



INDEX

OF

PROCLAMATIONS, ORDERS, RULES, CIRCULARS
AND NOTICES

IN FORCE ON AUGUST 1ST, 1902,

AND

AFFECTING THE POWERS AND DUTIES OF
DISTRICT COMMISSIONERS.

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OLD CALABAR.

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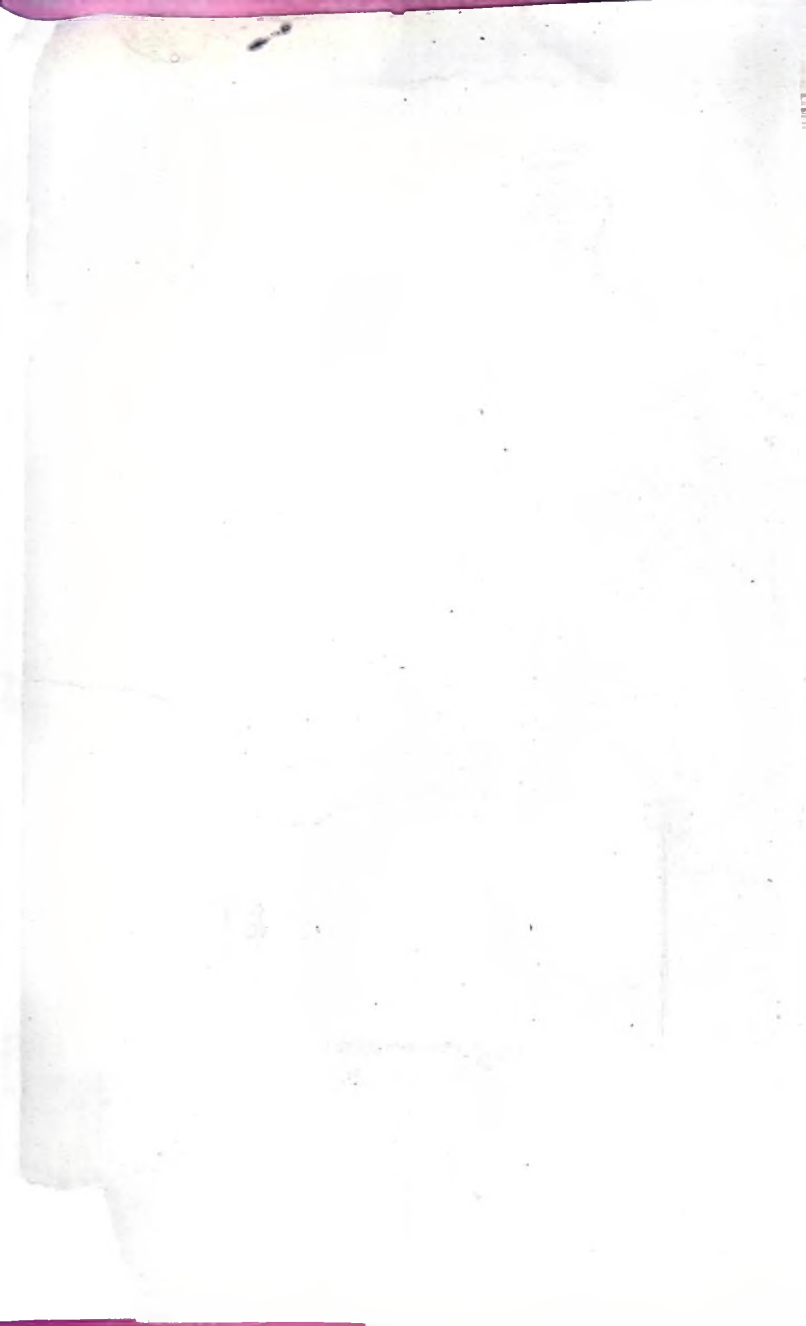


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OF PROCLAMATIONS, ORDERS, RULES, CIRCULARS AND NOTICES IN FORCE ON AUGUST 1st, 1902, AND AFFECTING THE POWERS AND DUTIES OF DISTRICT COMMISSIONERS.

This Index will aid Assistant District Commissioners to prepare themselves for the position of District Commissioners.

It will also serve a useful purpose as the basis of a complete Index showing all laws, rules and instructions which have a bearing upon the varied matters with which District Commissioners have to deal other than those of a purely departmental character. In order that this second object may be attained it is essential that the Index should be amended and amplified whenever a new law, rule or instruction is issued. To facilitate such amplification and amendment a list is given in the Appendix showing every Proclamation, Order, Rule and Notice mentioned in the Index and also the page or pages on which the mention is made. When therefore any new law or instruction is issued which amends or repeals any law, etc., quoted in the Index, it will only be necessary to refer to the Appendix in order to find all the pages in the Index which require alteration. In addition to altering the Index so as to show the effect of every new law, etc., the latter should also be entered in the Appendix and an entry made showing every page in the Index on which there is reference to the new law.

Subject to the exceptions mentioned below, it will be useful to add to the Index not only all new laws, etc., but also to make a note, under the appropriate Title in the Index, of the pith of such instructions as are from time to time issued by Minute Paper. For example Minute Papers are occasionally received by Commissioners which contain advice as to the principles on which they should exercise the discretionary powers conferred upon them; again a Minute Paper may contain an instruction from the High Commissioner upon a matter connected with the subject dealt with by a law; in all similar or analogous cases the pith of the Minute Paper should be entered under the proper Title or Titles in the Index and the reference to the Minute Paper quoted so that by looking at the Copy Correspondence Book the full nature of the advice or instruction can be easily ascertained. The convenience of thus keeping the Index continually up-to-date will be felt by the officer during whose tour the law or instruction has issued as it will enable him to see at a glance the exact page on which can be found every law, etc., or instruction which has been issued on any subject (other than departmental instructions) with which he has to deal; this convenience will be still greater in the case of officers who succeed those during whose tour the law or instruction issued.

(a) Purely Departmental Matters, *e.g.*, those relating to the special work of the several Departments in the Service, are not dealt with in the Index because the system of Standing Orders already provides an effective Index in such cases.

(b) The contents of the Financial Instructions, the Store Rules, etc., are not separately shown in the Index because they would necessarily be at once looked at if a difficulty connected with Finance, Stores, etc., arose, and they contain an Index of their contents.

Amendments must of course be shown as heretofore on the Proclamation, Order, Rule or Circular amended, the object of the Index being to group together all the authorities on each subject dealt with, but not to show, save in bare outline, the contents of those authorities.



INDEX.

Actions Against Officials.—Actions or prosecutions against any official or person for any act done in the supposed execution of duty, must be brought in accordance with and are subject to the terms of the "Public Officials Protection Proclamation, 1901" (No. 14 of 1901).

Acquisition of Land from Natives.—See "Land."

Administration.—See "Probate."

Adulteration of Produce.—"Adulteration of Produce Proclamation, 1902" (No. 3 of 1902). The object of this law is to ensure that the Produce shall be shipped in good condition and therefore by realizing a good price maintain the purchasing power of the Protectorate. Compliance with the law can only be ensured by constant vigilance on the part of the District Commissioner. Two methods are recognized by the law as the means of checking and punishing adulteration, the first is the procedure under the law and the second is by action under the native laws and customs (see Section 25). It will be found that the second method can be made very effective by judicious treatment of the Native Councils.

Affidavits.—See "Witnesses."

Allowances.—See "Travelling." When an officer is required to perform in addition to his own duties those of another officer in respect of which an acting allowance is provided in the estimates, he should apply through the Secretary for the sanction of the High Commissioner for authority to draw the acting allowance. Sanction should not be asked for to draw more than one acting allowance. (Circular 109 of 13th August, 1901.)

Animals.—See "Wild Animals."

Appeals.—See "Fees" A right of appeal may be given by the law under which a case is made tryable and if this be the case the nature of the appeal is regulated by that law.

NATIVE COURTS—Appeals from Native Courts exist in the cases and under the conditions mentioned in sections 20, 30 and 34 of "The Native Courts Proclamation, 1901" (No. 25 of 1901), and clause 5 of Rules No. 5 of 1902.

APPEALS FROM DISTRICT COMMISSIONERS IN CRIMINAL CASES.—The Monthly List furnished by the Commissioners to the Chief Justice acts automatically as an appeal in all cases comprised in the list. See section 25 of "The Commissioners Proclamation, 1900" (No. 8 of 1900).

An appeal exists to the Supreme Court from the decision of a Commissioner in all cases whether civil or criminal (section 7 of "The Commissioners Proclamation, 1900" (No. 8 of 1900). The procedure in appeals in criminal cases is further regulated by sections 135 to 137 of "The Criminal Procedure Proclamation, 1900" (No. 7 of 1900). See also sections 137 A, B and C, inserted by the amending Proclamation, viz., No. 12 of 1901.

ARMS.—Arms or Ammunition and Military Stores of all kinds can be prohibited from *Exportation* by the High Commissioner at any time by Public Notice in the "Gazette," and in such case the duty of seeing that the law is observed lies to a great extent on the District Commissioner, who should, when necessary, initiate and carry out proceedings under the "Exportation of Arms Proclamation, 1901" (No. 4 of 1901). See Title "Niger Navigation" in this Index.

The *Importation* of Arms and Ammunition into the Protectorate is regulated by the "Fire-arms Proclamation, 1902" (No. 2 of 1902). By a Public Notice published in "Gazette" of February 1, 1902, at page 23, the Customs Offices were made "Public Warehouses" within the meaning of the law and were also fixed as the places at which Fire-arms and Ammunition can, by the High Commissioner's Special License, be imported into the Protectorate under section 12 of the law. By the same Notice the power and duty is imposed on District Commissioners of signing, on behalf of the High Commissioner, Licenses to bear Fire-arms, and Orders for the Withdrawal of Ammunition from Public Warehouses.

The Withdrawal of Fire-arms and Ammunition is regulated by Rules No. 1 of 1902, (published in "Gazette" of February 1, 1902, at page 27). Clause 4 of these Rules is however repealed by Rules No. 3 of 1902 ("Gazette," March 1, 1902, page 75) by which a table of fees payable under the law is substituted for that contained in clause 4.

The Central "Warehouse" for the Storage of Trade Ammunition into the Old Calabar District is the Magazine at Old Calabar. See Public Notice in "Gazette" of July 31, 1902, at page 226.

Arrest.—See "Legal Power."

Assessors.—See "Sheriffs," "Legal Power." A person charged with an offence punishable by death must be tried with "Assessors." See section 102A of the "Criminal Procedure Proclamation, 1901." A trial with "Assessors" is also necessary when the offence charged is one of the following crimes (Order No. 2 of 1902, published at page 66 of the "Gazette" of February 28, 1902). Arson, Burglary, Embezzlement, Forgery, etc., Piracy, Rape, Receiving Stolen Property, Robbery, Sodomy, Wounding with intent, etc.

The qualification, selection and attendance of "Assessors" are regulated by sections 153a. *et sequitur* of the "Criminal Procedure Proclamation, 1901."

A District Commissioner in the exercise of his legal power may be in doubt as to the existence or exact nature of a native law or custom. In such cases he should call in persons to assist him by acting as referees to whom he can apply for assistance in removing the doubt. See section 37 of the "Supreme Court Proclamation, 1900."

Form of Summons to "Assessors" calling upon them to attend the Trial. See "Gazette," May 31, 1902, page 197.

NATIVE COURTS.—Power is given to Native Courts to obtain the assistance of Native "Assessors." The latter have a consultative voice only in the proceedings and do not otherwise form part of the Court. See "Native Court Proclamation, 1901" (No. 25 of 1901), section 23.

Barristers, Admission and Employment of.—See "Rules made by the Chief Justice, 12th June, 1901," published in "Gazette" of July 31, 1901, at page 225.

Bills of Health.—See "Fees."

Births and Deaths.—See "Registration," "Death." By section 3 of the "Births and Deaths Proclamation, 1901" (No. 17 of 1901), the High Commissioner has power to divide the Protectorate into districts for registration purposes and section 4 gives power to appoint Registrars.

In their capacity as Registrars under this law, District Commissioners will (when the Proclamation has been brought into force) have to send a Monthly Return to the Registrar-General of every entry made by them in their registers. (See section 11 of the "Births and Deaths Proclamation," 1901.) The Return to be made under this section *pro tanto* fulfils the duty imposed by section 10 of the "General Registry Proclamation, 1901" (No. 16 of 1901), and consequently a duplicate return of entries respecting births and deaths need not be made under the latter law.

Boundaries.—The boundaries of the several "Districts" in the Protectorate are described in an Order dated 9th July, 1902, set out at page 226 in the "Gazette" of July 31, 1902. The "Divisions" comprise the districts mentioned in Circular No. 78 of 5th December, 1899.

Bush Allowance.—See "Travelling."

Carriers.—Soldiers' families are transported at the expense of the Government when the soldiers' station is changed. On such occasions one carrier per family is allowed. See Circular 114 of 4th December, 1901, and Title "Transport" in this Index.

The number of carriers which an officer may employ for his baggage when travelling on duty is limited by Circular No. 118 of 11th December, 1902.

Certificate.—"Medical Officer," "Death."

Cheques.—See "Financial Duties."

Chiefs.—See "Protection of Natives."

Circulars.—See "Standing Orders."

Claims.—See "Financial Duties."

Cloth.—See "Store Rules."

Commissioner.—See "Legal Power." Commissioner is a word in constant use throughout the laws of the Protectorate and it is therefore necessary to know with certainty what officers are included in the expression.

The chief legal powers conferred by law are those contained in the "Supreme Court Proclamation, 1900" (No. 6 of 1900) and the "Criminal Procedure Proclamation, 1900" (No. 7 of 1900), as amended by Proclamation No. 12 of 1901. Both of these laws however are so worded as to refer principally to the Judges of the Supreme Court. The "Commissioners Proclamation, 1900" (No. 8 of 1900), as amended by the "Commissioners Amendment Proclamation, 1901" (No. 13 of 1901), enables the High Commissioner by issue of Judicial Warrants to confer many of these powers, subject to important restrictions, on the "Commissioners," and the latter class is by s. 1 defined as including "Divisional Commissioner, Travelling Commissioner, Resident, District Commissioner and Assistant District Commissioner." It should be noted however that this definition is confined to "The Commissioner's Proclamation" and to the laws which it refers to. In all other laws the expression "Commissioner" has the meaning which is given by the "Authentication and Interpretation Proclamation, 1900" (No. 4 of 1900), and thus excludes an "Assistant District Commissioner."

In laws in which the class of Commissioner is specified it would probably be held as a matter of law that only the class specified can exercise the power in the law, for example in section 5 of the "Spirituous Liquors Proclamation, 1901" (No. 6 of 1901), power is given to "Divisional Commissioners" to entertain certain complaints and this power would not be properly exercised by a Travelling Commissioner or by a District Commissioner.

As already stated the "Commissioners Proclamation" enables the High Commissioner to confer on any Commissioner certain powers by issuing a "Judicial Warrant." It is from this warrant that a Commissioner acquires his power to act under the "Commissioners Proclamation" and consequently under the "Supreme Court Proclamation." In practice the warrants issued to District Commissioners give the latter power to exercise all the judicial power of "Commissioners" while the warrants which are not infrequently issued to Assistant District Commissioners and to Medical Officers merely enable the holder to exercise certain limited legal powers in the absence of the District Commissioner, *e.g.*, power to issue summonses, warrants of arrest, etc., but not power to hear or determine cases.

Concessions.—See "Forestry."

Construction of Proclamations.—See "Commissioner." Frequently laws contain "definition clauses," that is sections which define the meaning which should be given to certain expressions which are used in the law. The definition sometimes considerably extends the meaning of a phrase (*e.g.*, "Customs Officer" is made to include a District Commissioner in the "Spirituous Liquors Importation Proclamation, 1901" (No. 6 of 1901), and consequently a law should always be examined in order to see whether it contains a "definition clause." The "Authentication and Interpretation Proclamation, 1900" (No. 4 of 1900), contains several definitions which either extend or restrict the meaning of the phrases defined in all laws in which they occur unless "otherwise specially stated in the Proclamation, Government "Notice or Rule of Court" (see section 19). The law also contains rules of construction which should be observed unless the law which has to be applied contains words which clearly show that it was not intended that Proclamation No. 4 of 1900 should apply. The most important of these rules are contained in sections 10, 11 and 20 (respecting the effect which a repealing law has on existing rights, etc.) and section 16 (containing a rule for computing time). It may be mentioned that the construction of Rules of Court made under the "Supreme Court Proclamation" is subject to an additional rule respecting the computation of time. See Rule published in "Gazette" of January 31, 1902, page 20.

The "Commissioners Proclamation, 1900" (No. 8 of 1900.) should be read with the "Supreme Court Proclamation, 1900" (No. 6 of 1900.) and with the "Criminal Procedure Proclamation, 1900" (No. 7 of 1900). The First Schedule of the "Supreme Court Proclamation, 1900," applies to both civil and criminal matters, but the Second Schedule only applies to civil suits and has been amended and largely amplified by the Rules published in "Gazette," May 31, 1902, at page 163 *et sequitur*. These Rules are made under the power given by the "Supreme Court Proclamation, 1900." Other Rules have been made under that power, viz., those published in "Gazette" of July 31, 1901, page 255 (Admission of Barristers), "Gazette" of August 31, 1901, page 283 (Probate and Administration), "Gazette" of January 31, 1902, page 20 (Computation of Time), "Gazette" of January 31, 1902, page 22 (Affidavits), "Gazette" of April 30, 1902, page 124 (Fees), "Gazette" of May 31, page 162 (Office Hours, Filing Documents).

Contempt of Court.—Summary power to punish for contempt of Court in certain cases is given by sections 30 and 32 of the "Supreme Court Proclamation, 1900," and by section 42 of the "Criminal Procedure Proclamation, 1900." By the latter section and also by section 10 of the "Commissioners Proclamation, 1900," a report must be made to the Chief Justice showing the nature of the contempt and the punishment imposed.

Contract of Service.—See "Master and Servant."

Coroner.—See "Death"

Correspondence Rules.—Regulated by Circular No. 104 of 17th June, 1901.

The Judicial work in the Protectorate is controlled by the Judicial Department and consequently District Commissioners should communicate with the Office of the Chief Justice in all matters connected with such work. (Circular 90 of 7th April, 1900.)

Credits.—See sections 61 *et sequitur* of Proclamation 21 of 1901 (credit given to men in the Force), also "Trade Credit Proclamation."

Crew.—By Proclamation 1 of 1901 power is given to punish any Officer or any member of the crew of a vessel for breach of any of the several offences which are specified in the Proclamation. The latter law does not apply to an ocean-going ship or to canoes of native manufacture whether owned by or in charge of a European or not. Proceedings can only be taken under this law by the employer or by the person in authority over the one charged. A District Commissioner, and in his absence the Assistant District Commissioner, has authority over the district launches and as a consequence can proceed under this law against any member of a crew for drunkenness, wilful damage, refusal to obey orders, etc., etc.

Customs.—See “Niger Navigation.” Customs duties are payable half in specie and half in cash. (Circular No. 14 of 3rd July, 1894.) Invoices must be produced by importers when making bills of entry. (Circular No. 17 of 18th July, 1895.)

Death.—See “Death Sentences,” “Births and Deaths.” Whenever a District Commissioner learns that a death has occurred under circumstances which show that enquiry is expedient (*e.g.*, sudden deaths, evidence indicating violence or neglect, etc.) he shall hold an investigation into the cause of the death and shall forward to the Registrar of Deaths a certificate as to the cause of the deaths and shall also issue an order that the body shall be buried. The certificate and order should be issued in accordance with sections 29, 31, 32, 34, and 36 of the “Births and Deaths Proclamation, 1901” (No. 17 of 1901) which law however has not yet been brought into operation.

The fees payable to Medical Officers are.—(i) £1 1s. for examination of the body and giving evidence: (ii) £1 1s. for dissection when ordered by the Court: (iii) £1 1s. for each day's attendance at the Inquest after the first. See “Gazette,” May 31, 1900, page 209.

Inquests.—When a person commits suicide or when a death occurs suddenly by any mischance or under circumstances which raise a suspicion that an offence has been committed, the District Commissioner of the district within the jurisdiction of which the body was found, shall hold an inquest and in the meantime the body should not be buried unless necessary or if buried may, if necessary, be exhumed. See “Criminal Procedure Proclamation, 1901” (No. 12 of 1901) section 2, XVII. to XXVII. and sections 140 and 142 of the “Criminal Procedure Proclamation, 1900” (No. 7 of 1900).

Death Sentences.—The District Commissioner, as Sheriff or Deputy Sheriff, has to make all arrangements for carrying the execution into effect and must pay all expenses incidental thereto. A fixed sum of £3 is payable to him from which to reimburse himself.

In addition to carrying the execution into effect the District Commissioner must hold an inquest at which the identity of the deceased with that of the condemned person and also the manner of the latter's death must be proved. The usual procedure respecting inquests must be followed. (Circular 111 of 18th November, 1902.)

Deportation of Prisoners.—See “Prisoners.”

Deposit.—See “Financial Data.”

Deputy Sheriffs.—See “Sheriffs.”

Detachments.—See “Force.”

Dismissal.—See “Native Staff.”

Diary.—Every Officer must keep a diary as a record of the work done by him. (Circular 132 of 11th October, 1902.)

District Commissioner.—General duties defined. (Circular No. 61 of 14th March, 1899.)
See also “Staff—European.”

District Medical Officer.—See “Medical Officer.”

District Mess.—See "Messes."

Districts.—See "Boundaries"

Divisional Commissioners.—The importation of spirituous liquors into "inland regions" is permitted to Europeans subject to their obtaining from the Customs authority a certificate of approval. In the event of such approval being refused an appeal from the refusal lies to the Divisional Commissioner. "The Spirituous Liquors Importation Proclamation, 1901" section 5 (No. 6 of 1901).

The High Commissioner relies upon the Divisional Commissioners for seeing that every class of work in their respective Divisions is properly carried out and consequently the Divisional Commissioners have authority from the High Commissioner to enquire into the work of all Officers in such Divisions and, if necessary, to give instructions which will ensure such work being properly done.

Dress Regulations.—(Circular S4 of 11th February, 1900) contains the regulations respecting the uniform of Civilian European Officers.

Enquiry into Cause of Death.—See title "Death" in this Index.

Escorts.—Circular No. 127 of 23rd April, 1902, relates to the Requisitioning for and Responsibility and Control of Escorts by Civilian Officers. The information to be given by the Civilian Officer as to the object of the journey and the nature of the country to be traversed should be full and clear; it will be noted that the strength of an escort to guard the conveyance of specie is left to be determined by the military officer on whom is cast the responsibility for the safety of the transport.

Estates of Deceased Persons.—See "Probate."

European Staff.—See "Staff, European."

Evidence, Rules as to Admission of Documentary Evidence.—See "Supreme Court Proclamation, 1900" (No. 6 of 1900), First Schedule, Order V.

Exportation of Military Stores.—See "Arms."

Fees.—The fees payable in respect of all criminal or civil proceedings in the Supreme Court and in the District Courts are set out at page 124 of "Gazette" of April 30, 1902. These fees are in substitution for those prescribed by the "Supreme Court Proclamation, 1900," First Schedule, Order II., Rule 6 and Appendix B therein referred to. Marriage Fees have to be paid into the Treasury.—See "Marriage Proclamation, 1900" (No. 20 of 1900), section 10.

FIRE-ARMS AND AMMUNITION.—Fees payable for storage in Public Warehouses. (Rules No. 3 of 1902.)

WEIGHTS AND MEASURES.—Rules No. 2 of 1902.

MERCHANT SHIPPING.—Bills of Health and other Ship's Papers. "Merchant Shipping Proclamation, 1902" (No. 5 of 1902) and Order No. 3 of 1902.

FORESTRY.—Timber Concession and like fees. (Rules No. 4 of 1901).—Rubber. (Rules No. 3 of 1901.)

NATIVE COURTS.—Fees payable to members of and in respect of proceedings in. (Rules No. 2 of 1901 as amended by Rules No. 5 of 1902.)

NATIVE COURT.—Records of searches for documents. (Rules No. 4 of 1902.)

INQUESTS AND ENQUIRIES INTO THE CAUSE OF DEATH.—See "Gazette," May 31, 1900, page 209.

BIRTHS AND DEATHS.—Searches, etc., in records of (see section 43 of the "Births and Deaths Proclamation, 1901.")

Filing.—The Filing of Documents in civil proceedings in the Supreme Court. All such documents must before being filed be indorsed with the name and number of the cause, the date of the filing and whether filed by the defendant or the plaintiff. See Rules of Court published in "Gazette" of May 31, 1902, page 102.

Financial Duties.—See "Requisitions." Before forwarding money claims a Commissioner should see that they are in order not only as regards their form but also in all respects, *e.g.*, that they have been presented promptly in accordance with Circular No. 120 of 21st April, 1902. If in any case it has not been practicable to forward any money claim at once the reason for the delay should be stated by the District Commissioner in a Minute Paper to which the form should be attached.

DEATH SENTENCES.—The voucher of £3, which amount a District Commissioner has to re-imburse himself for all the expenses incidental to the execution, must be forwarded to the Chief Justice by whom it will be certified. (Circular 111 of 18th November, 1902.)

Claims for payment of extra carriers unavoidably employed when travelling through a waterless country must be supported by a special certificate by a Divisional Commissioner. (Circular No. 118 of 11th December, 1901.)

Not more than one "Acting Allowance" can be drawn by an officer at any one time. See Title "Allowances" in this Index.

When the High Commissioner sanctions an increase in the pay of a workman or mechanic or in the salary of a member of the native staff, a copy of the authority must be attached to the first payment voucher on which the increase appears. (Circular No. 103 of 1st June, 1901, clause 8.)

The "Instructions for the Guidance of Financial and Accounting Officers" (Colonial Office, Miscellaneous No. 74) have been adopted in the Protectorate. Explanations as to the use of the Treasury forms employed in accordance with these "Instructions" are given in detail by Circular No. 105 of 20th June, 1901.

Boards of Survey are held on the Treasury Chests on 1st January, 1st April, 1st July and on 1st October, pursuant to Circular No. 101 of 30th May, 1901. The Boards are appointed by the District Commissioner should no appointment be made by the Secretary or should any member of the Board appointed by the Secretary be unable to attend. *Ibid.*

"Travelling Allowance," "Bush Travelling Allowance" and "Bush Allowance" should be claimed on the forms given in Circular No. 130 of 20th August, 1902.

Full details should be given on vouchers for payment of goods purchased for the purpose of making presents to Native Chiefs. In no case should gin be given. (Circular No. 95 of 4th March, 1901.)

While on leave of absence a member of the Native Staff may draw his pay by means of Life Certificates. (See Circular No. 60 of 30th January, 1899.)

Private money can only be entrusted for Safe-keeping to the local Treasury if a Deposit Receipt is issued. (Circular No. 56 of 30th July, 1898.)

Remittances should be made by drafts, cheques, &c., made payable to the order of the "Crown Agents for the Colonies." (Circular No. 47 of 20th April, 1897 and Circular No. 48 of 12th August, 1897.)

Customs Duties are, in the absence of special instructions, payable half in specie and half in bills. (Circular No. 14 of 3rd July, 1895.)

All claims for expenditure incurred locally must be settled within the month. (Circular No. 21 of 7th October, 1895.)

Fire.—Precautions against. See "Messcs."

Fire-arms.—See "Arms."

Folded Woven Goods Proclamation.—"Folded Woven Goods Proclamation, 1900" (No. 19 of 1900.) By this law woven goods cannot be imported or sold unless the same are folded in folds of not less than 36 inches in length and unless the same are marked on the fabric in such manner as to show the length. The District Commissioner is entrusted with power to issue a search warrant when satisfied by information on oath that there are in the premises to be searched any goods in respect of which an offence against the law has been committed. Although special powers are conferred on officers of customs to enforce the law, it is the duty of District Commissioners to initiate action whenever they are not satisfied that the law is being observed.

Force.—See "Transport," "Escorts." "The West African Frontier Force," usually referred to as the "Force," is constituted under the "West African Frontier Force (Southern Nigeria Regiment) Proclamation, 1901" (No. 21 of 1901.) By section 39 of this law a District Commissioner, or an Assistant District Commissioner if he holds a judicial warrant, has disciplinary power to punish a non-commissioned officer or private if at a station where there is a detachment but no Officer of the Regiment. The classes of punishment which may be inflicted are set out in the section and a District Commissioner should delay passing sentence if he is of opinion that the offence of which a man is found guilty cannot be adequately punished by him; this course enables the Commanding Officer to deal with the case. See latter end of the section.

In cases of emergency or when a sufficient number of military officers are not available, District Commissioners and Assistant District Commissioners if holding a judicial warrant, are competent to act as members of a court-martial. See s. 41 (9) b.

The offence of desertion is a military offence and power is given to District Commissioners and Assistant District Commissioners who hold a judicial warrant, to send the deserter in custody to the Officer in command of the nearest military station, but before this power can be exercised evidence must be forthcoming as provided by section 49.

Apprentices who have enlisted in contravention of the terms of apprenticeship deed may be returned to their master by order of a Commissioner made under section 61 (1).

Foreigners.—See "Legal Power."

Forestry.—The "Forestry Proclamation, 1901" (No. 23 of 1901) is the foundation of Government action respecting rubber and timber. By Order No. 10 of 1901 all forest lands at the disposal of the Government on which timber or rubber was being cut or collected on the 11th December, 1901, are made "Forestry Reserves" within the meaning of the "Forestry Proclamation, 1901."

By Order No. 11 of 1901 the cutting of timber on Native Lands or in Forest Reserves for the purpose of export is prohibited in the case of all persons who are not holders of concessions.

By the same Order mahogany may not be cut for use except for making canoes and that only in places in which no other suitable timber is available. The collection or possession of *root rubber* is absolutely prohibited and the collection of other rubber on Native Lands or in Forest Reserves is prohibited unless the person collecting holds a license. Lastly, by the same Order, the sale, purchase or like traffic in rubber is prohibited between the 15th of February and the 31st May, as is also the export of rubber between the 1st March and the 31st May. It is to be noted that this Order is so worded that it is no excuse or justification to urge that part of the illegal action took place outside the limits of the Protectorate.

Rule No. 3 of 1901 regulates the issue of licences, the method to be observed in tapping rubber, the payment of royalties and the enforcement of the Rules and Law. The District Commissioner is the person to whom applications should be made for licenses to collect rubber. The issue of a license cannot be claimed as of right and should never be granted unless the Commissioner is satisfied that the applicant is thoroughly conversant with the art of collecting rubber and with the rules respecting its collection.

A District Commissioner is responsible for the observance in his district of the law relating to rubber and is empowered by Rule 3 to seize rubber collected illegally and to forfeit the license held by the person in default.

The District Commissioner is also charged with important duties in respect to the working of timber concessions. By Rule No. 4 of 1902 the Commissioner may have to be present (see *post* Circular No. 124) when the limits of a concession are marked out and subsequently may be called upon to verify the plan which has to be attached to the Concession Deed, the execution of which latter he is in every case bound to attest. By this Rule power is given to the Commissioner to seize timber which is cut in contravention to the law (*i.e.*, less than 9 feet girth at point 10 feet from the ground) or which is not properly marked. Lastly, District Commissioners should examine the concessionaire's statutory books of account in order to make sure that the correct amount of royalty is paid. The terms of Rule 4 *supra* have been amplified by Circular No. 124 of the 5th March, 1902. By this Circular it is laid down that Concession Deeds are not to be forwarded to the Secretary until they are ready for signature by the High Commissioner. The District Commissioner ascertains if the land affected by the intended concession is free from prior claims, he reports upon the desirability or the reverse of granting the concession, he verifies the marking of the boundaries; in short, he controls and regulates all applications for concessions, subject of course to the decision of the Forestry Inspector as adviser of the Government in Forestry matters. The future prosperity of the timber industry in the Protectorate largely depends on the thoroughness with which the District Commissioner explains to the chiefs that their right to royalties is dependent upon their seeing that the conditions of the concessions are observed. See Clause 6 of Circular No. 102.

Royalties are paid according to the scale and in the manner prescribed by Rules No. 4 of 1901 (Rules relating to Timber), and consequently Circular No. 87, 22nd February, 1900, may be regarded as cancelled by implication.

Furniture.—See "Messrs." Circular No. 74 of 6th October, 1899, regulates the payment of "furniture rent" by Public Officers.

Furniture may have to be replaced out of Mess funds, and if this is done by purchase locally no formality is necessary, as the transaction is a private one between the Mess and the Trader, and consequently a "local purchase order" could not be used. (Circular No: 110 of 1st October, 1902.)

When furniture has to be replaced by requisition or local purchase order in consequence of the report of a Board of Survey, a copy of the report should be forwarded with the requisition or local purchase order. If part of the cost of such furniture has to be paid for by the Mess, a Treasury receipt should be also forwarded with the copy of the report. *Ibid.*

An Officer continues liable for "furniture rent" when drawing a "Bush Allowance." (Circular No. 102 of 30th May, 1901.)

General Registry.—See "Registration."

Gin.—See "Spirits."

Gratuities.—See "Pensions."

Handing Over.—See "Leav."

Headmoney.—See "Kroo-boys."

Health.—See "Medical Officer." Officers suffering from fever should report themselves to the Medical Officer. (Circular No. 108 of 2nd August, 1901.)

The sanitary condition of the district should receive the constant attention of the District Commissioner as being the officer primarily responsible to the advancement of the prosperity of the district. Sanitary offences are punishable summarily by the District Commissioner under the "Public Health Proclamation, 1900" (No. 22 of 1901), by prosecution by the "Health Officer." The duties of the "Health Officer" are imposed upon the District Medical Officer. See "Gazette," page 185, of June 29, 1901.

In Districts in which a Government Prison or lock-up is situated the sanitary work on Government premises is done by the prisoners. In districts in which prison labour is not available the sanitary work is done by local labour engaged by the District Commissioner in co-operation with the District Medical Officer. The sanitary work in towns has to be done by the Native Councils. (Circular No. 96 of 16th March, 1901.) See also as to the Council's liability in this respect the note on the sanitary condition of districts, *supra*.

Rules have been made under s. 7 of the "Public Health Proclamation, 1900," by which it is made an offence to throw filth or commit a nuisance in any "Public Place of Resort" or "Open Space" as defined in the Rules. See "Gazette," September 29, of 1900, at page 312.

House Rule.—See "Native House Rule."

Importation of Spirituous Liquors.—See "Spirituous Liquors," also "Spirit License."

Indictment.—See "Information."

Information.—See "Legal Power."

Inspection by the High Commissioner.—The books, etc., mentioned in Circular No. 22 of 1895 must be produced for the High Commissioner's inspection. (Circular No. 22 of 28th October, 1895.)

Inquests.—See "Death."

Judicial Department.—See "Correspondence Rules."

Jurisdiction of Commissioners.—See "Legal Power."

Kroo-boys.—See "Store Rules." The headmoney payable in respect of each Kroo-boy shipped from Liberia is fixed at 3 dollars and 75 cents. See "Gazette," January 28, 1902, page 37.

Kroo-boys often arrive at a station without any ticket having been issued for their passage. When Kroo-boys imported by authority of the Government arrive in this manner, the District Commissioner has authority to give the Purser a draft on the Crown Agents for the passage money (commonly called a "passage ticket"). If in such cases the District Commissioner is satisfied that the Purser has actually paid the headmoney in respect of the Kroo-boys, he should endorse on the "Passage Ticket" a further authority to the Crown Agents to pay the amount of the Headmoney. See form of authority given in Circular No. 117 of 10th December, 1901, the terms of which should be strictly complied with.

The passages of Kroo-boys employed as servants must be paid by the officer into whose service they pass. (Circular No. 18 of 13th August, 1895.)

Labourers.—See "Master and Servant." Native Labour has been largely substituted for that of Kroc-boys and Labour markets should be established whenever possible. The pay of native labourers engaged at a Native market is fixed in detail by Circular No. 125 of the 7th April, 1902.

Without the express previous sanction of the High Commissioner no increase can be made in the pay of any workman or mechanic (Kroc-boys being employed on the gang system are not within the rule) even when the pay will be drawn from a vote on which a saving will be effected. When such sanction is obtained a certified copy of the authority must be attached to the first payment voucher on which the increase appears. (Circular No. 103 of 1st June, 1901 clause 8.)

Land.—See "Registration." The sanction of the High Commissioner to the acquisition of any land from a native is necessary. Without such sanction no proper title can be acquired and no deed of purchase can be registered. (See Proclamation No. 1 of 1900, entitled "The Acquisition of Lands from Natives.")

The general duty of District Commissioners with regard to the registration of documents affecting lands is to assist members of the Public to comply with the law, i.e., with the "Lands Registry Proclamation, 1901" (No. 18 of 1901). There are certain cases in which the District Commissioner is charged with the duty of taking many steps to obtain registration which under ordinary circumstances would be taken by the person desirous of having the document registered. The special cases referred to are those in which traders and others claim to have rights to lands under documents executed before 1st January, 1900, which was the date on which the "Land Registry Proclamation" of 1900, (No. 16 of 1900), came into operation.

Instructions have been issued for the assistance of District Commissioners in dealing with these old claims. See "Gazette," February 28, 1901, page 26. These instructions remain in force to the extent above explained and subject to the modification that the documents should be sent, not to the Secretary but to the Registrar-General.

For the effect on the devolution of property consequent upon marriage between natives, see title "Marriage" in this Index.

Landing Stores.—See "Public Works."

Launches.—See "Crew."

Leave.—See "Staff—European," and "Native Staff." Officers going on leave should acquaint the local post office with the address to which they desire that their letters should be sent. (Circular No. 116 of 6th December, 1902.)

European Officers appointed before the 1st of April, 1902, stand on a special footing as regards leave and pensions if they elected to take six months leave from the Protectorate on the occasion when they proceeded on leave for the first time subsequent to that date. A summary of the rights of such officers both as to leave and pensions is contained in Circular No. 121 of 28th December, 1901. The rights of other European Officers to leave are set out in detail in the "Special Rules as to leave of absence and passages for Officers" which are published on pages 488-490 of the "Gazette," of December 31st, 1901.

On the expiration of his leave an officer should give notice of resumption of duty in accordance with Circular No. 106 of 21st June, 1901. By this Circular the expenses of transport and actual disbursement necessary during the journey of the officer from the ship to his station are provided for.

Previous to giving up his office, whether in consequence of leave or transfer, an officer should properly hand over his work to his successor. The handing over of stores or cash is dealt with in Circular No. 100 of 4th May, 1901, by which provision is made for the case of officers who by reason of illness are not able to conform with the instructions contained in the Circular No. 100 of 4th May, 1901.

On returning from leave it is an officer's duty to at once make himself thoroughly acquainted with the condition of the district and with all alterations which have been made in the laws, regulations, etc., etc., during his absence. (Circular No. 88, 2nd April, 1900, page 100.)

Under certain circumstances an allowance is made to officers proceeding on or returning from leave. See "Travelling." For payment of salaries, see "Staff—European."

Legal Power.—See "Assessors," "Contempt of Court," "Witnesses," "Construction of Proclamations" and "Appeals." The Judicial and Ministerial Powers of a Commissioner who holds a full judicial warrant are derived from the "Commissioners Proclamation, 1900" (No. 8 of 1900) as amended by the "Commissioners Amendment Proclamation, 1901" (No. 13 of 1901). See title "Commissioners" in this Index. [See also title "Construction of Proclamations" under which the several Rules made pursuant to the "Supreme Court Proclamation, 1900" are set out.]

The jurisdiction thus conferred is of two kinds, namely, power in civil disputes and power in criminal matters. Each jurisdiction of the kinds referred to is also divided into two classes, namely, those cases in which the Commissioner has power to hear, determine and give judgment, and secondly those in which he only has the powers necessary to prepare the cases for final hearing in the Supreme Court.

Firstly.—Jurisdiction in Criminal Matters which can only be disposed of finally by the Supreme Court.—This power is founded on sections 4 and 5 of the "Commissioners Proclamation, 1900" coupled with section 2 of the "Criminal Procedure Proclamation, 1900" (No. 7 of 1900) sections 2, 62 *et seq.* This limited power applies to all cases of serious crime, but such cases are not enumerated in any law. The safest guide for a Commissioner when called upon to decide whether an offence is one which must be referred for trial to the Supreme Court is for him to consider whether an offence is definitively given to Commissioners to hear and determine the case. If the law does not give such a power the crime must be tried in the Supreme Court, because it is a general principle that a Commissioner has no jurisdiction unless it is given to him specifically. The negative process thus recommended will not be found in practice to involve much difficulty, because nearly all the offences which Commissioners have power to try and punish fall within one or more of the categories described in section 16 of the "Commissioners Proclamation, 1900."

If dealing with such cases the first step is to bring the accused before the Commissioner, which can be done by summons or warrant. (See procedure laid down in section 16 of the "Criminal Procedure Proclamation, 1900.") A warrant of arrest may also be issued by the Commissioner.

"Supreme Court Proclamation, 1900," First Schedule, Order 3, Rule 12). The second step is the preliminary investigation into the alleged crime. (See procedure in sections 65 *et sequitur* of the "Criminal Procedure Proclamation, 1900" as amended by the Proclamation of 1901) and the dismissal of the case or the committal of the accused as the case may be.

The Commissioner should be careful not to commit the accused for trial if the case arises outside his district. See *post*, observations headed "Local jurisdiction" and sections 5 to 11 of the "Criminal Procedure Proclamation, 1900."

The examination of the accused should be conducted with great care and the procedure laid down by sections 70 *et sequitur* of the "Criminal Procedure Proclamation, 1900" rigidly followed. It should be noted that these sections must be read with sections 30 *et sequitur* of the same Proclamation and that consequently the accused should not be sworn.

The power to summon and examine witnesses is derived from section 4 of the "Commissioners Proclamation, 1900," which has the effect of giving the Commissioner all the powers in this respect which are possessed by the Supreme Court. The procedure is explained in detail in sections 29 *et sequitur* of the "Supreme Court Proclamation, 1900," and in the First Schedule of that law, Orders II, III, and V. See title "Service of Legal Process" in this Index.

The accused should, if arrested on a warrant or if committed for trial, be kept in custody unless bail may be and has been accepted. See sections 80-85 of the "Criminal Procedure Proclamation, 1900."

At the conclusion of the hearing of the Preliminary Investigation the prosecutor and the witnesses should be bound over to appear at the trial of the accused (see sections 86 to 89 of that law), and the Commissioner should transmit all the documents in the case (*i.e.* the depositions, recognisances, &c.) to the office of the Chief Justice and should also send an authenticated copy of the depositions and of the statement of the accused to the Attorney-General (section 79, *ibid*). At the time when the Commissioner commits the accused for trial he should inform him that he is also entitled to have a copy of the proceedings on payment, or, if the Commissioner thinks proper, without payment. (Section 79, *ibid*)

If more than one person is suspected of having committed the crime the provisions contained in section 28 of the "Criminal Procedure Proclamation, 1900," should be noted. In certain cases, the accused person may be tried for several offences. *Ibid*

In preparing the charge against the accused and also if called upon to prepare the information upon which the accused is to be tried before the Supreme Court, the District Commissioner should comply with section 29 of that law when describing any property connected with the crime. If a previous conviction of the accused forms an element of the crime, section 27, *ibid*, provides the method of proof. If called upon to prepare an information the Commissioner should note sections 113-116 of the "Criminal Procedure Proclamation, 1900."

Foreigners.—Foreigners are subject to the laws of the Protectorate and therefore are liable to be tried in the same way as subjects. One exception to this general rule exists when the alleged crime is committed within one marine league of the Protectorate, in which case the leave of the High Commissioner is necessary before the accused can be *tried or committed* for trial. (See section 35A of the "Criminal Procedure Proclamation, 1901.") The District Commissioner has full power to investigate such a charge against a foreigner, but cannot commit him to trial without the certificate. *Ibid*.

The procedure connected with the Notice of trial will be followed by the Sheriff. See title "Sheriff" in this Index.

The "Information" (*i.e.*, indictment) against the accused is drawn by the Attorney-General, by whom the prosecution is also conducted but either or both of the duties may have to be discharged by the District Commissioner. See respectively sections 63 and 46r of the "Criminal Procedure Proclamation, 1901."

Certain cases must be tried by "Assessors" chosen from the lists prepared by District Commissioners in November of each year. See sections 153 *et sequitur*, *ibid*. See also title "Assessors" in this Index.

If the accused is unable to be present and the proceedings should as a rule be postponed until he can be present. See sections 42a *et sequitur* of the "Criminal

In serious urgent cases in remote districts the crime may be heard and determined by a Special Court in substitution for the Supreme Court. See section 62A of the "Criminal Procedure Proclamation, 1901."

Usually the initiative in instituting criminal proceedings is left to the member of the public who has suffered from the commission of the crime, such person receiving, of course, assistance from the police in the proceedings. In certain cases, however, criminal proceedings originate from the result of an enquiry held by the District Commissioner by direction of the Attorney-General. See section 46A of the "Criminal Procedure Proclamation, 1901."

In cases in which a Government Department is concerned any Public Officer may be selected as prosecutor. "Supreme Court Proclamation, 1900," First Schedule, Order IV., Rule 5.

Local Jurisdiction.—Although the crime of which a person is accused is clearly one which the Supreme Court has power to try it does not follow that the District Commissioner has power to commit the prisoner for trial. Similarly, although the accused is charged with an offence which District Commissioners have power to try summarily, it does not follow that the District Commissioner before whom the case is brought has jurisdiction to adjudge. In all cases the District Commissioner must be satisfied that the case lies within his *local jurisdiction*, which is exhaustively defined in sections 3 and 4 of the "Criminal Procedure Proclamation, 1900." If the accused, being found within the Commissioner's District, is charged with the commission of a crime in another District it is the duty of the Commissioner to remove the case for trial in the latter district. See sections 3 and 4 of the "Criminal Procedure Proclamation, 1900." The rules restricting a Commissioner's power to cases which have arisen in his district do not of course apply when the power of transfer has been exercised by the Chief Justice. This power is given by sections 19 to 22 of the "Supreme Court Proclamation, 1900," and when exercised deprives the District Commissioner of one District of the power to adjudicate in a case which is within his local jurisdiction and transfers that power to the Commissioner of another District.

Although a case has been wrongly commenced in a District the Court has power to continue dealing with the case unless the defendant objects to the jurisdiction at or before the time when he is called upon to plead or state his answer to the charge. See section 11 of the "Criminal Procedure Proclamation, 1900," and section 8 of the "Commissioners Proclamation, 1900." These sections are intended to give protection to the Commissioner in cases in which he has unwittingly proceeded although he had no jurisdiction, and they should not be regarded as making it correct for a Commissioner to try a case, in which he knows that he has no power, merely because the defendant does not raise the objection. The Commissioner should invariably act in accordance with sections 3 and 4 of the "Criminal Procedure Proclamation" and remove the case to another district unless he thinks it expedient to obtain authority to proceed from the Chief Justice under the power given by section 8 of the "Commissioners Proclamation, 1900."

The most important duty imposed on Commissioners in connection with the criminal cases which can be tried in the Supreme Court only is the preparation of the depositions and other documents which have to be forwarded to the Office of the Chief Justice if the accused is committed for trial. The depositions are the foundation of the information and all subsequent proceedings. They are the record of what the witnesses deliberately say at a time which is rarely more than a day or so after the crime was committed. Until the matter is brought before the Commissioner the witnesses do not as a rule know accurately what will have to be proved to establish the guilt or innocence of the accused and there is therefore no opportunity for their evidence to become distorted or embellished by those conversations about the evidence which are certain to take place after the accused is committed for trial. For these reasons alone the evidence should be carefully taken and accurately recorded, but there is a further reason, namely, that any one of the witnesses may be prevented by death, &c., from giving evidence at the trial, in which case the deposition may be put in evidence at the trial. See sections 43-46 and 108-111 of "Criminal Procedure Proclamation, 1901."

The First Schedule of Proclamation No. 6 of 1900 ("Supreme Court") relates to the form of writs, service of process, office hours, notices, witnesses, evidence, and applies to all proceedings, both civil and criminal.

Secondly.—Jurisdiction in Civil Cases which can only be tried by the Supreme Court.—The power conferred by sections 4 to 9 of the "Commissioners Proclamation, 1900," is limited to cases in which the Commissioner only try those civil cases over which power is expressly given to him by section 4 of the "Commissioners Proclamation, 1900."

ment of actions in the Supreme Court (section 5) although he would have no power to try such actions. Further, by the same section, coupled with section 39 of the "Supreme Court Proclamation, 1900," a District Commissioner can be empowered to deal with many legal proceedings of a civil nature other than the trial of actions.

By rules made under the section quoted dates are imposed on Commissioners with respect to the management of the estates of deceased persons. See title "Probate" in this Index.

If the defendant in any suit involving £10 or more is about to abscond from the district or remove his property therefrom the District Commissioner may, on application, issue a warrant of detention. See Order XII, Rule 6 of Schedule II, of "Supreme Court Proclamation, 1900." If a defendant in any such suit is about to sell or dispose of his property the Commissioner may, on application, order that such property shall not be disposed of unless the defendant gives sufficient security to ensure that the judgment in the suit, if adverse to him, will be complied with. (Order XII, *ibid.*)

Judgment *by consent* may be entered in all suits provided the consent is given in the presence of a Commissioner. (Order XVII, *ibid.*) The First Schedule of Proclamation No. 6 of 1900 ("Supreme Court") relates to the form of writs, service of process, office hours, notices, witnesses and evidence, &c. See title "Service of Legal Process" in this Index.

FORM OF WRIT OF SUMMONS.—The procedure respecting the form of the Writ of Summons by which civil actions in the Supreme Court are commenced is prescribed in the Second Schedule of the "Supreme Court Proclamation, 1900" (No. 6 of 1900) Orders I. to X. For service of "Concurrent Writs" see Rule on page 163 of "Gazette," of May 31, 1902. By Order IV. of the Second Schedule power is given which enables the Government to be represented in any cause by any Public Officer selected for the purpose.

A Commissioner should not issue a Writ of Summons in a Civil suit unless the defendant resides or carries on his business in the district, or unless the cause is one of those specified in Order IX. of the Second Schedule.

The Supreme Court may make an order that evidence shall be taken in a suit previous to the actual trial of the case. The duty of taking such evidence is imposed on District Commissioners, who shall follow the procedure laid down in Order XXa, Rules 3, *et sequitur*, published in "Gazette" of May 31, 1902, at page 174. See title "Affidavits" in this Index.

Thirly.—Summary Jurisdiction in Criminal Cases. The District Commissioner has power to try and determine any of the criminal offences specified in section 16 of the "Commissioners Proclamation, 1900." He can also try certain cases of perjury, see "Criminal Procedure Proclamation, 1900," section 42.

The procedure to be followed by a District Commissioner when trying persons in the District Court for Criminal Offences is laid down in sections 47 *et sequitur* of the "Criminal Procedure Proclamation, 1900." See also title "Construction of Proclamations" in this Index, in which it is explained that the procedure is also regulated by the Rules in the First Schedule of the "Supreme Court Proclamation, 1900."

See observations on "Local jurisdiction" *ante*, also the following titles in this Index. "Service of Legal Process," "Witnesses," "Fees," "Evidence." The procedure respecting service of the summons to answer the charge of having committed an offence is regulated by sections 12 *et sequitur* of the "Criminal Procedure Proclamation, 1900" and by the Rules in the First Schedule of the "Supreme Court Proclamation, 1900." Power to issue Search Warrants is given by section 20 of the "Criminal Procedure Proclamation, 1900." The preparation of the charge or written statement of the offence of which the accused is charged is dealt with by sections 23 to 29 *ibid.* The examination of the accused is regulated by sections 30 *et sequitur, ibid.* Power to order costs, damages, or restitution of property is given by sections 36 to 41, *ibid.*

The attempt to commit an offence is punishable. Section 113, *ibid.* Formal defects in the process can be made good under the power given in section 134, *ibid.*

Sentences passed by the Commissioner are enforceable under the powers given in sections 125 *et sequitur, ibid.*

TRANSFER TO NATIVE COURTS.—Disputes between natives, may, in the discretion of the Commissioner, be referred to the Native Courts. See also the "Commissioners Proclamation, 1900" and see also the Native Court procedure provided by section 1 of the "Native Court Proclamation, 1900" (No. 25 of 1900.) By section 25 of the power is given to transfer cases from the Native Courts.

LEXARIES.—Persons of apparently unsound mind who are charged with having committed an offence punishable by the District Commissioner must be dealt with by the latter under section 42A of the "Criminal Procedure Proclamation, 1901" (No. 12 of 1901).

Fourthly.—**SUMMARY JURISDICTION TO TRY CIVIL CASES.**—This power is given by section 14 of the "Commissioners Proclamation, 1900." The power of transfer of disputes between natives given by section 18 of that law can be and should usually be exercised in civil disputes. The jurisdiction of a Commissioner in Civil Cases is in practice confined to those in which the parties reside in his district. See "Supreme Court Proclamation, 1900," First Schedule, Order III, Rules 7 and 8, and section 1, Order IX of the Second Schedule. *Ibid.*

See the following titles in this Index, "Witnesses," "Service of Legal Process," "Facts," "Evidence."

The power of a Commissioner at the trial is as full as that of a Judge of the Supreme Court. See "Supreme Court Proclamation, 1900," Second Schedule, Order XX. The judgment should be given as directed in Order XXII, *ibid.* (See also Order XXIIA in "Gazette" of May 31, 1902, page 178.) The judgment when given can be altered by the Commissioner if he thinks fit. Order XXII, *ibid.*

Disputes between natives should as a rule be transferred to the Native Courts. See observations headed "Transfer to Native Courts," also section 22 of the "Native Courts Proclamation, 1901" (No. 25 of 1901). *Ibid.*

Licence.—See "Forestry" and "Spirits Licence."

Life Certificate.—See "Staff—European," "Native Staff."

Local Jurisdiction.—See "Legal Power."

Lunatic.—See "Legal Power."

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Marine Discipline.—See "Crew."

Marriage.—See "Registration." The law relating to marriage is the "Marriage Proclamation, 1900" (No. 20 of 1900) as amended by Proclamation No. 22 of 1901 and by Proclamation No. 6 of 1902.

The District Commissioners' Districts as existing in September, 1901, are made "Marriage Districts." (See Order 5 of 1901.)

Where a Marriage District has the same boundaries as a Supreme Court District and no other appointment has been made, the District Commissioner and Assistant District Commissioner in the district are *ex officio* Registrars and Deputy-Registrars under "The Marriage Proclamation." (See Proclamation No. 6 of 1902.)

The following places have been licensed as Places for the Celebration of Marriages. (See Section 6 of the Proclamation of 1900).—

Churches of the Church Missionary Society.—Christ's Church (Onitsha); Holy Trinity (Asaba); St. Andrews (Obusi).

Church of the Roman Catholic Mission.—Trinity (Onitsha); Our Lady (Umuhe); St. Patrick's (Ossomari); St. Joseph (Aguleri); St. Joseph (Asaba); St. Augustin (Ibouzo); St. John (Alla); Sacred Heart (Agenegbode).

IN THE OLD CALABAR DISTRICT.—The Presbyterian Church and Training Institute. The Primitive Methodists Mission Church (James Town); The Primitive Methodists Mission Church (Archibang Town); The Presbyterian Mission Church (Creek Town).

IN OTHER DISTRICTS.—St. Joseph (Aguleri); St. Barnabas (Twon, Brass); St. Luke's (Nimbe). Ibo Mission Church (Quo Ibo); St. Paul's (Opobo); St. Stephens Cathedral (Bonny); St. Clements (Bonny); St. Augustine (Abonnenma); St. Andrew (Bakana); St. Peter's (Okrika).

Marriage may be also contracted at a Registrar's Office (Section 29 of the Proclamation of 1900) or at a place specially licensed by the High Commissioner (Section 29, *ibid*).

INVALID MARRIAGES.—The consent of guardians or parents is necessary in the case of minors, and a marriage without such consent renders all concerned liable to penalties. If such a marriage however is actually celebrated it does not fall within the classes of invalid marriages detailed in sections 33 *et sequitur*. (*Ibid*).

Marriages celebrated before 1st July, 1900, are valid. (Section 36).

Marriage between natives does not involve a right of dower; the property of those married remains subject to Native law and custom and is not affected by the English law of succession. (See Proclamation No. 6 of 1902).

District Commissioners, as Registrars and Deputy-Registrars of Marriage, are bound to conform to the provisions of the "General Registry Proclamation, 1901" (No. 16 of 1901). See title "Returns" in this Index.

Master and Servant.—See "Crew." The "Master and Servant Proclamation of 1901" (No. 3 of 1901) regulates three different classes of employment, viz. Apprenticeship, employment in foreign places, and lastly, contracts to be performed in the Protectorate.

APPRENTICE CONTRACTS.—There can be no apprenticeship without a deed, and every such deed must be in the form provided by the law and must be attested by and approved of by the District Commissioner (or Judge of the Supreme Court). Before giving his sanction to any such deed the District Commissioner should satisfy himself that the master is qualified to teach the apprentice and also that there is a reasonable assurance that he will comply with conditions specified in the *Act*. (Section 22). By section 20 the District Commissioner has power to apprentice destitute orphans.

FOREIGN CONTRACTS.—Such contracts must be in writing and must be attested by one of the following District Commissioners, viz., those at Old Calabar, Opobo, Degama, Akassa, Agberi, Asaba, Warri, Sapele and the Benin City Territories. (Sections 8 and 12). The object of this part of the law (Sections 5, 9, 10 and 11) is to prevent natives from being induced to leave the Protectorate under conditions which do not ensure their return.

CONTRACTS FOR SERVICE IN THE PROTECTORATE.—The object of entering into contracts of the kind dealt with by this law is to secure the advantages of the procedure provided by sections 27 *et sequitur* by which a breach of contract or dispute can be summarily settled. Such contracts may be verbal or in writing. If verbal they cannot be enforced for a longer period than six months. (Section 6). If no time is specified as the duration of the contract and if the latter is not to do some specific work the law implied that the contract can be determined by either party at the close of the day. (Section 14). It will be thus seen that there is a considerable advantage in having all important contracts of service reduced into writing. If the person to be employed cannot read and the contract is in writing *it must be attested* by the District Commissioner. (Section 7). For their protection employers may wish that a written contract with a person who can read should be attested by the District Commissioner, and should this be the case it is to be noted that the contract must be in the form provided by the law. (See section 8, near the end). Before attesting any such contract the District Commissioner should ascertain whether both parties are thoroughly agreed as to the exact nature of their respective obligations.

Medical Officer.—Duties of Medical Officers in connection with the execution of criminals are detailed in Circular No. 111 of 18th November, 1902.

The Medical Officer is the "Health Officer" in the district. See "The Public Health Proclamation, 1901" (No. 22 of 1901) and page 185 of "Gazette" of June 23rd, 1901.

The Medical Officer is a "Medical Practitioner" within the meaning of section 28 of the "Births and Deaths Proclamation, 1901" (No. 17 of 1901) and consequently must give a death certificate if he has attended the deceased during his last illness.

Merchant Shipping Fees.—See "Staaps."

Messes.—See "Furniture," "Transport." The Mess System is constituted and regulated by Circular No. 66 of 14th August, 1899. The Management of District Messes should be conducted on the principles contained in Circular No. 122 of 12th February, 1902, in order to ensure the comfort of officers attached to the mess.

Officers suffering from fever should report the fact to the Medical Officer. (Circular No. 108 of 2nd August, 1901).

The liability of members of messes and the method to be followed in keeping accounts are dealt with in Circular No. 83 of 14th February, 1900. The monthly accounts should be prepared within the first week of the month and should be considered and passed at a meeting of the mess held not later than the 10th of the month. *Ibid.* The Cash Book and the Financial Statement Book are supplied on requisition from the Secretariat.

Breakages and deficiencies must be made good periodically at intervals not exceeding six months. *Ibid.*

PRECAUTIONS AGAINST FIRE.—On no occasion whatsoever should a light of any kind be allowed in any lamp room. (Circular No. 25 of 30th December, 1895).

TRANSPORT OF STORES.—See title "Travelling" in this Index.

MINOR COURTS.—See "Native Courts."

NATIVE COUNCILS.—See "Native Courts," see also "Health."

NATIVE COURTS.—Native Councils and Minor Courts are constituted under the "Native Courts Proclamation, 1901," which was brought into operation by Order No. 1 of 1902. The District Commissioner is *ex officio* President of the Native Council and an appeal lies to the latter from all decisions of the Minor Courts.

The District Commissioner is the controller of both Native Councils and the Minor Courts, as by s. 26 power is given to him to direct when and where all Native Courts are to sit. In addition to his duties as President of the Native Councils the District Commissioner should scrutinise the work done by all Native Courts in order to see that they do not exceed their jurisdiction. Should any such excess take place the District Commissioner should stop the proceedings and order a transfer of the case to be made in the manner provided by sections 32 and 34.

There is no appeal in small cases (section 30) but in important cases an appeal exists from the Native Councils to the Supreme Court *with the leave* of the District Commissioner. (Section 30).

Rule No. 2 of 1901, as amended by Rule No. 5 of 1902, determines the procedure to be observed in all judicial proceedings in the Native Courts. This Rule enacts (i) that a Native Court can adjudge if there be present the President or Vice-President, three members and lastly one further member who has been summoned as representing the district in which the dispute arose. This first provision involves the preparation of a roster by the clerk of the Court so as to ensure that all cases from a district are heard in succession as long as the representative of the district is present. (ii) It fixes the fees and regulates their payment, and (iii) establishes a form of summons and a system of records.

The successful working of a Court depends on the supervision of the District Commissioner, who should make sure that the Clerk prepares the lists of cases so that at each sitting all the cases from one district may if possible be disposed of. If care is taken in this respect all disputes from a district can be settled with a minimum of inconvenience to the members of the Council and also with a minimum drain on the Court Funds. The records kept should be scrutinized frequently by the District Commissioner, firstly because the records of a Court of Law provide the only means, after a lapse of time, of showing what rights were determined in the cases adjudicated upon, secondly because such a scrutiny will ensure that the judgments of the Court are carried into effect and that the authority of the Court is not being ignored, and lastly because it is of importance that the fees should be regularly exacted so as to meet the expenses of the Court.

The District Commissioner is responsible for the proper keeping of all records of the Native Courts in his District. This obligation imposes on the Commissioner the further duty of seeing that no unauthorised person has access to the records. Those interested in any suit can apply for leave to search the records, and leave to make such search is granted on the conditions specified in Rule 4 of 1902.

NATIVE COURT FEES.—The objects on which it is lawful to spend the funds belonging to Native Courts are enumerated in Circular No. 86 of 22nd February, 1900.

Native House Rule.—See "Native Courts" and "Slavery." Wholly independent of slavery many rights and obligations exist amongst members of a tribe which before the abolition of slavery were settled by action based on the fact that one party to the dispute was a slave. Now that slavery is abolished such rights and obligations cannot be settled by the native life relating to slavery and recourse must be had to proceedings before the District Commissioner under the "Native House Rule Proclamation, 1901" (No. 26 of 1901). This law gives protection to the members of a tribe (section 6) and power to maintain tribal authority over all members of the tribe is also conferred by sections 5 and 27.

As a natural consequence of the community being divided up into tribes nearly every native is subject to tribal control. There are however isolated cases in which this is not the case and a remedy against *agnacy* has accordingly been provided by s. 7 of the "Native House Rule Proclamation, 1901."

Native Labour.—See "Labourers."

Natives.—See "Protection of Natives"

Native Staff.—See "Khos-boys," "Leave." The appointment and suspension, the reduction and increase in the emoluments of the Native Staff are regulated by Circular No. 103 of 1st June, 1901.

Three adverse entries on an Officer's Record of Service (kept in accordance with Circular No. 43 of 10th August, 1897) will if occurring within a limited period render the officer liable to suspension or to reduction in rank or salary. (Circular No. 99 of 4th May, 1901.)

The Native Staff are, as is the case with the European Staff, employed to do the work of the Protectorate, in other words their work is not limited to the performance of the duties of any one office but includes the performance of all duties which they are capable of discharging whether in one or in several departments. (Circular No. 58 of 29th March, 1901 and Circular No. 49 of 25th November, 1897.)

When available, quarters are granted to unmarried men of the Permanent Native Staff. In exceptional cases quarters are granted at a rent (usually 1s. per week) to married men. (Circular No. 76 of 6th November, 1899.)

FOR ALLOWANCES FOR TRAVELLING.—See "Travelling."

PASSAGES AND LEAVE OF ABSENCE.—See Circular No. 69 of 15th August, 1899.

During Leave of Absence granted under Circular No. 69 of 15th August, 1899, pay can be drawn by the Native Staff by means of Life Certificates. (Circular No. 60 of 30th January, 1899.)

A member of the Native Staff who becomes insolvent is liable to suspension. (Circular No. 51 of 1st December, 1897.)

SALARIES.—The rates of pay of the several grades of the Native Staff are fixed by Circular No. 5 of 1894.

Navigation.—See "Niger Navigation."

Niger Navigation.—See "Customs," "Niger Navigation Proclamation, 1900" (No. 15 of 1900).

The law enables merchant vessels to pass up and down the Niger without complying with the ordinary Customs Regulations provided that "a transit certificate" is first obtained from the Customs Authorities. A vessel protected by a transit certificate merely escapes the trouble and time involved in complying with the customs law but may not unload or load cargo. To facilitate navigation on the Niger such vessels are however allowed to purchase fuel, provisions and other necessaries at the ports of entry and "wooding stations" mentioned in the Proclamation. No arms or ammunition may be landed or discharged from such a vessel without the written permission of the Government, and applications for such permission have to be made in writing to a District Commissioner. A Commissioner to whom any such application is made should ascertain and report the reasons why arms and ammunition could not have been imported in the ordinary course of trade, i.e., after the vessel had been entered and cleared in the ordinary way.

Transport facilities up the Niger between Warri and Idah are provided by the Government in accordance with and subject to the rates detailed in "Gazette" of 31st May, 1902, page 132. The notice in this "Gazette" supersedes that contained in "Gazette" of 30th April, 1901, page 122. By clauses 3 and 5 of the Public Notice, District Commissioners are charged with the duty of making arrangements for the transport of passengers and cargo if notice is received by them that such transport will be required.

Notice of Trial.—See "Legal Power."

Oath of Office.—Judicial Oath. The Judicial Oath has to be taken by a District Commissioner as soon as may be after his appointment. This oath can be tendered not only by the High Commissioner but by any person whom the latter may authorize. Section 8 of the "Official Oaths Proclamation, 1901" (No. 15 of 1901).

Office Hours.—The hours during which offices are usually open for the transaction of business with the public are fixed by Circular No. 35 of 4th April, 1896.

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Officials.—See "Actions Against Officials," page 3; "Staff—European," and "Native Staff."

Passages.—See "Kroo-boys," "Native Staff."

Payment of Wages Proclamation.—"Payment of Wages Proclamation, 1900" (No. 13 of 1900.)

By this law a heavy penalty is imposed on any person who pays or agrees to pay any wages to any person, either wholly or in part, in spirituous liquors of any kind whatsoever.

Pensions.—With the exception of certain European Officers appointed before 1st April, 1902 (See title "Leave" in this Index) the rights of all officers to pensions are those authorized by the "Pension Proclamation, 1901" (No. 27 of 1901), which came into force on 1st April, 1902. (See "Gazette," February 28th, 1902, page 35.)

Periodical Returns.

Authority under which the Return has to be made.	At what Periods.	To Whom.	NATURE OF RETURN.
Circular No. 112 of 6th December, 1901.	Quarterly.	Treasurer.	Of Stamps used and cancelled.
Circular No. 103 of 1st June, 1901.	Half-yearly	Secretary.	Of Fines inflicted on Members of the Native Staff.
"Criminal Procedure Proclamation, 1901" (No. 12 of 1901), s. 153c.	Annually in November.	Chief Justice	List of persons qualified to act as Assessors.
"Commissioners Proclamation, 1900" (No. 8 of 1900), section 24.	End of each month.	Chief Justice.	Detailed List of Criminal Cases Tried.
"Fire-arms Proclamation, 1902" (No. 2 of 1902), sections 7 and 10.	Half-yearly after 31st March and 30th Sept.	Secretary.	(a) Return respecting Public Warehouses. (b) Return respecting Private Warehouses.
"General Registry Proclamation, 1901" (No. 16 of 1901), section 10.*	Monthly on or after the 10th of the month.	Registrar-General.	Copies certified of all Entries in all Registers or Records in control or custody of Registrar.
Order of the High Commissioner.	Quarterly.	Direct to High Commissioner.	Certified Copy of Import and Export Returns; also like copy of Return of Revenue and Expenditure.

* This Return is made by District Commissioners if acting in the capacity of Registrars. See also title "Births and Deaths" and "Registration" in this Index.

Postal Stamps.—See "Stamps."

Post Office.—See "Stamps." The general law relating to the Post Office is the "Post Office Proclamation, 1902" (No. 8 of 1902). Postage may be sued for before any Commissioner having judicial warrant. (See s. 58). This power does not of course interfere in any way with the jurisdiction of District Commissioners to hear and determine charges for criminal offences against the law. The procedure in such last mentioned cases is simplified by section 57.

Letters addressed to officers on leave should not be forwarded to those officers to the care of Crown Agents. (Circular No. 116 of 6th December 1902.)

Presents to Chiefs.—See "Protection of Natives."

Prisoners.—By the "Deportation of Prisoners Proclamation, 1900" (No. 19 of 1900), the High Commissioner may order a prisoner to be deported from one part of the Protectorate to another.

By the "Transfer of Northern Nigeria Prisoners Proclamation, 1900" (No. 3 of 1900), prisoners may be sent to Southern Nigeria to finish their sentences and similarly prisoners may be sent from Southern to Northern Nigeria for the like purpose.

Prisons.—See "Sheriffs." The District Commissioner and the District Medical Officer in each district except Old Calabar form the "Prison Visiting Committee" of the district. "Gazette," May 31st, 1901, page 167.

The Chief Justice and the Officer Commanding the Force are Visitors of Prisons throughout the Protectorate and the Divisional Commissioners and District Commissioners are Visitors of Prisons in their respective Districts. *Ibid.*

The Sanitary work on Government premises is performed by Prison Labour. See title "Health" in this Index.

NATIVE COURT PRISONS.—No person may be kept in any Native Court Prison for a period exceeding one month unless such prison has been constituted a prison under the "Prisons Proclamation, 1900" (No. 17 of 1900). See section 23 of the "Native Courts Proclamation, 1901" (No. 25 of 1901)

The management of prisons and prisoners is regulated by the "Prisons Proclamation, 1900" (No. 17 of 1900), as amended by the "Prisons Amendment Proclamation, 1901" (No. 23 of 1901). The most important amendments, however, are those made by Orders Nos. 1, 2, 6 and 7 of 1901 in the Schedule which forms part of the Proclamation of 1900.

Probate.—**PROBATE OF WILLS AND ADMINISTRATION OF THE ESTATES.**—By Rules made by the Chief Justice on 15th June, 1901, and published in the "Gazette" of August 31, at page 285, a District Commissioner's Court has power to grant probate of a will or to authorise the administration of the estate of a deceased person whose property does not exceed £100 in value. (Rule 2).

If the estate exceeds this value probate or administration *must* be applied for through the District Commissioner. (Rules 9 and 10).

ADMINISTRATION OF ESTATES OF PUBLIC OFFICERS.—By Rule 41 the District Commissioner is *ex officio* administrator of a Public Officer who has died and has left property in the district. The procedure to be followed in such cases is detailed in Rules 41 to 51. In outstations the affidavit mentioned in Rule 45 should be sworn before a Judge or before the Divisional Commissioner in his capacity as "Commissioner to take oaths in the Supreme Court." It is only necessary to send to the Secretary a copy of the accounts. The copy of the affidavit and of the Treasury Vouchers mentioned at the end of Rule 45 need not be sent to the Secretariat.

By Rule 43 a District Commissioner in whose district any of the property of the deceased *is left* must take such property into custody and should at once communicate with the District Commissioner who is acting as Administrator by virtue of Rule 41. The District Commissioner who acts as Administrator sends, by virtue of Rule 44, certain of the personal effects of the deceased officer home as therein directed; he must however advise the Crown Agents of his intention to send the effects home and such advice must be sent *at least* one mail previous to the despatch of the effects to the Crown Agents, the advice should invariably contain a complete list of the effects which it is intended to send and an estimate of their value for insurance purposes. A copy of this advice must be sent to the Secretary; subsequently a copy of the letter to the Crown Agents announcing the actual despatch of the effects must also be sent to the Secretariat.

The Secretary of State is informed whenever an estate is not closed within three months.

Produce.—See "Adulteration of Produce"

Protection of Natives.—See "Native House Rule," "Trade Credit Proclamation, 1900"; "Folded Woven Goods Proclamation, 1900"; "Payment of Wages Proclamation, 1900"; "Acquisition of Lands from Natives."

Presents to Native Chiefs must not include gin. In all cases in which articles are purchased for the purpose of making presents to Chiefs, full details of the goods purchased must be stated on the vouchers. (Circular No. 95 of 4th March, 1901.)

Protection of Officials Against Frivolous Actions.—See "Actions against Officials."

Public Officials.—See "Actions Against Officials"; "Native Staff"; "Staff—European".
"Furniture."

Public Officers Guarantee Fund.—This Fund is established by Proclamation No. 5 of 1901 and applies to such officers as may from time to time be specified by the High Commissioner.

A list of such officers and detailed instructions as to the manner of paying the contributions is contained in Circular 94 of 1st January, 1901.

Public Works.—LANDING OF STORES.—A District Commissioner should issue such instructions as may be necessary to ensure that *fragile* goods consigned to his station are landed with care. By the operation of Circular No. 115 of 5th December 1902, the arrival on a vessel at the station of any *fragile* goods should, *it is true*, be immediately reported to the District Commissioner, but it will be found expedient when any such goods are expected to give instructions in anticipation of their arrival.

If any goods are short landed, or landed in a damaged condition, a claim should be immediately made in writing addressed to the master of the ship.

Government stores should not be shipped by ocean-going vessels without a permit issued from the local Customs Office. (Circular No. 77 of 10th November, 1899.)

Unless goods are to be transported wholly by sea they should be packed in parcels not exceeding a load for a carrier. (Circular No. 128 of 16th June, 1902.)

Rations.—See "Store Rules."

Record of Service.—See “Staff—European” and “Native Staff.”

Referees as to Native Law, &c.—See “Assessors.”

Registration.—“GENERAL REGISTRY.”—See “Returns,” “Land,” “Marriage,” “Births and Deaths.”

By the “General Registry Proclamation, 1901” (No. 16 of 1901), a General Registry is established at Old Calabar. The “General Registry Proclamation” is a general law which should be read in conjunction with the several laws which impose the duty of Registration. The law does not itself impose any registration duty on District Commissioners in their capacity as Commissioners; if, however, they are made Registration Officers by any law, then they become subject to the “General Registry Proclamation, 1901,” as an example, see title “Marriages” in this Index.

The District Commissioner has power to take steps to protect all records in his District. See section 24 of “General Registry Proclamation, 1901.”

Section 10, which imposes the duty of making to the Registrar-General a monthly return of matters registered, should be read with each registration law, and consequently a return under a law may make a duplicate return under this section unnecessary. See title “Births and Deaths” in this Index.

Remittances.—See “Financial Duties.”

Requisitions.—See “Furniture,” “Public Works.” The existing Rules relating to Requisitions are published in “Gazette” of May 31st, 1901, at page 219. Rules 8 and 9 are modified by the Correspondence Rules. District Commissioners should note specially Rules 16 and 17 which relate to discrepancies and breakages.

Requisitions for Stationery should be made on the form given in Circular No. 72 of 3rd October, 1899, and must reach the Secretary before the 1st of June and 1st December in each year.

A complete Code entitled “Rules relating to Requisitions” will be published in 1903. The effect of this code is that the requisitions prepared at outstations are sent to the Head of the Department concerned who prepares from the district requisition an “Indent” which is sent to the Crown Agents for execution. The requisition prepared at the outstation is then returned—generally with amendment—and is kept at the outstation for the purpose of checking the invoices relating to the supplies as the latter arrive. If any difficulty arises in connection with the fulfilment of such a requisition, the Officer at the Outstation should invariably write to the Head of Department quoting the *Requisition* and the *Indent*.

Returns.—See "Periodical Returns."

Rubber.—See "Forestry."

Salary.—See "Native Staff" and "Labourers," "Staff—European."

Sanitation.—See "Health."

Service.—See "Record of Service," also "Legal Power."

Sheriffs.—The District Commissioners are Deputy Sheriffs in their respective districts. (See Proclamation No. 6 of 1900, s. 23, in the revised edition of laws which comes into force on February 1st, 1903). The Assistant District Commissioners at Eket and Bonny are the Deputy Sheriffs for the two last mentioned districts. ("Gazette" May 31st, 1901, page 167). The Inspector of Police is the Sheriff of Southern Nigeria.

The "Notice of Trial" of an accused person committed for trial before the Supreme Court is prepared by the Registrar and forwarded to the Sheriff. A copy of the "information" (or "indictment" is also forwarded to the Sheriff. It is then the duty of the latter to serve the accused both with a copy of the "Notice of Trial" and of the information. (See sections 94, 95 and 96 of the "Criminal Procedure Proclamation, 1900.")

An offence punishable with death must be tried before "Assessors," and trial with the latter is also necessary in the case of certain other crimes. (See title "Assessors" in this Index.) Whenever it is necessary that a trial should take place with "Assessors," the duty of selecting the "Assessors" and of summoning those selected is imposed upon the Sheriff. (See Sections 153t and 153u of the "Criminal Procedure Proclamation, 1901.")

The service and execution of the various writs and processes in civil actions is carried out by the Sheriff, who may refuse to carry out any such process if the costs have not been paid. (See Order X, Rule II, in Schedule II. of "Supreme Court Proclamation, 1900.")

Service of Legal Process.—The procedure respecting service is detailed in the "Supreme Court Proclamation, 1900" (No. 6 of 1900), First Schedule, Order III. It will be seen from Rules 7 and 8, *ibid*, that without a special order the service is a nullity if made outside the district of the Commissioner from whose Court the document is issued for service. The First Schedule referred to applies to both Civil and Criminal Proceedings. In Civil cases the Rules contained in Order X. of the Second Schedule have also to be complied with.

Shipping Casualties.—See "Wrecks."

Ships Papers.—See "Stamps."

Slavery.—See "Native House Rule." The abolition of slavery, the effect of that abolition on contracts and arrangements made before the abolition, and the penalties for violation of the law are dealt with in the "Slave Dealing Proclamation, 1901" (No. 5 of 1901), which was put in force throughout the whole Protectorate by Order No. 9 of 1901.

Soap.—See "Store Rules."

Solicitors.—ADMISSION AND EMPLOYMENT OF.—See Rules made by the Chief Justice on 12th June, 1901, and published in "Gazette" of July 31, of 1901.

Special Courts.—See "Legal Power."

Specie.—See "Escorts."

Spirits License.—By Proclamation No. 2 of 1901 it is unlawful to sell either by wholesale or retail any spirits (*i.e.* distilled liquor) in any place to which that law is extended by Public Notice in the "Gazette." (See list of such places, "Gazette," May 30th, 1901, page 134). This law is amended by Proclamation No. 17 of 1902, by which the importation of spirits is limited to holders of a general or wholesale license. The amending law also permits the sale, without a license, of spirits in cases or in sealed bottles if the sale takes place in a Native Export "Produce Market."

The power to grant licenses is vested in the District Commissioner and it is the duty of the latter to make enquiry both as to whether the applicant is a proper person (*e.g.* sober, honest, firm, &c.) to hold a license and also whether the store to be licensed is suitably situated for the sale of spirits, *e.g.* (a) that the premises are such that the sale of spirits will not annoy persons who wish to do other business on those premises or in their vicinity, (b) that the place is not so remote that difficulty would be found in stopping a disturbance should such arise therein, &c. (See section 10). The District Commissioner has power under section 13 to authorize the transfer of the license under certain circumstances. It is the duty of the District Commissioner to satisfy himself that several provisions enumerated in section 14 of the law are complied with and for this purpose a power of entry into the licensed premises is given to him, to the police and to any other person whom the District Commissioner may give *written authority*.

The importation of spirituous liquors into the hinterland is prohibited by "The Spirituous Liquors Importation Proclamation, 1901" (No. 6 of 1901). By Order No. 4 of 1902, made under this Proclamation, vessels proceeding to the "inland regions" (*i.e.*, on the Niger, to any place north of the junction between the River Abakurn and the Niger) must, if carrying spirituous liquors, call at the Customs Station at Nkisi Plantation unless exempted by license of the High Commissioner. It should be noted that this Order cancels by implication Order No. 3 of 1901. By section 2 of the Proclamation, the expression "Customs Officer" shall for all purposes connected with this law be deemed to include a District Commissioner.

Wages may not be paid either wholly or in part by means of spirituous liquors. See "Payment of Wages Proclamation, 1900" (No. 13 of 1900).

Spiruous Liquors.—Spiruous Liquors may not be imported into inland regions (which are defined as regions lying north of the junction of the River Niger and the River Anambara) but Europeans may for their own consumption import such liquors into such regions if they make the required declaration before a District Commissioner and obtain his approval. (The "Spiruous Liquors Importation Proclamation, 1901" (No. 6 of 1901), section 5.) It should be noted that this duty is imposed on District Commissioners in consequence of the definition contained in the law of the words "Customs Officer." (See section 2.)

As District Commissioners are "Customs Officers" within the meaning of this particular law they should note the terms of Order No. 4 of 1902, by which vessels (unless exempted by the High Commissioner of Northern Nigeria) have to call at the Customs Station at Nkisi and there produce to the Customs Officer copies of the declaration and certificate required by Proclamation No. 6 of 1901.

Staff.—See "Native Staff," "Staff—European."

Staff—European.—See "Leave," "Furniture." Three adverse entries on an Officer's record of service within a limited period render the Officer liable to suspension or reduction in rank or salary. (Circular No. 99 of 4th May, 1901.)

First Appointments are usually made on probation for three years. Although an officer has been selected by the Colonial Office for appointment in the Protectorate the actual appointment is made by the High Commissioner. (Circular No. 89 of 5th April, 1900, page 160.)

UNIFORM AND DRESS REGULATIONS—See Circular No. 84 of 14th February, 1900.

PAYMENT OF SALARY ON LIFE CERTIFICATE.—(Circular No. 54 of 7th February, 1898 and Circular No. 39 of 11th June, 1896.)

INSOLVENCY OF AN OFFICER RENDERS HIM LIABLE TO SUSPENSION.—(Circular No. 51 of 1st December, 1897.)

The District Commissioners are subordinate departmental officers of the Departments at Head Quarters (excluding the Medical Department) and as such are responsible for the due performance in the District of all District, Treasury, Post Office, Customs and Public Works duties. If a Supervisor of Customs or a Foreman of Works is quartered in the district the instructions given to such officers to a large extent limit the responsibility of the Commissioner, because in such cases the Head of the Department has usually given instructions, either general or specific, which the Commissioner would have no power to alter without authority from Head Quarters. (Circular No. 49 of 25th November, 1897.)

Stamps.—The issue of Postal Stamps is governed by the Postal Regulations. There is no special issue of Stamps for Revenue purposes. The Revenue collected by Stamps is enforced by the simple fact that if the member of the public who wants a document to be issued to or for him by an officer of the Government, does not produce Stamps of the required value, he will not get the document he desires. The necessary Stamps can be obtained by the member of the public at any Postal Office and should be cancelled in the manner detailed by Circular No. 112 of the 6th December, 1902, by the officer having authority to issue the document desired. The District Commissioner has to make a quarterly return to the Treasurer showing the Stamps used and the nature of the document to which they were affixed (see clause 7 of the Circular), and from this and similar returns the Treasurer is enabled to calculate the proportion of Postal Stamps issued which must be appropriated to Postal Revenue and to "Fees, Payments for Specific Purposes" respectively.

The fees payable in respect of ships papers and all matters relating to shipping are those authorized by "The Merchant Shipping Proclamation, 1902" (No. 5 of 1902) and Order No. 3 of 1902.

Standing Orders.—The nature of "Standing Orders" and the manner in which the latter have to be recorded is explained in Circular No. 68 of the 15th August, 1899. Instructions as to issue and filing of Circulars are given in Circular No. 1 of 27th November, 1894.

Stationery.—See "Requisitions."

Stores.—See "Public Works," "Travelling," "Store Rules"

Store Rules.—The new Rules relating to stores were brought into operation by Circular No. 123 of 28th February, 1902, by which the following Circulars, Nos. 62, 67, 85 and 97, were cancelled.

This Circular also authorizes the issue of soap to men in the Marine Department wearing uniform, and also the firemen. It also authorizes the issue to labourers employed in the Marine Department and to Kroom-boys in the Public Works Department of one fathom of cloth and of one singlet to each man by month. No issues of rations, soap, cloth or singlets are to be made which are not authorized by the Circular or by the "New Store Rules."

Rule 24 provides (*inter alia*) that the book of Issue Forms is at no time to be left in charge of the Storekeeper and by instructions given since the publication of the Store Rules it is provided that the book of Issue Forms must be kept under lock and key in the District Office.

Summons.—See "Legal Power."

Surveys.—See "Financial Duties."

Suspension.—See "Native Staff."

Timber.—See "Forestry"

Trade.—See "Protection of Natives."

Trade Credit Proclamation.—"Trade Credit Proclamation, 1900" (No. 26 of 1900).—By this law no Court shall enforce against a Native any obligation incurred by him towards any person not being a Native of Southern Nigeria in respect of a *commercial* transaction so far as it is based upon credit.

Transfer of Northern Nigeria Prisoners Proclamation.—See "Prisoners."

Transfer of Officers.—See "Leave."

Transport.—See “Messcs,” “Carriers,” “Travelling,” “Niger Navigation.” The Transport of soldiers and their families is regulated by Circular No. 114 of 4th December, 1901, by which the employment of one carrier for each family is authorized. The District Commissioner should co-operate with the officer in command so that the transport may be facilitated. The responsibility for the expenditure, however, rests entirely with the Commissioned Officer Commanding the Troops who are being transferred.

The Transport of Stores is regulated by Circular No. 138, which will be brought into operation in 1903.

Travelling.—See “Carriers.” The regulations respecting allowances to cover the expenses of travelling on special expeditions are contained in Circular No. 91 of 5th May, 1900.

“Travelling Allowance” in the case of the Native Staff is regulated by Circular No. 69 of 15th August, 1899.

The travelling allowance (including “Bush Travelling Allowance”) given to European Public Officers is regulated by Circular No. 130 of 26th August, 1902.

Transport.—Unless goods are to be sent solely by Sea they must be packed in carrier loads. (Circular No. 128 of 16th June, 1902). Mess and Canteen Stores are transported by the Government, but must be despatched under cover of Way Bills. If they consist of “necessaries” the cost is met by the Government, but if they consist of “luxuries” the cost must be paid by the owners. (Circular No. 129 of 3rd July, 1902) See also title “Transport” in this Index.

Treasury.—See “Financial Duties.”

Treasury Chest.—See “Financial Duties.”

Trial.—See “Legal Power.”

Uniform.—See “ Dress Regulations.”

Vaccination.—Members of the Native Staff are vaccinated on their being appointed to a temporary or permanent office in the Protectorate. (See Circular No. 137 of 2nd December, 1902.)

Vagrancy.—See “ Native House Rule.”

Wages.—See “ Payment of Wages Proclamation, 1900.” See also “ Labourers.”

Weights and Measures.—By section 15 of the “Weights and Measures Proclamation, 1901” (No. 7 of 1901) a District Commissioner has the powers of a Deputy Inspector of Weights and Measures.

The Fees payable under this law are fixed by Rules No. 2 of 1902.

This law came into force on 1st July, 1902, and is in operation at all European Factories and in all Shops in Old Calabar. See “ Gazette ” of January 28, 1902, page 37.

West African Frontier Force.—See “ Force.”

Wild Animals, Protection of.—“Wild Animals, Birds and Fish Protection Proclamation of 1901” (No. 8 of 1901). This law is so worded that it remains inoperative unless brought into operation by Order or Regulation made by the High Commissioner. Only two such Orders have as yet been made. By the first (Order 4 of 1901) the capture or killing by poisoned missiles of any animal of any of the species mentioned in Class IV. of the law is prohibited within the Cross River Division, and by the second (Order 8 of 1901) the killing of young elephants and the possession or sale of their tusks is prohibited throughout the Protectorate.

Witnesses.—See "Legal Power." A Court has power to order that witnesses shall remain out of Court and may also make such orders as will prevent communication being made between witnesses. ("Supreme Court Proclamation, 1900," First Schedule, Order V., Rules 1 and 2.)

Cross-Examination of Witnesses and Evidence to Discredit Witnesses.—*Ibid*, Rules 3 to 6.

Fees or witness allowances in criminal and civil cases in the Supreme Court and in the District Courts, must be according to the scale given at page 127 of "Gazette," 30th April, 1902.

Affidavits.—Regulations for the guidance of Commissioners before whom affidavits are sworn will be found in "Gazette," January 31st, 1902, at page 23.

The general powers of District Courts to summon and examine witnesses in Civil and Criminal Cases is conferred by section 4 of the "Commissioners Proclamation, 1900," coupled with the First Schedule of the "Supreme Court Proclamation, 1900" (Orders II., III. and V.)

Workman, Contract of.—See "Master and Servant."

Workmen.—See "Labourers."

Woven Goods.—See "Folded Woven Goods."

Wrecks.—**WRECKS AND SHIPPING CASUALTIES.**—The expression "shipping casualty" is defined with great care by section 5 of "The Shipping Casualties, Wrecks and Salvage Proclamation, 1901" (No. 9 of 1901), and this definition should be noted as it shows the cases in which power is given by that law to make enquiries and deal with wrecks, and goods washed from wrecked vessels. By section 6 a District Commissioner has power to make enquiry into any shipping casualty and in the event of his so doing he must forward a report of his enquiry to one of the judges of the Supreme Court. Such reports should be prepared with care as subsequent action may deprive the master of the vessel affected of his certificate.

Sections 17 *et sequitur* of Proclamation No. 9 of 1901 prescribe the action to be taken in all matters relating to wrecked vessels. Until the High Commissioner appoints some person to act as Receiver of the wreck, it is the duty of the District Commissioner to act as such Receiver.

APPENDIX.

LIST OF ORDINANCES, PROCLAMATIONS, ORDERS, RULES AND CIRCULARS.

Ordinance No	Page	Proclamation No	Page	Circular No	Page
1 of 1894.		26 of 1901	29, 35	66 of 30th July, 1898	11
2 ,, 1894.		27 ,,	22	57 ,, 4th Aug.,	
3 ,, 1894.		28 ,,	16	58 ,, 4th	
4 ,, 1894.		1 of 1902		60 ,, 30th Jan., 1899	14, 30
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