensed person on whose licence two convictions for offences committed by him against this Ordinance have been recorded is convicted of any offence which is directed by this Ordinance to be recorded on his licence, the licence of such person shall be forfeited, and he shall be disqualified for the space of at least one year from the date of such third conviction from holding any licence. Provided that a conviction for any offence under this Ordinance shall not after five years from the date of such conviction be receivable in evidence against any person for the purpose of subjecting him to an increased penalty or to any forfeiture.

Magistrate to record convictions on licence: and record to be transferred to new licences granted.

24. Wherever in this Ordinance it is provided that a conviction shall be recorded on the licence of the person convicted, such record shall be made by the Magistrate or District Commissioner: Provided however that it shall be the duty of the Licensing Officer in granting a new licence to such convicted person from time to time to transfer the record of such conviction to the licence so granted by him. The record of such conviction shall not be transferred after five years from the date of such conviction.

Omission to record conviction on licence.

25. Where a conviction for an offence is by this Ordinance directed to be recorded on the licence of any person, the fact of no such record having been made shall not, if such conviction be otherwise proved to the satisfaction of the Court having cognizance of any case under this Ordinance, exempt such person from any penalty to which such person would have been subject if such record had been duly made. And on such proof being given, the omitted conviction may be recorded accordingly, and shall be deemed to have been duly recorded in accordance with this Ordinance.

Debt for intoxicating liquor consumed on premises, not recoverable.

26. No action shall be brought or be maintainable in any Court to recover any debt or sum of money alleged to be due in respect of the sale of any intoxi-

cating liquor which was consumed on the premises where sold or supplied, or in respect of any money or goods lent or supplied, or of any security given for in or towards the obtaining of any such intoxicating liquor except where the person against whom such action is brought was a lodger on the premises where the liquor was consumed or to be consumed.

27. If any person defaces or obliterates or attempts to deface or obliterate any record of a conviction on his licence, he shall be liable to a penalty not exceeding Five Pounds.

Penalty for defacing record of conviction on licence.

28. Any constable may, for the purpose of preventing or detecting the violation of any of the provisions of this Ordinance which it is his duty to enforce, enter at all times on any licensed premises or any premises in respect of which an occasional licence is in force.

Constable may enter premises for enforcement of Ordinance.

Every person who, by himself, or by any person in his employ, or acting by his direction, or with his consent, refuses or fails to admit any constable in the execution of his duty demanding to enter in pursuance of this section shall be liable to a penalty not exceeding, for the first offence Five Pounds, and not exceeding for the second and every subsequent offence, Twenty Pounds.

Any constable who receives or asks for a bribe shall be guilty of an offence, and shall on conviction be liable to a fine not exceeding Five Pounds, or to imprisonment for any period not exceeding three months.

Any constable on duty who receives, or asks to be treated with any intoxicating liquor, shall be liable to be punished as for a breach of discipline in the manner prescribed by the Police Ordinance.

29. Every person licensed to sell intoxicating liquor who shall knowingly supply any person apparently under the age of twelve years with intoxicating liquor to be drunk on the premises, shall be liable to a penalty, not exceeding Three Pounds.

Sale to young persons.

30. Every Offence under this Ordinance shall be prosecuted and every Penalty and Forfeiture shall be recovered and enforced before a Police Magistrate.

Prosecution for offences.

or District Commissioner, and every Police Magistrate and District Commissioner shall have jurisdiction to hear and determine any charge made hereunder.

31. The Governor in Council shall have power

Appointment of  
Licensing Justices.

(i) To appoint persons to be Licensing Justices to hear and determine applications for licences made hereunder.

Regulations.

(ii) To make regulations as to the place in which, the time when, and the manner in which such Justices shall exercise their jurisdiction and generally for the better carrying of this Ordinance into effect.

Notices, etc., to be  
signed by President.

32. All notices, certificates, orders or other communications required to be issued in writing by any Licensing Authority shall be valid and effective if issued under the hand of the President of and on behalf of such authority.

Clubs.

33. This Ordinance shall be applicable to all clubs except such as apply for and obtain special exemption therefrom by Order of the Governor in Council.

## THE FIRST SCHEDULE.

### 1. FORM OF NOTICE.

I hereby give notice that \_\_\_\_\_ of  
\_\_\_\_\_ has made an application to me  
for a certificate for a licence to sell (a) \_\_\_\_\_  
at (b) \_\_\_\_\_ in the town  
of \_\_\_\_\_ Province  
subject to the provisions of the Licensing Ordinance,  
1908. \_\_\_\_\_ in the

Any person desiring to oppose the grant of the said certificate must give notice in writing together with a statement of the grounds of his opposition to me on or before the day of \_\_\_\_\_, 19\_\_\_\_.

All objections of which due notice has been given will be considered in open Court on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at 8.30 in the forenoon.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Licensing Authority.

(a) State nature of Licence applied for.

(b) Describe premises.

---

2. FORM OF CERTIFICATE.

I hereby certify in pursuance of the Licensing Ordinance, 1908, that the premises (a) and occupied by are fit and proper to be licensed for the sale of (b) and that the said is a suitable person to receive a licence in respect of the said premises.

Dated this day of 19 .

*Licensing Authority.*

(a) Describe premises.

(b) State nature of Licence applied for.

---

3. FORM OF LICENCE.

Licence is hereby granted to to sell (a) to be consumed on the premises situate at (b) subject to the provisions of the Licensing Ordinance, 1908.

This licence expires on the day of 19 , on which date it is to be returned to this office.

Given at this day of , 19 .

*Licensing Officer.*

(a) State nature of Licence granted.

(b) Describe premises.

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4. FORM OF OCCASIONAL LICENCE.

An Occasional licence is hereby granted to to sell intoxicating liquors to be consumed on the premises at subject to the provisions of the Licensing Ordinance, 1908, on the day of , 19 , only.

Given at this day of , 19 .

*Licensing Officer.*

## THE SECOND SCHEDULE.

### SCALE OF FEES.

## (1) A Bar licence.

## (a) In Lagos (including Iddo and Ebute Metta.)

	£	s.	d.
For a year ... ..	30	0	0
For a half year ... ..	15	0	0

## (b) Outside Lagos.

For a year ... ..	20	0	0
For a half year ... ..	10	0	0

## (2) A wine and beer licence.

## (a) In Lagos.

For a year ... ..	5	0	0
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## (b) Outside Lagos.

For a year ... ..	3	0	0
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## (3) Occasional licence.

Per diem ... ..	0	10	0
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Passed in the Legislative Council this 8th day of October, in the year of our Lord, one thousand nine hundred and eight.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

D. C. CAMERON,

*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

J. J. THORBURN,  
*Colonial Secretary.*

J. E. GREEN,  
*Acting Attorney-General.*

Assented to in His Majesty's name this 8th day of October, 1908.

W. EGERTON.  
*Governor.*



(L.S.)  
W. EGERTON.

No. XXV.

1908.



Colony of Southern Nigeria.

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IN THE EIGHTH YEAR OF THE REIGN OF  
HIS MAJESTY KING EDWARD, VII.

SIR WALTER EGERTON, K.C.M.G.,  
*Governor.*

An Ordinance to provide for ascertaining the Title.  
Annual Value of Land in Lagos.

[26TH NOVEMBER, 1908.] Date.

BE IT ENACTED by the Governor of the Colony Enactment.  
of Southern Nigeria with the advice and consent of  
the Legislative Council thereof as follows : —

1. This Ordinance may be cited as “The Lagos Short Title.  
Assessment Ordinance.”

2. The Governor in Council may appoint fit and Appointment of  
proper persons (hereinafter called Assessors) to the Assessors.

number of not less than three nor more than five who shall have the powers and duties hereinafter defined and may provide for the remuneration of such Assessors for the performance of their duties under this Ordinance.

Assessment.

3. The Assessors shall after due enquiry make an assessment of the net annual value of each separate holding of land and of any buildings thereon within the Town of Lagos, Iddo Island, and Ebute Metta, and on completion of such assessment shall make report thereof to the Colonial Secretary.

Witnesses.

4. The Assessors may issue a notice calling upon any person who they have reason to believe is able to give any information respecting the value of any land or buildings to attend before them on a date and at a place to be mentioned in the notice, and if he fail to attend or to give such information he shall be liable to a fine not exceeding twenty-five pounds or in default three months imprisonment.

Every witness may receive such remuneration for such attendance as the Governor-in-Council may direct.

Every person on whom such notice is served shall be legally bound to attend and to give such information as he is able to give as to the matter in question.

Examination of witnesses.

5. For the purposes of this Ordinance the Assessors may examine upon oath any person summoned under section 4 of this Ordinance and if any such person shall in his examination knowingly and wilfully state any matter or thing which is false he shall be liable to punishment for perjury.

Rules.

6. The Governor-in-Council may make rules as to the place in which, the time when, and the manner in which the Assessors shall perform their duties under this Ordinance and generally for the better carrying into effect this Ordinance.

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Passed in the Legislative Council this 26th day of November, in the year of our Lord, one thousand nine hundred and eight.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

D. C. CAMERON,

*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

J. J. THORBURN,

*Colonial Secretary.*

A. R. PENNINGTON,

*Attorney-General.*

Assented to in His Majesty's name this 26th day of November, 1908.

W. EGERTON,

*Governor.*



(L.S.)

W. EGERTON.

No. XXVIII.

1908.



Colony of Southern Nigeria.

IN THE EIGHTH YEAR OF THE REIGN OF  
HIS MAJESTY KING EDWARD VII.

SIR WALTER EGERTON, K.C.M.G.,

*Governor.*

An Ordinance to make better provision for the <sup>Title.</sup> prevention of the spread of Plague, and of other Infectious and Contagious Diseases, and for the settlement of claims for compensation in connection with measures taken to prevent the spread of such Diseases.

[26TH NOVEMBER, 1908.]

Date.

BE IT ENACTED by the Governor of the Colony <sup>Enactment.</sup> of Southern Nigeria, with the advice and consent of the Legislative Council thereof, as follows:—

Application and  
Short Title.

1. This Ordinance applies to the Colony and Eastern and Central Provinces of the Protectorate, and may be cited as "The Infectious Diseases Ordinance, 1908."

Interpretation.

2. In this Ordinance the term "Infectious disease" means plague, cholera, and yellow fever, and includes any disease of an infectious or contagious nature which the Governor in Council may declare in manner hereinafter provided to be an infectious disease within the meaning of this Ordinance.

"Compensation Board" means a board appointed under section 13 of this Ordinance.

"Medical Officer" means a medical officer of the Medical Staff of Southern Nigeria or other medical practitioner appointed by the Governor.

Power for Govern-  
or in Council to  
apply Ordinance  
to other disease.

3. It shall be lawful for the Governor in Council by order published in the Gazette to declare that any disease of an infectious or contagious nature, not specially mentioned in the preceding section, shall be an infectious disease within the meaning of this Ordinance, and thereupon all the provisions of this Ordinance shall apply to such disease.

Declaration of  
infected area, and  
Order for  
evacuation.

4. (1) Whenever an infectious disease shall have broken out in any town or place it shall be lawful for the Governor in Council by order published in the Gazette to declare such town or place or any portion thereof to be an infected area, and by the same order or any subsequent order published in the Gazette to order the evacuation of the whole or any part of such infected area.

(2) It shall not be lawful for any person to reside or carry on business within any infected area or portion thereof which is comprised in an order for evacuation, or to enter or be therein, except when passing along a thoroughfare allowed to remain open to the public, without an order in writing to that effect signed by a Medical Officer, and upon such conditions as such Medical Officer may in such order direct.

(3) Any person contravening the provisions of the preceding sub-section shall be liable for a first offence to a fine not exceeding twenty-five pounds, or to imprisonment with or without hard labour for a period not exceeding three months, and for a second or subsequent offence to a fine not exceeding fifty pounds, or to imprisonment with or without hard labour for a period not exceeding six months, or to both.

5. Any person licensed to sell spirits or wine or beer in a store situated in any infected area or portion thereof which is comprised in an order for evacuation, shall be entitled to a transfer of the licence to a store situated in some place to which no order for evacuation extends, and where no higher licence fee is payable, or may be awarded by a Compensation Board a refund of the whole or any portion of the fee paid for the licence.

Spirit and wine and beer licences in area ordered to be evacuated.

6. Whenever in the opinion of a Medical Officer there is suspicion that a person has died of an infectious disease, whether in an infected area or not, it shall be lawful for the Medical Officer to order that the body of the deceased person shall be conveyed to such place as the Medical Officer shall appoint, for such examination as he may consider necessary.

Power to order post mortem examinations.

7. It shall be lawful for a Medical Officer, if he shall see occasion, to place or cause to be placed on the door or wall of any house or building or on the wall or fence, if any, surrounding such house or building in which any case of infectious disease has occurred whether in an infected area or not, any mark which he may deem advisable for the purpose of denoting the occurrence of such disease, and to keep such mark affixed for such time as he may deem necessary, and any person removing or obliterating any such mark without the authority of a Medical Officer or District Commissioner shall on conviction be liable to a fine not exceeding five pounds.

Marking of houses where infectious disease has occurred.

8. It shall be lawful for any Medical Officer to order the disinfection of any house or building in which any case or suspected case of infectious disease has occurred, whether in an infected area or not, and of any property belonging to any person residing or being in such house or building.

Disinfection.

Power for Medical Officer to order destruction of house, building or anything.

9. (1) It shall be lawful for any Medical Officer to order the destruction of any house or building in which a case of infectious disease has occurred whether in an infected area or not, or of anything in such house or building, or elsewhere, which he may consider necessary in the interests of public health.

(2) Any such order shall be carried out in such manner and by such person as the Medical Officer may direct.

(3) All claims for compensation in respect of the destruction of any house, building or thing under this section shall be determined by the Compensation Board.

Destruction of animals.

10. It shall be lawful for any Medical Officer to order the destruction of any animals, whether in an infected area or not, which he has reason to believe are likely to be agents in the transmission of an infectious disease, and to dispose of the carcasses of any animals so destroyed in such manner as he may think proper.

Removal and detention of infected persons and suspects.

11. It shall be lawful for a Medical Officer to cause any person suffering or suspected to be suffering from an infectious disease, whether in an infected area or not, to be removed to a Government hospital or other place provided by the Government and to detain such person until he can be discharged with safety to the public.

Isolation of contacts.

12. It shall be lawful for a Medical Officer to order any person living in the same house or compound, or otherwise brought into contact with any person suffering or suspected to be suffering from an infectious disease, to be isolated in such place as the Government may provide, until he can be discharged with safety to the public, and every person authorized by the Medical Officer to carry out such order may use such force as is necessary to compel obedience to such order.

Compensation Boards.

13. (1) All claims for refund of spirit licence fees under section 5 and for damages or compensation for destruction of property under sections 9, 10, and 18

(iii), shall be heard and determined by a Compensation Board to be appointed by the Governor in writing and to consist of two persons, one of whom shall be unconnected with the Government Service.

(2) The Unofficial Member of the Board shall be entitled to his actual out-of-pocket expenses, and the Governor may, at his discretion, allow such further remuneration as he may think fit.

(3) In appointing any Compensation Board it shall be lawful for the Governor—

- (a) to define the local limits of the jurisdiction of the Boards;
- (b) to appoint any member by name or ex-officio;
- (c) to appoint a Secretary to the Board; and
- (d) in case any person appointed shall be or become unable or unwilling to act, or shall die, to appoint another member in his place.

(4) Every appointment made under this section shall be published in the Gazette.

(5) A Compensation Board shall have all the powers of the Supreme Court to summon witnesses, and to call for the production of books, plans or documents, and to examine witnesses and parties on oath: and all persons summoned to attend and give evidence or to produce books, plans or documents shall be bound to obey the summons served upon them as fully in all respects as witnesses are bound to obey subpoenas from the Supreme Court, and shall be entitled to like expenses as if they had been summoned to attend such Court on a criminal trial, if the same shall be allowed by the Board, but the Board may disallow the whole or any part of such expenses in any case if they think fit.

(6) If the members of a Compensation Board shall in any case be equally divided, the matter shall be referred to a Judge of the Supreme Court who shall for the purposes of the reference be deemed to be a member of the Compensation Board, and whose decision shall be deemed to be the award of the Board.

(7) The award of a Compensation Board shall be in writing signed by the members or by the Judge, as the case may be, and shall be final and the amount awarded shall be paid in accordance with the award by the Government of the Colony.

(8) Any witness who shall wilfully give false evidence before or in any proceedings before a Compensation Board concerning the subject matter thereof shall be guilty of perjury, and be liable to be prosecuted and punished accordingly.

14. (1) Every claim for damages or compensation shall be preferred within six months after the happening of the event in respect of which the claim is made.

(2) A claim may be sent in the first instance either to the Compensation Board or to the Colonial Secretary, by whom it shall be referred to the Compensation Board appointed to deal therewith.

(3) No claim shall be entertained of which notice shall not have been received by the Compensation Board or the Colonial Secretary within the time specified by this section.

15. No action, suit or civil proceeding of any kind whatsoever shall, without the written consent of the Attorney-General, be brought against any person in any Court in the Colony or Protectorate for damages or compensation in respect of any measures taken or to be taken to prevent the spread of any infectious disease.

16. Where a person in charge of or in attendance on or living with a person suffering from an infectious disease is charged with an offence against this Ordinance or any regulation made thereunder relative to such infectious disease, he shall be presumed to have known of the existence of such disease in such person unless and until he shows to the satisfaction of the Magistrate or District Commissioner before whom he is charged that he had not such knowledge and could not with reasonable diligence have obtained such knowledge.

Time within which claims must be brought.

Restriction on civil proceedings in respect of preventive measures.

Presumption.

17. If any person without lawful authority or excuse (proof whereof shall lie on him) shall contravene any of the provisions of this Ordinance for which no other punishment is provided, or any regulation made under this Ordinance, or does or omits to do anything which, under such provisions of this Ordinance, or of any regulations made thereunder, he ought not to do or omit to do, or if he obstructs or impedes or aids or incites any other person to obstruct or impede any Medical Officer, Police Officer, Sanitary Inspector, or other person lawfully acting in the execution of any provisions whatsoever of this Ordinance, or of any regulation thereunder, he shall be guilty of an offence, and on conviction shall be liable to a fine not exceeding twenty-five pounds, or to imprisonment with or without hard labour for a period not exceeding three months, or to both. Penalties.

18. It shall be lawful for the Governor in Council to make, vary, and revoke regulations:— Power for Governor in Council to make regulations.

- (i) For isolating all persons suffering or suspected to be suffering from an infectious disease, or brought into contact with any person so suffering or suspected; Isolation of infected persons.
- (ii) For inspecting and granting passports to persons travelling by sea or land from a town, village or place where an infectious disease has occurred, and for disinfecting their clothing and effects; Passports to travellers.
- (iii) For closing, destroying, disinfecting, cleansing or otherwise rendering harmless any houses, buildings, latrines, wells, cesspits, dustbins, dumping grounds and places deemed to be injurious to public health; Closing, &c., of houses.
- (iv) For prohibiting the removal of property from infected houses; Removal of property.
- (v) For prescribing the mode of burial or disposal of the bodies of persons dying from an infectious disease; Burial of infected persons.

- Removal from infected area.
- (vi) For the removal of persons from any portion of an infected area the evacuation of which has been ordered by the Governor in Council;
- Establishing cordon.
- (vii) For establishing a cordon around any place where an infectious disease has occurred or otherwise preventing persons departing from or going to any such place;
- Reporting sickness.
- (viii) For prescribing the reporting of cases of sickness and deaths;
- Prevention of Public Meetings.
- (ix) For preventing, in any place where an infectious disease exists, the holding of public meetings or the performance of funeral or other native customs likely to tend to the dissemination of such infectious disease;
- Appointment of Officers.
- (x) For the appointment of the authority by whom the provisions of this Ordinance and any regulations made thereunder are to be carried out, and of inspectors and other necessary officers, and for the execution of their duties;
- Destruction of vermin.
- (xi) For the destruction of rats, mice, and other kinds of vermin, and of mosquitoes, fleas, bugs or any other such parasites as it may be deemed advisable to destroy and for the closing of holes made by rats and mice and for the rendering of floors and plinths of houses rat-proof;
- Destruction of refuse.
- (xii) For the disposal or destruction of refuse and sewage;
- Erection of temporary buildings.
- (xiii) For the erection of temporary huts, mortuaries and similar buildings by the Chiefs or headmen of towns or villages;
- Public notification of regulations.
- (xiv) For the publication within the area affected by ringing a bell or in other manner, of any Order-in-Council or regulations made under this Ordinance;
- Prescribing procedure, &c., of Compensation Board.
- (xv) For prescribing the procedure to be adopted in the proceedings of the Compensation Board and the forms of witness summonses and other documents to be used in connection with such proceedings;

- (xvi) For prescribing the form and mode of service or delivery of notices and other documents under this Ordinance ; and Prescribing forms.
- (xvii) Generally for the better carrying into effect any of the provisions of this Ordinance. Generally.

All such regulations shall, unless some later date be fixed therein, come into operation on publication in the Gazette.

19. The powers conferred by this Ordinance shall be in addition to and not in substitution for or in derogation of the powers conferred by the Public Health Ordinance and the Towns Ordinance or of any other Ordinances relating to the subject matter of this Ordinance, or of any Orders, Rules or Regulations made under any of such Ordinances. Powers conferred additional to those conferred by any other Ordinance.

Passed in the Legislative Council this 25th day of November, in the year of our Lord, one thousand nine hundred and eight.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

D. C. CAMERON,  
*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

J. J. THORBURN,  
*Colonial Secretary.*

A. R. PENNINGTON,  
*Attorney-General.*

Assented to in His Majesty's name this 26th day of November, 1908.

W. EGERTON,  
*Governor.*



(L.S.)  
W. EGERTON.  
No. XXIX.

1908.



## Colony of Southern Nigeria.

IN THE EIGHTH YEAR OF THE REIGN OF  
HIS MAJESTY KING EDWARD VII.

SIR WALTER EGERTON, K.C.M.G.,  
*Governor.*

An Ordinance to make provision with regard to Title.  
destitute persons landed or left behind in the  
Colony or Protectorate.

[26TH NOVEMBER, 1908.] Date.

BE IT ENACTED by the Governor of the Colony Enactment.  
of Southern Nigeria, by and with the advice and  
consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as "The Immigrant Short title.  
Paupers Ordinance, 1908."

2. (a) Whenever any person other than a native Liability to pay  
of West Africa arrives in the Colony or Pro- costs incurred in  
tectorate under an engagement to serve any cases of destitute  
person, firm, company, association, or body of persons brought  
persons, in any capacity, and into or left in the  
Colony or Protec-  
torate.

- (b) Whenever any seaman is discharged from his ship in the Colony or Protectorate without the sanction of the Colonial Secretary, and without reasonable provision having been made as to his subsistence, or (not being a deserter) is wrongfully left behind in the Colony or Protectorate,

and within a period of six months from the date of such arrival or discharge, or being left behind, such person or seaman becomes destitute and unable to support himself or otherwise chargeable to the Colony.

Then in cases within clause (a) the person, firm, company, association or body of persons with whom such engagement was made, and, in cases within clause (b) the master of the ship from which such seaman has been so discharged, or by whom he has been so left behind, shall, respectively, be liable to repay to the Government all costs and charges incurred by the Colony on his behalf, including hospital costs and charges and the cost of his removal from the Colony or Protectorate.

Shipmasters bringing destitutes into the Colony liable to repay costs and charges.

3. The master of any ship, British or Foreign, which brings into the Colony or Protectorate any person other than a native of West Africa and other than a person under an engagement to serve any person, firm, company, association or body of persons in any capacity (not having been shipwrecked) who, within one month from the time of his landing, becomes destitute of means of subsistence shall be liable to repay to the Government of the Colony all costs and charges incurred by the Colony on behalf of such person, unless such master shall satisfy the Court before which the claim for such costs and charges is prosecuted, that he made due enquiry and that he had reason to believe that such person was possessed of means of subsistence when he arrived in the Colony or Protectorate: Provided that where the person so brought into the Colony or Protectorate came as a stowaway, the master shall incur no liability to repay the said costs and charges in case such stowaway is promptly handed over to the Police on the arrival of the ship and no money or compensation in respect of such person's passage is paid or received.

And provided further that if such person becoming destitute as aforesaid has before or at the time of his landing either by himself or through the Master, owner, agent or consignee of the ship deposited with the Treasurer of the place where he is landed such sum as the Treasury may determine as security for any expenses which may be incurred by the Colony on his account, then the Master of the ship shall not be under any further liability in respect of such person.

4. In the absence of the master of a vessel, or if such master shall depart from the Colony or Protectorate before repaying such costs and charges as are mentioned in the two preceding sections, the owner, agent, and consignee of such vessel at the time the person landed, or in the case of a seaman discharged or left behind, at the time of such discharge, or of his so being left behind, shall be liable to repay such costs and charges to the Government.

Owner, &c., liable in the absence of Shipmaster.

5. Such costs and charges shall be recoverable by suit as if an express agreement to repay them had been entered into with the Colonial Secretary by the person, firm, company, association, body, master, owner, agent or consignee chargeable.

Recovery of costs.

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Passed in the Legislative Council this 26th day of November, in the year of our Lord, one thousand nine hundred and eight.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

D. C. CAMERON,  
*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

J. J. THORBURN,  
*Colonial Secretary.*

A. R. PENNINGTON,  
*Attorney-General.*

Assented to in His Majesty's name this 26th day of November, 1908.

W. EGERTON,  
*Governor.*

(L.S.)

J. J. THORBURN.

No. II.

1909.



## Colony of Southern Nigeria.

IN THE EIGHTH YEAR OF THE REIGN OF

HIS MAJESTY KING EDWARD, VII.

JAMES JAMIESON THORBURN, ESQUIRE, C.M.G.,

*Acting Governor.*

An Ordinance to regulate the Distillation  
of Spirits.

[18TH JANUARY, 1909.]      Date.

BE IT ENACTED by the Governor of the Colony Enactment.  
of Southern Nigeria, with the advice and consent of the  
Legislative Council thereof as follows :—

1. This Ordinance may be cited as the Distillation Short Title.  
of Spirits Ordinance, 1909.

Definition.

2. In this Ordinance the word "Spirits" means and includes Rum, Brandy, Gin, Whisky, Absinthe, Liqueurs and all other distilled liquors, and the words "distiller's licence" mean a licence granted by or with the authority of the Governor to distil, rectify, compound or make spirits.

Distiller's licence necessary for the making of spirits.

3. After the date of this Ordinance no person other than the holder of a distiller's licence shall within the Colony and Protectorate of Southern Nigeria distil, rectify, compound or make any spirits.

Penalty for contravention of Ordinance.

4. Any person contravening the provisions of section 3 of this Ordinance shall be guilty of an offence and shall incur a penalty for each offence not exceeding fifty pounds.

Procedure for recovery of penalties.

5. All offences against this Ordinance shall be summarily heard and determined by, and all penalties shall be recoverable before the Police Magistrate or the Commissioner of the District in which the offence shall have been committed, any provision to the contrary in the Supreme Court Ordinance notwithstanding. Any penalty recovered if not forthwith paid may be levied by distress and sale of the offender's goods and in default of sufficient distress or without proceeding by way of distress if the Court pronouncing sentence shall so order it shall be lawful to commit the offender to prison with or without hard labour for any term not exceeding three months unless such penalty be sooner paid.

Informer may receive a portion of penalty.

6. Any informer on whose information a conviction is secured may subject to the direction of the Governor, receive out of every penalty recovered under this Ordinance a sum not exceeding one half thereof.

Discharge of informer.

7. On the commission of any offence against this Ordinance, the offender who, before any information is lodged against him in respect of the offence, first discovers and informs against any other offender, shall, on the conviction of the person against whom the information is given, be discharged and acquitted from all penalties or disqualifications to which at the time of giving information he may be liable by reason of the offence committed by him.

8. It shall be lawful for the Governor in Council from time to time by Order to determine the forms of licences to be used and the terms and conditions under which such licences may be granted and the fees payable in respect of such licences and to make vary, suspend or revoke rules and regulations for the more effectually carrying out the provisions of this Ordinance and to attach a penalty to any breach of any such rules or regulations when so made to be made recoverable in manner provided in section 5 of this Ordinance and every order so made shall upon publication thereof in the Government Gazette have the same force and effect as if it were contained in this Ordinance subject to disallowance by His Majesty.

Governor in Council to make rules as to issue of licences.

9. This Ordinance shall come into and be in force from the 1st day of February, 1909, to the 31st day of December, 1909, both inclusive.

Commencement.

Passed in the Legislative Council this 18th day of January, in the year of our Lord, one thousand nine hundred and nine.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

D. C. CAMERON,  
*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

F. S. JAMES,  
*Acting Colonial Secretary.*

A. R. PENNINGTON,  
*Attorney-General.*

Assented to in His Majesty's name this 18th day of January, 1909.

J. J. THORBURN,  
*Acting Governor.*



(L.S.)

J. J. THORBURN.

No. III.

1909.



## Colony of Southern Nigeria.

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IN THE EIGHTH YEAR OF THE REIGN OF  
HIS MAJESTY KING EDWARD, VII.

JAMES JAMIESON THORBURN, ESQUIRE, C.M.G.,

*Acting Governor.*

An Ordinance to make provision for the exercise Title.  
of the Powers and Jurisdiction acquired by  
His Majesty in the territory of the Awujale  
of Jebu Ode.

[18TH JANUARY, 1909.]

Date.

WHEREAS by an Order in Council of Her late Preamble.  
Majesty Queen Victoria bearing date the 29th day  
of December, 1887, and made in pursuance of the  
powers by the Foreign Jurisdiction Act, 1843, or other-  
wise in HER MAJESTY vested, it was provided that it

should be lawful for the Legislative Council for the time being of the Colony of Lagos, by Ordinance or Ordinances to exercise and provide for giving effect to all such Powers and Jurisdiction as HER MAJESTY might at any time before or after the passing of the said Order in Council have acquired in the territories adjacent to the Colony of Lagos, subject to such provisions as are in the said Order in Council described and set forth;

AND WHEREAS by certain Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland bearing date at Westminster the 28th day of February, 1906, it was provided among other things that the said Colony of Lagos should in future be known as the Colony of Southern Nigeria, as in the said Letters Patent is more fully set forth;

AND WHEREAS by an Order in Council bearing date the 28th day of February, 1908, it was provided that the Legislative Council for the time being of the Colony of Southern Nigeria might exercise and provide for giving effect to all such powers as HIS MAJESTY might at any time, either before or after the passing of the said Orders, have acquired or might acquire within such territories of the West Coast of Africa near or adjacent to the Colony of Southern Nigeria, as in the said Order were described;

AND WHEREAS by an agreement dated the 11th day of November, 1908, entered into between SIR WALTER EGERTON, K.C.M.G., Governor of the Colony of Southern Nigeria, on behalf of HIS MOST EXCELLENT MAJESTY KING EDWARD VII. and the AWUJALE and Authorities of Jebu Ode, HIS MAJESTY has acquired certain powers and jurisdiction in the territory of the AWUJALE of Jebu Ode;

AND WHEREAS the Territory of Jebu Ode is within the limits of the Southern Nigeria Protectorate as defined by the aforesaid Order of His Majesty in Council of the 28th day of February, 1906;

AND WHEREAS it is expedient to provide by Ordinance for the exercise of and for giving effect to the aforesaid powers and jurisdiction acquired by HIS MAJESTY;

Be it therefore enacted by the Governor of the Colony of Southern Nigeria with the advice and consent of the Legislative Council thereof as follows:—

Enactment.

1. This Ordinance may be cited as the Jebu Ode Jurisdiction Ordinance, 1909.

Short Title.

2. In this Ordinance "Agreement" means the Agreement set out in the Schedule annexed hereto and "Jebu Ode" means the territory of the AWEJALE of Jebu Ode.

Interpretation.

3. The jurisdiction acquired by HIS MAJESTY under the Agreement shall be vested in the Supreme Court of the Colony of Southern Nigeria (hereinafter called "the Court") and the Court is hereby empowered to carry the said jurisdiction into effect.

Jurisdiction vested in the Supreme Court.

4. The jurisdiction by this Ordinance vested in the Court shall except as hereinafter mentioned be exercised under and according to the provisions of the Supreme Court Ordinance including the Rules and Orders of Court made thereunder and the Criminal Procedure Ordinance and any Ordinance which may be passed supplementary thereto or in substitution therefor.

To be exercised under Chapters III. & XIV. of the 1st Schedule Statute Laws Revision Ordinance.

5. The laws relating to crimes and offences, for the time being in force in the Colony of Southern Nigeria, shall extend to and be in force within and under the jurisdiction by this Ordinance vested in the Court. The laws relating to Civil matters, for the time being in force in the Colony of Southern Nigeria, shall extend to and be in force within and under the jurisdiction by this Ordinance vested in the Court, but shall be deemed to extend thereto and be in force so far only as the jurisdiction of the Court and local circumstances reasonably permit and render such extension and enforcement suitable and appropriate.

Jurisdiction and law.

6. The Court in the exercise and administration of the jurisdiction vested in it by this Ordinance shall have the right to observe and enforce the observance of the laws and customs existing in Jebu Ode, such laws or customs not being repugnant to natural justice equity and good conscience. Such laws and

Observance of local laws and customs.

customs shall be deemed applicable in causes and matters between natives and persons not being natives of Jebu Ode only when it may appear to the Court that substantial injustice would be done to either party by a strict adherence to the rules of the English law, and in such causes and matters as the Court may deem just and equitable.

Application of laws defining the powers of the Governor.

7. All laws of the Colony of Southern Nigeria relating to any powers given to or exercised by the Governor shall be in force within the jurisdiction by this Ordinance vested in the Court in so far as they are necessary to carry into effect the jurisdiction acquired by HIS MAJESTY.

Trial by Assessors.

8. Whenever any person is charged with any indictable crime or offence within the jurisdiction by this Ordinance vested in the Court the trial shall be held with the aid of Assessors not being ordinarily less than four.

Certain sections of Chapter XIV, Statute Laws Revision Ordinance not applicable.

9. Section 118 to Section 134 (both inclusive) of the Criminal Procedure Ordinance 1908, shall not apply to the jurisdiction by this Ordinance vested in the Court.

Power to make Rules.

10. The Chief Justice may at any time make any Rules of Court for carrying this Ordinance into effect and in particular for regulating all matters connected with the forms to be used and the fees to be payable and may from time to time alter, amend and revoke all or any of such Rules, provided that no such Rules, or any alteration, amendment or revocation thereof shall be deemed binding until the same shall have been approved by the Legislative Council, and shall have been published in the Gazette; but all such Rules, and such alterations, amendments and revocations thereof, when so approved and published as aforesaid, shall have the same force and effect for all purposes as if the same had been made by Ordinance, and shall in like manner come into operation either immediately or on such day as shall be provided in such Rules, subject to disallowance by HIS MAJESTY.

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## SCHEDULE.

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### JEBU ODE AGREEMENT.

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**A**GREEMENT made this 11th day of November, 1908, between His Excellency Sir Walter Egerton, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of Southern Nigeria, for and on behalf of His Most Excellent Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of all the British Dominions beyond the Seas, King, Emperor of India, His Heirs and Successors of the one part and the Awujale and Authorities of Jebu Ode, for and on behalf of themselves their heirs and Successors and the people of Jebu Ode on the other part :

WHEREAS Jebu Ode is under the protection of His Most Excellent Majesty King Edward the Seventh, and trade and commerce have vastly increased in Jebu Ode in recent years, and large numbers of British subjects and others have settled there :

Now therefore the Awujale and Authorities of Jebu Ode for and on behalf of themselves their heirs and Successors and of the people of Jebu Ode do hereby agree and acknowledge that the hereinafter mentioned powers and Jurisdiction in the Jebu Ode District are vested in His Most Excellent Majesty Edward the Seventh of the United Kingdom of Great Britain and Ireland and of all British Dominions beyond the Seas, King, Emperor of India, His Heirs and Successors that is to say :—

1. Power and Jurisdiction over all persons not being natives of the District of Jebu Ode for the repression and punishment of all crimes and offences.

2. Power and Jurisdiction for the Judicial hearing and Determination of matters in difference where one or both of the parties to the suit is not a native of the District of Jebu Ode.

3. Power and Jurisdiction for the administration and control of the property and persons of all persons not being natives of the District of Jebu Ode.

4. Power and Jurisdiction over all persons whomsoever for the repression and punishment of the crimes of murder and manslaughter.

5. Power and Jurisdiction to execute and carry into effect the aforesaid powers and jurisdiction.

6. Power and Jurisdiction to execute the process of the Supreme Court of the Colony throughout the Jebu territory.

And the Awujale and Council of the Jebu Ode District for and on behalf of themselves their heirs and Successors and the natives of Jebu Ode District hereby declare that it is their strong desire that Barristers and Solicitors shall not be allowed to practise in the Courts exercising the civil jurisdiction hereinbefore acknowledged.

And it is hereby understood and agreed between the parties hereto that all persons charged with committing indictable crimes and offences—the jurisdiction over which has been acknowledged by the treaty—shall be tried by a Judge of the Supreme Court of the Colony of Southern Nigeria with the aid of Assessors, the number of which shall not ordinarily be less than four and such Assessors may be Judges, Magistrates or Councillors of the Native Courts or other fit and suitable persons.

It is further agreed that all prisoners awaiting trial or undergoing sentences inflicted by the Supreme Court may at the option of the Governor be confined in any Government Prison in the Colony or Protectorate.

In witness whereof the said parties have hereunto set their hands and seals the day and year first above written.

(Signed) ADEONA the Awujale  
 " KOGA " Lisa  
 " JOYE OJO " Odi  
 " OSHO NIBERU the ASHIPA  
 " ATIMIRI " "

Their

×  
 ×  
 ×  
 ×  
 ×

Marks.

JOSEPH ODUMOSU

(Sgd.) J. ODUMOSU.

WALTER EGERTON,  
 Governor.

Signed and sealed at Lagos by the said SIR WALTER EGERTON  
in the presence of:—

(Sgd.) E. ARNEY SPEED, Acting Chief Justice,  
" H. C. MOORHOUSE, Acting Provincial Commissioner.  
" H. V. NEAL, District Commissioner.

I do hereby certify that I have truly and honestly interpreted  
and explained in the Yoruba language the terms of the foregoing  
Agreement to the Awujale and Authorities of Jebu Ode.

(Sgd.) HY. LIBERT,  
*Chief Clerk Native Affairs.*

Passed in the Legislative Council this 18th day of  
January, in the year of our Lord, one thousand nine  
hundred and nine

This printed impression has been carefully com-  
pared by me with the Bill which has passed the  
Legislative Council and found by me to be a true and  
correct printed copy of the said Bill.

D. C. CAMERON,  
*Clerk of the Legislative Council.*

Presented for authentication and assent as a  
correctly and faithfully printed copy of the Bill as  
passed by the Legislative Council.

F. S. JAMES,  
*Acting Colonial Secretary.*

A. R. PENNINGTON,  
*Attorney-General.*

Assented to in His Majesty's name this 18th of day  
of January, 1909.

J. J. THORBURN,  
*Acting Governor.*



(L.S.)

J. J. THORBURN.

No. VII.

1909.



Colony of Southern Nigeria.

IN THE NINTH YEAR OF THE REIGN OF

HIS MAJESTY KING EDWARD, VII.

JAMES JAMIESON THORBURN, ESQUIRE, C.M.G.,

*Acting Governor.*

An Ordinance to prohibit the sale of Trade Title.  
Spirits in Receptacles other than those  
allowed under The Trade Spirits (Regulation  
of Receptacles) Ordinance.

[1ST APRIL, 1909.]

Date.

BE IT ENACTED by the Governor of the Enactment.  
Colony of Southern Nigeria with the advice and con-  
sent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the Trade Short Title.  
Spirits (Sale of) Ordinance.

Interpretation.

2. In this Ordinance "Trade Spirits" shall mean "spirits commonly known as 'Trade Gin' and 'Trade Rum'."

Trade spirits only to be sold in authorized receptacles.

3. From and after the commencement of this Ordinance it shall not be lawful for any person either by himself or by any one in his service or on his behalf, to sell or have in his possession for the purposes of sale any vessel or receptacle containing trade spirits save and except such as are allowed under the Trade Spirits (Regulation of Receptacles) Ordinance.

Penalties for breach of section 3.

4. Any person who shall sell or have in his possession for purposes of sale any receptacle or vessel containing spirits in contravention of this Ordinance shall be guilty of an offence and liable to a penalty not exceeding one hundred pounds for each such offence; and the spirits, receptacles and vessels in respect of which the offence was committed shall be forfeited to His Majesty.

All spirits, receptacles and vessels forfeited under this section shall be disposed of or dealt with as the Court may direct.

Limitation of prosecutions.

5. All offences against this Ordinance may and shall be prosecuted at any time within six months after the offence shall have been committed and not afterwards.

Procedure for recovery of penalties.

6. All offences against this Ordinance shall be summarily heard and determined by, and all penalties shall be recoverable before the Police Magistrate or the Commissioner of the District in which the offence shall have been committed, any provision to the contrary in the Supreme Court Ordinance notwithstanding. Any penalty recovered if not forthwith paid may be levied by distress and sale of the offender's goods and in default of sufficient distress, or without proceeding by way of distress if the Court pronouncing sentence shall so order, it shall be lawful to commit the offender to prison, with or without hard labour, for any term not exceeding three months unless such penalty be sooner paid.

7. Any informer on whose information a conviction is secured may, subject to the direction of the Governor, receive out of every penalty recovered under this Ordinance a sum not exceeding one half thereof. Part of penalty may go to informer.

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Passed in the Legislative Council this 1st day of April, in the year of our Lord one thousand nine hundred and nine.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correctly printed copy of the said Bill.

G. A. I. BOSANQUET,

*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

C. E. DALE,

*Financial Commissioner.*

A. R. PENNINGTON,

*Attorney-General.*

Assented to in His Majesty's name this 1st day of April, 1909.

J. J. THORBURN,

*Acting Governor.*



(L.S.)

J. J. THORBURN.

No. VIII.

1909.



Colony of Southern Nigeria.

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IN THE NINTH YEAR OF THE REIGN OF  
HIS MAJESTY KING EDWARD, VII.

JAMES JAMIESON THORBURN, ESQUIRE, C.M.G.,

*Acting Governor.*

An Ordinance to legalise the position of the Title.  
Reservists of the West African Frontier  
Force in the Colony of Southern Nigeria.

[1ST APRIL, 1909.] Date.

BE IT ENACTED by the Governor of the Enactment.  
Colony of Southern Nigeria with the advice and consent  
of the Legislative Council thereof, as follows :—

1. This Ordinance may be cited as the Southern Short Title.  
Nigeria Reservists Ordinance, 1909.

2 *The Southern Nigeria Reservists Ordinance, 1909.*

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Interpretation.

2. In this Ordinance, unless the context otherwise requires :—

“Reservist” means any soldier of the West African Frontier Force who has completed his term of engagement with the colours and has joined the Reserve;

“Reserve” means a military force in the West African Colonies and Protectorates composed of Reservists who are subject to an annual training of fourteen days and who are liable to be called up for duty at any time by Government notice or Proclamation;

“Southern Nigeria Reserve” means those Reservists who reside in the Colony and Protectorate of Southern Nigeria.

Command of Force.

3. The Southern Nigeria Reserve shall be under the command of the Officer Commanding the Southern Nigeria Regiment of the West African Frontier Force and when called up for training or mobilizing shall be subject to the provisions of the West African Frontier Force Ordinance and any Ordinances amending the same hereinafter called the principal Ordinance.

Governor to make regulations.

4. The Governor may from time to time in, consultation with the Officer Commanding, make alter or revoke such rules and regulations as are necessary for the good order and efficiency of the Southern Nigeria Reserve, and for such further objects and purposes as are set out in Section 13 of the principal Ordinance, with respect to the Southern Nigeria Regiment. Every such order shall come into operation upon the publication thereof in the Gazette or at such time as shall be in such order provided.

Passed in the Legislative Council this 1st day of April, in the year of our Lord, one thousand nine hundred and nine.

This printed impression has been carefully compared by me with the Bill which has passed the

Legislative Council and found by me to be a true and correctly printed copy of the said Bill.

G. A. I. BOSANQUET,  
*Clerk of the Legislative Council.*

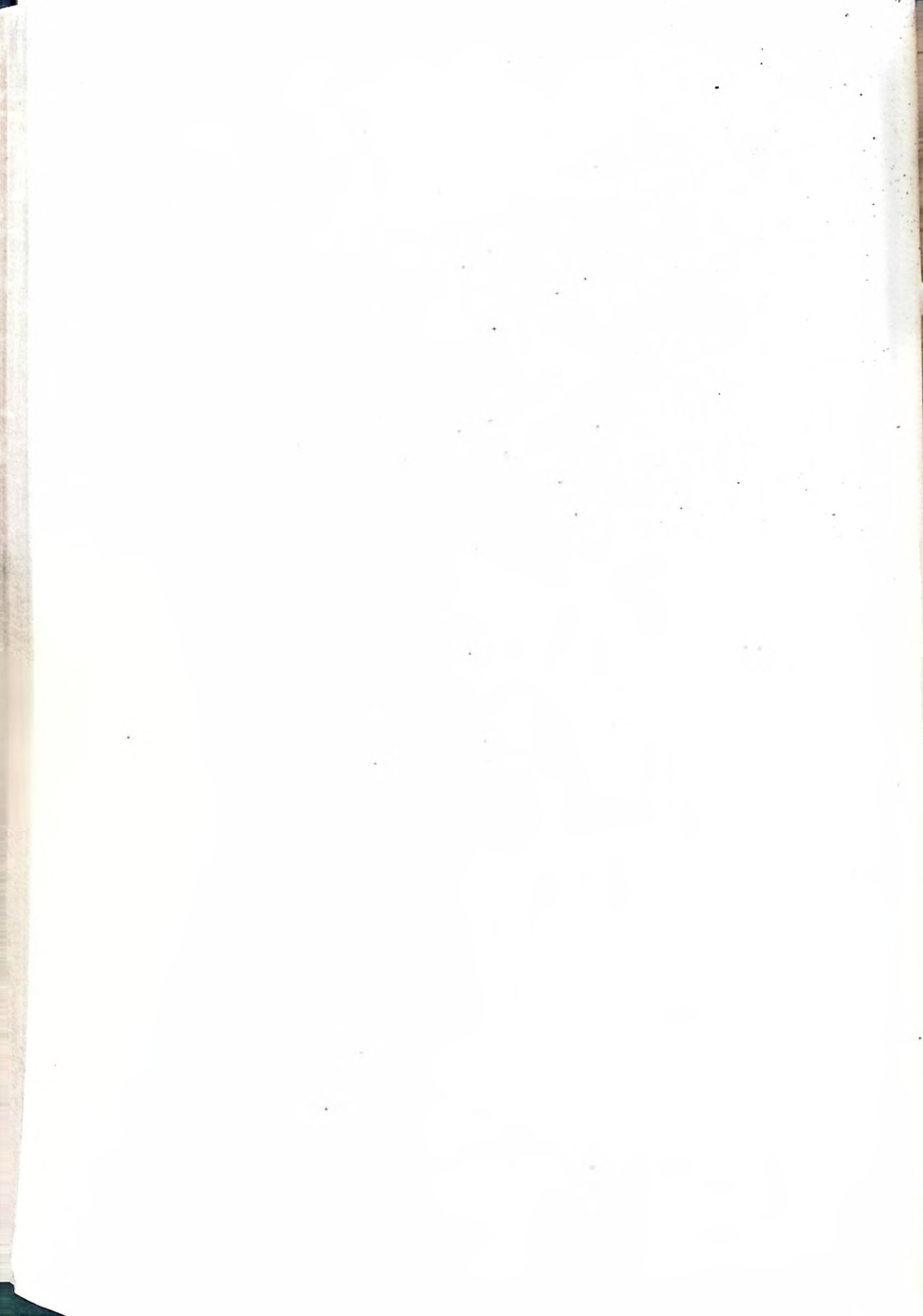
Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

C. E. DALE,  
*Financial Commissioner.*

A. R. PENNINGTON,  
*Attorney-General.*

Assented to in His Majesty's name this 1st day of April, 1909.

J. J. THORBURN,  
*Acting Governor.*



(L.S.)  
W. EGERTON.

No. XIII.

1909.



Colony of Southern Nigeria.

---

IN THE NINTH YEAR OF THE REIGN OF  
HIS MAJESTY KING EDWARD, VII.  
SIR WALTER EGERTON, K.C.M.G.,  
*Governor and Commander-in-Chief.*

An Ordinance to provide for the Service of the Title.  
Colony for the year ending on the thirty-  
first day of December, one thousand nine  
hundred and ten.

[7TH OCTOBER, 1909.] Date.

WHEREAS it is requisite to make provision for Preamble.  
the expenses of the Civil Government of the Colony for  
the year ending on the thirty-first day of December,  
one thousand nine hundred and ten:

Enactment.

BE IT THEREFORE ENACTED by the Governor of the Colony of Southern Nigeria with the advice and consent of the Legislative Council thereof as follows:—

Expenditure of  
£1,569,950  
authorised.

1. The Treasurer may, on the warrant of the Governor, pay out of the revenue and the funds of the Colony during the year ending on the thirty-first day of December, one thousand nine hundred and ten, any sum or sums not exceeding in the whole the sum of one million five hundred and sixty-nine thousand nine hundred and fifty pounds.

Appropriation.

2. The said sum or sums in the whole not exceeding the sum of one million five hundred and sixty-nine thousand nine hundred and fifty pounds shall be appropriated to the purposes and in the manner expressed in the Schedule annexed to this Ordinance.

Balance  
unissued to lapse.

3. The moneys granted by this Ordinance are intended for the services in respect of which moneys will become payable within the year ending on the thirty-first day of December, one thousand nine hundred and ten and any balances thereof remaining unissued at the end of the month of December in that year shall lapse and not be available for making payments in any subsequent month.

Short Title.

4. This Ordinance may be cited for all purposes as the 1910 Supply Ordinance, 1909.

## SCHEDULE.

## EXPENDITURE, 1910.

ORDINARY.		
HEAD.		£
1.	Charge on account of Public Debt ...	200,000
2.	Pensions and Gratuities ...	12,864
3.	Governor's Office ...	9,533
4.	Colonial Secretary's Office ...	16,366
5.	Political and Administrative ...	85,714
6.	Judicial ...	14,407
7.	Legal... ...	3,860
8.	Treasury ...	17,059
9.	Customs ...	35,719
10.	Postal ...	16,484
11.	Telegraphs ...	29,494
12.	Audit ...	8,679

ORDINARY—continued.		
HEAD.		£
13.	Printing ... ..	11,168
14.	Force ... ..	101,151
15.	Volunteer Force ... ..	2,665
16.	Marine ... ..	126,471
17.	Civil Police ... ..	48,088
18.	Prisons ... ..	33,963
19.	Forestry ... ..	14,821
20.	Agriculture... ..	13,221
21.	Medical ... ..	70,794
22.	Medical Research Institute ... ..	679
23.	Sanitary ... ..	4,015
24.	Native Affairs ... ..	26,978
25.	Education ... ..	31,111
26.	Surveys ... ..	12,817
27.	Mineral Survey ... ..	2,223
28.	Lands ... ..	1,136
29.	Laboratory ... ..	732
30.	Rent ... ..	2,500
31.	Charitable ... ..	700
32.	Transport ... ..	59,348
33.	Motor Transport ... ..	7,993
34.	Contribution to Northern Nigeria ... ..	70,000
35.	Miscellaneous Services ... ..	36,280
36.	Public Works Department ... ..	46,022
37.	Public Works—Roads Construction ... ..	7,891
38.	Works and Buildings Annually Recurrent ... ..	31,819
39.	Roads and Bridges Annually Recurrent ... ..	13,275
40.	Railway ... ..	148,053
41.	Tramway ... ..	5,062
42.	Carter and Denton Bridges ... ..	1,485
Total Ordinary Expenditure ...		£ 1,384,676
EXTRAORDINARY.		
43.	Works and Buildings Extraordinary ...	104,640
44.	Roads and Bridges Extraordinary ...	36,275
45.	Telegraphs Extraordinary ...	7,540
46.	Marine Extraordinary ..	36,819
Total Extraordinary Expenditure ...		£ 185,274
SUMMARY.		
Ordinary Expenditure ... ..		1,384,676
Extraordinary Expenditure ... ..		185,274
Grand Total ...		£ 1,569,950

Passed in the Legislative Council this 7th day of October, in the year of our Lord, one thousand nine hundred and nine.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

E. GREENWOOD,  
*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

J. J. THORBURN,  
*Colonial Secretary.*

C. E. DALE,  
*Financial Commissioner.*

Assented to in His Majesty's name this 7th day of October, 1909.

W. EGERTON,  
*Governor and Commander-in-Chief.*

(L.S.)

W. EGERTON.

No. XVII.

1909.



## Colony of Southern Nigeria.

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IN THE NINTH YEAR OF THE REIGN OF  
HIS MAJESTY KING EDWARD, VII.

SIR WALTER EGERTON, K.C.M.G.,  
*Governor and Commander-in-Chief.*

An Ordinance to prevent Desertion from Ships  
within the Protectorate.

[7TH OCTOBER, 1909.] Date.

WHEREAS it is desirable to prevent desertion, Preamble.  
or absence without leave from ships within the  
Protectorate of Southern Nigeria;

BE IT ENACTED by the Governor of the Colony Enactment.  
of Southern Nigeria with the advice and consent of  
the Legislative Council thereof, as follows:—

Short Title.

1. This Ordinance may be cited as the Desertion from Ships Ordinance, 1909.

Definition of terms.

2. In this Ordinance unless the context otherwise requires, the following expressions shall have the meanings hereby assigned to them that is to say :

“Court” includes the Supreme Court, and the Chief Justice and Puisne Judges of the Supreme Court, sitting together or separately, and every District Commissioner being engaged in any judicial act or proceeding or enquiry.

“Master” includes every person (except a pilot) having command or charge of any ship.

“Seaman” includes every person (except master, pilots and apprentices duly indentured and registered) employed or engaged in any capacity on board any ship.

“Ship” includes every description of vessel used in navigation not propelled by oars, and registered as a British ship.

“Protectorate” means the Protectorate of Southern Nigeria.

“Port” includes place.

Desertion and  
absence without  
leave.

3. If a seaman lawfully engaged or an apprentice to the sea service commits any of the following offences in any port in the Protectorate, he shall be liable to be punished summarily as follows :—

(a) If he deserts from his ship, he shall be guilty of the offence of desertion and he shall be liable to forfeit all or any part of the effects he leaves on board, and of the wages which he has then earned, and to satisfy any excess of wages paid by the master or owner of the ship to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him ; and also he shall be liable to imprisonment for any period not exceeding twelve weeks with or without hard labour.

(b) If he neglects, or refuses without reasonable cause to join his ship, or to proceed to sea in his ship, or is absent without leave at any time within twenty-four hours of the ship's sailing from a port, either at the commencement or during the progress of a voyage, or is absent at any time without leave and without sufficient reason from his ship or from his duty, he shall, if the offence does not amount to desertion, or is not treated as such by the master, be guilty of the offence of absence without leave, and be liable to forfeit out of his wages a sum not exceeding two days' pay, and in addition for every twenty-four hours of absence, either a sum not exceeding six days' pay, or any expenses properly incurred in hiring a substitute; and also shall be liable to imprisonment for any period not exceeding ten weeks with or without hard labour.

4. (a) If in the Protectorate, either at the commencement or during the progress of any voyage, a seaman or apprentice is guilty of the offence of desertion or of absence without leave, or otherwise absents himself from his ship without leave, the master, any mate, the owner, ship's husband, or consignee, may with or without the assistance of the local police officers or constables (and those officers and constables are hereby directed to give assistance if required), arrest him without first procuring a warrant.

Provisions as to  
arrest and imprisonment.

(b) A person so arresting a seaman or apprentice, may in any case, and shall, in case the seaman or apprentice so requires and it is practicable, convey him before some Court capable of taking cognizance of the matter, to be dealt with according to law, and for that purpose may detain him in custody for a period of twenty-four hours, or such shorter time as may be necessary; but if

the seaman or apprentice does not require to be so taken before a court, or if there is no such court at or near the place, the person arresting him may at once convey him on board his ship.

- (c) If it appears to the court before whom the case is brought that an arrest under this section has been made on improper or on insufficient grounds, the master, mate, owner, ship's husband, or consignee who made the arrest, or caused it to be made, shall be liable to a fine not exceeding twenty pounds; but the infliction of that fine shall be a bar to any action for false imprisonment in respect of the arrest.
- (d) If a seaman or apprentice is imprisoned for having been guilty of the offence of desertion or absence without leave, and during his imprisonment and before his engagement is at an end, his services are required on board his ship, the court may, on the application of the master or of the owner or his agent, notwithstanding that the period of imprisonment is not at an end, cause the seaman or apprentice to be conveyed on board his ship for the purpose of proceeding on the voyage, or to be delivered to the master or any mate of the ship, or to the owner or his agent, to be by them so conveyed.

Power of Court to order offender to be taken on Board Ship.

5. Where a seaman or apprentice is brought before a court on the ground of the offence of desertion, or of absence without leave, or of otherwise absenting himself without leave, the court, if the master or the owner or his agent so require may in lieu of committing him to prison, cause him to be conveyed on board his ship for the purpose of proceeding on the voyage or deliver him to the master, or any mate of the ship, or the owner, or his agent to be by them so conveyed, and may in such case order any costs and expenses properly incurred by or on behalf of the master or owner by reason of the offence to be paid by the offender, and, if necessary, to be deducted

from any wages which he has then earned, or by virtue of his then existing engagement may afterwards earn.

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Passed in the Legislative Council this 7th day of October in the year of our Lord one thousand nine hundred and nine.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

E. GREENWOOD,  
*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

J. J. THORBURN,  
*Colonial Secretary.*

A. R. PENNINGTON,  
*Attorney-General.*

Assented to in His Majesty's name this 7th day of October, 1909.

W. EGERTON,  
*Governor and Commander-in-Chief.*



(L.S.)  
W. EGERTON.

No. XVIII.

1909.



## Colony of Southern Nigeria.

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IN THE NINTH YEAR OF THE REIGN OF  
HIS MAJESTY KING EDWARD, VII.

SIR WALTER EGERTON, K.C.M.G.,  
*Governor and Commander-in-Chief.*

An Ordinance to incorporate the Lagos Title.  
Municipal Board of Health.

[8th October, 1909.] Date.

BE IT ENACTED by the Governor of the Colony Enactment.  
of Southern Nigeria with the advice and consent of  
the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the Lagos Short Title.  
Municipal Board of Health (Incorporation) Ordinance,  
1909.

Constitution.

2. (1) The Lagos Municipal Board of Health as constituted under the Public Health (Amendment) Ordinance, 1908, hereinafter called the Board, shall be, and is hereby declared to be, a body politic and corporate with perpetual succession and a common seal.

(2) The members of the Board shall hold their seats during the Governor's pleasure.

Board may acquire property.

3. The Board shall have power to acquire and hold property, moveable and immoveable, for the purpose of carrying into effect the provisions of this Ordinance and of the Public Health Ordinance, the Public Health Amendment Ordinance, the Towns Ordinance and any other Ordinance passed or to be passed hereafter under and by virtue of which the Board may have any powers, duties, rights, capacities, liabilities, and obligations: but the Board shall not sell, mortgage, or alienate or lease any immoveable property without the consent of the Governor in writing.

Board may sue and be sued.

4. The Board may enter an appearance and defend any suit and may sue and be sued by and in the name of the Secretary.

Description of property of Board.

5. Whenever in any criminal process or proceeding it may be necessary to refer to the ownership or description of property belonging to or under the management or superintendence of the Board, such property may be described as the property of the Board.

Powers and duties of Board.

6. (1) The Board shall, subject to the provisions of this Ordinance, (to the exclusion of any other authority which may previously have exercised the same) be the authority for carrying out and executing within the Sanitary District of Lagos the provisions of the following Ordinances:—

The Sales by Auction Ordinance.

The Spirits Ordinance.

The Dogs Ordinance.

The Markets Ordinance.

The Towns Ordinance.

The Public Health Ordinance.

and shall have and exercise all the powers, rights, duties, capacities, liabilities and obligations within the Sanitary District of Lagos exercisable by the Governor and officers therein mentioned under and by virtue of the provisions thereof; provided that the Treasurer of the Board shall be the Provincial Treasurer and Treasurer under the Sales by Auction Ordinance, the Collector of Customs under the Spirits Ordinance, the Commissioner of Police under the Dogs Ordinance.

(2) The Board shall have power within the Sanitary District of Lagos;

- (a) To provide for the removal of night soil and refuse from every house;
- (b) To provide public latrines, washing places (and bathing places);
- (c) To make wells and otherwise to provide a good and sufficient supply of water for the use of persons in the Sanitary District of Lagos and to keep in good repair all public drains, aqueducts and tanks and to preserve the same from contamination;
- (d) To perform any duties for the time being lawfully performed by any officer of the Colonial Government which the Governor may from time to time declare by notice in the Gazette to be transferred to the Board;
- (e) Generally to do such acts as may be necessary for the conservancy of the town and the preservation of the public health therein.

And the Board shall have authority from time to time to make, alter or revoke bye-laws for the carrying into effect any of such powers, and to impose a fine not exceeding two pounds for the breach of any bye-law so made; provided that no such bye-laws and no alterations or revocations thereof shall come into force until they shall have been approved by the Governor in Council and published in the Gazette.

Licences for  
Vehicles.

7. The Board may, subject to the approval of the Governor, levy a wheel tax within the Sanitary District of Lagos.

Such wheel tax shall be levied on and paid by any person within the limits of the Sanitary District of Lagos who keeps and uses or owns and permits to be used any bicycle, tricycle, hand-cart, barrow, bath chair, go-cart, rickshaw, two-wheeled cart, trolley, two-wheeled carriage, four-wheeled carriage, four-wheeled cart, motor car or traction engine and such person shall take out a licence in a form to be fixed by the Board to keep and use such bicycle, tricycle, hand-cart, barrow, bath chair, go-cart, rickshaw, two-wheeled cart, trolley, two-wheeled carriage, four-wheeled carriage, four-wheeled cart, motor car or traction engine and shall pay yearly for such licence an amount to be fixed by the Board not exceeding the following amounts or half yearly half the amount so fixed.

		£	s.	d.
For each bicycle or tricycle ... ..	0	2	6	
For each hand-cart or barrow ... ..	0	2	6	
For each bath chair, rickshaw or go-cart ...	0	5	0	
For each two-wheeled carriage, cart or truck ... ..	0	10	0	
For each four wheeled carriage, cart or trolley... ..	0	15	0	
For each motor bicycle ... ..	0	5	0	
For each passenger motor car, constructed to carry not more than five persons including the driver, the tare whereof does not exceed 30 cwts. with rubber tyres ... ..	1	1	0	
without rubber tyres ... ..	2	2	0	
For every other motor car, the gross weight whereof unladen does not exceed 30 cwts. with rubber tyres ... ..	2	2	0	
without rubber tyres ... ..	3	3	0	

	£	s.	d.
For every motor car, (except such passenger cars as aforesaid) the gross weight whereof unladen exceeds 30 cwts. but does not exceed three tons with rubber tyres ... ..	3	3	0
without rubber tyres ... ..	6	6	0

For every motor car the gross weight whereof unladen exceeds three tons ... 25 0 0

*Carriages attached to Motors.*

For every half ton of weight, or fractional part thereof .. ... 0 10 0

“Carriage attached to a Motor” includes every description of vehicle attached to and drawn by a motor car.

“Motor car” includes motor cycles and every description of vehicle propelled by means of mechanism contained within itself, other than vehicles constructed for use on specially prepared ways such as railways or tramways.

“Motor cycle” means a motor car designed to travel on no more than three wheels and having a tare not exceeding three hundredweight.

8. Any application for a licence shall be made to the Secretary and every person applying for a licence shall at the same time pay to the Secretary the amount fixed by the Board under the previous section. Application for licence.

9. Every licence shall continue in force from the date of the granting thereof until, in the case of half yearly licences, the thirtieth day of June or thirty-first day of December next following as the case may be, in the case of yearly licences the thirty-first day of December next following. Time of licence.

## Penalty.

Any person failing to take out a licence as hereinbefore provided shall be liable to a penalty not exceeding Five pounds in addition to the duty payable in respect of any such licence.

## Revenue of Board.

10. The Revenue of the Board shall consist of

- (a) All fees received by the Secretary for the inspection of any lists, books, accounts or documents in his custody ;
- (b) All sums paid on account of licences issued within the Sanitary District of Lagos under the Sales by Auction Ordinance, the Spirit Licence Ordinance, the Licensing Ordinance, 1908, the Dogs Ordinance and the Petroleum Ordinance; and of fees paid on account of matters within the Sanitary District of Lagos under the Markets Ordinance, Meat Market Rules, the Towns Ordinance, Common Pound Rules and Slaughter House Rules, and the Births, Deaths and Burials Ordinance, Schedule P.
- (c) All fines and penalties recovered in any prosecution instituted under the following Ordinances for offences committed within the Sanitary District of Lagos :

The Sales by Auction Ordinance

The Spirit Licence Ordinance (exclusive of any portion awarded to an informer under section 23 thereof)

The Licensing Ordinance, 1908

The Towns Ordinance

The Dogs Ordinance

The Markets Ordinance

Meat Market Rules

The Petroleum Ordinance, section 5

The Public Health Ordinance.

- (d) Any grant in aid made by the Legislative Council of the Colony.

- (e) Any rents, profits, receipts or proceeds derived by the Board from any source whatever not herein specifically mentioned.

All such grants in aid, sums, fees, net proceeds of sales, fines and penalties, rents, profits, receipts and proceeds shall be paid to the Treasurer of the Board anything contained in the said Ordinances and Rules to the contrary notwithstanding.

11. The revenue shall be applied towards the payment of such officers as may be appointed and the procuring of suitable offices for such officers, and also towards expenses incurred in collecting the revenue of the Board and towards the expenses of prosecutions of offences and the carrying into effect of the powers and authorities vested in the Board by this Ordinance, the Public Health Ordinance, and any other Ordinance passed or hereafter to be passed which may confer powers and authorities on the Board and towards the payment of all other expenses not herein otherwise specified which may be necessarily incurred in carrying into effect the provisions of the aforesaid Ordinances.

Application of  
Revenue of Board.

12. Minutes shall be regularly kept by the Secretary in a minute book of all the proceedings of the Board, and at each meeting of the Board the minutes of the last preceding meeting shall be read over and confirmed or amended as the case may require, and signed by the President or member presiding.

Minutes shall be  
kept.

13. The minute book shall be open to the inspection of any *bona fide* adult inhabitant of the Sanitary District of Lagos at the Secretary's Office at all reasonable times on payment of a fee of two shillings. The Secretary shall furnish the Governor with certified copies of the minutes within one week after each meeting.

Minutes open for  
inspection.

14. The Board, may, from time to time appoint sanitary inspectors who shall have the powers and perform the duties allotted to those officers under the

Appointment of  
Officers.

Towns Ordinance and such officers as the Board may deem necessary and the Board may discontinue such appointments.

Security to be given by Officers.

15. The Board may require every officer appointed under the fourteenth section of this Ordinance to give such security as they may think proper for the due execution of the duties of his office.

Board to keep accounts which shall be audited.

16. The Board shall cause a true account to be kept of all money received and paid. Such account with all vouchers and papers relating thereto together with a balance-sheet shall be laid not later than the thirty-first day of January in each year before an auditor to be for that purpose appointed by the Governor, to be examined and audited by him. The auditor shall make and sign a report on such account and balance-sheet, and a duplicate of such report shall be sent to the Colonial Secretary who shall cause copies of the balance-sheet and report to be published in the Gazette. The original balance-sheet and the accounts in full and the auditor's report shall be open to the inspection of any *bona fide* adult inhabitant of the Sanitary District of Lagos at the Office of the Secretary at all reasonable times on payment of a fee of two shillings. The auditor shall receive out of the revenue of the Board such remuneration as the Governor shall direct.

Leave of absence.

17. (1) The Board may grant leave of absence from the Colony to any unofficial member of the Board, and may from time to time renew such leave. The Secretary shall immediately give notice of such leave or renewal of leave of absence to the Governor, and the Governor shall have power to appoint some person to act for such member during his absence.

(2) Any member of the Board may with the consent of the Governor resign his seat.

(3) If any unofficial member of the Board shall absent himself from the Colony after the expiration of the leave granted to him or without having obtained

such leave, or shall be convicted of any criminal offence and sentenced to any term of imprisonment, or if any unofficial member of the Board not having obtained leave of absence as above provided shall be absent from all meetings of the Board for three consecutive months, his seat may be declared by the Board to be vacant and he shall thereupon cease to be a member of the Board. The Secretary shall immediately give notice of the declaration of a vacancy to the Governor.

18. Every member of the Board shall so long as he continues to be a member of the Board be exempt from serving upon any jury except with his own consent.

Member of Board exempt from being a Juror.

19. The Lagos Municipal Board of Health may from the date of the passing of this Ordinance until the 31st day of December, 1909, make contracts for and on behalf of the Lagos Municipal Board of Health as incorporated under this Ordinance, all such contracts shall be signed by the President and countersigned by the Secretary, and all contracts so made shall be binding on all the parties thereto, in like manner as if they had been made by the Board as incorporated by this Ordinance.

Power of present Board to make contracts for incorporated Board.

20. All standing orders and rules made by the Lagos Municipal Board of Health under section 3 of the Public Health (Amendment) Ordinance, 1908, for the summoning and holding of meetings, and for the conduct and regulation of the business to be transacted thereat, and for the performance of their duties by the officers thereof, and all appointments of sanitary inspectors and officers made by such Board shall continue in full force and effect until altered or revoked by this Board.

Orders and Rules of present Board to stand until revoked.

21. This Ordinance shall come into force on the 1st day of January, 1910. Save and except section 19 which shall come into force on the date of the passing of this Ordinance.

Date of Commencement.

*The Lagos Municipal Board of Health (Incorporation)  
Ordinance, 1909.*

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Passed in the Legislative Council this 8th day of October, in the year of our Lord one thousand nine hundred and nine.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

E. GREENWOOD,

*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

J. J. THORBURN,

*Colonial Secretary.*

A. R. PENNINGTON,

*Attorney-General.*

Assented to in His Majesty's name this 8th day of October, 1909.

W. EGERTON,

*Governor and Commander-in-Chief.*

(L.S.)

W. EGERTON.

No. XX.

1909.



## Colony of Southern Nigeria.

IN THE NINTH YEAR OF THE REIGN OF  
HIS MAJESTY KING EDWARD, VII.

SIR WALTER EGERTON, K.C.M.G.,  
*Governor and Commander-in-Chief.*

An Ordinance to legalize certain payments <sup>Title.</sup>  
made in the year ended on the thirty-first  
day of December, one thousand nine hun-  
dred and eight, beyond the expenditure  
authorized by law.

[8TH OCTOBER, 1909.] <sup>Date.</sup>

WHEREAS certain expenses have been incurred <sup>Preamble.</sup>  
and payments made in the year ended on the thirty-  
first day of December, one thousand nine hundred  
and eight, beyond the amounts granted by the  
Legislature for the service of the Colony and it is  
desirable that such expenses and payments should be  
sanctioned by an Ordinance:

## 2 The 1908 Supplementary Supply Ordinance, 1909.

Enactment.

BE IT THEREFORE ENACTED by the Governor of the Colony of Southern Nigeria with the advice and consent of the Legislative Council thereof, as follows :—

Additional Expenditure for 1908 as set out in the Schedule legalized.

1. The sums of money set forth in the schedule hereto annexed having been expended for the services therein mentioned beyond the amounts granted for such services by the Ordinance passed for making provision for the expenditure of the said Colony for the year ended 31st December, one thousand nine hundred and eight, the same are hereby declared to have been duly and necessarily paid, laid out, and expended for the service of the said Colony in that year, and are hereby approved, allowed and granted in addition to the amounts mentioned for such services in the Ordinance aforesaid.

Short Title.

2. This Ordinance may be cited for all purposes as the 1908 Supplementary Supply Ordinance, 1909.

### SCHEDULE.

Head of Service.	Amount Expended.		
	£	s.	d.
2. Pensions and Gratuities ... ..	2,325	16	7
3. Governor's Office ... ..	302	12	4
15. Marine ... ..	2,827	16	9
17. Prisons ... ..	729	4	1
24. Mineral Survey ... ..	95	7	0
25. Lands ... ..	19,274	8	8
29. Transport... ..	3,617	12	1
30. Contribution to Northern Nigeria ... ..	35,000	0	0
34. Works and Buildings Annually Recurrent...	7,907	19	6
37. Tramway ... ..	49	10	7
	72,130	7	7
40. Roads and Bridges Extraordinary ... ..	795	4	3
41. Telegraphs Extraordinary ... ..	3,177	12	4
Grand Total ... ..	£ 76,103	4	2

Passed in the Legislative Council this 8th day of October, in the year of our Lord one thousand nine hundred and nine.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a correct printed copy of the said Bill.

E. GREENWOOD,  
*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

J. J. THORBURN,  
*Colonial Secretary.*

C. E. DALE,  
*Financial Commissioner.*

Assented to in His Majesty's name this 8th day of October, 1909.

W. EGERTON,  
*Governor and Commander-in-Chief.*



(L.S.)  
W. EGERTON.

No. XXII.

1909.



## Colony of Southern Nigeria.

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IN THE NINTH YEAR OF THE REIGN OF  
HIS MAJESTY KING EDWARD, VII.

SIR WALTER EGERTON, K.C.M.G.,

*Governor and Commander-in-Chief.*

An Ordinance to make provision for the exercise Title.  
of the Powers and Jurisdiction acquired by  
His Majesty in the territory of the Awujale  
of Jebu Ode.

[3RD NOVEMBER, 1909.]

Date.

WHEREAS by an Order in Council bearing date Preamble.  
the 16th day of February, 1906, as amended by an  
Order in Council bearing date the 15th day of

February, 1909, it was provided that the Legislative Council for the time being of the Colony of Southern Nigeria might exercise and provide for giving effect to all such powers as HIS MAJESTY might at any time, either before or after the passing of the said Orders, have acquired or might acquire within such territories of the West Coast of Africa near or adjacent to the Colony of Southern Nigeria, as in the said Order were described;

AND WHEREAS by an Agreement dated the 11th day of November, 1908, entered into between SIR WALTER EGERTON, K.C.M.G., Governor of the Colony of Southern Nigeria, on behalf of HIS MOST EXCELLENT MAJESTY KING EDWARD, VII., and the AWUJALE and Authorities of Jebu Ode, HIS MAJESTY has acquired certain powers and jurisdiction in the territory of the AWUJALE of Jebu Ode;

AND WHEREAS the Territory of Jebu Ode is within the limits of the Southern Nigeria Protectorate as defined by the aforesaid Order of His Majesty in Council of the 16th day of February, 1906;

AND WHEREAS it is expedient to provide by Ordinance for the exercise of and for giving effect to the aforesaid powers and jurisdiction acquired by HIS MAJESTY;

Enactment. Be it therefore enacted by the Governor of the Colony of Southern Nigeria with the advice and consent of the Legislative Council thereof as follows:—

Short Title. 1. This Ordinance may be cited as the Jebu Ode Jurisdiction Ordinance, 1909.

Interpretation. 2. In this Ordinance "Agreement" means the Agreement set out in the Schedule annexed hereto and "Jebu Ode" means the territory of the AWUJALE of Jebu Ode.

Jurisdiction vested in the Supreme Court. 3. The jurisdiction acquired by HIS MAJESTY under the Agreement shall be vested in the Supreme Court of the Colony of Southern Nigeria (hereinafter called "the Court") and the Court is hereby empowered to carry the said jurisdiction into effect.

4. The jurisdiction by this Ordinance vested in the Court shall, except as hereinafter mentioned be exercised under and according to the provisions of the Supreme Court Ordinance including the Rules and Orders of Court made thereunder and the Criminal Procedure Ordinance and any Ordinance which may be passed supplementary thereto or in substitution therefor.

To be exercised under Chapters III. & XIV. of the 1st Schedule, Statute Laws Revision Ordinance.

5. The laws relating to crimes and offences, for the time being in force in the Colony of Southern Nigeria, shall extend to and be in force within and under the jurisdiction by this Ordinance vested in the Court. The laws relating to Civil matters, for the time being in force in the Colony of Southern Nigeria, shall extend to and be in force within and under the jurisdiction by this Ordinance vested in the Court, but shall be deemed to extend thereto and be in force so far only as the jurisdiction of the Court and local circumstances reasonably permit and render such extension and enforcement suitable and appropriate.

Jurisdiction and law.

6. The Court in the exercise and administration of the jurisdiction vested in it by this Ordinance shall have the right to observe and enforce the observance of the laws and customs existing in Jebu Ode, such laws or customs not being repugnant to natural justice, equity and good conscience. Such laws and customs shall be deemed applicable in causes and matters between natives and persons not being natives of Jebu Ode only when it may appear to the Court that substantial injustice would be done to either party by a strict adherence to the rules of the English law, and in such causes and matters as the Court may deem just and equitable.

Observance of local laws and customs.

7. All laws of the Colony of Southern Nigeria relating to any powers given to or exercised by the Governor shall be in force within the jurisdiction by this Ordinance vested in the Court in so far as they are necessary to carry into effect the jurisdiction acquired by HIS MAJESTY.

Application of laws defining the powers of the Governor.

8. Whenever any person is charged with any indictable crime or offence within the jurisdiction by this Ordinance vested in the Court the trial shall be held with the aid of Assessors not being ordinarily less than four.

Trial by Assessors.

Certain sections  
of Chapter XIV.  
Statute Laws Re-  
vision Ordinance  
not applicable.

9. Section 118 to Section 134 (both inclusive) of the Criminal Procedure Ordinance, 1908, shall not apply to the jurisdiction by this Ordinance vested in the Court.

Power to make  
Rules.

10. The Chief Justice may at any time<sup>a</sup> make any Rules of Court for carrying this Ordinance into effect and in particular for regulating all matters connected with the forms to be used and the fees to be payable and may from time to time alter, amend and revoke all or any of such Rules, provided that no such Rules, or any alteration, amendment or revocation thereof shall be deemed binding until the same shall have been approved by the Legislative Council, and shall have been published in the Gazette; but all such Rules, and such alterations, amendments and revocations thereof, when so approved and published as aforesaid, shall have the same force and effect for all purposes as if the same had been made by Ordinance, and shall in like manner come into operation either immediately or on such day as shall be provided in such Rules subject to disallowance by HIS MAJESTY.

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## SCHEDULE.

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### JEBU ODE AGREEMENT.

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**A**GREEMENT made this 11th day of November, 1908, between His Excellency Sir Walter Egerton, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Colony of Southern Nigeria, for and on behalf of His Most Excellent Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of all the British Dominions beyond the Seas, King, Emperor of India, His Heirs and Successors of the one part and the Awujale and Authorities of Jebu Ode, for and on behalf of themselves their heirs and Successors and the people of Jebu Ode on the other part :

WHEREAS Jebu Ode is under the protection of His Most Excellent Majesty King Edward the Seventh, and trade and commerce have vastly increased in Jebu Ode in recent years, and large numbers of British subjects and others have settled there :

Now therefore the Awujale and Authorities of Jebu Ode for and on behalf of themselves their heirs and Successors and of the people of Jebu Ode do hereby agree and acknowledge that the hereinafter mentioned powers and Jurisdiction in the Jebu Ode District are vested in His Most Excellent Majesty Edward the Seventh of the United Kingdom of Great Britain and Ireland and of all British Dominions beyond the Seas, King, Emperor of India, His Heirs and Successors that is to say :—

1. Power and Jurisdiction over all persons not being natives of the District of Jebu Ode for the repression and punishment of all crimes and offences.

2. Power and Jurisdiction for the Judicial hearing and Determination of matters in difference where one or both of the parties to the suit is not a native of the District of Jebu Ode.

3. Power and Jurisdiction for the administration and control of the property and persons of all persons not being natives of the District of Jebu Ode.

4. Power and Jurisdiction over all persons whomsoever for the repression and punishment of the crimes of murder and manslaughter.

5. Power and Jurisdiction to execute and carry into effect the aforesaid powers and Jurisdiction.

6. Power and Jurisdiction to execute the process of the Supreme Court of the Colony throughout the Jebu territory.

And the Awujale and Council of the Jebu Ode District for and on behalf of themselves their heirs and Successors and the natives of Jebu Ode District hereby declare that it is their strong desire that Barristers and Solicitors shall not be allowed to practice in the Courts exercising the civil jurisdiction hereinbefore acknowledged.

And it is hereby understood and agreed between the parties hereto that all persons charged with committing indictable crimes and offences—the jurisdiction over which has been acknowledged by the treaty—shall be tried by a Judge of the Supreme Court of the Colony of Southern Nigeria with the aid of Assessors, the number of which shall not ordinarily be less than four and such Assessors may be Judges, Magistrates or Councillors of the Native Courts or other fit and suitable persons.

It is further agreed that all prisoners awaiting trial or undergoing sentences inflicted by the Supreme Court may at the option of the Governor be confined in any Government Prison in the Colony or Protectorate.

In witness whereof the said parties have hereunto set their hands and seals the day and year first above written.

(Signed)	ADEONA the Awujale	×	Their
„	KOGA „ Lisa	×	
„	JOYE OJO „ Odi	×	
„	OSHO NIBERU the ASHIPA	×	
„	ATIMIRI „ „	×	
		×	Marks.

JOSEPH ODUMOSU

(Sgd.) J. ODUMOSU.

WALTER EGERTON,  
Governor.

Signed and sealed at Lagos by the said SIR WALTER EGERTON  
in the presence of:—

- (Sgd.) E. ARNEY SPEED, Acting Chief Justice.  
„ H. C. MOORHOUSE, Acting Provincial Commissioner.  
„ H. V. NEAL, District Commissioner.

I do hereby certify that I have truly and honestly interpreted  
and explained in the Yoruba language the terms of the foregoing  
Agreement to the Awujale and Authorities of Jebu Ode.

(Sgd.) HY. LIBERT,  
*Chief Clerk Native Affairs.*

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Passed in the Legislative Council this 3rd day of  
November, in the year of our Lord one thousand nine  
hundred and nine.

This printed impression has been carefully com-  
pared by me with the Bill which has passed the  
Legislative Council and found by me to be a true and  
correct printed copy of the said Bill.

E. GREENWOOD,  
*Clerk of the Legislative Council.*

Presented for authentication and assent as a  
correctly and faithfully printed copy of the Bill as  
passed by the Legislative Council.

H. C. MOORHOUSE, LT.-COL.,  
*Acting Colonial Secretary.*

F. C. M. ANSON,  
*Member Legislative Council.*

Assented to in His Majesty's name this 3rd day  
of November, 1909.

W. EGERTON,  
*Governor and Commander-in-Chief.*



(L.S.)

W. EGERTON.

No. XXIII.

1909.



Colony of Southern Nigeria.

IN THE NINTH YEAR OF THE REIGN OF  
HIS MAJESTY KING EDWARD, VII.

SIR WALTER EGERTON, K.C.M.G.,  
*Governor and Commander-in-Chief.*

An Ordinance to make provision for the Title.  
punishment of Seditious Offences.

[6TH NOVEMBER, 1909.] Date.

BE IT ENACTED by the Governor of the Colony Enactment.  
of Southern Nigeria with the advice and consent of  
the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as the Seditious Short Title.  
Offences Ordinance, 1909.

## Interpretation.

2. In this Ordinance unless the context otherwise requires:—

The word "Court" means, unless the contrary intention appears, the Divisional Court as set forth in section 50 of "The Supreme Court Ordinance."

## Sedition.

3. Whoever by words, either spoken or written or by signs, or by visible representation, or otherwise, brings or attempts to bring into hatred or contempt or excites or attempts to excite disaffection, disloyalty, or feelings of enmity towards His Majesty or the Government established by law in Southern Nigeria, shall be punished with imprisonment which may extend to two years, or with fine, or with both imprisonment and fine, provided as follows:—

(a) Comments expressing disapprobation of the measures of the Government with a view to obtaining an alteration by lawful means without exciting or attempting to excite hatred, contempt, disaffection, disloyalty, or feelings of enmity, or

(b) Comments expressing disapprobation of the administrative or other action of the Government, without exciting or attempting to excite hatred, contempt, disaffection, disloyalty, or feelings of enmity,

do not constitute an offence under this section.

Promoting enmity  
between Classes.

4. Whoever by words, either spoken or written or by signs or by visible representations, or otherwise, promotes or attempts to promote feelings of enmity or hatred between different classes of the population of Southern Nigeria, shall be punished with imprisonment which may extend to two years, or with fine, or with both imprisonment and fine.

Provided that it shall not amount to an offence within the meaning of this section to point out without malicious intention and with an honest view to their removal matters which are producing, or have a tendency to produce, feelings of hatred between different classes of the population.

5. Whoever makes, publishes, or circulates, any statement, rumour, or report.

False information with intent to cause public officer to fail in his duty.

(a) with intent to cause, or which is likely to cause any public officer to disregard or fail in his duty as such officer, or

(b) with intent to cause or which is likely to cause fear or alarm to the public or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquillity, or

(c) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community,

shall be punished with imprisonment which may extend to two years, or with fine, or with both imprisonment and fine.

Provided that it shall not amount to an offence within the meaning of this section when the person making, publishing or circulating any statement, rumour or report has reasonable ground to believe that such statement, rumour or report is true, and makes, publishes or circulates it without any such intent as aforesaid.

6. All offences under sections 3, 4 and 5 of this Ordinance shall be tried in the Supreme Court upon information as provided by the Criminal Procedure Ordinance.

Mode of Trial.

7. Whenever a District Commissioner or Police Magistrate has information that there is, within the limits of his jurisdiction, any person who within such limits, by words, either spoken or written, or by signs, or by visible representation, or otherwise, disseminates or attempts to disseminate or in any way otherwise abets the dissemination of any matter the dissemination of which constitutes an offence under this Ordinance, he may require such person to show cause why he should not be ordered to execute a bond, with or without sureties, for his good behaviour, for such period not exceeding one year as he thinks fit to fix, and if such person shall not show good and

Suspected person may be called upon to give security.

sufficient cause to the contrary the District Commissioner or Police Magistrate shall order him to execute a bond for such period as he thinks fit.

Appeals to  
Supreme Court  
against order  
under Section 7.

8. Any person ordered to execute a bond under the preceding section of this Ordinance may appeal to the Court. Such appeal shall be made by motion within seven days after the decision in the Court of the District Commissioner or Police Magistrate who required the security to be given. The District Commissioner or Police Magistrate shall forthwith transmit a copy of all the proceedings to the Court. The Court may reverse, affirm, or amend the decision given or set it aside, and order an entry to be made in the minutes that, in the judgment of the Court the person ought not to have been required to give such security.

Rules for Appeals.

9. Rules for the conduct of appeals under section 8 of this Ordinance may be made by the Chief Justice in accordance with section 119 of the Supreme Court Ordinance.

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Passed in the Legislative Council this 6th day of November, in the year of our Lord one thousand nine hundred and nine.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

E. GREENWOOD,

*Clerk of the Legislative Council.*

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Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

H. C. MOORHOUSE, LT.-COL.,

*Acting Colonial Secretary.*

F. C. M. ANSON,

*Member Legislative Council.*

Assented to in His Majesty's name this 6th day of November, 1909.

W. EGERTON,

*Governor and Commander-in-Chief.*



(L.S.)

W. EGERTON.

No. I.

1910.



COLONY OF SOUTHERN NIGERIA.

IN THE NINTH YEAR OF THE REIGN OF  
HIS MAJESTY KING EDWARD VII.

SIR WALTER EGERTON, K.C.M.G.,  
*Governor and Commander-in-Chief.*

An Ordinance to Incorporate The Diocesan <sup>Title.</sup>  
Synod of Western Equatorial Africa.

[10TH JANUARY, 1910.] <sup>Date.</sup>

WHEREAS on the 29th day of June, 1864, Samuel Ajayi Crowther was consecrated by the Archbishop of Canterbury, Bishop of the Niger, with jurisdiction in the countries on the West Coast of Africa beyond the British Possessions;

AND WHEREAS the said Bishop Crowther died on the 31st day of December, 1891;

*The Diocesan Synod Ordinance, 1910.*

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AND WHEREAS on the 29th day of June, 1893, Joseph Sydney Hill was consecrated Bishop in succession to the said Bishop Crowther, with the same jurisdiction but with the title of Bishop in Western Equatorial Africa;

AND WHEREAS on the 5th day of January, 1894, the said Bishop Hill died;

AND WHEREAS on the 4th day of March, 1894, Herbert Tugwell was consecrated Bishop in Western Equatorial Africa in succession to the said Bishop Hill;

AND WHEREAS in the year 1898 the colonies of Lagos and of the Gold Coast were (by an order signed by the Archbishop of Canterbury and the Bishop of London, and with the consent of the Bishop of Sierra Leone and the Bishop in Western Equatorial Africa) included within the jurisdiction of the Bishop in Western Equatorial Africa;

AND WHEREAS the Bishop and certain of the Clergy and Laity, representing a large body of the members of the Anglican Communion in Western Equatorial Africa assembled together at Lagos on the 17th day of July in the year of our Lord 1906 did solemnly declare and establish a Diocesan Synod in the Diocese of Western Equatorial Africa and did form frame and agree upon certain rules and regulations to regulate the said Diocesan Synod;

AND WHEREAS certain persons have been chosen in accordance with such rules and regulations, by the members of the Anglican Communion in the aforesaid Diocese as their lay representatives in the said Synod;

AND WHEREAS on the 4th day of January, 1909, the aforesaid Herbert Tugwell Bishop in Western Equatorial Africa did under his hand at The Sanctuary Westminster in the Diocese of London England relinquish and give up the Episcopal jurisdiction and the right to exercise the same on the Gold Coast Colony such cesser of his jurisdiction to take effect immediately upon and simultaneously with the execution by His Grace the Lord Archbishop of Canterbury

*The Diocesan Synod Ordinance, 1910.*

of a commission authorising Nathaniel Temple Hamlyn to exercise jurisdiction as Bishop within the said Gold Coast Colony;

AND WHEREAS His Grace the Lord Archbishop of Canterbury has issued an order authorizing the said Nathaniel Temple Hamlyn to exercise such jurisdiction:—

BE IT THEREFORE ENACTED by the Governor of the Colony of Southern Nigeria with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the Diocesan Synod Ordinance, 1910.

2. In this Ordinance and in the Schedule to this Ordinance, unless the context otherwise requires,

“The Diocese” means the Diocese of Western Equatorial Africa and includes for the purposes of this Ordinance the Colony and Protectorate of Southern Nigeria.

“The Bishop” means the Bishop of the Diocese, or, in his absence, his duly appointed Administrator, or in case no such appointment has been made, the Senior Assistant Bishop in the Diocese, or in his absence the Senior Archdeacon resident in the Diocese.

“The Synod” means “The Diocesan Synod of Western Equatorial Africa.”

3. (1) The Bishop in Western Equatorial Africa and the Priests of the Anglican Communion in the Diocese, duly licensed by the Bishop, together with those lay-representatives of the members of the said Communion, who, at the commencement of this Ordinance, have been duly chosen and elected in accordance with the rules and regulations so agreed to as hereinbefore mentioned, shall be and shall be deemed to be the Diocesan Synod of the Anglican Communion in this Diocese, and shall be styled “The Diocesan Synod of Western Equatorial Africa.”

Enactment.

Short Title.

Interpretation of terms.

Schedule.

Incorporation of “the Diocesan Synod of Western Equatorial Africa.”

*The Diocesan Synod Ordinance, 1910.*

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(2) The Synod by that name shall be, and is hereby declared to be, a body politic and corporate, with perpetual succession and a common seal, and it shall have full power and authority in its corporate name to sue and be sued, and to acquire and hold property, both moveable and immoveable, for all purposes connected with the administration of the affairs of the Anglican Communion in this Colony and Protectorate, and to sell, mortgage, alienate or lease the said property.

Exercise of powers of the Bishop in his absence.

4. In the absence of the Bishop, his duly appointed Administrator, or, if no such appointment has been made or in the event of the death of the Bishop, the Senior Assistant Bishop or the Senior Archdeacon resident in the Diocese shall, for all the purposes of this Ordinance, exercise all the powers of and represent the Bishop in the Synod; save only in those cases where the personal approval of the Bishop is necessary by the rules and regulations hereinbefore mentioned or any amendment thereof.

Representation of lay members.

5. The lay members of the Anglican Communion in this Colony and Protectorate shall be represented in the Synod by the persons elected as their lay-representatives therein, in accordance with the rules and regulations hereinbefore mentioned or any amendment thereof.

Execution of transfers by the Synod, etc.

6. All transfers, mortgages, deeds of conveyance, leases, contracts, assignments, or other deeds whatever, and all powers of attorney, and all notarial instruments required to be executed by the Synod shall and may be executed and subscribed by the Bishop together with the Chancellor of the Diocese and the Secretary of the Diocesan Synod, and shall be as valid and effectual as if the same had been executed and subscribed by all the members of the Synod.

Service of citations etc., on the Synod.

7. All citations, notices, and other documents required to be served on the Synod may be served on

*The Diocesan Synod Ordinance, 1910.*

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any person acting as Secretary to the Synod, and such service shall be as valid and effectual as if the same had been made on all the members of the Synod.

8. The qualification and rights of electors, the number, qualification, and term of service of lay-representatives, the manner of their election, the mode of convening the Synod and transacting the business thereof, the election and appointment of office-bearers, the mode of defraying the expenses of the Synod, the appointment of Committees and the quorum thereof the filling up of vacancies among office-bearers, the order of proceedings at meetings of the Synod, the rules of order thereof, and the manner of electing a Bishop shall be ordered and governed by the rules and regulations hereinbefore mentioned or any amendment thereof: Rules and regulations of the Synod

Provided always that the said rules and regulations may from time to time be altered and modified by the Synod, and that further rules and regulations may be made both for the administration of any property acquired by the Synod, or otherwise as may be requisite, so that the same be not repugnant to the laws of this Colony. Proviso.

9. Nothing in this Ordinance shall affect any of the spiritual rights, power, or authority appertaining to the office of Bishop. Saving of spiritual rights of the Bishop, etc.

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Passed in the Legislative Council this 10th day of January, in the year of our Lord one thousand nine hundred and ten.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correctly printed copy of the said Bill.

G. A. I. BOSANQUET,  
*(Clerk of the Legislative Council.*

*The Diocesan Synod Ordinance, 1910.*

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Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

F. S. JAMES,

*Acting Colonial Secretary.*

ARTHUR F. C. WEBER,

*Acting Attorney-General.*

Assented to in His Majesty's name this 10th day of January, 1910.

W. EGERTON,

*Governor and Commander-in-Chief.*

(L.S.)  
W. EGERTON.

No. II.

1910.



COLONY OF SOUTHERN NIGERIA.

IN THE NINTH YEAR OF THE REIGN OF  
HIS MAJESTY KING EDWARD VII.

SIR WALTER EGERTON, K.C.M.G.,  
*Governor and Commander-in-Chief.*

An Ordinance to prevent the introduction into Title.  
the Colony of pests and insects destructive  
to trees, plants and crops.

[10TH JANUARY, 1910.] Date.

BE IT ENACTED by the Governor of the Colony Enactment.  
of Southern Nigeria with the advice and consent of the  
Legislative Council thereof as follows:—

1. This Ordinance may be cited as "The Des- Short Title.  
tructive Pests Ordinance 1910."

*The Destructive Pests Ordinance, 1910.*

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Governor in Council may make orders to prevent introduction of destructive pests.

2. The Governor in Council may from time to time make such orders as may to the Governor in Council appear expedient for preventing the introduction into the Colony or Protectorate of any insect, fungus or other pest destructive to agricultural or horticultural crops or to trees or plants and for preventing the spreading in the Colony or Protectorate of any such insect, fungus or other pest.

Order may prohibit importation or authorize treatment or destruction of articles likely to harbour pests.

3. Any such order may prohibit or regulate the landing in the Colony or Protectorate of any tree or plant, or the leaves, branches, stems, roots, seed, or fruit of any tree or plant, or any vegetable substance or other article the landing whereof may appear to the Governor in Council to be likely to introduce such insect, fungus or other pest, and may direct or authorize the treatment or destruction of any such article, if landed. Any such order may also direct or authorize the treatment, removal or destruction of any crop, tree, plant, or substance on which the insect, fungus or other pest in any stage of its existence is found, or by means of which it may appear to the Governor in Council to be likely to spread, and the entering on any lands for the purpose of such treatment, removal or destruction, or for the purpose of any examination or inquiry authorized by the order, or for any other purpose of the order.

Orders as to compensation.

4. The Governor in Council may from time to time make orders for the payment of compensation in respect of any crop, tree, plant, or other substance destroyed under the provisions of this Ordinance.

Governor in Council may make rules.

5. The Governor in Council may make rules for:—

- (i) The appointment of inspectors and other officers to carry out the provisions of this Ordinance or of any orders or rules made thereunder and for investing them with all powers necessary for the due execution of their duties.
- (ii) For prescribing the publication of any rules made under this Ordinance and for pres-

*The Destructive Pests Ordinance, 1910.*

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cribing and regulating the form and mode of service or delivery of notices and other documents;

(iii) For prescribing the fine with which the contravention of any rule made under this Ordinance shall be punishable but such fine shall not exceed twenty-five pounds.

(iv) Generally for the better carrying into effect any of the provisions of this Ordinance.

6. Any person acting in contravention of any order under this Ordinance shall be guilty of an offence, and shall be liable upon conviction to a fine not exceeding fifty pounds. <sup>Penalty.</sup>

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Passed in the Legislative Council this 10th day of January, in the year of our Lord one thousand nine hundred and ten.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correctly printed copy of the said Bill.

G. A. I. BOSANQUET,

*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

F. S. JAMES,

*Acting Colonial Secretary.*

ARTHUR F. C. WEBER,

*Acting Attorney-General.*

Assented to in His Majesty's name this 10th day of January, 1910.

W. EGERTON,

*Governor and Commander-in-Chief.*



(L.S.)

WALTER EGERTON.

No. VI.

1910.



COLONY OF SOUTHERN NIGERIA.

IN THE TENTH YEAR OF THE REIGN OF  
HIS MAJESTY KING EDWARD VII.

SIR WALTER EGERTON, K.C.M.G.,  
*Governor and Commander-in-Chief.*

An Ordinance to amend the Criminal law in Title.  
relation to Children.

[22nd APRIL, 1910.] Date.

BE IT ENACTED by the Governor of the Enactment.  
Colony of Southern Nigeria with the advice and con-  
sent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited for all purposes Short Title.  
as the Children (Criminal Law Amendment) Ordi-  
nance, 1910.

*The Children (Criminal Law Amendment)  
Ordinance, 1910.*

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Interpretation.

2. For the purposes of this Ordinance, the expression "Juvenile Offender" means an offender who, in the opinion of the Court, is under the age of sixteen years.

Abolition of death sentence in case of juvenile offenders.

3. Sentence of death shall not be pronounced on or recorded against a juvenile offender, but in lieu thereof the Court shall sentence the juvenile offender to be detained during His Majesty's pleasure, and, if so sentenced, he shall be liable to be detained in such place and under such conditions as the Governor may direct, and whilst so detained shall be deemed to be in legal custody.

Detention.

Discharge of persons detained under Section 3.

4. (1) A person under detention pursuant to the directions of the Governor under section three of this Ordinance may, at any time, be discharged by the Governor on licence.

(2) A licence may be in such form and may contain such conditions as the Governor may direct.

(3) A licence may at any time be revoked or varied by the Governor, and where a licence has been revoked the person to whom the licence related shall return to such place as the Governor may direct, and if he fails to do so may be apprehended without warrant and taken to that place.

Repeal of 15 of 1909.

5. The Children Ordinance, 1909, is hereby repealed.

Passed in the Legislative Council this 22nd day of April, in the year of our Lord one thousand nine hundred and ten.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

C. T. LAWRENCE,

*Acting Clerk of the Legislative Council.*

*The Children (Criminal Law Amendment)  
Ordinance, 1910.*

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Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

J. J. THORBURN,  
*Colonial Secretary.*

A. R. PENNINGTON,  
*Attorney-General.*

Assented to in His Majesty's name this 22nd day of April, 1910.

WALTER EGERTON,  
*Governor and Commander-in-Chief.*



(L.S.)  
WALTER EGERTON.

No. IX.

1910.



COLONY OF SOUTHERN NIGERIA.

IN THE TENTH YEAR OF THE REIGN OF  
HIS MAJESTY KING EDWARD VII.

SIR WALTER EGERTON, K.C.M.G.,  
*Governor and Commander-in-Chief.*

An Ordinance to authorize the levying of dues Title.  
on goods and passengers entering and  
leaving the Harbour of Lagos.

[30TH APRIL, 1910.]

Date.

BE IT ENACTED by the Governor of the Colony Enactment.  
of Southern Nigeria with the advice and consent of  
the Legislative Council thereof as follows:--

*The Lagos Harbour Dues Ordinance, 1910.*

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Short title and application.

1. This Ordinance may be cited as the Lagos Harbour Dues Ordinance, 1910 and shall commence and come into force on such date as the Governor may appoint by Proclamation to be published in the Gazette.

Provided that no dues shall be levied so long as the maximum limit of draught for vessels crossing the Lagos Bar fixed under Section thirty of the Lagos Pilotage and Harbour Ordinance is less than sixteen feet.

And provided further that two months notice shall be given by publication in the Gazette of the imposition of any dues under this Ordinance and of any increase in such dues.

Definitions.

2. The following words and expressions shall in this Ordinance or any Ordinance amending the same have the meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction.

“Vessel” means and includes ship, boat, lighter and craft of any kind, and whether navigated by steam or otherwise, which enters or leaves the Harbour of Lagos as hereinafter defined.

Provided always that all vessels which enter or leave the Harbour of Lagos as hereinafter defined from or by the inland waters as defined by section one of the Inland Waters Navigation Ordinance shall not be included in the definition of vessel.

“Harbour” means and includes all the Harbour of Lagos as defined or hereafter defined under and by virtue of the Lagos Pilotage and Harbour Ordinance save and except that part lying outside a line drawn from the foreshore on the East to the foreshore on the West of the entrance to the Lagoon from the sea.

*The Lagos Harbour Dues Ordinance, 1910.*

- “Master” means and includes every person (except a pilot) having the command of or charge of a vessel for the time being.
- “Goods” means and includes wares and merchandise of every description.
- “Chief Customs Officer” means the officer in charge of the entire Customs Department of the Colony and Protectorate.
- “Provincial Collector” means the senior officer of Customs, other than the Chief Customs Officer, having authority at Lagos.
- “Officer of Customs” means and includes any officer acting under the general or special direction of the Chief Customs Officer.
- “Ton” for the purpose of levying harbour dues under this Ordinance means and includes the ton whether by weight or measurement on which the freight is charged.

3. There shall be levied, raised and paid upon every ton of cargo shipped by or unshipped from, and upon every passenger landing from or leaving by any vessel entering or leaving Lagos Harbour by sea, after this Ordinance shall have come into force, the sums set out in the Schedule hereto by way of harbour dues subject to any rule made under section twenty of this Ordinance. Such sums shall be paid to the Chief Customs Officer in manner hereinafter provided.

Harbour dues to be paid.

4. Any officer of Customs may, either alone or with any other persons, enter into any vessel within the limits of the Harbour in order to ascertain the dues payable in respect of such vessel, or of any goods therein.

Any Officer of Customs, may enter vessels to ascertain rates payable.

5. When any goods are intended to be unshipped within the limits of the Harbour, the master of the vessel containing such goods shall, within twenty-four hours after the arrival of such vessel within the limits of the Harbour, deliver to the Chief Customs Officer a list of all inward passengers, the name of

Master of vessel to give accounts of goods intended to be unshipped within the limits, &c.

*The Lagos Harbour Dues Ordinance, 1910.*

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the consignee of the goods intended to be unshipped, and if the whole cargo be intended to be unshipped, a copy of the bill of lading or manifest of the cargo, or if part only of the cargo be intended to be unshipped, the best account in writing in his power of the kinds, weights, and quantities of the several goods intended to be unshipped; such account in writing shall be delivered in such form or manner as the Chief Customs Officer with the approval of the Governor may direct and such report except when otherwise specially provided for by the Governor's order or when goods are landed into the transit sheds, shall be made before bulk be broken (and every such master shall if required to do so by the Chief Customs Officer give to him twelve hours notice of the time at which the cargo of such vessel, or any part of the same, is intended to be unshipped).

Penalty on masters giving no account, or false account of goods to be unshipped.

6. Every master of a vessel from which the cargo or part of the cargo shall be unshipped within the limits of the Harbour who shall have failed to deliver or to give any of the particulars in regard to the passengers or the cargo or the notice in regard to the unshipment thereof, hereinbefore required to be delivered or given by such master, or who shall deliver or give any false particulars or notice, shall for every such offence be liable to a penalty not exceeding one hundred pounds.

Master to give an account of goods shipped in his vessel.

7. When applying for the clearance of his vessel outwards from the port of Lagos the master shall give a list of all the outward passengers to the Chief Customs Officer, and the best account in writing in his power of the kinds, quantities, and weights of all goods shipped on board the same in the Harbour of Lagos, such account in writing shall be delivered in such form or manner as the Chief Customs Officer with the approval of the Governor may direct; every master who shall give or sign a false account of such goods shall for every such offence be liable to a penalty not exceeding one hundred pounds.

In case of dispute between Chief Customs Officer and master, &c., goods to be weighed and measured.

8. If any difference arise between the Chief Customs Officer and the master of any vessel, concerning the weight or quantities of the goods in respect of which any rates are payable, such Chief

*The Lagos Harbour Dues Ordinance, 1910.*

Customs Officer may cause all or a part of such goods to be weighed or measured at his discretion and, if necessary, may detain the vessel containing such goods until they have been weighed or measured.

9. If the weight or measurement of such goods be more than five per centum greater than that shown by the manifest, bill of lading, account, or statement delivered by the master of the vessel or agent of the same the expenses of such weighing or measuring shall be paid to the Chief Customs Officer by the master of the vessel, and shall be recoverable by the same means as are herein provided for the recovery of dues; but if the weight or quantity of such goods be the same as or less than that shown by the manifest, bill of lading, account or statement so delivered, the Chief Customs Officer shall pay all the expenses of such weighing or measuring and of any unreasonable delay of the vessel.

As to the expenses of weighing or measuring goods.

10. The dues payable in respect of goods and passengers inwards shall be paid at the time of the report of the vessel inwards. The dues payable in respect of goods and passengers outwards shall be paid at the time of the report of the vessel outwards. The Chief Customs Officer or Officer of Customs duly authorized by him may refuse to receive any entry or to give any discharge or clearance, or to take any report inwards or outwards, until such dues have been paid, or until he is satisfied that sufficient security has been given for the payment of such dues, or if there be any dispute as to the amount payable until he is satisfied that sufficient security has been given for the payment of such dues when ascertained, together with the expenses arising from the non-payment thereof.

Dues on goods when payable.

11. Every person who shall be knowingly concerned in evading or attempting to evade payment of the dues payable in respect of the goods shipped in or unshipped from any vessel, or any part thereof shall be liable to a penalty not exceeding five hundred pounds, and the same shall be recovered from such person by action in the Supreme Court.

Penalty on evading payment of dues.

*The Lagos Harbour Dues Ordinance, 1910.*

Recovery of dues  
by distraint of ship  
and tackle.

12. If the master or agent of any vessel in respect of which any dues are payable refuse or neglect to pay the same, or any part thereof, the Chief Customs Officer may go on board such vessel and demand such rates, and on non-payment thereof, or any part thereof, take, distrain, or arrest, of his own authority, such vessel, and the tackle, apparel, and furniture belonging thereto, or any part thereof and detain the matters so distrained or arrested until the rates are paid; and in case any of the said rates shall remain unpaid for the space of seven days next after any distress or arrestment so made, the said Chief Customs Officer may cause the matter distrained or arrested or any part thereof, to be sold, and with the proceeds of such sale may satisfy the dues so unpaid, and the expenses of taking, keeping, and selling the matters so distrained or arrested, rendering the overplus (if any) to the master of such vessel on demand.

How disputes con-  
cerning dues or  
charges may be  
decided.

13. If any dispute arise concerning the amount of dues payable, or the charges occasioned by any distress or arrestment, by virtue of this Ordinance, the Chief Customs Officer in making such distress or using such arrestment may detain the vessel, tackle, apparel, and furnitures so distrained or arrested until the amount of the dues payable or the charges of such distress or arrestment be ascertained by the Police Magistrate who, upon application made to him for that purpose, shall determine the same, and award such costs to be paid by either of the parties to the other of them as he shall think reasonable, and such costs if not paid on demand, shall be levied by distress and sale, and the Police Magistrate shall issue his warrant accordingly.

Provided always that any such application may be transferred to the Divisional Court in like manner as any cause or matter may be transferred under sections twenty-seven, twenty-eight, twenty-nine, thirty and thirty (a) of the Supreme Court Ordinance.

14. The following persons and each of them, in addition to the master of the vessel, shall be liable for the payment of dues payable under and by virtue of

Who is liable for  
payment of dues.

*The Lagos Harbour Dues Ordinance, 1910.*

this Ordinance, that is to say the owner of the vessel from or by which the goods were unshipped or shipped and every consignee or agent of such vessel, who shall have paid or made himself liable to pay any charge on account of such ship in the Harbour of Lagos.

15. If in any suit for the recovery of any dues or of any penalty or penalties under this Ordinance or any Ordinance which may hereafter be passed amending the same, any dispute shall arise as to whether the goods in respect of which such dues are chargeable have been lawfully or unlawfully shipped or unshipped, then and in every such case the proof thereof shall be on the defendant in such suit.

Proof of lawful or unlawful shipping rests in defendant.

16. If upon any trial, a question shall arise whether any person is an officer of Customs, his own evidence thereof, or other evidence of his having acted as such shall be deemed sufficient.

Customs Officer how proved to be such.

17. Every consignee or agent, not being the owner or master, herein made liable for the payment of dues in respect of goods unshipped from or shipped by or passengers carried on any vessel may, out of any monies in his hands received on account of such vessel or belonging to her owner, retain the amount of all dues paid by him under or by virtue of this Ordinance together with any reasonable expenses he may have incurred by reason of such payment or liability.

Dues paid by consignee or agent may be retained by him out of owners money.

18. All dues payable and penalties incurred under and by virtue of this Ordinance, shall and may, be sued for, determined, and recoverable by action in the Supreme Court of the Colony in the name of the Chief Customs Officer.

How dues may be sued for and recovered.

19. The Governor in Council may from time to time make and when made amend, vary, suspend or revoke rules with regard to any of the following matters that is to say:—

Power of the Governor in Council to make rules.

*The Lagos Harbour Dues Ordinance, 1910.*

- (a) For regulating the amount of the dues for the time being payable under or by virtue of this Ordinance.
- (b) Exempting any goods or passengers or any class of goods or passengers either wholly or partially from the payment of dues and also annexing conditions to any such exemption.
- (c) Generally for the further and better carrying out of this Ordinance and attaching a penalty, which shall not exceed twenty-five pounds for the breach of any such rule.

## SCHEDULE.

## SCALE OF DUES.

	£	s.	d.
On every ton of cargo exported or imported by sea ... ..	0	2	6
On every 1st or 2nd Class Passenger	0	2	0
On every other Passenger ... ..	0	1	0

Passed in the Legislative Council this 30th day of April, in the year of our Lord one thousand nine hundred and ten.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

C. T. LAWRENCE,  
*Acting Clerk of the Legislative Council.*

*The Lagos Harbour Dues Ordinance, 1910.*

---

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

J. J. THORBURN,  
*Colonial Secretary.*

A. R. PENNINGTON,  
*Attorney-General.*

Assented to in His Majesty's name this 30th day of April, 1910.

WALTER EGERTON,  
*Governor and Commander-in-Chief.*



(L.S.)

J. J. THORBURN.

No. X.

1910.



COLONY OF SOUTHERN NIGERIA.

IN THE FIRST YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE V.

JAMES JAMIESON THORBURN, ESQUIRE, C.M.G.,

*Acting Governor and Commander-in-Chief.*

An Ordinance to validate all the acts of certain Title.  
Commissioners of the Supreme Court.

[2ND AUGUST, 1910.] Date.

WHEREAS it is provided by the Supreme Preamble.  
Court Ordinance, sections thirty-six and thirty-nine,  
that the Governor shall have power to appoint by  
order in writing under his hand, which shall be  
published in the Gazette, fit and proper persons to be  
District Commissioners of the Colony of Southern  
Nigeria, who shall 'ex-officio' be Commissioners of the  
Supreme Court.

*The District Commissioners Validation Ordinance.*

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AND WHEREAS under the Proclamation of the Southern Nigeria Protectorate No. 8 of 1900 the High Commissioner had power to appoint District Commissioners without the formalities prescribed by sections 36 and 39 of the Supreme Court Ordinance, and whereas since 1904 in the appointment of District Commissioners the procedure followed has only been that requisite under the former law of the Southern Nigeria Protectorate.

Enactment.

BE IT THEREFORE ENACTED by the Governor of the Colony of Southern Nigeria with the advice and consent of the Legislative Council thereof as follows:—

Short Title.

1. This Ordinance may be cited as the District Commissioners Validation Ordinance.

Validation of appointments.

2. All District Commissioners who, up to the date of the passing of this Ordinance, have been appointed otherwise than by order in writing under the hand of the Governor, are hereby declared to have been as validly appointed as if they had been appointed by order in writing under the hand of the Governor as provided by section thirty-six of the Supreme Court Ordinance.

---

Passed in the Legislative Council this 2nd day of August, in the year of our Lord one thousand nine hundred and ten.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

GERALD BELL,

*Clerk of the Legislative Council.*

*The District Commissioners Validation Ordinance.*

---

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

F. S. JAMES,  
*Acting Colonial Secretary.*

J. ERNEST GREEN,  
*Acting Attorney-General.*

Assented to in His Majesty's name this 2nd day of August, 1910.

J. J. THORBURN,  
*Acting Governor and Commander-in-Chief.*



(L.S.)

J. J. THORBURN.

No. XII.

1910.



COLONY OF SOUTHERN NIGERIA.

IN THE FIRST YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE V.

JAMES JAMIESON THORBURN, ESQUIRE, C.M.G.,

*Acting Governor and Commander-in-Chief.*

An Ordinance to provide for and legalize the Title.  
Demonetization of Stamps.

[2ND AUGUST, 1910.]

Date.

WHEREAS it is expedient as occasion requires to demonetize stamps used for denoting the duty of postage and revenue.

AND WHEREAS Public Notice was given in the Gazette of the 11th day of November, 1908, that on and after the 1st day of April, 1909, the use of stamps other than those impressed with the King's Head would be discontinued.

*The Postage Stamps (Demonetization) Ordinance, 1910.*

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AND WHEREAS it is expedient to validate the said notice prohibiting the use of the stamps therein mentioned and the dies from which such stamps were printed.

Enactment.

NOW THEREFORE BE IT ENACTED by the Governor of the Colony of Southern Nigeria with the advice and consent of the Legislative Council thereof as follows: viz:—

Discontinuance of dies and Stamps by Gazette Notice.

1. Whenever the Governor determines to discontinue the use of any die and gives Public Notice thereof in the Gazette, then, whether a new die has been provided or not, from and after any day to be stated in the notice (that day not being within three months after the notice is so published), such die shall not be a lawful die for denoting the payment of any duty of postage and revenue; and if any stamp printed from any such die be used thereafter for denoting the payment of any duty of postage or revenue, the postal matter or instrument to which such stamp may be affixed shall be dealt with as though such stamp were not so affixed.

Validity of notice of demonetization of stamps impressed with head of Queen Victoria.

2. The said Gazette Notice of the 11th day of November, 1908, shall have been and shall be as valid and effective as if this Ordinance had been subsisting at the time such notice was issued and as if the said notice had been issued in pursuance of this Ordinance.

Definitions.

3. In this Ordinance the expression "postal matter" shall have the meaning assigned to it by section one of the Post Office Ordinance.

Short Title.

4. This Ordinance may be cited for all purposes as "The Postage Stamps (Demonetization) Ordinance, 1910."

*The Postage Stamps (Demonetization) Ordinance, 1910.*

## SCHEDULE.

Duty.	Dies discontinued.
The duties of one half-penny, of one penny, of two pence, of two pence half-penny, of three pence, of four pence, of five pence, of six pence, of seven pence half-penny, of ten pence, of one shilling, of two shillings and six pence, of five shillings, of ten shillings, and of one pound.	All dies with the head of Queen Victoria used for the printing of stamps denoting these values in the Colonies and Protectorates of Lagos and Southern Nigeria respectively.

Passed in the Legislative Council this 2nd day of August, in the year of our Lord, one thousand nine hundred and ten.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

• GERALD BELL,

*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

F. S. JAMES,

*Acting Colonial Secretary.*

J. ERNEST GREEN,

*Acting Attorney-General.*

Assented to in His Majesty's name this 2nd day of August, 1910.

J. J. THORBURN,

*Acting Governor and Commander-in-Chief.*



(L.S.)

J. J. THORBURN.

No. XV.

1910.



COLONY OF SOUTHERN NIGERIA.

IN THE FIRST YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE V.

JAMES JAMIESON THORBURN, ESQUIRE, C.M.G.,

*Acting Governor and Commander-in-Chief.*

An Ordinance to legalize certain payments made in the year ended on the thirty-first day of December, one thousand nine hundred and nine, beyond the expenditure authorized by law. Title.

[2ND AUGUST, 1910.] Date.

WHEREAS certain expenses have been incurred and payments made in the year ended on the thirty-first day of December, one thousand nine hundred and nine, beyond the amounts granted by the Legislature for the service of the Colony and it is desirable that such expenses and payments should be sanctioned by an Ordinance. Preamble.

*The 1909 Supplementary Supply Ordinance, 1910.*

Enactment.

BE IT THEREFORE ENACTED by the Governor of the Colony of Southern Nigeria with the advice and consent of the Legislative Council thereof, as follows:—

Additional expenditure for 1909 as set out in the Schedule legalised.

1. The sums of money set forth in the schedule hereto annexed having been expended for the services therein mentioned beyond the amounts granted for such services by the Ordinance passed for making provision for the expenditure of the said Colony for the year ended 31st December, one thousand nine hundred and nine, the same are hereby declared to have been duly and necessarily paid, laid out, and expended for the service of the said Colony in that year, and are hereby approved, allowed and granted in addition to the amounts mentioned for such services in the Ordinance aforesaid,

Short Title.

2. This Ordinance may be cited for all purposes as the 1909 Supplementary Supply Ordinance, 1910.

SCHEDULE.

Head of Service.		Amount Expended.		
		£	s.	d.
1	Charge on account of Public Debt ... ..	1,174	19	10
2	Pensions and Gratuities ... ..	1,620	7	10
8a	Customs ... ..	317	15	7
11	Audit ... ..	651	8	10
14	Volunteer Force ... ..	712	17	4
17	Prisons ... ..	5,959	10	7
29	Transport ... ..	8,084	1	11
29a	Motor Transport ... ..	1,573	2	10
31	Miscellaneous Services ... ..	3,300	19	2
34	Works and Buildings Annually Recurrent ... ..	15,362	0	9
36	Railway ... ..	1,199	0	10
37	Tramway ... ..	313	2	0
		40,569	7	6
39	Works and Buildings Extraordinary ... ..	705	0	0
42	Marine Extraordinary ... ..	30,258	7	4
	Grand Total ... ..	71,532	14	10

*The 1909 Supplementary Supply Ordinance, 1910.*

---

Passed in the Legislative Council this 2nd day of August, in the year of our Lord one thousand nine-hundred and ten.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

GERALD BELL,  
*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

F. S. JAMES,  
*Acting Colonial Secretary.*

J. ERNEST GREEN,  
*Acting Attorney-General.*

Assented to in His Majesty's name this 2nd day of August, 1910.

J. J. THORBURN,  
*Acting Governor and Commander-in-Chief.*



(L.S.)

J. J. THORBURN.

No. XVI.

1910.



COLONY OF SOUTHERN NIGERIA.

IN THE FIRST YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE V.

JAMES JAMIESON THORBURN, ESQUIRE, C.M.G.,

*Acting Governor and Commander-in-Chief,*

An Ordinance to provide for the Destruction <sup>Title.</sup>  
of Mosquitoes.

[4TH AUGUST, 1910.]

Date.

BE IT ENACTED by the Governor of the Colony <sup>Enactment.</sup>  
of Southern Nigeria with the advice and consent of  
the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as the Des- <sup>Short Title.</sup>  
truction of Mosquitoes Ordinance and shall apply to  
such parts of the Colony and Protectorate as the  
Governor by Order in Council may declare.

*The Destruction of Mosquitoes Ordinance.*

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Definitions.

2. The following words and expressions shall in this Ordinance have the meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction.

“Owner” means and includes the person for the time being receiving the rent of the premises in connexion with which the word is used whether on his own account or as agent or trustee for any other person or who would receive the same if such premises were let to a tenant.

“Occupier” means the person in occupation of the premises in respect of which the word is used but does not include a lodger.

“Premises” includes messuages, buildings, lands, easements and hereditaments of any tenure whether open or enclosed, whether built on or not, whether public or private and whether maintained or not under statutory authority.

“Sanitary Authority” means and includes in the Sanitary District of Lagos the Municipal Board of Health, in any Sanitary District under the Public Health Ordinance the Local Board of Health as constituted under section 6 of that Ordinance and in any other part of the Colony or Protectorate to which this Ordinance shall be applied such authority as the Governor may declare.

Destruction of  
mosquito larvæ.

3. (i) Notwithstanding the provisions of the Public Health Ordinance it shall be lawful for the Health Officer, or any Medical Officer specially appointed by the Governor for the purpose, the Sanitary Engineer, Sanitary Inspector or any person duly deputed in writing by the Health Officer to take immediate steps to destroy mosquito larvæ on any premises where they may be found, and to take such action as may be necessary to render any pools or accumulations of water unfit to be breeding places for mosquitoes.

*The Destruction of Mosquitoes Ordinance.*

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(ii) It shall be lawful for the Health Officer, or any Medical Officer specially appointed by the Governor for the purpose, the Sanitary Engineer, Sanitary Inspector or any person deputed as aforesaid to enter any premises between the hours of six in the morning and six in the evening for the purposes of this Ordinance.

(iii) Any owner or occupier who shall object to pools and collections of water on his premises being dealt with as above provided, shall within twenty-four hours submit his reasons to the Sanitary Authority, which, after inquiry, shall order such action to be taken as it shall consider necessary to meet the provisions of this Ordinance.

4. It shall not be lawful for any owner or occupier to allow at any time the presence on his premises of any receptacle for water containing mosquito larvæ or to allow any water to be kept on his premises for a period exceeding three days without the receptacle containing the same being emptied and cleaned unless such receptacle is properly protected or screened to the satisfaction of the Sanitary Authority from the access of mosquitoes, nor shall such owner or occupier allow on his premises any reasonably preventable conditions which may, in any way, be favourable to the breeding of mosquitoes.

Screening of water receptacles.

5. It shall be lawful for the Sanitary Authority to recover from the owner or occupier of any premises the expense of any measures carried out on his premises under the provisions of this Ordinance, but if it is satisfied that such owner or occupier is not in a position to pay such expenses, to pay all such expenses itself.

Recovery of cost.

6. All expenses incurred by the Sanitary Authority in carrying out with respect to any premises, the provisions of this Ordinance shall and may be recovered in a summary manner before a Police Magistrate or District Commissioner, anything in the Supreme Court Ordinance to the contrary notwithstanding.

Method of recovery.

*The Destruction of Mosquitoes Ordinance.*

---

Penalty for  
obstruction.

7. Any person who obstructs the Health Officer, or any Medical Officer specially appointed by the Governor for the purpose, the Sanitary Engineer, Sanitary Inspector or any person duly deputed in writing by the Health Officer to carry out the provisions of this Ordinance in any act authorized by this Ordinance shall be liable to a fine not exceeding twenty-five pounds or in default thereof to imprisonment not exceeding three months.

Penalty for breach  
of Ordinance.

8. (i) Any person who contravenes any of the provisions of section four of this Ordinance shall be liable to a fine not exceeding five pounds or in default to imprisonment not exceeding one month.

(ii) If any person shall be guilty of a continued contravention of this Ordinance for a period exceeding one day after due notice has been given, that contravention shall be punishable as if a fresh contravention of the law had taken place during each day of its continuance.

Rules.

9. The Governor in Council may make rules for the better carrying out of the purposes of this Ordinance.

Passed in the Legislative Council this 4th day of August, in the year of our Lord, one thousand nine hundred and ten.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

GERALD BELL,  
*Clerk of the Legislative Council.*

*The Destruction of Mosquitoes Ordinance.*

---

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

F. S. JAMES,  
*Acting Colonial Secretary.*

J. ERNEST GREEN,  
*Acting Attorney-General.*

Assented to in His Majesty's name this 4th day of August, 1910.

J. J. THORBURN,  
*Acting Governor and Commander-in-Chief.*



(L.S.)

J. J. THORBURN.

No. XVII.

1910.



COLONY OF SOUTHERN NIGERIA.

IN THE FIRST YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE V.

JAMES JAMIESON THORBURN, ESQUIRE, C.M.G.,

*Acting Governor and Commander-in-Chief,*

An Ordinance to provide for the Service of the Title.  
Colony for the year ending on the thirty-  
first day of December, one thousand nine  
hundred and eleven.

[24TH OCTOBER, 1910.] Date.

WHEREAS it is requisite to make provision Preamble.  
for the expenses of the Civil Government of the  
Colony for the year ending on the thirty-first day of  
December, one thousand nine hundred and eleven.

*The 1911 Supply Ordinance, 1910.*

Enactment.

BE IT THEREFORE ENACTED by the Governor of the Colony of Southern Nigeria with the advice and consent of the Legislative Council thereof as follows :—

Expenditure of  
£1,774,864  
authorised.

1. The Treasurer may, on the warrant of the Governor, pay out of the revenue and the funds of the Colony during the year ending on the thirty-first day of December, one thousand nine hundred and eleven, any sum or sums not exceeding in the whole the sum of one million seven hundred and seventy-four thousand three hundred and sixty-four pounds.

Appropriation.

2. The said sum or sums in the whole not exceeding the sum of one million seven hundred and seventy-four thousand three hundred and sixty-four pounds shall be appropriated to the purposes and in the manner expressed in the Schedule annexed to this Ordinance.

Balance  
unissued to lapse.

3. The moneys granted by this Ordinance are intended for the services in respect of which moneys will become payable within the year ending on the thirty-first day of December, one thousand nine hundred and eleven and any balances thereof remaining unissued at the end of the month of December in that year shall lapse and not be available for making payments in any subsequent month.

Short Title.

4. This Ordinance may be cited for all purposes as the 1911 Supply Ordinance, 1910.

SCHEDULE.  
EXPENDITURE 1911.

ORDINARY.		£
HEAD.		
1.	Charge on account of Public Debt ...	271,000
2.	Pensions and Gratuities ...	13,487
3.	Governor's Office ...	9,548
4.	Colonial Secretary's Office ...	17,838
5.	Political and Administrative ...	87,058
6.	Judicial ...	14,726
7.	Legal... ..	3,886
8.	Treasury ...	17,251
9.	Customs ...	36,808
10.	Postal ...	17,304
11.	Telegraphs .	29,394
12.	Audit... ..	8,866
Carried forward ...		527,166

## The 1911 Supply Ordinance, 1910.

ORDINARY—continued.					
HEAD.					£
	Brought forward	...	...	...	527,166
13.	Printing	...	...	...	11,747
14.	Force	...	...	...	192,946
15.	Volunteers	...	...	...	2,808
16.	Marine	...	...	...	128,022
17.	Civil Police	...	...	...	49,038
18.	Prisons	...	...	...	37,585
19.	Forestry	...	...	...	16,807
20.	Agriculture	...	...	...	13,998
21.	Medical	...	...	...	74,695
22.	Medical Research Institute	...	...	...	724
22a.	Laboratory	...	...	...	728
23.	Sanitary	...	...	...	5,003
24.	Native Affairs	...	...	...	27,430
25.	Education	...	...	...	33,230
26.	Surveys	...	...	...	17,018
27.	Mineral Survey	...	...	...	2,203
28.	Lands	...	...	...	1,271
29.	Rent	...	...	...	2,850
30.	Charitable	...	...	...	700
31.	Transport	...	...	...	59,914
32.	Motor Transport	...	...	...	5,639
33.	Contribution to Northern Nigeria	...	...	...	70,000
34.	Miscellaneous Services	...	...	...	37,242
35.	Public Works Department	...	...	...	51,619
36.	Public Works—Roads Construction	...	...	...	84
37.	Works & Buildings Annually Recurrent	...	...	...	32,969
38.	Roads and Bridges Annually Recurrent	...	...	...	14,925
39.	Railway	...	...	...	161,118
40.	Tramway	...	...	...	3,243
41.	Carter and Denton Bridges	...	...	...	1,785
	Total, Ordinary Expenditure	...	£		1,497,567
EXTRAORDINARY.					
42.	Works and Buildings Extraordinary	...	...	...	120,393
43.	Roads and Bridges Extraordinary	...	...	...	37,520
44.	Telegraphs Extraordinary	...	...	...	9,182
45.	Marine Extraordinary	...	...	...	58,531
46.	Railway Capital Works	...	...	...	51,171
	Total, Extraordinary Expenditure	£			276,797
SUMMARY.					
	Ordinary Expenditure	...	...	...	1,497,567
	Extraordinary Expenditure	...	...	...	276,797
	Grand Total	...	£		1,774,364

*The 1911 Supply Ordinance, 1910.*

---

Passed in the Legislative Council this 24th day of October, in the year of our Lord, one thousand nine hundred and ten.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

GERALD BELL,

*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

F. S. JAMES,

*Acting Colonial Secretary.*

C. E. DALE,

*Financial Commissioner.*

Assented to in His Majesty's name this 24th day of October, 1910.

J. J. THORBURN,

*Acting Governor and Commander-in-Chief.*

(L.S.)

WALTER EGERTON.

No. II.

1911.



COLONY OF SOUTHERN NIGERIA.

IN THE FIRST YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE V.

SIR WALTER EGERTON, K.C.M.G.,

*Governor and Commander-in-Chief.*

An Ordinance to prohibit the Manufacture, Title.  
Sale, and Importation of Matches made  
with White Phosphorus.

[27TH JANUARY, 1911.] Date.

BE IT ENACTED by the Governor of the Enactment.  
Colony of Southern Nigeria with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the White Short Title and  
Phosphorus Matches Prohibition Ordinance, 1911 and commencement.  
shall come into operation on the first day of February,  
1911.

THE WHITE PHOSPHORUS MATCHES PROHIBITION  
ORDINANCE, 1911.

---

Prohibition of  
sale.

2. It shall not be lawful for any person to sell or to offer or expose for sale or have in his possession for the purposes of sale any matches made with white (yellow) phosphorus, after the 30th day of June, 1911.

Penalty for sale.

3. Any person who shall sell or offer or expose for sale or have in his possession for the purposes of sale any matches made with white (yellow) phosphorus in contravention of section two of this Ordinance shall on conviction be liable to a penalty not exceeding ten pounds and in addition shall forfeit any such matches in his possession, and any matches so forfeited shall be destroyed or otherwise dealt with as the Court may think fit.

Prohibition of im-  
portation.

4. It shall not be lawful to import into the Colony or Protectorate of Southern Nigeria matches made with white (yellow) phosphorus, and any person acting in contravention of this section shall on conviction be liable to a penalty not exceeding fifty pounds and shall in addition forfeit any such matches so imported and any matches so forfeited shall be destroyed or otherwise dealt with as the Court may think fit.

Prohibition of use  
of white phospho-  
rus in manufacture  
of Matches.

5. It shall not be lawful for any person to use white (yellow) phosphorus in the manufacture of matches, and any person manufacturing matches in contravention of this section shall be liable on conviction to a penalty not exceeding ten pounds.

Recovery of  
Penalties

6. All offences under this Ordinance shall be prosecuted, and all fines under this Ordinance shall be recovered on summary conviction before a Police Magistrate or District Commissioner in manner provided by the Criminal Procedure Ordinance.

THE WHITE PHOSPHORUS MATCHES PROHIBITION  
ORDINANCE, 1911.

---

Passed in the Legislative Council this 27th day of January, in the year of our Lord, one thousand nine hundred and eleven.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

GERALD BELL,

*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

H. C. MOORHOUSE, LIEUT.-COLONEL,

*Acting Colonial Secretary.*

T. F. BURROWES,

*Comptroller of Customs.*

Assented to in His Majesty's name this 27th day of January, 1911.

WALTER EGERTON.

*Governor and Commander-in-Chief.*



(L.S.)

WALTER EGERTON.

No. IV.

1911.



COLONY OF SOUTHERN NIGERIA.

IN THE FIRST YEAR OF THE REIGN OF  
HIS MAJESTY KING GEORGE V.

SIR WALTER EGERTON, K.C.M.G.,  
*Governor and Commander-in-Chief.*

An Ordinance for taking the Census of the Colony of Southern Nigeria, from time to time. Title.

[31ST JANUARY, 1911.] Date.

Whereas it is expedient to make provision for taking from time to time, the Census of the Colony of Southern Nigeria. Preamble.

Be it therefore enacted by the Governor of the Colony of Southern Nigeria, with the advice and consent of the Legislative Council thereof, as follows:-- Enactment.

1. This Ordinance may be cited as the Census Ordinance 1911 and applies to the Colony and Protectorate. Short Title.

## THE CENSUS ORDINANCE, 1911.

Power to order  
Census.

2. The Governor in Council may authorize and direct a Census to be taken of the inhabitants of the Colony and Protectorate at such time or times as he may think fit.

Provided that notice of the intention to take such Census, and the date of such intended taking shall be published in the Government Gazette at least one month previously.

Power to the  
Governor to  
appoint a Superin-  
tendent.

3. It shall be lawful for the Governor to appoint by writing under his hand a Superintendent of any Census directed to be taken, who, subject to the control of the Governor, shall have the general supervision and management of the Census and, subject to the approval of the Governor, shall appoint such enumerators and officers as may be necessary for the purpose of the Census and the carrying into effect of this Ordinance.

Forms to be pre-  
pared and issued.

4. The Superintendent shall cause to be prepared and printed, for the use of the persons to be employed in taking the Census, such forms and instructions as he may deem necessary, and in particular schedules to be filled up with such particulars as the Governor may consider necessary in order to insure as far as possible the completeness and accuracy of the Census returns.

Occupiers, &c., to  
fill up and sign  
schedule.

5. The occupier of every house, the master or keeper of every school, gaol, prison, hospital or public or charitable institution, and the manager of every plantation, dock, factory, or place, employing over twenty persons, and the proprietor or manager of every hotel, and the master or person in charge of every vessel lying within British waters adjacent to the Colony and Protectorate upon whom a schedule has been left shall fill up or cause to be filled up such schedule to the best of his knowledge and belief, so far as relates to all persons dwelling in the house, tenement, or apartment or vessel occupied by him, and shall sign his name thereto, and shall deliver the schedule so filled up to the Enumerator when required to do so. Provided always that when such occupier is unable to write, such schedule may be filled up and signed by the Enumerator.

## THE CENSUS ORDINANCE, 1911.

6. The Enumerators and other persons employed in the execution of this Ordinance shall have authority to ask of all persons presumably able to afford the information desired all such questions as may be necessary for obtaining any of the particulars required by this Ordinance, and every person refusing to answer, or knowingly giving a false answer to, any such question shall for every such refusal or false answer forfeit a sum not exceeding Five Pounds.

Penalty for refusal to give information.

7. Every person who shall—

Penalty for refusal to fill up or sign schedule.

- (a) Wilfully refuse or without lawful excuse neglect to fill up and sign any schedule of particulars as and when he may be required by the Superintendent of the Census or any officer acting on his behalf so to do; or
- (b) Wilfully fill up or sign any such schedule with particulars which he knows to be false, or does not believe to be true, shall forfeit a sum not exceeding Five Pounds.

8. Upon the completion of any Census the Superintendent shall cause an abstract of the returns to be made, and such abstract shall be printed and laid before the Legislative Council within six months of the taking of such Census.

Abstract of return to be laid before Council.

9. The Governor in Council shall have power to make rules for the carrying out of this Ordinance.

Power to make rules.

10. All sums of which the Governor shall authorise payment, either by way of remuneration to officers and others employed in taking the Census, or to defray expenses necessarily attendant upon the Census, or otherwise for or incidental to any of the purposes of this Ordinance, shall be paid by the Treasurer out of the general revenue of the Colony.

Payment of Expenses.

11. All penalties inflicted by this Ordinance shall be recoverable upon summary conviction before the Police Magistrate or a District Commissioner.

Recovery of penalties.

THE CENSUS ORDINANCE, 1911.

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Passed in the Legislative Council this 31st day of January, in the year of our Lord one thousand nine-hundred and eleven.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

GERALD BELL,

*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

H. C. MOORHOUSE, LIEUT.-COLONEL,

*Acting Colonial Secretary.*

A. R. PENNINGTON,

*Attorney-General.*

Assented to in His Majesty's name this 31st day of January, 1911.

WALTER EGERTON,

*Governor and Commander-in-Chief.*

(L.S.)  
WALTER EGERTON.

No. VII.

1911.



COLONY OF SOUTHERN NIGERIA.

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IN THE FIRST YEAR OF THE REIGN OF  
HIS MAJESTY KING GEORGE V.

SIR WALTER EGERTON, K.C.M.G.,  
*Governor and Commander-in-Chief.*

An Ordinance to make further provision con- Title.  
cerning the application of the laws of the  
Colony to the adjacent territories.

[2ND FEBRUARY, 1911.] Date.

WHEREAS His Majesty hath acquired power Preamble.  
and jurisdiction within the territories known as the  
Protectorate of Southern Nigeria.

THE FOREIGN JURISDICTION ORDINANCE, 1911.

AND WHEREAS by an order of His late Majesty King Edward VII in Council bearing date the sixteenth day of February, 1906 (hereinafter referred to as the Principal Order) as amended by an Order of His Majesty King George V in Council bearing date the 31st day of May, 1910, it has been provided that it shall be lawful for the Legislative Council for the time being of the Colony of Southern Nigeria by any Ordinance or Ordinances to exercise and provide for giving effect to all such powers and jurisdiction as His Majesty may at any time either before or after the passing of the Principal Order have acquired or may acquire within the territories known as the Protectorate of Southern Nigeria or any part of the said territories.

AND WHEREAS it is expedient to provide a simple means of applying to the said territories the laws of the Colony in so far as they may be necessary to carry into effect the powers and jurisdiction of His Majesty.

Enactment.

BE IT THEREFORE ENACTED by the Governor of the Colony of Southern Nigeria with the advice and consent of the Legislative Council thereof as follows:—

Application of the laws of the Colony to adjacent territories.

1. It shall be lawful for the Governor by Order made with the advice and consent of the Legislative Council to apply to the said territories, situated within the limits of the afore-mentioned Order in Council of the sixteenth day of February, 1906, or any part of them, all or any of the Ordinances, Rules and Orders for the time being in force in the Colony in so far as they may be necessary to carry into effect such powers and jurisdiction as His Majesty may already have acquired before the date of such Order.

Effect of Order made under section 1.

2. Every Order made under the first section of this Ordinance shall have the same force and effect as if the same were an Ordinance made under the above recited Order in Council of the sixteenth day of February, 1906, and no greater or other force or effect.

Repeal of Foreign Jurisdiction Ordinance.

3. The Foreign Jurisdiction Ordinance is hereby repealed but the Orders scheduled thereto shall be and be deemed to have been as valid and lawful as if they had been made under and by virtue of the provisions of the first section of this Ordinance.

THE FOREIGN JURISDICTION ORDINANCE, 1911.

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4. This Ordinance may be cited as "The Foreign Short Title.  
Jurisdiction Ordinance, 1911."

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Passed in the Legislative Council this 2nd day of February, in the year of our Lord one thousand nine-hundred and eleven.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

GERALD BELL,  
*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

H. C. MOORHOUSE, LT.-COL.,  
*Acting Colonial Secretary.*

A. R. PENNINGTON,  
*Attorney-General.*

Assented to in His Majesty's name this 2nd day of February, 1911.

WALTER EGERTON,  
*Governor and Commander-in-Chief.*



(L.S.)

WALTER EGERTON.

No. XI.

1911.



COLONY OF SOUTHERN NIGERIA.

IN THE FIRST YEAR OF THE REIGN OF  
HIS MAJESTY KING GEORGE V.

SIR WALTER EGERTON, K.C.M.G.,  
*Governor and Commander-in-Chief.*

An Ordinance to confer upon the Governor the necessary power for the Detention and Deportation of one Overami ex-King of Benin. Title.

[4TH MAY, 1911.] Date.

WHEREAS it is expedient that one Overami ex-King of Benin should be detained during His Majesty's pleasure, and, if necessary, that he should be deported from the Colony and Protectorate. Preamble.

BE IT THEREFORE ENACTED by the Governor of the Colony of Southern Nigeria, with the advice and consent of the Legislative Council thereof as follows:— Enactment.

THE OVERAMI DETENTION AND DEPORTATION  
ORDINANCE, 1911.

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Short Title.

1. This Ordinance may be cited as the Overami Detention and Deportation Ordinance, 1911.

Past acts legalized.

2. All acts done, permitted to be done, or sanctioned by the Governor (which term shall include the High Commissioner of Southern Nigeria before the first day of May, 1906) with respect to the arrest and detention of the said Overami ex-King of Benin prior to the passing of this Ordinance are hereby declared to be legal and valid as if the same had been done, permitted to be done, or sanctioned under the authority of the Legislature of the Colony, and no proceedings calling in question the legality of such acts shall have any effect whatsoever.

The Governor may authorize the detention and deportation of Overami.

3. It shall be lawful for the Governor to order the detention of the said Overami ex-King of Benin during His Majesty's pleasure in any of His Majesty's Prisons or in any suitable place within the Colony or Protectorate, and from time to time change such place of detention, and also to deport the said Overami ex-King of Benin to any place without the Colony or Protectorate where provision has been made for his detention in lawful custody.

Governor warrant sufficient authority for detention and deportation.

4. A warrant under the hand of the Governor addressed to any District Commissioner, or to any person having charge of any of His Majesty's prisons in the Colony or Protectorate shall be a sufficient authority for the District Commissioner or person named therein to detain the said Overami ex-King of Benin, and such warrant as aforesaid addressed to the master of any ship or to any other person shall be sufficient authority to the person named therein to convey the said Overami ex-King of Benin to the place named therein, and to deliver him into such custody as may be named in the said warrant.

Authority for removal of Overami.

5. The said Overami ex-King of Benin may at any time during his detention be removed from any one of the places of detention before mentioned to any other of the said places by warrant under the hand of the Governor addressed to the master of any ship or any other person; and the master of any

THE OVERAMI DETENTION AND DEPORTATION  
ORDINANCE, 1911.

ship or any other person to whom such warrant is addressed shall have power to convey the said Overami ex-King of Benin to such place and to deliver him to such authority as may be respectively named in such warrant.

6. The said Overami ex-King of Benin shall, if detained in any of His Majesty's prisons, be under the legal custody of the person having charge thereof, or if detained in any other place within the Colony or Protectorate shall be under the legal custody of the District Commissioner of the District within which such place may be situate. Custody of Overami.

7. Any person aiding or attempting to aid the said Overami ex-King of Benin to escape or to attempt to escape out of any lawful custody as aforesaid shall be guilty of an offence, and shall be liable on conviction thereof to imprisonment with or without hard labour for any term not exceeding two years. Penalty for aiding escape.

8. No writ of habeas corpus or other process calling in question the legality of the arrest, detention or deportation of the said Overami ex-King of Benin or of any other matter connected therewith respectively shall have any effect within the Colony or Protectorate. No writ of habeas corpus to issue.

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Passed in the Legislative Council this 4th day of May, in the year of our Lord one thousand nine-hundred and eleven.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

GERALD BELL,  
*Clerk of the Legislative Council.*

f

THE OVERAMI DETENTION AND DEPORTATION  
ORDINANCE, 1911.

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Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

A. G. BOYLE,  
*Colonial Secretary.*

A. R. PENNINGTON,  
*Attorney-General.*

Assented to in His Majesty's name this 4th day of May, 1911.

WALTER EGERTON,  
*Governor and Commander-in-Chief.*

(L.S.)

WALTER EGERTON.

No. XII.

1911.



COLONY OF SOUTHERN NIGERIA.

IN THE FIRST YEAR OF THE REIGN OF  
HIS MAJESTY KING GEORGE V.

SIR WALTER EGERTON, K.C.M.G.,  
*Governor and Commander-in-Chief.*

An Ordinance for raising the sum of  
£3,500,000.

Title.

[4TH MAY, 1911.]

Date.

WHEREAS it is expedient to raise by loan a sum not exceeding £3,500,000 for the purpose of defraying the cost of certain public works and undertakings:—

Preamble.

BE IT THEREFORE ENACTED by the Governor of the Colony of Southern Nigeria with the advice and consent of the Legislative Council thereof as follows:—

Enactment.

1. This Ordinance may be cited as the Loan Ordinance, 1911.

Short Title.

## THE LOAN ORDINANCE, 1911.

Authority to issue stock or debentures to realize the amount of £3,500,000 and cover cost of issue.

2. The Governor is hereby authorized to issue Stock or Debentures or both under the provisions of the General Loan and Inscribed Stock Ordinance, to an amount sufficient to produce as nearly as may be the sum of £3,500,000 sterling and such further sum as may be necessary to defray the expenses of issue, the said sum of £3,500,000 to be appropriated and applied to the purposes specified in the Schedule hereto.

Contribution Sinking Fund.

3. Contribution to Sinking Fund as contemplated by the provisions of sections 11 and 24 of the Ordinance above referred to, shall commence three years from the date of the first issue of Debentures or Stock under this Ordinance.

Utilization of savings.

4. It shall be lawful for the Governor, with the sanction of the Secretary of State, to utilize any saving in respect of any item in the said Schedule to cover any excess of expenditure in respect of any other item.

## THE SCHEDULE APPROPRIATION OF SUM BORROWED.

	£
1. Lagos Harbour Works ... ..	739,215
2. Lagos Wharfage Scheme ... ..	500,000
3. Railway-Oshogbo-Ilorin ... ..	6,889
4. " Ilorin-Jebba ... ..	11,365
5. " Ferry at Jebba ... ..	6,776
6. Jebba to Junction with Baro-Kano line:	
(a) Jebba to Zungeru ... ..	286,491
(b) Zungeru-Minna ... ..	22,340
7. Additional Workshops, etc.,—at Ebute Metta ... ..	4,377
8. Improvement of Ibadan-Iddo section ... ..	112,790
9. Loan to Northern Nigeria to complete Baro-Kano line ...	200,000
10. Apapa Extension and Wharf:	
(a) Extension ... ..	18,225
(b) Wharf ... ..	24,600
11. Offa Depôt ... ..	38,952
12. Niger Bridge North, and Line across Jebba Island ... ..	38,725
13. Niger Bridge South ... ..	92,200
14. Additional Rolling Stock ... ..	200,000
15. Miscellaneous Capital sanctions ... ..	207,055
16. Lagos Water Supply ... ..	340,000
17. Further Railway Extension and Construction ... ..	650,000

£3,500,000

THE LOAN ORDINANCE, 1911.

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Passed in the Legislative Council this 4th day of May, in the year of our Lord, one thousand nine hundred and eleven.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

GERALD BELL,

*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

A. G. BOYLE,

*Colonial Secretary.*

C. E. DALE,

*Financial Commissioner.*

Assented to in His Majesty's name this 4th day of May, 1911.

WALTER EGERTON,

*Governor and Commander-in-Chief.*



(L.S.)  
WALTER EGERTON.

No. XIII.

1911.



COLONY OF SOUTHERN NIGERIA.

IN THE SECOND YEAR OF THE REIGN OF  
HIS MAJESTY KING GEORGE V.

SIR WALTER EGERTON, K.C.M.G.,

*Governor and Commander-in-Chief.*

An Ordinance to validate certain expenditure <sup>Title.</sup>  
over and above certain of the amounts  
authorized in the schedules to the Loan  
Ordinance and the Loan Ordinance, 1908.

[11TH MAY, 1911.]

Date.

WHEREAS by the Loan Ordinance Chapter <sup>Preamble.</sup>  
sixty-eight of the Statute Laws Revision Ordinance,  
the Governor was authorised to borrow a sum not  
exceeding £2,000,000, in any manner provided by the  
General Loan and Inscribed Stock Ordinance to be  
appropriated and applied to the purposes specified  
in the Schedule thereto.

THE LOANS EXPENDITURE VALIDATION ORDINANCE, 1911.

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AND WHEREAS the sum of £1,889,212 was realised by such borrowing.

AND WHEREAS by the Loan Ordinance, 1908, the Governor was authorized to issue Stock or Debentures or both under the provisions of the General Loan and Inscribed Stock Ordinance sufficient to produce the sum of £3,000,000 to be appropriated and applied to the purposes specified in the Schedule thereto.

AND WHEREAS Stock was issued sufficient to produce the said sum of £3,000,000.

AND WHEREAS the amount appropriated to certain of the purposes in the above-mentioned Schedules were in some cases over expended and in other cases under expended :

AND WHEREAS it is expedient to legalise the amounts over expended as aforesaid :

NOW THEREFORE, BE IT ENACTED by the Governor of the Colony of Southern Nigeria with the advice and consent of the Legislative Council thereof as follows:—

Short Title.

1. This Ordinance may be cited as the Loans Expenditure Validation Ordinance, 1911.

Validation of expenditure incurred.

2. Notwithstanding anything to the contrary in the Loan Ordinance and the Loan Ordinance, 1908, and the Schedules thereto the appropriation to and expenditure of the amount set out in the Schedule to this Ordinance to the purposes specified in the said Schedule is hereby declared to be valid and lawful.

THE LOANS EXPENDITURE VALIDATION ORDINANCE, 1911.

1904/5 and 1908 Loans.  
 Amount raised by 1904/5 Loans £1,889,212  
 " " " " " " £3,000,000  
 " " " " " " £3,000,000  
 Total ... .. £4,889,212

	Amount Authorised.			Expenditure to 31st Oct., 1910.		
	1904/5.	1908.	Total	1904/5.	1908.	Total
	725,009	—	725,009	725,009	—	725,009
	243,099	—	243,099	—	—	—
	30,744	—	30,744	552,969	—	552,969
	215,858	—	215,858	—	—	—
	128,111	—	128,111	136,384	—	136,384
	26,170	—	26,170	25,178	—	25,178
	47,522	—	47,522	39,744	—	39,744
	472,699	—	472,699	400,579	—	400,579
	—	173,426	173,426	—	412,520	412,520
	—	402,053	402,053	—	371,292	371,292
	—	30,000	30,000	—	37,221	37,221
	—	586,845	586,845	—	313,109	313,109
	—	30,000	30,000	—	122,069	122,069
	—	23,360	23,360	—	56,000	56,000
	—	90,000	90,000	—	19,651	19,651
	—	40,000	40,000	—	156,118	156,118
	—	171,676	171,676	—	37,610	37,610
	—	1,200,000	1,200,000	—	105,697	105,697
	—	30,000	30,000	—	1,196,000	1,196,000
	—	200,000	200,000	—	10,000	10,000
	—	3,000,000	3,000,000	—	157,585	157,585
	£1,889,212	4,889,212	4,889,212	1,879,813	3,009,399	4,889,212

SCHEDULE.

- |     |  |              |
|-----|--|--------------|
| 1.  | Repayment to Treasury of balance of Loan of £792,500 (obtained under provisions of the Colonial Loans Act 1899) for the construction of the Lagos-Ibadan Railway | 1904/5 Loan. |
| 2.  | Further expenditure required in completing the Railway   | 1908 Loan.   |
| 3.  | Branch Railway to Abeokuta   |              |
| 4.  | Further expenditure required to complete the equipment of the Railway  |              |
| 5.  | Carter and Denton Bridges  |              |
| 6.  | Lagos Steam Tramway  |              |
| 7.  | Iddo Wharf   |              |
| 8.  | Osoogbo Railway Extension  |              |
| 9.  | Railway, Osoogbo to Ilorin (completion)  |              |
| 10. | Ferry to Jebba   |              |
| 11. | " " " "  |              |
| 12. | " " " "  |              |
| 13. | " " " "  |              |
| 14. | " " " "  |              |
| 15. | " " " "  |              |
| 16. | " " " "  |              |
| 17. | " " " "  |              |
| 18. | " " " "  |              |
| 19. | " " " "  |              |

1904/5 Loan.

1908 Loan.

THE LOANS EXPENDITURE VALIDATION ORDINANCE, 1911.

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Passed in the Legislative Council this 11th day of May, in the year of our Lord one thousand nine-hundred and eleven.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

GERALD BELL,

*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

A. G. BOYLE,

*Colonial Secretary.*

A. R. PENNINGTON,

*Attorney-General.*

Assented to in His Majesty's name this 11th day of May, 1911.

WALTER EGERTON,

*Governor and Commander-in-Chief.*

(L.S.)

WALTER EGERTON.

No. XVI.

1911.



COLONY OF SOUTHERN NIGERIA.

IN THE SECOND YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE V.

SIR WALTER EGERTON, K.C.M.G.,

*Governor and Commander-in-Chief.*

An Ordinance to validate the formation of the Title.  
Southern Nigeria Volunteers.

[11TH MAY, 1911.] Date.

WHEREAS on or about the 8th day of July in Preamble.  
the year one thousand nine hundred and seven certain  
persons offered their services to His Excellency  
James Jamieson Thorburn, Companion of the Most  
Distinguished Order of Saint Michael and Saint  
George, Acting Governor and Commander-in-Chief of

THE VOLUNTEER VALIDATION ORDINANCE.

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the Colony of Southern Nigeria, and desired to be formed into a Volunteer Corps under the Volunteer Ordinance;

AND WHEREAS the services of the said persons were accepted and the Southern Nigeria Volunteers were formed;

AND WHEREAS such acceptance was not notified as required by law in the Gazette;

AND WHEREAS Officers have been appointed to, Volunteers enrolled in, and property has been acquired by the said Southern Nigeria Volunteers;

AND WHEREAS fines and penalties have been inflicted under and by virtue of the said Ordinance;

AND WHEREAS it is expedient to validate the formation of the said Southern Nigeria Volunteers, and the appointment of the Officers thereto, and the enrolment of the Volunteers therein, and the acquisition of the said property, and the infliction of the said fines and penalties, and all other acts and things done in relation to the Southern Nigeria Volunteers;

Enactment.

BE IT THEREFORE ENACTED by the Governor of the Colony of Southern Nigeria with the advice and consent of the Legislative Council thereof as follows:—

Short Title.

1. This Ordinance may be cited as the Volunteer Validation Ordinance.

Validation Clause.

2. The formation of the Southern Nigeria Volunteers, the appointment of Officers thereto, the enrolment of Volunteers therein, the acquisition of property by the said Southern Nigeria Volunteers, the infliction of fines and penalties in the past under the provisions of the Volunteer Ordinance and all other acts and things done in relation to the said Southern Nigeria Volunteers shall be deemed to be as valid and lawful as if the said Southern Nigeria

THE VOLUNTEER VALIDATION ORDINANCE.

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Volunteers had been lawfully formed under the said Ordinance, and the said Southern Nigeria Volunteers are hereby declared to have been lawfully formed under the provisions of the Volunteer Ordinance.

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Passed in the Legislative Council this 11th day of May, in the year of our Lord one thousand nine hundred and eleven.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

GERALD BELL,

*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

A. G. BOYLE,

*Colonial Secretary.*

A. R. PENNINGTON,

*Attorney-General.*

Assented to in His Majesty's name this 11th day of May, 1911.

WALTER EGERTON,

*Governor and Commander-in-Chief.*



(L.S.)

A. G. BOYLE.

No. XVII.

1911.



COLONY OF SOUTHERN NIGERIA.

IN THE SECOND YEAR OF THE REIGN OF  
HIS MAJESTY KING GEORGE V.

ALEXANDER GEORGE BOYLE, ESQUIRE., C.M.G.

*Acting Governor and Commander-in-Chief.*

An Ordinance to legalize certain payments Title.  
made in the year ended on the thirty-first  
day of December, one thousand nine hun-  
dred and ten, beyond the expenditure  
authorized by law.

[10TH AUGUST, 1911.] Date.

WHEREAS certain expenses have been incurred Preamble.  
and payments made in the year ended on the thirty-  
first day of December, one thousand nine hundred and  
ten, beyond the amounts granted by the Legislature  
for the service of the Colony and it is desirable that  
such expenses and payments should be sanctioned  
by an Ordinance.

## THE 1910 SUPPLEMENTARY SUPPLY ORDINANCE, 1911.

Enactment.

BE IT ENACTED by the Governor of the Colony of Southern Nigeria with the advice and consent of the Legislative Council thereof as follows:—

Additional expenditure for 1910 as set out in the Schedule legalised.

1. The sums of money set forth in the Schedule hereto annexed having been expended for the services therein mentioned beyond the amounts granted for such services by the Ordinance passed for making provision for the expenditure of the said Colony for the year ended 31st December, one thousand nine hundred and ten, the same are hereby declared to have been duly and necessarily paid, laid out, and expended for the service of the said Colony in that year, and are hereby approved, allowed and granted in addition to the amounts mentioned for such services in the Ordinance aforesaid.

Short Title.

2. This Ordinance may be cited for all purposes as the 1910 Supplementary Supply Ordinance, 1911.

## SCHEDULE.

Head of Service.	Amount Expended.		
	£	s.	d.
Charge on account of Public Debt ... ..	7,683	5	5
Pensions and Gratuities ... ..	1,611	3	1
Customs ... ..	12	14	0
Force, Southern Nigeria Regiment ... ..	3,712	19	0
Prisons ... ..	3,952	3	0
Agriculture ... ..	1,111	1	10
Sanitary ... ..	565	11	5
Transport ... ..	11,253	14	0
Miscellaneous Services ... ..	16,889	15	8
Works and Buildings Annually Recurrent ... ..	1,299	14	10
Railway ... ..	6,644	19	9
Roads and Bridges Extraordinary ... ..	19,901	15	7
Marine Extraordinary ... ..	13,854	1	7
Extraordinary Expenditure on Loan Works ... ..	397,696	17	10
Grand Total ... ..	486,492	17	0

## THE 1910 SUPPLEMENTARY SUPPLY ORDINANCE, 1911.

Passed in the Legislative Council this 10th day of August, in the year of our Lord one thousand nine-hundred and eleven.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

F. L. TABOR,

*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

F. S. JAMES,

*Acting Colonial Secretary.*

A. R. PENNINGTON,

*Attorney-General.*

Assented to in His Majesty's name this 10th day of August, 1911.

A. G. BOYLE,

*Acting Governor and Commander-in-Chief.*



(L.S.)  
WALTER EGERTON.

No. XIX.

1911.



COLONY OF SOUTHERN NIGERIA.

IN THE SECOND YEAR OF THE REIGN OF  
HIS MAJESTY KING GEORGE V.  
SIR WALTER EGERTON, K.C.M.G.,  
*Governor and Commander-in-Chief.*

An Ordinance to render valid the sittings and <sup>Title.</sup> proceedings of the Legislative Council of the Colony of Southern Nigeria in which certain persons took part who had not been duly appointed as Unofficial Members thereof.

[26TH OCTOBER, 1911.]

Date.

WHEREAS under the provisions of the Royal <sup>Preamble.</sup> Instructions under the Royal Sign Manual and Signet bearing date at the Court of Saint James's the

THE LEGISLATIVE COUNCIL ORDINANCE, 1911.

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twenty-eighth day of February, 1906, given to the Governor and Commander-in-Chief in and over the Colony of Southern Nigeria and to the Lieutenant Governor or other Officer for the time being administering the Government of the said Colony, His Late Majesty King Edward the Seventh did direct, enjoin and declare that members of the Legislative Council, not holding offices in the Colony, shall be appointed by Instruction or Warrant under the Royal Sign Manual and Signet, or as the Governor, in pursuance of instructions from His Majesty through one of his Principal Secretaries of State, may from time to time appoint by an instrument under the Public Seal of the Colony.

AND WHEREAS certain persons have been sworn in and admitted as Unofficial Members of the said Legislative Council, although not appointed by any Warrant or Instruction as aforesaid, on divers dates since the date of the said Royal Instructions and have sat and taken part in the proceedings of the said Legislative Council as if, duly appointed, Unofficial Members thereof.

AND WHEREAS by the said Royal Instructions it was further directed, enjoined and declared that the Governor may by an instrument under the Public Seal of the Colony appoint any person, for the purpose of obtaining his advice to be, for any occasion, an Extraordinary Member of the said Legislative Council.

AND WHEREAS certain persons have been sworn in and admitted as Extraordinary Members of the said Legislative Council, although not appointed under any instrument as aforesaid, on divers dates since the date of the said Royal Instructions and have sat and taken part in the proceedings of the said Legislative Council as if, though not, Unofficial Members thereof.

AND WHEREAS by the said Royal Instructions it was further directed, enjoined and declared

THE LEGISLATIVE COUNCIL ORDINANCE, 1911.

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that the Governor may, in certain cases set out in the eighteenth clause of the said instructions, by an instrument under the Public Seal of the said Colony appoint a fit and proper person provisionally a member of the said Legislative Council.

AND WHEREAS certain persons have been sworn in and admitted as Provisional Members of the said Legislative Council, although not appointed under any instrument as aforesaid, on divers dates since the date of the said Royal Instructions and have sat and taken part in the proceedings of the said Legislative Council.

AND WHEREAS it is expedient to render valid the sittings and proceedings of the said Legislative Council in which the persons as aforesaid took part.

BE IT THEREFORE ENACTED by the Governor of the Colony of Southern Nigeria with the advice and consent of the Legislative Council thereof as follows:— Enactment.

1. This Ordinance may be cited as the Legislative Council Ordinance, 1911. Short Title.

2. The sittings and proceedings of the Legislative Council of the Colony are hereby validated and rendered as effectual for all purposes as if all the persons who sat therein and took part therein as Unofficial Members had been at all times when they sat in such Legislative Council and took part in the proceedings thereof Unofficial Members of the said Council. Sittings and proceedings validated.

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Passed in the Legislative Council this 26th day of October, in the year of our Lord one thousand nine-hundred and eleven.

THE LEGISLATIVE COUNCIL ORDINANCE, 1911.

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This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

F. L. TABOR,  
*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

A. G. BOYLE,  
*Colonial Secretary.*

A. R. PENNINGTON,  
*Attorney-General.*

Assented to in His Majesty's name this 26th day of October, 1911.

WALTER EGERTON,  
*Governor and Commander-in-Chief.*

(L.S.)  
WALTER EGERTON.

No. XXVI.

1911.



COLONY OF SOUTHERN NIGERIA.

IN THE SECOND YEAR OF THE REIGN OF  
HIS MAJESTY KING GEORGE V.  
SIR WALTER EGERTON, K.C.M.G.,  
*Governor and Commander-in-Chief.*

An Ordinance to provide for the stopping or Title.  
diverting of Highways.

[31ST OCTOBER, 1911.] Date.

BE IT ENACTED by the Governor of the Enactment.  
Colony of Southern Nigeria with the advice and  
consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the Highways Short Title.  
Ordinance, 1911.

## THE HIGHWAYS ORDINANCE, 1911.

Definition.

2. In this Ordinance the word "highways" shall be construed to include all roads, streets, bridges, carriageways, cartways, horseways, bridleways, footways, causeways, and pavements, unless there be something in the subject or context repugnant to such meaning.

Proceedings for stopping or diverting certain highways.

3. Where it shall appear to the Commissioner of Lands that:—

- (a) Any highway is unnecessary ; or
- (b) The use of any highway is a danger to the public ; or
- (c) A highway as convenient in all essential respects as the existing one can be made and that it is expedient to make one ;

He may cause to be affixed by the side of each end of the said highway a notice to the effect that such highway is unnecessary, or that the use thereof is a danger to the public, or that a highway as convenient in all essential respects as the existing one can be made and that it is expedient to make one, and that on a day not less than four weeks from the date of the said notice application will be made to the Governor in Council to stop or divert the said highway as the case may be. The notice shall be in the form or as near thereto as possible of the Schedule to this Ordinance.

of objection to stopping or diverting highways.

4. Any person who objects to the stopping or diverting of any highway as aforesaid may, at any time not later than three clear days before the day fixed for the said application, deliver at the office of the Commissioner of Lands a notice in writing, signed by him and giving his address, stating his objections to the stopping or diverting of the said highway. All such notices of objection shall be laid before the Governor in Council together with a report from the Commissioner of Lands stating:—

- (a) The grounds on which he considers the highway unnecessary ; or
- (b) The grounds on which he considers the use of the highway a danger to the public ; or

THE HIGHWAYS ORDINANCE, 1911.

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- (c) His reasons for considering that a highway as convenient in all essential respects as the existing one can be made.

5. The notices of objection (if any) and the report as aforesaid having been laid before the Governor in Council on the date aforesaid or so soon thereafter as may be convenient and the Governor in Council having considered the same he may by Order in Council

Objections to be laid before Governor in Council.

- (a) Stop the said highway unconditionally on the ground that it is unnecessary or that the use thereof is a danger to the public; or
- (b) Divert the said highway on the ground that the use thereof is a danger to the public, or that another highway as convenient in all essential respects as the existing one can be made and that it is expedient to make one.

Provided always that no highway shall be diverted unless and until the highway in substitution therefor is ready for the use of the public.

SCHEDULE.

FORM OF NOTICE FOR STOPPING OR DIVERTING A HIGHWAY.

Notice is hereby given, that on the \_\_\_\_\_ day of \_\_\_\_\_ next, application will be made to the Governor in Council for an order [*if the order be for diverting and stopping here state it and describe road to be diverted and stopped up; if the order be for stopping an unnecessary or dangerous road here state it and describe the road to be stopped up*] and all persons desirous of opposing the application should give notice in writing to the Commissioner of Lands three clear days before the above-mentioned date.

DATED the \_\_\_\_\_ day of \_\_\_\_\_

*Commissioner of Lands.*

THE HIGHWAYS ORDINANCE, 1911.

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Passed in the Legislative Council this 31st day of October, in the year of our Lord one thousand nine hundred and eleven.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

F. L. TABOR,  
*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

A. G. BOYLE,  
*Colonial Secretary.*

A. R. PENNINGTON,  
*Attorney-General.*

Assented to in His Majesty's name this 31st day of October, 1911.

WALTER EGERTON,  
*Governor and Commander-in-Chief.*

(L.S.)

WALTER EGERTON.

No. XXVIII.

1911.



## COLONY OF SOUTHERN NIGERIA.

IN THE SECOND YEAR OF THE REIGN OF  
HIS MAJESTY KING GEORGE V.

SIR WALTER EGERTON, K.C.M.G.,  
*Governor and Commander-in-Chief.*

An Ordinance to provide for the Service of the Title.  
Colony for the year ending on the thirty-  
first day of December, one thousand nine  
hundred and twelve.

[2ND NOVEMBER, 1911.] Date.

WHEREAS it is requisite to make provision Preamble.  
for the expenses of the Civil Government of the  
Colony for the year ending on the thirty-first day of  
December, one thousand nine hundred and twelve.

## THE 1912 SUPPLY ORDINANCE, 1911.

Enactment.

BE IT THEREFORE ENACTED by the Governor of the Colony of Southern Nigeria with the advice and consent of the Legislative Council thereof as follows:—

Expenditure of  
£2,042,410  
authorised.

1. The Treasurer may, on the warrant of the Governor, pay out of the revenue and the funds of the Colony during the year ending on the thirty-first day of December, one thousand nine hundred and twelve, any sum or sums not exceeding in the whole the sum of two millions forty two thousand four hundred and ten pounds.

Appropriation.

2. The said sum or sums in the whole not exceeding the sum of two millions forty two thousand four hundred and ten pounds shall be appropriated to the purposes and in the manner expressed in the Schedule annexed to this Ordinance.

Balance  
unissued to lapse.

3. The moneys granted by this Ordinance are intended for the services in respect of which moneys will become payable within the year ending on the thirty-first day of December, one thousand nine hundred and twelve and any balances thereof remaining unissued at the end of the month of December in that year shall lapse and not be available for making payments in any subsequent month.

Short Title.

4. This Ordinance may be cited for all purposes as the 1912 Supply Ordinance, 1911.

SCHEDULE.  
EXPENDITURE 1912.

ORDINARY.		£
HEAD.		
1.	Charge on account of Public Debt ...	305,260
2.	Pensions and Gratuities ... ..	16,236
3.	Governor's Office ... ..	9,640
4.	Colonial Secretary's Office ... ..	18,607
5.	Political and Administrative ... ..	94,552
6.	Judicial ... ..	15,564
7.	Legal... ..	4,685
8.	Treasury ... ..	17,715
9.	Customs ... ..	43,791
10.	Postal ... ..	18,470
11.	Telegraphs and Telephones ... ..	32,989
12.	Audit... ..	9,414
	Carried forward ... ..	£ 586,923

## THE 1912 SUPPLY ORDINANCE, 1911.

ORDINARY—continued.						
HEAD.						£
Brought forward ... ..						586,923
13.	Printing	...	...	...	...	12,258
14.	Force	...	...	...	...	112,265
15.	Volunteers	...	...	...	...	3,346
16.	Marine	...	...	...	...	139,709
17.	Civil Police	...	...	...	...	53,321
18.	Prisons	...	...	...	...	45,870
19.	Forestry	...	...	...	...	20,393
20.	Agriculture	...	...	...	...	14,124
21.	Medical	...	...	...	...	77,354
21a.	Laboratory	...	...	...	...	783
22.	Medical Research Institute	...	...	...	...	1,757
23.	Sanitary	...	...	...	...	8,963
24.	Native Affairs	...	...	...	...	20,044
25.	Education	...	...	...	...	35,383
26.	Surveys	...	...	...	...	25,299
27.	Mineral Survey	...	...	...	...	2,152
28.	Lands	...	...	...	...	1,960
29.	Rent	...	...	...	...	2,893
30.	Charitable	...	...	...	...	700
31.	Transport	...	...	...	...	62,749
32.	Motor Transport	...	...	...	...	13,629
33.	Contribution to Northern Nigeria	...	...	...	...	70,000
34.	Miscellaneous Services	...	...	...	...	42,903
35.	Public Works	...	...	...	...	58,247
36.	Works & Buildings Annually Recurrent	...	...	...	...	36,235
37.	Roads and Bridges Annually Recurrent	...	...	...	...	13,775
38.	Railway	...	...	...	...	230,639
39.	Tramway	...	...	...	...	2,545
40.	Carter and Denton Bridges	...	...	...	...	1,768
Total, Ordinary Expenditure ... ..						£ 1,706,987
EXTRAORDINARY.						
41.	Works and Buildings Extraordinary	...	...	...	...	177,717
42.	Roads and Bridges Extraordinary	...	...	...	...	37,650
43.	Telegraphs & Telephones Extraordinary	...	...	...	...	20,594
44.	Marine Extraordinary	...	...	...	...	49,162
45.	Railway Capital Works	...	...	...	...	50,000
Total, Extraordinary Expenditure						£ 335,423
SUMMARY.						
Ordinary Expenditure ... ..						1,706,987
Extraordinary Expenditure ... ..						335,423
Grand Total ... ..						£ 2,042,410

THE 1912 SUPPLY ORDINANCE, 1911.

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Passed in the Legislative Council this 2nd day of November, in the year of our Lord one thousand nine-hundred and eleven.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

F. L. TABOR,  
*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

A. G. BOYLE,  
*Colonial Secretary.*

F. C. M. ANSON,  
*Acting Financial Commissioner.*

Assented to in His Majesty's name this 2nd day of November, 1911.

WALTER EGERTON,  
*Governor and Commander-in-Chief.*

(L.S.)

WALTER EGERTON.

No. XXIX.

1911.



COLONY OF SOUTHERN NIGERIA.

IN THE SECOND YEAR OF THE REIGN OF  
HIS MAJESTY KING GEORGE V.

SIR WALTER EGERTON, K.C.M.G.,

*Governor and Commander-in-Chief.*

An Ordinance to provide for the punishment Title.  
of idle and disorderly persons and rogues  
and vagabonds.

[2ND NOVEMBER, 1911.] Date.

BE IT ENACTED by the Governor of the Enactment.  
Colony of Southern Nigeria with the advice and  
consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the Vagrant Short Title.  
Ordinance, 1911, and shall extend to the Colony and  
Protectorate.

THE VAGRANT ORDINANCE, 1911.

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Idle and disorderly persons.

2. The following persons ; that is to say,

- (1) Every common prostitute wandering in the public street or public highways, or in any place of public resort, and behaving in a riotous or indecent manner ;
- (2) Every person wandering abroad, or placing himself in any public place, street, highway, court, or passage, to beg or gather alms, or causing or procuring or encouraging any child or children so to do ;—

shall be deemed idle and disorderly persons and upon summary conviction thereof shall be liable to imprisonment with hard labour for a term not exceeding one calendar month.

Persons committing certain offences to be deemed rogues and vagabonds.

3. The following persons ; that is to say,

- (1) Every person committing any of the offences hereinbefore mentioned, after having been convicted as an idle and disorderly person ;
- (2) Every person pretending or professing to tell fortunes, or using any subtle craft, means, or device, by palmistry or otherwise, to deceive and impose on any of His Majesty's subjects ;
- (3) Every person wandering abroad and lodging in any barn or out-house, or in any deserted or unoccupied building, or in the open air, or under a tent, or in any cart or waggon, not having any visible means of subsistence, and not giving a good account of himself ;
- (4) Every person wilfully exposing to view, in any street, road, highway, or public place, any obscene print, picture, or other indecent exhibitions ;
- (5) Every person wilfully, openly, lewdly, and obscenely exposing his person in any street, road, or public highway, or in the view thereof, or in any place of public resort, with intent to insult any female ;

THE VAGRANT ORDINANCE, 1911.

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- (6) Every person wandering abroad and endeavouring by the exposure of wounds or deformities to obtain or gather alms ;
- (7) Every person going about as a gatherer or collector of alms, or endeavouring to procure charitable contributions of any nature or kind, under any false or fraudulent pretence ;
- (8) Every person having in his custody or possession any picklock, key, crow, jack, bit, or other implement, with intent feloniously to break into any dwelling-house, warehouse, coach-house, stable, or out-building, or being armed with any gun, pistol, hanger, cutlass, bludgeon, or other offensive weapon, or having upon him any instrument, with intent to commit any felonious act ;
- (9) Every person being found in or upon any dwelling-house, warehouse, coach-house, stable, or outhouse, or in any inclosed yard, garden, or area, for any unlawful purpose ;
- (10) Every suspected person or reputed thief, frequenting any river, canal, or navigable stream, dock, or basin, or any quay, wharf, or warehouse near or adjoining thereto, or any street, highway, or avenue leading thereto, or any place of public resort, or any avenue leading thereto, or any street, highway, or place adjacent, with intent to commit felony ;
- (11) Every person apprehended as an idle and disorderly person, and violently resisting any constable or other peace officer so apprehending him and being subsequently convicted of the offence for which he shall have been so apprehended ;—

shall be deemed rogues and vagabonds, and upon summary conviction thereof shall be liable to imprisonment with hard labour for a term not exceeding three calendar months.

## THE VAGRANT ORDINANCE, 1911.

Who shall be deemed incorrigible rogues.

4. The following persons ; that is to say,
- (1) Every person breaking or escaping out of any place of legal confinement before the expiration of the term for which he shall have been committed or ordered to be confined by virtue of this Ordinance ;
  - (2) Every person committing any offence against this Ordinance which shall subject him to be dealt with as a rogue and vagabond, such person having been at some former time adjudged so to be and duly convicted thereof ;
  - (3) Every person apprehended as a rogue and vagabond, and violently resisting any constable or other peace officer so apprehending him, and being subsequently convicted of the offence for which he shall have been so apprehended ;—

shall be deemed incorrigible rogues and upon summary conviction thereof shall be liable to imprisonment with hard labour for a term not exceeding six calendar months and in addition (not being a female) to be punished by whipping at such time during his imprisonment as may to the Court seem fit, anything in the Supreme Court Ordinance to the contrary notwithstanding.

Any person may apprehend offenders.

5. It shall be lawful for any person whatsoever to apprehend any person, who shall be found offending against this Ordinance, and forthwith to take and convey him before the Police Magistrate or District Commissioner to be dealt with in such manner as is hereinbefore directed, or to deliver him to any constable or other peace officer of the place where he shall have been apprehended, to be so taken and conveyed as aforesaid.

Vagrants to be searched and bundles, &c., inspected.

6. It shall be lawful for any constable, peace officer or other person, apprehending any person charged with being an idle and disorderly person, or a rogue and vagabond, or an incorrigible rogue

## THE VAGRANT ORDINANCE, 1911.

to take any horse, mule, ass, cart, car, caravan or other vehicle, or goods in the possession or use of such person, and to take and convey the same as well as such person before the Police Magistrate or District Commissioner and for the Police Magistrate or District Commissioner by whom any person shall be adjudged to be an idle and disorderly person, or a rogue and vagabond, or an incorrigible rogue, to order that such offender shall be searched, and that his trunks, boxes, bundles, parcels or packages shall be inspected in the presence of the said Police Magistrate or District Commissioner, and of him, and also that any cart, car, caravan, or other vehicle which may have been found in his possession or use, shall be searched in his presence; and it shall be lawful for the said Police Magistrate or District Commissioner to order that any money which may be then found with or upon such offender shall be paid and applied for and towards the expense of apprehending, conveying to prison, and maintaining such offender during the time for which he shall have been committed; and if upon such search money sufficient for the purposes aforesaid be not found, it shall be lawful for such Police Magistrate or District Commissioner to order that a part, or if necessary the whole of such other effects then found shall be sold, and that the produce of such sale shall be paid and applied as aforesaid, and also that the overplus of such money or effects, after deducting the charges of such sale, shall be returned to the said offender.

7. It shall be lawful for any Police Magistrate or District Commissioner, upon information on oath before him made, that any person hereinbefore described to be an idle and disorderly person, or a rogue and vagabond or an incorrigible rogue, is or is reasonably suspected to be harboured or concealed in any house kept or purporting to be kept for the reception, lodging or entertainment of travellers, by warrant under his hand and seal, to authorize any constable or other person or persons to enter at any time into such house, and to apprehend and bring before the Police Magistrate or District Commissioner

Lodging houses, etc., suspected to conceal vagrants may be searched, and suspected persons brought before Court.

## THE VAGRANT ORDINANCE, 1911.

every such idle and disorderly person, rogue and vagabond, and incorrigible rogue as shall be found therein, to be dealt with in the manner hereinbefore directed.

Persons gaming with coin, etc., in streets shall be deemed rogues and vagabonds.

8. Every person playing or betting by way of wagering or gaming in any street, road, highway, or other open and public place, or in any open place to which the public have or are permitted to have access, at or with any table or instrument of gaming, or any coin, card, token, or other article used as an instrument or means of such wagering or gaming, at any game or pretended game of chance, shall be deemed a rogue and vagabond and upon summary conviction thereof shall be liable to imprisonment with hard labour for a term not exceeding three calendar months, or in the discretion of the Court to a fine for the first offence not exceeding forty shillings and for the second or any subsequent offence not exceeding five pounds.

Validation of acts and things done under Vagrant Act.

9. All exercise of jurisdiction by the Courts of the Colony and Protectorate in the past under and by virtue of the Vagrant Act 1824 and the Vagrant Amendment Act 1873 and all acts and things done in relation to such exercise shall be deemed to be as lawful and valid as if the said Acts had been in force in the Colony and Protectorate.

Passed in the Legislative Council this 2nd day of November, in the year of our Lord one thousand nine hundred and eleven.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

F. L. TABOR,

*Clerk of the Legislative Council.*

THE VAGRANT ORDINANCE, 1911.

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Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

A. G. BOYLE,  
*Colonial Secretary.*

A. R. PENNINGTON,  
*Attorney-General.*

Assented to in His Majesty's name this 2nd day of November, 1911.

WALTER EGERTON,  
*Governor and Commander-in-Chief.*



(L.S.)

WALTER EGERTON.

No. XXXII.

1911.



COLONY OF SOUTHERN NIGERIA.

IN THE SECOND YEAR OF THE REIGN OF  
HIS MAJESTY KING GEORGE V.

SIR WALTER EGERTON, K.C.M.G.,

*Governor and Commander-in-Chief.*

An Ordinance to enable certain parts of the Protectorate to be declared Unsettled Districts and for other purposes relating thereto. Title.

[2ND NOVEMBER, 1911.] Date.

BE IT ENACTED by the Governor of the Colony of Southern Nigeria with the advice and consent of the Legislative Council thereof as follows:— Enactment.

1. This Ordinance may be cited as the Unsettled Districts Ordinance, 1911. Short Title.

## THE UNSETTLED DISTRICTS ORDINANCE, 1911.

Definition of non-native.

2. In this Ordinance "Non-native" shall mean any person who is not a native as defined by the Interpretation Ordinance.

Governor in Council may declare unsettled districts.

3. (1) The Governor-in-Council may from time to time by order declare any portion of the Protectorate to be an unsettled district, and thereupon it shall be lawful for:—

- (a) The Governor in the same order or by subsequent order to prohibit any person, persons, or class of persons being non-natives from entering the said district.
- (b) The Provincial Commissioner of the Province or the District Commissioner of the district by letter signed by him to prohibit any person being a non-native from entering the said District.

Provided that any person so prohibited shall have a right of appeal to the Governor. Such appeal shall be made by letter to be served on the Provincial Commissioner or District Commissioner within one week from the receipt of the prohibition. The prohibition shall remain in force pending the Governor's decision.

- (2) (a) The Governor may by licence grant permission to any person, prohibited from entering any District under subsection one (a) of this Ordinance, to enter such district, the permission shall be subject to any conditions which may from time to time be fixed by the Governor. The conditions shall be endorsed on the licence.
- (b) The Provincial Commissioner or District Commissioner, as the case may be, may by licence grant permission to any person, prohibited from entering any district under subsection one (b) of this section, to enter such district, the permission shall be subject to any conditions endorsed on the licence by the Provincial or District Commissioner.

THE UNSETTLED DISTRICTS ORDINANCE, 1911.

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Any licensee committing a breach of such conditions or any of them, shall be deemed to have entered an unsettled district without permission, and be liable to the penalties set forth in section five of this Ordinance in respect of such breach.

4. Whenever it is established to the satisfaction of the Commissioner's Court in any District that there are reasonable grounds to believe that any prohibited person intends or is about to enter an unsettled district contrary to the provisions of this Ordinance, such Court may order him to give security not to commit a breach of such provisions and in default may order him to be deported in the manner set out in the Deportation of Prisoners Ordinance and for that purpose the said Court shall have and may exercise all such powers as are by the said Ordinance conferred upon a Divisional Court of the Supreme Court.

Proceedings  
against suspected  
persons.

5. Any prohibited person entering or attempting to enter an unsettled district without such permission as aforesaid shall be guilty of an offence and shall be liable to imprisonment for a period not exceeding six months or a fine not exceeding fifty pounds or to both.

Entering or  
attempting to  
enter an unsettled  
district without  
permission.

Passed in the Legislative Council this 2nd day of November, in the year of our Lord one thousand nine hundred and eleven.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

F. L. TABOR,

*Clerk of the Legislative Council.*

THE UNSETTLED DISTRICTS ORDINANCE, 1911.

---

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

A. G. BOYLE,  
*Colonial Secretary.*

A. R. PENNINGTON,  
*Attorney-General.*

Assented to in His Majesty's name this 2nd day of November, 1911.

WALTER EGERTON,  
*Governor and Commander-in-Chief.*

NATIONAL LIBRARY OF NIGERIA  
LAGOS

(L.S.)

WALTER EGERTON.

No. VI.

1912.



COLONY OF SOUTHERN NIGERIA,

IN THE SECOND YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE V.

SIR WALTER EGERTON, K.C.M.G.,

*Governor and Commander-in-Chief.*

An Ordinance to legalize the imposition of fines on towns, villages and communities and to regulate the procedure for the collection thereof. Title

[8TH FEBRUARY, 1912.] Date

BE IT ENACTED by the Governor of the Colony of Southern Nigeria with the advice and consent of the Legislative Council thereof as follows :— Enactment.

1. This Ordinance may be cited as the Collective Punishment Ordinance, 1912 and shall apply to Short Title.

## THE COLLECTIVE PUNISHMENT ORDINANCE, 1912.

such parts of the Protectorate as the Governor in Council may order.

2. The Governor may impose fines on all or any inhabitants of any village or district or members of any tribe or community if, after inquiry, he finds :—

- (a) that they have colluded with, or harboured, or failed to take all reasonable means to prevent the escape of, any criminal ;
- (b) that they have suppressed, or combined to suppress, evidence in any criminal case ;
- (c) that stolen property having been traced to within the limits of their village or district, they have failed or neglected to restore the property ;
- (d) that they have wilfully disobeyed, or neglected or refused to carry out, any lawful order given to them by the Provincial or District Commissioner ;
- (e) that their conduct has been such as to require the employment of soldiers or police against them for the purpose of suppressing disturbances, or enforcing lawful orders or payment of taxes leviable under the law of the Colony and Protectorate ; and may order the whole or any part of the fines recovered under the provisions of paragraphs (a), (b), and (c) to be applied in compensation for the injury caused by the offence of which the criminal is accused or to which the criminal case relates, or in compensation to the owner of the stolen property.

3. Where within any village or district a person is dangerously or fatally wounded by unlawful attack, or the body is found of a person believed to have been unlawfully killed, the inhabitants of such village or district or the members of any tribe or community resident therein shall be deemed to have committed, an offence under the last foregoing section, unless they can shew that they

Fine on villagers, etc., accessory to crime.

Fine on villagers, etc., where homicide is committed or attempted.

## THE COLLECTIVE PUNISHMENT ORDINANCE, 1912.

- (a) had not an opportunity of preventing the offence or arresting the offender ; or
- (b) have used all reasonable means to bring the offender to justice.

4. The Governor may determine the limits of a village or district or define a tribe or community for the purposes of this Ordinance.

Governor to determine limits of a village or district or define tribe or community.

5. If the fines or any part of them are not paid within twenty-one days next after the date fixed for payment thereof, it shall be lawful for the Governor or for a Commissioner authorised by the Governor to direct that a distress be levied upon the lands of all or any of the persons upon whom the fines have been imposed in respect of the amount then remaining unpaid.

Proceedings to enforce payment of fines.

6. An inquiry under this Ordinance shall be conducted in the same manner *mutatis mutandis* as an inquiry under section fifty-one of the Criminal Procedure Ordinance.

Inquiry—method of procedure.

7. An appeal shall not lie from any order made under this Ordinance, which shall be final and shall not be liable to be contested by suit or otherwise.

Finality of orders.

8. The Governor shall forthwith report to the Secretary of State every order made by him under this Ordinance stating the reasons therefor and the proceedings taken thereunder.

Governor to report to Secretary of State.

Passed in the Legislative Council this 8th day of February, in the year of our Lord one thousand nine hundred and twelve.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

GERALD BELL,  
Clerk of the Legislative Council.

THE COLLECTIVE PUNISHMENT ORDINANCE, 1912.

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Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

F. S. JAMES,  
*Acting Colonial Secretary.*

A. R. PENNINGTON,  
*Attorney-General.*

Assented to in His Majesty's name this 8th day of February, 1912.

WALTER EGERTON,  
*Governor and Commander-in-Chief.*

(L.S.)

F. S. JAMES.

No. VII.

1912.



COLONY OF SOUTHERN NIGERIA.

IN THE SECOND YEAR OF THE REIGN OF  
HIS MAJESTY KING GEORGE, V.

FREDERICK SETON JAMES, ESQUIRE, C.M.G.,

*Acting Governor and Commander-in-Chief.*

An Ordinance to prevent the advertising of <sup>Title.</sup>  
Lotteries.

[7TH MARCH, 1912.]

Date.

BE IT ENACTED by the Governor of the <sup>Enactment.</sup>  
Colony of Southern Nigeria with the advice and  
consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the <sup>Short Title.</sup>  
Lotteries Ordinance, 1912.

THE LOTTERIES ORDINANCE, 1912.

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Penalty for  
advertising lot-  
teries.

2. It shall not be lawful for any person :—
- (i) To print or publish, or cause to be printed or published, any advertisement or other notice of or relating to any lottery.
  - (ii) To print or publish, or cause to be printed or published, any advertisement or other notice of or for the sale of any ticket or chance, or of any share of any ticket or chance, or of any such lottery as aforesaid, or any advertisement or notice concerning or in any manner relating to any such lottery, or any ticket, chance, or share thereof or therein. Every person acting in contravention of this Ordinance shall be guilty of an offence and liable to a penalty not exceeding fifty pounds for each such offence.

Procedure for  
recovery of penal-  
ties.

3. All offences against this Ordinance shall be summarily heard and determined by, and all penalties shall be recoverable before the Police Magistrate or the Commissioner of the District in which the offence shall have been committed, any provision to the contrary in the Supreme Court Ordinance notwithstanding. Any penalty recovered if not forthwith paid may be levied by distress and sale of the offender's goods and in default of sufficient distress, or without proceeding by way of distress if the Court pronouncing sentence shall so order, it shall be lawful to commit the offender to prison, with or without hard labour, for any term not exceeding three months unless such penalty be sooner paid.

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Passed in the Legislative Council this 7th day of March, in the year of our Lord one thousand nine hundred and twelve.

THE LOTTERIES ORDINANCE, 1912.

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This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

GERALD BELL,  
*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

D. C. CAMERON,  
*Acting Colonial Secretary.*

A. R. PENNINGTON,  
*Attorney-General.*

Assented to in His Majesty's name this 7th day of March, 1912.

F. S. JAMES,  
*Acting Governor and Commander-in-Chief.*



(L.S.)

F. S. JAMES.

No. VIII.

1912.



COLONY OF SOUTHERN NIGERIA.

IN THE SECOND YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE V.

FREDERICK SETON JAMES, ESQUIRE, C.M.G.,

*Acting Governor and Commander-in-Chief.*

An Ordinance for the Incorporation, Regulation and Winding up of Trading Companies and other Associations.

A D. 1912.

[7TH MARCH, 1912.]

Date.

BE IT ENACTED by the Governor of the Colony of Southern Nigeria with the advice and consent of the Legislative Council thereof as follows:—

Enactment.

## COMPANIES ORDINANCE, 1912.

A. D. 1912.

## PART I.

## CONSTITUTION AND INCORPORATION.

*Prohibition of Large Partnerships.*

Prohibition of partnerships exceeding certain number.

1.—(1) No company, association, or partnership consisting of more than ten persons shall be formed for the purpose of carrying on the business of banking, unless it is registered as a company under this Ordinance, or is formed in pursuance of some Act of Parliament, or of letters patent.

(2) No company, association, or partnership consisting of more than twenty persons shall be formed for the purpose of carrying on any other business that has for its object the acquisition of gain by the company, association, or partnership, or by the individual members thereof, unless it is registered as a company under this Ordinance, or is formed in pursuance of some Act of Parliament, or of letters patents.

*Memorandum of Association.*

Mode of forming incorporated company.

2. Any seven or more persons (or, where the company to be formed will be a private company within the meaning of this Ordinance, any two or more persons) associated for any lawful purpose may, by subscribing their names to a memorandum of association and otherwise complying with the requirements of this Ordinance in respect of registration, form an incorporated company, with or without limited liability (that is to say), either—

- (i) A company having the liability of its members limited by the memorandum to the amount, if any, unpaid on the shares respectively held by them (in this Ordinance termed a company limited by shares); or
- (ii) A company having the liability of its members limited by the memorandum to such amount as the members may respectively thereby undertake to contribute to the assets of the company in the event of its being wound up (in this Ordinance termed a company limited by guarantee); or

## COMPANIES ORDINANCE, 1912.

- (iii) A company not having any limit on the liability of its members (in this Ordinance termed an unlimited company)

A. D. 1912.

## 3. In the case of a company limited by shares—

Memorandum of company limited by shares.

- (1) The memorandum must state—
- (i) The name of the company, with "Limited" as the last word in its name;
  - (ii) The objects of the company;
  - (iii) That the liability of the members is limited;
  - (iv) The amount of share capital with which the company proposes to be registered, and the division thereof into shares of a fixed amount;
- (2) No subscriber of the memorandum may take less than one share:
- (3) Each subscriber must write opposite to his name the number of shares he takes.

## 4. In the case of a company limited by guarantee—

Memorandum of company limited by guarantee.

- (1) The memorandum must state—
- (i) The name of the company, with "Limited" as the last word in its name;
  - (ii) The objects of the company;
  - (iii) That the liability of the members is limited;
  - (iv) That each member undertakes to contribute to the assets of the company in the event of its being wound up while he is a member, or within one year afterwards, for payment of the debts and liabilities of the company contracted before he ceases to be a member, and of the costs, charges, and expenses of winding up, and for adjustment of the rights of the contributors among themselves, such amount as may be required, not exceeding a specified amount.

## COMPANIES ORDINANCE, 1912.

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(2) If the company has a share capital—

(i) The memorandum must also state the amount of share capital with which the company proposes to be registered and the division thereof into shares of a fixed amount;

(ii) No subscriber of the memorandum may take less than one share;

(iii) Each subscriber must write opposite to his name the number of shares he takes.

Memorandum of  
unlimited company.

5. In the case of an unlimited company—

(1) The memorandum must state—

(i) The name of the company;

(ii) The objects of the company.

(2) If the company has a share capital—

(i) No subscriber of the memorandum may take less than one share;

(ii) Each subscriber must write opposite to his name the number of shares he takes.

Stamp and  
signature of  
memorandum.

6. The memorandum must bear the same stamp as if it were a deed, and must be signed by each subscriber in the presence of at least one witness who must attest the signature.

Restriction on  
alteration of  
memorandum.

7. A company may not alter the conditions contained in its memorandum except in the cases and in the mode and to the extent for which express provision is made in this Ordinance.

Name of company  
and change of name.

8.—(1) A company may not be registered by a name identical with that by which a company in existence is already registered, or so nearly resembling that name as to be calculated to deceive, except where the company in existence is in the course of being dissolved and signifies its consent in such manner as the registrar requires.

(2) If a company, through inadvertence or otherwise, is, without such consent as aforesaid, registered by a name identical with that by which a company in existence is previously registered, or so nearly resembling it as to be calculated to deceive, the first-mentioned company may, with the sanction of the registrar, change its name.

(3) Any company may, by special resolution and with the approval of the registrar signified in writing, change its name.

(4) Where a company changes its name, the registrar shall enter the new name on the register in place of the former name, and shall issue a certificate of incorporation altered to meet the circumstance of the case.

(5) The change of name shall not affect any rights or obligations of the company, or render defective any legal proceedings by or against the company, and any legal proceedings that might have been continued or commenced against it by its former name may be continued or commenced against it by its new name.

9.—(1) Subject to the provisions of this section a company may, by special resolution, alter the provisions of its memorandum with respect to the objects of the company, so far as may be required to enable it—

Alteration of objects of company.

- (a) to carry on its business more economically or more efficiently; or
- (b) to attain its main purpose by new or improved means; or
- (c) to enlarge or change the local area of its operations; or
- (d) to carry on some business which under existing circumstances may conveniently or advantageously be combined with the business of the company; or
- (e) to restrict or abandon any of the objects specified in the memorandum.

## COMPANIES ORDINANCE, 1912.

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(2) The alteration shall not take effect until and except in so far as it is confirmed on petition by the court.

(3) Before confirming the alteration the court must be satisfied—

(a) that sufficient notice has been given to every holder of debentures of the company, and to any persons or class of persons whose interests will, in the opinion of the court, be affected by the alteration: and

(b) that, with respect to every creditor who in the opinion of the court is entitled to object, and who signifies his objection in manner directed by the court, either his consent to the alteration has been obtained or his debt or claim has been discharged or has determined, or has been secured to the satisfaction of the court:

Provided that the court may, in the case of any person or class, for special reasons, dispense with the notice required by this section.

(4) The court may make an order confirming the alteration either wholly or in part, and on such terms and conditions as it thinks fit, and may make such order as to costs as it thinks proper.

(5) The court shall, in exercising its discretion under this section, have regard to the rights and interests of the members of the company or of any class of them, as well as to the rights and interests of the creditors, and may, if it thinks fit, adjourn the proceedings in order that an arrangement may be made to the satisfaction of the court for the purchase of the interests of dissentient members; and may give such directions and make such orders as it may think expedient for facilitating or carrying into effect any such arrangement: Provided that no part of the capital of the company may be expended in any such purchase.

(6) An office copy of the order confirming the alteration, together with a printed copy of the memorandum as altered, shall, within fifteen days from the date of the order, be delivered by the company to the registrar, and he shall register the same, and shall certify the registration under his hand, and the certificate shall be conclusive evidence that all the requirements of this Ordinance with respect to the alteration and the confirmation thereof have been complied with, and thenceforth the memorandum so altered shall be the memorandum of the company.

The court may by order at any time extend the time for the delivery of documents to the registrar under this section for such period as the court may think proper.

(7) If a company makes default in delivering to the registrar any document required by this section to be delivered to him, the company shall be liable to a fine not exceeding ten pounds for every day during which it is in default.

#### *Articles of Association.*

10.—(1) There may, in the case of a company limited by shares, and there shall in the case of a company limited by guarantee or unlimited, be registered, with the memorandum, articles of association signed by the subscribers to the memorandum and prescribing regulations for the company.

Registration of  
Articles.

(2) Articles of association may adopt all or any of the regulations contained in Table A. in the First Schedule to this Ordinance.

(3) In the case of an unlimited company or a company limited by guarantee the articles, if the company has a share capital, must state the amount of share capital with which the company proposes to be registered.

(4) In the case of an unlimited company or a company limited by guarantee, if the company has not a share capital, the articles must state the number of members with which the company proposes to be registered, for the purpose of enabling the registrar to determine the fees payable on registration.

## COMPANIES ORDINANCE, 1912.

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Provided always that no memorandum of a company limited by guarantee shall be registered without the sanction in writing of the Attorney-General.

Application of Table A.

11. In the case of a company limited by shares and registered after the commencement of this Ordinance, if articles are not registered, or, if articles are registered, in so far as the articles do not exclude or modify the regulations in Table A. in the First Schedule to this Ordinance, those regulations shall, so far as applicable, be the regulations of the company in the same manner and to the same extent as if they were contained in duly registered articles.

Form, stamp, and signature of articles

12. Articles must--

- (a) be printed;
- (b) be divided into paragraphs numbered consecutively;
- (c) bear the same stamp as if they were contained in a deed; and
- (d) be signed by each subscriber of the memorandum of association in the presence of at least one witness who must attest the signature.

Alteration of articles by special resolution

13. Subject to the provisions of this Ordinance and to the conditions contained in its memorandum, a company may by special resolution alter or add to its articles; and any alteration or addition so made shall be as valid as if originally contained in the articles, and be subject in like manner to alteration by special resolution.

*General Provisions.*

Effect of memorandum and articles

14.—(1) The memorandum and articles shall, when registered, bind the company and the members thereof to the same extent as if they respectively had been signed and sealed by each member, and contained covenants on the part of each member, his heirs, executors, and administrators, to observe all the provisions of the memorandum and of the articles, subject to the provisions of this Ordinance.

## COMPANIES ORDINANCE, 1912.

(2) All money payable by any member to the company under the memorandum or articles shall be a debt due from him to the company, and shall be of the nature of a specialty debt.

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15. The memorandum and the articles (if any) shall be delivered to the registrar and he shall retain and register them.

Registration of memorandum and articles.

16.—(1) On the registration of the memorandum of a company the registrar shall certify under his hand that the company is incorporated, and in the case of a limited company that the company is limited.

Effect of registration.

(2) From the date of incorporation mentioned in the certificate of incorporation, the subscribers of the memorandum together with such other persons as may from time to time become members of the company, shall be a body corporate by the name contained in the memorandum, capable forthwith of exercising all the functions of an incorporated company, and having perpetual succession and a common seal, with power to hold lands, but with such liability on the part of the members to contribute to the assets of the company in the event of its being wound up as is mentioned in this Ordinance.

17.—(1) A certificate of incorporation given by the registrar in respect of any association shall be conclusive evidence that all the requirements of this Ordinance in respect of registration and of matters precedent and incidental thereto have been complied with, and that the association is a company authorised to be registered and duly registered under this Ordinance.

Conclusiveness of certificate of incorporation.

(2) A statutory declaration by a barrister or by a solicitor of the Supreme Court, engaged in the formation of the company, or by a person named in the articles as a director or secretary of the company, of compliance with all or any of the said requirements, shall be produced to the registrar, and the registrar may accept such a declaration as sufficient evidence of compliance.

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Copies of memorandum and articles to be given to members.

18.—(1) Every company shall send to every member, at his request, and on payment of one shilling or such less sum as the company may prescribe, a copy of the memorandum and of the articles (if any).

(2) If a company makes default in complying with the requirements of this section, it shall be liable for each offence to a fine not exceeding one pound.

*Associations not for Profit.*

Restriction on charitable and other companies holding land.

19. A company formed for the purpose of promoting art, science, religion, charity, or any other like object, not involving the acquisition of gain by the company or by its individual members, shall not, without the license of the registrar hold more than two acres of land; but the registrar may by licence empower any such company to hold lands in such quantity, and subject to such conditions, as the registrar think fit.

Power to dispense with "Limited" in name of charitable and other companies.

20.—(1) Where it is proved to the satisfaction of the registrar that an association about to be formed as a limited company is to be formed for promoting commerce, art, science, religion, charity, or any other useful object, and intends to apply its profits (if any) or other income in promoting its object, and to prohibit the payment of any dividend to its members, the registrar may by licence direct that the association be registered as a company with limited liability, without the addition of the word "Limited" to its name, and the association may be registered accordingly.

(2) A licence by the registrar under this section may be granted on such conditions and subject to such regulations as the registrar think fit, and those conditions and regulations shall be binding on the association, and shall, if the registrar so direct, be inserted in the memorandum and articles, or in one of those documents.

(3) The association shall on registration enjoy all the privileges of limited companies, and be subject to all their obligations, except those of using the word "Limited" as any part of its name, and of publishing its name, and of sending lists of members and directors and managers to the registrar.

(4) A licence under this section may at any time be revoked by the registrar, and upon revocation the registrar shall enter the word "Limited" at the end of the name of the association upon the register, and the association shall cease to enjoy the exemptions and privileges granted by this section:

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Provided that before a licence is so revoked the registrar shall give to the association notice in writing of his intention and shall afford the association an opportunity of being heard in opposition to the revocation.

*Companies limited by Guarantee.*

21.—(1) In the case of a company limited by guarantee and not having a share capital, every provision in the memorandum or articles or in any resolution of the company purporting to give any person a right to participate in the divisible profits of the company otherwise than as a member shall be void.

Provision as to companies limited by guarantee.

(2) For the purpose of the provisions of this Ordinance relating to the memorandum of a company limited by guarantee and of this section, every provision in the memorandum or articles, or in any resolution, of any company limited by guarantee, purporting to divide the undertaking of the company into shares or interests shall be treated as a provision for a share capital, notwithstanding that the nominal amount or number of the shares or interests is not specified thereby.

PART II.

DISTRIBUTION AND REDUCTION OF SHARE CAPITAL, REGISTRATION OF UNLIMITED COMPANY AS LIMITED, AND UNLIMITED LIABILITY OF DIRECTORS.

*Distribution of Share Capital.*

22.—(1) The shares or other interest of any member in a company shall be personal estate, transferable in manner provided by the articles of the company, and shall not be of the nature of real estate.

Nature of shares.

(2) Each share in a company having a share capital shall be distinguished by its appropriate number.

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Certificate of shares  
or stock.

23. A certificate, under the common seal of the company, specifying any shares or stock held by any member, shall be prima facie evidence of the title of the member to the shares or stock.

Definition of mem-  
ber.

24.—(1) The subscribers of the memorandum of a company shall be deemed to have agreed to become members of the company, and on its registration shall be entered as members in its register of members.

(2) Every other person who agrees to become a member of a company, and whose name is entered in its register of members, shall be a member of the company.

Register of mem-  
bers.

25.—(1) Every company shall keep in one or more books a register of its members, and enter therein the following particulars:—

- (i) The names and addresses, and the occupations, if any, of the members, and in the case of a company having a share capital a statement of the shares held by each member, distinguishing each share by its number, and of the amount paid or agreed to be considered as paid on the shares of each member;
- (ii) The date at which each person was entered in the register as a member;
- (iii) The date at which any person ceased to be a member.

(2) If a company fails to comply with this section it shall be liable to a fine not exceeding five pounds for every day during which the default continues; and every director and manager of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

Annual list of mem-  
bers and summary.

26.—(1) Every company having a share capital shall once at least in every year make a list of all persons who, on the fourteenth day after the first or only ordinary general meeting in the year, are members of the company, and of all persons who have ceased to be members since the date of the last return or (in the case of the first return) of the incorporation of the company.

(2) The list must state the names, addresses, and occupations of all the past and present members therein mentioned, and the number of shares held by each of the existing members at the date of the return, specifying shares transferred since the date of the last return or (in the case of the first return) of the incorporation of the company by persons who are still members and have ceased to be members respectively and the dates of registration of the transfers, and must contain a summary distinguishing between shares issued for cash and shares issued as fully or partly paid up otherwise than in cash, and specifying the following particulars:--

- (a) The amount of the share capital of the company, and the number of the shares into which it is divided;
- (b) The number of shares taken from the commencement of the company up to the date of the return;
- (c) The amount called up on each share;
- (d) The total amount of calls received;
- (e) The total amount of calls unpaid;
- (f) The total amount of the sums (if any) paid by way of commission in respect of any shares or debentures, or allowed by way of discount in respect of any debentures, since the date of the last return;
- (g) The total number of shares forfeited;
- (h) The total amount of shares or stock for which share warrants are outstanding at the date of the return;
- (i) The total amount of share warrants issued and surrendered respectively since the date of the last return;
- (k) The number of shares or amount of stock comprised in each share warrant;

## COMPANIES ORDINANCE, 1912.

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- (l) The names and addresses of the persons who at the date of the return are the directors of the company, or occupy the position of directors, by whatever name called; and
- (m) The total amount of debt due from the company in respect of all mortgages and charges which are required to be registered with the registrar under this Ordinance.

(3) The summary must also (except where the company is a private company) include a statement made up to such date as may be specified in the statement, in the form of a balance sheet, audited by the company's auditors, and containing a summary of its share capital, its liabilities, and its assets, giving such particulars as will disclose the general nature of those liabilities and assets, and how the values of the fixed assets have been arrived at, but the balance sheet need not include a statement of profit and loss.

(4) The above list and summary must be contained in a separate part of the register of members, and must be completed within seven days after the fourteenth day aforesaid, and the company must forthwith forward to the registrar a copy signed by the manager or by the secretary of the company.

(5) If a company makes default in complying with the requirements of this section it shall be liable to a fine not exceeding five pounds for every day during which the default continues, and every director and manager of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

27. No notice of any trust, expressed, implied, or constructive, shall be entered on the register, or be receivable by the registrar.

28. On the application of the transferor of any share or interest in a company, the company shall enter in its register of members the name of the transferee in the same manner and subject to the same conditions as if the application for the entry were made by the transferee.

Trusts not to be entered on register.

Registration of transfer at request of transferor.

## COMPANIES ORDINANCE, 1912.

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29. A transfer of the share or other interest of a deceased member of a company made by his personal representative shall, although the personal representative is not himself a member, be as valid as if he had been a member at the time of the execution of the instrument of transfer.

Transfer by personal representative.

30.—(1) The register of members, commencing from the date of the registration of the company, shall be kept at the registered office of the company, and, except when closed under the provisions of this Ordinance, shall during business hours (subject to such reasonable restrictions as the company in general meeting may impose, so that not less than two hours in each day be allowed for inspection) be open to the inspection of any member gratis, and to the inspection of any other person on payment of one shilling, or such less sum as the company may prescribe, for each inspection.

Inspection of register of members

(2) Any member or other person may require a copy of the register, or of any part thereof, or of the list and summary required by this Ordinance, or any part thereof, on payment of sixpence, or such less sum as the company may prescribe, for every hundred words or fractional part thereof required to be copied.

(3) If any inspection or copy required under this section is refused, the company shall be liable for each refusal to a fine not exceeding two pounds, and to a further fine not exceeding two pounds for every day during which the refusal continues, and every director and manager of the company who knowingly authorises or permits the refusal shall be liable to the like penalty; and any judge of the Supreme Court, may by order compel an immediate inspection of the register.

31. A company may, on giving notice by advertisement in the Gazette and in some newspaper (if any) circulating in the district in which the registered office of the company is situate, close the register of members for any time or times not exceeding in the whole thirty days in each year.

Power to close Register.

## COMPANIES ORDINANCE, 1912.

A.D. 1912.

Power of court to  
rectify register

## 32.—(1) If—

- (a) the name of any person is, without sufficient cause, entered in or omitted from the register of members of a company; or
- (b) default is made or unnecessary delay takes place in entering on the register the fact of any person having ceased to be a member,

the person aggrieved, or any member of the company, or the company, may apply to the court for rectification of the register.

(2) The application may be made by motion in the Supreme Court, or by application to a judge of the Supreme Court sitting in chambers, or in such other manner as the court may direct; and the court may either refuse the application, or may order rectification of the register, and payment by the company of any damages sustained by any party aggrieved.

(3) On any application under this section the court may decide any question relating to the title of any person who is a party to the application to have his name entered in or omitted from the register, whether the question arises between members or alleged members, or between members or alleged members on the one hand and the company on the other hand; and generally may decide any question necessary or expedient to be decided for rectification of the register.

(4) In the case of a company required by this Ordinance to send a list of its members to the registrar, the court, when making an order for rectification of the register, shall by its order direct notice of the rectification to be given to the registrar.

33. The register of members shall be *prima facie* evidence of any matters by this Ordinance directed or authorised to be inserted therein.

Register to be  
Evidence.

## COMPANIES ORDINANCE, 1912.

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34.—(1) A company having a share capital, whose objects comprise the transaction of business in the United Kingdom or within a colony, may, if so authorised by its articles, cause to be kept in the United Kingdom or any colony in which it transacts business a branch register of members resident in the United Kingdom or the colony (in this Ordinance called an extra-colonial register).

Power for company to keep extra-colonial register.

(2) The company shall give to the registrar notice of the situation of the office where any extra-colonial register is kept, and of any change in its situation, and of the discontinuance of the office in the event of its being discontinued.

(3) For the purpose of the provisions of this Ordinance relating to extra-colonial registers the term "colony" includes British India, the Commonwealth of Australia and the Union of South Africa.

35.—(1) An extra-colonial register shall be deemed to be part of the company's register of members (in this and the next following section called the principal register).

Regulations as to extra-colonial register

(2) It shall be kept in the same manner in which the principal register is by this Ordinance required to be kept, except that the advertisement before closing the register shall be inserted in some newspaper circulating in the district wherein the extra-colonial register is kept.

(3) The company shall transmit to its registered office a copy of every entry in its extra-colonial register as soon as may be after the entry is made; and shall cause to be kept at its registered office, duly entered up from time to time, a duplicate of its extra-colonial register, and the duplicate shall, for all the purposes of this Ordinance be deemed to be part of the principal register.

## COMPANIES ORDINANCE, 1912.

A.D. 1912.

(4) Subject to the provisions of this section with respect to the duplicate register, the shares registered in an extra-colonial register shall be distinguished from the shares registered in the principal register, and no transaction with respect to any shares registered in an extra-colonial register shall, during the continuance of that registration, be registered in any other register.

(5) The company may discontinue to keep any extra-colonial register, and thereupon all entries in that register shall be transferred to some other extra-colonial register kept by the company in the same country or to the principal register.

(6) Subject to the provisions of this Ordinance any company may, by its articles, make such provisions as it may think fit respecting the keeping of extra-colonial registers.

Stamp duties in case of shares registered in extra-colonial registers.

36. In relation to stamp duties the following provision shall have effect:—

An instrument of transfer of a share registered in an extra-colonial register shall be deemed to be a transfer of property situate out of the colony, and, unless executed in any part of the colony, shall be exempt from colonial stamp duty.

Issue and effect of share warrants to bearer.

37.—(1) A company limited by shares, if so authorised by its articles, may, with respect to any fully paid-up shares, or to stock, issue under its common seal a warrant stating that the bearer of the warrant is entitled to the shares or stock therein specified, and may provide, by coupons or otherwise, for the payment of the future dividends on the shares or stock included in the warrant, in this Ordinance termed a share warrant.

(2) A share warrant shall entitle the bearer thereof to the shares or stock therein specified, and the shares or stock may be transferred by delivery of the warrant.

(3) The bearer of a share warrant shall, subject to the articles of the company, be entitled, on surrendering it for cancellation, to have his name entered as a member in the register of members; and the company shall be responsible for any loss incurred by any person by reason of the company entering in its register the name of a bearer of a share warrant in respect of the shares or stock therein specified without the warrant being surrendered and cancelled.

(4) The bearer of a share warrant may, if the articles of the company so provide, be deemed to be a member of the company within the meaning of this Ordinance, either to the full extent or for any purposes defined in the articles; except that he shall not be qualified in respect of the shares or stock specified in the warrant for being a director or manager of the company, in cases where such a qualification is required by the articles.

(5) On the issue of a share warrant the company shall strike out of its register of members the name of the member then entered therein as holding the shares or stock specified in the warrant as if he had ceased to be a member, and shall enter in the register the following particulars, namely :—

- (i) The fact of the issue of the warrant;
- (ii) A statement of the shares or stock included in the warrant, distinguishing each share by its number; and
- (iii) The date of the issue of the warrant.

(6) Until the warrant is surrendered, the above particulars shall be deemed to be the particulars required by this Ordinance, to be entered in the register of members; and, on the surrender, the date of the surrender must be entered as if it were the date at which a person ceased to be a member.

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Forgery, personation, unlawfully engraving plates &c.

## 38.—(1) If any person—

- (i) with intent to defraud, forges or alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered, any share warrant or coupon, or any document purporting to be a share warrant or coupon, issued in pursuance of this Ordinance; or by means of any such forged or altered share warrant, coupon, or document, purporting as aforesaid, demands or endeavours to obtain or receive any share or interest in any company under this Ordinance, or to receive any dividend or money payable in respect thereof, knowing the warrant, coupon or document to be forged or altered: or
- (ii) falsely and deceitfully personates any owner of any share or interest in any company, or of any share warrant or coupon, issued in pursuance of this Ordinance, and thereby obtains or endeavours to obtain any such share or interest or share warrant or coupon, or receives or endeavours to receive any money due to any such owner, as if the offender were the true and lawful owner.

he shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life or for any term not less than three years.

(2) If any person without lawful authority or excuse, proof whereof shall lie on him, engraves or makes on any plate, wood, stone, or other material any share warrant or coupon purporting to be a share warrant or coupon issued or made by any particular company in pursuance of this Ordinance, or to be a blank share warrant or coupon so issued or made, or to be a part of such a share warrant or coupon, or uses any such plate, wood, stone, or other material for the making or printing of any such share warrant or coupon, or of any such blank share warrant or coupon, or any part thereof respectively, or knowingly has in his custody or possession any such plate, wood, stone, or other

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material, he shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen years and not less than three years.

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39. A company if so authorised by its articles, may do any one or more of the following things; namely,—

Power of company to arrange for different amounts being paid on shares.

- (1) Make arrangements on the issue of shares for a difference between the shareholders in the amounts and times of payment of calls on their shares:
- (2) Accept from any member who assents thereto the whole or a part of the amount remaining unpaid on any shares held by him, although no part of that amount has been called up:
- (3) Pay dividend in proportion to the amount paid up on each share where a larger amount is paid up on some shares than on others.

40.—When a company has accumulated a sum of undivided profits, which with the sanction of the shareholders may be distributed among the shareholders in the form of a dividend or bonus, it may, by special resolution, return the same, or any part thereof, to the shareholders in reduction of the paid-up capital of the company, the unpaid capital being thereby increased by a similar amount.

Power to return accumulated profits in reduction of paid-up share capital.

(2) The resolution shall not take effect until a memorandum, showing the particulars required by this Ordinance in the case of a reduction of share capital, has been produced to and registered by the registrar but the other provisions of this Ordinance, with respect to reduction of share capital shall not apply to a reduction of paid-up share capital under this section.

(3) On a reduction of paid-up capital in pursuance of this section any shareholder, or any one or more of several joint shareholders, may within one month after the passing of the resolution for the reduction, require the company to retain, and the company shall retain accordingly, the whole of the money actually paid on the shares held by him either alone or jointly with any

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other person, which, in consequence of the reduction, would otherwise be returned to him or them, and thereupon those shares shall, as regards the payment of dividend, be deemed to be paid up to the same extent only as the shares on which payment has been accepted by the shareholders in reduction of paid-up capital, and the company shall invest and keep invested the money so retained in such securities authorised for investment by trustees as the company may determine, and on the money so invested or on so much thereof as from time to time exceeds the amount of calls subsequently made on the shares in respect of which it has been retained, the company shall pay the interest received from time to time on the securities.

(4) The amount retained and invested shall be held to represent the future calls which may be made to replace the share capital so reduced on those shares, whether the amount obtained on sale of the whole or such proportion thereof as represents the amount of any call when made produces more or less than the amount of the call.

(5) On a reduction of paid-up share capital in pursuance of this section, the powers vested in the directors of making calls on shareholders in respect of the amount unpaid on their shares shall extend to the amount of the unpaid share capital as augmented by the reduction.

(6) After any reduction of share capital under this section the company shall specify in the annual list of members required by this Ordinance the amounts retained at the request of any of the shareholders in pursuance of this section, and shall specify in the statements of account laid before any general meeting of the company the amount of undivided profits returned in reduction of paid-up share capital under this section.

41.—(1) A company limited by shares, if so authorised by its articles, may alter the conditions of its memorandum as follows (that is to say), it may—

(a) increase its share capital by the issue of new shares of such amount as it thinks expedient;

Power of company  
limited by shares to  
alter its share capital.

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- (b) consolidate and divide all or any of its share capital into shares of larger amount than its existing shares ;
- (c) convert all or any of its paid-up shares into stock, and reconvert that stock into paid-up shares of any denomination ;
- (d) subdivide its shares, or any of them, into shares of smaller amount than is fixed by the memorandum, so, however, that in the subdivision the proportion between the amount paid and the amount, if any, unpaid on each reduced share shall be the same as it was in the case of the share from which the reduced share is derived ;
- (e) cancel shares which, at the date of the passing of the resolution in that behalf, have not been taken or agreed to be taken by any person, and diminish the amount of its share capital by the amount of the shares so cancelled.

(2) The powers conferred by this section with respect to subdivision of shares must be exercised by special resolution.

(3) Where any alteration has been made under this section in the memorandum of a company, every copy of the memorandum issued after the date of the alteration shall be in accordance with the alteration.

If a company makes default in complying with this provision it shall be liable to a fine not exceeding one pound for each copy in respect of which default is made ; and every director and manager of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

(4) A cancellation of shares in pursuance of this section shall not be deemed to be a reduction of share capital within the meaning of this Ordinance.

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Notice to registrar  
of consolidation of  
share capital, con-  
version of shares into  
stock, &c.

42. Where a company having a share capital has consolidated and divided its share capital into shares of larger amount than its existing shares, or converted any of its shares into stock, or reconverted stock into shares, it shall give notice to the registrar of the consolidation, division, conversion, or reconversion specifying the shares consolidated, divided, or converted, or the stock reconverted.

Effect of conversion  
of shares into stock.

43. Where a company having a share capital has converted any of its shares into stock, and given notice of the conversion to the registrar, all the provisions of this Ordinance which are applicable to shares only shall cease as to so much of the share capital as is converted into stock; and the register of members of the company, and the list of members to be forwarded to the registrar, shall show the amount of stock held by each member instead of the amount of shares and the particulars relating to shares hereinbefore required by this Ordinance.

Notice of increase of  
share capital or of  
members.

44.—(1) Where a company having a share capital, whether its shares have or have not been converted into stock, has increased its share capital beyond the registered capital, and where a company not having a share capital has increased the number of its members beyond the registered number, it shall give to the registrar, in the case of an increase of share capital, within fifteen days after the passing, or in the case of a special resolution the confirmation, of the resolution authorising the increase, and in the case of an increase of members within fifteen days after the increase was resolved on or took place, notice of the increase of capital or members, and the registrar shall record the increase.]

(2) If a company makes default in complying with the requirements of this section it shall be liable to a fine not exceeding five pounds for every day during which the default continues, and every director and manager of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

45.—(1) A company limited by shares may, by special resolution confirmed by an order of the court, modify the conditions contained in its memorandum so as to reorganise its share capital, whether by the consolidation of shares of different classes or by the division of its shares into shares of different classes:

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Reorganisation of  
share capital.

Provided that no preference or special privilege attached to or belonging to any class of shares shall be interfered with except by a resolution passed by a majority in number of shareholders of that class holding three-fourths of the share capital of that class and confirmed at a meeting of shareholders of that class in the same manner as a special resolution of the company is required to be confirmed, and every resolution so passed shall bind all shareholders of the class.

(2) Where an order is made under this section an office copy thereof shall be filed with the registrar within seven days after the making of the order, or within such further time as the court may allow, and the resolution shall not take effect until such a copy has been so filed.

#### *Reduction of Share Capital.*

46.—(1) Subject to confirmation by the court, a company limited by shares, if so authorised by its articles, may by special resolution reduce its share capital in any way, and in particular (without prejudice to the generality of the foregoing power) may—

Special resolution for  
reduction of share  
capital.

- (a) Extinguish or reduce the liability on any of its shares in respect of share capital not paid-up; or
- (b) Either with or without extinguishing or reducing liability on any of its shares, cancel any paid-up share capital which is lost or unrepresented by available assets; or
- (c) Either with or without extinguishing or reducing liability on any of its shares, pay off any paid-up share capital which is in excess of the wants of the company,

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and may, if and so far as is necessary, alter its memorandum by reducing the amount of its share capital and of its shares accordingly.

(2) A special resolution under this section is in this Ordinance called a resolution for reducing share capital.

Application to court  
for confirming order.

47. When a company has passed and confirmed a resolution for reducing share capital it may apply by petition to the court for an order confirming the reduction.

Addition to name of  
company of "and  
reduced."

48. On and from the confirmation by a company of a resolution for reducing share capital, or where the reduction does not involve either the diminution of any liability in respect of unpaid share capital or the payment to any shareholder of any paid-up share capital, then on and from the presentation of the petition for confirming the reduction, the company shall add to its name, until such date as the court may fix, the words "and reduced," as the last words in its name, and those words shall, until that date, be deemed to be part of the name of the company:

Provided that, where the reduction does not involve either the diminution of any liability in respect of unpaid share capital or the payment to any shareholder of any paid-up share capital, the court may, if it thinks expedient, dispense altogether with the addition of the words "and reduced."

Objections by credi-  
tors, and settlement  
of list of objecting  
creditors.

49.—(1) Where the proposed reduction of share capital involves either diminution of liability in respect of unpaid share capital or the payment to any shareholder of any paid-up share capital, and in any other case if the court so directs, every creditor of the company who at the date fixed by the court is entitled to any debt or claim which, if that date were the commencement of the winding up of the company, would be admissible in proof against the company, shall be entitled to object to the reduction.

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(2) The court shall settle a list of creditors so entitled to object, and for that purpose shall ascertain, as far as possible without requiring an application from any creditor, the names of those creditors and the nature and amount of their debts or claims, and may publish notices fixing a day or days within which creditors not entered on the list are to claim to be so entered or are to be excluded from the right of objecting to the reduction.

(3) Where a creditor entered on the list whose debt or claim is not discharged or determined does not consent to the reduction, the court may, if it thinks fit, dispense with the consent of that creditor, on the company securing payment of his debt or claim by appropriating, as the court may direct, the following amount; (that is to say,) —

- (i) If the company admits the full amount of his debt or claim, or, though not admitting it, is willing to provide for it, then the full amount of the debt or claim.
- (ii) If the company does not admit or is not willing to provide for the full amount of the debt or claim, or if the amount is contingent or not ascertained, then an amount fixed by the court after the like inquiry and adjudication as if the company were being wound up by the court.

50. The court, if satisfied, with respect to every creditor of the company who under this Ordinance is entitled to object to the reduction, that either his consent to the reduction has been obtained or his debt or claim has been discharged or has determined, or has been secured, may make an order confirming the reduction on such terms and conditions as it thinks fit.

Order confirming reduction.

51.—(1) The registrar on production to him of an order of the court confirming the reduction of the share capital of a company, and the delivery to him of a copy of the order and of a minute (approved by the court), showing with respect to the share capital

Registration of order and minute of reduction.

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of the company, as altered by the order, the amount of the share capital, the number of shares into which it is to be divided, and the amount of each share, and the amount (if any) at the date of the registration deemed to be paid up on each share, shall register the order and minute.

(2) On the registration, and not before, the resolution for reducing share capital as confirmed by the order so registered shall take effect.

(3) Notice of the registration shall be published in such manner as the court may direct.

(4) The registrar shall certify under his hand the registration of the order and minute, and his certificate shall be conclusive evidence that all the requirements of this Ordinance with respect to reduction of share capital have been complied with, and that the share capital of the company is such as is stated in the minute.

Minute to form part  
of memorandum.

52.—(1) The minute when registered shall be deemed to be substituted for the corresponding part of the memorandum of the company, and shall be valid and alterable as if it had been originally contained therein; and must be embodied in every copy of the memorandum issued after its registration.

(2) If a company makes default in complying with the requirements of this section it shall be liable to a fine not exceeding one pound for each copy in respect of which default is made, and every director and manager of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

Liability of mem-  
bers in respect of  
reduced shares.

53. A member of the company, past or present, shall not be liable in respect of any share to any call or contribution exceeding in amount the difference (if any) between the amount paid, or (as the case may be) the reduced amount, if any, which is to be deemed to have been paid, on the share and the amount of the share as fixed by the minute:

Provided that if any creditor, entitled in respect of any debt or claim to object to the reduction of share capital, is, by reason of his ignorance of the proceedings for reduction, or of their nature and effect with respect to his claim, not entered on the list of creditors, and, after the reduction, the company is unable, within the meaning of the provisions of this Ordinance with respect to winding up by the court, to pay the amount of his debt or claim, then—

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- (i) every person who was a member of the company at the date of the registration of the order for reduction and minute, shall be liable to contribute for the payment of that debt or claim an amount not exceeding the amount which he would have been liable to contribute if the company had commenced to be wound up on the day before that registration; and
- (ii) if the company is wound up, the court, on the application of any such creditor, and proof of his ignorance as aforesaid may, if it thinks fit, settle accordingly a list of persons so liable to contribute, and make and enforce calls and orders on the contributories settled on the list as if they were ordinary contributories in a winding up.

Nothing in this section shall affect the rights of the contributories among themselves.

54. If any director, manager, or officer of the company wilfully conceals the name of any creditor entitled to object to the reduction, or wilfully misrepresents the nature or amount of the debt or claim of any creditor, or if any director or manager of the company aids or abets in or is privy to any such concealment or misrepresentation as aforesaid, every such director, manager, or officer shall be guilty of a misdemeanor.

Penalty on concealment of name of creditor.

55. In any case of reduction of share capital, the court may require the company to publish as the court directs the reasons for reduction, or such other information in regard thereto as the court may think expedient with a view to give proper information to the public, and, if the court thinks fit, the causes which led to the reduction.

Publication of reasons for reduction

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Increase and reduction of share capital in case of a company limited by guarantee having a share capital.

56. A company limited by guarantee may, if it has a share capital, and is so authorised by its articles, increase or reduce its share capital in the same manner and subject to the same conditions in and subject to which a company limited by shares may increase or reduce its share capital under the provisions of this Ordinance.

*Registration of Unlimited Company as Limited.*

Registration of unlimited company as limited.

57.--(1) Subject to the provisions of this section, any company registered as unlimited may register under this Ordinance as limited, but the registration of an unlimited company as a limited company shall not affect any debts, liabilities, obligations, or contracts incurred or entered into by, to, with, or on behalf of the company before the registration, and those debts, liabilities, obligations, and contracts may be enforced in the same manner as if the registration had not taken place; nevertheless execution shall not issue against the effects of any individual member of the company on any judgment, decree, or order obtained in any action or proceeding in respect of any such debt, liability, obligation or contract; but, in the event of the property and effects of the company being insufficient to satisfy the judgment, decree, or order, an order may be obtained for winding up the company.

(2) On registration in pursuance of this section the registrar shall close the former registration of the company, and may dispense with the delivery to him of copies of any documents with copies of which he was furnished on the occasion of the original registration of the company, but, save as aforesaid, the registration shall take place in the same manner and shall have effect as if it were the first registration of the company under this Ordinance.

Power of unlimited company to provide for reserve share capital on registration.

58. An unlimited company having a share capital may, by its resolution for registration as a limited company in pursuance of this Ordinance, do either or both of the following things, namely:—

(a) Increase the nominal amount of its share capital by increasing the nominal amount of each of its shares, but subject to the condition that no part of the increased capital shall be capable of being called up except in the event and for the purposes of the company being wound up;

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(b) Provide that a specified portion of its uncalled share capital shall not be capable of being called up except in the event and for the purposes of the company being wound up.

*Reserve Liability of Limited Company.*

59. A limited company may by special resolution determine that any portion of its share capital which has not been already called up shall not be capable of being called up, except in the event and for the purposes of the company being wound up, and thereupon that portion of its share capital shall not be capable of being called up except in the event and for the purposes aforesaid.

Reserve liability of limited company.

*Unlimited Liability of Directors.*

60.—(1) In a limited company the liability of the directors or managers, or of the managing director, may, if so provided by the memorandum, be unlimited.

Limited company may have directors with unlimited liability.

(2) In a limited company in which the liability of a director or manager is unlimited, the directors or managers of the company (if any), and the member who proposes a person for election or appointment to the office of director or manager, shall add to that proposal a statement that the liability of the person holding that office will be unlimited, and the promoters, directors, managers, and secretary (if any) of the company, or one of them, shall, before the person accepts the office or acts therein, give him notice in writing that his liability will be unlimited.

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(3) If any director, manager, or proposer makes default in adding such a statement, or if any promoter, director, manager, or secretary makes default in giving such a notice, he shall be liable to a fine not exceeding one hundred pounds, and shall also be liable for any damage which the person so elected or appointed may sustain from the default, but the liability of the person elected or appointed shall not be affected by the default.

Special resolution of limited company making liability of directors unlimited.

61.—(1) A limited company, if so authorised by its articles, may, by special resolution, alter its memorandum so as to render unlimited the liability of its directors, or managers, or of any managing director.

(2) Upon the confirmation of any such special resolution the provisions thereof shall be as valid as if they had been originally contained in the memorandum; and a copy thereof shall be embodied in or annexed to every copy of the memorandum issued after the confirmation of the resolution.

(3) If a company makes default in complying with the requirements of this section, it shall be liable to a fine not exceeding one pound for each copy in respect of which default is made; and every director or manager of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

## PART III.

## MANAGEMENT AND ADMINISTRATION.

*Office and Name.*

Registered office of company.

62.—(1) Every company shall have a registered office to which all communications and notices may be addressed.

(2) Notice of the situation of the registered office, and of any change therein, shall be given to the registrar, who shall record the same.

(3) If a company carries on business without complying with the requirements of this section it shall be liable to a fine not exceeding five pounds for every day during which it so carries on business.

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63. — (1) Every limited company—

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- (a) shall paint or affix, and keep painted or affixed, its name on the outside of every office or place in which its business is carried on, in a conspicuous position, in letters easily legible:
- (b) shall have its name engraven in legible characters on its seal:
- (c) shall have its name mentioned in legible characters in all notices, advertisements, and other official publications of the company, and in all bills of exchange, promissory notes, endorsements, cheques, and orders for money or goods purporting to be signed by or on behalf of the company, and in all bills of parcels, invoices, receipts, and letters of credit of the company.

Publication of name  
by a limited company.

(2) If a limited company does not paint or affix, and keep painted or affixed, its name in manner directed by this Ordinance, it shall be liable to a fine not exceeding five pounds for not so painting or affixing its name, and for every day during which its name is not so kept painted or affixed, and every director and manager of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

(3) If any director, manager, or officer of a limited company, or any person on its behalf, uses or authorises the use of any seal purporting to be a seal of the company whereon its name is not so engraven as aforesaid, or issues or authorises the issue of any notice, advertisement, or other official publication of the company, or signs or authorises to be signed on behalf of the company any bill of exchange, promissory note, endorsement, cheque, order for money or goods, or issues or authorises to be issued any bill of parcels, invoice, receipt, or letter of credit of the company, wherein its name is not mentioned in manner aforesaid, he shall be liable to a fine not exceeding fifty pounds, and shall further be personally liable to the holder of any such bill of exchange, promissory note, cheque, or order for money or goods, for the amount thereof, unless the same is duly paid by the company.

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Annual general  
meeting.*Meetings and Proceedings.*

64.—(1) A general meeting of every company shall be held once at the least in every calendar year, and not more than fifteen months after the holding of the last preceding general meeting, and, if not so held, the company and every director, manager, secretary, and other officer of the company, who is knowingly a party to the default, shall be liable to a fine not exceeding fifty pounds.

(2) When default has been made in holding a meeting of the company in accordance with the provisions of this section, the court may, on the application of any member of the company, call or direct the calling of a general meeting of the company.

First statutory  
meeting of  
company.

65.—(1) Every company limited by shares shall within a period of not less than one month nor more than three months from the date at which the company is entitled to commence business, hold a general meeting of the members of the company which shall be called the statutory meeting.

(2) The directors shall, at least seven days before the day on which the meeting is held, forward a report (in this Ordinance called "the statutory report") to every member of the company and to every other person entitled under this Ordinance to receive it.

(3) The statutory report shall be certified by not less than two directors of the company, or, where there are less than two directors, by the sole director and manager, and shall state—

- (a) the total number of shares allotted, distinguishing shares allotted as fully or partly paid up otherwise than in cash, and stating in the case of shares partly paid up the extent to which they are so paid up, and in either case the consideration for which they have been allotted;

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- (b) the total amount of cash received by the company in respect of all the shares allotted, distinguished as aforesaid;
- (c) an abstract of the receipts of the company on account of its capital, whether from shares or debentures, and of the payments made thereout, up to a date within seven days of the date of the report, exhibiting under distinctive headings the receipts of the company from shares and debentures and other sources, the payments made thereout, and particulars concerning the balance remaining in hand, and an account or estimate of the preliminary expenses of the company;
- (d) the names, addresses, and descriptions of the directors, auditors (if any), managers (if any), and secretary of the company; and
- (e) the particulars of any contract, the modification of which is to be submitted to the meeting for its approval together with the particulars of the modification or proposed modification.

(4) The statutory report shall, so far as it relates to the shares allotted by the company, and to the cash received in respect of such shares, and to the receipts and payments of the company on capital account, be certified as correct by the auditors, if any, of the company.

(5) The directors shall cause a copy of the statutory report, certified as by this section required, to be filed with the registrar forthwith after the sending thereof to the members of the company.

(6) The directors shall cause a list showing the names, descriptions, and addresses of the members of the company, and the number of shares held by them respectively, to be produced at the commencement of the meeting, and to remain open and accessible to any member of the company during the continuance of the meeting.

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(7) The members of the company present at the meeting shall be at liberty to discuss any matter relating to the formation of the company, or arising out of the statutory report, whether previous notice has been given or not, but no resolution of which notice has not been given in accordance with the articles may be passed.

(8) The meeting may adjourn from time to time, and at any adjourned meeting any resolution of which notice has been given in accordance with the articles, either before or subsequently to the former meeting, may be passed, and the adjourned meeting shall have the same powers as an original meeting.

(9) If a petition is presented to the court in manner provided by Part IV. of this Ordinance for winding up the company on the ground of default in filing the statutory report or in holding the statutory meeting, the court may, instead of directing that the company be wound up, give directions for the statutory report to be filed or a meeting to be held, or make such other order as may be just.

(10) The provisions of this section as to the forwarding and filing of the statutory report shall not apply in the case of a private company.

Convening of extra-ordinary general meeting on requisition.

66.—(1) Notwithstanding anything in the articles of a company, the directors of a company shall, on the requisition of the holders of not less than one-tenth of the issued share capital of the company upon which all calls or other sums then due have been paid, forthwith proceed to convene an extraordinary general meeting of the company.

(2) The requisition must state the objects of the meeting, and must be signed by the requisitionists and deposited at the registered office of the company, and may consist of several documents in like form, each signed by one or more requisitionists.

(3) If the directors do not proceed to cause a meeting to be held within twenty-one days from the date of the requisition being so deposited, the requisitionists, or a majority of them in value, may themselves convene the meeting, but any meeting so convened shall not be held after three months from the date of the deposit.

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(4) If at any such meeting a resolution requiring confirmation at another meeting is passed, the directors shall forthwith convene a further extraordinary general meeting for the purpose of considering the resolution and, if thought fit, of confirming it as a special resolution; and, if the directors do not convene the meeting within seven days from the date of the passing of the first resolution, the requisitionists, or a majority of them in value, may themselves convene the meeting.

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(5) Any meeting convened under this section by the requisitionists shall be convened in the same manner, as nearly as possible, as that in which meetings are to be convened by directors.

67. In default of, and subject to, any regulations in the articles—

Provisions as to meetings and votes.

- (i) A meeting of a company may be called by seven days' notice in writing, served on every member in manner in which notices are required to be served by Table A. in the First Schedule to this Ordinance.
- (ii) Five members may call a meeting:
- (iii) Any person elected by the members present at a meeting may be chairman thereof:
- (iv) Every member shall have one vote.

68. A company which is a member of another company may, by resolution of the directors, authorise any of its officials or any other person to act as its representative at any meeting of that other company, and the person so authorised shall be entitled to exercise the same powers on behalf of the company which he represents as if he were an individual shareholder of that other company.

Representation of companies at meetings of other companies of which they are members.

69.—(1) A resolution shall be an extraordinary resolution when it has been passed by a majority of not less than three fourths of such members entitled to vote as are present in person or by proxy (where proxies are allowed) at a general meeting of which notice specifying the intention to propose the resolution as an extraordinary resolution has been duly given.

Definitions of extraordinary and special resolution.

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(2) A resolution shall be a special resolution when it has been—

(a) passed in manner required for the passing of an extraordinary resolution; and

(b) confirmed by a majority of such members entitled to vote as are present in person or by proxy (where proxies are allowed) at a subsequent general meeting, of which notice has been duly given, and held after an interval of not less than fourteen days, nor more than one month, from the date of the first meeting.

(3) At any meeting at which an extraordinary resolution is submitted to be passed or a special resolution is submitted to be passed or confirmed, a declaration of the chairman that the resolution is carried shall, unless a poll is demanded, be conclusive evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against the resolution.

(4) At any meeting at which an extraordinary resolution is submitted to be passed or a special resolution is submitted to be passed or confirmed a poll may be demanded, if demanded by three persons for the time being entitled according to the articles to vote, unless the articles of the company require a demand by such number of such persons, not in any case exceeding five, as may be specified in the articles.

(5) When a poll is demanded in accordance with this section, in computing the majority on the poll reference shall be had to the number of votes to which each member is entitled by the articles of the company.

(6) For the purposes of this section notice of a meeting shall be deemed to be duly given and the meeting to be duly held when the notice is given and the meeting held in manner provided by the articles.

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70.—(1) A copy of every special and extraordinary resolution shall within fifteen days from the confirmation of the special resolution, or from the passing of the extraordinary resolution, as the case may be, be printed and forwarded to the registrar, who shall record the same.

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Registration and  
copies of special  
resolutions.

(2) Where articles have been registered, a copy of every special resolution for the time being in force shall be embodied in or annexed to every copy of the articles issued after the confirmation of the resolution.

(3) Where articles have not been registered, a copy of every special resolution shall be forwarded in print to any member at his request, on payment of one shilling or such less sum as the company may direct.

(4) If a company makes default in printing or forwarding a copy of a special or extraordinary resolution to the registrar it shall be liable to a fine not exceeding two pounds for every day during which the default continues.

(5) If a company makes default in embodying in or annexing to a copy of its articles or in forwarding in print to a member when required by this section a copy of a special resolution, it shall be liable to a fine not exceeding one pound for each copy in respect of which default is made.

(6) Every director and manager of a company who knowingly and wilfully authorises or permits any default by the company in complying with the requirements of this section shall be liable to the like penalty as is imposed by this section on the company for that default.

71.—(1) Every company shall cause minutes of all proceedings of general meetings and (where there are directors or managers) of its directors or managers to be entered in books kept for that purpose.

Minutes of  
proceedings of  
meetings and  
directors.

(2) Any such minute if purporting to be signed by the chairman of the meeting at which the proceedings were had, or by the chairman of the next succeeding meeting, shall be evidence of the proceedings.

## COMPANIES ORDINANCE, 1912.

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(3) Until the contrary is proved, every general meeting of the company or meeting of directors or managers in respect of the proceedings whereof minutes have been so made shall be deemed to have been duly held and convened, and all proceedings had thereat to have been duly had, and all appointments of directors, managers, or liquidators, shall be deemed to be valid.

*Appointment, Qualification, &c. of Directors.*

Restrictions on appointment or advertisement of director.

72.—(1) A person shall not be capable of being appointed director of a company by the articles, and shall not be named as a director or proposed director of a company in any prospectus issued by or on behalf of the company, or in any statement in lieu of prospectus filed by or on behalf of a company, unless, before the registration of the articles or the publication of the prospectus, or the filing of the statement in lieu of prospectus, as the case may be, he has by himself or by his agent authorised in writing--

- (i) Signed and filed with the registrar a consent in writing to act as such director; and
- (ii) Either signed the memorandum for a number of shares not less than his qualification (if any,) or signed and filed with the registrar a contract in writing to take from the company and pay for his qualification shares (if any).

(2) On the application for registration of the memorandum and articles of a company the applicant shall deliver to the registrar a list of the persons who have consented to be directors of the company, and, if this list contains the name of any person who has not so consented, the applicant shall be liable to a fine not exceeding fifty pounds.

(3) This section shall not apply to a private company nor to a prospectus issued by or on behalf of a company after the expiration of one year from the date at which the company is entitled to commence business.

## COMPANIES ORDINANCE, 1912.

73.---(1) Without prejudice to the restrictions imposed by the last foregoing section, it shall be the duty of every director who is by the regulations of the company required to hold a specified share qualification, and who is not already qualified, to obtain his qualification within two months after his appointment, or such shorter time as may be fixed by the regulations of the company.

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Qualification of director.

(2) The office of director of a company shall be vacated, if the director does not within two months from the date of his appointment, or within such shorter time as may be fixed by the regulations of the company, obtain his qualification, or if after the expiration of such period or shorter time he ceases at any time to hold his qualification; and a person vacating office under this section shall be incapable of being re-appointed director of the company until he has obtained his qualification.

(3) If after the expiration of the said period or shorter time any unqualified person acts as a director of the company, he shall be liable to a fine not exceeding five pounds for every day between the expiration of the said period or shorter time and the last day on which it is proved that he acted as a director.

74. The acts of a director or manager shall be valid notwithstanding any defect that may afterwards be discovered in his appointment or qualification.

Validity of acts of directors.

75.---(1) Every company shall keep at its registered office a register containing the names and addresses and the occupations of its directors or managers, and send to the registrar a copy thereof, and from time to time notify to the registrar any change among its directors or managers.

List of directors to be sent to registrar.

(2) If default is made in compliance with this section, the company shall be liable to a fine not exceeding five pounds for every day during which the default continues; and every director and manager of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

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*Contracts, &c.*

Form of contracts.

76.—(1) Contracts on behalf of a company may be made as follows (that is to say):—

- (i) Any contract which if made between private persons would be by law required to be in writing, and if made according to English law to be under seal, may be made on behalf of the company in writing under the common seal of the company, and may in the same manner be varied or discharged:
- (ii) Any contract which if made between private persons would be by law required to be in writing, signed by the parties to be charged therewith, may be made on behalf of the company in writing signed by any person acting under its authority, express or implied, and may in the same manner be varied or discharged:
- (iii) Any contract which if made between private persons would by law be valid although made by parol only, and not reduced into writing, may be made by parol on behalf of the company by any person acting under its authority, express or implied, and may in the same manner be varied or discharged.

(2) All contracts made according to this section shall be effectual in law, and shall bind the company and its successors and all other parties thereto, their heirs, executors, or administrators as the case may be.

Bills of exchange and promissory notes.

77. A bill of exchange or promissory note shall be deemed to have been made, accepted, or endorsed on behalf of a company if made, accepted, or endorsed in the name of, or by or on behalf or on account of, the company by any person acting under its authority.

## COMPANIES ORDINANCE, 1912.

78. A company may, by writing under its common seal, empower any person, either generally or in respect of any specified matters, as its attorney, to execute deeds on its behalf in any place not situate in the Colony: and every deed signed by such attorney, on behalf of the company, and under his seal, shall bind the company, and have the same effect as if it were under its common seal.

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Execution of deeds  
abroad.

79.—(1) A company whose objects require or comprise the transaction of business in foreign countries may, if authorised by its articles, have for use in any territory, district, or place not situate in the Colony, an official seal, which shall be a facsimile of the common seal of the company, with the addition on its face of the name of every territory, district, or place where it is to be used.

Power for company  
to have official seal  
for use abroad.

(2) A company having such an official seal may, by writing under its common seal, authorise any person appointed for the purpose in any territory, district, or place not situate in the Colony, to affix the same to any deed or other document to which the company is party in that territory, district, or place.

(3) The authority of any such agent shall, as between the company and any person dealing with the agent, continue during the period, if any, mentioned in the instrument conferring the authority, or if no period is there mentioned, then until notice of the revocation or determination of the agent's authority has been given to the person dealing with him.

(4) The person affixing any such official seal shall, by writing under his hand, on the deed or other document to which the seal is affixed, certify the date and place of affixing the same.

(5) A deed or other document to which an official seal is duly affixed shall bind the company as if it had been sealed with the common seal of the company.

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*Prospectus.*

Filing of prospectus

80.--(1) Every prospectus issued by or on behalf of a company or in relation to any intended company shall be dated, and that date shall, unless the contrary be proved, be taken as the date of publication of the prospectus.

(2) A copy of every such prospectus, signed by every person who is named therein as a director or proposed director of the company, or by his agent authorised in writing, shall be filed for registration with the registrar on or before the date of its publication, and no such prospectus shall be issued until a copy thereof has been so filed for registration.

(3) The registrar shall not register any prospectus unless it is dated, and the copy thereof signed, in manner required by this section.

(4) Every prospectus shall state on the face of it that a copy has been filed for registration as required by this section.

(5) If a prospectus is issued without a copy thereof being so filed, the company, and every person who is knowingly a party to the issue of the prospectus, shall be liable to a fine not exceeding five pounds for every day from the date of the issue of the prospectus until a copy thereof is so filed.

Specific requirements as to particulars of prospectus.

81.--(1) Every prospectus issued by or on behalf of a company, or by or on behalf of any person who is or has been engaged or interested in the formation of the company, must state—

- (a) the contents of the memorandum, with the names, descriptions, and addresses of the signatories, and the number of shares subscribed for by them respectively; and the number of founders or management or deferred shares, if any, and the nature and extent of the interest of the holders in the property and profits of the company; and

- (b) the number of shares, if any, fixed by the articles as the qualification of a director, and any provision in the articles as to the remuneration of the directors; and
- (c) the names, descriptions, and addresses of the directors or proposed directors; and
- (d) the minimum subscription on which the directors may proceed to allotment, and the amount payable on application and allotment on each share; and in the case of a second or subsequent offer of shares, the amount offered for subscription on each previous allotment made within the two preceding years, and the amount actually allotted, and the amount, if any, paid on the shares so allotted; and
- (e) the number and amount of shares and debentures which within the two preceding years have been issued, or agreed to be issued, as fully or partly paid up otherwise than in cash, and in the latter case the extent to which they are so paid up, and in either case the consideration for which those shares or debentures have been issued or are proposed or intended to be issued; and
- (f) the names and addresses of the vendors of any property purchased or acquired by the company, or proposed so to be purchased or acquired, which is to be paid for wholly or partly out of the proceeds of the issue offered for subscription by the prospectus, or the purchase or acquisition of which has not been completed at the date of issue of the prospectus, and the amount payable in cash, shares, or debentures, to the vendor, and where there is more than one separate vendor, or the company is a sub-purchaser, the amount so payable to each vendor: Provided that where the vendors or any of them are a firm the members of the firm shall not be treated as separate vendors; and

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- (g) the amount (if any) paid or payable as purchase money in cash, shares, or debentures, for any such property as aforesaid, specifying the amount (if any) payable for goodwill; and
- (h) the amount (if any) paid within the two preceding years, or payable, as commission for subscribing or agreeing to subscribe, or procuring or agreeing to procure subscriptions, for any shares in, or debentures of, the company, or the rate of any such commission: Provided that it shall not be necessary to state the commission payable to sub-underwriters; and
- (i) the amount or estimated amount of preliminary expenses; and
- (j) the amount paid within the two preceding years or intended to be paid to any promoter, and the consideration for any such payment; and
- (k) the dates of and parties to every material contract, and a reasonable time and place at which any material contract or a copy thereof may be inspected: Provided that this requirement shall not apply to a contract entered into in the ordinary course of the business carried on or intended to be carried on by the company, or to any contract entered into more than two years before the date of issue of the prospectus; and
- (l) the names and addresses of the auditors (if any) of the company; and
- (m) full particulars of the nature and extent of the interest (if any) of every director in the promotion of, or in the property proposed to be acquired by, the company, or, where the interest of such a director consists in being a partner in a firm, the nature and extent of the interest of the firm, with a statement of all sums paid or agreed to be paid to him or to the firm in cash or shares or otherwise by

any person either to induce him to become, or to qualify him as, a director, or, otherwise for services rendered by him or by the firm in connexion with the promotion or formation of the company; and

- (n) where the company is a company having shares of more than one class, the right of voting at meetings of the company conferred by the several classes of shares respectively.

(2) For the purposes of this section every person shall be deemed to be a vendor who has entered into any contract, absolute or conditional, for the sale or purchase, or for any option of purchase, of any property to be acquired by the company, in any case where—

- (a) the purchase money is not fully paid at the date of issue of the prospectus; or  
 (b) the purchase money is to be paid or satisfied wholly or in part out of the proceeds of the issue offered for subscription by the prospectus; or  
 (c) the contract depends for its validity or fulfilment on the result of that issue.

(3) Where any of the property to be acquired by the company is to be taken on lease, this section shall apply as if the expression "vendor" included the lessor, and the expression "purchase money" included the consideration for the lease, and the expression "sub-purchaser" included a sub-lessee.

(4) Any condition requiring or binding any applicant for shares or debentures to waive compliance with any requirement of this section, or purporting to affect him with notice of any contract, document, or matter not specifically referred to in the prospectus, shall be void.

(5) Where any such prospectus as is mentioned in this section is published as a newspaper advertisement, it shall not be necessary in the advertisement to specify the contents of the memorandum or the signatories thereto, and the number of shares subscribed for by them.

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(6) In the event of non-compliance with any of the requirements of this section, a director or other person responsible for the prospectus shall not incur any liability by reason of the non-compliance, if he proves that—

(a) as regards any matter not disclosed, he was not cognisant thereof; or

(b) the non-compliance arose from an honest mistake of fact on his part :

Provided that in the event of non-compliance with the requirements contained in paragraph (m) of subsection (1) of this section no director or other person shall incur any liability in respect of the non-compliance unless it be proved that he had knowledge of the matters not disclosed.

(7) This section shall not apply to a circular or notice inviting existing members or debenture holders of a company to subscribe either for shares or for debentures of the company, whether with or without the right to renounce in favour of other persons, but subject, as aforesaid, this section shall apply to any prospectus whether issued on or with reference to the formation of a company or subsequently.

(8) The requirements of this section as to the memorandum and the qualification, remuneration, and interest of directors, the names, descriptions, and addresses of directors or proposed directors, and the amount or estimated amount of preliminary expenses, shall not apply in the case of a prospectus issued more than one year after the date at which the company is entitled to commence business.

(9) Nothing in this section shall limit or diminish any liability which any person may incur under the general law or this Ordinance apart from this section.

82.—(1) A company which does not issue a prospectus on or with reference to its formation, shall not allot any of its shares or debentures unless before the first allotment of either shares or debentures there has been filed with the registrar a statement in lieu of

Obligations of  
companies where no  
prospectus is issued.

## COMPANIES ORDINANCE, 1912.

prospectus signed by every person who is named therein as a director or a proposed director of the company or by his agent authorised in writing, in the form and containing the particulars set out in the Second Schedule to this Ordinance.

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(2) This section shall not apply to a private company.

83. A company shall not previously to the statutory meeting vary the terms of a contract referred to in the prospectus or statement in lieu of prospectus, except subject to the approval of the statutory meeting.

Restriction on alteration of terms mentioned in prospectus or statement in lieu of prospectus.

84.—(1) Where a prospectus invites persons to subscribe for shares in or debentures of a company, every person who is a director of the company at the time of the issue of the prospectus, and every person who has authorised the naming of him and is named in the prospectus as a director or as having agreed to become a director either immediately or after an interval of time, and every promoter of the company, and every person who has authorised the issue of the prospectus, shall be liable to pay compensation to all persons who subscribe for any shares or debentures on the faith of the prospectus for the loss or damage they may have sustained by reason of any untrue statement therein, or in any report or memorandum appearing on the face thereof, or by reference incorporated therein or issued therewith, unless it is proved—

Liability for statements in prospectus

- (a) With respect to every untrue statement not purporting to be made on the authority of an expert, or of a public official document or statement, that he had reasonable ground to believe, and did up to the time of the allotment of the shares or debentures, as the case may be, believe, that the statement was true; and

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- (b) With respect to every untrue statement purporting to be a statement by or contained in what purports to be a copy of or extract from a report or valuation of an expert, that it fairly represented the statement, or was a correct and fair copy of or extract from the report or valuation. Provided that the director, person named as director, promoter, or person who authorised the issue of the prospectus, shall be liable to pay compensation as aforesaid if it is proved that he had no reasonable ground to believe that the person making the statement, report, or valuation, was competent to make it; and
- (c) With respect to every untrue statement purporting to be a statement made by an official person or contained in what purports to be a copy of or extract from a public official document, that it was a correct and fair representation of the statement or copy of or extract from the document:

or unless it is proved—

- (i) that having consented to become a director of the company he withdrew his consent before the issue of the prospectus, and that it was issued without his authority or consent; or
- (ii) that the prospectus was issued without his knowledge or consent, and that on becoming aware of its issue he forthwith gave reasonable public notice that it was issued without his knowledge or consent; or
- (iii) that after the issue of the prospectus and before allotment thereunder, he, on becoming aware of any untrue statement therein, withdrew his consent thereto, and gave reasonable public notice of the withdrawal and of the reason therefor.

(2) Where the prospectus contains the name of a person as a director of the company, or as having agreed to become a director thereof, and he has not consented to become a director, or has withdrawn his consent before the issue of the prospectus, and has not authorised or consented to the issue thereof, the directors of the company, except any without whose knowledge or consent the prospectus was issued, and any other person who authorised the issue thereof, shall be liable to indemnify the person named as aforesaid against all damages, costs, and expenses to which he may be made liable by reason of his name having been inserted in the prospectus, or in defending himself against any action or legal proceedings brought against him in respect thereof.

(3) Every person who by reason of his being a director, or named as a director or as having agreed to become a director, or of his having authorised the issue of the prospectus, becomes liable to make any payment under this section may recover contribution, as in cases of contract, from any other person who, if sued separately, would have been liable to make the same payment, unless the person who has become so liable was, and that other person was not, guilty of fraudulent misrepresentation.

(4) For the purposes of this section.—

The expression “promoter” means a promoter who was a party to the preparation of the prospectus, or of the portion thereof containing the untrue statement, but does not include any person by reason of his acting in a professional capacity for persons engaged in procuring the formation of the company:

The expression “expert” includes engineer, valuer, accountant, and any other person whose profession gives authority to a statement made by him.

#### *Allotment.*

85.—(1) No allotment shall be made of any share capital of a company offered to the public for subscription, unless the following conditions have been complied with namely:—

Restriction as to allotment.

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- (a) the amount (if any) fixed by the memorandum or articles and named in the prospectus as the minimum subscription upon which the directors may proceed to allotment; or
- (b) if no amount is so fixed and named, then the whole amount of the share capital so offered for subscription.

has been subscribed, and the sum payable on application for the amount so fixed and named, or for the whole amount offered for subscription, has been paid to and received by the company.

(2) The amount so fixed and named and the whole amount aforesaid shall be reckoned exclusively of any amount payable otherwise than in cash, and is in this Ordinance referred to as the minimum subscription.

(3) The amount payable on application on each share shall not be less than five per cent. of the nominal amount of the share.

(4) If the conditions aforesaid have not been complied with on the expiration of forty days after the first issue of the prospectus, all money received from applicants for shares shall be forthwith repaid to them without interest, and, if any such money is not so repaid within forty-eight days after the issue of the prospectus, the directors of the company shall be jointly and severally liable to repay that money with interest at the rate of five per centum per annum from the expiration of the forty-eighth day :

Provided that a director shall not be liable if he proves that the loss of the money was not due to any misconduct or negligence on his part.

(5) Any condition requiring or binding any applicant for shares to waive compliance with any requirement of this section shall be void.

(6) This section, except subsection (3) thereof, shall not apply to any allotment of shares subsequent to the first allotment of shares offered to the public for subscription.

(7) In the case of the first allotment of share capital payable in cash of a company which does not issue any invitation to the public to subscribe for its shares, no allotment shall be made unless the minimum subscription (that is to say) :—

- (a) the amount (if any) fixed by the memorandum or articles and named in the statement in lieu of prospectus as the minimum subscription upon which the directors may proceed to allotment; or
- (b) if no amount is so fixed and named, then the whole amount of the share capital other than that issued or agreed to be issued as fully or partly paid up otherwise than in cash.

has been subscribed and an amount not less than five per cent. of the nominal amount of each share payable in cash has been paid to and received by the company.

This subsection shall not apply to a private company.

86.—(1) An allotment made by a company to an applicant in contravention of the provisions of the last foregoing section shall be voidable at the instance of the applicant within one month after the holding of the statutory meeting of the company and not later, and shall be so voidable notwithstanding that the company is in course of being wound up.

Effect of irregular allotment.

(2) If any director of a company knowingly contravenes or permits or authorises the contravention of any of the provisions of the last foregoing section with respect to allotment he shall be liable to compensate the company and the allottee respectively for any loss, damages, or costs which the company or the allottee may have sustained or incurred thereby: Provided that proceedings to recover any such loss, damages, or costs shall not be commenced after the expiration of two years from the date of the allotment.

87.—(1) A company shall not commence any business or exercise any borrowing powers unless—

Restrictions on commencement of business.

## COMPANIES ORDINANCE, 1912.

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- (a) shares held subject to the payment of the whole amount thereof in cash have been allotted to an amount not less in the whole than the minimum subscription; and
- (b) every director of the company has paid to the company on each of the shares taken or contracted to be taken by him, and for which he is liable to pay in cash, a proportion equal to the proportion payable on application and allotment on the shares offered for public subscription, or in the case of a company which does not issue a prospectus inviting the public to subscribe for its shares, on the shares payable in cash; and
- (c) there has been filed with the registrar a statutory declaration by the secretary or one of the directors, in the prescribed form, that the aforesaid conditions have been complied with; and
- (d) in the case of a company which does not issue a prospectus inviting the public to subscribe for its shares, there has been filed with the registrar a statement in lieu of prospectus.

(2) The registrar shall, on the filing of this statutory declaration, certify that the company is entitled to commence business, and that certificate shall be conclusive evidence that the company is so entitled.

Provided that in the case of a company which does not issue a prospectus inviting the public to subscribe for its shares the registrar shall not give such a certificate unless a statement in lieu of prospectus has been filed with him.

(3) Any contract made by a company before the date at which it is entitled to commence business shall be provisional only, and shall not be binding on the company until that date, and on that date it shall become binding.

(4) Nothing in this section shall prevent the simultaneous offer for subscription or allotment of any shares and debentures or the receipt of any money payable on application for debentures.

(5) If any company commences business or exercises borrowing powers in contravention of this section, every person who is responsible for the contravention shall, without prejudice to any other liability, be liable to a fine not exceeding fifty pounds for every day during which the contravention continues.

(6) Nothing in this section shall apply to a private company.

88.—(1) Whenever a company limited by shares makes any allotment of its shares, the company shall within one month thereafter file with the registrar Return as to allotment.

(a) a return of the allotments, stating the number and nominal amount of the shares comprised in the allotment, the names, addresses, and descriptions of the allottees, and the amount (if any) paid or due and payable on each share: and

(b) in the case of shares allotted as fully or partly paid up otherwise than in cash, a contract in writing constituting the title of the allottee to the allotment together with any contract of sale, or for services or other consideration in respect of which that allotment was made, such contracts being duly stamped, and a return stating the number and nominal amount of shares so allotted, the extent to which they are to be treated as paid up, and the consideration for which they have been allotted.

(2) Where such a contract as above mentioned is not reduced to writing, the company shall within one month after the allotment file with the registrar the prescribed particulars of the contract stamped with the same stamp duty as would have been payable if the contract had been reduced to writing, and those particulars shall

## COMPANIES ORDINANCE, 1912.

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be deemed to be an instrument within the meaning of the Stamp Ordinance, 1888, and the registrar may, as a condition of filing the particulars, require that the duty payable thereon be adjudicated under section eighteen of that Ordinance.

(3) If default is made in complying with the requirements of this section, every director, manager, secretary, or other officer of the company, who is knowingly a party to the default, shall be liable to a fine not exceeding fifty pounds for every day during which the default continues:

Provided that, in case of default in filing with the registrar within one month after the allotment any document required to be filed by this section, the company, or any person liable for the default, may apply to the court for relief, and the court, if satisfied that the omission to file the document was accidental or due to inadvertence or that it is just and equitable to grant relief, may make an order extending the time for the filing of the document for such period as the court may think proper.

*Commissions and Discounts.*

89.—(1) It shall be lawful for a company to pay a commission to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any shares in the company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any shares in the company, if the payment of the commission is authorised by the articles, and the commission paid or agreed to be paid does not exceed the amount or rate so authorised, and if the amount or rate per cent. of the commission paid or agreed to be paid is—

- (a) In the case of shares offered to the public for subscription, disclosed in the prospectus; or
- (b) In the case of shares not offered to the public for subscription, disclosed in the statement in lieu of prospectus, or in a statement in the prescribed form signed in like manner as a

Power to pay certain commissions, and prohibition of payment of all other commissions, discounts, &c.

statement in lieu of prospectus and filed with the registrar and, where a circular or notice, not being a prospectus, inviting subscription for the shares is issued, also disclosed in that circular or notice.

(2) Save as aforesaid, no company shall apply any of its shares or capital money either directly or indirectly in payment of any commission, discount, or allowance, to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any shares of the company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any shares in the company, whether the shares or money be so applied by being added to the purchase money of any property acquired by the company or to the contract price of any work to be executed for the company, or the money be paid out of the nominal purchase money or contract price, or otherwise.

(3) Nothing in this section shall affect the power of any company to pay such brokerage as it has heretofore under the law of England been lawful for a company to pay, and a vendor to, promoter of, or other person who receives payment in money or shares from a company shall have power to apply any part of the money or shares so received in payment of any commission, the payment of which, if made directly by the company, would have been legal under this section.

90. Where a company has paid any sums by way of commission in respect of any shares or debentures, or allowed any sums by way of discount in respect of any debentures, the total amount so paid or allowed, or so much thereof as has not been written off, shall be stated in every balance sheet of the company until the whole amount thereof has been written off.

Statement in balance sheet as to commissions and discounts.

#### *Payment of Interest out of Capital.*

91. Where any shares of a company are issued for the purpose of raising money to defray the expenses of the construction of any works or buildings or the provision of any plant which cannot be made profitable for a

Power of company to pay interest out of capital in certain cases.

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lengthened period, the company may pay interest on so much of that share capital as is for the time being paid up for the period and subject to the conditions and restrictions in this section mentioned, and may charge the same to capital as part of the cost of construction of the work or building, or the provision of plant:

Provided that—

- (1) No such payment shall be made unless the same is authorised by the articles or by special resolution:
- (2) No such payment, whether authorised by the articles or by special resolution, shall be made without the previous sanction of the registrar with the concurrence of the Attorney-General:
- (3) Before sanctioning any such payment the registrar may, at the expense of the company, appoint a person to enquire and report to him as to the circumstances of the case, and may, before making the appointment, require the company to give security for the payment of the costs of the inquiry:
- (4) The payment shall be made only for such period as may be determined by the registrar and such period shall in no case extend beyond the close of the half year next after the half year during which the works or buildings have been actually completed or the plant provided:
- (5) The rate of interest shall in no case exceed six per cent. per annum or such lower rate as may for the time being be prescribed by Order of the Governor in Council:
- (6) The payment of the interest shall not operate as a reduction of the amount paid up on the shares in respect of which it is paid:

- (7) The accounts of the company shall show the share capital on which, and the rate at which, interest has been paid out of capital during the period to which the accounts relate:

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*Certificates of Shares, &c.*

92.—(1) Every company shall, within two months after the allotment of any of its shares, debentures, or debenture stock, and within two months after the registration of the transfer of any such shares, debentures, or debenture stock, complete and have ready for delivery the certificates of all shares, the debentures, and the certificates of all debenture stock allotted or transferred, unless the conditions of issue of the shares, debentures, or debenture stock otherwise provide.

Limitation of time for issue of certificates.

(2) If default is made in complying with the requirements of this section, the company, and every director, manager, secretary, and other officer of the company who is knowingly a party to the default, shall be liable to a fine not exceeding five pounds for every day during which the default continues.

*Information as to Mortgages, Charges, &c.*

93.—(1) Every mortgage or charge created by a company registered in the Colony and being either—

Registration of mortgages and charges in the Colony.

- (a) a mortgage or charge for the purpose of securing any issue of debentures; or
- (b) a mortgage or charge on uncalled share capital of the company; or
- (c) a mortgage or charge created or evidenced by an instrument which, if executed by an individual, would require registration as a bill of sale; or
- (d) a mortgage or charge on any land, wherever situate, or any interest therein; or
- (e) a mortgage or charge on any book debts of the company; or

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(f) a floating charge on the undertaking or property of the company,

shall, so far as any security on the company's property or undertaking is thereby conferred, be void against the liquidator and any creditor of the company, unless the prescribed particulars of the mortgage or charge, together with the instrument (if any) by which the mortgage or charge is created or evidenced, are delivered to or received by the registrar for registration in manner required by this Ordinance within twenty-one days after the date of its creation, but without prejudice to any contract or obligation for repayment of the money thereby secured, and when a mortgage or charge becomes void under this section the money secured thereby shall immediately become payable:

Provided that—

- (i) in the case of a mortgage or charge created out of the Colony comprising solely property situate outside the Colony, the delivery to and the receipt by the registrar of a copy of the instrument by which the mortgage or charge is created or evidenced, verified in the prescribed manner, shall have the same effect for the purposes of this section as the delivery and receipt of the instrument itself, and twenty-one days after the date on which the instrument or copy could, in due course of post, and if despatched with due diligence, have been received in the Colony, shall be substituted for twenty-one days after the date of the creation of the mortgage or charge, as the time within which the particulars and instrument or copy are to be delivered to the registrar; and
- (ii) where the mortgage or charge is created in the Colony but comprises property outside the Colony, the instrument creating or purporting to create the mortgage or charge may be sent for registration notwithstanding that further proceedings may be necessary to make the mortgage or charge valid or effectual accord-

ing to the law of the country in which the property is situate; and

- (iii) where a negotiable instrument has been given to secure the payment of any book debts of a company, the deposit of the instrument for the purpose of securing an advance to the company shall not for the purposes of this section be treated as a mortgage or charge on those book debts; and
- (iv) the holding of debentures entitling the holder to a charge on land shall not be deemed to be an interest in land.

(2) The registrar shall keep, with respect to each company, a register in the prescribed form of all the mortgages and charges created by the company and requiring registration under this section, and shall, on payment of the prescribed fee, enter in the register, with respect to every such mortgage or charge, the date of creation, the amount secured by it, short particulars of the property mortgaged or charged, and the names of the mortgagees or persons entitled to the charge.

(3) Where a series of debentures containing, or giving by reference to any other instrument, any charge to the benefit of which the debenture holders of that series are entitled *pari passu* is created by a company, it shall be sufficient if there are delivered to or received by the registrar within twenty-one days after the execution of the deed containing the charge or, if there is no such deed, after the execution of any debentures of the series, the following particulars:—

- (a) the total amount secured by the whole series; and
- (b) the dates of the resolutions authorising the issue of the series and the date of the covering deed, if any, by which the security is created or defined; and
- (c) a general description of the property charged, and

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(d) the names of the trustees, if any, for the debenture holders;

together with the deed containing the charge, or, if there is no such deed, one of the debentures of the series, and the registrar shall, on payment of the prescribed fee, enter those particulars in the register :

Provided that, where more than one issue is made of debentures in the series, there shall be sent to the registrar for entry in the register particulars of the date and amount of each issue, but an omission to do this shall not affect the validity of the debentures issued.

(4) Where any commission, allowance, or discount has been paid or made either directly or indirectly by the company to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any debentures of the company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any such debentures, the particulars required to be sent for registration under this section shall include particulars as to the amount or rate per cent. of the commission, discount, or allowance so paid or made, but an omission to do this shall not affect the validity of the debentures issued :

Provided that the deposit of any debentures as security for any debt of the company shall not for the purposes of this provision be treated as the issue of the debentures at a discount.

(5) The registrar shall give a certificate under his hand of the registration of any mortgage or charge registered in pursuance of this section, stating the amount thereby secured, and the certificate shall be conclusive evidence that the requirements of this section as to registration have been complied with.

(6) The company shall cause a copy of every certificate of registration given under this section to be endorsed on every debenture or certificate of debenture stock which is issued by the company, and the payment of which is secured by the mortgage or charge so registered :

Provided that nothing in this subsection shall be construed as requiring a company to cause a certificate of registration of any mortgage or charge so given to be endorsed on any debenture or certificate of debenture stock which has been issued by the company before the mortgage or charge was created.

(7) It shall be the duty of the company to send to the registrar for registration the particulars of every mortgage or charge created by the company and of the issues of debentures of a series, requiring registration under this section, but registration of any such mortgage or charge may be effected on the application of any person interested therein.

Where the registration is effected on the application of some person other than the company, that person shall be entitled to recover from the company the amount of any fees properly paid by him to the registrar on the registration.

(8) The register kept in pursuance of this section shall be open to inspection by any person on payment of the prescribed fee, not exceeding one shilling for each inspection.

(9) Every company shall cause a copy of every instrument creating any mortgage or charge requiring registration under this section to be kept at the registered office of the company: Provided that, in the case of a series of uniform debentures, a copy of one such debenture shall be sufficient.

94.—(1) If any person obtains an order for the appointment of a receiver or manager of the property of a company, or appoints such a receiver or manager under any powers contained in any instrument, he shall within seven days from the date of the order or of the appointment under the powers contained in the instrument give notice of the fact to the registrar and the registrar shall, on payment of the prescribed fee, enter the fact in the register of mortgages and charges.

Registration of  
enforcement of  
security.

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(2) If any person makes default in complying with the requirements of this section he shall be liable to a fine not exceeding five pounds for every day during which the default continues.

Filing of accounts  
of receivers and  
managers.

95.—(1) Every receiver or manager of the property of a company who has been appointed under the powers contained in any instrument, and who has taken possession, shall, once in every half year while he remains in possession, and also on ceasing to act as receiver or manager, file with the registrar an abstract in the prescribed form of his receipts and payments during the period to which the abstract relates, and shall also on ceasing to act as receiver or manager file with the registrar notice to that effect, and the registrar shall enter the notice in the register of mortgages and charges.

(2) Every receiver or manager who makes default in complying with the provisions of this section shall be liable to a fine not exceeding fifty pounds.

Rectification of  
register of  
mortgages.

96. A judge of the Supreme Court, on being satisfied that the omission to register a mortgage or charge within the time hereinbefore required, or that the omission or misstatement of any particular with respect to any such mortgage or charge, was accidental, or due to inadvertence or to some other sufficient cause, or is not of a nature to prejudice the position of creditors or shareholders of the company, or that on other grounds it is just and equitable to grant relief, may, on the application of the company or any person interested, and on such terms and conditions as seem to the judge just and expedient, order that the time for registration be extended, or, as the case may be, that the omission or misstatement be rectified.

Entry of satisfac-  
tion.

97. The registrar may, on evidence being given to his satisfaction that the debt for which any registered mortgage or charge was given has been paid or satisfied, order that a memorandum of satisfaction be entered on the register, and shall if required furnish the company with a copy thereof.

98. The registrar shall keep a chronological index, in the prescribed form and with the prescribed particulars, of the mortgages or charges registered with him under this Ordinance.

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Index to register of mortgages and charges.

99.--(1) If any company makes default in sending to the registrar for registration the particulars of any mortgage or charge created by the company, and of the issues of debentures of a series, requiring registration with the registrar under the foregoing provisions of this Ordinance then, unless the registration has been effected on the application of some other person, the company, and every director, manager, secretary, or other person who is knowingly a party to the default, shall on conviction be liable to a fine not exceeding fifty pounds for every day during which the default continues.

Penalties.

(2) Subject as aforesaid, if any company makes default in complying with any of the requirements of this Ordinance as to the registration with the registrar of any mortgage or charge created by the company, the company and every director, manager, and other officer of the company, who knowingly and wilfully authorised or permitted the default shall, without prejudice to any other liability, be liable on summary conviction to a fine not exceeding one hundred pounds.

(3) If any person knowingly and wilfully authorises or permits the delivery of any debenture or certificate of debenture stock requiring registration with the registrar under the foregoing provisions of this Ordinance without a copy of the certificate of registration being endorsed upon it, he shall, without prejudice to any other liability, be liable on summary conviction to a fine not exceeding one hundred pounds.

100.—(1) Every limited company shall keep a register of mortgages and enter therein all mortgages and charges specifically affecting property of the company, giving in each case a short description of the property mortgaged or charged, the amount of the mortgage or charge, and (except in the case of securities to bearer) the names of the mortgagees or persons entitled thereto.

Company's register of mortgages.

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(2) If any director, manager, or other officer of the company knowingly and wilfully authorises or permits the omission of any entry required to be made in pursuance of this section, he shall be liable to a fine not exceeding fifty pounds.

Right to inspect copies of instruments creating mortgages and charges and company's register of mortgages.

101.—(1) The copies of instruments creating any mortgage or charge requiring registration under this Ordinance with the registrar and the register of mortgages kept in pursuance of the last foregoing section, shall be open at all reasonable times to the inspection of any creditor or member of the company without fee, and the register of mortgages shall also be open to the inspection of any other person on payment of such fee, not exceeding one shilling for each inspection, as the company may prescribe.

(2) If inspection of the said copies or register is refused, any officer of the company refusing inspection, and every director and manager of the company authorising or knowingly and wilfully permitting the refusal, shall be liable to a fine not exceeding five pounds, and a further fine not exceeding two pounds for every day during which the refusal continues; and, in addition to the above penalty any judge of the Supreme Court sitting in chambers, may by order compel an immediate inspection of the copies or register.

Right of debenture holders to inspect the register of debenture holders and to have copies of trust deed.

102.—(1) Every register of holders of debentures of a company shall, except when closed in accordance with the articles during such period or periods (not exceeding in the whole thirty days in any year) as may be specified in the articles, be open to the inspection of the registered holder of any such debentures, and of any holder of shares in the company, but subject to such reasonable restrictions as the company may in general meeting impose, so that at least two hours in each day are appointed for inspection, and every such holder may require a copy of the register or any part thereof on payment of sixpence for every one hundred words required to be copied.

(2) A copy of any trust deed for securing any issue of debentures shall be forwarded to every holder of any such debentures at his request on payment in the case of a printed trust deed of the sum of one shilling or such less sum as may be prescribed by the company, or, where the trust deed has not been printed, on payment of six-pence for every one hundred words required to be copied.

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(3) If inspection is refused, or a copy is refused or not forwarded, the company shall be liable to a fine not exceeding five pounds, and to a further fine not exceeding two pounds for every day during which the refusal continues, and every director, manager, secretary, or other officer of the company who knowingly authorises or permits the refusal shall incur the like penalty.

#### *Debentures and Floating Charges.*

103. A condition contained in any debentures or in any deed for securing any debentures shall not be invalid by reason only that thereby the debentures are made irredeemable or redeemable only on the happening of a contingency, however remote, or on the expiration of a period, however long, any rule of equity to the contrary notwithstanding.

Perpetual debentures

104.—(1) Where a company has redeemed any debentures previously issued, the company, unless the articles or the conditions of issue expressly otherwise provide, or unless the debentures have been redeemed in pursuance of any obligation on the company so to do (not being an obligation enforceable only by the person to whom the redeemed debentures were issued or his assigns), shall have power to keep the debentures alive for the purposes of re-issue, and where a company has purported to exercise such a power the company shall have power to re-issue the debentures either by re-issuing the same debentures or by issuing other debentures in their place, and upon such a re-issue the person entitled to the debentures shall have the same rights and priorities as if the debentures had not previously been issued

Power to re-issue redeemed debentures in certain cases.

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(2) Where with the object of keeping debentures alive for the purpose of re-issue they have been transferred to a nominee of the company, a transfer from that nominee shall be deemed to be a re-issue for the purposes of this section.

(3) Where a company has deposited any of its debentures to secure advances from time to time on current account or otherwise, the debentures shall not be deemed to have been redeemed by reason only of the account of the company having ceased to be in debit whilst the debentures remained so deposited.

(4) The re-issue of a debenture or the issue of another debenture in its place under the power by this section given to a company, shall be treated as the issue of a new debenture for the purposes of stamp duty, but it shall not be so treated for the purposes of any provision limiting the amount or number of debentures to be issued :

Provided that any person lending money on the security of a debenture re-issued under this section which appears to be duly stamped may give the debenture in evidence in any proceedings for enforcing his security without payment of the stamp duty or any penalty in respect thereof, unless he had notice or, but for his negligence, might have discovered, that the debenture was not duly stamped, but in any such case the company shall be liable to pay the proper stamp duty and penalty.

(5) Nothing in this section shall prejudice any power to issue debentures in the place of any debentures paid off or otherwise satisfied or extinguished, reserved to a company by its debentures or the securities for the same.

105. A contract with a company to take up and pay for any debentures of the company may be enforced by an order for specific performance.

106.—(1) Where either a receiver is appointed on behalf of the holders of any debentures of the company secured by a floating charge, or possession is taken by or on behalf of those debenture holders of any property comprised in or subject to the charge, then

Specific performance of contract to subscribe for debentures.

Payments of certain debts out of assets subject to floating charge in priority to claims under the charge. E. A 107).

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if the company is not at the time in course of being wound up, the debts which in every winding-up are under the provisions of Part IV. of this Ordinance relating to preferential payments to be paid in priority to all other debts, shall be paid forthwith out of any assets coming to the hands of the receiver or other person taking possession as aforesaid in priority to any claim for principal or interest in respect of the debentures.

(2) The periods of time mentioned in the said provisions of Part IV. of this Ordinance shall be reckoned from the date of the appointment of the receiver or of possession being taken as aforesaid, as the case may be.

(3) Any payments made under this section shall be recouped as far as may be out of the assets of the company available for payment of general creditors.

*Statement to be published by Banking and certain other Companies.*

107.—(1) Every company being a limited banking company or an insurance company or a deposit, provident, or benefit society shall, before it commences business, and also on the first Monday in February and the first Tuesday in August in every year during which it carries on business, make a statement in the form marked C. in the First Schedule to this Ordinance, or as near thereto as circumstances will admit.

Certain companies to publish statement in schedule.

(E. A. 103).

(2) A copy of the statement shall be put up in a conspicuous place in the registered office of the company, and in every branch office or place where the business of the company is carried on.

(3) Every member and every creditor of the company shall be entitled to a copy of the statement, on payment of a sum not exceeding sixpence.

(4) If default is made in compliance with this section, the company shall be liable to a fine not exceeding five pounds for every day during which the default continues; and every director and manager of the company who knowingly and wilfully authorises or permits the default shall be liable to the like penalty.

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(5) For the purposes of this Ordinance a company that carries on the business of insurance in common with any other business or businesses shall be deemed to be an insurance company.

*Inspection and Audit.*

Investigation of  
affairs of company  
by inspectors.

108.—(1) The registrar may appoint one or more competent inspectors to investigate the affairs of any company and to report thereon in such manner as the registrar directs—

(E. A. 109.)

(i) In the case of a banking company having a share capital, on the application of members holding not less than one third of the shares issued:

(ii) In the case of any other company having a share capital, on the application of members holding not less than one tenth of the shares issued:

(iii) In the case of a company not having a share capital, on the application of not less than one fifth in number of the persons on the company's register of members.

(2) The application shall be supported by such evidence as the registrar may require for the purpose of showing that the applicants have good reason for, and are not actuated by malicious motives in requiring, the investigation; and the registrar may, before appointing an inspector, require the applicants to give security for payment of the costs of the inquiry.

(3) It shall be the duty of all officers and agents of the company to produce to the inspectors all books and documents in their custody or power.

(4) An inspector may examine on oath the officers and agents of the company in relation to its business, and may administer an oath accordingly.

(5) If any officer or agent refuses to produce any book or document which under this section it is his duty to produce, or to answer any question relating to the affairs of the company, he shall be liable to a fine not exceeding five pounds in respect of each offence.

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(6) On the conclusion of the investigation the inspectors shall report their opinion to the registrar, and a copy of the report shall be forwarded by the registrar to the registered office of the company, and a further copy shall, at the request of the applicants for the investigation, be delivered to them.

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The report shall be written or printed, as the registrar directs.

(7) All expenses of and incidental to the investigation shall be defrayed by the applicants, unless the registrar direct the same to be paid by the company, which the registrar is hereby authorised to do.

109.—(1) A company may by special resolution appoint inspectors to investigate its affairs.

Power of company to appoint inspectors.

(2) Inspectors so appointed shall have the same powers and duties as inspectors appointed by the registrar except that, instead of reporting to the registrar, they shall report in such manner and to such persons as the company in general meeting may direct.

(E. A. 110)

(3) Officers and agents of the company shall incur the like penalties in case of refusal to produce any book or document required to be produced to inspectors so appointed, or to answer any question, as they would have incurred if the inspectors had been appointed by the registrar.

110. A copy of the report of any inspectors appointed under this Ordinance, authenticated by the seal of the company whose affairs they have investigated, shall be admissible in any legal proceeding as evidence of the opinion of the inspectors in relation to any matter contained in the report.

Report of inspectors to be evidence.

(E. A. 111.)

111.—(1) Every company shall at each annual general meeting appoint an auditor or auditors to hold office until the next annual general meeting.

Appointment and remuneration of Auditors.  
(E. A. 112.)

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(2) If an appointment of auditors is not made at an annual general meeting, the registrar may, on the application of any member of the company, appoint an auditor of the company for the current year, and fix the remuneration to be paid to him by the company for his services.

(3) A director or officer of the company shall not be capable of being appointed auditor of the company.

(4) A person, other than a retiring auditor, shall not be capable of being appointed auditor at an annual general meeting unless notice of an intention to nominate that person to the office of auditor has been given by a shareholder to the company not less than fourteen days before the annual general meeting, and the company shall send a copy of any such notice to the retiring auditor, and shall give notice thereof to the shareholders, either by advertisement or in any other mode allowed by the articles, not less than seven days before the annual general meeting :

Provided that if, after notice of the intention to nominate an auditor has been so given, an annual general meeting is called for a date fourteen days or less after the notice has been given, the notice, though not given within the time required by this provision, shall be deemed to have been properly given for the purposes thereof, and the notice to be sent or given by the company may, instead of being sent or given within the time required by this provision, be sent or given at the same time as the notice of the annual general meeting.

(5) The first auditors of the company may be appointed by the directors before the statutory meeting, and if so appointed shall hold office until the first annual general meeting, unless previously removed by a resolution of the shareholders in general meeting, in which case the shareholders at that meeting may appoint auditors.

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(6) The directors may fill any casual vacancy in the office of auditor, but while any such vacancy continues the surviving or continuing auditor or auditors, if any, may act.

(7) The remuneration of the auditors of a company shall be fixed by the company in general meeting, except that the remuneration of any auditors appointed before the statutory meeting, or to fill any casual vacancy, may be fixed by the directors.

112.—(1) Every auditor of a company shall have a right of access at all times to the books and accounts and vouchers of the company, and shall be entitled to require from the directors and officers of the company such information and explanation as may be necessary for the performance of the duties of the auditors.

Powers and duties  
of auditors.

(E.A. 113)

(2) The auditors shall make a report to the shareholders on the accounts examined by them, and on every balance sheet laid before the company in general meeting during their tenure of office, and the report shall state—

(a) whether or not they have obtained all the information and explanations they have required; and

(b) whether, in their opinion, the balance sheet referred to in the report is properly drawn up so as to exhibit a true and correct view of the state of the company's affairs according to the best of their information and the explanations given to them, and as shown by the books of the company.

(3) The balance sheet shall be signed on behalf of the board by two of the directors of the company, or if there is only one director, by that director, and the auditors' report shall be attached to the balance sheet, or there shall be inserted at the foot of the balance sheet a reference to the report, and the report shall be read before the company in general meeting, and shall be open to inspection by any shareholder.

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Any shareholder shall be entitled to be furnished with a copy of the balance sheet and auditors' report at a charge not exceeding sixpence for every hundred words.

(4) If any copy of a balance sheet which has not been signed as required by this section is issued, circulated, or published, or if any copy of a balance sheet is issued, circulated, or published without either having a copy of the auditors' report attached thereto or containing such reference to that report as is required by this section, the company, and every director, manager, secretary, or other officer of the company who is knowingly a party to the default, shall on conviction be liable to a fine not exceeding fifty pounds.

Rights of preference shareholders, &c. as to receipt and inspection of reports, &c.

(E.A. 114.)

113.—(1) Holders of preference shares and debentures of a company shall have the same right to receive and inspect the balance sheets of the company and the reports of the auditors and other reports as is possessed by the holders of ordinary shares in the company.

(2) This section shall not apply to a private company.

*Carrying on Business with less than the legal Minimum of Members.*

Prohibition of carrying on business with fewer than seven or, in the case of a private company, two members.

(E.A. 115.)

114. If at any time the number of members of a company is reduced, in the case of a private company, below two, or, in the case of any other company, below seven, and it carries on business for more than six months while the number is so reduced, every person who is a member of the company during the time that it so carries on business after those six months, and is cognisant of the fact that it is carrying on business with fewer than two members, or seven members, as the case may be, shall be severally liable for the payment of the whole debts of the company contracted during that time, and may be sued for the same, without joinder in the action of any other member.

*Service and Authentication of Documents.*

Service of documents on company.

(E.A. 116.)

115. A document may be served on a company by leaving it at or sending it by post to the registered office of the company.

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116. A document or proceeding requiring authentication by a company may be signed by a director, secretary, or other authorised officer of the company, and need not be under its common seal.

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Authentication of documents.

(E.A. 117.)

*Tables and Forms.*

117.—(1) The forms in the Third Schedule to this Ordinance or forms as near thereto as circumstances admit shall be used in all matters to which those forms refer.

Application and alteration of tables and forms.

(E.A. 118.)

(2) The registrar may alter any of the tables and forms in the First Schedule to this Ordinance, so that it does not increase the amount of fees payable to the registrar in the said schedule mentioned, and may alter or add to the forms in the said Third Schedule.

(3) Any such table or form, when altered, shall be published in the Gazette, and thenceforth shall have the same force as if it were included in one of the Schedules to this Ordinance, but no alteration made by the registrar in Table A. in the said First Schedule shall affect any company registered before the alteration, or repeal, as respects that company, any portion of that table.

*Arbitrations.*

118.—(1) A company may by writing under its common seal agree to refer and may refer to arbitration, in accordance with the Railway Companies Arbitration Act, 1859, any existing or future difference between itself and any other company or person.

Arbitration between companies and others 22 &amp; 23 Vict. c. 59.

(E.A. 119.)

(2) Companies parties to the arbitration may delegate to the arbitrator power to settle any terms or to determine any matter capable of being lawfully settled or determined by the companies themselves, or by their directors or other managing body.

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22 &amp; 23 Vict. c. 69.

(3) All the provisions of the Railway Companies Arbitration Act, 1859, shall apply to arbitrations between companies and persons in pursuance of this Ordinance and in the construction of those provisions "the companies" shall include companies under this Ordinance.

*Power to compromise.*

Power to compromise with creditors and members.

(E.A. 120.)

119.—(1) Where a compromise or arrangement is proposed between a company and its creditors or any class of them, or between the company and its members or any class of them, the court may, on the application in a summary way of the company or of any creditor or member of the company or, in the case of a company being wound up, of the liquidator, order a meeting of the creditors or class of creditors, or of the members of the company or class of members, as the case may be, to be summoned in such manner as the court directs.

(2) If a majority in number representing three-fourths in value of the creditors or class of creditors, or members or class of members, as the case may be, present either in person or by proxy at the meeting, agree to any compromise or arrangement, the compromise or arrangement shall, if sanctioned by the court, be binding on all the creditors or the class of creditors, or on the members or class of members, as the case may be, and also on the company or, in the case of a company in the course of being wound up, on the liquidator and contributories of the company.

(3) In this section the expression "company" means any company liable to be wound up under this Ordinance.

*Meaning of "Private Company."*

Meaning of "private company."

(E.A. 121.)

120.—(1) For the purposes of this Ordinance the expression "private company" means a company which by its articles—

(a) restricts the right to transfer its shares; and

- (b) limits the number of its members (exclusive of persons who are in the employment of the company) to fifty; and
- (c) prohibits any invitation to the public to subscribe for any shares or debentures of the company

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(2) A private company may, subject to anything contained in the memorandum or articles, by passing a special resolution and by filing with the registrar such a statement in lieu of prospectus as the company, if a public company, would have had to file before allotting any of its shares or debentures, together with such a statutory declaration as the company, if a public company, would have had to file before commencing business, turn itself into a public company.

(3) Where two or more persons hold one or more shares in a company jointly they shall, for the purposes of this section, be treated as a single member.

## PART IV.

## WINDING UP.

*Preliminary.*

121.—(1) The winding up of a company may be either—

Modes of winding up.

(E.A. 122.)

- (i) by the court; or
- (ii) voluntary; or
- (iii) subject to the supervision of the court.

(2) The provisions of this Ordinance with respect to winding up apply, unless the contrary appears, to the winding up of a company in any of those modes.

*Contributories.*

122.—(1) In the event of a company being wound up, every present and past member shall, subject to the provisions of this section, be liable to contribute to the assets of the company to an amount sufficient for payment of its debts and liabilities and the costs, charges, and expenses of the winding up, and for the

Liability as contributories of present and past members.

(E.A. 123.)

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adjustment of the rights of the contributories among themselves, with the qualifications following (that is to say):—

- (i) A past member shall not be liable to contribute if he has ceased to be a member for one year or upwards before the commencement of the winding up :
- (ii) A past member shall not be liable to contribute in respect of any debt or liability of the company contracted after he ceased to be a member :
- (iii) A past member shall not be liable to contribute unless it appears to the court that, the existing members are unable to satisfy the contributions required to be made by them in pursuance of this Ordinance :
- (iv) In the case of a company limited by shares no contribution shall be required from any member exceeding the amount, if any, unpaid on the shares in respect of which he is liable as a present or past member :
- (v) In the case of a company limited by guarantee, no contribution shall be required from any member exceeding the amount undertaken to be contributed by him to the assets of the company in the event of its being wound up :
- (vi) Nothing in this Ordinance shall invalidate any provision contained in any policy of insurance or other contract whereby the liability of individual members on the policy or contract is restricted, or whereby the funds of the company are alone made liable in respect of the policy or contract :
- (vii) A sum due to any member of a company, in his character of a member, by way of dividends, profits, or otherwise, shall not be deemed to be a debt of the company, payable to that member in a case of competition between himself and any other creditor not

a member of the company; but any such sum may be taken into account for the purpose of the final adjustment of the rights of the contributories among themselves.

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(2) In the winding up of a limited company, any director or manager, whether past or present, whose liability is, in pursuance of this Ordinance, unlimited, shall, in addition to his liability (if any) to contribute as an ordinary member, be liable to make a further contribution as if he were at the commencement of the winding up a member of an unlimited company: Provided that—

- (i) A past director or manager shall not be liable to make such further contribution if he has ceased to hold office for a year or upwards before the commencement of the winding up:
- (ii) A past director or manager shall not be liable to make such further contribution in respect of any debt or liability of the company contracted after he ceased to hold office:
- (iii) Subject to the articles of the company, a director or manager shall not be liable to make such further contribution unless the court deems it necessary to require that contribution in order to satisfy the debts and liabilities of the company, and the costs, charges, and expenses of the winding up.

(3) In the winding up of a company limited by guarantee which has a share capital, every member of the company shall be liable, in addition to the amount undertaken to be contributed by him to the assets of the company in the event of its being wound up, to contribute to the extent of any sums unpaid on any shares held by him.

123. The term "contributory" means every person liable to contribute to the assets of a company in the event of its being wound up, and, in all proceedings for determining and in all proceedings prior to the final determination of the persons who are to be deemed contributories, includes any person alleged to be a contributory.

Definition of contributory.

(E.A. 124.)

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Nature of liability  
of contributory.

(E.A. 125.)

124. The liability of a contributory shall create a debt of the nature of a specialty accruing due from him at the time when his liability commenced, but payable at the times when calls are made for enforcing the liability.

Contributories in  
case of death of  
member.

(E.A. 126.)

125.—(1) If a contributory dies either before or after he has been placed on the list of contributories, his personal representatives and his heirs and devisees, shall be liable in due course of administration to contribute to the assets of the company in discharge of his liability and shall be contributories accordingly.

(2) Where the personal representatives are placed on the list of contributories, the heirs or devisees need not be added, but, they may be added as and when the court thinks fit.

(3) If the personal representatives make default in paying any money ordered to be paid by them, proceedings may be taken for administering the personal and real estates of the deceased contributory, or either of them, and of compelling payment thereof of the money due.

Contributories in  
case of bankruptcy  
of member.

(E.A. 127.)

126. If a contributory becomes bankrupt, either before or after he has been placed on the list of contributories, then—

- (1) his trustee in bankruptcy shall represent him for all the purposes of the winding up, and shall be a contributory accordingly, and may be called on to admit to proof against the estate of the bankrupt, or otherwise to allow to be paid out of his assets in due course of law, any money due from the bankrupt in respect of his liability to contribute to the assets of the company: and
- (2) there may be proved against the estate of the bankrupt the estimated value of his liability to future calls as well as calls already made.

*Winding up by Court.*

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127. A company may be wound up by the court—
- (i) if the company has by special resolution resolved that the company be wound up by the court:
  - (ii) if default is made in filing the statutory report or in holding the statutory meeting:
  - (iii) if the company does not commence its business within a year from its incorporation, or suspends its business for a whole year:
  - (iv) if the number of members is reduced, in the case of a private company, below two, or, in the case of any other company, below seven:
  - (v) if the company is unable to pay its debts:
  - (vi) if the court is of opinion that it is just and equitable that the company should be wound up.
128. A company shall be deemed to be unable to pay its debts—
- (i) if a creditor, by assignment or otherwise, to whom the company is indebted in a sum exceeding fifty pounds then due, has served on the company, by leaving the same at its registered office, a demand under his hand requiring the company to pay the sum so due, and the company has for three weeks thereafter neglected to pay the sum, or to secure or compound for it to the reasonable satisfaction of the creditor: or
  - (ii) if, in the Colony, execution or other process issued on a judgment decree or order of any court in favour of a creditor of the company is returned unsatisfied in whole or in part; or
  - (iii) if it is proved to the satisfaction of the court that the company is unable to pay its debts, and, in determining whether a company is unable to pay its debts, the court shall take into account the contingent and prospective liabilities of the company.

Circumstances in which company may be wound up by court.

(E.A. 129.)

Company when deemed unable to pay its debts.

(E.A. 130.)

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 —  
 Jurisdiction to  
 wind up companies.  
 (E.A. 131.)

129.—(1) The court having jurisdiction to wind up companies registered in the Colony shall be the Supreme Court. The petition to wind up the company shall be presented in the court of the Province in which the registered office of the company is situate.

(2) For the purposes of this section the expression "registered office" means the place which has longest been the registered office of the company during the six months immediately preceding the presentation of the petition for winding up.

Transfer of pro-  
 ceedings.  
 (E.A. 133.)

130.—(1) The winding up of a company by the court or any proceedings in the winding up may at any time and at any stage, and either with or without application from any of the parties thereto, be transferred from one court to another court, or may be retained in the court in which the proceedings were commenced, although it may not be the court in which they ought to have been commenced.

(2) The powers of transfer given by the foregoing provisions of this section may, subject to and in accordance with general rules, be exercised by the Chief Justice.

Provisions as to  
 applications for  
 winding up.  
 (E.A. 137.)

131.—(1) An application to the court for the winding up of a company shall be by petition, presented subject to the provisions of this section either by the company, or by any creditor or creditors (including any contingent or prospective creditor or creditors), contributory or contributories, or by all or any of those parties, together or separately: Provided that

(a) A contributory shall not be entitled to present a petition for winding up a company unless—

(i) either the number of members is reduced, in the case of a private company, below two, or, in the case of any other company, below seven; or

(ii) the shares in respect of which he is a contributory, or some of them, either were originally allotted to him or have been held by him, and registered in his name, for at least six months during the eighteen months before the commencement of the winding up, or have devolved on him through the death of a former holder; and

(b) A petition for winding up a company on the ground of default in filing the statutory report or in holding the statutory meeting shall not be presented by any person except a shareholder, nor before the expiration of fourteen days after the last day on which the meeting ought to have been held; and

(c) The court shall not give a hearing to a petition for winding up a company by a contingent or prospective creditor until such security for costs has been given as the court thinks reasonable and until a prima facie case for winding up has been established to the satisfaction of the court.

(2) Where a company is being wound up voluntarily or subject to supervision, a petition may be presented by the official receiver attached to the court, as well as by any other person authorised in that behalf under the other provisions of this section, but the court shall not make a winding-up order on the petition unless it is satisfied that the voluntary winding up or winding up subject to supervision cannot be continued with due regard to the interests of the creditors or contributories

(3) Where under the provisions of this Part of this Ordinance any person as being the husband, by marriage acknowledged by English law, of a female contributory is himself a contributory and a share has during the whole or any part of the six months been held by or registered in the name of the wife, or by or in the name of a trustee for the wife or for the husband, the share shall, for the purposes of this section, be deemed to have been held by and registered in the name of the husband.

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Effect of winding-up order.

(E.A. 138.)

132. An order for winding up a company shall operate in favour of all the creditors and of all the contributories of the company as if made on the joint petition of a creditor and of a contributory.

Commencement of winding up by court.

(E.A. 139.)

133. A winding up of a company by the court shall be deemed to commence at the time of the presentation of the petition for the winding up.

Power to stay or restrain proceedings against company.

(E.A. 140.)

134. At any time after the presentation of a petition for winding up, and before a winding-up order has been made, the company, or any creditor or contributory, may--

- (a) where any action or proceeding against the company is pending in the Supreme Court apply to the court in which the action or proceeding is pending for a stay of proceedings therein; and
- (b) where any other action or proceeding is pending against the company, apply to the court having jurisdiction to wind up the company to restrain further proceedings in the action or proceeding;

and the court to which application is so made may, as the case may be, stay or restrain the proceedings accordingly on such terms as it thinks fit.

Powers of court on hearing petition.

(E.A. 141.)

135.- (1) On hearing the petition the court may dismiss it with or without costs, or adjourn the hearing conditionally or unconditionally, or make any interim order, or any other order that it deems just, but the court shall not refuse to make a winding-up order on the ground only that the assets of the company have been mortgaged to an amount equal to or in excess of those assets, or that the company has no assets.

(2) Where the petition is presented on the ground of default in filing the statutory report or in holding the statutory meeting, the court may order the costs to be paid by any persons who, in the opinion of the court, are responsible for the default.

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136. When a winding-up order has been made, no action or proceeding shall be proceeded with or commenced against the company except by leave of the court, and subject to such terms as the court may impose.

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Actions stayed on winding-up order.  
(E.A. 142.)

137. On the making of a winding-up order, a copy of the order must forthwith be forwarded by the company to the registrar, who shall make a minute thereof in his books relating to the company.

Copy of order to be forwarded to registrar.  
(E.A. 143.)

138. The court may at any time after an order for winding up, on the application of any creditor or contributory, and on proof to the satisfaction of the court that all proceedings in relation to the winding up ought to be stayed, make an order staying the proceedings, either altogether or for a limited time, on such terms and conditions as the court thinks fit.

Power of court to stay winding-up.  
(E.A. 144.)

139. The court may, as to all matters relating to a winding up, have regard to the wishes of the creditors or contributories as proved to it by any sufficient evidence.

Court may have regard to wishes of creditors or contributories.

(E.A. 145.)

*Official Receiver.*

140.—(1) For the purposes of this Ordinance, so far as it relates to the winding up of companies by the court, the term "official receiver" shall mean the official receiver appointed for the purpose by the Governor.

Definition of official receiver.

(E.A. 146.)

141.—(1) Where the court has made a winding-up order, there shall be made out and submitted to the official receiver a statement as to the affairs of the company in the prescribed form, verified by affidavit, and showing the particulars of its assets, debts, and liabilities, the names, residences, and occupations of its creditors, the securities held by them respectively, the dates when the securities were respectively given, and such further or other information as may be prescribed or as the official receiver may require.

Statement of company's affairs to be submitted to official receiver.

(E.A. 147.)

(2) The statement shall be submitted and verified by one or more of the persons who are at the time of the winding-up order the directors and by the person who is at that time the secretary or other chief officer of the

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company, or by such of the persons being or having been directors or officers of the company or having taken part in the formation of the company at any time within one year before the winding-up order, as the official receiver, subject to the direction of the court, may require to submit and verify the same.

(3) The statement shall be submitted within fourteen days from the date of the order, or within such extended time as the official receiver or the court may for special reasons appoint.

(4) Any person making or concurring in making the statement and affidavit required by this section shall be allowed, and shall be paid by the official receiver, out of the assets of the company, such costs and expenses incurred in and about the preparation and making of the statement and affidavit as the official receiver may consider reasonable, subject to an appeal to the court.

(5) If any person, without reasonable excuse, makes default in complying with the requirements of this section, he shall be liable to a fine not exceeding ten pounds for every day during which the default continues.

(6) Any person stating himself in writing to be a creditor or contributory of the company shall be entitled by himself or by his agent at all reasonable times, on payment of the prescribed fee, to inspect the statement submitted in pursuance of this section, and to a copy thereof or extract therefrom. But any person untruthfully so stating himself to be a creditor or contributory shall be guilty of a contempt of court and shall be punishable accordingly on the application of the liquidator or of the official receiver.

Report by official receiver.

(E. A. 148.)

142.—(1) Where the court has made a winding-up order, the official receiver shall, as soon as practicable after receipt of the statement of the company's affairs, submit a preliminary report to the court—

(a) as to the amount of capital issued, subscribed, and paid up, and the estimated amount of assets and liabilities; and

- (b) if the company has failed, as to the causes of the failure; and
- (c) whether in his opinion further enquiry is desirable as to any matter relating to the promotion, formation, or failure of the company, or the conduct of the business thereof.

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(2) The official receiver may also, if he thinks fit, make a further report, or further reports, stating the manner in which the company was formed and whether in his opinion any fraud has been committed by any person in its promotion or formation, or by any director or other officer of the company in relation to the company since the formation thereof, and any other matters which in his opinion it is desirable to bring to the notice of the court.

### *Liquidators.*

143.—(1) For the purpose of conducting the proceedings in winding-up a company and performing such duties in reference thereto as the court may impose, the court may appoint a liquidator or liquidators.

Appointment, remuneration, and title of liquidators.

(E.A. 149.)

(2) The court may make such an appointment provisionally at any time after the presentation of a petition and before the making of an order for winding up.

- (3) (a) If a provisional liquidator is appointed before the making of a winding-up order, the official receiver or any other fit person may be appointed.
- (b) On a winding-up order being made the official receiver shall by virtue of his office become the provisional liquidator and shall continue to act as such until he or another person becomes liquidator and is capable of acting as such :

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(c) When a person other than the official receiver is appointed liquidator he shall not be capable of acting as liquidator until he has notified his appointment to the registrar and given security in the prescribed manner to the satisfaction of the court.

(4) If more than one liquidator is appointed by the court, the court shall declare whether any act by this Ordinance required or authorised to be done by the liquidator is to be done by all or any one or more of the persons appointed.

(5) A liquidator appointed by the court may resign, or, in cause shown, be removed by the court,

(6) A vacancy in the office of a liquidator appointed by the court shall be filled by the court.

The official receiver shall by virtue of his office be the liquidator during the vacancy.

(7) Where a person other than the official receiver is appointed liquidator, he shall receive such salary or remuneration by way of percentage or otherwise as the court may direct; and, if more such persons than one are appointed liquidators, their remuneration shall be distributed among them in such proportions as the court directs.

(8) A liquidator shall be described as follows (that is to say):—

(a) where a person other than the official receiver is liquidator, by the style of the liquidator, and,

(b) where the official receiver is liquidator, by the style of the official receiver and liquidator,

of the particular company in respect of which he is appointed, and not by his individual name.

(9) The acts of a liquidator shall be valid notwithstanding any defects that may afterwards be discovered in his appointment or qualification.

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144.—In a winding up by the court the liquidator shall take into his custody, or under his control, all the property and things in action to which the company is or appears to be entitled.

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Custody of company's property.  
(E.A. 150)

145.—(1) The liquidator in a winding up by the court shall have power, with the sanction either of the court or of the committee of inspection:—

Powers of liquidator.  
(E.A. 151.)

(a) to bring or defend any action or other legal proceeding in the name and on behalf of the company:

(b) to carry on the business of the company, so far as may be necessary for the beneficial winding up thereof:

(c) to employ a barrister, solicitor or other agent to take any proceedings or do any business which the liquidator is unable to take or do himself; but the sanction in this case must be obtained before the employment, except in cases of urgency, and in those cases it must be shown that no undue delay took place in obtaining the sanction:

(2) The liquidator in a winding up by the court shall have power, subject to the provisions of this section:—

(a) To sell the real and personal property, and things in action of the company by public auction or private contract, with power to transfer the whole thereof to any person or company, or to sell the same in parcels:

(b) To do all acts and to execute, in the name and on behalf of the company, all deeds, receipts, and other documents, and for that purpose to use, when necessary, the company's seal:

(c) To prove, rank, and claim in the bankruptcy, insolvency, or sequestration of any contributory, for any balance against his estate, and to receive dividends in the bankruptcy, insolvency, or sequestration in respect of that balance, as a separate debt due from the bankrupt or insolvent, and rateably with the other separate creditors:

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- (d) To draw, accept, make, and indorse any bill of exchange or promissory note in the name and on behalf of the company, with the same effect with respect to the liability of the company as if the bill or note had been drawn, accepted, made, or endorsed by or on behalf of the company in the course of its business:
- (e) To raise on the security of the assets of the company any money requisite:
- (f) To take out in his official name, letters of administration to any deceased contributory, and to do in his official name any other act necessary for obtaining payment of any money due from a contributory or his estate which cannot be conveniently done in the name of the company; and in all such cases the money due shall, for the purpose of enabling the liquidator to take out the letters of administration or recover the money, be deemed to be due to the liquidator himself:
- (g) To do all such other things as may be necessary for winding up the affairs of the company and distributing its assets.

(3) The exercise by the liquidator in a winding up by the court of the powers conferred by this section shall be subject to the control of the court, and any creditor or contributory may apply to the court with respect to any exercise or proposed exercise of any of those powers.

(4) Where a liquidator is provisionally appointed by the court, the court may limit and restrict his powers by the order appointing him.

146.—(1) When a winding-up order has been made by the court, the official receiver shall summon separate meetings of the creditors and contributories of the company for the purpose of—

- (a) determining whether or not an application is to be made to the court for appointing a liquidator in the place of the official receiver; and

Meetings of creditors and contributories winding-up.

(E.A. 152)

(b) determining whether or not an application is to be made to the court for the appointment of a committee of inspection to act with the liquidator, and who are to be the members of the committee if appointed.

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(2) The court may make any appointment and order required to give effect to any such determination, and, if there is a difference between the determinations of the meetings of the creditors and contributories in respect of any of the matters mentioned in the foregoing provisions of this section, the court shall decide the difference and make such order thereon as the court may think fit.

(3) In case a liquidator is not appointed by the court the official receiver shall be the liquidator of the company.

147. Where in the winding up of a company by the court a person other than the official receiver is appointed liquidator he shall give the official receiver such information and such access to and facilities for inspecting the books and documents of the company, and generally such aid as may be requisite for enabling that officer to perform his duties under this Ordinance.

Liquidator to give information to official receiver.  
(E.A. 153)

148.—(1) Every liquidator of a company which is being wound up by the court shall, in such manner and at such times as the registrar, with the concurrence of the Provincial Treasurer, directs, pay the money received by him to the Companies Liquidation Account at the Treasury, and the Provincial Treasurer shall furnish him with a certificate of receipt of the money so paid:

Payments of liquidator in winding up into the Treasury and bank.  
(E.A. 154)

Provided that, if the committee of inspection satisfy the registrar that for the purpose of carrying on the business of the company or of obtaining advances, or for any other reason, it is for the advantage of the creditors or contributories that the liquidator should have an account with any bank, the registrar shall, on the application of the committee of inspection, authorise the liquidator to make his payments into and out of such bank as the committee may select, and thereupon those payments shall be made in the prescribed manner.

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(2) If any such liquidator at any time retains for more than ten days a sum exceeding fifty pounds, or such other amounts as the registrar in any particular case authorises him to retain, then, unless he explains the retention to the satisfaction of the registrar he shall pay interest on the amount so retained in excess at the rate of twenty per cent. per annum, and shall be liable to disallowance of all or such part of his remuneration as the registrar may think just, and to be removed from his office by the registrar, and shall be liable to pay any expenses occasioned by reason of his default.

(3) A liquidator of a company which is being wound up by the court shall not pay any sums received by him as liquidator into his private banking account.

Audit of liquidator's accounts in winding up.

(E.A. 155)

149.— (1) Every liquidator of a company which is being wound up by the court shall, at such times as may be prescribed but not less than twice in each year during his tenure of office, send to the registrar an account of his receipts and payments as liquidator.

(2) The account shall be in a prescribed form, shall be made in duplicate, and shall be verified by a statutory declaration in the prescribed form.

(3) The registrar shall cause the account to be audited and for the purpose of the audit the liquidator shall furnish the registrar with such vouchers and information as the registrar may require, and the registrar may at any time require the production of and inspect any books or accounts kept by the liquidator.

(4) When the account has been audited, one copy thereof shall be filed and kept by the registrar, and the other copy shall be filed with the court, and each copy shall be open to the inspection of any creditor, or of any person interested.

(5) The registrar shall cause the account when audited or a summary thereof to be printed, and shall send a printed copy of the account or summary by post to every creditor and contributory.

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150. Every liquidator of a company which is being wound up by the court shall keep, in manner prescribed, proper books in which he shall cause to be made entries or minutes of proceedings at meetings, and of such other matters as may be prescribed, and any creditor or contributory may, subject to the control of the court, personally or by his agent inspect any such books.

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Books to be kept  
by liquidator in  
winding up.  
(E.A. 156)

151.—(1) When the liquidator of a company which is being wound up by the court has realised all the property of the company, or so much thereof as can, in his opinion, be realised without needlessly protracting the liquidation, and has distributed a final dividend, if any, to the creditors, and adjusted the rights of the contributories among themselves, and made a final return, if any, to the contributories, or has resigned, or has been removed from his office, the registrar shall, on his application, cause a report on his accounts to be prepared, and, on his complying with all the requirements of the registrar shall take into consideration the report, and any objection which may be urged by any creditor, or contributory, or person interested against the release of the liquidator, and shall either grant or withhold the release accordingly, subject nevertheless to an appeal to the court.

Release of liquidators.  
(E.A. 157)

(2) Where the release of a liquidator is withheld the court may, on the application of any creditor, or contributory, or person interested, make such order as it thinks just, charging the liquidator with the consequences of any act or default which he may have done or made contrary to his duty.

(3) An order of the registrar releasing the liquidator shall discharge him from all liability in respect of any act done or default made by him in the administration of the affairs of the company, or otherwise in relation to his conduct as liquidator, but any such order may be revoked on proof that it was obtained by fraud or by suppression or concealment of any material fact.

(4) Where the liquidator has not previously resigned or been removed, his release shall operate as a removal of him from his office.

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Exercise and control of liquidator's powers in.

(E.A. 158)

152.—(1) Subject to the provisions of this Ordinance, the liquidator of a company which is being wound up by the court shall, in the administration of the assets of the company and in the distribution thereof among its creditors, have regard to any directions that may be given by resolution of the creditors or contributories at any general meeting, or by the committee of inspection, and any directions given by the creditors or contributories at any general meeting shall in case of conflict be deemed to override any directions given by the committee of inspection.

(2) The liquidator may summon general meetings of the creditors or contributories for the purpose of ascertaining their wishes, and it shall be his duty to summon meetings at such times as the creditors or contributories, by resolution, either at the meeting appointing the liquidator or otherwise, may direct, or whenever requested in writing to do so by one tenth in value of the creditors or contributories as the case may be.

(3) The liquidator may apply to the court in manner prescribed for directions in relation to any particular matter arising under the winding up.

(4) Subject to the provisions of this Ordinance, the liquidator shall use his own discretion in the management of the estate and its distribution among the creditors.

(5) If any person is aggrieved by any act or decision of the liquidator, that person may apply to the court, and the court may confirm, reverse, or modify the act or decision complained of, and make such order in the premises as it thinks just.

Control of registrar over liquidators.  
(E.A. 159)

153.—(1) The registrar shall take cognizance of the conduct of liquidators of companies which are being wound up by the court and, if a liquidator does not faithfully perform his duties and duly observe all the requirements imposed on him by Ordinance, rules, or otherwise with respect to the performance of his duties, or if any complaint is made to the registrar by any creditor or contributory in regard thereto, the registrar shall inquire into the matter, and take such action thereon as he may think expedient.

(2) The registrar may at any time require any liquidator of a company which is being wound up by the court to answer any inquiry in relation to any winding up in which he is engaged, and may, if the registrar think fit, apply to the court to examine him or any other person on oath concerning the winding up.

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(3) The registrar may also direct a local investigation to be made of the books and vouchers of the liquidator.

*Committee of Inspection, Special Manager, Receiver.*

154.—(1) A committee of inspection appointed in pursuance of this Ordinance shall consist of creditors and contributories of the company or persons holding general powers of attorney from creditors or contributories in such proportions as may be agreed on by the meetings of creditors and contributories, or as, in case of difference, may be determined by the court.

Committee of inspection in winding up.

(E.A. 160)

(2) The committee shall meet at such times as they from time to time appoint, and, failing such appointment, at least once a month; and the liquidator or any member of the committee may also call a meeting of the committee as and when he thinks necessary.

(3) The committee may act by a majority of their members present at a meeting, but shall not act unless a majority of the committee are present.

(4) Any member of the committee may resign by notice in writing signed by him and delivered to the liquidator.

(5) If a member of the committee becomes bankrupt, or insolvent or compounds or arranges with his creditors, or is absent from five consecutive meetings of the committee without the leave of those members who together with himself represent the creditors or contributories, as the case may be, his office shall thereupon become vacant.

(6) Any member of the committee may be removed by an ordinary resolution at a meeting of creditors (if he represents creditors), or of contributories (if he represents contributories) of which seven days' notice has been given, stating the object of the meeting.

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(7) On a vacancy occurring in the committee the liquidator shall forthwith summon a meeting of creditors or of contributories, as the case may require, to fill the vacancy, and the meeting may, by resolution, re-appoint the same or appoint another creditor or contributory to fill the vacancy.

(8) The continuing members of the committee, if not less than two, may act notwithstanding any vacancy in the committee.

(9) If there is no committee of inspection, any act or thing or any direction or permission by this Ordinance authorised or required to be done or given by the committee may be done or given by the registrar on the application of the liquidator.

Power to  
appoint special  
manager.  
(E.A. 161)

155.—(1) Where the official receiver becomes the liquidator of a company, whether provisionally or otherwise, he may, if satisfied that the nature of the estate or business of the company, or the interests of the creditors or contributories generally, require the appointment of a special manager of the estate or business of the company other than himself, apply to the court to, and the court may on such application, appoint a special manager thereof to act during such time as the court may direct, with such powers, including any of the powers of a receiver or manager, as may be entrusted to him by the court.

(2) The special manager shall give such security and account in such manner as the registrar direct.

(3) The special manager shall receive such remuneration as may be fixed by the court.

Power  
to appoint official  
receiver as receiver  
for debenture  
holders or creditors.  
(E.A. 162)

156. Where an application is made to the court to appoint a receiver on behalf of the debenture holders or other creditors of a company which is being wound up by the court, the official receiver may be so appointed.

#### *Ordinary Powers of Court.*

Settlement of list  
of contributories  
and application of  
assets.  
(E.A. 163)

157.—(1) As soon as may be after making a winding-up order, the court shall settle a list of contributories, with power to rectify the register of members in all cases where rectification is required in pursuance of this Ordinance, and shall cause the assets of the company to be collected, and applied in discharge of its liabilities.

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(2) In settling the list of contributories, the court shall distinguish between persons who are contributories in their own right and persons who are contributories as being representatives of or liable to the debts of others.

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158. The court may, at any time after making a winding-up order, require any contributory for the time being settled on the list of contributories, and any trustee, receiver, banker, agent, or officer of the company to pay, deliver, convey, surrender, or transfer forthwith, or within such time as the court directs, to the liquidator any money, property, or books and papers in his hands to which the company is prima facie entitled.

Power to require delivery of property.

(E.A. 164)

159.—(1) The court may, at any time after making a winding-up order, make an order on any contributory for the time being settled on the list of contributories to pay, in manner directed by the order, any money due from him or from the estate of the person whom he represents to the company, exclusive of any money payable by him or the estate by virtue of any call in pursuance of this Ordinance.

Power to order payment of debts by contributory.

(E.A. 165)

(2) The court in making such an order may, in the case of an unlimited company, allow to the contributory by way of set-off any money due to him or to the estate which he represents from the company on any independent dealing or contract with the company, but not any money due to him as a member of the company in respect of any dividend or profit; and may, in the case of a limited company, make to any director or manager whose liability is unlimited or to his estate the like allowance.

(3) But in the case of any company, whether limited or unlimited, when all the creditors are paid in full, any money due on any account whatever to a contributory from the company may be allowed to him by way of set-off against any subsequent call.

160.—(1) The court may, at any time after making a winding-up order, and either before or after it has ascertained the sufficiency of the assets of the company, make calls on and order payment thereof by all or any

Power of court to make calls.

(E.A. 166)

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of the contributories for the time being settled on the list of the contributories to the extent of their liability for payment of any money which the court considers necessary to satisfy the debts and liabilities of the company, and the costs, charges, and expenses of winding-up, and for the adjustment of the rights of the contributories among themselves.

(2) In making a call the court may take into consideration the probability that some of the contributories may partly or wholly fail to pay the call.

Power to order  
payment into  
Treasury.  
(E.A. 167)

161.—(1) The court may order any contributory purchaser or other person from whom money is due to the company to pay the same into the Treasury or to the account of the liquidator instead of to the liquidator, and any such order may be enforced in the same manner as if it had directed payment to the liquidator.

(2) All moneys and securities paid or delivered into the Treasury in the event of a winding up by the court shall be subject in all respects to the orders of the court.

Order on contribu-  
tory conclusive  
evidence.  
(E.A. 168)

162.—(1) An order made by the court on a contributory shall (subject to any right of appeal) be conclusive evidence that the money, if any, thereby appearing to be due or ordered to be paid is due.

(2) All other pertinent matters stated in the order shall be taken to be truly stated as against all persons, and in all proceedings, except proceedings against the real estate of a deceased contributory, in which case the order shall be only prima facie evidence for the purpose of charging his real estate, unless his heirs or devisees were on the list of contributories at the time of the order being made.

Power to exclude  
creditors not pro-  
ving in time.  
(E.A. 169)

163. The court may fix a time or times within which creditors are to prove their debts or claims, or to be excluded from the benefit of any distribution made before those debts are proved.

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164. The court shall adjust the rights of the contributories among themselves, and distribute any surplus among the persons entitled thereto.

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Adjustment of rights of contributories  
(E.A. 170)

165. The court may, in the event of the assets being insufficient to satisfy the liabilities, make an order as to the payment out of the assets of the costs, charges, and expenses incurred in the winding up in such order of priority as the court thinks just.

Power to order costs.  
(E.A. 171)

166.—(1) When the affairs of a company have been completely wound up, the court shall make an order that the company be dissolved from the date of the order, and the company shall be dissolved accordingly.

Dissolution of company.  
(E.A. 172)

(2) The order shall be reported at once by the liquidator to the registrar who shall make in his books a minute of the dissolution of the company.

(3) If the liquidator makes default in complying with the requirements of this section he shall be liable to a fine not exceeding five pounds for every day during which he is in default.

167. General rules may be made for enabling or requiring all or any of the powers and duties conferred and imposed on the court by this Ordinance, in respect of the matters following, to be exercised or performed by the liquidator as an officer of the court, and subject to the control of the court; that is to say, the powers and duties of the court in respect of—

Delegation to liquidator of certain powers of court.  
(E.A. 173)

- (a) holding and conducting meetings to ascertain the wishes of creditors and contributories.
- (b) settling lists of contributories and rectifying the register of members where required, and collecting and applying the assets;
- (c) requiring delivery of property or documents to the liquidator;
- (d) making calls;
- (e) fixing a time within which debts and claims must be proved.

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Provided that the liquidator shall not, without the special leave of the court, rectify the register of members, and shall not make any call without either the special leave of the court or the sanction of the committee of inspection.

*Extraordinary Powers of Court.*

Power to summon persons suspected of having property of company.

(E.A. 174)

168.—(1) The court may, after it has made a winding-up order, summon before it any officer of the company or person known or suspected to have in his possession any property of the company or supposed to be indebted to the company, or any person whom the court deems capable of giving information concerning the trade, dealing, affairs, or property of the company.

(2) The court may examine him on oath concerning the same, either by word of mouth or on written interrogatories, and may reduce his answers to writing and require him to sign them.

(3) The court may require him to produce any books and papers in his custody or power relating to the company; but, where he claims any lien on books or papers produced by him, the production shall be without prejudice to that lien, and the court shall have jurisdiction in the winding up to determine all questions relating to that lien.

(4) If any person so summoned, after being tendered a reasonable sum for his expenses, refuses to come before the court at the time appointed, not having a lawful impediment (made known to the court at the time of its sitting, and allowed by it), the court may cause him to be apprehended, and brought before the court for examination.

Power to order public examination of promoters, directors, &c.

(E.A. 175.)

169.—(1) When an order has been made for winding up a company by the court, and the official receiver has made a further report under this Ordinance stating that in his opinion a fraud has been committed by any person in the promotion or formation of the company, or by any director or other officer of the company in relation to the company since its formation, the court may, after consideration of the report, direct that any

person who has taken any part in the promotion or formation of the company, or has been a director, or officer of the company, shall attend before the court on a day appointed by the court for that purpose, and be publicly examined as to the promotion or formation or the conduct of the business of the company, or as to his conduct and dealings as director or officer thereof.

(2) The official receiver shall take part in the examination, and for that purpose may, if specially authorised by the registrar in that behalf, employ a barrister or solicitor.

(3) The liquidator, where the official receiver is not the liquidator, and any creditor or contributory, may also take part in the examination either personally or by barrister or solicitor.

(4) The court may put such questions to the person examined as the court thinks fit.

(5) The person examined shall be examined on oath, and shall answer all such questions as the court may put or allow to be put to him.

(6) A person ordered to be examined under this section shall at his own cost, before his examination, be furnished with a copy of the official receiver's report, and may at his own cost employ a barrister or solicitor who shall be at liberty to put to him such questions as the court may deem just for the purpose of enabling him to explain or qualify any answers given by him: Provided that if he is, in the opinion of the court, exculpated from any charges made or suggested against him, the court may allow him such costs as in its discretion it may think fit.

(7) Notes of the examination shall be taken down in writing, and shall be read over to or by, and signed by, the person examined, and may thereafter be used in evidence against him, and shall be open to the inspection of any creditor or contributory at all reasonable times.

(8) The court may, if it thinks fit, adjourn the examination from time to time.

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(9) An examination under this section may, if the court so directs, and subject to general rules, be held before a Police Magistrate, Commissioner of the Supreme Court or member of the Bar and the powers of the court under this section as to the conduct of the examination, but not as to costs, may be exercised by the person before whom the examination is held.

Power to arrest absconding contributory.  
(E.A. 176.)

170. The court, at any time either before or after making a winding-up order, on proof of probable cause for believing that a contributory is about to quit the Colony or otherwise to abscond, or to remove or conceal any of his property for the purpose of evading payment of calls, or of avoiding examination respecting the affairs of the company, may cause the contributory to be arrested, and his books and papers and moveable personal property to be seized, and him and them to be safely kept until such time as the court may order.

Powers of court cumulative.  
(E.A. 177.)

171. Any powers by this Ordinance conferred on the court shall be in addition to and not in restriction of any existing powers of instituting proceedings against any contributory or debtor of the company, or the estate of any contributory or debtor, for the recovery of any call or other sums.

#### *Enforcement of and Appeal from Orders.*

Power to enforce orders.  
(E.A. 178.)

172.—Orders made by the Supreme Court under this Ordinance may be enforced in the same manner as orders made in any action pending therein.

Appeals from order.  
(E.A. 181.)

173.—Subject to rules of court, an appeal from any order or decision made or given in the winding up of a company by the court under this Ordinance shall lie in the same manner and subject to the same conditions as an appeal from any order or decision of the court in cases within its ordinary jurisdiction.

#### *Voluntary Winding Up.*

Circumstances in which company may be wound up voluntarily.  
(E.A. 182.)

174. A company may be wound up voluntarily—

- (1) When the period (if any) fixed for the duration of the company by the articles expires, or the event (if any) occurs, on the occurrence of which the articles provide that

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the company is to be dissolved, and the company in general meeting has passed a resolution requiring the company to be wound up voluntarily:

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- (2) If the company resolves by special resolution that the company be wound up voluntarily:
- (3) If the company resolves by extraordinary resolution to the effect that it cannot by reason of its liabilities continue its business, and that it is advisable to wind up.

175. A voluntary winding up shall be deemed to commence at the time of the passing of the resolution authorising the winding up.

Commencement of voluntary winding up.  
(E. A. 183).

176. When a company is wound up voluntarily the company shall, from the commencement of the winding up, cease to carry on its business, except so far as may be required for the beneficial winding up thereof:

Effect of voluntary winding up on status of company.  
(E. A. 184).

Provided that the corporate state and corporate powers of the company shall, notwithstanding anything to the contrary in its articles, continue until it is dissolved.

177. When a company has resolved by special or extraordinary resolution to wind up voluntarily, it shall give notice of the resolution by advertisement in the Gazette.

Notice of resolution to wind up voluntarily.  
(E. A. 185).

178. The following consequences shall ensue on the voluntary winding up of a company:—

Consequences of voluntary winding up.  
(E. A. 186).

- (i) The property of the company shall be applied in satisfaction of its liabilities *pari passu*, and, subject thereto, shall, unless the articles otherwise provide, be distributed among the members according to their rights and interests in the company:
- (ii) The company in general meeting shall appoint one or more liquidators for the purpose of winding up the affairs and distributing the assets of the company, and may fix the remuneration to be paid to him or them.

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- (iii) On the appointment of a liquidator all the powers of the directors shall cease, except so far as the company in general meeting, or the liquidator, sanctions the continuance thereof:
- (iv) The liquidator may, without the sanction of the court, exercise all powers by this Ordinance given to the liquidator in a winding up by the court:
- (v) The liquidator may exercise the powers of the court under this Ordinance of settling a list of contributories, and of making calls, and shall pay the debts of the company, and adjust the rights of the contributories among themselves:
- (vi) The list of contributories shall be prima facie evidence of the liability of the persons named therein to be contributories:
- (vii) When several liquidators are appointed, every power hereby given may be exercised by such one or more of them as may be determined at the time of their appointment, or in default of such determination by any number not less than two:
- (viii) If from any cause whatever there is no liquidator acting, the court may, on the application of a contributory, appoint a liquidator:
- (ix) The court may, on cause shown, remove a liquidator, and appoint another liquidator.

Notice by liquidator of his appointment.

(E. A. 187).

179.—(1) The liquidator in a voluntary winding-up shall, within twenty-one days after his appointment, file with the registrar a notice of his appointment in the form prescribed by the registrar.

(2) If the liquidator fails to comply with the requirements of this section he shall be liable to a fine not exceeding five pounds for every day during which the default continues.

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180.—(1) Every liquidator appointed by a company in a voluntary winding-up shall, within seven days from his appointment, send notice by post to all persons who appear to him to be creditors of the company that a meeting of the creditors of the company will be held on a date, not being less than fourteen nor more than twenty-one days after his appointment, and at a place and hour, to be specified in the notice, and shall also advertise notice of the meeting once in the Gazette and once at least in two local newspapers, if any, circulating in the district where the registered office or principal place of business of the company was situate.

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Rights of creditors  
in a voluntary  
winding up.  
(E.A. 188.)

(2) At the meeting to be held in pursuance of the foregoing provisions of this section the creditors shall determine whether an application shall be made to the court for the appointment of any person as liquidator in the place of or jointly with the liquidator appointed by the company, or for the appointment of a committee of inspection, and, if the creditors so resolve, an application may be made accordingly to the court at any time, not later than fourteen days after the date of the meeting, by any creditor appointed for the purpose at the meeting.

(3) On any such application the court may make an order either for the removal of the liquidator appointed by the company and for the appointment of some other person as liquidator or for the appointment of some other person to act as liquidator jointly with the liquidator appointed by the company, or for the appointment of a committee of inspection either together with or without any such appointment of a liquidator or such other order as, having regard to the interests of the creditors and contributories of the company, may seem just.

(4) No appeal shall lie from any order of the court upon an application under this section.

(5) The court shall make such order as to the costs of the application as it may think fit, and if it is of opinion that, having regard to the interests of the creditors in the liquidation, there were reasonable grounds for the application, may order the costs of the

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application to be paid out of the assets of the company, notwithstanding that the application is dismissed or otherwise disposed of adversely to the applicant.

Power to fill vacancy in office of liquidator.

(E.A. 189).

181.—(1) If a vacancy occurs by death, resignation, or otherwise in the office of liquidator appointed by the company in a voluntary winding up, the company in general meeting may, subject to any arrangement with its creditors, fill the vacancy.

(2) For that purpose a general meeting may be convened by any contributory or, if there were more liquidators than one, by the continuing liquidators.

(3) The meeting shall be held in manner prescribed by the articles, or in such manner as may, on application by any contributory or by the continuing liquidators, be determined by the court.

Delegation of authority to appoint liquidator.

(E.A. 190).

182.—(1) A company about to be, or in course of being, wound up voluntarily may, by extraordinary resolution, delegate to its creditors, or to any committee of them, the power of appointing liquidators or any of them, and of supplying vacancies among the liquidators, or enter into any arrangement with respect to the powers to be exercised by the liquidators, and the manner in which they are to be exercised.

(2) Any act done by creditors in pursuance of any such delegated power shall have the same effect as if it had been done by the company.

Arrangement when binding on creditors.

(E.A. 191).

183.—(1) Any arrangement entered into between a company about to be, or in the course of being, wound up voluntarily and its creditors shall, subject to any right of appeal under this section, be binding on the company if sanctioned by an extraordinary resolution, and on the creditors if acceded to by three fourths in number and value of the creditors.

(2) Any creditor or contributory may, within three weeks from the completion of the arrangement, appeal to the court against it, and the court may thereupon, as it thinks just, amend, vary, or confirm the arrangement.

184.—(1) Where a company is proposed to be, or is in course of being, wound up altogether voluntarily, and the whole or part of its business or property is proposed to be transferred or sold to another company (in this section called the transferee company), the liquidator of the first-mentioned company (in this section called the transferor company) may, with the sanction of a special resolution of that company, conferring either a general authority on the liquidator or an authority in respect of any particular arrangement, receive in compensation or part compensation for the transfer or sale, shares, policies, or other like interests in the transferee company, for distribution among the members of the transferor company, or may enter into any other arrangement whereby the members of the transferor company may, in lieu of receiving cash, shares, policies, or other like interests, or in addition thereto, participate in the profits of or receive any other benefit from the transferee company.

(2) Any sale or arrangement in pursuance of this section shall be binding on the members of the transferor company.

(3) If any member of the transferor company who did not vote in favour of the special resolution at either of the meetings held for passing and confirming the same expresses his dissent therefrom in writing addressed to the liquidator, and left at the registered office of the company within seven days after the confirmation of the resolution, he may require the liquidator either to abstain from carrying the resolution into effect, or to purchase his interest at a price to be determined by agreement or by arbitration in manner provided by this section.

(4) If the liquidator elects to purchase the member's interest the purchase money must be paid before the company is dissolved, and be raised by the liquidator in such manner as may be determined by special resolution.

(5) A special resolution shall not be invalid for the purposes of this section by reason that it is passed before or concurrently with a resolution for winding up the company, or for appointing liquidators; but, if an order

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Power of liquidator to accept shares, &c. as consideration for sale of property of company.

(E.A. 192.)

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is made within a year for winding up the company by or subject to the supervision of the court, the special resolution shall not be valid unless sanctioned by the court.

8 &amp; 9 Vict. c. 16.

(6) For the purposes of an arbitration under this section the provisions of the Companies Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration, shall be incorporated with this Ordinance; and in the construction of those provisions this Ordinance shall be deemed to be the special Act and "the company" shall mean the transferor company, and any appointment by the said incorporated provisions directed to be made under the hand of the secretary, or any two of the directors, may be made under the hand of the liquidator, or, if there is more than one liquidator, then of any two or more of the liquidators.

Power to apply to court.

(E.A. 103).

185.—(1) Where a company is being wound up voluntarily the liquidator or any contributory or creditor may apply to the court to determine any question arising in the winding up, or to exercise, as respects the enforcing of calls, or any other matter, all or any of the powers which the court might exercise if the company were being wound up by the court.

(2) The court, if satisfied that the determination of the question or the required exercise of power will be just and beneficial, may accede wholly or partially to the application on such terms and conditions as the court thinks fit, or may make such other order on the application as the court thinks just.

Power of liquidator to call general meeting.

(E.A. 104).

186.—(1) Where a company is being wound up voluntarily, the liquidator may summon general meetings of the company for the purpose of obtaining the sanction of the company by special or extraordinary resolution, or for any other purposes he may think fit.

(2) In the event of the winding up continuing for more than one year, the liquidator shall summon a general meeting of the company as soon as possible after

the end of the first year from the commencement of the winding up, and of each succeeding year, and shall lay before the meeting an account of his acts and dealings and of the conduct of the winding up during the preceding year.

187. - (1) In the case of every voluntary winding up, as soon as the affairs of the company are fully wound up, the liquidator shall make up an account of the winding up, showing how the winding up has been conducted and the property of the company has been disposed of; and thereupon shall call a general meeting of the company for the purpose of laying before it the account, and giving any explanation thereof.

Final meeting and  
dissolution.

(E.A. 105).

(2) The meeting shall be called by advertisement in the Gazette, specifying the time, place, and object thereof, and published one month at least before the meeting.

(3) Within one week after the meeting, the liquidator shall make a return to the registrar of the holding of the meeting, and of its date, and in default of so doing shall be liable to a fine not exceeding five pounds for every day during which the default continues.

(4) The registrar on receiving the return shall forthwith register it, and on the expiration of three months from the registration of the return the company shall be deemed to be dissolved:

Provided that the court may, on the application of the liquidator or of any other person who appears to the court to be interested, make an order deferring the date at which the dissolution of the company is to take effect for such time as the court thinks fit.

(5) It shall be the duty of the person on whose application an order of the court under this section is made, within seven days after the making of the order, to file with the registrar an office copy of the order, and if that person fails so to do he shall be liable to a fine not exceeding five pounds for every day during which the default continues.

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Costs of voluntary liquidation.

(E.A. 196).

188. All costs, charges, and expenses properly incurred in the voluntary winding up of a company, including the remuneration of the liquidator, shall be payable out of the assets of the company in priority to all other claims.

Saving for rights of creditors and contributories.

(E.A. 197).

189. The voluntary winding up of a company shall not bar the right of any creditor or contributory to have it wound up by the court, if the court is of opinion, in the case of an application by a creditor, that the rights of the creditor or, in the case of an application by a contributory, that the rights of the contributories will be prejudiced by a voluntary winding up.

Power of court to adopt proceedings of voluntary winding up.

(E.A. 198).

190. Where a company is being wound up voluntarily, and an order is made for winding up by the court, the court may if it thinks fit by the same or any subsequent order provide for the adoption of all or any of the proceedings in the voluntary winding up.

*Winding Up subject to Supervision of Court.*

Power to order winding up subject to supervision.

(E.A. 199).

191. When a company has by special or extraordinary resolution resolved to wind up voluntarily, the court may make an order that the voluntary winding up shall continue but subject to such supervision of the court, and with such liberty for creditors, contributories, or others to apply to the court, and generally on such terms and conditions as the court thinks just.

Effect of petition for winding up subject to supervision.

(E.A. 200).

192. A petition for the continuance of a voluntary winding up subject to the supervision of the court shall, for the purpose of giving jurisdiction to the court over actions, be deemed to be a petition for winding up by the court.

Court may have regard to wishes of creditors and contributories.

(E.A. 201).

193. The court may, in deciding between a winding up by the court and a winding up subject to supervision, in the appointment of liquidators, and in all other matters relating to the winding up subject to supervision, have regard to the wishes of the creditors or contributories as proved to it by any sufficient evidence.

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194.—(1) Where an order is made for a winding up subject to supervision, the court may by the same or any subsequent order appoint any additional liquidator.

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Power for court to appoint or remove liquidators.

(E.A. 202).

(2) A liquidator appointed by the court under this section shall have the same powers, be subject to the same obligations, and in all respects stand in the same position as if he had been appointed by the company.

(3) The court may remove any liquidator so appointed by the court or any liquidator continued under the supervision order and fill any vacancy occasioned by the removal, or by death or resignation.

195.—(1) Where an order is made for a winding up subject to supervision, the liquidator may, subject to any restrictions imposed by the court, exercise all his powers, without the sanction or intervention of the court, in the same manner as if the company were being wound up altogether voluntarily.

Effect of supervision order.

(E.A. 203).

(2) A winding-up subject to the supervision of the court is not a winding-up by the court for the purpose of the following provisions of this Ordinance: namely, those contained in sections one hundred and forty-one, one hundred and forty-two, one hundred and forty-three, one hundred and forty-six, one hundred and forty-seven, one hundred and forty-eight, one hundred and forty-nine, one hundred and fifty, one hundred and fifty-one, one hundred and fifty-two, one hundred and fifty-three, one hundred and fifty-four, one hundred and fifty-five, one hundred and fifty-six, one hundred and sixty-seven, one hundred and sixty-nine, but, subject as aforesaid, an order for a winding up subject to supervision shall for all purposes, including the staying of actions and other proceedings, the making and enforcement of calls, and the exercise of all other powers, be deemed to be an order for winding up by the court.

*Supplemental Provisions.*

196.—(1) In the case of voluntary winding up, every transfer of shares, except transfers made to or with the sanction of the liquidator, and every alteration in the status of the members of the company made after the commencement of the winding up, shall be void.

Avoidance of transfers, &amp;c. after commencement of winding up.

(E.A. 205).

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(2) In the case of a winding up by or subject to the supervision of the court, every disposition of the property (including things in action) of the company, and every transfer of shares, or alteration in the status of its members, made after the commencement of the winding up, shall, unless the court otherwise orders, be void.

Debts of all descriptions to be proved.

(E.A. 206).

197. In every winding up (subject in the case of insolvent companies to the application in accordance with the provisions of this Ordinance of the law of bankruptcy) all debts payable on a contingency, and all claims against the company, present or future, certain or contingent, ascertained or sounding only in damages, shall be admissible to proof against the company, a just estimate being made, so far as possible, of the value of such debts or claims as may be subject to any contingency or sound only in damages, or for some other reason do not bear a certain value.

Application of bankruptcy rules in winding up of insolvent companies.

(E.A. 207).

198. In the winding up of an insolvent company registered in the Colony the same rules shall prevail and be observed with regard to the respective rights of secured and unsecured creditors and to debts provable and to the valuation of annuities and future and contingent liabilities as are in force for the time being under the law of bankruptcy in England with respect to the estates of persons adjudged bankrupt; and all persons who in any such case would be entitled to prove for and receive dividends out of the assets of the company may come in under the winding up, and make such claims against the company as they respectively are entitled to by virtue of this section.

Preferential payments.

(E.A. 209).

199.—(1) In a winding up there shall be paid in priority to all other debts—

- (a) All local rates and charges due from the company at the date hereinafter mentioned, and having become due and payable within twelve months next before that date, and all assessed taxes, land tax, property or income tax assessed on the company up to the annual day of assessment next before that date, and not exceeding in the whole one year's assessment;

- (b) All wages or salary of any clerk or servant in respect of services rendered to the company during four months before the said date, not exceeding fifty pounds; and
- (c) All wages of any workman or labourer not exceeding twenty-five pounds, whether payable for time or for piece work, in respect of services rendered to the company during two months before the said date: Provided that where any labourer in husbandry has entered into a contract for the payment of a portion of his wages in a lump sum at the end of the year of hiring, he shall have priority in respect of the whole of such sum, or a part thereof, as the court may decide to be due under the contract, proportionate to the time of service up to the said date.

(2) The foregoing debts shall—

- (a) Rank equally among themselves and be paid in full, unless the assets are insufficient to meet them, in which case they shall abate in equal proportions; and
- (b) So far as the assets of the company available for payment of general creditors are insufficient to meet them, have priority over the claims of holders of debentures under any floating charge created by the company, and be paid accordingly out of any property comprised in or subject to that charge.

(3) Subject to the retention of such sums as may be necessary for the costs and expenses of the winding up, the foregoing debts shall be discharged forthwith so far as the assets are sufficient to meet them.

(4) In the event of a landlord or other person distraining or having distrained on any goods or effects of the company within three months next before the date of a winding-up order, the debts to which priority is given by this section shall be a first charge on the goods or effects so distrained on, or the proceeds of the sale thereof:

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Provided that in respect of any money paid under any such charge the landlord or other person shall have the same rights of priority as the person to whom the payment is made.

(5) The date herein-before in this section referred to is —

(a) In the case of a company ordered to be wound up compulsorily which had not previously commenced to be wound up voluntarily, the date of the winding-up order; and

(b) In any other case, the date of the commencement of the winding up.

Fraudulent preference.  
(E.A. 210.)

200.—(1) Any conveyance, mortgage, delivery of goods, payment, execution, or other act relating to property which would, if made or done by or against an individual, be deemed in his bankruptcy (according to the then bankruptcy Laws of England) a fraudulent preference, shall, if made or done by or against a company, be deemed, in the event of its being wound up, a fraudulent preference of its creditors, and be invalid accordingly.

(2) For the purposes of this section the presentation of a petition for winding up in the case of a winding up by or subject to the supervision of the court, and a resolution for winding up in the case of a voluntary winding up, shall be deemed to correspond with the act of bankruptcy in the case of an individual.

(3) Any conveyance or assignment by a company of all its property to trustees for the benefit of all its creditors shall be void to all intents.

Avoidance of certain attachments, executions, &c., in case of registered company.  
(E.A. 211.)

201. Where any company is being wound up by or subject to the supervision of the court, any attachment, sequestration, distress, or execution put in force against the estate or effects of the company after the commencement of the winding-up shall be void to all intents.

202. Where a company is being wound up, a floating charge on the undertaking or property of the company created within three months of the commencement of the winding up shall, unless it is proved that the company immediately after the creation of the charge was solvent, be invalid, except to the amount of any cash paid to the company at the time of or subsequently to the creation of, and in consideration for, the charge, together with interest on that amount at the rate of five per cent. per annum.

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Effect of Floating  
charge.  
(E.A. 212.)

203.—(1) The liquidator may, with the sanction following (that is to say)—

General scheme of  
liquidation may be  
sanctioned.

- (a) in the case of a winding up by the court with the sanction either of the court or of the committee of inspection;
- (b) in the case of a voluntary winding up, with the sanction of an extraordinary resolution of the company.

(E.A. 211.)

do the following things or any of them:—

- (i) Pay any classes of creditors in full;
- (ii) Make any compromise or arrangement with creditors or persons claiming to be creditors, or having or alleging themselves to have any claim, present or future, certain or contingent, ascertained or sounding only in damages against the company, or whereby the company may be rendered liable;
- (iii) Compromise all calls and liabilities to calls, debts, and liabilities capable of resulting in debts, and all claims, present or future, certain or contingent, ascertained or sounding only in damages, subsisting or supposed to subsist between the company and a contributory, or alleged contributory, or other debtor or person apprehending liability to the company, and all questions in any way relating to or affecting the assets or the winding up of the company, on such terms as may be agreed, and take any security for the discharge of any such call, debt, liability or claim, and give a complete discharge in respect thereof.

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(2) In the case of a winding up by the court the exercise by the liquidator of the powers of this section shall be subject to the control of the court, and any creditor or contributory may apply to the court with respect to any exercise or proposed exercise of any of those powers.

Power of court to assess damages against delinquent directors, &c.

(E.A. 215.)

204.—(1) Where in the course of winding up a company it appears that any person who has taken part in the formation or promotion of the company, or any past or present director, manager, or liquidator, or any officer of the company, has misapplied or retained or become liable or accountable for any money or property of the company, or been guilty of any misfeasance or breach of trust in relation to the company, the court may, on the application of the official receiver, or of the liquidator, or of any creditor or contributory, examine into the conduct of the promoter, director, manager, liquidator, or officer, and compel him to repay or restore the money or property or any part thereof respectively with interest at such rate as the court thinks just, or to contribute such sum to the assets of the company by way of compensation in respect of the misapplication, retainer, misfeasance, or breach of trust as the court thinks just.

(2) This section shall apply notwithstanding that the offence is one for which the offender may be criminally responsible.

Penalty for falsification of books.  
(E.A. 216.)

205. If any director, officer, or contributory of any company being wound up destroys, mutilates, alters, or falsifies any books, papers, or securities or makes or is privy to the making of any false or fraudulent entry in any register, book of account, or document belonging to the company with intent to defraud or deceive any person, he shall be guilty of a misdemeanor, and be liable to imprisonment for any term not exceeding two years, with or without hard labour.

Prosecution of delinquent directors, &c.  
(E.A. 217.)

206.—(1) If it appears to the court in the course of a winding up by or subject to the supervision of the court that any past or present director, manager, officer, or member of the company has been guilty of any offence in relation to the company for which he is

criminally responsible, the court may on the application of any person interested in the winding up, or of its own motion, direct the liquidator to prosecute for the offence, and may order the costs and expenses to be paid out of the assets of the company.

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(2) If it appears to the liquidator in the course of a voluntary winding up that any past or present director, manager, officer, or member of the company has been guilty of any offence in relation to the company for which he is criminally responsible, the liquidator, with the previous sanction of the court, may prosecute the offender, and all expenses properly incurred by him in the prosecution shall be payable out of the assets of the company in priority to all other liabilities.

207. If any person, on examination on oath authorised under this Ordinance, or in any affidavit or deposition in or about the winding up of any company or otherwise in or about any matter arising under this Ordinance, wilfully and corruptly gives false evidence, he shall be liable to the penalties for wilful perjury.

Penalty on  
perjury.  
(E.A. 218.)

208.—(1) Where by this Ordinance the court is authorised, in relation to winding up, to have regard to the wishes of creditors or contributories, as proved to it by any sufficient evidence, the court may, if it thinks fit, for the purpose of ascertaining those wishes, direct meetings of the creditors or contributories to be called, held, and conducted in such manner as the court directs, and may appoint a person to act as chairman of any such meeting and to report the result thereof to the court.

Meetings to  
ascertain wishes  
of creditors or  
contributories.  
(E.A. 219.)

(2) In the case of creditors, regard shall be had to the value of each creditor's debt.

(3) In the case of contributories, regard shall be had to the number of votes conferred on each contributory by the articles.

209. Where any company is being wound up, all books and papers of the company and of the liquidators shall, as between the contributories of the company, be *prima facie* evidence of the truth of all matters purporting to be therein recorded.

Books of company  
to be evidence.  
(E.A. 220.)

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Inspection of  
books.  
(E.A. 221.)

210. After an order for a winding up by or subject to the supervision of the court, the court may make such order for inspection by creditors and contributories of the company of its books and papers as the court thinks just, and any books and papers in the possession of the company may be inspected by creditors or contributories accordingly, but not further or otherwise.

Disposal of books  
and papers of  
company.

(E.A. 222.)

211.—(1) When a company has been wound up and is about to be dissolved, the books and papers of the company and of the liquidators may be disposed of as follows (that is to say):—

- (a) In the case of a winding up by or subject to the supervision of the court in such way as the court directs;
- (b) In the case of a voluntary winding up in such way as the company by extraordinary resolution directs.

(2) After five years from the dissolution of the company no responsibility shall rest on the company, or the liquidators, or any person to whom the custody of the books and papers has been committed, by reason of the same not being forthcoming to any person claiming to be interested therein.

Power of court to  
declare dissolution  
of company  
void.

(E.A. 223.)

212.—(1) Where a company has been dissolved, the court may at any time within two years of the date of the dissolution, on an application being made for the purpose by the liquidator of the company or by any other person who appears to the court to be interested, make an order, upon such terms as the court thinks fit, declaring the dissolution to have been void, and thereupon such proceedings may be taken as might have been taken if the company had not been dissolved.

(2) It shall be the duty of the person on whose application the order was made, within seven days after the making of the order, to file with the registrar an office copy of the order, and if that person fails so to do he shall be liable to a fine not exceeding five pounds for every day during which the default continues.

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213.—(1) Where a company is being wound up if the winding up is not concluded within one year after its commencement, the liquidator shall, at such intervals as may be prescribed, until the winding up is concluded, send to the registrar a statement in the prescribed form and containing the prescribed particulars with respect to the proceedings in and position of the liquidation.

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Information as to  
pending liquidations.  
(E.A. 221.)

(2) Any person stating himself in writing to be a creditor or contributory of the company shall be entitled, by himself or by his agent, at all reasonable times, on payment of the prescribed fee, to inspect the statement, and to receive a copy thereof or extract therefrom: but any person untruthfully so stating himself to be a creditor or contributory shall be guilty of a contempt of court, and shall be punishable accordingly on the application of the liquidator or of the official receiver.

(3) If a liquidator fails to comply with the requirements of this section he shall be liable to a fine not exceeding fifty pounds for each day during which the default continues.

(4) If it appears from any such statement or otherwise that a liquidator has in his hands or under his control any money representing unclaimed or undistributed assets of the company which have remained unclaimed or undistributed for six months after the date of their receipt, the liquidator shall forthwith pay the same to the Companies Liquidation Account at the Treasury and shall be entitled to the prescribed certificate of receipt for the money so paid, and that certificate shall be an effectual discharge to him in respect thereof.

(5) For the purpose of ascertaining and getting in any money payable into the Treasury in pursuance of this section, the following powers may be exercised by the authorities as named (that is to say):—

- (a) The registrar may at any time order any such liquidator to submit to him an account verified by affidavit of the sums received and paid by him under or in pursuance of the liquidation, and may direct and enforce an audit of the account. If the liquidator fail to render the account as aforesaid within such reasonable time as the registrar shall

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direct he shall be guilty of contempt of Court and may on the application of the registrar to the Court be punished accordingly.

- (b) The Court may on default of such account being submitted.
- (i) By warrant addressed to any constable or officer of the Court, cause the liquidator to be arrested, and any books, papers, and any money or goods relating to the liquidation in his possession to be seized, and him and them to be safely kept until such time as the Court may order;
  - (ii) From time to time order that for such time not exceeding three months, as the Court thinks fit, post letters addressed to the liquidator at any place or places mentioned in the order for re-direction, shall be re-directed, sent or delivered by the postmaster general or otherwise as the Court directs and the same shall be done accordingly;
  - (iii) Summon before it the liquidator or his wife, or any person known or suspected to have in his possession any liquidation books or papers relating to the liquidation and any money or goods belonging to the liquidator or representing unclaimed or undistributed assets of the company as hereinbefore mentioned, or any person whom the court may deem capable of giving information respecting such books, papers, money, goods or assets, and the court may require any such person to produce any documents in his custody or power relating to the liquidator's dealings with the property of the company.
  - (iv) If any person on examination before the court admits that he is indebted to the company, the court may, on the application of the official receiver or liquidator order him to pay to the receiver or liqui-

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dator, at such time and in such a manner as to the court seems expedient, the amount admitted, or any part thereof, either in full discharge of the whole amount in question or not, as the court thinks fit, with or without costs of the examination.

- (v) May examine on oath, either by word of mouth or by written interrogatories, any person so brought before it concerning the liquidator and his dealings with the property of the company.
- (vi) If any person on examination before the court admits that he has in his possession any money payable into the Treasury in pursuance of this section the court may order him to pay any such money forthwith into the Treasury.

(6) Any person claiming to be entitled to any money paid into the Treasury in pursuance of this section may apply to the registrar for payment of the same, and the registrar may, on a certificate by the liquidator that the person claiming is entitled, make an order for the payment to that person of the sum due.

(7) Any person dissatisfied with the decision of the registrar in respect of any claim made in pursuance of this section may appeal to the Supreme Court.

214. In all proceedings under this Part of this Ordinance all courts, judges, and persons judicially acting, and all officers, judicial or ministerial, of any court, or employed in enforcing the process of any court, shall take judicial notice of the signature of any officer of the Supreme Court and also of the official seal or stamp of the Supreme Court appended to or impressed on any document made, issued, or signed under the provisions of this Part of this Ordinance or any official copy thereof.

Judicial notice of signature of officer.  
(E.A. 225.)

215.—(1) The Police Magistrates and Commissioners of the Supreme Court shall be commissioners for the purpose of taking evidence under this Ordinance where a company is wound up in any part of the Colony and the court may

Special commission for receiving evidence.  
(E.A. 226.)

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refer the whole or any part of the examination of any witnesses under this Ordinance to any person hereby appointed commissioner, although he is out of the jurisdiction of the court that made the winding-up order.

(2) Every commissioner shall, in addition to any powers which he might lawfully exercise as a Police Magistrate or Commissioner of the Supreme Court have in the matter so referred to him all the same powers of summoning and examining witnesses, of requiring the production or delivery of documents, of punishing defaults by witnesses, and of allowing costs and expenses to witnesses, as the court which made the winding-up order.

(3) The examination so taken shall be returned or reported to the court which made the order in such manner as that court directs.

Affidavits, &c. in  
United Kingdom  
and Colonies.  
(E.A. 228.)

216.—(1) Any affidavit required to be sworn under the provisions or for the purposes of this Part of this Ordinance may be sworn in the Colony or elsewhere within the dominions of His Majesty, before any court, judge, or person lawfully authorised to take and receive affidavits or before any of His Majesty's consuls or vice-consuls in any place outside His Majesty's dominions.

(2) All courts, judges, commissioners, and persons acting judicially shall take judicial notice of the seal or stamp or signature (as the case may be) of any such court, judge, person, consul, or vice-consul attached, appended, or subscribed to any such affidavit, or to any other document to be used for the purposes of this Part of this Ordinance.

Companies  
Liquidation  
Account defined.  
(E.A. 229.)

217.—(1) An account, called the Companies Liquidation Account, shall be kept by the registrar with the Treasury, and all moneys received by the registrar in respect of proceedings under this ordinance in connexion with the winding up of companies shall be paid to that account.

(2) All payments out of money standing to the credit of the registrar in the Companies Liquidation Account shall be made by the Treasury in the prescribed manner.

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218.—(1) Whenever the cash balance standing to the credit of the Companies Liquidation Account is in excess of the amount which in the opinion of the registrar is required for the time being to answer demands in respect of companies' estates, the registrar shall notify the excess to the Financial Commissioner, and the Financial Commissioner may invest the excess or any part thereof, in Government securities, to be placed to the credit of the such account as to him may seem fit.

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Investment of  
surplus funds on  
general account.  
(E.A. 230.)

(2) When any part of the money so invested is, in the opinion of the registrar, required to answer any demands in respect of companies' estates, the registrar shall notify to the Financial Commissioner the amount so required, and the Financial Commissioner shall thereupon repay to the registrar such sum as may be required to the credit of the Companies Liquidation Account, and for that purpose may direct the sale of such part of the said securities as may be necessary.

(3) The dividends on investments under this section shall be paid to such account as the Financial Commissioner may direct, and regard shall be had to the amount thus derived in fixing the fees payable in respect of proceedings in the winding up of companies.

219.—(1) An account shall be kept by the registrar of the receipts and payments in the winding up of each company, and, when the cash balance standing to the credit of the account of any company is in excess of the amount which, in the opinion of the committee of inspection, is required for the time being to answer demands in respect of that company's estate, the registrar shall, on the request of the committee, invest the amount not so required in Government securities, to be placed to the credit of the said account for the benefit of the company.

Separate accounts  
of particular  
estates.  
(E.A. 231.)

(2) When any part of the money so invested is, in the opinion of the committee of inspection, required to answer any demands in respect of the estate of the company, the registrar shall, on the request of the committee, raise such sum as may be required by the sale of such part of the said securities as may be necessary.

## COMPANIES ORDINANCE, 1912.

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(3) The dividends on investments under this section shall be paid to the credit of the company.

(4) When the balance at the credit of any company's account in the hands of the registrar exceeds two thousand pounds, and the liquidator gives notice to the registrar that the excess is not required for the purposes of the liquidation, the company shall be entitled to interest on the excess at the rate of two per cent. per annum.

Annual accounts  
of winding up.  
(E.A. 234.)

220.—(1) The Financial Commissioner shall annually cause to be prepared and laid before the Legislative Council an account for the year ending with the thirty-first day of December, showing the receipts and expenditure during that year in respect of proceedings under this Ordinance in relation to the winding up of companies.

(2) The accounts of the registrar under this Ordinance in relation to the winding up of companies shall be audited by the Auditor and, for the purpose of the account to be laid before the Legislative Council the registrar shall make such returns and give such information as the Financial Commissioner may require.

(3) Such account shall be made out in such form and contain such particulars as the Governor may from time to time direct. Every officer by whom or on whose office fees are taken in pursuance of this Ordinance, shall make such returns and give such information as the Treasury may from time to time require for the purpose of enabling them to make out the said account.

Proceedings of  
Attorney-General  
etc.

(E. A. 236)

221.—(1) All documents purporting to be orders or certificates made or issued by the Attorney-General, Financial Commissioner or Registrar for the purposes of this Ordinance and to be sealed with the seal of the Attorney-General, Financial Commissioner or Registrar or to be signed by the Attorney-General, Financial Commissioner or Registrar or any person authorised in that behalf by the Attorney-General, Financial-Commissioner or Registrar shall be received in evidence and deemed to be such orders or certificates without further proof unless the contrary is shown.

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(2) A certificate signed by the Attorney-General, Financial Commissioner or Registrar that any order made, certificate issued, or act done, is the order, certificate or act of the Attorney-General, Financial Commissioner or Registrar respectively shall be conclusive evidence of the fact so certified.

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222. The provisions of section one hundred and nineteen of the Supreme Court Ordinance shall be deemed to extend to the making of rules for the purposes of this part of this Ordinance. Provided always that the power of fixing fees payable shall be limited to fees of court and fees in relation to the winding-up of companies.

Rules and fees.  
(E.A. 237)*Removal of Defunct companies from Register.*

223.—(1) Where the registrar has reasonable cause to believe that a company is not carrying on business or in operation, he shall send to the company by post a letter inquiring whether the company is carrying on business or in operation.

Registrar may  
strike defunct  
company off  
register.  
(E.A. 242)

(2) If the registrar does not within one month of sending the letter receive any answer thereto, he shall within fourteen days after the expiration of the month send to the company by post a registered letter referring to the first letter, and stating that no answer thereto has been received, and that if an answer is not received to the second letter within one month from the date thereof, a notice will be published in the Gazette with a view to striking the name of the company off the register.

(3) If the registrar either receives an answer from the company to the effect that it is not carrying on business or in operation, or does not within one month after sending the second letter receive any answer, he may publish in the Gazette, and send to the company by post, a notice that at the expiration of three months from the date of that notice the name of the company mentioned therein will, unless cause is shown to the contrary, be struck off the register and the company will be dissolved.

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(4) If, in any case where a company is being wound up, the registrar has reasonable cause to believe either that no liquidator is acting, or that the affairs of the company are fully wound up, and the returns required to be made by the liquidator have not been made for a period of six consecutive months after notice by the registrar demanding the returns has been sent by post to the company, or to the liquidator at his last known place of business, the registrar may publish in the Gazette and send to the company a like notice as is provided in the last preceding subsection.

(5) At the expiration of the time mentioned in the notice the registrar may, unless cause to the contrary is previously shown by the company, strike its name off the register, and shall publish notice thereof in the Gazette, and on the publication in the Gazette of this notice the company shall be dissolved: Provided that the liability (if any) of every director, managing officer, and member of the company shall continue and may be enforced as if the company had not been dissolved.

(6) If a company or any member or creditor thereof feels aggrieved by the company having been struck off the register, the court on the application of the company or member or creditor may, if satisfied that the company was at the time of the striking off carrying on business or in operation, or otherwise that it is just that the company be restored to the register, order the name of the company to be restored to the register, and thereupon the company shall be deemed to have continued in existence as if its name had not been struck off; and the court may by the order give such directions and make such provisions as seem just for placing the company and all other persons in the same position as nearly as may be as if the name of the company had not been struck off.

(7) A letter or notice under this section may be addressed to the company at its registered office, or, if no office has been registered, to the care of some director or officer of the company, or, if there is no director or officer of the company whose name and address are known to the registrar may be sent to

each of the persons who subscribed the memorandum, addressed to him at the address mentioned in the memorandum.

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## PART V.

### REGISTRATION OFFICE AND FEES.

224.—(1) For the purposes of the registration of companies under this Ordinance there shall be offices at such places as the Governor thinks fit.

Registration offices  
(E.A. 243).

(2) The Governor may appoint a registrar, and such assistant registrars, clerks, and servants as the Governor thinks necessary for the registration of companies under this Ordinance and may make regulations with respect to their duties: and may remove any persons so appointed.

(3) The salaries of the persons appointed under this section shall be fixed by the Governor and shall be paid out of money provided by the Legislative Council.

(4) The Governor may direct a seal or seals to be prepared for the authentication of documents required for or connected with the registration of companies.

(5) Any person may inspect the documents kept by the registrar on payment of such fees as may be appointed by the Governor not exceeding one shilling for each inspection; and any person may require a certificate of the incorporation of any company, or a copy or extract of any other document or any part of any other document, to be certified by the registrar, on payment for the certificate, certified copy, or extract, of such fees as the Governor may appoint, not exceeding five shillings for a certificate of incorporation, and not exceeding sixpence for each folio of a certified copy or extract.

(7) A copy of or extract from any document kept and registered at any of the offices for the registration of companies certified to be a true copy under the hand of the registrar or an assistant registrar shall in all legal proceedings be admissible in evidence as of equal validity with the original document.

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Fees.  
(E.A. 244).

225.—(1) There shall be paid to the registrar in respect of the several matters mentioned in Table B. in the First Schedule to this Ordinance the several fees therein specified, or such smaller fees as the Governor may from time to time direct. The Governor may fix the fees to be paid for any matter not mentioned in the Table.

(2) All fees paid to the Registrar in pursuance of this Ordinance shall be paid into the Treasury.

## PART VI.

## WINDING UP OF UNREGISTERED COMPANIES.

Winding up of un-  
registered com-  
pany.

(E.A. 268.)

226.—(1) Subject to the provisions of this Part of this Ordinance, an unregistered company may be wound up under this Ordinance, and all the provisions of this Ordinance, with respect to winding up shall apply to an unregistered company, with the following exceptions and additions:—

- (i) The principal place of business of an unregistered company shall for all the purposes of the winding-up be deemed to be the registered office of the company.
- (ii) No unregistered company shall be wound up under this Ordinance voluntarily or subject to supervision:
- (iii) The circumstances in which an unregistered company may be wound up are as follows (that is to say):—
  - (a) If the company is dissolved, or has ceased to carry on business, or is carrying on business only for the purpose of winding up its affairs;
  - (b) If the company is unable to pay its debts;
  - (c) If the court is of opinion that it is just and equitable that the company should be wound up
- (iv) An unregistered company shall, for the purposes of this Ordinance be deemed to be unable to pay its debts:—

(a) If a creditor, by assignment or otherwise, to whom the company is indebted in a sum exceeding fifty pounds then due, has served on the company, by leaving at its principal place of business, or by delivering to the secretary or some director, manager, or principal officer of the company, or by otherwise serving in such manner as the court may approve or direct, a demand under his hand requiring the company to pay the sum so due, and the company has for three weeks after the service of the demand neglected to pay the sum, or to secure or compound for it to the satisfaction of the creditor;

(b) If any action or other proceeding has been instituted against any member for any debt or demand due, or claimed to be due, from the company, or from him in his character of member, and notice in writing of the institution of the action or proceeding having been served on the company by leaving the same at its principal place of business, or by delivering it to the secretary, or some director, manager, or principal officer of the company, or by otherwise serving the same in such manner as the court may approve or direct, the company has not within ten days after service of the notice paid, secured, or compounded for the debt or demand, or procured the action or proceeding to be stayed or indemnified the defendant to his reasonable satisfaction against the action or proceeding, and against all costs, damages, and expenses to be incurred by him by reason of the same;

(c) If execution or other process issued on a judgment, decree, or order obtained in any court in favour of a creditor against the company, or any member thereof as such, or any person authorised to be sued as nominal defendant on behalf of the company, is returned unsatisfied;

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(d) If it is otherwise proved to the satisfaction of the court that the company is unable to pay its debts :

Contributories in winding up of unregistered company.  
(E.A. 269.)

227. (1) In the event of an unregistered company being wound up every person shall be deemed to be a contributory who is liable to pay or contribute to the payment of any debt or liability of the company, or to pay or contribute to the payment of any sum for the adjustment of the rights of the members among themselves, or to pay or contribute to the payment of the costs and expenses of winding up the company, and every contributory shall be liable to contribute to the assets of the company all sums due from him in respect of any such liability as aforesaid.

(2) In the event of death, bankruptcy, or insolvency, of any contributory, or marriage of any female contributory, the provisions of this Ordinance with respect to the personal representatives, heirs, and devisees of deceased contributories, to the trustees of bankrupt or insolvent contributories, and to the liabilities of husbands and wives respectively, shall apply.

Power of court to stay or restrain proceedings.  
(E.A. 270.)

228. The provisions of this Ordinance with respect to staying and restraining actions and proceedings against a company at any time after the presentation of a petition for winding up and before the making of a winding-up order shall, in the case of an unregistered company, where the application to stay or restrain is by a creditor, extend to actions and proceedings against any contributory of the company.

Actions stayed on winding-up order.  
(E.A. 271.)

229. Where an order has been made for winding up an unregistered company, no action or proceeding shall be proceeded with or commenced against any contributory of the company in respect of any debt of the company, except by leave of the court, and subject to such terms as the court may impose.

Directions as to property in certain cases.  
(E.A. 272.)

230. If an unregistered company has no power to sue and be sued in a common name, or if for any reason it appears expedient, the court may by the winding-up order, or by any subsequent order, direct that all or any

part of the property, real and personal (including things in action), belonging to the company, or to trustees on its behalf, is to vest in the liquidator by his official name, and thereupon the property or the part thereof specified in the order shall vest accordingly; and the liquidator may, after giving such indemnity (if any) as the court may direct, bring or defend in his official name any action or other legal proceeding relating to that property, or necessary to be brought or defended for the purposes of effectually winding up the company and recovering its property.

231. The provisions of this Part of this Ordinance with respect to unregistered companies shall be in addition to and not in restriction of any provisions hereinbefore in this Ordinance contained with respect to winding up companies by the court, and the court or liquidator may exercise any powers or do any act in the case of unregistered companies which might be exercised or done by it or him in winding up companies formed and registered under this Ordinance; but an unregistered company shall not, except in the event of its being wound up, be deemed to be a company under this Ordinance, and then only to the extent provided by this Part of this Ordinance.

Provisions of Part  
of Ordinance  
cumulative.  
(E.A. 273.)

## PART VII.

### COMPANIES ESTABLISHED OUTSIDE THE COLONY.

232.—(1) Every company incorporated outside the Colony which establishes, or has before the date of the coming into force of this Ordinance established, a place of business within the Colony shall, within six weeks from the establishment of the place of business or from the date of the coming into force of this Ordinance, file with the registrar:

Requirements as  
to companies  
established  
outside the  
Colony.

(E.A. 274.)

- (a) a certified copy of the charter, statutes, or memorandum and articles of the company, or other instrument constituting or defining the constitution of the company, and, if the instrument is not written in the English language, a certified translation thereof;

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- (b) a list of the directors of the company ;
- (c) the names and addresses of some one or more persons resident in the Colony authorised to accept on behalf of the company service of process and any notices required to be served on the company ;

and, in the event of any alteration being made in any such instrument or in the directors or in the names or addresses of any such persons as aforesaid, the company shall within the prescribed time file with the registrar a notice of the alteration.

(2) Any process or notice required to be served on the company shall be sufficiently served if addressed to any person whose name has been so filed as aforesaid and left at or sent by post to the address which has been so filed.

(3) Every company to which this section applies shall in every year file with the registrar such a statement in the form of a balance sheet as would, if it were a company formed and registered under this Ordinance and having a share capital, be required under this Ordinance to be included in the annual summary.

(4) Every company to which this section applies, and which uses the word " Limited " as part of its name, shall—

- (a) in every prospectus inviting subscriptions for its shares or debentures in the Colony state the country in which the company is incorporated ; and
- (b) conspicuously exhibit on every place where it carries on business in the Colony the name of the company and the country in which the company is incorporated ; and
- (c) have the name of the company and of the country in which the company is incorporated mentioned in legible characters in all bill-heads and letter paper, and in all notices, advertisements, and other official publications of the company.

(5) If any company to which this section applies fails to comply with any of the requirements of this section, the company, and every officer or agent of the company, shall be liable to a fine not exceeding fifty pounds, or, in the case of a continuing offence, five pounds for every day during which the default continues

(6) For the purposes of this section.—

The expression “certified” means certified in the prescribed manner to be a true copy or a correct translation;

The expression “place of business” includes a share transfer or share registration office;

The expression “director” includes any person occupying the position of director, by whatever name called; and

The expression “prospectus” means any prospectus, notice, circular, advertisement, or other invitation, offering to the public for subscription or purchase any shares or debentures of the company.

(7) There shall be paid to the registrar for registering any document required by this section to be filed with him a fee of five shillings or such smaller fee as may be prescribed.

233. A company incorporated in a British possession which has filed with the registrar the documents and particulars specified in paragraphs (a), (b), and (c) of subsection (1) of the last foregoing section shall have the same power to hold lands in the Colony as if it were a company incorporated under this Ordinance.

Power of companies incorporated in British possessions to hold land.

(F.A. 275.)

## PART VIII.

### SUPPLEMENTAL.

#### *Legal Proceedings, Offences, &c.*

234.—(1) All offences under this Ordinance made punishable by any fine may be prosecuted summarily.

Prosecution of offences.

(F.A. 276.)

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Applications of  
fines.

(E.A. 277.)

235. The court imposing any fine under this Ordinance may direct that the whole or any part thereof be applied in or towards payment of the costs of the proceedings, or in or towards rewarding the person on whose information or at whose suit the fine is recovered, and subject to any such direction all fines under this Ordinance shall, notwithstanding anything in any other Ordinance be paid into the Treasury.

Costs in actions  
by certain limited  
companies.

(E.A. 278.)

236. Where a limited company is plaintiff in any action or other legal proceeding, any judge having jurisdiction in the matter may, if it appears by credible testimony that there is reason to believe that the company will be unable to pay the costs of the defendant if successful in his defence, require sufficient security to be given for those costs, and may stay all proceedings until the security is given.

Power of court to  
grant relief in  
certain cases.

(E.A. 279.)

237. If in any proceeding against a director, or person occupying the position of director of a company for negligence or breach of trust, it appears to the court hearing the case that the director or person is or may be liable in respect of the negligence or breach of trust, but has acted honestly and reasonably, and ought fairly to be excused for the negligence or breach of trust, that court may relieve him, either wholly or partly, from his liability on such terms as the court may think proper.

Penalty for false  
statement.

(E.A. 281.)

238. If any person in any return, report, certificate, balance sheet, or other document, required by or for the purposes of any of the provisions of this Ordinance wilfully makes a statement false in any material particular, knowing it to be false, he shall be guilty of a misdemeanor, and shall be liable on conviction on indictment to imprisonment for a term not exceeding two years, with or without hard labour, and on summary conviction to imprisonment for a term not exceeding four months, with or without hard labour, and in either case to a fine in lieu of or in addition to such imprisonment as aforesaid:

Provided that the fine imposed on summary conviction shall not exceed one hundred pounds anything in the Supreme Court Ordinance to the contrary notwithstanding.

239. If any person or persons trade or carry on business under any name or title of which "Limited" is the last word, that person or those persons shall, unless duly incorporated with limited liability, be liable to a fine not exceeding five pounds for every day upon which that name or title has been used.

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Penalty for improper use of word "Limited."

(E.A. 282.)

*Report by Registrar.*

240. The registrar shall cause a general annual report of matters within this Ordinance to be prepared and laid before the Legislative Council.

Annual report by Registrar.

(E.A. 283.)

*Interpretation, &c.*

241. In this Ordinance, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them (that is to say):—

Interpretation.

(E.A. 285.)

"Company" means a company formed and registered under this Ordinance;

"Articles" means the articles of association of a company, as originally framed or as altered by special resolution, including, so far as they apply to the company, the regulations contained in Table A. in the First Schedule to this Ordinance.

"Memorandum" means the memorandum of association of a company, as originally framed or as altered in pursuance of the provisions of this Ordinance.

"Document" includes summons, notice, order, and other legal process, and registers:

"Share" means share in the share capital of the company, and includes stock except where a distinction between stock and shares is expressed or implied;

"Debenture" includes debenture stock;

"Books and papers" and "books or papers" include accounts, deeds, writings, and documents;

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“The registrar” means the registrar or other officer performing under this Ordinance the duty of registration of companies in the Colony;

“The court” used in relation to a company means the court having jurisdiction to wind up the company;

“General rules” means general rules made under this Ordinance and includes forms;

“Prescribed” means, as respects the provisions of this Ordinance relating to the winding-up of companies, prescribed by the rules, and as respects the other provisions of this Ordinance prescribed by the Supreme Court, Governor, Attorney-General, or Registrar as the case may be.

“Director” includes any person occupying the position of director by whatever name called

“Prospectus” means any prospectus, notice, circular, advertisement, or other invitation, offering to the public for subscription or purchase any shares or debentures of a company.

“Insolvent person” A person shall, for the purpose of this Ordinance, be deemed to be insolvent, if, in the Colony, execution or other process issued on a judgment, decree or order of any Court in favour of a creditor of the said person is returned unsatisfied in whole or in part and remains so for six weeks.

“Colony” includes Protectorate.

Short title.  
(E.A 295)

242. This Ordinance may be cited as the Companies Ordinance, 1912.

Commencement of Ordinance.  
(E.A 296.)

243. This Ordinance shall come into operation on the 1st day of July nineteen hundred and twelve.

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**SCHEDULES.**

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**FIRST SCHEDULE.**

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Sections 10, 11, 67,  
241.**TABLE A.****REGULATIONS FOR MANAGEMENT OF A COMPANY LIMITED  
BY SHARES.***Preliminary.*

1. In these regulations, unless the context otherwise requires, expressions defined in the Companies Ordinance, 1912, or any statutory modification thereof in force at the date at which these regulations become binding on the company, shall have the meanings so defined; and words importing the singular shall include the plural, and vice versa, and words importing the masculine gender shall include females, and words importing persons shall include bodies corporate.

*Business.*

2. The directors shall have regard to the restrictions on the commencement of business imposed by section eighty-seven of the Companies Ordinance, 1912, if, and so far as, those restrictions are binding upon the company.

*Shares.*

3 Subject to the provisions, if any, in that behalf of the memorandum of association of the company, and without prejudice to any special rights previously conferred on the holders of existing shares in the company, any share in the company may be issued with such preferred, deferred, or other special rights, or such restrictions, whether in regard to dividend, voting, return of share capital, or otherwise, as the company may from time to time by special resolution determine.

4. If at any time the share capital is divided into different classes of shares, the rights attached to any class (unless otherwise provided by the terms of issue of the shares of that class) may be varied with the consent in writing of the holders of three-fourths of the issued shares of that class, or with the sanction of an extraordinary resolution passed at a separate general meeting of the holders of the shares of the class. To every such separate general meeting the provisions of these regulations relating to general meetings shall *mutatis mutandis* apply, but so that the necessary quorum shall be two persons at least holding or representing by proxy one-third of the issued shares of the class.

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5. No share shall be offered to the public for subscription except upon the terms that the amount payable on application shall be at least five per cent. of the nominal amount of the share; and the directors shall, as regards any allotment of shares, duly comply with such of the provisions of sections eighty-five and eighty-eight of the Companies Ordinance, 1912, as may be applicable thereto.

6. Every person whose name is entered as a member in the register of members shall, without payment, be entitled to a certificate under the common seal of the company specifying the share or shares held by him and the amount paid up thereon, provided that in respect of a share or shares held jointly by several persons the company shall not be bound to issue more than one certificate, and delivery of a certificate for a share to one of several joint holders shall be sufficient delivery to all.

7. If a share certificate is defaced, lost, or destroyed, it may be renewed on payment of such fee, if any, not exceeding one shilling, and on such terms, if any, as to evidence and indemnity as the directors think fit.

8. No part of the funds of the company shall be employed in the purchase of, or in loans upon the security of, the company's shares.

*Lien.*

9. The company shall have a lien on every share (not being a fully-paid share) for all moneys (whether presently payable or not) called or payable at a fixed time in respect of that share, and the company shall also have a lien on all shares (other than fully-paid shares) standing registered in the name of a single person, for all moneys presently payable by him or his estate to the company; but the directors may at any time declare any share to be wholly or in part exempt from the provisions of this clause. The company's lien, if any, on a share shall extend to all dividends payable thereon.

10. The company may sell, in such manner as the directors think fit, any shares on which the company has a lien, but no sale shall be made unless some sum in respect of which the lien exists, is presently payable, nor until the expiration of fourteen days after a notice in writing, stating and demanding payment of such part of the amount in respect of which the lien exists as is presently payable, has been given to the registered holder for the time being of the share, or the person entitled by reason of his death or bankruptcy to the share.

11. The proceeds of the sale shall be applied in payment of such part of the amount in respect of which the lien exists as is presently payable, and the residue shall (subject to a like lien for sums not presently payable as existed upon the shares prior to the sale) be paid to the person entitled to the shares at the date of the sale. The purchaser shall be registered as the holder of the shares, and he shall not be bound to see to the application of the purchase money, nor shall his title to the shares be affected by any irregularity or invalidity in the proceedings in reference to the sale.

*Calls on Shares.*

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12. The directors may from time to time make calls upon the members in respect of any moneys unpaid on their shares, provided that no call shall exceed one-fourth of the nominal amount of the share, or be payable at less than one month from the last call; and each member shall (subject to receiving at least fourteen days' notice specifying the time or times of payment) pay to the company at the time or times so specified the amount called on his shares.

13. The joint holders of a share shall be jointly and severally liable to pay all calls in respect thereof.

14. If a sum called in respect of a share is not paid before or on the day appointed for payment thereof, the person from whom the sum is due shall pay interest upon the sum at the rate of five pounds per cent. per annum from the day appointed for the payment thereof to the time of the actual payment, but the directors shall be at liberty to waive payment of that interest wholly or in part.

15. The provisions of these regulations as to payment of interest shall apply in the case of nonpayment of any sum which, by the terms of issue of a share, becomes payable at a fixed time, whether on account of the amount of the share, or by way of premium, as if the same had become payable by virtue of a call duly made and notified.

16. The directors may make arrangements on the issue of shares for a difference between the holders in the amount of calls to be paid and in the times of payment.

17. The directors may, if they think fit, receive from any member willing to advance the same all or any part of the moneys uncalled and unpaid upon any shares held by him; and upon all or any of the moneys so advanced may (until the same would, but for such advance, become presently payable) pay interest at such rate (not exceeding, without the sanction of the company in general meeting, six per cent.) as may be agreed upon between the member paying the sum in advance and the directors.

*Transfer and Transmission of Shares.*

18. The instrument of transfer of any share in the company shall be executed both by the transferor and transferee, and the transferor shall be deemed to remain a holder of the share until the name of the transferee is entered in the register of members in respect thereof.

19. Shares in the company shall be transferred in the following form, or in any usual or common form which the directors shall approve:

I, A.B of \_\_\_\_\_ in consideration of the sum of £  
 paid to me by C.D. of \_\_\_\_\_ (hereinafter called "the  
 said transferee") do hereby transfer to the said trans-  
 feree the share [or shares] numbered \_\_\_\_\_ in the  
 undertaking called the \_\_\_\_\_ Company Limited, to hold



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25. The notice shall name a further day (not earlier than the expiration of fourteen days from the date of the notice) on or before which the payment required by the notice is to be made, and shall state that in the event of nonpayment at or before the time appointed the shares in respect of which the call was made will be liable to be forfeited.

26. If the requirements of any such notice as aforesaid are not complied with, any share in respect of which the notice has been given may at any time thereafter, before the payment required by the notice has been made, be forfeited by a resolution of the directors to that effect.

27. A forfeited share may be sold or otherwise disposed of on such terms and in such manner as the directors think fit, and at any time before a sale or disposition the forfeiture may be cancelled on such terms as the directors may think fit.

28. A person whose shares have been forfeited shall cease to be a member in respect of the forfeited shares, but shall, notwithstanding, remain liable to pay to the company all moneys which, at the date of forfeiture, were presently payable by him to the company in respect of the shares, but his liability shall cease if and when the company receive payment in full of the nominal amount of the shares.

29. A statutory declaration in writing that the declarant is a director of the company, and that a share in the company has been duly forfeited on a date stated in the declaration, shall be conclusive evidence of the facts therein stated as against all persons claiming to be entitled to the share, and that declaration, and the receipt of the company for the consideration, if any, given for the share on the sale or disposition thereof shall constitute a good title to the share, and the person to whom the share is sold or disposed of shall be registered as the holder of the share and shall not be bound to see to the application of the purchase money, if any, nor shall his title to the share be affected by any irregularity or invalidity in the proceedings in reference to the forfeiture, sale or disposal of the share.

30. The provisions of these regulations as to forfeiture shall apply in the case of nonpayment of any sum which, by the terms of issue of a share, becomes payable at a fixed time, whether on account of the amount of the share, or by way of premium, as if the same had been payable by virtue of a call duly made and notified.

*Conversion of Shares into stock.*

31. The directors may, with the sanction of the company previously given in general meeting, convert any paid-up shares into stock, and may with the like sanction reconvert any stock into paid-up shares of any denomination.

32. The holders of stock may transfer the same, or any part thereof, in the same manner, and subject to the same regulations as, and subject to which, the shares from which the stock arose might previously to conversion have been transferred, or as near thereto as circumstances admit; but the directors may from time

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to time fix the minimum amount of stock transferable, and restrict or forbid the transfer of fractions of that minimum, but the minimum shall not exceed the nominal amount of the shares from which the stock arose.

33. The holders of stock shall, according to the amount of the stock held by them, have the same rights, privileges, and advantages as regards dividends, voting at meetings of the company, and other matters as if they held the shares from which the stock arose, but no such privilege or advantage (except participation in the dividends and profits of the company) shall be conferred by any such aliquot part of stock as would not, if existing in shares, have conferred that privilege or advantage.

34. Such of the regulations of the company (other than those relating to share warrants) as are applicable to paid-up shares shall apply to stock, and the words "share" and "shareholder" therein shall include "stock" and "stock-holder."

*Share Warrants.*

35. The company may issue share warrants, and accordingly the directors may in their discretion, with respect to any share which is fully paid up, on application in writing signed by the person registered as holder of the share, and authenticated by such evidence, if any, as the directors may from time to time require as to the identity of the person signing the request, and on receiving the certificate, if any, of the share, and the amount of the stamp duty on the warrant and such fee as the directors may from time to time require, issue under the company's seal a warrant, duly stamped, stating that the bearer of the warrant is entitled to the shares therein specified, and may provide by coupons, or otherwise for the payment of dividends, or other moneys, on the shares included in the warrant.

36. A share warrant shall entitle the bearer to the shares included in it, and the share shall be transferred by the delivery of the share warrant, and the provisions of the regulations of the company with respect to transfer and transmission of shares shall not apply thereto.

37. The bearer of a share warrant shall, on surrender of the warrant to the company for cancellation, and on payment of such sum as the directors may from time to time prescribe, be entitled to have his name entered as a member in the register of members in respect of the shares included in the warrant.

38. The bearer of a share warrant may at any time deposit the warrant at the office of the company, and so long as the warrant remains so deposited the depositor shall have the same right of signing a requisition for calling a meeting of the company and of attending and voting and exercising the other privileges of a member at any meeting held after the expiration of two clear days from the time of deposit, as if his name were inserted in the register of members as the holder of the shares included in the deposited warrant. Not more than one person shall be recognised as depositor of the share warrant. The company shall, on two days' written notice, return the deposited share warrant to the depositor.

39. Subject as herein otherwise expressly provided no person shall, as bearer of a share warrant, sign a requisition for calling a meeting of the company, or attend, or vote, or exercise any other privilege of a member at a meeting of the company, or be entitled to receive any notices from the company; but the bearer of a share warrant shall be entitled in all other respects to the same privileges and advantages as if he were named in the register of members as the holder of the shares included in the warrant, and he shall be a member of the company.

40. The directors may from time to time make rules as to the terms on which (if they shall think fit) a new share warrant or coupon may be issued by way of renewal in case of defacement, loss, or destruction.

#### *Alteration of Capital.*

41. The directors may, with the sanction of an extraordinary resolution of the company, increase the share capital by such sum, to be divided into shares of such amount, as the resolution shall prescribe.

42. Subject to any direction to the contrary that may be given by the resolution sanctioning the increase of share capital, all new shares shall, before issue, be offered to such persons as at the date of the offer are entitled to receive notices from the company of general meetings in proportion, as nearly as the circumstances admit, to the amount of the existing shares to which they are entitled. The offer shall be made by notice specifying the number of shares offered, and limiting a time within which the offer, if not accepted, will be deemed to be declined, and, after the expiration of that time, or on the receipt of an intimation from the person to whom the offer is made that he declines to accept the shares offered, the directors may dispose of the same in such manner as they think most beneficial to the company. The directors may likewise so dispose of any new shares which (by reason of the ratio which the new shares bear to shares held by persons entitled to an offer of new shares) cannot, in the opinion of the directors, be conveniently offered under this article.

43. The new shares shall be subject to the same provisions with reference to the payment of calls, lien, transfer, transmission, forfeiture, and otherwise as the shares in the original share capital.

44. The company may, by special resolution—

- (a) Consolidate and divide its share capital into shares of larger amount than its existing shares:
- (b) By subdivision of its existing shares, or any of them, divide the whole, or any part, of its share capital into shares of smaller amount than is fixed by the memorandum of association, subject, nevertheless, to the provisions of paragraph (d) of subsection (1) of section forty-one of the Companies Ordinance 1912:

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- (c) Cancel any shares which, at the date of the passing of the resolution, have not been taken or agreed to be taken by any person :
- (d) Reduce its share capital in any manner and with, and subject to, any incident authorised, and consent required, by law.

*General Meetings.*

45. The statutory general meeting of the company shall be held within the period required by section sixty-five of the Companies Ordinance, 1912.

46. A general meeting shall be held once in every year at such time (not being more than fifteen months after the holding of the last preceding general meeting) and place as may be prescribed by the company in general meeting, or, in default, at such time in the month following that in which the anniversary of the company's incorporation occurs, and at such place, as the directors shall appoint. In default of a general meeting being so held, a general meeting shall be held in the month next following, and may be convened by any two members in the same manner as nearly as possible as that in which meetings are to be convened by the directors.

47. The above-mentioned general meetings shall be called ordinary meetings; all other general meetings shall be called extraordinary.

48. The directors may, whenever they think fit, convene an extraordinary general meeting, and extraordinary general meetings shall also be convened on such requisition, or, in default, may be convened by such requisitionists, as provided by section sixty-six of the Companies Ordinance, 1912. If at any time there are not within the Colony sufficient directors capable of acting to form a quorum, any director or any two members of the company may convene an extraordinary general meeting in the same manner as nearly as possible as that in which meetings may be convened by the directors.

*Proceedings at General Meeting.*

49. Seven days' notice at the least (exclusive of the day on which the notice is served or deemed to be served, but, inclusive of the day for which notice is given) specifying the place, the day, and the hour of meeting and, in case of special business, the general nature of that business shall be given in manner hereinafter mentioned, or in such other manner, if any, as may be prescribed by the company in general meeting, to such persons as are, under the regulations of the company, entitled to receive such notices from the company; but the non-receipt of the notice by any member shall not invalidate the proceedings at any general meeting.

50. All business shall be deemed special that is transacted at an extraordinary meeting, and all that is transacted at an ordinary meeting, with the exception of sanctioning a dividend, the consideration of the accounts, balance-sheets, and the ordinary report of the directors and auditors, the election of directors and other officers in the place of those retiring by rotation, and the fixing of the remuneration of the auditors.

51. No business shall be transacted at any general meeting unless a quorum of members is present at the time when the meeting proceeds to business; save as herein otherwise provided, three members personally present shall be a quorum.

52. If within half an hour from the time appointed for the meeting a quorum is not present, the meeting, if convened upon the requisition of members, shall be dissolved; in any other case it shall stand adjourned to the same day in the next week, at the same time and place, and, if at the adjourned meeting a quorum is not present within half an hour from the time appointed for the meeting the members present shall be a quorum.

53. The chairman, if any, of the board of directors shall preside as chairman at every general meeting of the company.

54. If there is no such chairman, or if at any meeting he is not present within fifteen minutes after the time appointed for holding the meeting or is unwilling to act as chairman, the members present shall choose some one of their number to be chairman.

55. The chairman may, with the consent of any meeting at which a quorum is present (and shall if so directed by the meeting), adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. When a meeting is adjourned for ten days or more, notice of the adjourned meeting shall be given as in the case of an original meeting. Save as aforesaid it shall not be necessary to give any notice of an adjournment or of the business to be transacted at an adjourned meeting.

56. At any general meeting a resolution put to the vote of the meeting shall be decided on a show of hands, unless a poll is (before or on the declaration of the result of the show of hands) demanded by at least three members, and, unless a poll is so demanded, a declaration by the chairman that a resolution has, on a show of hands, been carried, or carried unanimously, or by a particular majority, or lost, and an entry to that effect in the book of the proceedings of the company, shall be conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against, that resolution.

57. If a poll is duly demanded it shall be taken in such manner as the chairman directs, and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.

## COMPANIES ORDINANCE, 1912.

A.D. 1912.

58. In the case of an equality of votes, whether on a show of hands or on a poll, the chairman of the meeting at which the show of hands takes place or at which the poll is demanded, shall be entitled to a second or casting vote.

59. A poll demanded on the election of a chairman, or on a question of adjournment, shall be taken forthwith. A poll demanded on any other question shall be taken at such time as the chairman of the meeting directs.

*Votes of Members.*

60. On a show of hands every member present in person shall have one vote. On a poll every member shall have one vote for each share of which he is the holder.

61. In the case of joint holders the vote of the senior who tenders a vote, whether in person or by proxy, shall be accepted to the exclusion of the votes of the other joint holders; and for this purpose seniority shall be determined by the order in which the names stand in the register of members.

62. A member of unsound mind, or in respect of whom an order has been made by any court having jurisdiction in lunacy, may vote, whether on a show of hands or on a poll, by his committee, curator bonis, or other person in the nature of a committee or curator bonis appointed by that court, and any such committee, curator bonis, or other person may, on a poll, vote by proxy.

63. No member shall be entitled to vote at any general meeting unless all calls or other sums presently payable by him in respect of shares in the company have been paid.

64. On a poll votes may be given either personally or by proxy.

65. The instrument appointing a proxy shall be in writing under the hand of the appointor or of his attorney duly authorised in writing, or, if the appointor is a corporation, either under the common seal, or under the hand of an officer or attorney so authorised. No person shall act as a proxy unless either he is entitled on his own behalf to be present and vote at the meeting at which he acts as proxy, or he has been appointed to act at that meeting as proxy for a corporation.

66. The instrument appointing a proxy and the power of attorney or other authority, if any, under which it is signed or a notarially certified copy of that power or authority shall be deposited at the registered office of the company not less than forty-eight hours before the time for holding the meeting at which the person named in the instrument proposes to vote, and in default the instrument of proxy shall not be treated as valid.



## COMPANIES ORDINANCE, 1912.

A.D. 1912.

73. The amount for the time being remaining undischarged of moneys borrowed or raised by the directors for the purposes of the company (otherwise than by the issue of share capital) shall not at any time exceed the issued share capital of the company without the sanction of the company in general meeting.

74. The directors shall duly comply with the provisions of the Companies Ordinance, 1912 or any statutory modification thereof for the time being in force, and in particular with the provisions in regard to the registration of the particulars of mortgages and charges affecting the property of the company, or created by it, and to keeping a register of the directors, and to sending to the registrar an annual list of members, and a summary of particulars relating thereto, and notice of any consolidation or increase of share capital, or conversion of shares into stock, and copies of special resolutions, and a copy of the register of directors and notifications of any changes therein.

75. The directors shall cause minutes to be made in books provided for the purpose—

- (a) of all appointments of officers made by the directors;
- (b) of the names of the directors present at each meeting of the directors and of any committee of the directors;
- (c) of all resolutions and proceedings at all meetings of the company, and of the directors, and of committees of directors,

and every director present at any meeting of directors or committee of directors shall sign his name in a book to be kept for that purpose.

*The Seal.*

76. The seal of the company shall not be affixed to any instrument except by the authority of a resolution of the board of directors, and in the presence of at least two directors and of the secretary or such other person as the directors may appoint for the purpose; and those two directors and secretary or other person as aforesaid shall sign every instrument to which the seal of the company is so affixed in their presence.

*Disqualifications of Directors.*

77. The office of director shall be vacated, if the director—
- (a) ceases to be a director by virtue of section seventy-three of the Companies Ordinance 1912; or
  - (b) holds any other office of profit under the company except that of managing director or manager; or
  - (c) becomes bankrupt or insolvent; or
  - (d) is found lunatic or becomes of unsound mind; or
  - (e) is concerned or participates in the profits of any contract with the company;

Provided, however, that no director shall vacate his office by reason of his being a member of any company which has entered into contracts with or done any work for the company of which he is director : but a director shall not vote in respect of any such contract or work, and if he does so vote his vote shall not be counted.

*Rotation of Directors.*

78. At the first ordinary meeting of the company the whole of the directors shall retire from office, and at the ordinary meeting in every subsequent year one-third of the directors for the time being, or, if their number is not three or a multiple of three, then the number nearest to one-third, shall retire from office.

79. The directors to retire in every year shall be those who have been longest in office since their last election, but as between persons who became directors on the same day those to retire shall (unless they otherwise agree among themselves) be determined by lot.

80. A retiring director shall be eligible for re-election.

81. The company at the general meeting at which a director retires in manner aforesaid may fill up the vacated office by electing a person thereto.

82. If at any meeting at which an election of directors ought to take place the places of the vacating directors are not filled up, the meeting shall stand adjourned till the same day in the next week at the same time and place, and, if at the adjourned meeting the places of the vacating directors are not filled up, the vacating directors, or such of them as have not had their places filled up, shall be deemed to have been re-elected at the adjourned meeting.

83. The company may from time to time in general meeting increase or reduce the number of directors, and may also determine in what rotation the increased or reduced number is to go out of office.

84. Any casual vacancy occurring in the board of directors may be filled up by the directors, but the person so chosen shall be subject to retirement at the same time as if he had become a director on the day on which the director in whose place he is appointed was last elected a director.

85. The directors shall have power at any time, and from time to time, to appoint a person as an additional director who shall retire from office at the next following ordinary general meeting, but shall be eligible for election by the company at that meeting as an additional director.

86. The company may by extraordinary resolution remove any director before the expiration of his period of office, and may by an ordinary resolution appoint another person in his stead; the person so appointed shall be subject to retirement at the same time as if he had become a director on the date on which the director in whose place he is appointed was last elected a director

## COMPANIES ORDINANCE, 1912.

A.D. 1912.

*Proceedings of Directors.*

87. The directors may meet together for the despatch of business, adjourn, and otherwise regulate their meetings, as they think fit. Questions arising at any meeting shall be decided by a majority of votes. In case of an equality of votes the chairman shall have a second or casting vote. A director may, and the secretary on the requisition of a director shall, at any time summon a meeting of the directors.

88. The quorum necessary for the transaction of the business of the directors may be fixed by the directors, and unless so fixed shall (when the number of directors exceeds three) be three.

89. The continuing directors may act notwithstanding any vacancy in their body, but, if and so long as their number is reduced below the number fixed by or pursuant to the regulations of the company as the necessary quorum of directors, the continuing directors may act for the purpose of increasing the number of directors to that number, or of summoning a general meeting of the company, but for no other purpose.

90. The directors may elect a chairman of their meetings and determine the period for which he is to hold office; but, if no such chairman is elected, or if at any meeting the chairman is not present within five minutes after the time appointed for holding the same, the directors present may choose one of their number to be chairman of the meeting.

91. The directors may delegate any of their powers to committees consisting of such member or members of their body as they think fit; any committee so formed shall in the exercise of the powers so delegated conform to any regulations that may be imposed on them by the directors.

92. A committee may elect a chairman of their meeting; if no such chairman is elected, or if at any meeting the chairman is not present within five minutes after the time appointed for holding the same, the members present may choose one of their number to be chairman of the meeting.

93. A committee may meet and adjourn as they think proper. Questions arising at any meeting shall be determined by a majority of votes of the members present, and in case of an equality of votes the chairman shall have a second or casting vote.

94. All acts done by any meeting of the directors or of a committee of directors, or by any person acting as a director, shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such directors or persons acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a director.

## COMPANIES ORDINANCE, 1912.

A.D. 1912.

*Dividends and Reserve.*

95. The company in general meeting may declare dividends, but no dividend shall exceed the amount recommended by the directors.

96. The directors may from time to time pay to the members such interim dividends as appear to the directors to be justified by the profits of the company.

97. No dividend shall be paid otherwise than out of profits.

98. Subject to the rights of persons, if any, entitled to shares with special rights as to dividends, all dividends shall be declared and paid according to the amounts paid on the shares, but if and so long as nothing is paid up on any of the shares in the company dividends may be declared and paid according to the amounts of the shares. No amount paid on a share in advance of calls shall, while carrying interest, be treated for the purposes of this article as paid on the share.

99. The directors may, before recommending any dividend, set aside out of the profits of the company such sums as they think proper as a reserve or reserves which shall at the discretion of the directors, be applicable for meeting contingencies, or for equalising dividends, or for any other purpose to which the profits of the company may be properly applied, and pending such application may, at the like discretion, either be employed in the business of the company or be invested in such investments (other than shares of the company) as the directors may from time to time think fit.

100. If several persons are registered as joint holders of any share any one of them may give effectual receipts for any dividend payable on the share.

101. Notice of any dividend that may have been declared shall be given in manner hereinafter mentioned to the persons entitled to share therein.

102. No dividend shall bear interest against the company.

*Accounts.*

103. The directors shall cause true accounts to be kept—

Of the sums of money received and expended by the company and the matter in respect of which such receipt and expenditure takes place, and

Of the assets and liabilities of the company.

104. The books of account shall be kept at the registered office of the company, or at such other place or places as the directors think fit, and shall always be open to the inspection of the directors.

## COMPANIES ORDINANCE, 1912.

A.D. 1912.

105. The directors shall from time to time determine whether and to what extent and at what times and places and under what conditions or regulations the accounts and books of the company or any of them shall be open to the inspection of members not being directors, and no member (not being a director) shall have any right of inspecting any account or book or document of the company except as conferred by Ordinance or authorized by the directors or by the company in general meeting.

106. Once at least in every year the directors shall lay before the company in general meeting a profit and loss account for the period since the preceding account or (in the case of the first account) since the incorporation of the company, made up to a date not more than six months before such meeting.

107. A balance sheet shall be made out in every year and laid before the company in general meeting made up to a date not more than six months before such meeting. The balance-sheet shall be accompanied by a report of the directors as to the state of the company's affairs, and the amount which they recommend to be paid by way of dividend, and the amount, if any, which they propose to carry to a reserve fund.

108. A copy of the balance sheet and report shall, seven days previously to the meeting, be sent to the persons entitled to receive notices of general meetings in the manner in which notices are to be given hereunder.

*Audit.*

109. Auditors shall be appointed and their duties regulated in accordance with sections one hundred and eleven and one hundred twelve of the Companies Ordinance, 1912, or any statutory modification thereof for the time being in force.

*Notices.*

110. A notice may be given by the company to any member either personally or by sending it by post to him to his registered address, or (if he has no registered address in the Colony) to the address, if any, within the Colony supplied by him to the company for the giving of notices to him.

Where a notice is sent by post, service of the notice shall be deemed to be effected by properly addressing, prepaying, and posting a letter containing the notice, and unless the contrary is proved to have been effected at the time at which the letter would be delivered in the ordinary course of post.

111. If a member has no registered address in the Colony and has not supplied to the company an address within the Colony for the giving of notices to him, a notice addressed to him inserted in the Gazette and advertised in a newspaper, (if any) circulating in the neighbourhood of the registered office of the company, shall be deemed to be duly given to him on the day on which the notice or advertisement appears, whichever be the later.

## COMPANIES ORDINANCE, 1912.

A.D. 1912.

112. A notice may be given by the company to the joint holders of a share by giving the notice to the joint holder named first in the register in respect of the share.

113. A notice may be given by the company to the persons entitled to a share in consequence of the death or bankruptcy of a member by sending it through the post in a prepaid letter addressed to them by name, or by the title of representatives of the deceased, or trustee of the bankruptcy, or by any like description, at the address, if any, in the Colony supplied for the purpose by the persons claiming to be so entitled, or (until such an address has been so supplied) by giving the notice in any manner in which the same might have been given if the death or bankruptcy had not occurred.

114. Notice of every general meeting shall be given in some manner hereinbefore authorised to (a) every member of the company (including bearers of share warrants) except those members who (having no registered address within the Colony) have not supplied to the company an address within the Colony for the giving of notices to them, and also to (b) every person entitled to a share in consequence of the death or bankruptcy of a member, who, but for his death or bankruptcy, would be entitled to receive notice of the meeting. No other persons shall be entitled to receive notices of general meetings.

## TABLE B.

Section 225.

## TABLE OF FEES to be paid to the REGISTRAR.

## I.—By a company having a share capital.

	£	s.	d.
For registration of a company whose nominal share capital does not exceed 2,000l. ... ..	2	0	0
For registration of a company whose nominal share capital exceeds 2,000l., the following fees, regulated according to the amount of nominal share capital (that is to say);	£	s.	d.
For every 1,000l. of nominal share capital, or part of 1,000l., up to 5,000l. ... ..	1	0	0
For every 1,000l. of nominal share capital, or part of 1,000l., after the first 5,000l., up to 100,000l. ... ..	0	5	0
For every 1,000l. of nominal share capital, or part of 1,000l., after the first 100,000l. ... ..	0	1	0
For registration of any increase of share capital made after the first registration of the company, the same fees per 1,000l., or part of a 1,000l., as would have been payable if the increased share capital had formed part of the original share capital at the time of registration :			

## COMPANIES ORDINANCE, 1912.

A.D. 1912.

	£	s.	d.
Provided that no company shall be liable to pay in respect of nominal share capital, on registration or afterwards, any greater amount of fees than 50 <i>l.</i> , taking into account in the case of fees payable on an increase of share capital after registration the fees paid on registration.			
For registering any document by this Ordinance required or authorised to be registered, other than the memorandum or the abstract required to be filed with the registrar by a receiver or manager or the statement required to be sent to the registrar by the liquidator in a winding-up - - -	0	5	0
For making a record of any fact by this Ordinance required or authorised to be recorded by the registrar - - - -	0	5	0

## II.—By a company not having a share capital.

For registration of a company whose number of members, as stated in the articles, does not exceed 20 - - - -	2	0	0
For registration of a company whose number of members, as stated in the articles, exceeds 20, but does not exceed 100 - - -	5	0	0
For registration of a company whose number of members, as stated in the articles, exceeds 100, but is not stated to be unlimited, the above fee of 5 <i>l.</i> , with an additional 5 <i>s.</i> for every 50 members or less number than 50 members after the first 100.			
For registration of a company in which the number of members is stated in the articles to be unlimited. - - - -	20	0	0
For registration of any increase on the number of members made after the registration of the company in respect of every 50 members, or less than 50 members of that increase -	0	5	0
Provided that no company shall be liable to pay on the whole a greater fee than 20 <i>l.</i> in respect of its number of members, taking into account the fee paid on the first registration of the company.			

## COMPANIES ORDINANCE, 1912.

	£ s. d.	A.D. 1912.
For registering any document by this Ordinance required or authorised to be registered, other than the memorandum or the abstract required to be filed with the registrar by a receiver or manager or the statement required to be sent to the registrar by the liquidator in a winding-up - - -	0 5 0	—
For making a record of any fact by this Ordinance required or authorised to be recorded by the registrar - - -	0 5 0	

## FORM C.

Section 107.

FORM OF STATEMENT to be published by BANKING and  
INSURANCE COMPANIES, and DEPOSIT, PROVIDENT, or  
BENEFIT SOCIETIES.

\* The share capital of the company is \_\_\_\_\_, divided  
into \_\_\_\_\_ shares of \_\_\_\_\_ each.

The number of shares issued is \_\_\_\_\_

Calls to the amount of \_\_\_\_\_ pounds per share have been  
made, under which the sum of \_\_\_\_\_ pounds has been received.

The liabilities of the company on the first day of January (or  
July) were—

Debts owing to sundry persons by the company.

- On judgment, £ \_\_\_\_\_
- On specialty, £ \_\_\_\_\_
- On notes or bills, £ \_\_\_\_\_
- On simple contracts, £ \_\_\_\_\_
- On estimated liabilities, £ \_\_\_\_\_

The assets of the company on that day were—

- Government securities [*stating them*]
- Bills of exchange and promissory notes, £ \_\_\_\_\_
- Cash at the bankers, £ \_\_\_\_\_
- Other securities, £ \_\_\_\_\_

\* If the company has no share capital the portion of the statement relating to capital and shares must be omitted.

## COMPANIES ORDINANCE, 1912.

A.D. 1912.  
Section 82.

## SECOND SCHEDULE.

THE COMPANIES ORDINANCE, 1912.  
STATEMENT IN LIEU OF PROSPECTUS.  
filed by

LIMITED

pursuant to section eighty-two of the Companies 1912.

Presented for filing by

THE COMPANIES ORDINANCE, 1912.

LIMITED.

## STATEMENT IN LIEU OF PROSPECTUS.

The nominal share capital of the company - - - - -	£
Divided into - - - - -	Shares of £ each. " " " " " "
Names, descriptions, and addresses of directors or proposed directors.	
Minimum subscription (if any) fixed by the memorandum or articles of association on which the company may proceed to allotment.	
Number and amount of shares and debentures agreed to be issued as fully or partly paid-up otherwise than in cash. The consideration for the intended issue of those shares and debentures.	<ol style="list-style-type: none"> <li>1. shares of £ fully paid.</li> <li>2. shares upon which £ per share credited as paid.</li> <li>3. debenture £</li> <li>4. Consideration.</li> </ol>

## COMPANIES ORDINANCE, 1912.

A.D. 1912.

<p>Names and addresses of (a) vendors of property purchased or acquired, or proposed to be (b) purchased or acquired by the company.</p> <p>Amount (in cash, shares, or debentures) payable to each separate vendor.</p>		<p>(a) For definition of vendor, see Section 81 (2) of the Companies Ordinance 1912.</p> <p>(b) See Section 81 (3) of the Companies Ordinance 1912.</p>
<p>Amount (if any) paid or payable (in cash or shares or debentures) for any such property, specifying amount (if any) paid or payable for goodwill.</p>	<p>Total purchase price £</p> <p>Cash - - - £</p> <p>Shares - - - £</p> <p>Debentures - - £</p> <p>Goodwill - - - £</p>	
<p>Amount (if any) paid or payable as commission for subscribing or agreeing to subscribe or procuring or agreeing to procure subscriptions for any shares or debentures in the company, or</p> <p>Rate of the commission - -</p>	<p>Amount paid.</p> <p>„ payable.</p> <p>Rate per cent.</p>	
<p>Estimated amount of preliminary expenses - - - -</p>	<p>£</p>	
<p>Amount paid or intended to be paid to any promoter.</p> <p>Consideration for the payment.</p>	<p>Name of promoter.</p> <p>Amount £</p> <p>Consideration:—</p>	
<p>Dates of, and parties to, every material contract (other than contracts entered into in the ordinary course of the business intended to be carried on by the company or entered into more than two years before the filing of this statement).</p>		
<p>Time and place at which the contracts or copies thereof may be inspected.</p>		

## COMPANIES ORDINANCE, 1912.

A.D. 1912.

Names and addresses of the auditors of the company (if any).	
Full particulars of the nature and extent of the interest of every director in the promotion of or in the property proposed to be acquired by the company, or, where the interest of such a director consists in being a partner in a firm, the nature and extent of the interest of the firm, with a statement of all sums paid or agreed to be paid to him or to the firm in cash or shares, or otherwise, by any person either to induce him to become, or to qualify him as, a director, or otherwise for services rendered by him or by the firm in connection with the promotion or formation of the company.	
Whether the articles contain any provisions precluding holders of shares or debentures receiving and inspecting balance sheets or reports of the auditors or other reports.	Nature of the provisions.

(Signatures of the persons above-named as directors or proposed directors, or of their agents authorised in writing.)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## COMPANIES ORDINANCE, 1912.

## THIRD SCHEDULE.

A.D. 1912.

## FORM A.

Section 117.

MEMORANDUM of ASSOCIATION of a company limited by shares

1st. The name of the company is "The Eastern Steam Packet Company Limited."

2nd. The objects for which the Company is established are, "the conveyance of passengers and goods in ships or boats between such places as the company may from time to time determine, and the doing all such other things as are incidental or conducive to the attainment of the above object."

3rd. The liability of the members is limited.

4th. The share capital of the company is two hundred thousand pounds divided into one thousand shares of two hundred pounds each.

WE, the several persons whose names and addresses are subscribed, are desirous of being formed into a company, in pursuance of this memorandum of association, and we respectively agree to take the number of shares in the capital of the company set opposite our respective names.

Names, Addresses, and Descriptions of Subscribers.	Number of Shares taken by each Subscriber.
" 1. John Jones of merchant	200
" 2. John Smith of —	25
" 3. Thomas Green of —	30
" 4. John Thompson of —	10
" 5. Caleb White of —	15
" 6. Andrew Brown of —	5
" 7. Cæsar White of —	10
Total shares taken	325

Dated the                      day of                      19                      .

Witness to the above signatures,

A.B., Marina, Lagos.

## COMPANIES ORDINANCE, 1912.

A.D. 1912.

## FORM B.

MEMORANDUM and ARTICLES of ASSOCIATION of a company limited by Guarantec, and not having a share capital.

*Memorandum of Association.*

1st. The name of the company is "The Mutual London Marine Association, Limited,"

2nd. The objects for which the company is established are "the mutual insurance of ships belonging to members of the company, and the doing all such other things as are incidental or conducive to the attainment of the above object."

3rd. The liability of the members is limited.

4th. Every member of the company undertakes to contribute to the assets of the company in the event of its being wound up while he is a member, or within one year afterwards, for payment of the debts and liabilities of the company contracted before he ceases to be a member, and the costs, charges, and expenses of winding up, and for the adjustment of the rights of the contributors among themselves, such amount as may be required not exceeding ten pounds.

WE, the several persons whose names and addresses are subscribed are desirous of being formed into a company, in pursuance of memorandum of association.

## Names, Addresses, and Descriptions of Subscribers.

" 1. John Jones of	merchant.
" 2. John Smith of	
" 3. Thomas Green of	
" 4. John Thompson of	
" 5. Caleb White of	
" 6. Andrew Brown of	
" 7. Cæsar White of	

Dated the            day of            19   .

Witness to the above signatures,

A.B., Marina, Lagos.

## ARTICLES of ASSOCIATION to accompany preceding MEMORANDUM of ASSOCIATION.

*Number of Members.*

1. The company, for the purpose of registration, is declared to consist of            members.

2. The directors herein-after mentioned may, whenever the business of the association requires it, register an increase of members.

*Definition of Members.*

3. Every person shall be deemed to have agreed to become a member of the company who insures any ship or share in a ship in pursuance of the regulation herein-after contained.

*General Meetings.*

4. The first general meeting shall be held at such time, not being less than one month nor more than three months after the incorporation of the company, and at such place, as the directors may determine.

5. A general meeting shall be held once in every year at such time (not being more than fifteen months after the holding of the last preceding general meeting) and place as may be prescribed by the company in general meeting, or, in default, at such time in the month following that in which the anniversary of the company's incorporation occurs, and at such place, as the directors shall appoint. In default of a general meeting being so held, a general meeting shall be held in the month next following, and may be convened by any two members in the same manner, nearly as possible as that in which meetings are to be convened by the directors.

6. The above-mentioned general meetings shall be called ordinary meetings; all other general meetings shall be called extraordinary.

7. The directors may, whenever they think fit, and shall, on a requisition made in writing by any five or more members, convene an extraordinary general meeting.

8. Any requisition made by the members must state the object of the meeting proposed to be called, and must be signed by the requisitionists and deposited at the registered office of the company.

9. On receipt of the requisition the directors shall forthwith proceed to convene a general meeting: if they do not proceed to cause a meeting to be held within twenty-one days from the date of the requisition being so deposited, the requisitionists or any other five members, may themselves convene a meeting.

*Proceedings at General Meetings.*

10. Seven day's notice at the least, specifying the place, the day, and the hour of meeting, and in case of special business the general nature of the business, shall be given to the members in manner herein-after mentioned, or in such other manner, if any, as may be prescribed by the company in general meeting; but the non-receipt of such a notice by any member shall not invalidate the proceedings at any general meeting.

## COMPANIES ORDINANCE, 1912.

A.D. 1912.

11. All business shall be deemed special that is transacted at an extraordinary meeting, and all that is transacted at an ordinary meeting, with the exception of the consideration of the accounts balance sheets, and the ordinary report of the directors and auditors, the election of directors and other officers in the place of those retiring by rotation, and the fixing of the remuneration of the auditors.

12. No business shall be transacted at any meeting except the declaration of a dividend, unless a quorum of members is present at the commencement of the business. The quorum shall be ascertained as follows (that is to say), if the members of the company at the time of the meeting do not exceed ten in number, the quorum shall be five; if they exceed ten there shall be added to the above quorum one for every five additional members up to fifty, and one for every ten additional members after fifty, with this limitation, that no quorum shall in any case exceed thirty.

13. If within one hour from the time appointed for the meeting a quorum of members is not present, the meeting, if convened on the requisition of the members, shall be dissolved; in any other case it shall stand adjourned to the same day in the following week at the same time and place; and if at such adjourned meeting a quorum of members is not present, it shall be adjourned sine die.

14. The chairman (if any) of the directors shall preside as chairman at every general meeting of the company.

15. If there is no such chairman, or if at any meeting he is not present at the time of holding the same, the members present shall choose some one of their number to be chairman of that meeting.

16. The chairman may, with the consent of the meeting, adjourn the meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

17. At any general meeting, unless a poll is demanded by at least three members, a declaration by the chairman that a resolution has been carried and an entry to that effect in the book of proceedings of the company, shall be conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against the resolution.

18. If a poll is demanded in manner aforesaid, the same shall be taken in such manner as the chairman directs, and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.

*Votes of Members.*

19. Every member shall have one vote and no more.

20. If any member is a lunatic or idiot he may vote by his committee, curator bonis, or other legal curator.

## COMPANIES ORDINANCE, 1912.

A.D. 1912.

21. No member shall be entitled to vote at any meeting unless all moneys due from him to the company have been paid.

22. On a poll votes may be given either personally or by proxy. A proxy shall be appointed in writing under the hand of the appointor, or if such appointor is a corporation, under its common seal.

23. No person shall act as a proxy unless he is a member, or unless he is appointed to act at the meeting as proxy for a corporation.

The instrument appointing him shall be deposited at the registered office of the company not less than forty-eight hours before the time of holding the meeting at which he proposes to vote.

24. Any instrument appointing a proxy shall be in the following form:—

Company, Limited.

of (in the county of)

being a member of the Company, Limited, hereby appoint  
 of as my proxy, to vote for me and on my  
 behalf at the [ordinary or extraordinary as the case may be]  
 general meeting of the company to be held on the  
 day of and at any adjournment thereof.

Signed this day of

*Directors.*

25. The number of the directors, and the names of the first directors, shall be determined by the subscribers of the memorandum of association.

26. Until directors are appointed the subscribers of the memorandum of association shall for all the purposes of the Companies Ordinance, 1912, be deemed to be directors.

*Powers of Directors.*

27. The business of the company shall be managed by the directors, who may exercise all such powers of the company as are not by the Companies Ordinance, 1912, or by any statutory modification thereof for the time being in force, or by these articles, required to be exercised by the company in general meeting; but no regulation made by the company in general meeting shall invalidate any prior act of the directors which would have been valid if that regulation had not been made.

*Election of Directors.*

28. The directors shall be elected annually by the company in general meeting.

*Business of Company.*

*Here insert Rules as to Mode in which Business of Insurance is to be conducted.]*

## COMPANIES ORDINANCE, 1912.

A.D. 1912

*Audit.*

29. Auditors shall be appointed and their duties regulated in accordance with sections one hundred and eleven and one hundred and twelve of the Companies Ordinance, 1912, or any statutory modification thereof for the time being in force, and for this purpose the said sections shall have effect as if the word "members" were substituted for "shareholders," and as if "first general meeting" were substituted for "statutory meeting."

*Notices.*

30. A notice may be given by the company to any member either personally, or by sending it by post to him to his registered address.

31. Where a notice is sent by post, service of the notice shall be deemed to be effected by properly addressing, prepaying, and posting a letter containing the notice, and unless the contrary is proved to have been effected at the time at which the letter would be delivered in the ordinary course of post.

## Names, Addresses, and Descriptions of Subscribers.

" 1. John Jones of	merchant.
" 2. John Smith of	
" 3. Thomas Green of	
" 4. John Thompson of	
" 5. Caleb White of	
" 6. Andrew Brown of	
" 7. Cesar White of	

Dated the      day of      19

Witness to the above signatures

A.B.,

Marina, Lagos.

## FORM C.

MEMORANDUM and ARTICLES of ASSOCIATION of a company limited by guarantee, and having a share capital.

*Memorandum of Association.*

1st. The name of the company is "The Lagos Hotel Company Limited."

2nd. The objects for which the company is established are "the facilitating travelling in the Colony, by providing hotels and conveyances by sea and by land for the accommodation of travellers, and the doing all such other things as are incidental or conducive to the attainment of the above object."

## COMPANIES ORDINANCE, 1912.

3rd. The liability of the members is limited.

A.D. 1912

4th. Every member of the company undertakes to contribute to the assets of the company in the event of its being wound up while he is a member, or within one year afterwards, for payment of the debts and liabilities of the company, contracted before he ceases to be a member, and the costs, charges, and expenses of winding up the same and for the adjustment of the rights of the contributories amongst themselves, such amount as may be required, not exceeding pounds.

5th. The share capital of the company shall consist of five hundred thousand pounds, divided into five thousand shares of one hundred pounds each.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a company, in pursuance of this memorandum of association, and we respectively agree to take the number of shares in the capital of the company set opposite our respective names.

Names, Addresses, and Description of Subscribers.	Number of Shares taken by each Subscriber.
" 1. John Jones of	200
" 2. John Smith of	25
" 3. Thomas Green of	30
" 4. John Thompson of	40
" 5. Caleb White of	15
" 6. Andrew Brown of	5
" 7. Cæsar White of	10
Total shares taken	325

Dated the      day of      19      .

Witness to the above signatures,

A.B.,

Marina, Lagos.

*Articles of Association to accompany preceding Memorandum of Association.*

1. The directors may, with the sanction of the company in general meeting, reduce the amount of shares in the company.

2. The directors may, with the sanction of the company in general meeting, cancel any shares belonging to the company.

3. All the articles of Table A. of the Companies Ordinance, 1912, shall be deemed to be incorporated with these articles and to apply to the company.

## COMPANIES ORDINANCE, 1912.

A.D. 1912.

## Names, Addresses, and Description of Subscribers.

- "1. John Jones of merchant.  
 "2. John Smith of  
 "3. Thomas Green of  
 "4. John Thompson of  
 "5. Caleb White of  
 "6. Andrew Brown of  
 "7. Caesar White of

Dated the      day of      19      .

Witness to the above signatures,  
 A.B., Marina, Lagos.

## FORM D.

MEMORANDUM and ARTICLES of ASSOCIATION of an unlimited company having a share capital.

*Memorandum of Association.*

1st. The name of the company is "*The Patent Stereotype Company.*"

2nd. The objects for which the company is established are "the working of a patent method of founding and casting stereotype plates, of which method John Smith, of Lagos, is the sole "patentee."

WE the several persons whose names are subscribed, are desirous of being formed into a company, in pursuance of this memorandum of association, and we respectively agree to take the number of shares in the capital of the company set opposite our respective names.

Names, Addresses, and Description of Subscribers.	Number of Shares taken by each Subscriber.
"1. John Jones of	3
"2. John Smith of	2
"3. Thomas Green of	1
"4. John Thompson of	2
"5. Caleb White of	2
"6. Andrew Brown of	1
"7. Abel Brown	1
Total shares taken	12

Dated the      day of      19      .

Witness to the above signatures,  
 A.B., Marina, Lagos.



## COMPANIES ORDINANCE, 1912.

A.D. 1912.

<sup>1</sup> There has been called up on each of	shares, £	
There has been called up on each of	shares, £	.
<sup>2</sup> There has been called up on each of	shares, £	.
<sup>3</sup> Total amount of calls received, including payments on application and allotment	... ..	£ .
Total amount (if any) agreed to be considered as paid on shares which have been issued as fully paid up otherwise than in cash	... ..	£ .
Total amount (if any) agreed to be considered as paid on shares which have been issued as partly paid up to the extent of	per share ... ..	£ .
Total amount of calls unpaid	... ..	£
Total amount (if any) of sums paid by way of commission in respect of shares or debentures or allowed by way of discount since date of last summary	... ..	£ .
Total amount (if any) paid on <sup>4</sup>	shares forfeited	£ .
Total amount of shares and stock for which share warrants are outstanding	... ..	£ .
Total amount of share warrants issued and surrendered respectively since date of last summary	... ..	£ .
Number of shares or amount of stock comprised in each share warrant	... ..	£ .
Total amount of debt due from the company in respect of all mortgages and charges which are required to be registered with the registrar, or which would require registration if created after the first day of	nineteen hundred and ... ..	£ .

STATEMENT in the form of a balance sheet made up to the day of 19 containing the particulars of the capital, liabilities, and assets of the company.

<sup>1</sup> When there are shares of different kinds or amount (*e.g.*, Preference and Ordinary, or 10l. or 5l.) state the numbers and nominal values separately.

<sup>2</sup> Where various amounts have been called or there are shares of different kinds state them separately.

<sup>3</sup> Include what has been received on forfeited as well as on existing shares

<sup>4</sup> State the aggregate number of shares forfeited (if any).

The return must be signed at the end by the manager or secretary of the company.

Presented for filing by \_\_\_\_\_

## COMPANIES ORDINANCE, 1912.

L.D. 1912.

LIST OF PERSONS holding shares in the  
 Company Limited, on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_,  
 and of persons who have held shares therein at any time since  
 the date of the last return, showing their names and addresses  
 and an account of the shares so held.

Folio in Register Ledger containing Particulars.	NAMES, ADDRESSES, AND OCCUPATIONS.				ACCOUNT OF SHARES.				Remarks.	
	Surname.	Chris- tian Name.	Ad- dress.	Occu- pation.	†Number of Shares held by existing Members at Date of Return.	‡ Particulars of Shares transfer- red since the Date of the last Return by Persons who are still Members.		§ Particulars of Shares transferred since the Date of the last Return by Persons who have ceased to be Members.		
						Num- ber.†	Date of Registra- tion of Transfer.	Num- ber.†		Date of Registra- tion of Transfer.

† The aggregate number of shares held, and not the distinctive numbers, must be stated, and the column must be added up throughout so as to make one total to agree with that stated in the summary to have been taken up.

‡ When the shares are of different classes these columns may be sub-divided so that the number of each class held or transferred may be shewn separately.

§ The date of registration of each transfer should be given as well as the number of shares transferred on each date. The particulars should be placed opposite the name of the transferor and not opposite that of the transferee, but the name of the transferee may be inserted in the "Remarks" column immediately opposite the particulars of each transfer.

NAMES AND ADDRESSES of the persons who are the Directors of  
 the \_\_\_\_\_ Limited on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Names.	Addresses.

NOTE.—Banking companies must add a list of all their places of business.

(Signature) \_\_\_\_\_  
 (State whether manager or secretary) \_\_\_\_\_

## FORM F.

A.D. 1912.

## LICENCE TO HOLD LANDS.

The Registrar hereby licences the.....  
to hold the lands hereunder described (*insert description of lands*) Section 19.  
[or to hold lands not exceeding in the whole        acres].

The conditions of this licence are (*insert conditions, if any*).

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## ARRANGEMENT OF SECTIONS.

A. D. 1912.

## PART I.

## CONSTITUTION AND INCORPORATION.

*Prohibition of Large Partnerships.*

Section.

1. Prohibition of partnerships exceeding certain number.

*Memorandum of Association.*

2. Mode of forming incorporated company.
3. Memorandum of company limited by shares.
4. Memorandum of company limited by guarantee.
5. Memorandum of unlimited company.
6. Stamp and signature of memorandum.
7. Restriction on alteration of memorandum.
8. Name of company and change of name.
9. Alteration of objects of company.

*Articles of Association.*

10. Registration of articles.
11. Application of Table A.
12. Form stamp and signature of articles.
13. Alteration of articles by special resolution.

*General Provisions.*

14. Effect of memorandum and articles.
15. Registration of memorandum and articles.
16. Effect of registration.
17. Conclusiveness of certificate of incorporation.
18. Copies of memorandum and articles to be given to members.

## COMPANIES ORDINANCE, 1912.

A. D. 1912

*Associations not for Profit.*

Section.

19. Restriction on charitable and other companies holding land.
20. Power to dispense with "limited" in name of charitable and other companies.

*Companies limited by Guarantee.*

21. Provision as to companies limited by guarantee.

## PART II.

## DISTRIBUTION AND REDUCTION OF SHARE CAPITAL, REGISTRATION OF UNLIMITED COMPANY AS LIMITED, AND UNLIMITED LIABILITY OF DIRECTORS.

*Distribution of Share Capital.*

22. Nature of shares.
23. Certificate of shares or stock.
24. Definition of member.
25. Register of members.
26. Annual list of members and summary.
27. Trust not to be entered on register.
28. Registration of transfer at request of transferor.
29. Transfer by personal representative.
30. Inspection of register of members.
31. Power to close register.
32. Power of court to rectify register.
33. Register to be evidence.
34. Power for company to keep extra-colonial register.
35. Regulations as to extra-colonial register.
36. Stamp duties in case of shares registered in extra-colonial registers.
37. Issue and effect of share warrants to bearer.
38. Forgery, personation, unlawfully engraving plates, &c.
39. Power of company to arrange for different amounts being paid on shares.
40. Power to return accumulated profits in reduction of paid-up share capital.
41. Power of company limited by shares to alter its share capital.
42. Notice to registrar of consolidation of share capital conversion of shares into stock, &c.

Section.

A. D. 1912.

- 43. Effect of conversion of shares into stock.
- 44. Notice of increase of share capital or of members.
- 45. Re-organisation of share capital.

*Reduction of Share Capital.*

- 46. Special resolution for reduction of share capital.
- 47. Application to court for confirming order.
- 48. Addition to name of company of "and reduced."
- 49. Objections by creditors and settlement of list of objecting creditors.
- 50. Order confirming reduction.
- 51. Registration of order and minute of reduction.
- 52. Minute to form part of memorandum.
- 53. Liability of members in respect of reduced shares.
- 54. Penalty on concealment of name of creditor.
- 55. Publication of reasons for reduction.
- 56. Increase and reduction of share capital in case of a company limited by guarantee having a share capital.

*Registration of Unlimited Company as Limited.*

- 57. Registration of unlimited company as limited.
- 58. Power of unlimited company to provide for reserve share capital on re-registration.

*Reserve Liability of Limited Company.*

- 59. Reserve liability of limited company.

*Unlimited Liability of Directors.*

- 60. Limited company may have directors with unlimited liability.
- 61. Special resolution of limited company making liability of directors unlimited.

PART III.

MANAGEMENT AND ADMINISTRATION.

*Office and Name.*

- 62. Registered office of company.
- 63. Publication of name by a limited company.

A. D. 1912

*Meetings and Proceedings.*

Section.

64. Annual general meeting.
65. First statutory meeting of company.
66. Convening of extraordinary general meeting on requisition.
67. Provisions as to meetings and votes.
68. Representation of companies at meetings of other companies of which they are members.
69. Definitions of extraordinary and special resolution.
70. Registration and copies of special resolutions.
71. Minutes of proceedings of meetings and directors.

*Appointment, Qualification, &c. of Directors.*

72. Restrictions on appointment or advertisement of director.
73. Qualification of director.
74. Validity of acts of directors.
75. List of directors to be sent to registrar.

*Contracts, &c.*

76. Form of contracts.
77. Bills of exchange and promissory notes.
78. Execution of deeds abroad.
79. Power for company to have official seal for use abroad.

*Prospectus.*

80. Filing of prospectus.
81. Specific requirements as to particulars of prospectus.
82. Obligations of companies where no prospectus is issued.
83. Restriction on alteration of terms mentioned in prospectus or statement in lieu of prospectus.
84. Liability for statements in prospectus.

*Allotment.*

85. Restriction as to allotment.
86. Effect of irregular allotment.
87. Restrictions on commencement of business.
88. Return as to allotments.

*Commissions and Discounts.*

A. D. 1912.

## Section.

89. Power to pay certain commissions, and prohibition of payment of all other commissions, discount, &c.
90. Statement in balance sheet as to commissions and discounts.

*Payment of Interest out of Capital.*

91. Power of company to pay interest out of capital in certain cases.

*Certificate of Shares, &c.*

92. Limitation of time for issue of certificates.

*Information as to Mortgages, Charges, &c.*

93. Registration of mortgages and charges.
94. Registration of enforcement of security.
95. Filing of accounts of receivers and managers.
96. Rectification of register of mortgages.
97. Entry of satisfaction.
98. Index to register of mortgages and charges.
99. Penalties.
100. Company's register of mortgages.
101. Right to inspect copies of instruments creating mortgages and charges and company's register of mortgages.
102. Right of debenture holders to inspect the register of debenture holders and to have copies of trust deed.

*Debentures and Floating Charges.*

103. Perpetual debentures.
104. Power to re-issue redeemed debentures in certain cases.
105. Specific performance of contract to subscribe for debentures.
106. Payments of certain debts out of assets subject to floating charge in priority to claims under the charge.

## COMPANIES ORDINANCE, 1912.

A. D. 1912.

*Statement to be published by Banking and certain other Companies.*

Section.

107. Certain companies to publish statement in schedule.

*Inspection and Audit.*

108. Investigation of affairs of company by inspectors.
109. Power of company to appoint inspectors.
110. Report of inspectors to be evidence.
111. Appointment and remuneration of auditors.
112. Powers and duties of auditors.
113. Rights of preference shareholders, &c., as to receipt and inspection of reports, &c.

*Carrying on Business with less than the legal minimum of Members.*

114. Prohibition of carrying on business with fewer than seven or, in the case of a private company, two members.

*Service and Authentication of Documents.*

115. Service of documents on company.
116. Authentication of documents.

*Tables and Forms.*

117. Application and alteration of tables and forms.

*Arbitrations.*

118. Arbitration between companies and others.

*Power to compromise.*

119. Power to compromise with creditors and members.

*Meaning of "Private Company."*

120. Meaning of "private company."

## PART IV.

A. D. 1912.

## WINDING UP.

*Preliminary.*

Section.

121. Modes of winding up.

*Contributories.*

122. Liability as contributories of present and past members.
123. Definition of contributory.
124. Nature of liability of contributory.
125. Contributories in case of death of member.
126. Contributories in case of bankruptcy of member.

*Winding up by Court.*

127. Circumstances in which company may be wound up by court.
128. Company when deemed unable to pay its debts.
129. Jurisdiction to wind up companies.
130. Transfer of proceedings.
131. Provisions as to applications for winding up.
132. Effect of winding-up order.
133. Commencement of winding up by court.
134. Power to stay or restrain proceedings against company.
135. Powers of court on hearing petition.
136. Actions stayed on winding-up order.
137. Copy of order to be forwarded to registrar.
138. Power of court to stay winding up.
139. Court may have regard to wishes of creditors or contributories.

*Official Receiver.*

Section.

140. Definition of official receiver.
141. Statement of company's affairs to be submitted to official receiver.
142. Report by official receiver.

## COMPANIES ORDINANCE, 1912.

A. D. 1912.

*Liquidators.*

## Section.

- 143. Appointment, remuneration, and title of liquidators.
- 144. Custody of company's property.
- 145. Powers of liquidator.
- 146. Meetings of creditors and contributories in winding up.
- 147. Liquidator to give information to official receiver.
- 148. Payments of liquidator in winding up into the Treasury.
- 149. Audit of liquidator's accounts in winding up.
- 150. Books to be kept by liquidator in winding up.
- 151. Release of liquidators.
- 152. Exercise and control of liquidator's powers.
- 153. Control of Registrar over liquidators.

*Committee of Inspection, Special Manager, Receiver.*

- 154. Committee of inspection in winding up.
- 155. Power to appoint special manager.
- 156. Power to appoint official receiver as receiver for debenture holders or creditors.

*Ordinary Powers of Court.*

- 157. Settlement of list of contributories and application of assets.
- 158. Power to require delivery of property.
- 159. Power to order payment of debts by contributory.
- 160. Power of court to make calls.
- 161. Power to order payment into bank.
- 162. Order on contributory conclusive evidence.
- 163. Power to exclude creditors not proving in time.
- 164. Adjustment of rights of contributories.
- 165. Power to order costs.
- 166. Dissolution of company.
- 167. Delegation to liquidator of certain powers of court.

*Extraordinary Powers of Court.*

A. D. 1912.

## Section.

168. Power to summon persons suspected of having property of company.  
 169. Power to order public examination of promoters, directors, &c.  
 170. Power to arrest absconding contributory.  
 171. Powers of court cumulative.

*Enforcement of and Appeal from Orders.*

172. Power to enforce orders.  
 173. Appeals from order.

*Voluntary Winding Up.*

174. Circumstances in which company may be wound up voluntarily.  
 175. Commencement of voluntary winding up.  
 176. Effect of voluntary winding up on status of company.  
 177. Notice of resolution to wind up voluntarily.  
 178. Consequences of voluntary winding up.  
 179. Notice by liquidator of his appointment.  
 180. Rights of creditors in a voluntary winding up.  
 181. Power to fill vacancy in office of liquidator.  
 182. Delegation of authority to appoint liquidators.  
 183. Arrangement when binding on creditors.  
 184. Power of liquidator to accept shares, &c. as consideration for sale of property of company.  
 185. Power to apply to court.  
 186. Power of liquidator to call general meeting.  
 187. Final meeting and dissolution.  
 188. Costs of voluntary liquidation.  
 189. Saving for rights of creditors and contributories.  
 190. Power of court to adopt proceedings of voluntary winding up.

*Winding Up subject to Supervision of Court.*

191. Power to order winding up subject to supervision.  
 192. Effect of petition for winding up subject to supervision.  
 193. Court may have regard to wishes of creditors and contributories.  
 194. Power for court to appoint or remove liquidators.  
 195. Effect of supervision order.

A. D. 1912.

*Supplemental Provisions.*

- Section.
196. Avoidance of transfers, &c. after commencement of winding up.
197. Debts of all descriptions to be proved.
198. Application of English bankruptcy rules in winding up of insolvent companies.
199. Preferential payments.
200. Fraudulent preference.
201. Avoidance of certain attachments, executions, &c. in case of company.
202. Effect of floating charge.
203. General scheme of liquidation may be sanctioned.
204. Power of court to assess damages against delinquent directors, &c.
205. Penalty for falsification of books.
206. Prosecution of delinquent directors, &c.
207. Penalty on perjury.
208. Meetings to ascertain wishes of creditors or contributories.
209. Books of company to be evidence.
210. Inspection of books.
211. Disposal of books and papers of company.
212. Power of court to declare dissolution of company void.
213. Information as to pending liquidations.
214. Judicial notice of signature of officers.
215. Special commission for receiving evidence.
216. Affidavits, &c. in colony and elsewhere.
217. Companies liquidation account defined.
218. Investment of surplus funds on general account.
219. Separate accounts of particular estates.
220. Annual accounts of winding up.
221. Proof of signatures of Attorney-General, Treasurer and Registrar.
222. Rules and Fees.

*Removal of Defunct Companies from Register.*

223. Registrar may strike defunct company off register.

## COMPANIES ORDINANCE, 1912.

## PART V.

A. D. 1912.

## REGISTRATION OFFICE AND FEES.

Section.

224. Registration offices in the Colony.  
225. Fees.

## PART VI.

E.A. Part VIII.

## WINDING UP OF UNREGISTERED COMPANIES.

226. Winding-up of unregistered company.  
227. Contributories in winding up of unregistered Company.  
228. Power of Court to stay or restrain proceedings.  
229. Actions stayed on winding-up order.  
230. Directions as to property in certain cases.  
231. Provisions of Part of Ordinance cumulative.

## PART VII.

E.A. Part IX.

## COMPANIES ESTABLISHED OUTSIDE THE COLONY.

232. Requirements as to companies established outside the Colony.  
233. Power of companies incorporated in British possessions to hold lands.

## PART VIII.

E.A. Part X.

## SUPPLEMENTAL.

*Legal Proceedings, Offences, &c.*

234. Prosecution of offences.  
235. Applications of fines.  
236. Costs in actions by certain limited companies.  
237. Power of court to grant relief in certain cases.  
238. Penalty for false statement.  
239. Penalty for improper use of word "Limited."

*Report by Registrar.*

240. Annual Report by Registrar.

*Interpretation, &c.*

241. Interpretation.  
242. Short title.  
243. Commencement of Ordinance.

## SCHEDULES.

Passed in the Legislative Council this 7th day of March, in the year of our Lord one thousand nine hundred and twelve

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

GERALD BELL,  
*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

D. C. CAMERON,  
*Acting Colonial Secretary.*

A. R. PENNINGTON,  
*Attorney-General.*

Assented to in His Majesty's name this 7th day of March, 1912.

F. S. JAMES,  
*Acting Governor and Commander-in-Chief.*

(L.S.)

F. S. JAMES.

No. X.

1912.



COLONY OF SOUTHERN NIGERIA.

IN THE THIRD YEAR OF THE REIGN OF  
HIS MAJESTY KING GEORGE V.  
FREDERICK SETON JAMES, ESQUIRE, C.M.G.,  
*Acting Governor and Commander-in-Chief.*

An Ordinance to render valid the sittings and Title.  
proceedings of the Legislative Council of  
the Colony of Southern Nigeria in which  
certain persons took part who had not  
been duly appointed as Members thereof.

[31ST MAY, 1912.] Date.

WHEREAS under the provisions of the Royal Preamble.  
Instructions under the Royal Sign Manual and Signet  
bearing date at the Court of Saint James's the

twenty-eighth day of February, 1906, given to the Governor and Commander-in-Chief in and over the Colony of Southern Nigeria and to the Lieutenant Governor or other Officer for the time being administering the Government of the said Colony, His Late Majesty King Edward the Seventh did direct, enjoin and declare that members of the Legislative Council, not holding offices in the Colony, shall be appointed by Instruction or Warrant under the Royal Sign Manual and Signet, or as the Governor, in pursuance of instructions from His Majesty through one of his Principal Secretaries of State, may from time to time appoint by an instrument under the Public Seal of the Colony.

AND WHEREAS certain persons have been sworn in and admitted as Unofficial Members of the said Legislative Council, although not appointed by any Warrant or Instruction as aforesaid, on divers dates since the date of the said Royal Instructions and have sat and taken part in the proceedings of the said Legislative Council as if, duly appointed, Unofficial Members thereof.

AND WHEREAS by the said Royal Instructions it was further directed, enjoined and declared that the Governor may by an instrument under the Public Seal of the Colony appoint any person, for the purpose of obtaining his advice to be, for any occasion, an Extraordinary Member of the said Legislative Council.

AND WHEREAS certain persons have been sworn in and admitted as Extraordinary Members of the said Legislative Council, although not appointed under any instrument as aforesaid, on divers dates since the date of the said Royal Instructions and have sat and taken part in the proceedings of the said Legislative Council as if, though not, Unofficial Members thereof.

AND WHEREAS by the said Royal Instructions it was further directed, enjoined and declared that

THE LEGISLATIVE COUNCIL ORDINANCE, 1912.

the Governor may, in certain cases set out in the eighteenth clause of the said instructions, by an instrument under the Public Seal of the said Colony appoint a fit and proper person provisionally a member of the said Legislative Council.

AND WHEREAS certain persons have been sworn in and admitted as Provisional Members of the said Legislative Council, although not appointed under any instrument as aforesaid, on divers dates since the date of the said Royal Instructions and have sat and taken part in the proceedings of the said Legislative Council.

AND WHEREAS it is expedient to render valid the sittings and proceedings of the said Legislative Council in which the persons as aforesaid took part.

BE IT THEREFORE ENACTED by the Governor of the Colony of Southern Nigeria with the advice and consent of the Legislative Council thereof as follows :— Enactment.

1. This Ordinance may be cited as the Legislative Council Ordinance, 1912. Short Title.

2. The sittings and proceedings of the Legislative Council of the Colony are hereby validated and rendered as effectual for all purposes as if all the persons set out in the Schedule to this Ordinance who sat therein and took part therein as Members had been at all times when they sat in such Legislative Council and took part in the proceedings thereof Members of the said Council. Sittings and proceedings validated.

3. Ordinance No. nineteen of 1911 is hereby repealed. Repeal.

SCHEDULE.

*Unofficial Members.*

Obadiah Johnson.

C. A. Sapara Williams.

Kitoyi Ajasa.

John Miller.

THE LEGISLATIVE COUNCIL ORDINANCE, 1912.

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*Extraordinary Members.*

C. V. Bellamy.  
H. A. Child, R.N.  
A. McAllister.  
T. F. Burrowes.  
C. A. Birtwistle.  
F. H. Waller.  
F. Bedford Glasier, C.M.G.

*Provisional Members.*

J. M. Parker.  
R. Tannock.  
T. Jaynes.  
L. Chadwick.  
S. H. Urry.

---

Passed in the Legislative Council this 31st day of May, in the year of our Lord, one thousand nine hundred and twelve.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

GERALD BELL,  
*Clerk of the Legislative Council.*

THE LEGISLATIVE COUNCIL ORDINANCE, 1912.

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Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

D. C. CAMERON,  
*Acting Colonial Secretary.*

J. M. M. DUNLOP,  
*Acting Attorney-General.*

Assented to in His Majesty's name this 31st day of May, 1912.

F. S. JAMES,  
*Acting Governor and Commander-in-Chief.*



(L.S.)

F. S. JAMES.

No. XII.

1912.



COLONY OF SOUTHERN NIGERIA.

IN THE THIRD YEAR OF THE REIGN OF  
HIS MAJESTY KING GEORGE V.  
FREDERICK SETON JAMES, ESQUIRE, C.M.G.,  
*Acting Governor and Commander-in-Chief.*

An Ordinance to make provision for the granting of allowances to European Nurses after a shorter period of service than in the case of other public officers. Title.

[31ST MAY, 1912.] Date.

WHEREAS it is desirable that European nurses in the service of the Colony should become eligible for the grant of retiring allowances in the ordinary course on the completion of a shorter period of service than in the case of public officers generally. Preamble.

THE PENSIONS (NURSES) ORDINANCE, 1912.

AND WHEREAS the emoluments of such nurses are divided into salary and subsistence allowance, of which the latter is not a pensionable emolument, and it is desirable that the scale on which retiring allowances may be granted to such nurses should be adjusted accordingly.

Enactment.

NOW THEREFORE BE IT ENACTED by the Governor of the Colony of Southern Nigeria with the advice and consent of the Legislative Council thereof as follows :—

Short Title.

1. This Ordinance may be cited as the Pensions (Nurses) Ordinance, 1912.

Period of service requisite to qualify for pension.

2. A European nurse whose service is pensionable under the provisions of the law in force relating to pensions generally may be permitted to retire with pension on the completion of a period of service equal to two-thirds of such period as may be prescribed by that law for voluntary retirement with pension.

Method of computation of pension.

3. In reckoning the service of such a nurse for the purpose of computing the amount of her pension or gratuity under the law in force a period may be added equal to one-third of such service, provided that such addition shall not be made unless the emoluments of her office at the time of her retirement include a non-pensionable subsistence allowance or its equivalent.

Conditions of Pensions Ordinance applicable.

4. Subject to the provisions of this Ordinance the conditions upon which a European nurse may be permitted or required to retire and the terms and conditions upon which any pension or gratuity may be computed, granted, paid or withheld shall in all respects be those applicable to public officers generally.

Passed in the Legislative Council this 31st day of May, in the year of our Lord one thousand nine hundred and twelve.

THE PENSIONS (NURSES) ORDINANCE, 1912.

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This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

GERALD BELL,  
*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

D. C. CAMERON,  
*Acting Colonial Secretary.*

J. M. M. DUNLOP,  
*Acting Attorney-General.*

Assented to in His Majesty's name this 31st day of May, 1912.

F. S. JAMES,  
*Acting Governor and Commander-in-Chief.*



(L.S.)

F. S. JAMES.

No. XIV.

1912.



COLONY OF SOUTHERN NIGERIA.

IN THE THIRD YEAR OF THE REIGN OF  
HIS MAJESTY KING GEORGE V.  
FREDERICK SETON JAMES, ESQUIRE, C.M.G.,  
*Acting Governor and Commander-in-Chief.*

An Ordinance to provide for the better Preservation of the Public Peace in those parts of the Protectorate which are not under absolute control. Title.

[4TH JUNE, 1912.] Date.

WHEREAS the peace and good order of the Protectorate has on various occasions been broken by the internal conflicts of divers towns and villages; Preamble.

PEACE PRESERVATION ORDINANCE, 1912.

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AND WHEREAS in divers parts of the Protectorate the life, limb and property of the peaceful inhabitants thereof is in constant danger;

AND WHEREAS many of the aforesaid towns and villages have only recently been brought under control and the ordinary law of the Colony and Protectorate is not fitted for coping with disturbances in such places;

AND WHEREAS it is expedient to make further and better provision for the preservation of the public peace;

Enactment.

BE IT THEREFORE ENACTED by the Governor of the Colony of Southern Nigeria, with the advice and consent of the Legislative Council thereof, as follows:—

Short Title.

1. This Ordinance may be cited as the Peace Preservation Ordinance, 1912, and applies to the Central and Eastern Provinces.

Interpretation.

2. In this Ordinance, unless the context otherwise requires:—

“Ammunition” means and includes ammunition as defined by the Fire-arms Ordinance and also bullets, gunpowder, rockets, lithofracteur, nitro-glycerine, dynamite, roborite, gun-cotton, and every other explosive substance whether fitted for use with any arms or otherwise.

“Arms” means and includes fire-arms as defined by the Fire-arms Ordinance, and also revolvers, pistols, swords, cutlasses, spears, daggers, pikes, bayonets, bows and arrows or any part thereof.

“Disturbed district” means and includes any specified part of the Colony as to which any proclamation under section three hereof has been made, so long as such proclamation is in force.

## PEACE PRESERVATION ORDINANCE, 1912.

“District Commissioner” includes Assistant District Commissioner.

3. Whenever it shall appear to be necessary for the preservation of public peace in any part of the Protectorate to which this Ordinance applies, the Governor may declare by proclamation that such part is a disturbed district. Power to declare a district disturbed.

Provided always that in case of emergency it shall be lawful for the Provincial Commissioner to proclaim a district disturbed. A copy of any such proclamation shall forthwith be sent to the Governor. The Governor may affirm or cancel such proclamation, if cancelled such proclamation shall cease to have effect from the date of cancellation.

4. (i) Any person who is reasonably suspected by the Governor or Provincial Commissioner of:— Suspects may be arrested on warrant.

- (a) having been guilty as principal or accessory of high treason, treason felony, or treasonable practices; or
- (b) having been guilty of any crime punishable by law, being an act of violence or intimidation; or
- (c) having been guilty of inciting to an act of violence or intimidation tending to interfere with or disturb the maintenance of law and order;

in any disturbed district, after such district has been proclaimed under this Ordinance, may, on the warrant of the Governor or a Provincial Commissioner, be arrested in any part of the Central and Eastern Provinces and detained during the continuance of such proclamation in the prison of the District where he is arrested or such other prison as may from time to time be directed by the Governor, without bail or mainprize; and shall not be discharged or tried by any court without the direction of the Governor; and every such warrant shall, for the purposes of this Ordinance, be conclusive evidence of all matters therein contained, and of the jurisdiction to issue and execute such warrant, and of the legality of the arrest and detention of the person mentioned in such warrant.

## PEACE PRESERVATION ORDINANCE, 1912.

- (ii) Every warrant shall state the character of the crime of which the person to be arrested thereunder is suspected. A copy of the warrant shall be given to each person arrested under this section on the occasion of his arrest.
- (iii) Any Provincial Commissioner who issues any warrant under this section shall immediately send a copy thereof to the Governor.
- (iv) On the expiration of a period of three months after the arrest of each person detained under this section, and so from time to time on the expiration of each succeeding period of three months while such person is detained, the Governor shall consider the case of such person and decide, thereon; and the decision of the Governor in that behalf shall be certified under his hand, or the hand of the Colonial Secretary and forwarded to the officer in charge of the prison in which such person is detained, who shall record such decision by endorsement on the warrant filed in his office.

Penalty for knowingly concealing suspect.

5. Any person who knowingly receives, relieves, comforts, assists, conceals or attempts to conceal any person against whom a warrant has been issued under section four shall be liable to imprisonment with or without hard labour for a term not exceeding six months, or to be fined in a sum not exceeding twenty-five pounds.

Penalty for having or carrying arms or ammunition in a disturbed district.

6. In a disturbed district a person shall not have or carry any arms or ammunition save as authorised by the said proclamation. Any person acting in contravention hereof shall be liable if convicted by a District Commissioner to be imprisoned for a term not exceeding three months or to a penalty not exceeding twenty pounds; but if upon the hearing of the charge the District Commissioner having regard to the nature and quantity of the arms or ammunition found and the profession, occupation and station in life of the person accused, shall be of opinion that there are circumstances in the case which render it inexpedient to inflict any punishment, he shall have

## PEACE PRESERVATION ORDINANCE, 1912.

power to dismiss such person without proceeding to a conviction. Provided that any proclamation made under section three may set forth the conditions and regulations under which the having or carrying of arms and ammunition may be licensed or authorised, and may make provision for the persons who may grant licenses to have or carry arms or ammunition.

7. Any person having or carrying or reasonably <sup>Arrest.</sup> suspected of having or carrying any arms or ammunition in contravention of this Ordinance may be arrested without warrant by any constable or peace officer and conveyed before the District Commissioner to be dealt with according to law.

8. A District Commissioner may himself with or <sup>Search Warrant-</sup> without warrant and with or without assistance enter and search, or may by warrant direct any person named in such warrant to enter and search any house, buildings or places situated in a disturbed district for any arms, or ammunition or for any person against whom a warrant has been issued under section four, suspected to be therein in contravention of this Ordinance. Such warrant shall be valid notwithstanding that the houses, buildings or places to be searched are not specified therein further than being houses, buildings or places situated in or about a specified town or village.

The District Commissioner or the person named in the warrant may call to their assistance any such constables and peace officers or other persons, and use such force as may be necessary.

9. Any arms or ammunition had, carried or found <sup>Seizure and for-</sup> under circumstances which contravene this Ordinance <sup>feiture of arms and</sup> shall be seized and forfeited. <sup>ammunition.</sup>

Any arms or ammunition in the possession of persons not entitled to have the same which shall within a period to be fixed by the proclamation be given up voluntarily or taken under such circumstances as prove to the satisfaction of the District Commissioner that they have not been wilfully kept back shall be deemed to be in the possession of His

## PEACE PRESERVATION ORDINANCE, 1912.

Majesty, and provision may be made in such proclamation for the deposit, registration, valuation and care of the same, and such arms and ammunition shall be returned to the owners thereof whenever the proclamation relating thereto shall cease to be in force.

Provided that at any time the Governor or Provincial Commissioner may, instead of keeping and returning the arms and ammunition aforesaid, if he thinks fit, pay to the owners of the same the value thereof as ascertained in the manner which may be provided in the proclamation.

Fines on Chiefs  
in case of riot in a  
disturbed district.

10. If a rebellion, civil commotion or riot resulting in harm to any person or loss of life or loss of property shall take place in a disturbed district, any chief or person in such disturbed district who has

- (a) Taken part in such rebellion, civil commotion or riot or
- (b) instigated such rebellion, civil commotion or riot, or
- (c) been negligent in preventing or suppressing such rebellion, civil commotion or riot, or
- (d) neglected to bring to justice or deliver up persons taking part in or accused or suspected of taking part in such rebellion, civil commotion or riot,

shall be liable to be fined in a sum not exceeding five hundred pounds by the District Commissioner of the District, or by the officer specially appointed to restore order in the disturbed district, or to be imprisoned with or without hard labour for a term not exceeding two years, or to both fine and imprisonment. Any fine or term of imprisonment so inflicted shall require confirmation by the Governor.

Any fine confirmed as aforesaid, if not forthwith paid, may be levied by distress and sale of the offender's goods in manner as provided for by the Supreme Court Ordinance, as near as local circumstances admit, and in default of sufficient distress it shall be lawful for the Governor to commit the offender to prison, with or without hard labour for a term

## PEACE PRESERVATION ORDINANCE, 1912.

not exceeding twelve months unless such fine be sooner paid. Such term of imprisonment may be in addition to any term awarded as aforesaid.

A warrant under the hand of the District Commissioner or specially appointed officer addressed to the Keeper of any Prison shall be sufficient authority to such Keeper and to all other persons for the imprisonment therein of the person named in such warrant and for carrying into effect the sentence described therein.

11. Where additional troops or police have been sent up to or stationed in a disturbed district the Governor or Provincial Commissioner may order that the inhabitants of such disturbed district be charged with the cost of such additional troops or police.

Cost of additional troops in a disturbed district to be paid by inhabitants.

A District Commissioner within whose District any portion of a disturbed district, as defined by this Ordinance, is situated, or any person appointed in that behalf by the Governor shall, after inquiry if necessary, assess the proportion in which such cost is to be paid by the said inhabitants according to his judgment of their respective means.

All moneys payable under this section, if not forthwith paid, may be levied by distress and sale of the goods of the person liable to pay the same in manner as provided by the Supreme Court Ordinance as near as local circumstances admit, and in default of sufficient distress it shall be lawful for the District Commissioner or officer specially appointed to restore order in a disturbed district to commit the defaulter to prison, with or without hard labour, for a term not exceeding twelve months unless such moneys be sooner paid.

12. In any disturbed district the District Commissioner or any commissioned officer in His Majesty's military or naval service, who has reasonable cause to believe that a rebellion, civil commotion, or riot is taking place or about to take place may do all things necessary for preventing the same, and may use all such force as is reasonably necessary for preventing the same, and for overcoming any resistance which may be made, and shall not be liable for having, by use of such force, caused harm or death to any person,

No criminal proceedings to be instituted except by the Attorney-General. No civil proceedings except with his written consent.

## PEACE PRESERVATION ORDINANCE, 1912.

except, in criminal proceedings at the instance of the Attorney-General, and in civil proceedings with the Attorney-General's consent.

Protection of  
Officers, &c.

13. In any disturbed district all officers and soldiers of the West African Frontier Force shall, in addition to any other powers of arrest conferred on them by any of the provisions of this Ordinance, have all the powers of arrest which the Southern Nigeria Police Force has, as set out in section thirty-one of the Police Ordinance.

Protection of  
Officers, &c.

14. In any disturbed district all officers civil, military and naval and all soldiers of the West African Frontier Force shall, in addition to any other protection afforded them by this Ordinance, be protected with regard to any suit brought against them for anything done by them in the execution of their duty under this Ordinance in like manner as a member of the Southern Nigeria Police Force is protected under section thirty-one of the Police Force.

District Commis-  
sioner may  
sentence rioters,  
&c. to one year's  
imprisonment.

15. In any disturbed district the District Commissioner or other officer specially appointed to restore order in the disturbed district may sentence any person convicted before him of riot, rout, unlawful assembly or affray to a term of imprisonment, with or without hard labour, for one year, anything in the Supreme Court Ordinance to the contrary notwithstanding.

Saving as to liabi-  
lity to other  
civil or criminal  
proceedings.

16. The imposition of a fine under section ten hereof on any person shall not exempt such person from any proceeding for an offence which is punishable otherwise, nor affect any remedy which any other person aggrieved by any act of such person may be entitled to in any civil proceeding.

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Passed in the Legislative Council this 4th day of June, in the year of our Lord one thousand nine hundred and twelve.

PEACE PRESERVATION ORDINANCE, 1912.

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This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

GERALD BELL,

*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

D. C. CAMERON,

*Acting Colonial Secretary.*

J. M. M. DUNLOP,

*Acting Attorney-General.*

Assented to in His Majesty's name this 4th day of June, 1912.

F. S. JAMES,

*Acting Governor and Commander-in-Chief.*



(L.S.)

F. S. JAMES.

No. XV.

1912.



COLONY OF SOUTHERN NIGERIA.

IN THE THIRD YEAR OF THE REIGN OF  
HIS MAJESTY KING GEORGE V.  
FREDERICK SETON JAMES, ESQUIRE, C.M.G.,  
*Acting Governor and Commander-in-Chief.*

An Ordinance to enable certain parts of the Protectorate to be declared Unsettled Districts and for other purposes relating thereto. <sup>Title.</sup>

[4TH JUNE, 1912.] <sup>Date.</sup>

BE IT ENACTED by the Governor of the Colony of Southern Nigeria with the advice and consent of the Legislative Council thereof as follows:— <sup>Enactment.</sup>

1. This Ordinance may be cited as the Unsettled Districts Ordinance, 1912. <sup>Short Title.</sup>

## THE UNSETTLED DISTRICTS ORDINANCE, 1912.

Definition of non-native.

2. In this Ordinance "Non-native" shall mean any person who is not a native as defined by the Interpretation and General clauses Ordinance.

Governor in Council may declare unsettled districts.

3. (1) The Governor in Council may from time to time by order declare any portion of the Protectorate to be an unsettled District, and thereupon it shall be lawful for:—

- (a) The Governor in the same order or by subsequent order to prohibit any person, persons, or class of persons being non-natives from entering the said District.
- (b) The Provincial Commissioner of the Province or the District Commissioner of the district by letter signed by him to prohibit any person being a non-native from entering the said District.

Provided that any person so prohibited shall have a right of appeal to the Governor. Such appeal shall be made by letter to be served on the Provincial Commissioner or District Commissioner within one week from the receipt of the prohibition. The prohibition shall remain in force pending the Governor's decision.

- (2) (a) The Governor may by licence grant permission to any person, prohibited from entering any District under sub-section one (a) of this section, to enter such District. The permission shall be subject to any conditions which may from time to time be fixed by the Governor. The conditions shall be endorsed on the licence.
- (b) The Provincial Commissioner or District Commissioner, as the case may be, may by licence grant permission to any person, prohibited from entering any District under subsection one (b) of this section, to enter such District. The permission shall be subject to any conditions endorsed on the licence by the Provincial or District Commissioner.

## THE UNSETTLED DISTRICTS ORDINANCE, 1912.

Any licensee committing a breach of such conditions or any of them, shall be deemed to have entered an unsettled District without permission, and be liable to the penalties set forth in section five of this Ordinance in respect of such breach.

4. Whenever it is established to the satisfaction of the Commissioner's Court in any District that there are reasonable grounds to believe that any prohibited person intends or is about to enter an unsettled District contrary to the provisions of this Ordinance, such Court may order him to give security not to commit a breach of such provisions and in default may order him to be deported in the manner hereinafter provided.

Proceedings  
against suspected  
persons.

5. Any prohibited person entering or attempting to enter an unsettled District without such permission as aforesaid shall be guilty of an offence and shall be liable to imprisonment for a period not exceeding six months or a fine not exceeding fifty pounds or to both.

Entering or  
attempting to  
enter an unsettled  
District without  
permission.

6. Where a person is ordered to be deported under the provisions of section four of this Ordinance, such order may :—

Terms of order of  
deportation.

- (1) be expressed to be in force for a time to be limited therein or for an unlimited time.
- (2) sentence the person to be deported to any part of the Colony or Protectorate or to such part of His Majesty's Dominions or of any country under His Majesty's Protection as the Governor with the concurrence of the Secretary of State may direct.

7. The person ordered to be deported may be detained in custody until a fit opportunity for his deportation occurs.

How kept till  
deportation.

8. When any person is ordered to be deported a warrant shall be sufficient authority to any person to whom it is directed to receive and detain the person

Warrant for  
deportation.

## THE UNSETTLED DISTRICTS ORDINANCE, 1912.

therein named and to carry him to and deliver him up at the place named therein. The warrant shall be in the form, or as near thereto as possible, given in Schedule A hereto.

Penalty for re-  
turning while  
order in force.

9 Any person deported from a district who returns while the order for deportation is in force, without the written consent of the Court or the Governor,—which consent may be given subject to any terms as to security for good behaviour or otherwise as to the Court or Governor may seem fit—shall be liable, if he return without such consent or if having obtained such consent he commits a breach of any one or more of any conditions subject to which the consent was given, to imprisonment for a period not exceeding six months or a fine not exceeding fifty pounds or to both.

Costs of  
deportation.

10. The Court may order the person deported to pay the expenses of his deportation to an amount specified in the order.

Repeal.

11. The Unsettled Districts Ordinance, 1911 is hereby repealed.

## SCHEDULE A.

### WARRANT OF DEPORTATION.

In the Court of Southern Nigeria.

To A. B. and other Officers of this Court  
C. D. of , having been ordered  
by this Court to be deported from  
to for

You are therefore hereby commanded with proper assistance to remove the said C. D., and to convey him to and there deliver him to or such other officer or person as may be authorized to receive him.

Dated at this day of 19

*Signature.*

THE UNSETTLED DISTRICTS ORDINANCE, 1912.

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Passed in the Legislative Council this 4th day of June, in the year of our Lord one thousand nine hundred and twelve.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

GERALD BELL,

*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

D. C. CAMERON,

*Acting Colonial Secretary.*

J. M. M. DUNLOP,

*Acting Attorney-General.*

Assented to in His Majesty's name this 4th day of June, 1912.

F. S. JAMES,

*Acting Governor and Commander-in-Chief.*



(L.S.)

F. S. JAMES.

No. XVI.

1912.



COLONY OF SOUTHERN NIGERIA.

IN THE THIRD YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE V.

FREDERICK SETON JAMES, ESQUIRE, C.M.G.,

*Acting Governor and Commander-in-Chief.*

An Ordinance to legalize certain payments <sup>Title.</sup>  
made in the year ended on the thirty-first  
day of December, one thousand nine hun-  
dred and eleven, beyond the expenditure  
authorised by law.

[18TH JUNE, 1912.] <sup>Date.</sup>

WHEREAS certain expenses have been incurred <sup>Preamble.</sup>  
and payments made in the year ended on the thirty-  
first day of December, one thousand nine hundred and  
eleven, beyond the amounts granted by the Legisla-

## THE 1911 SUPPLEMENTARY SUPPLY ORDINANCE, 1912.

ture for the service of the Colony, and it is desirable that such expenses and payments should be sanctioned by an Ordinance.

Enactment.

BE IT ENACTED by the Governor of the Colony of Southern Nigeria, with the advice and consent of the Legislative Council thereof as follows:—

Additional expenditure for 1911 as set out in the Schedule legalised.

1. The sums of money set forth in the Schedule hereto annexed having been expended for the services therein mentioned beyond the amounts granted for such services by the Ordinance passed for making provision for the expenditure of the said Colony for the year ended 31st December, one thousand nine hundred and eleven, the same are hereby declared to have been duly and necessarily paid, laid out, and expended for the service of the said Colony in that year, and are hereby approved, allowed and granted in addition to the amounts mentioned for such services in the Ordinance aforesaid.

Short Title.

2. This Ordinance may be cited for all purposes as the 1911 Supplementary Supply Ordinance, 1912.

## SCHEDULE.

Head of Service.	Amount Expended.		
	£	s.	d.
Pensions and Gratuities ... ..	2,951	0	4
Customs ... ..	2,001	12	6
Prisons ... ..	8,050	17	9
Sanitary ... ..	729	0	0
Surveys ... ..	4,618	6	6
Transport ... ..	8,075	15	6
Motor Transport ... ..	243	3	8
Miscellaneous Services ... ..	18,637	11	1
Public Works—Roads Construction ... ..	95	3	4
Railway ... ..	14,877	3	0
Telegraphs Extraordinary ... ..	936	16	1
Marine Extraordinary ... ..	8,351	6	10
Grand Total ... ..	69,567	16	7

THE 1911 SUPPLEMENTARY SUPPLY ORDINANCE, 1912.

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Passed in the Legislative Council this 18th day of June, in the year of our Lord one thousand nine hundred and twelve.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

GERALD BELL,  
*Clerk of the Legislative Council.*

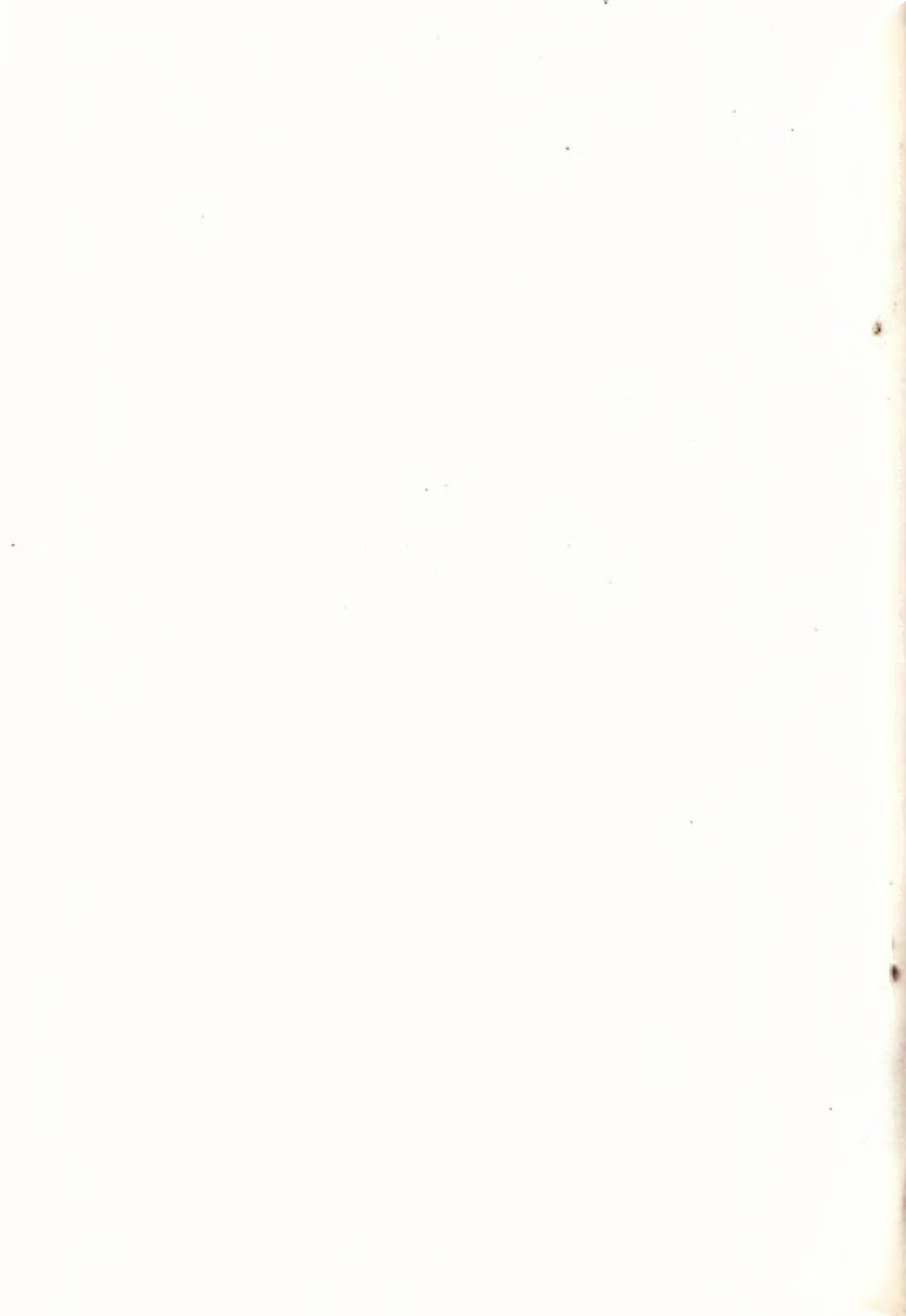
Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

D. C. CAMERON,  
*Acting Colonial Secretary.*

J. M. M. DUNLOP,  
*Acting Attorney-General.*

Assented to in His Majesty's name this 18th day of June, 1912.

F. S. JAMES,  
*Acting Governor and Commander-in-Chief.*



(L.S.)

F. S. JAMES.

No. XVIII.

1912.



COLONY OF SOUTHERN NIGERIA.

IN THE THIRD YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE V.

FREDERICK SETON JAMES, ESQUIRE, C.M.G.,

*Acting Governor and Commander-in-Chief.*

An Ordinance to regulate the Business of Title.  
Pawnbroking.

[27TH JUNE, 1912.] Date.

BE IT ENACTED by the Governor of the Colony Enactment.  
of Southern Nigeria with the advice and consent of  
the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the Pawn- Short title.  
brokers Ordinance, 1912.

## THE PAWNBROKERS ORDINANCE, 1912.

## Definitions.

2. In this Ordinance the following words and expressions shall have the meanings hereby assigned to them unless there is something in the subject or context repugnant to such constructions :—

“Pawnbroker” includes every person who carries on the business of taking goods and chattels in pawn :

“Pledge” means an article pawned with a pawnbroker :

“Pawner” means a person delivering an article for pawn to a pawnbroker :

“Shop” includes a dwelling-house and warehouse or other place of business, or place where business is transacted :—

“Unfinished goods or materials” includes any goods of any manufacture or of any part or branch of any manufacture, either mixed or separate, or any materials whatever plainly intended for the composing or manufacturing of any goods, after such goods or materials are put into a state or course of manufacture, or into a state for any process or operation to be performed thereupon or therewith, and before the same are completed or finished for the purpose of wear or consumption.

“Court” means the Court as defined in The Supreme Court Ordinance.

## PAWNBROKERS.

3. (1) The following persons shall be deemed to be persons carrying on the business of taking goods and chattels in pawn (that is to say), every person who keeps a shop for the purchase or sale of goods or chattels or for taking in goods or chattels by way of security for money advanced thereon, and who purchases or receives or takes in goods or chattels, and pays or advances or lends thereon, any sum of money not exceeding twenty pounds with or under an agreement or understanding expressed or implied, or

Extension of  
Ordinance to  
keepers of certain  
shops.

## THE PAWNBROKERS ORDINANCE, 1912.

to be from the nature and character of the dealing reasonably inferred, that those goods or chattels may be afterwards redeemed or repurchased on any terms.

(2) Every such transaction, article, payment, advance, and loan shall be deemed a pawning, pledge, and loan respectively within this Ordinance.

4. The provisions of this Ordinance relating to pawnbrokers shall extend to and include the executors or administrators of deceased pawnbrokers, except that an executor or administrator shall not be answerable for any penalty or forfeiture personally or out of his own estate, unless the same is incurred by his own act or neglect.

Executors, &c., of pawnbrokers.

5. For the purposes of this Ordinance anything done or omitted by the servant, apprentice, or agent of a pawnbroker in the course of or in relation to the business of the pawnbroker shall be deemed to be done or omitted (as the case may be) by the pawnbroker; and anything by this Ordinance authorized to be done by a pawnbroker may be done by his servant, apprentice, or agent.

Agents, servants, apprentices, &c., of pawnbrokers.

6. The rights, powers and benefits by this Ordinance reserved to and conferred on pawners shall extend to, and be deemed to be reserved to and conferred on, the assigns of pawners, and to and on the executors or administrators of deceased pawners; but any person representing himself to a pawnbroker to be the assign, executor, or administrator of a pawner shall, if required by the pawnbroker, produce to the pawnbroker the assignment, will, letters of administration, or other instrument under which he claims.

Assigns, executors, &c., of pawners.

7. (1) This Ordinance shall apply to every loan by a pawnbroker of any sum of money not exceeding twenty pounds.

Application of Ordinance in respect of loans.

## THE PAWNBROKERS ORDINANCE, 1912.

(2) Nothing in this Ordinance shall apply to a loan by a pawnbroker of above twenty pounds, or to the pledge on which the loan is made, or to the pawnbroker or pawner in relation to the loan or pledge: and notwithstanding anything in this Ordinance, a person shall not be deemed a pawnbroker by reason only of his paying, advancing, or lending on any terms any sum or sums of above twenty pounds.

## GENERAL OBLIGATIONS OF PAWNBROKER.

8. (1) A pawnbroker shall keep and use in his business such books and documents as are described in the first schedule to this Ordinance in the forms therein indicated or to the like effect, and shall from time to time as occasion requires enter therein, in a fair and legible manner, the particulars indicated in and in accordance with the directions of that schedule, and shall make all inquiries necessary for that purpose.

(2) If a pawnbroker fails in any respect to comply with the requirements of this section he shall be guilty of an offence against this Ordinance.

9. (1) A pawnbroker shall observe the following rules:—

- (a) He shall always keep exhibited in large characters, over the outer door of his shop his name or names, with the word "Pawnbroker"; and
- (b) He shall always keep placed in a conspicuous part of his shop (so as to be legible by every person pawning or redeeming pledges, standing in any box or place provided in the shop for persons pawning or redeeming pledges) the same information (printed in English and the native language most commonly spoken in the place in which his shop is situated) as is, by the rules of the first schedule to this Ordinance, required to be printed on pawn-tickets.

Pawnbrokers to keep books, &c. as in schedule.

Pawnbrokers to keep names over doors, and tables of rates, &c. exhibited in shop.

## THE PAWNBROKERS ORDINANCE, 1912.

(2) If a pawnbroker fails in any respect to comply with the requirements of this section he shall be guilty of an offence against this Ordinance.

## PAWNING, REDEMPTION AND SALE.

10. A pawnbroker shall, on taking a pledge in pawn, give to the pawner a pawn-ticket, and shall not take a pledge in pawn unless the pawner takes the pawn-ticket. Pawn-tickets to be given for pledges.

11. (1) A pawnbroker may take profit on a loan on a pledge at a rate not exceeding that specified in the second schedule to this Ordinance. Profit and charges allowed to pawnbrokers.

(2) A pawnbroker may demand and take the charges specified in the said schedule, in the cases and according to the rules therein stated and prescribed.

(3) A pawnbroker shall not, in respect of a loan on a pledge, take any profit, or demand or take any charge or sum whatever, other than those specified in the said schedule.

(4) A pawnbroker shall, if required at the time of redemption, give a receipt for the amount of loan and profit paid to him.

12. Every pledge shall be redeemable within twelve months from the day of pawning, exclusive of that day; and there shall be added to that year of redemption seven days of grace, within which every pledge (if not redeemed within the year of redemption) shall continue to be redeemable. Pledges redeemable for one year, with seven days of grace.

13. A pledge pawned for ten shillings, or under, if not redeemed within the year of redemption and days of grace, shall, at the end of the days of grace become and be the pawnbroker's absolute property. Pledges for 10s. or under not redeemed in time forfeited.

14. A pledge pawned for above ten shillings shall further continue redeemable until it is disposed of, as in this Ordinance provided, although the year of redemption and days of grace are expired. Pledges above 10s. redeemable until sale.

## THE PAWNBROKERS ORDINANCE, 1912.

Sale by auction of  
pledges above ten  
shillings.

15. (1) A pledge pawned for above ten shillings shall when disposed of by the pawnbroker, be disposed of by sale by public auction, and not otherwise; and the regulations contained in the Third Schedule to this Ordinance shall be observed with reference to the sale.

(2) A pawnbroker may bid for and purchase at a sale by auction, made or purporting to be made under this Ordinance, a pledge pawned with him; and on such purchase he shall be deemed the absolute owner of the pledge purchased.

Offences by auc-  
tioners.

16. If an auctioneer does anything in contravention of the provisions of this Ordinance relating to auctioneers, or fails to do anything which he is required by this Ordinance to do, he shall be guilty of an offence against this Ordinance.

Power to inspect  
sale book.

17. At any time within three years after the auction at which a pledge pawned for above ten shillings is sold, the holder of the pawn-ticket may inspect the entry of the sale in the pawnbroker's book, and in the filled-up catalogue of the auction (authenticated by the oath or affirmation of the auctioneer as provided for by section seventeen of the Sales by Auction Ordinance) or in either of them.

Pawnbroker to  
account for surplus  
within three years,  
subject to set-off.

18. (1) Where a pledge pawned for above ten shillings is sold, and appears from the pawnbroker's book to have been sold for more than the amount of the loan and profit due at the time of sale, the pawnbroker shall, on demand, pay the surplus to the holder of the pawn-ticket, in case the demand is made within three years after the sale, the necessary costs and charges of the sale being first deducted.

(2) If on any such demand it appears from the pawnbroker's book that the sale of a pledge or pledges has resulted in a surplus, and that within twelve months before or after that sale the sale of another pledge or other pledges of the same person has resulted in a deficit the pawnbroker may set off the deficit against the surplus, and shall be liable to pay the balance only after such set-off.

## THE PAWNBROKERS ORDINANCE, 1912.

19. If with respect to pledges for loans of above ten shillings a pawnbroker— Offences as to pledges for above ten shillings.

- (1) Does not bona fide, according to the directions of this Ordinance, sell a pledge pawned with him; or
- (2) Enters in his book a pledge as sold for less than the sum for which it was sold, or fails duly to enter the same; or
- (3) Refuses to permit any person entitled under this Ordinance, to inspection of an entry of sale in the Pawnbroker's book, or of a filled-up catalogue of the auction, (authenticated by the oath or affirmation of the auctioneer), to inspect the same; or
- (4) Fails without lawful excuse (the proof whereof shall lie on him) to produce such a catalogue on lawful demand; or
- (5) Refuses to pay on demand the surplus to the person entitled to receive the same;

he shall in every such case be guilty of an offence against this Ordinance, and being convicted thereof before a Police Magistrate, or District Commissioner shall be liable to forfeit to the person aggrieved a sum not exceeding ten pounds.

## DELIVERY UP OF PLEDGE.

20. The holder for the time being of a pawn-ticket shall be presumed to be the person entitled to redeem the pledge, and, subject to the provisions of this Ordinance, the pawnbroker shall accordingly (on payment of the loan and profit) deliver the pledge to the person producing the pawn-ticket, and he is hereby indemnified for so doing. Holder of pawn-tickets entitled to redeem.

21. A pawnbroker shall not (except as in this Ordinance provided) be bound to deliver back a pledge unless the pawn-ticket for it is delivered to him. Production of pawn-ticket on redemption.

22. (1) Where a pledge is destroyed or damaged by or in consequence of fire, the pawnbroker shall nevertheless be liable, on application within the Liability of pawnbroker in case of fire.

## THE PAWNBROKERS ORDINANCE, 1912.

period during which the pledge would have been redeemable, to pay the value of the pledge, after deducting the amount of the loan and profit, such value to be the amount of the loan and profit, and twenty-five per cent. on the amount of the loan.

(2) A pawnbroker shall be entitled to insure to the extent of the value so estimated.

Compensation for depreciation of pledge.

23. If a person entitled and offering to redeem a pledge shows to the satisfaction of a Police Magistrate or District Commissioner that the pledge has become or has been rendered of less value than it was at the time of the pawning thereof by or through the default, neglect, or wilful misbehaviour of the pawnbroker, the Police Magistrate or District Commissioner may, if he thinks fit, award a reasonable compensation to the owner of the pledge in respect of the damage, and the amount awarded shall be deducted from the amount payable to the pawnbroker, or shall be paid by the pawnbroker, (as the case requires) in such manner as the Police Magistrate or District Commissioner may direct.

Protection of owners and of pawners not having pawn-tickets.

24. (1) The following provisions shall have effect for the protection of owners of articles pawned, and of pawners not having their pawn-tickets to produce, that is to say,—

(a) Any person claiming to be the owner of a pledge but not holding the pawn-ticket, or any person claiming to be entitled to hold a pawn-ticket, but alleging that the same has been lost, mislaid, destroyed, or stolen, or fraudulently obtained from him, may apply to the pawnbroker for a printed form of declaration, which the pawnbroker shall deliver to him;

(b) If the applicant delivers back to the pawnbroker the declaration duly made by him, and by a person identifying him, before a Police Magistrate, District Commissioner or Commissioner appointed to take affidavits and declarations, the applicant shall thereupon have, as between him and the pawnbroker, all the same rights and reme-

## THE PAWNBROKERS ORDINANCE, 1912.

dies as if he produced the pawn-ticket: Provided that such a declaration shall not be effectual for that purpose unless it is duly made and delivered back to the pawnbroker not later than on the third day after the day on which the form is delivered to the applicant by the pawnbroker (exclusive of a day or days on which the pawnbroker is prohibited from carrying on business);

- (c) The pawnbroker is hereby indemnified for not delivering the pledge to any person until the expiration of the period aforesaid; and
- (d) The pawnbroker is further hereby indemnified for delivering the pledge or otherwise acting in conformity with the declaration, unless he has actual or constructive notice that the declaration is fraudulent or is false in any material particular.

(2) If any person makes a declaration under this Ordinance, either as an applicant or as identifying an applicant, knowing the same to be false in any material particular, he shall be guilty of a misdemeanor, and shall be liable to the punishment attaching by law to perjury.

25. In each of the following cases, that is to say—

Delivery to owner of property unlawfully pawned.

- (1) If any person is convicted under this Ordinance before a Police Magistrate or District Commissioner of knowingly and designedly pawning with a pawnbroker anything being the property of another person, the pawner not being employed or authorized by the owner thereof to pawn the same; or
- (2) If any person is convicted before the Court of feloniously taking or fraudulently obtaining any goods and chattels, and it appears to the Court that the same have been pawned with a pawnbroker; or

THE PAWNBROKERS ORDINANCE, 1912.

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- (3) If in any proceedings before a Police Magistrate or District Commissioner it appears to the Court that any goods and chattels, brought before the Court have been unlawfully pawned with a pawnbroker;

the Court, on proof of the ownership of the goods and chattels, may, if the Court thinks fit, order the delivery thereof to the owner, either on payment to the pawnbroker of the amount of the loan or of any part thereof, or without payment thereof or of any part thereof, as to the Court, according to the conduct of the owner and the other circumstances of the case, may seem just and fitting. The court may also adjourn the proceedings for the attendance of the pawnbroker and may summon the pawnbroker to attend at the adjourned hearing and if after hearing the pawnbroker the court is of opinion that the pawnbroker has not exercised due care in taking in pawn any stolen property the court may order the pawnbroker to pay a fine not exceeding twenty pounds.

Liability of pawnbroker for taking stolen goods in pawn without due care.

Summary order for delivery of pledge to person entitled.

26. If a pawnbroker, without reasonable excuse (the proof whereof shall lie on him), refuses or neglects to deliver a pledge to the person entitled to have delivery thereof under this Ordinance he shall be guilty of an offence against this Ordinance and a Police Magistrate or District Commissioner may, if he thinks fit, with or without imposing a penalty, order the delivery of the pledge on payment of the amount of the loan and profit.

GENERAL RESTRICTIONS ON PAWNBROKERS.

Prohibition of purchasing pledges; taking pledges from children, &c.

27. If a pawnbroker does any of the following things, that is to say—

- (1) Takes an article in pawn from any person appearing to be under the age of ten years or to be intoxicated: or

## THE PAWNBROKERS ORDINANCE, 1912.

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- (2) Purchases or takes in pawn or exchange a pawn-ticket issued by another pawnbroker: or
  - (3) Employs any servant or apprentice or other person under the age of sixteen years to take pledges in pawn; or
  - (4) Under any pretence purchases, except at public auction, any pledge while in pawn with him; or
  - (5) Suffers any pledge while in pawn with him to be redeemed with a view to his purchasing it; or
  - (6) Makes any contract or agreement with any person pawning or offering to pawn any article, or with the owner thereof, for the purchase, sale, or disposition thereof within the time of redemption; or
  - (7) Sells or otherwise disposes of any pledge pawned with him, except at such time and in such manner as authorized by this Ordinance:
  - (8) Takes any goods or chattels in pawn from any person before 6 a.m or after 6 p.m. he shall be guilty of an offence against this Ordinance.

## UNLAWFUL PAWNING AND TAKING IN PAWN.

28. (1) If any person knowingly and designedly pawns with a pawnbroker anything being the property of another person, the pawner not being
- Unlawful pawning  
of goods not pro-  
perty of pawner.

THE PAWNBROKERS ORDINANCE, 1912.

employed or authorised by the owner thereof to pawn the same, he shall be guilty of an offence against this Ordinance, and being convicted thereof before a Police Magistrate, or District Commissioner shall be liable to forfeit any sum not exceeding five pounds, and, in addition thereto, any sum not exceeding the full value of the pledge as ascertained by the Police Magistrate or District Commissioner.

(2) The forfeitures when recovered, shall be applied towards making satisfaction thereout to the party injured, and defraying the costs of prosecution, as the Police Magistrate or District Commissioner may direct; but if the party injured declines to accept of such satisfaction and costs, or if there is any surplus of the forfeitures, then the forfeitures or surplus (as the case may be) shall be paid in to the General Revenue for the public use of the Colony.

29. (1) If any person does any of the following things, that is to say—

- (a) Offers to a pawnbroker an article by way of pawn, being unable or refusing to give a satisfactory account of the means by which he became possessed of the article; or
- (b) Wilfully gives false information to a pawnbroker as to whether an article offered by him in pawn to the pawnbroker is his own property or not, or as to his name and address, or as to the name and address of the owner of the article; or
- (c) Not being entitled to redeem, and not having any colour of title by law to redeem a pledge, attempts or endeavours to redeem the same;

he shall be guilty of an offence against this Ordinance.

Proceedings where persons offering articles in pawn do not give a good account of themselves, &c.

## THE PAWNBROKERS ORDINANCE, 1912.

(2) In every such case, and also in any case where, on an article being offered in pawn to a pawnbroker, he reasonably suspects that it has been stolen or otherwise illegally or clandestinely obtained, the pawnbroker may seize and detain the person and the article, or either of them, and shall deliver the person and the article or either of them (as the case may be) as soon as may be into the custody of a constable, who shall as soon as may be convey the person, if so detained, before a Police Magistrate or District Commissioner to be dealt with according to law.

30. If a pawnbroker knowingly takes in pawn any linen, or apparel, or unfinished goods or materials entrusted to any person to wash, scour, iron, mend, manufacture, work up, finish, or make up, he shall be guilty of an offence against this Ordinance, and being convicted thereof before a Police Magistrate or a District Commissioner shall be liable to forfeit a sum not exceeding double the amount of the loan; and the pawnbroker shall likewise restore the pledge to the owner thereof, in the presence of the Police Magistrate or District Commissioner or as the Police Magistrate or District Commissioner may direct.

Prohibition of taking in pawn linen, clothing, unfinished goods, &c., in certain cases.

31. (1) If the owner of any linen, or apparel, or unfinished goods or materials entrusted to any person as aforesaid, and unlawfully pawned with a pawnbroker, or the owner of any other article unlawfully pawned with a pawnbroker (the last mentioned owner having upon oath satisfied a Police Magistrate or District Commissioner that his goods have been unlawfully obtained or taken from him), swears an information before a Police Magistrate or District Commissioner that there is good cause to suspect that a pawnbroker has taken in pawn the linen, apparel, goods, materials, or article aforesaid without the privity or authority of the owner, and satisfies the Police Magistrate or District Commissioner that there are probable grounds for such suspicion, the Police Magistrate or District Commissioner may issue his warrant for searching, within the hours of business, the shop of the pawnbroker.

Search warrant for linen, &c., unlawfully pawned.

## THE PAWNBROKERS ORDINANCE, 1912.

(2) If the pawnbroker, on request by a constable authorized by the warrant, refuses to open the shop and permit it to be searched, a constable may break it open, within the hours of business, and search as he thinks fit therein for the linen, apparel, goods, materials, or article aforesaid, doing no wilful damage; and if any pawnbroker or other person opposes or hinders the search, he shall be guilty of an offence against this Ordinance.

(3) If on the search any linen, apparel, goods, materials, or article aforesaid, is or are found, and the property of the owner thereof is made out to the satisfaction of a Police Magistrate, or District Commissioner the Police Magistrate or District Commissioner shall cause the same to be forthwith restored to the owner thereof.

## LICENCES.

Yearly licence and  
excise duty.

32. (1) Every pawnbroker shall yearly take out from the duly appointed officer a licence for carrying on his business, for which licence there shall be charged and paid a fee to be fixed by resolution of the Legislative Council.

(2) Every licence shall be dated on the day on which it is issued, and shall determine on the 31st day of December following.

(3) A separate licence shall be taken out and paid for by a pawnbroker for each pawnbroker's shop kept by him.

(4) If a person acts as a pawnbroker without having in force a proper licence, he shall for every such offence be liable to a penalty not exceeding fifty pounds.

Cesser of licence  
on conviction.

33. If a pawnbroker is convicted of any fraud in his business or of receiving stolen goods knowing them to be stolen, the Court before which he is convicted may, if it thinks fit, direct that his licence shall cease to have effect, and the same shall so cease accordingly.

## THE PAWNBROKERS ORDINANCE, 1912.

34. A pawnbroker's licence shall not be granted to any person except on the production and in pursuance of the authority of a certificate granted under this Ordinance.

Licence not to be granted without certificate.

Any licence granted in contravention of this section shall be void.

35. Certificates under this Ordinance shall be granted by the Police Magistrate, a District Commissioner or such other person as the Governor may appoint.

Certificates to be granted by Police Magistrate, &c.

36. A certificate under this Ordinance shall be in the form given in the fourth schedule to this Ordinance or to the like effect, and shall be in force for one year.

Form and duration of certificate.

37. A person intending to apply for the first time for a certificate under this Ordinance shall proceed as follows:—

Notice of first application.

- (1) Twenty one days at least before the application he shall give notice by registered letter sent by post of his intention to the Senior Officer of Police in the District and shall in the notice set forth his name and address.
- (2) Twenty-eight days before the application he shall cause a like notice to be affixed and maintained at each principal Court House in the District.

38. An application for a certificate shall not be refused except on the following grounds, or one of them.

Grounds of refusal of certificate.

- (1) That the applicant has failed to produce satisfactory evidence of good character:
- (2) That the shop in which he intends to carry on the business of a pawnbroker or any adjacent house or place owned or occupied by him, is frequented by thieves or persons of bad character;

THE PAWNBROKERS ORDINANCE, 1912.

- (3) That he has not complied with the last preceding section.

Forgery of certificate.

39. If any person forges a certificate, or tenders a certificate knowing it to be forged, he shall on conviction thereof before a Police Magistrate, or District Commissioner be liable to a penalty not exceeding twenty pounds, or, to imprisonment for any term not exceeding six months, with or without hard labour.

A licence granted in pursuance of a forged certificate shall be void; and if any person makes use of a forged certificate, knowing it to be forged, he shall be disqualified from obtaining at any time thereafter a pawnbroker's licence.

PENALTIES AND LEGAL PROCEEDINGS.

Penalties how recoverable.

40. All penalties recoverable under this Ordinance and all offences against this Ordinance shall be prosecuted in a summary manner before a Police Magistrate or District Commissioner.

General penalty for offences.

41. If a pawnbroker or other person is guilty of an offence against this Ordinance, in respect whereof a specific forfeiture or penalty is not prescribed by this Ordinance, he shall on being convicted thereof be liable to a penalty not exceeding ten pounds.

Application of penalties.

42. Any penalty recovered under this Ordinance, not directed to be otherwise applied, may be applied under direction of the Police Magistrate or District Commissioner before whom it is recovered, as follows, that is to say;—

- (1) Where the complainant is the party aggrieved, one moiety of the penalty may be paid to him; and
- (2) Where the complainant is not the party aggrieved, there shall be paid to him no part or such part only of the penalty as the Police Magistrate or District Commissioner may think fit.

## THE PAWNBROKERS ORDINANCE, 1912.

43. Where a complaint or information of any offence against this Ordinance (not being an offence against any provision of this Ordinance relating to licences), is made or laid before a Police Magistrate or District Commissioner and is not further prosecuted, or if any such complaint or information is further prosecuted, but it appears to the Police Magistrate or District Commissioner by whom the case is heard that there was no sufficient ground for the making of the charge, the Police Magistrate or District Commissioner shall have power to award such amends, not exceeding the sum of five pounds, to be paid by the complainant or informant to the party complained of or informed against for his loss of time and expenses in the matter, as to the Police Magistrate or District Commissioner may seem meet; and every sum so awarded shall be recoverable as penalties are recoverable.

Amends for frivolous informations.

44. If any person lays an information for an offence alleged to have been committed against this Ordinance by which he was not personally aggrieved, and afterwards directly or indirectly receives any sum of money or other reward for compounding, delaying, or withdrawing the information, he shall be guilty of an offence against this Ordinance.

Penalty on Common Informers compounding information.

45. If any person utters, produces, shows, or offers to a pawnbroker a pawn-ticket which the pawnbroker reasonably suspects to have been counterfeited, forged, or altered, the pawnbroker may seize and detain the person and the ticket, or either of them, and shall deliver the person and the ticket, or either of them, (as the case may be) as soon as may be into the custody of a constable, who shall, as soon as may be, convey the person, if so detained, before a Police Magistrate or District Commissioner to be dealt with according to law.

Detention of persons offering forged pawn-ticket, &c.

46. The books required by this Ordinance to be kept by a pawnbroker shall be produced by him for examination at any time during business hours on demand by any Court or by any Officer of Police above the rank of Sergeant-Major or member of the

Production of Books.

## THE PAWNBROKERS ORDINANCE, 1912.

Police Force holding a written authority from the senior officer of Police stationed in the District specially authorising him to act under this section, who are hereby severally authorised to enter at any time during business hours any pawnbroker's shop without warrant to search for and examine the said books and to take extracts and copies therefrom.

If a pawnbroker fails to comply with the requirements of this section he shall be guilty of an offence against this Ordinance.

Description of  
stolen goods.

47. The Police on receiving information of any property being lost, stolen or otherwise fraudulently disposed of shall, as soon as possible, furnish all pawnbrokers with a description thereof. If any property answering to such description be in the possession of any pawnbroker, or thereafter be offered or shown to any pawnbroker, he shall immediately give notice to that effect at the nearest Police Station or to any member of the Police Force. He shall at the same time give the name and address of the person from whom he received the property or by whom the property was offered or shown to him. The pawnbroker may detain the person offering or showing such property until the arrival of the police.

Authority to  
search pawn-  
brokers' premises.

48. Any Police Officer and any member of the Police Force holding a written authority from the senior police officer stationed in the District specially authorising him to act under this Ordinance may enter any pawnbroker's shop at any time during business hours and may search without warrant the house shop or premises of such pawnbroker for any articles that he may have reason to suspect to be therein and to have been dishonestly obtained or dishonestly placed there.

Contracts not void  
on account of  
offences.

49. Where a pawnbroker is guilty of an offence against this Ordinance (not being an offence against the provisions of this Ordinance relating to licences),

## THE PAWNBROKERS ORDINANCE, 1912.

any contract of pawn or other contract made by him, in relation to his business of pawnbroker, shall nevertheless not be void by reason only of that offence, nor shall he by reason only of that offence lose his lien on or right to the pledge or to the loan and profit; but nothing in this section shall restrict the operation of any provision of this Ordinance providing for the delivery of any goods and chattels, or the restoration of any linen, apparel, unfinished goods, materials, or article to the owner, under the order of the Police Court.

50. If any person is sued or prosecuted for any-  
 thing done by him in pursuance or execution or  
 intended execution of this Ordinance he may plead  
 generally that the same was done in pursuance or  
 execution or intended execution of this Ordinance and  
 give the special matter in evidence.

Protection of persons executing Ordinance.

51. The Governor in Council may make rules Rules.  
 prescribing:—

- (a) the form of books and documents to be kept and used by pawnbrokers and the particulars to be entered therein;
- (b) the form of the pawn ticket to be given to the pawnner and the particulars to be entered therein;
- (c) generally for the better carrying out of the provisions of this Ordinance.

Unless and until such rules are made under the provisions of this section the forms and rules contained in the schedules to this Ordinance shall be and remain in force.

52. This Ordinance shall apply to such parts of  
 the Colony and Protectorate as the Governor by  
 Order in Council may determine.

Application.

## THE PAWNBROKERS ORDINANCE, 1912.

Schedule 1.

## SCHEDULES.

Section 8.

## THE FIRST SCHEDULE.

## FORMS.

## FORM No. 1.

*Pledge Book.*

of

Pawnbroker,

of

19 .

Date of Redemption.	Profit charged.	Amount of Loan.	No. of Pledge in the month.	Name of Pawner.	Address of Pawner.	Name of Owner, if other than Pawner.	Address of Owner if other than Pawner.	List of Articles pawned, as described on Pawn Tickets.

All entries in the last five columns respecting each pledge shall be made on the day of the pawning thereof, or within four hours after the end of that day.

## FORM No. 2.

*Pawn-Ticket.*

A.

*For Loan of Ten Shillings or under.*

Section 10.

Pawned with [John Smith], Pawnbroker,

[ Street, Lagos,]

this [ ] day of [ 19 .]

## THE PAWNBROKERS ORDINANCE, 1912.

By [*Henry Williams*] of [                      *Street*]  
 for the sum of [*eight shillings*,]  
 [*One Black Frock Coat*,]

\* The Pawnbroker is entitled to charge:—

For this Ticket    ...                      ...                      ...                      One Halfpenny  
 For profit on each two shillings or part of two  
 shillings lent on this pledge for not more than  
 one calendar month                      ...                      ...                      One Halfpenny.

And so on at the same rate per calendar month.

After the first calendar month any time not  
 exceeding fourteen days will be charged as half  
 a month, and any time exceeding fourteen  
 days and not more than one month will be  
 charged as one month.

This pledge must be redeemed within twelve calendar months  
 and seven days from the date of pledging. At the end of that  
 time it becomes the property of the pawnbroker.

If the pledge is destroyed or damaged by fire the pawnbroker  
 will be bound to pay the value of the pledge, after deducting the  
 amount of the loan and profit, such value to be the amount of the  
 loan and profit and twenty-five per cent. on the amount of the  
 loan.

If this ticket is lost, mislaid, or stolen, the pawner should at  
 once apply to the pawnbroker for a form of declaration to be made  
 before a Police Magistrate or District Commissioner, or the pawn-  
 broker will be bound to deliver the pledge to any person who  
 produces this ticket to him and claims to redeem the same.

*For Loan of above Ten Shillings and not above Forty Shillings.*

Pawned with [*John Smith*], Pawnbroker,

[                      *Street, Lagos*,]

this [                      ] day of [                      ] 19 [                      ]

by [*Henry Williams*] of [                      *Street*]

for the sum of [                      ] shillings.

*One Grey Tweed Coat.*

\* The following is to be printed on the ticket, on the front or back or partly  
 on the front and back.

## THE PAWNBROKERS ORDINANCE, 1912.

\* The Pawnbroker is entitled to charge:—

For this ticket ... .. One Penny.  
 For profit on each two shillings or part of two  
 shillings lent on this pledge for not more than  
 one calendar month ... .. One Halfpenny.  
 And so on at the same rate per calendar month.

After the first calendar month any time not  
 exceeding fourteen days will be charged as half  
 a month, and any time exceeding fourteen  
 days and not more than one month will be  
 charged as one month.

If this pledge is not redeemed within twelve calendar months  
 and seven days from the day of pledging, it may be sold by auction  
 by the pawnbroker, but it may be redeemed at any time before  
 the day of sale.

Within three years after sale, the pawner may inspect the  
 account of the sale in the pawnbroker's books, on payment of one  
 penny, and receive any surplus produced by the sale. But the  
 deficit on sale of one pledge may be set off by the pawnbroker  
 against surplus on another.

If the pledge is destroyed or damaged by fire the pawnbroker  
 will be bound to pay the value of the pledge, after deducting the  
 amount of the loan and profit, such value to be the amount of the  
 loan and profit and twenty-five per cent. on the amount of the loan.

If this ticket is lost or mislaid, the pawner should at once  
 apply to the pawnbroker for a form of declaration to be made  
 before a Police Magistrate or District Commissioner, or the pawn-  
 broker will be bound to deliver the pledge to any person who  
 produces this ticket to him and claims to redeem the same.

## C.

*For Loan of above Forty Shillings.*

Pawned with [John Smith] Pawnbroker,

[ Street, Lagos]

this [ ] day of [

by [Henry Williams] of [ Street]

for the sum of [ ] pounds [ ] shillings.

[One Suit of Clothes consisting of one Overcoat, one Pair of  
 Trousers, and one Vest.]

\* The Pawnbroker is entitled to charge:—

For this Ticket ... .. One Penny.  
 For profit on each two shillings or part of two  
 shillings lent on this pledge for every calendar  
 month or part of a calendar month ... .. One Halfpenny.

If this pledge is not redeemed within twelve calendar months  
 and seven days from the day of pledging, it may be sold by auction  
 by the pawnbroker, but it may be redeemed at any time before  
 the day of sale.

The following is to be printed on the ticket, at the front, or back, or partly  
 on the front and back.

## THE PAWNBROKERS ORDINANCE, 1912.

Within three years after sale the pawner may inspect the account of the sale in the pawnbroker's books, on payment of one penny, and receive any surplus produced by the sale. But deficit on sale of one pledge may be set off by the pawnbroker against surplus on another.

If the pledge is destroyed or damaged by fire, the pawnbroker will be bound to pay the value of the pledge after deducting the amount of the loan and profit, such value to be the amount of the loan and profit and twenty-five per cent. on the amount of the loan.

If this ticket is lost or mislaid the pawner should at once apply to the pawnbroker for a form of declaration to be made before a Police Magistrate or District Commissioner or the pawnbroker will be bound to deliver the pledge to any person who produces this ticket to him and claims to redeem the same.

## FORM No. 3.

*Sale Book of pledges for Loans of above Ten Shillings.*

[Date and place of sale.]

[Name and place of business of Auctioneer.]

No. of Pledge as in Pledge Book.	Date of Pawning.	Name of Pawner.	Amount of Loan.	Amount for which Pledge sold, as stated by Auctioneer.

## THE PAWNBROKERS ORDINANCE, 1912.

## FORM NO. 4.

*Declaration where Pledge claimed by owner.*

TAKE NOTICE if this declaration is false the person making it is punishable as for perjury.

Unless this printed form is taken before a Police Magistrate or District Commissioner, and declared to and signed and delivered back to the pawnbroker not later than the day of 1, the articles mentioned in it will be delivered to any person producing the pawn-ticket.

I, A. B., of \_\_\_\_\_, in pursuance of the Pawnbrokers Ordinance, 1912, do solemnly and sincerely declare that the article [or articles] described below is [or are] my property, and that I believe they are pledged at the shop of \_\_\_\_\_

The article [or articles] above referred to is [or are] the following:—

And I, C. D., of \_\_\_\_\_, in pursuance of the same Ordinance do solemnly and sincerely declare that I know the person now making the foregoing declaration to be A. B. of \_\_\_\_\_

Declared before me this \_\_\_\_\_ day of \_\_\_\_\_ 1

(Signed)

Police Magistrate.

or

District Commissioner.

## FORM NO. 5.

*Declaration where Pawn-Ticket Lost.*

TAKE NOTICE if this declaration is false the person making it is punishable as for perjury.

Unless this printed form is taken before a Police Magistrate or District Commissioner and declared to and signed and delivered back to the pawnbroker not later than the day of 1, the articles mentioned in it will be delivered to any person producing the pawn-ticket.

I, A. B., of \_\_\_\_\_, in pursuance of the Pawnbrokers Ordinance, 1912, do solemnly and sincerely declare that \_\_\_\_\_ pledged at the shop of \_\_\_\_\_ pawnbroker, the article [or articles] described below being \_\_\_\_\_ property, and received a pawn-ticket for the same, which has since been \_\_\_\_\_ by \_\_\_\_\_, and that the pawn-ticket has not been sold or transferred to any person by \_\_\_\_\_ or to \_\_\_\_\_ knowledge or belief.

## THE PAWNBROKERS ORDINANCE, 1912.

The article [or articles] above referred to is [or are] the following:—

And I, C. D., of \_\_\_\_\_, in pursuance of the same Ordinance, do solemnly and sincerely declare that I know the person now making the foregoing declaration to be A. B., of \_\_\_\_\_

Declared before me this \_\_\_\_\_ day of \_\_\_\_\_ 1 \_\_\_\_\_

(Signed)

*Police Magistrate  
or  
District Commissioner.*

FORM No. 6.

*Receipt.*

[Date.]

Received on redemption of pledge No. \_\_\_\_\_

Amount of Loan ... ..

Profit ... ..

Total ... ..

[A.B.]

Pawnbroker.

Schedule II.

## THE SECOND SCHEDULE.

PROFIT AND CHARGES ALLOWED TO PAWNBROKERS.

## PART I.

## PROFIT ON LOAN.

On any loans made under this Ordinance.

For any time during which the pledge remains in pawn, not exceeding one month, for every two shillings or fractional part of two shillings lent ... .. one Halfpenny.

For every month after the first, including the current month in which the pledge is redeemed, although that month is not expired, for every two shillings or fractional part of two shillings lent. ... .. one Halfpenny.

*Proviso.*

If the pledge is redeemed before the end of the first fourteen days after the expiration of any month, the pawnbroker shall in respect of those fourteen days, be entitled to take half of the amount which he would be entitled to take for the whole month.

## THE PAWNBROKERS ORDINANCE, 1912.

## PART II.

## CHARGE ON PAWN-TICKET.

Where the loan is ten shillings or under	...	one Halfpenny.
Where the loan is above ten shillings	...	One penny.

## PART III.

## CHARGE ON INSPECTION OF SALE BOOK.

For the inspection of the entry of a sale	...	One penny.
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## PART IV.

## CHARGE ON FORM OF DECLARATION.

Where the loan is five shillings or under	...	One Halfpenny
Where the loan is above five shillings	...	One penny.

*Rule.*

This sum is to be paid by the applicant at the time of application.

Schedule III.

## THE THIRD SCHEDULE.

## REGULATIONS AS TO AUCTIONS OF PLEDGES ABOVE TEN SHILLINGS

1. The auctioneer shall cause all pledges to be exposed to public view.
2. He shall publish catalogues of the pledges, stating—
  - (1) The pawnbroker's name and place of business;
  - (2) Month in which each pledge was pawned; and
  - (3) The number of each pledge as entered at the time of pawning in the pledge book.
3. The pledges of each pawnbroker in the catalogue shall be separate from any pledges of any other pawnbroker.
4. The auctioneer shall insert in some public newspaper an advertisement giving notice of the sale, and stating—
  - (1) The pawnbroker's name and place of business; and
  - (2) The months in which the pledges were pawned.
5. The advertisement shall be inserted on two several days in the same newspaper, and the second advertisement shall be inserted at least three clear days before the first day of sale.
6. Pictures, prints, books, bronzes, statues, busts, carvings in ivory and marble, cameos, intaglios, musical, mathematical, and philosophical instruments, and china, sold by auction, shall be sold by themselves, and without any other goods being sold at the same sale, four times only in every year, (that is to say,) in the months of January, April, July, and October, and at no other time.

## THE PAWNBROKERS ORDINANCE, 1912.

7. Where a pawnbroker bids at a sale the auctioneer shall not take the bidding in any other form than that in which he takes the biddings of other persons at the same sale; and the auctioneer, on knocking down any article to a pawnbroker shall forthwith declare audibly the name of the pawnbroker as purchaser.

8. The auctioneer shall, within fourteen days after the sale, deliver to the pawnbroker a copy of the catalogue, or of so much thereof as relates to the pledges of that pawnbroker, filled up with the amounts for which the several pledges of that pawnbroker, were sold, and authenticated by the oath or affirmation of the auctioneer as provided by section seventeen of the sales by Auction Ordinance.

9. The pawnbroker shall preserve every such catalogue for three years at least after the auction.

## THE FOURTH SCHEDULE.

Schedule IV.

FORM OF CERTIFICATE OF POLICE MAGISTRATE OR  
DISTRICT COMMISSIONER.

I A. B. for the  
District of do hereby certify that I do authorise  
the grant to C. D., of  
of a licence to carry on the business of a pawnbroker in the  
district of

Police Magistrate or District Commissioner for the district of

Passed in the Legislative Council this 27th day of  
June, in the year of our Lord one thousand nine  
hundred and twelve.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

GERALD BELL,  
*Clerk of the Legislative Council.*

THE PAWNBROKERS ORDINANCE, 1912.

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Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

D. C. CAMERON,  
*Acting Colonial Secretary.*

J. M. M. DUNLOP,  
*Acting Attorney-General.*

Assented to in His Majesty's name this 27th day of June, 1912.

F. S. JAMES,  
*Acting Governor and Commander-in-Chief.*

(L.S.)

F. S. JAMES.

No. XIX.

1912.



COLONY OF SOUTHERN NIGERIA.

IN THE THIRD YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE V.

FREDERICK SETON JAMES, ESQUIRE, C.M.G.,

*Acting Governor and Commander-in-Chief.*

An Ordinance regulating the Importation, Sale <sup>Title.</sup>  
and Manufacture of Spirituous liquors in  
areas to be hereafter defined.

[19TH AUGUST, 1912.] <sup>Date.</sup>

Be it enacted by the Governor of the Colony of <sup>Enactment.</sup>  
Southern Nigeria with the advice and consent of the  
Legislative Council thereof as follows:—

1. This Ordinance may be cited as the <sup>Short Title.</sup>  
(Prohibited Areas) Ordinance, 1912.

THE LIQUOR (PROHIBITED AREAS) ORDINANCE, 1912.

Interpretation.

2. In this Ordinance

“spirituous liquors” shall mean and include rum, brandy, gin, whisky, absinthe, liqueurs, and other distilled waters;

“vessel” shall mean and include any kind of ship, boat, lighter, canoe, or raft used for inland navigation;

“tropical Africa” shall mean and include all that part of the African continent lying between the 20th degree North latitude and the 22nd degree South latitude;

“Native” for the purposes of sections 4, 5 and 12 shall mean a native of Tropical Africa.

Power to declare district.

3. It shall be lawful for the Governor by order, made with the consent signified by resolution of the Legislative Council, to declare that any District or part thereof is a prohibited area and such area shall thereupon become subject to all the provisions of this Ordinance.

Importation prohibited except as provided.

4. No spirituous liquors shall be imported into a prohibited area except by non-natives who are conveying them personally and for their own use, or by natives specially permitted to do so by the Governor for their private use, or except in the manner provided in the next succeeding section.

Importation under permit.

5. Non-natives, or natives holding a special permit from the Governor under section four, desiring to import into a prohibited area spirituous liquors for their own use, to be shipped either directly to themselves or to any agent on their behalf in the prohibited area, or in the case of non-natives for the purposes of sale in accordance with the provisions of this Ordinance or in the capacity of agents on behalf of any other non-native, may do so on making a due declaration thereof and on receiving a permit in the form A. of the schedule hereto from the Provincial Commissioner or from such other person or persons as the Governor may appoint: Provided always that it shall be in the power of the Provincial Commissioner or such other person or persons as the Governor may appoint to refuse to grant a permit.

THE LIQUOR (PROHIBITED AREAS) ORDINANCE, 1912.

6. Every person wilfully making a false declaration, or taking part in or conniving at any contravention of the two foregoing sections shall be liable on conviction for a first offence to a penalty not exceeding one hundred pounds and for each subsequent offence to a penalty not exceeding five hundred pounds.

Penalties.

7. Every person importing spirituous liquors shall produce his permit when called upon to do so by a District Commissioner or any person appointed by him.

Permit to be produced when required.

8. Every native found in the possession of spirituous liquors within a prohibited area except as provided in section four shall be liable on conviction to a penalty not exceeding one hundred pounds.

Natives in possession of spirituous Liquors, penalty.

9. Any non-native found in possession of spirituous liquors for which he is unable to produce a permit for importation, or is unable satisfactorily to account by proof that he has purchased them from some person by whom they may be lawfully sold to him within any prohibited area, shall be presumed to have illegally imported such spirituous liquors and the burden of proof that such spirituous liquors have not been so imported shall be upon him.

Non natives found in possession of spirituous Liquors.

10. Every person convicted under the foregoing section shall be liable on conviction to the penalties provided in section six.

Penalty.

11. No spirituous liquors shall be sold, bartered, or offered for sale or barter within a prohibited area to any native, or, except as hereinafter provided, to any person other than a native.

Sale of spirituous liquors prohibited.

12. The Governor may, in his discretion grant to non-natives licences in the form B. of the schedule hereto, for the sale of spirituous liquors and may attach such conditions to such licence as he may think fit: provided that at any time during the duration of the licence the Governor may in his discretion cancel the licence.

The Governor may grant licences to non-natives.

THE LIQUOR (PROHIBITED AREAS) ORDINANCE, 1912.

There shall be payable on each licence an annual duty of twenty-five pounds, and each licence shall expire on the 31st day of December following the date of its issue and must be renewed annually and the duty paid.

Penalties.

13. Every person selling, bartering or offering for sale or barter or taking part in or conniving at the selling, bartering, or offering for sale or barter of spirituous liquors contrary to the provisions of the two preceding sections shall be liable on conviction for a first offence to a penalty not exceeding one hundred pounds, and for each subsequent offence to a penalty not exceeding five hundred pounds.

Penalty for selling liquors contrary to licence.

14. Any person selling spirituous liquors contrary to the conditions of his licence shall be liable to the penalties provided in the foregoing section.

Giving spirituous liquors to natives prohibited, penalty.

15. Any non-native or native holding a special permit from the Governor under section four giving spirituous liquors to a native except in the case of sickness shall be liable to a penalty not exceeding one hundred pounds.

Power to search persons, vessel &c.

16. On reasonable suspicion that any contravention of this Ordinance has taken place, any District Commissioner or other person appointed by him may stop, search and examine any person, animal, vessel or other means of conveyance for the purpose of discovering whether any contravention of this Ordinance has taken place.

Forfeiture of vessels etc.

17. Every vessel or other means of conveyance employed in any way in contravention of this Ordinance shall be liable to seizure and forfeiture.

Forfeiture of spirituous liquors.

18. All spirituous liquors imported, sold, offered for sale or barter or given or possessed in contravention of this Ordinance shall be liable to seizure and forfeiture.

Recovery of penalties.

19. All penalties imposed by this Ordinance shall be recoverable upon summary trial, and if not forthwith paid shall be levied by distress and sale of the offender's

THE LIQUOR (PROHIBITED AREAS) ORDINANCE, 1912.

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goods and in default of sufficient distress, or without proceeding by way of distress, if the court pronouncing sentence so order, it shall be lawful to commit the offender to prison for any term not exceeding six months for the first offence, and not exceeding twelve months for each subsequent offence.

20. It shall be lawful for the Governor from time to time to make rules for the more effectual carrying out of the provisions of this Ordinance, and to annex a penalty not exceeding five pounds for any breach of any such rules when so made, to be recoverable in manner provided in section nineteen of this Ordinance; and every rule so made shall, upon publication thereof in the Gazette, have the same force and effect as if it were contained in this Ordinance subject to disallowance by His Majesty.

Power of Governor to make rules.

Unless and until varied or revoked in manner above provided, the rules and regulations contained in the schedule hereto shall be and remain in force.

## THE SCHEDULE.

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### I. REGULATIONS.

#### Conditions of Sale to Non-Natives.

The following conditions of sale to non-natives shall be endorsed on all licences issued to vendors.

1. Imported liquor may not be sold:—

- (a) to non-commissioned officers of the Southern Nigeria Regiment, and to European subordinates of the various Government departments, except on a permit signed, in the case of non-commissioned officers by the Officer Commanding the unit, in all other cases by the head (or officer locally representing the head) of their department.

## THE LIQUOR (PROHIBITED AREAS) ORDINANCE, 1912.

- (b) to non-natives of African descent, except on a similar permit by the Officer Commanding the unit of the Southern Nigeria Regiment or local head of department to which they belong if in Government service. If not in Government service, the permit must be signed by a European employer, and, if the person is not in European employ, by the District Commissioner or Assistant District Commissioner.

The permit must be addressed to the particular licensee from whom the applicant desires to purchase, and will specify the amount which may be sold at any one time, and the interval which must elapse between such sales. The permit will be retained by the vendor as a certificate of the authority for sale;

2. Officers authorised to grant permits will enter in a book the amount of liquor which each applicant has been authorised by them to buy, and these amounts will be limited to a reasonable quantity for the personal use of the applicant and his family. If the holder of a permit has been found intoxicated, or is proved to have purchased liquor on a permit which was not for his own use or his family's use, or to have sold or given such liquor or permit to any person included in the classes who have to obtain permits, no further permit will be issued to him for such period as the person authorised to issue a permit may see fit, or the amount for which a permit is issued may be reduced to the least possible quantity necessary for health.
3. Every permit granted to a non-native shall be cancelled by the vendor of the spirituous liquors by writing in ink across the face of the permit the date upon which the sale takes place.

THE LIQUOR (PROHIBITED AREAS) ORDINANCE, 1912.

Conditions of Importation of Liquor by Non-Natives employing Agents.

4. Non-natives who employ any firm or person, as their agents for the purpose of importing spirituous liquors into a prohibited area, shall request the Provincial Commissioner or District Commissioner, when applying for a permit under section 5, to make such permit out on behalf of the agent, and the Provincial Commissioner or District Commissioner will do so, and will, in addition, endorse the name of the owner on the permit.

II. FORMS.

FORM OF DECLARATION AND PERMIT.

FORM A (SECTION 5.)

*Declaration of Spirituous Liquors for Importation into Southern Nigeria.*

I the undersigned (a) do hereby declare that I desire to import (b) spirituous liquors as understated which I declared to be for my own use in Southern Nigeria (c) (or for sale under licence in Southern Nigeria) (c) to persons other than natives) and for no other purpose.

Quantity and Description of Spirituous Liquors.	Purpose of Importation (d).

(a) Here state name and status of importer, and his agent (if any).  
 (b) If importing by water, insert here the name of the vessel and the person in charge thereof and other details as may be required.  
 (c) Here state the area.  
 (d) State if for personal consumption or if for sale under licence. If for sale under licence state place or places where liquors to be sold.

Signature.....

Occupation.....

THE LIQUOR (PROHIBITED AREAS) ORDINANCE, 1912.

---

I hereby certify my approval of the Importation of  
the above spirituous liquors into

Place..... Signature.....

Date.....

FORM B. (SECTION 12).

FORM OF LICENCE TO SELL.

Licence is hereby granted to [Name and Residence  
of persons licensed] to sell spirituous liquors [specify  
spirituous liquors if limited] to non-natives within  
[describe place of sale by name, situation and other  
particulars] until the 31st day of December, 19  
under the following conditions [specify conditions.]

Dated this            day of            19

Duty paid.....

*Signature of Governor.*

THE LIQUOR (PROHIBITED AREAS) ORDINANCE, 1912.

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Passed in the Legislative Council this 19th day of August, in the year of our Lord one thousand nine hundred and twelve.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

W. R. CUTHBERTSON,  
*Clerk of the Legislative Council.*

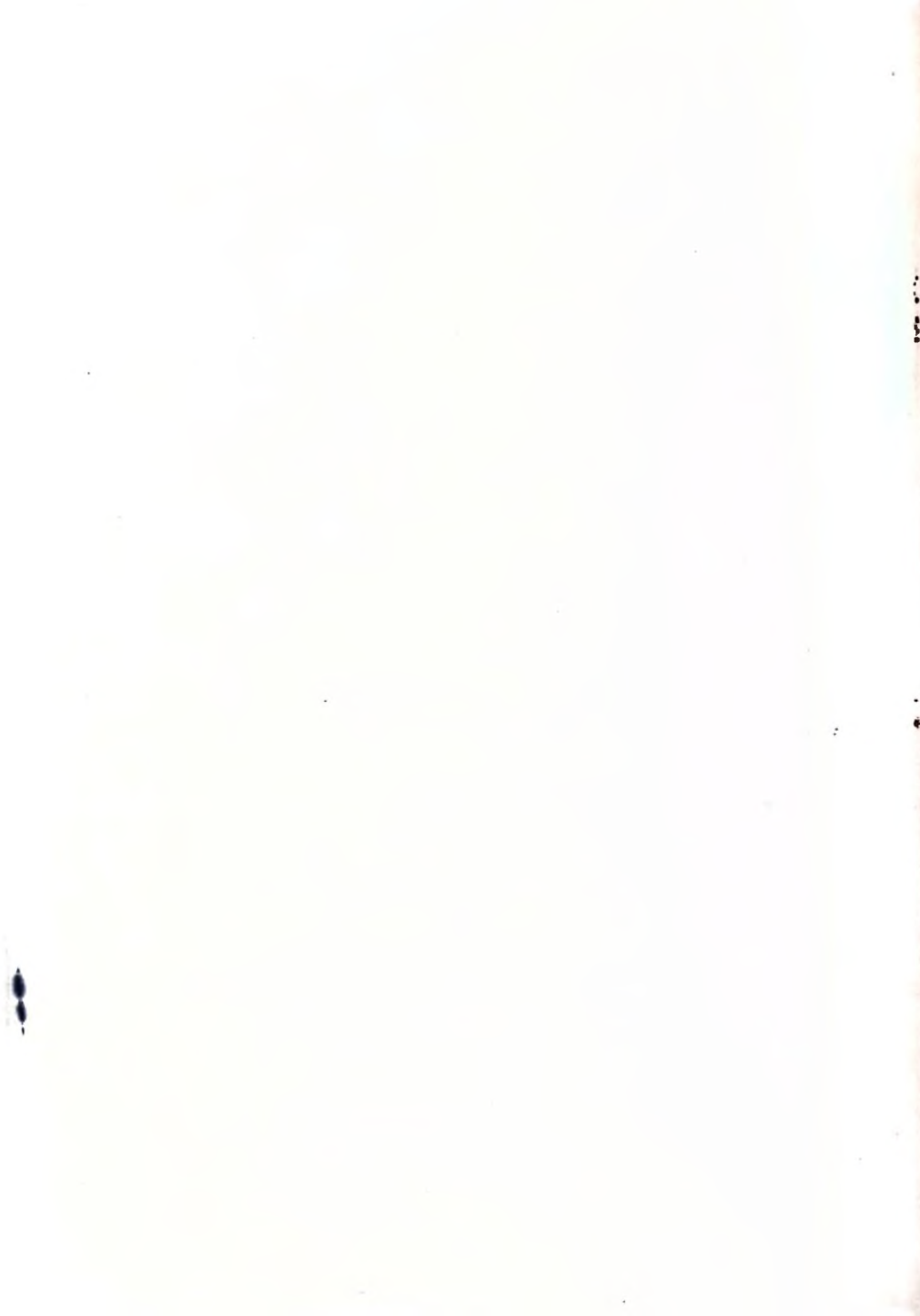
Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

D. C. CAMERON,  
*Acting Colonial Secretary.*

J. M. M. DUNLOP,  
*Acting Attorney-General.*

Assented to in His Majesty's name this 19th day of August, 1912.

F. S. JAMES,  
*Acting Governor and Commander-in-Chief.*



(L.S.)

F. S. JAMES.

No. XX.

1912.



COLONY OF SOUTHERN NIGERIA.

IN THE THIRD YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE V.

FREDERICK SETON JAMES, ESQUIRE, C.M.G.,

*Acting Governor and Commander-in-Chief.*

An Ordinance to regulate the business of <sup>Title.</sup>  
Money-lending.

[19TH AUGUST, 1912.] <sup>Date.</sup>

BE IT ENACTED by the Governor of the Colony <sup>Enactment.</sup>  
of Southern Nigeria with the advice and consent of the  
Legislative Council thereof as follows:—

1. This Ordinance may be cited as the Money- <sup>Short Title.</sup>  
lenders Ordinance, 1912.

## THE MONEY-LENDERS ORDINANCE, 1912.

Re-opening of  
transactions of  
money-lenders.

2.—(1) Where proceedings are taken in any court by a money-lender for the recovery of any money lent after the commencement of this Ordinance, or the enforcement of any agreement or security made or taken after the commencement of this Ordinance, in respect of money lent either before or after the commencement of this Ordinance, and there is evidence which satisfies the court that the interest charged in respect of the sum actually lent is excessive, or that the amounts charged for expenses, inquiries, fines, bonus, premium, renewals, or any other charges, are excessive, and that, in either case, the transaction is harsh and unconscionable, or is otherwise such that a court of equity would give relief, the court may re-open the transaction, and take an account between the money-lender and the person sued, and may, notwithstanding any statement or settlement of account or any agreement purporting to close previous dealings and create a new obligation, re-open any account already taken between them, and relieve the person sued from payment of any sum in excess of the sum adjudged by the court to be fairly due in respect of such principal, interest and charges, as the court, having regard to the risk and all the circumstances, may adjudge to be reasonable; and if any such excess has been paid, or allowed in account, by the debtor, may order the creditor to repay it; and may set aside, either wholly or in part, or revise, or alter, any security given or agreement made in respect of money lent by the money-lender, and if the money-lender has parted with the security may order him to indemnify the borrower or other person sued.

(2) Any court in which proceedings might be taken for the recovery of money lent by a money-lender shall have and may, at the instance of the borrower or surety or other person liable, exercise the like powers as may be exercised under this section, where proceedings are taken for the recovery of money lent, and the court shall have power, notwithstanding any provision or agreement to the contrary, to entertain any application under this Ordinance by the borrower or surety, or other person liable, notwithstanding that the time for repayment of the loan, or any instalment thereof, may not have arrived.

## THE MONEY-LENDERS ORDINANCE, 1912.

(3) The foregoing provisions of this section shall apply to any transaction which, whatever its form may be, is substantially one of money-lending by a money-lender.

(4) Nothing in the foregoing provisions of this section shall affect the rights of any bona fide assignee or holder for value without notice.

(5) Nothing in this section shall be construed as derogating from the existing powers or jurisdiction of any court.

3.—(1) A money-lender as defined by this Ordinance :—

Registration of  
money-lenders,  
etc.

(a) shall register himself as a money-lender in accordance with regulations under this Ordinance, at an office provided for the purpose by the Governor, under his own or usual trade name, and in no other name, and with the address, or all the addresses if more than one, at which he carries on his business of money-lender; and

(b) shall carry on the money-lending business in his registered name, and in no other name and under no other description, and at his registered address or addresses, and at no other address; and

(c) shall not enter into any agreement in the course of his business as a money-lender with respect to the advance and repayment of money, or take any security for money in the course of his business as a money-lender, otherwise than in his registered name; and

(d) shall on reasonable request, and on tender of a reasonable sum for expenses, furnish the borrower with a copy of any document relating to the loan or any security therefor.

(2) If a money-lender fails to register himself as required by this Ordinance, or carries on business otherwise than in his registered name, or in more than one name, or elsewhere than at his registered address.

THE MONEY-LENDERS ORDINANCE, 1912.

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or fails to comply with any other requirement of this section, he shall be liable on summary conviction to a fine not exceeding one hundred pounds, and in the case of a second or subsequent conviction to imprisonment, with or without hard labour, for a term not exceeding three months or to a fine not exceeding one hundred pounds, or to both: Provided that if the offender be a body corporate that body corporate shall be liable on a second or subsequent conviction to a fine not exceeding five hundred pounds.

(3) A prosecution under subsection (2) of this section shall not be instituted except with the consent of the Attorney-General.

Regulations as to  
registration

4.—(1) The Governor in Council may make regulations respecting the registration of money-lenders, whether individuals, firms, societies, or companies, the form of the register, and the particulars to be entered therein, and the fees to be paid on registration and renewal of registration, not exceeding one pound for each registration or renewal, and respecting the inspection of the register and the fees payable therefor.

(2) The registration shall cease to have effect at the expiration of three years from the date of the registration, but may be renewed from time to time, and if renewed shall have effect for three years from the date of the renewal.

Penalties for false  
statements and  
representations.

5. If any money-lender, or any manager, agent, or clerk of a money-lender, or if any person being a director, manager, or other officer of any corporation carrying on the business of a money-lender, by any false, misleading, or deceptive statement, representation, or promise, or by any dishonest concealment of material facts, fraudulently induces or attempts to induce any person to borrow money or to agree to the terms on which money is or is to be borrowed, he shall be guilty of a misdemeanour, and shall be liable on indictment to imprisonment, with or without hard labour, for a term not exceeding two years, or to a fine not exceeding five hundred pounds, or to both.

## THE MONEY-LENDERS ORDINANCE, 1912.

6.—(1) If anyone, for the purpose of earning interest, commission, reward, or other profit, sends or causes to be sent to a person whom he knows to be an infant any circular, notice, advertisement, letter, telegram, or other document which invites or may reasonably be implied to invite the person receiving it to borrow money, or to enter into any transaction involving the borrowing of money, or to apply to any person or at any place with a view to obtaining information or advice as to borrowing money, he shall be guilty of a misdemeanour, and shall be liable, if convicted on indictment, to imprisonment, with or without hard labour, for a term not exceeding three months, or to a fine not exceeding one hundred pounds, or to both imprisonment and fine, and if convicted on summary conviction, to imprisonment, with or without hard labour, for a term not exceeding one month, or to a fine not exceeding twenty pounds, or to both imprisonment and fine.

Persons sending to infants circulars inviting to borrow money guilty of a misdemeanour.

(2) If any such document as above in this section mentioned sent to an infant purports to issue from any address named therein, or indicates any address as the place at which application is to be made with reference to the subject-matter of the document, and at that place there is carried on any business connected with loans, whether making or procuring loans or otherwise, every person who attends at such place for the purpose of taking part in or who takes part in or assists in the carrying on of such business shall be deemed to have sent or caused to be sent such document as aforesaid unless he proves that he was not in any way a party to and was wholly ignorant of the sending of such document.

(3) Where in any proceedings under this section it is proved that the person to whom the document was sent was an infant, the person charged shall be deemed to have known that the person to whom the document was sent was an infant, unless he proves that he had reasonable ground for believing the infant to be of full age.

## THE MONEY-LENDERS ORDINANCE, 1912.

Soliciting infant to make affidavit in connexion with loan.

7. If anyone, except under the authority of any court, solicits an infant to make an affidavit or statutory declaration for the purpose of or in connexion with any loan, he shall be liable, if convicted on summary conviction, to imprisonment, with or without hard labour, for a term not exceeding one month, or to a fine not exceeding twenty pounds, or to both imprisonment and fine, and if convicted on indictment, to imprisonment, with or without hard labour, for a term not exceeding three months, or to a fine not exceeding one hundred pounds.

Avoiding contract for payment of loan advanced during infancy.

8. If any infant, who has contracted a loan which is void in law, agrees after he comes of age to pay any money which in whole or in part represents or is agreed to be paid in respect of any such loan, and is not a new advance, such agreement, and any instrument, negotiable or other, given in pursuance of or for carrying into effect such agreement, or otherwise in relation to the payment of money representing or in respect of such loan, shall so far as it relates to money which represents or is payable in respect of such loan, and is not a new advance, be void absolutely as against all persons whomsoever.

For the purposes of this section any interest, commission, or other payment in respect of such loan shall be deemed to be a part of such loan.

Definition of money-lender.

9. The expression "money-lender" in this Ordinance shall include every person whose business is that of money-lending, or who advertises or announces himself or holds himself out in any way as carrying on that business; but shall not include—

- (a) any pawnbroker in respect of business carried on by him in accordance with the provisions of the Ordinance for the time being in force in relation to pawnbrokers; or
- (b) any body corporate, incorporated or empowered by a special Ordinance to lend money in accordance with such special Ordinance; or

THE MONEY-LENDERS ORDINANCE, 1912.

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- (c) any person bona fide carrying on the business of banking or insurance or bona fide carrying on any business not having for its primary object the lending of money in the course of which and for the purposes whereof he lends money.
- 

Passed in the Legislative Council this 19th day of August, in the year of our Lord one thousand nine hundred and twelve.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

W. R. CUTHBERTSON,

*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

D. C. CAMERON,

*Acting Colonial Secretary,*

J. M. M. DUNLOP,

*Acting Attorney-General.*

Assented to in His Majesty's name this 19th day of August, 1912.

F. S. JAMES,

*Acting Governor and Commander-in-Chief.*



(L.S.)

A. G. BOYLE.

No. XXVI.

1912.



COLONY OF SOUTHERN NIGERIA.

IN THE THIRD YEAR OF THE REIGN OF

HIS MAJESTY KING GEORGE V.

ALEXANDER GEORGE BOYLE, ESQUIRE, C.M.G.,

*Acting Governor and Commander-in-Chief.*

An Ordinance for regulating Theatres and  
other places of public resort. Title.

[26TH SEPTEMBER, 1912.] Date.

BE IT ENACTED by the Governor of the Colony Enactment.  
of Southern Nigeria with the advice and consent of the  
Legislative Council thereof as follows:—

1. This Ordinance may be cited as the Theatres Short Title.  
and Public Performances Regulation Ordinance, 1912.  
and shall apply to such districts or places as the  
Governor in Council may by order declare.

THE THEATRES AND PUBLIC PERFORMANCES REGULATION  
ORDINANCE, 1912.

Definition.

2. The following words and expressions shall in this Ordinance or any Ordinance amending the same have the meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction.

“Stage play” means every tragedy, comedy, farce, opera, burletta, interlude, melodrama, pantomime, cinematograph display, exhibition of dancing, conjuring, juggling, acrobatic performance, boxing contest, circus, concert or other entertainment of the stage or any part thereof.

“Licensing Officer” means and includes the officer appointed under section six for any district or place.

All Theatres and places for public performances to be licensed.

3. From and after the application of this Ordinance it shall not be lawful for any person to have or keep any building, or other place of public resort for the public performance of stage plays without a licence granted as hereafter provided under a penalty not exceeding twenty pounds for every day on which such building or place shall have been so kept open for the purpose aforesaid.

Cinematograph displays subject to permit of Licensing Officer.

4. No person shall advertise, present or carry on any cinematograph display of a public nature or cause the same to be advertised, presented or carried on unless a description of every scene intended to be presented or produced at such display has been first furnished to the Licensing Officer, who may in his discretion issue a permit for the presentation of such display, without which permit no such display shall be advertised, presented or carried on.

Penalty for presenting cinematograph displays without permit of Licensing Officer.

5. Any person who shall advertise, present or carry on any cinematograph display of a public nature or cause the same to be advertised, presented or carried on with-

THE THEATRES AND PUBLIC PERFORMANCES REGULATION  
ORDINANCE, 1912.

out the permit of the Licensing Officer shall for every such offence be liable to a penalty not exceeding fifty pounds to be recovered summarily before a Police Magistrate or District Commissioner.

6. The Governor in Council may from time to time make, vary and rescind rules for any of the following purposes:—

Governor in Council may make rules for the regulation of theatres and places of public performances.

- (1) The issue by any officer whom he may authorise in that behalf of licences for the performance of stage plays to such person, at such places, in such buildings, for such period of time and during such hours as may be respectively determined in every such licence.
- (2) The cancellation of all licences and permits.
- (3) Prescribing the payment of fees in respect of all licences and permits.
- (4) Prescribing the materials of which any such licensed building or place is to be constructed and for regulating the mode of building, seating accommodation, entrances, exits, and all other matters appertaining to the same.
- (5) Requiring the exercise of all such measures as may be prescribed in any such rules against overcrowding and for the control and prevention of fire in any such licensed building or place.
- (6) The maintenance of good order at such licensed building or place.
- (7) The entry and inspection during the performance of a stage play or at any time by any officer of the Police Force or any other officer authorised by the Governor to enter and inspect any such licensed building or place.

THE THEATRES AND PUBLIC PERFORMANCES REGULATION  
ORDINANCE, 1912.

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- (8) The imposition of penalties on breach of any rules made in pursuance of this section and the mode of recovery of the same.
- (9) Generally for carrying out the provisions of this Ordinance.

Such rules shall be published in the Gazette and shall have the force and effect of law in the same manner as if they were incorporated in this Ordinance.

Passed in the Legislative Council this 26th day of September, in the year of our Lord one thousand nine hundred and twelve.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

GERALD BELL,

*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

D. C. CAMERON,

*Acting Colonial Secretary.*

R. J. B. ROSS.

*Acting Attorney-General.*

Assented to in His Majesty's name this 26th day of September, 1912.

A. G. BOYLE,

*Acting Governor and Commander-in-Chief.*

(L.S.)  
A. G. BOYLE.

No. XXIX.

1912.



COLONY OF SOUTHERN NIGERIA.

IN THE THIRD YEAR OF THE REIGN OF  
HIS MAJESTY KING GEORGE V.  
ALEXANDER GEORGE BOYLE, ESQUIRE, C.M.G.,  
*Acting Governor and Commander-in-Chief.*

An Ordinance to provide for the regulation of Title.  
the position of buildings with reference to  
streets and roads.

[27TH SEPTEMBER, 1912.] Date.

BE IT ENACTED by the Governor of the Colony of Southern Nigeria with the advice and consent of the Legislative Council thereof as follows:— Enactment.

1. This Ordinance may be cited as the Buildings Regulation Ordinance, 1912. short Title.

THE BUILDINGS REGULATION ORDINANCE, 1912.

Definition.

2. In this Ordinance, the following words and expressions shall have the meanings hereby assigned to them unless there is something in the subject or context repugnant to such constructions:—

“Street” includes any highway, public bridge, road, lane, or footway.

“House” includes schools also factories and other buildings in which persons are employed.

“Owner” means the person for the time being receiving the rent of the lands or premises in connexion with which the word is used whether on his own account or as agent or trustee for any other person, or who would so receive the same if such land or premises were let to a tenant.

3. It shall be lawful for the Governor in Council by order to prescribe the line in which any house or building or the front thereof, shall be built or rebuilt in any street, which has not been declared a road under the Roads and Creeks Ordinance, in any district, town, or place, and thereafter it shall not be lawful for any person to build or rebuild any house or building in such street except in accordance with such order.

Provided always that this section shall not be deemed to apply to any street in any district, town, or place to which the Towns Ordinance has been or may hereafter be applied.

4. It shall be lawful for the Governor in Council by order to prescribe the line, within which it shall not be lawful for any person to build or rebuild any house or building, from the centre of any street which has not been declared a road under the Roads and Creeks Ordinance, and thereafter it shall not be lawful for any person to build or rebuild any house or building in such street except in accordance with such order.

Governor in Council may regulate building line.

Regulation of space to be left on each side of roads.

THE BUILDINGS REGULATION ORDINANCE, 1912.

Provided that such line shall not be a greater distance from the centre of the street than thirty feet.

Provided that this section shall not be deemed to apply to any road within the limits of any district, town or place to which the Towns Ordinance has been or may hereafter be applied.

5. For the purposes of this Ordinance, a road declared to be a road under the Roads and Creeks Ordinance shall not be deemed to be such for that part of it which is within the limits of any town or village. The District Commissioner may from time to time for the purposes of this Ordinance determine the limits of any town or village with respect to such road.

Limitation of roads under Roads and Creeks Ordinance.

6. It shall not be lawful for any person to build or rebuild any house or building within thirty feet of the centre line of any road which at the time of the passing of this Ordinance has been declared a road under the Roads and Creeks Ordinance or may hereafter be so declared.

Space to be left clear on all roads under Roads and Creeks Ordinance

7. It shall be lawful for a Provincial Commissioner or District Commissioner to cause any house or building or any part thereof which has been or is being erected in contravention of this Ordinance, to be pulled down or removed. When any expense is incurred in or about the pulling down or removal of any house, building or any part thereof as aforesaid such expense may be recovered in a summary manner, anything in the Supreme Court Ordinance to the contrary notwithstanding, from the person who executed the works pulled down or removed or from the person causing the works to be executed.

Power to pull down or remove building erected in contravention of this Ordinance.

8. Where any house or building, which was in existence at the time of the passing of this Ordinance, is set back or forward, compensation shall be paid or tendered to the owner or other person immediately interested in such house or building for any loss or damage he may sustain, in consequence of his house being so set back or forward, out of the General Revenue of the Colony.

Compensation to be paid.

THE BUILDINGS REGULATION ORDINANCE, 1912.

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Claims of compensation how determined.

9. All questions respecting the amount or payment or distribution of any compensation to be paid under section eight of this Ordinance shall be arranged as nearly as may be in accordance with and subject to the Public Lands Ordinance.

Repeal.

10. The Building Lines Ordinance 1911 is hereby repealed.

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Passed in the Legislative Council this 27th day of September, in the year of our Lord one thousand nine hundred and twelve.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

GERALD BELL,

*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

D. C. CAMERON,

*Acting Colonial Secretary.*

R. J. B. ROSS,

*Acting Attorney-General.*

Assented to in His Majesty's name this 27th day of September, 1912.

A. G. BOYLE,

*Acting Governor and Commander-in-Chief.*

(L.S.)  
A. G. BOYLE.

No. XXX.

1912.



COLONY OF SOUTHERN NIGERIA.

IN THE THIRD YEAR OF THE REIGN OF  
HIS MAJESTY KING GEORGE V.  
ALEXANDER GEORGE BOYLE, ESQUIRE, C.M.G.,  
*Acting Governor and Commander-in-Chief.*

An Ordinance to prohibit the Distillation of Title.  
Spirits.

[27TH SEPTEMBER, 1912.] Date.

BE IT ENACTED by the Governor of the Colony Enactment.  
of Southern Nigeria with the advice and consent of  
the Legislative Council thereof as follows :—

1. This Ordinance may be cited as the Distilla- Short Title.  
tion of Spirits Prohibition Ordinance (No. 2), 1912.

THE DISTILLATION OF SPIRITS PROHIBITION ORDINANCE  
(NO. 2), 1912.

Definitions.

2. In this Ordinance unless the context otherwise requires :—

- (a) "spirits" means and includes rum, brandy, gin, whisky, absinthe, liqueurs and all other potable distilled alcoholic liquors ;
- (b) "court" means and includes the Supreme Court as defined by the Supreme Court Ordinance ; and
- (c) "colony" includes the Protectorate.

Making of spirits prohibited.

3. No person shall within the Colony of Southern Nigeria either distil, rectify or make any spirits ; or sell any spirits so distilled, rectified or made within the colony : provided that nothing in this Ordinance shall be construed to apply to the distillation, with the sanction of the Governor in Council, of alcohol for purely commercial, industrial, medical or scientific purposes.

Penalty for contravention of Ordinance.

4. Any person contravening the provisions of section three of this Ordinance shall be guilty of an offence and on conviction shall be liable to a penalty for each offence not exceeding fifty pounds.

Procedure for recovery of penalties.

5. Any offence against this Ordinance shall be summarily heard and determined by, and all penalties shall be recoverable before a court having jurisdiction to hear and determine such offence. Any penalty recovered if not forthwith paid may be levied by distress and sale of the offender's goods and in default of sufficient distress or without proceeding by way of distress, if the court pronouncing sentence shall so order, it shall be lawful to commit the offender to prison for any term not exceeding six months unless such penalty be sooner paid.

Informers may receive a portion of penalty.

6. An informer on whose information a conviction is secured may, subject to the direction of the Governor, receive out of every penalty recovered under this Ordinance a sum not exceeding one-half thereof, provided that such informer shall not have himself committed an offence under this Ordinance

THE DISTILLATION OF SPIRITS PROHIBITION ORDINANCE  
(NO. 2), 1912.

7. On the commission of an offence against this Ordinance, the offender who, before any information is lodged against him in respect of the offence, first discovers and informs against any other offender, shall, on the conviction of the person against whom the information is given, be discharged and acquitted from all penalties or disqualifications to which at the time of giving information he may be liable by reason of the offence committed by him.

Discharge of  
informer.

8. The Distilleries Ordinance, 1910, and the Distillation of Spirits Prohibition Ordinance, 1912, are hereby repealed.

Repeal of No. XIII  
of 1910 and XI of  
1912.

Passed in the Legislative Council this 27th day of September in the year of our Lord one thousand nine hundred and twelve.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

GERALD BELL,

*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

D. C. CAMERON,

*Acting Colonial Secretary.*

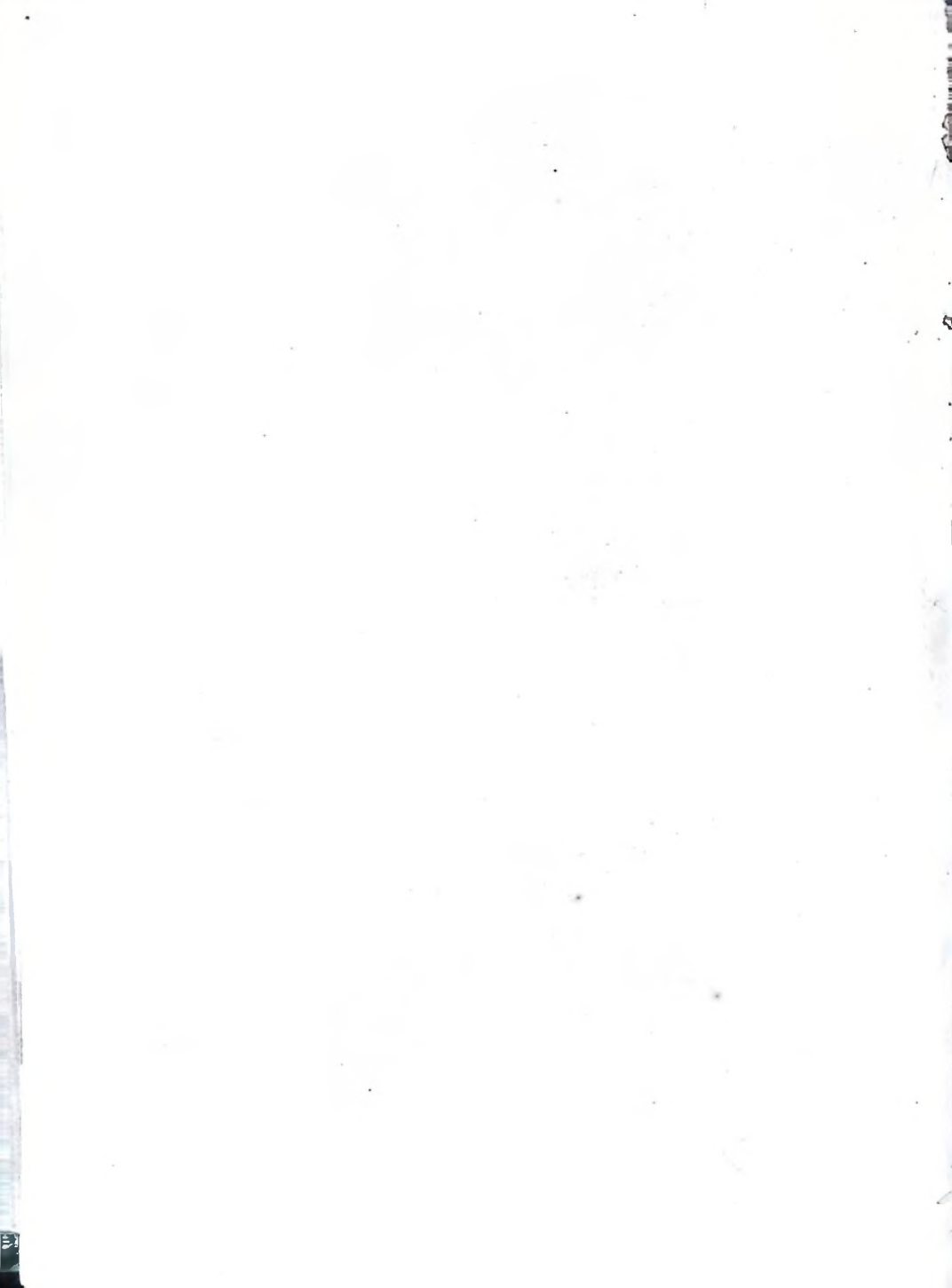
R. J. B. ROSS,

*Acting Attorney General.*

Assented to in His Majesty's name this 27th day of September, 1912.

A. G. BOYLE,

*Acting Governor and Commander-in-Chief.*



(L.S.)  
F. D. LUGARD.  
No. XXXIV.

1912.



COLONY OF SOUTHERN NIGERIA.

IN THE THIRD YEAR OF THE REIGN OF  
HIS MAJESTY KING GEORGE V.  
SIR FREDERICK JOHN DEALTRY LUGARD, G.C.M.G., C.B., D.S.O.  
*Governor and Commander-in-Chief.*

An Ordinance to provide for the Service of the Title.  
Colony for the year ending on the thirty-  
first day of December, one thousand nine  
hundred and thirteen.

[25TH NOVEMBER, 1912.] Date.

WHEREAS it is requisite to make provision Preamble.  
for the expenses of the Civil Government of the  
Colony for the year ending on the thirty-first day of  
December, one thousand nine hundred and thirteen.

## THE 1913 SUPPLY ORDINANCE, 1912.

Enactment.

BE IT THEREFORE ENACTED by the Governor of the Colony of Southern Nigeria with the advice and consent of the Legislative Council thereof as follows :—

1. The Treasurer may, on the warrant of the Governor, pay out of the revenue and the funds of the Colony during the year ending on the thirty-first day of December, one thousand nine hundred and thirteen, any sum or sums not exceeding in the whole the sum of two millions two hundred and twenty thousand six hundred and twenty-five pounds, less such sum for the combined Departments as shall be found from the Revenue of Northern Nigeria.

Appropriation.

2. The said sum or sums in the whole not exceeding the sum of two millions two hundred and twenty thousand six hundred and twenty-five pounds, less such sum for the combined Departments as shall be found from the Revenue of Northern Nigeria, shall be appropriated to the purposes and in the manner expressed in the Schedule annexed to this Ordinance.

Balance unissued to lapse.

3. The moneys granted by this Ordinance are intended for the services in respect of which moneys will become payable within the year ending on the thirty-first day of December, one thousand nine hundred and thirteen and any balances thereof remaining unissued at the end of the month of December in that year shall lapse and not be available for making payments in any subsequent month.

Short Title.

4. This Ordinance may be cited for all purposes as the 1913 Supply Ordinance, 1912.

SCHEDULE.  
EXPENDITURE 1913.

SOUTHERN NIGERIA.				£
2.	Pensions and Gratuities ...	...	...	18,838
3.	Governor's Office ...	...	...	7,672
1.	Colonial Secretary's Office ...	...	...	15,173
4a.	Intelligence ...	...	...	1,287
4b.	Commercial Intelligence ...	...	...	946
5.	Political and Administrative ...	...	...	134,542
6.	Judicial ...	...	...	28,867
7.	Legal ...	...	...	4,450
8.	Treasury ...	...	...	16,653
10.	Postal ...	...	...	16,913
11.	Telegraphs and Telephones	}	Recurrent ...	32,159
			special ...	5,300
12.	Audit ...	...	...	11,479
	Carried forward ...	...	...	£ 264,279

## THE 1913 SUPPLY ORDINANCE, 1912.

	Brought forward ... ..	£	264,279
13.	Printing ... ..		12,298
14.	Force ... ..		117,439
15.	Volunteers ... ..		3,480
17.	Civil Police ... ..		52,454
18.	Prisons ... ..		48,585
19.	Forestry ... ..		20,896
20.	Agriculture ... ..		14,275
21.	Medical ... ..		80,417
21a.	Laboratory ... ..		753
22.	Medical Research Institute ... ..		1,792
23.	Sanitary ... ..	{ Recurrent	10,514
		{ Special ..	328
24.	Native Affairs ... ..		...
25.	Education ... ..		35,309
26.	Surveys ... ..	{ Recurrent	25,286
		{ Special ...	1,550
27.	Mineral Survey ... ..		2,700
28.	Lands ... ..		2,074
29.	Rent ... ..		...
30.	Charitable ... ..		...
31.	Transport ... ..		...
32.	Motor Transport ... ..		...
33.	Contribution to Northern Nigeria ... ..		...
34.	Miscellaneous Services ... ..		71,013
35.	Public Works ... ..		58,933
36.	Public Works Recurrent ... ..		40,910
			865,315
41.	Public Works Extraordinary ... ..		150,958
			150,958
		Total £	1,016,273
COMBINED DEPARTMENTS.			
1.	Charges on account of Public Debt ... ..		95,598
2.	Customs ... ..		47,030
3.	Marine ... ..	{ Recurrent	191,093
		{ Special	45,990
4.	Railway ... ..	{ Recurrent	615,355
		{ Special	179,286
		Total £	1,204,352
	Total, Southern Nigeria and Combined Departments. ... ..		£2,220,625

THE 1913 SUPPLY ORDINANCE, 1912.

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Passed in the Legislative Council this 25th day of November, in the year of our Lord one thousand nine hundred and twelve.

This printed impression has been carefully compared by me with the Bill which has passed the Legislative Council and found by me to be a true and correct printed copy of the said Bill.

GERALD BELL,

*Clerk of the Legislative Council.*

Presented for authentication and assent as a correctly and faithfully printed copy of the Bill as passed by the Legislative Council.

A. G. BOYLE,

*Colonial Secretary.*

C. E. DALE,

*Financial Commissioner.*

Assented to in His Majesty's name this 25th day of November, 1912.

F. D. LUGARD,

*Governor and Commander-in-Chief.*

