

Nigeria his seat upon the Council shall thereupon become vacant."

"IX. The Members of the Council shall take precedence as His Majesty may specially assign, and in default thereof, as follows:—

"(1) First, the Official Members in the following order:—

"(a) The Members of the Executive Council according to their seniority therein.

"(b) The Officers named under Article V. (2) of this Order according to the order in which they are there named; provided that officers of the Administrative Service of Nigeria shall rank amongst themselves according to their seniority in that service.

"(c) The Nominated Official Members in order of the date of their appointment or if appointed by the same instrument according to the order in which they are named therein.

"(2) Secondly, the Elected Members and the Nominated Unofficial Members according to the length of time during which they have been continuously Members of the Council, Members elected or appointed at the same time taking precedence amongst themselves according to the alphabetical order of their names.

"Provided nevertheless that any such Member re-elected or re-appointed immediately on the termination of his term of office shall take precedence according to the date from which he has been continuously a Member of the Council."

"XI. Whenever any Nominated Official or Unofficial Member of the Council shall die or shall, with the permission of the Governor, by writing under his hand addressed to the Governor, resign his seat in the Council, or shall be suspended from the exercise of his functions as a Member of the Council, or shall be declared by the Governor by an instrument under the Public Seal to be incapable of exercising his functions as such Member, or shall be temporarily absent from Nigeria, the Governor may by an Instrument under the said Seal appoint some other person resident within Nigeria to be provisionally an Official or Unofficial Member of the Council, as the case may be, in the place of the Member so dying, resigning, or being suspended, or declared incapable, or absent.

"Every such provisional appointment may be disallowed by His Majesty through a Secretary of State, or may be revoked by the Governor by any such Instrument as aforesaid.

"Every person so provisionally appointed shall be to all intents and purposes a Nominated Official or Unofficial Member of the Council, as the case may be, until his appointment shall be disallowed, or revoked, or superseded by the definitive appointment in his place of a Nominated Official or Unofficial Member of the Council, or until the person in whose place he has been appointed shall be relieved from suspension, or declared by the Governor by an Instrument under the Public Seal to be capable of exercising the functions of a Member of the Council or shall have returned to Nigeria."

"XII. The Governor shall, without delay, report to His Majesty for His confirmation or disallowance, signified through a Secretary of State, every provisional appointment of any person as a Nominated Official or Unofficial Member of the Council. Every such person shall hold his place in the Council during His Majesty's pleasure, and the Governor may by an Instrument under the Public Seal revoke any such appointment."

"XXIII. It shall be lawful for the Governor, with the advice and consent of the Council, to make laws for the peace, order, and good government of the Colony of Nigeria and for that portion of the Protectorate of Nigeria known as the Southern Provinces. Such laws shall be styled 'Ordinances,' and the enacting words shall be 'Enacted by the Governor of Nigeria, with the advice and consent of the Legislative Council thereof.'

"The sanction of the Council shall also be required for all expenditure out of the funds and revenues of Nigeria in respect of that portion of the Protectorate of Nigeria known as the Northern Provinces. Such sanction shall be signified by resolution of the Council."

"XXV. If any Ordinance passed under the provisions of either of the three preceding Articles shall be in any respect repugnant to the provisions of any Letters Patent or of this Order or of any other Order made by His Majesty in Council, such Ordinance shall be read subject to such Letters Patent or Order, and shall to the extent of such repugnancy be absolutely void.

"Nothing in this Order contained shall be construed to diminish or affect the powers of making Ordinances conferred upon the Governor, with the advice and consent of the Council, and upon the Governor of the Protectorate, or to confer any power upon the Council of making any Ordinance affecting the Northern Provinces of the Protectorate, save as provided in Article XXIV. of this Order, or upon the Governor of the Protectorate of making any Ordinance affecting the Colony, or upon the Governor of the Protectorate of making any Ordinance affecting the Southern Provinces of the Protectorate save as provided by Article XXIV. of this Order."

III. The said Nigeria (Legislative Council) Order in Council, 1922, shall be construed and take effect as if after the Twenty-fourth Article thereof the following Article Twenty-four A had been inserted therein:—

"XXIVA. It shall be lawful for the Governor of the Protectorate of Nigeria, with the advice and consent of the Council, from time to time by Ordinance to provide for the peace, order and good government of the Protectorate of Nigeria, and of all persons therein, provided as follows:—

"(a) That such Ordinances shall be subject to the advice and consent of the Council only so far as the provisions thereof relate to the Southern Provinces of the Protectorate, and such Ordinances shall be expressed to be enacted by the Governor of the Protectorate of Nigeria with the advice and consent of the Council so far as the provisions thereof relate to the said Provinces.

"(b) That subject to the foregoing proviso the provisions of the Nigeria Protector-