

good government of the Protectorate, and of all persons therein, including the prohibition and punishment of acts tending to disturb the public peace.

Provided as follows:—

(1) That nothing in any such Ordinance or Ordinances contained shall take away or affect any rights secured to any natives in the said territories by any treaties or agreements made on behalf or with the sanction of Her Majesty Queen Victoria, His late Majesty King Edward the Seventh, or of His Majesty, and all such treaties and agreements shall be and remain operative and in force, and all pledges and undertakings therein contained shall remain mutually binding on all parties to the same.

(2) That all Laws, Ordinances, Proclamations, bye-laws and regulations of whatsoever nature in force at the date of the commencement of this Order within the said territories, or any of them, shall continue in force until repealed or revoked by or in pursuance of any Law or Ordinance passed by the Governor.

(3) That the Governor in making Ordinances shall respect any native laws by which the civil relations of any native chiefs, tribes or populations under His Majesty's protection are now regulated, except so far as the same may be incompatible with the due exercise of His Majesty's power and jurisdiction, or clearly injurious to the welfare of the said natives.

(4) That every suit, action, complaint, matter, or thing which shall be depending in any Court within the said territories at the commencement of this Order shall and may be proceeded with in such Court in like manner as if this Order had not been passed.

IX. The right is hereby reserved to His Majesty to disallow any such Ordinances as aforesaid. Such disallowance shall be signified to the Governor through a Secretary of State, and shall take effect from the time when the same shall be promulgated by the Governor.

The right is also hereby reserved to His Majesty, with the advice of His Privy Council, from time to time to make all such Laws or Ordinances as may appear to Him necessary for the peace, order and good government of the Protectorate as fully as if this Order had not been made.

X. In the making and establishing of all such Ordinances the Governor shall conform to and observe all rules, regulations and directions in that behalf contained in any Instructions under His Majesty's Sign Manual and Signet.

XI. Whenever and so often as the Governor is absent from the seat of Government, or is absent in the Colony, or on a passage between any place in the Colony and any place in the Protectorate of Nigeria in the exercise or discharge of any powers or duties conferred or imposed upon him by His Majesty, or, having obtained leave from His Majesty under His Sign Manual and Signet or through a Secretary

of State, is absent from the said Colony and Protectorate otherwise than on any such passage as aforesaid, he may continue to exercise and shall be deemed to be capable of exercising all and every the powers vested in him by this Order in Council or by any Instructions from His Majesty; and may by an instrument under the Public Seal appoint any person or persons to be his Deputy or Deputies within any part or parts of the Protectorate during such absence; and in that capacity to exercise, perform and execute for and on behalf of the Governor during such absence, but no longer, all such powers and authorities by this Order in Council or otherwise vested in the Governor as shall in and by such instrument be specified and limited, but no others. Every such Deputy shall conform to and observe all such instructions as the Governor shall from time to time address to him for his guidance. Provided nevertheless that by the appointment of a Deputy or Deputies as aforesaid the power and authority of the Governor shall not be abridged, altered or in any way affected otherwise than His Majesty may at any time hereafter think proper to direct.

XII. Whenever the Office of Governor is vacant, or if the Governor becomes incapable or is from any cause prevented from acting in the duties of his office, then such person as may be appointed under the Royal Sign Manual and Signet, or if there be no such person so appointed, or if such person be absent from Nigeria or unable to act, then the senior member of the Executive Council present for the time being in Nigeria shall, during His Majesty's pleasure, administer the government of the Protectorate, first taking the Oaths hereinbefore directed to be taken by the Governor, and in the manner herein prescribed, which being done, the acting Governor is hereby authorized, empowered and commanded to do and execute, during His Majesty's pleasure, all things that belong to the Office of Governor according to the tenour of this Order and according to His Majesty's Instructions and the Laws of the Protectorate.

XIII. Whenever one of the offices of Lieutenant-Governor becomes vacant, or if a Lieutenant-Governor is administering the Government of the Colony and Protectorate or is absent from Nigeria or otherwise becomes incapable of or is from any cause prevented from performing the duties of his office, the Governor may by an instrument under the Public Seal of the Protectorate appoint another officer to act provisionally as Lieutenant-Governor. Such officer shall cease to act as Lieutenant-Governor as soon as either His Majesty shall have appointed another officer to the office, or the substantive holder of the office shall again be capable of performing the duties of the office, or the Governor shall appoint another officer to act provisionally as Lieutenant-Governor.

XIV. The Governor may constitute and appoint all such Judges, Commissioners, Justices of the Peace and other necessary officers as may be lawfully constituted and appointed by His Majesty, all of whom, unless otherwise provided by law, shall hold their offices during His Majesty's pleasure.

XV. The Governor may, upon sufficient