

Nigeria

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UNIVERSITY OF LONDON  
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INSTITUTE OF  
LEGAL STUDIES

In the Privy Council

No. 34 of 1954.

ON APPEAL FROM THE WEST AFRICAN  
COURT OF APPEAL

BETWEEN

LAGOS CHAMBER OF COMMERCE (INC.) (*Plaintiffs*) *Appellants*

AND

1. REGISTRAR OF COMPANIES
2. ASSOCIATION OF MERCHANTS AND INDUSTRIALISTS ... .. (*Defendants*) *Respondents*.

RECORD OF PROCEEDINGS

INDEX OF REFERENCE.

No.	Description of Document.	Date.	Page.
IN THE SUPREME COURT OF NIGERIA.			
1	Writ of Summons ... ..	31st August 1950 ...	1
2	Statement of Claim ... ..	23rd October 1950 ...	2
3	Defence of 1st Defendant ... ..	1st November 1950...	3
4	Defence of 2nd Defendant ... ..	2nd November 1950...	4
5	Notes of Proceedings ... ..	20th November 1950...	5
6	Notes of Proceedings ... ..	28th November 1950...	6
7	Notes of Proceedings ... ..	14th February 1951 ...	6
8	Opening ... ..	26th April 1951 ...	6
9	Georgius Cole ... ..	26th April 1951 ...	7
10	Frank Gustav Frost ... ..	26th April 1951 ...	7
11	Robert Christopher Irving ... ..	26th April 1951 ...	8
12	Notes of Proceedings ... ..	26th April 1951 ...	10
13	Notes of Plaintiffs' Argument ... ..	26th April 1951 ...	10

No.	Description of Document.	Date.	Page.
14	Notes of 1st Defendant's Argument ... ..	26th April 1951 ...	11
15	Judgment ... ..	8th May 1951 ...	12
16	Order for Stay of Execution pending Appeal ...	21st May 1951 ...	15
IN THE WEST AFRICAN COURT OF APPEAL.			
17	Notice of Appeal ... ..	10th May 1951 ...	15
18	Notes of Plaintiffs' Argument ... ..	10th November 1952...	16
19	Judgment ... ..	17th November 1952...	17
20	Order dismissing Appeal ... ..	17th November 1952...	19
IN THE PRIVY COUNCIL			
21	Order granting Special Leave to Appeal to Her Majesty in Council ... ..	19th November 1953...	19

## EXHIBITS.

Exhibit Mark.	Description of Document.	Date.	Page
E	Memorandum and Articles of Association of Lagos Chamber of Commerce ( <i>in original</i> ) ...	1950 ... <i>Separate document</i>	
D	List of Members of the Lagos Chamber of Commerce ... ..	—	21
H	Letter from the Registrar of Companies to the Lagos Chamber of Commerce ... ..	2nd August 1950 ...	23

## LIST OF DOCUMENTS TRANSMITTED WITH THE RECORD BUT NOT PRINTED.

No.	Description of Document.	Date.
1	Application for Writ of Summons ... ..	17th August 1950
2	Proceedings ... ..	9th October 1950
3	Motion on behalf of Plaintiffs for Stay of Execution ...	10th May 1951
4	Affidavit in support of above Motion ... ..	15th May 1951
5	Proceedings granting Application ... ..	21st May 1951

No.	Description of Document.	Date.
6	Notice of Conditions of Appeal ... ..	25th May 1951
7	Proceedings ... ..	2nd August 1951
8	Certificate of serving Notice of Appeal ... ..	30th September 1951
9	Certificate that Conditions of Appeal have been fulfilled	30th September 1951
10	Proceedings ... ..	17th November 1952
11	Motion for Conditional Leave to Appeal ... ..	27th November 1952
12	Affidavit in support of the above Motion ... ..	27th November 1952
13	Proceedings ... ..	5th and 26th January 1953
14	Proceedings ... ..	13th February 1953
15	Notice to Parties to settle Record ... ..	18th January 1954
16	Settlement of Record ... ..	23rd January 1954

LIST OF ORIGINAL EXHIBITS TRANSMITTED BUT NOT  
PRINTED.

Exhibit Mark.	Description of Document.	Date.
A	“Lagos Standard” ... ..	3rd August 1898
B	Certificate of Incorporation of Lagos Chamber of Commerce ... ..	—
C	Nigerian Handbook (page 55 gives particulars of Lagos Chamber of Commerce) ... ..	—
F	Bundle of envelopes for Lagos Chamber of Commerce and variously addressed ... ..	1950/51
G	Bundle of envelopes of letters for Lagos Chamber of Commerce and variously addressed ... ..	1950/51

# In the Privy Council.

No. 34 of 1954.

## ON APPEAL FROM THE WEST AFRICAN COURT OF APPEAL

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BETWEEN  
LAGOS CHAMBER OF COMMERCE (INC.) (*Plaintiffs*) *Appellants*  
AND  
1. REGISTRAR OF COMPANIES  
2. ASSOCIATION OF MERCHANTS AND  
INDUSTRIALISTS ... .. (*Defendants*) *Respondents*.

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### RECORD OF PROCEEDINGS

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No. 1.  
Writ of Summons.

In the  
Supreme  
Court of  
Nigeria.

IN THE SUPREME COURT OF NIGERIA.

Book No.  
U.45.

CIVIL SUMMONS.

U 4462.

No. 1.  
Writ of  
Summons.  
31st August  
1950.

Suit No. 352 of 1950.

Between

LAGOS CHAMBER OF COMMERCE ... .. *Plaintiff*  
and

10 1. REGISTRAR OF COMPANIES  
2. ASSOCIATION OF MERCHANTS AND INDUSTRIALISTS ... .. *Defendants*.

To 1. Registrar of Companies 2. Association of Merchants and Industrialists  
1st Defendant, 20, Campbell Street, Lagos, 2nd Defendant, 47, Balogun  
Street, Lagos.

You are hereby commanded in His Majesty's name to attend this Court  
at Tinubu Square, Lagos, on Monday, the 9th day of October, 1950, at

In the  
Supreme  
Court of  
Nigeria.

No. 1.  
Writ of  
Summons.  
31st August  
1950—  
*continued.*

9 o'clock in the forenoon to answer a suit by Lagos Chamber of Commerce of c/o Messrs. Irying & Bonnar, 11/17, Tinubu Street, Lagos, against you.

The Plaintiffs claim an injunction restraining the first Defendants from proceeding with the Registration on an application by the second Defendants for a change of name of the second Defendants to that of "African Chamber of Commerce."

Issued at Lagos the 31st day of August, 1950.

(Sgd.) A. A. ADEMOLA,  
*Puisne Judge.*

Summons £3-15-0

Service 6-0

£4- 1-0

Paid on C.R. No. 614715/315/21.8.50.

10

TAKE NOTICE :—That if you fail to attend at the hearing of the suit or at any continuation or adjournment thereof, the Court may allow the Plaintiff to proceed to judgment and execution.

No. 2.  
Statement  
of Claim.  
23rd  
October  
1950.

## No. 2.

### Statement of Claim.

1.—The Plaintiffs are an association established for the following purposes, namely :—

- (a) The protection and promotion of Trade and Commerce in 20 Nigeria.
- (b) The collection and dissemination of Statistical and other information relating to Trade, Commerce, Shipping, Industry and Manufactures :
- (c) The promoting, supporting or opposing legislative or other measures affecting the aforesaid interests and
- (d) The doing of all such other things as may be conducive to the extension of Trade, Commerce, Shipping, Industry or Manufactures, or incidental to the attainment of the above objects.

2:—Membership of the Plaintiffs' association is open to any person, 30 firm or company established in trade, commerce, shipping, industry or manufactures in the Western Provinces of Nigeria and the Colony of Lagos and consists of African as well as European and Syrian individuals, firms and companies.

3.—The Plaintiffs were originally established in the year 1888 under the name of the Lagos Chamber of Commerce.

4.—The Plaintiffs were incorporated under the Provisions of the Companies Ordinance in June, 1950, under the name of "The Lagos Chamber of Commerce (Incorporated)."

5.—Since its formation in 1888 the Plaintiffs have been commonly known and addressed as “ The Chamber of Commerce Lagos ” and a large proportion of the correspondence received by it particularly from abroad is so addressed.

In the  
Supreme  
Court of  
Nigeria.

6.—The Plaintiffs are not aware of the precise objects of the second Defendants but believe them to be substantially the same as those of the Plaintiffs.

No. 2.  
Statement  
of Claim.  
23rd  
October  
1950—  
*continued.*

7.—On 26th June, 1950, the Plaintiffs’ solicitors received notification from the first Defendant that an application had been made to him by the second Defendants for the registration of their Association under a different name i.e. “ African Chamber of Commerce ” and a request that the first Defendant be informed whether or not the Plaintiffs had any objections to the proposed registration.

8.—On the same date the Plaintiffs informed the first Defendant that they objected to the registration, but the first Defendant refused to entertain the objection.

9.—The Plaintiffs object to the registration of the second Defendants under the name of “ African Chamber of Commerce ” on the ground that the name containing the words “ Chamber ” and “ Commerce ” so nearly resemble that of the Plaintiffs as to be calculated to deceive and that its use by the second Defendants in the Western Provinces of Nigeria and the Colony of Lagos would lead to confusion greatly to the detriment and embarrassment of the Plaintiffs.

10.—The Plaintiffs therefore claim that they are entitled to an injunction to restrain the first Defendant from registering the proposed new name of the second Defendants.

Dated at Lagos this 23rd day of October, 1950.

(Sgd.) IRVING & BONNAR,  
*Plaintiffs’ Solicitors.*

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No. 3.  
Defence of 1st Defendant.

No. 3.  
Defence  
of 1st  
Defendant.  
1st  
November  
1950.

1.—The Defendant admits paragraphs 1, 2, 4, 7 and 8 of the Statement of Claim.

2.—The Defendant is not in a position to admit or deny paragraph 3 of the Statement of Claim.

3.—The Defendant is not in a position to admit or deny paragraph 5 of the Statement of Claim and puts the Plaintiffs to the strictest proof thereof.

In the  
Supreme  
Court of  
Nigeria.

No. 3.  
Defence  
of 1st  
Defendant.  
1st  
November  
1950—  
*continued.*

4.—The Defendant will contend that as paragraph 6 of the Statement of Claim does not disclose the nature of the objects of the Second Defendants, the Statement of Claim discloses no cause of action and should be struck out.

5.—The Defendant does not admit any of the allegations in paragraph 9 of the Statement of Claim, and in particular he does not admit that the name “African Chamber of Commerce” so nearly resembles that of the Plaintiffs as to be calculated to deceive.

6.—The Defendants will contend that the words “Chamber of Commerce” constitute a generic designation for particular associations or bodies of persons and therefore cannot be exclusively claimed by one of the associations or bodies that could normally answer to that designation and/or description. 10

7.—The Defendant will further contend that the action is misconceived in fact and in law, and that it should be dismissed.

Dated at Lagos this 1st day of November, 1950.

(Sgd.) E. G. FITT,  
*Registrar of Companies.*

For Service on :

1. The Lagos Chamber of Commerce (Inc.),  
c/o Their Solicitors,  
11/17, Tinubu Street, Lagos. 20

2. The Association of Merchants & Industrialists,  
c/o Their Solicitors,  
13, Jimoh Lane, Lagos.

No. 4.  
Defence  
of 2nd  
Defendant.  
2nd  
November  
1950.

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No. 4.  
Defence of 2nd Defendant.

1.—Save and except as are hereinafter specifically admitted, the 2nd Defendant denies each and every allegation of fact contained in the Plaintiffs’ Statement of Claim as if each were set out seriatim and separately denied. 30

2.—The 2nd Defendant is not in a position to admit or deny paragraphs 1, 2, 3, 4, 7 and 8 of the Statement of Claim.

3.—The 2nd Defendant is not in a position to admit or deny paragraph 5 of the Statement of Claim, and puts the Plaintiffs to the strictest proof thereof.

4.—The 2nd Defendant will contend at the trial that paragraph 6 of the Statement of Claim does not disclose the nature of the objects of the 2nd Defendant, that the Statement of Claim does not disclose any cause of action, and that it should be struck out.

In the Supreme Court of Nigeria.

5.—The 2nd Defendant avers that 2nd Defendant's operations cover the whole of Nigeria, and are limited to Africans only.

No. 4. Defence of 2nd Defendant. 2nd November 1950—*continued.*

6.—The 2nd Defendant does not admit any of the allegations in paragraph 9 of the Statement of Claim, and in particular the 2nd Defendant denies that the name "African Chamber of Commerce" so nearly resembles that of the Plaintiffs as to be calculated to deceive.

7.—The 2nd Defendant will contend at the trial that the words "Chamber of Commerce" constitute a generic designation for particular associations or bodies of persons and cannot therefore be monopolised by one of the associations or bodies that could normally answer to that designation and/or description.

8.—The 2nd Defendant will contend that the action is frivolous and that it should be dismissed with costs.

Dated at Lagos this 2nd day of November, 1950.

(Sgd.) M. A. ADESANYA,  
*2nd Defendant's Solicitor.*

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No. 5.  
Notes of Proceedings.

No. 5. Notes of Proceedings. 20th November 1950.

IN THE SUPREME COURT OF NIGERIA.  
IN THE LAGOS JUDICIAL DIVISION.

Monday, the 20th day of November, 1950.

Before His Honour GEORGE GILMOUR ROBINSON, Esq., Puisne Judge.

Suit No. 352/50.

Between

LAGOS CHAMBER OF COMMERCE (INC.) ... .. *Plaintiff*

and

REGISTRAR OF COMPANIES & ANOR. ... .. *Defendants.*

BAPTIST (CAMERON) for Plaintiff.

SAGOE for Registrar of Companies for No. 1 Defendant.

BENSON for No. 2 Defendant.

Hearing 28.11.50.

(Sgd.) G. G. ROBINSON.

30



In the  
Supreme  
Court of  
Nigeria.

No. 6.  
Notes of Proceedings.

Tuesday, the 28th day of November, 1950.

No. 6.  
Notes of  
Proceed-  
ings.  
28th  
November  
1950.

Suit No. 352/50.

LAGOS CHAMBER OF COMMERCE ... .. Plaintiff  
and  
REGISTRAR OF COMPANIES & ANOR. ... .. Defendants.

CAMERON for Plaintiff. ADESANYA for No. 2 Defendant.

CAMERON asks for fresh date for hearing.

ADESANYA not objecting, in terms.

10

Adjourned—Hearing 13.2.51. No registration in meantime.  
To days Costs 3 guineas to No. 2 Defendant.

(Sgd.) G. G. ROBINSON.

No. 7.  
Notes of  
Proceed-  
ings.  
14th  
February  
1951.

No. 7.  
Notes of Proceedings.

Wednesday, the 14th day of February, 1951.

Suit No. 352/50.

Between

LAGOS CHAMBER OF COMMERCE (INC.) ... .. Plaintiff  
and  
REGISTRAR OF COMPANIES & ANOR. ... .. Defendants.

20

TEESDALE—Plaintiff.

SAGOE—for No. 1 Defendant.

ADESHINO—for No. 2 Defendant.

BY COURT : Hearing 26.4.51.

(Sgd.) G. G. ROBINSON.

No. 8.  
Opening.  
26th April  
1951.

No. 8.  
Opening.

TEESDALE—Plaintiff.

SAGOE for No. 1 Defendant. No. 2 Defendant absent and not repre- 30  
sented by Counsel. The real fight is between Plaintiff and Registrar of  
Companies who says he thinks the name should be registered. No. 2  
Defendant was finally joined.

COURT : The Court will not wait for the appearance of No. 2 Defendants. Then can proceed.

TEESDALE for Plaintiff. SAGOE for No. 1 Defendant.  
ADESANYA for No. 2 Defendant.

TEESDALE opens. Plaintiffs are "Lagos Chamber of Commerce." Notice given to Plaintiff by No. 2 Defendant. Plaintiff objected but Registrar of Companies see no objection. We came to Court for injunction on No. 1 Defendant. Plaintiff in existence since 1888. "The Lagos Chamber of Commerce (Incorporated)" 1950—under Company's Ordinance. 10 Going to be great confusion if No. 2 Defendants are allowed the name with a Lagos Address. Section 9 of Company Ordinance. Section 9 (1) (a) "Calculated to deceive." No. 2 Defendant has already got a very good name and title—why alter except calculating to deceive?

In the  
Supreme  
Court of  
Nigeria.

No. 8.  
Opening.  
26th April  
1951—  
*continued.*

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No. 9.

Evidence of Georgius Cole.

No. 9.  
Georgius  
Cole.

GEORGIUS COLE: Sworn, about 50. I live at 15 Apongbon Street, Lagos. I am an elected officer of Lagos Chamber of Commerce (Plaintiffs) a Director of the Amalgamated Engineering Co., Ltd.—of Apex, Ltd., Lagos, Building Society—Proprietor and Managing Director of Echo Firm, 20 Ltd.—all those companies are members of the Chamber of Commerce. I have been engaged in business for a long time; I am a permanent citizen. Born and bred and live always here. I have always known about the Plaintiffs—since I am a school boy—say 1910. August 3, 1898—"Lagos Standard"—I see here at bottom of Column 2 on page 2 a reference to the Lagos Chamber of Commerce. I have had the paper in my custody and I produce it. Exhibit "A."

Examina-  
tion.

CROSS-EXAMINED by No. 1. Nil.

CROSS-EXAMINED by No. 2. Nil.

(Sgd.) G. G. ROBINSON.

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No. 10.

Evidence of Frank Gustav Frost.

No. 10  
Frank  
Gustav  
Frost.

FRANK GUSTAV FROST: Sworn, about 60 years. Head, locally, of Gottschalk and Company—I am General Manager. Our Company is a member of the Lagos Chamber of Commerce. I am Vice President of the Chamber. Messrs. Gottschalk has belonged to the Chamber for over 30 years. I saw three Certificates of Incorporation of the Plaintiff. 23.6.50—incorporated under the Company's Act. Exhibit "B." The Chamber was in existence before the incorporation, since 1888. I see that Nigerian

Examina-  
tion.

In the  
Supreme  
Court of  
Nigeria.

No. 10.  
Frank  
Gustav  
Frost.

Examina-  
tion—  
*continued.*

Cross-exam-  
ination  
by 2nd  
Defendant.

Handbook page 55—It mentions the 4 Chambers of Commerce in Nigeria and the dates when each began. The Lagos Chamber of Commerce is shown as opening in 1888. The other 3 are at Port Harcourt, Calabar, and Kano. I see that list. It is a list of the members of the Plaintiff. Exhibit "D." Most of the big companies in Nigeria are our members. The Companies are of many different nationalities. They handle every type of trade known in Nigeria. I have heard now of the Association of Merchants and Industrialists (No. 2 Defendant). I had not heard of them before this case. I do not know at all who are their members.

CROSS-EXAMINED by No. 1. Nil.

10

CROSS-EXAMINED by No. 2. I have been a member personally myself since 1929—my firm has been a member for more than 30 years. The Chamber was in constant correspondence with the Government throughout. I do not know if it was registered 30 years ago or if there were facilities for registration then. We got the Chamber incorporated in 1950 so as to give members some protection if any one else tried to take the name. I do not think our claim to the name is founded on 9 months existence. I think the whole time we have been operating, i.e. 30 years entitles us to some consideration. If the name "African Chamber of Commerce" is registered I think confusion for the public would arise—especially from letters addressed carelessly—often they are addressed Chamber of Commerce, Lagos—or Lagos Chamber of Commerce—very many different ways. Our name is "Lagos Chamber of Commerce." When we write letters we give our proper address. Correspondents usually write back correctly but we receive many letters unsolicited—People hastening to make contact just write "Chamber of Commerce—Lagos." We oppose the registration of "African Chamber of Commerce" because it will lead to confusion. Chambers of Commerce are established all over the world and business people wanting to make contacts write to "Chamber of Commerce"—If such a letter is sent to Lagos then we have now to receive it and not for it to go to any other body. We do not want there only to be one Chamber of Commerce in Lagos. We do not want a Monopoly of Service. If a letter was addressed "Chamber of Commerce Lagos" and it was registered I do not know if we could claim it. We probably would I think and deal with it. I do not know.

20

30

NO RE-EXAMINATION.

(Sgd.) G. G. ROBINSON.

No. 11.  
Robert  
Christopher  
Irving.

Examina-  
tion.

No. 11.

Evidence of Robert Christopher Irving.

ROBERT CHRISTOPHER IRVING, Sworn : 11, Tinubu Street, Lagos. Company Director. I am Director of Apex, Ltd., Lagos Building Society, Ltd., African Lands, Ltd. Apex, Ltd., are Secretaries and Treasurer of Chamber of Commerce. I am actively engaged with Plaintiff myself on

40

- the administrative side. I myself do the work of Secretary. That is the Memo. and Articles of Association of the Plaintiff. Exhibit "H." I see that list of members Exhibit "D." Members belong to all nationalities—I see here—British, French, Belgian, Swiss, Greek, African. There are 19 wholly owned or managed and directed by Africans. Membership of the Chamber is open to anyone of any nationality interested in Commerce and Trade in Nigeria. The Lagos Chamber is affiliated to the London, Liverpool, Manchester Chambers of Commerce—also to Calabar, Kano and Port Harcourt, Kumasi, Cape Coast, Sierra-Leone and Council of Chamber of
- 10 Mines, Jos. I see most of the correspondence addressed to Plaintiffs—when I was in Lagos I see it all. Letters come from all over the world. I see that bundle of envelopes. We accepted the letters and dealt with them. They were all meant for us although differently addressed Exhibit "F." That is a further pile of envelopes with different addresses—all meant for Plaintiffs Exhibit "G." We, Apex, Ltd., dealt with them all as Secretaries. I know No. 2 Defendants have applied for registration as "African Chamber of Commerce." The Plaintiffs have objected. In spite of our objection No. 1 Defendant wrote that letter dated 2.8.50 saying he intended to proceed with the registration so then it was necessary to come to Court.
- 20 CROSS-EXAMINED by No. 1 by SAGOE : I am Director of African Lands, Ltd. I think "Lands" could be considered descriptive. It gives a clue to what the Company is. If someone wanted to register "Lagos Lands, Ltd." I should object on the ground that it might cause confusion. The words "Lands" would bring the confusion. I would object to "Nigerian Chamber of Commerce." Port Harcourt Chamber of Commerce is in existence. I do not think it is registered with you. If it is registered I would not object. I object to "Africa or African Chamber of Commerce." The real objection is "Lagos." Anything addressed to Lagos and Chamber of Commerce should come to us.
- 30 CROSS-EXAMINED by No. 2 : I am Director of Apex, Ltd. Apex, Ltd., are valuers Estate Agents, Company Secretaries things like that. We do not object to rivals. "Chamber of Commerce" is descriptive. Every part of the world knows what is meant by Chamber of Commerce. I know the Union Trading Company U.T.C., also Ikorodu Trading Company. They operate side by side in Lagos. I do not think there could be any confusion in the words "Trading Company." I did not know there was "Lagos
- 40 "Trading Company." If I am a Director of U.T.C. I would not object to registration of "Lagos Trading Company." There is no similarity between Trading Company and Chamber of Commerce. Only our (*sic* one) Chamber of Commerce can exist in each centre. It does not matter how many Trading Companies. I see that envelope (part of Exhibit "F"). Address "Nigerian Chamber of Commerce & Industries, Lagos." It is addressed to Lagos. This one : Secretary, Chamber of Commerce, Nigeria, West Africa. "Kano" Chamber could have claimed it if it had been delivered there. Trading companies are in competition. A Chamber of Commerce is not. We say people throughout the world are entitled to write and for the letter to come

In the  
Supreme  
Court of  
Nigeria.

— —  
No. 11.  
Robert  
Christopher  
Irving.

Examina-  
tion—  
*continued.*

Cross-exam-  
ination  
by 1st  
Defendant.

Cross-exam-  
ination  
by 2nd  
Defendant.

In the  
Supreme  
Court of  
Nigeria.

No. 11.  
Robert  
Christopher  
Irving.

Cross-exam-  
ination  
by 2nd  
Defendant  
—continued.

to us for us to deal with. We do not want to create monopoly of Service. I should say, without the record that at least 60 per cent. of our correspondence comes addressed "Secretary, Chamber of Commerce, Lagos." We have done nothing to correct such errors. We are the only registered Chamber of Commerce in Lagos.

NO RE-EXAMINATION.

BY COURT: I know No. 2 Defendants. I do not know much about them. They help advise the Government and forward Industry same as we do.

(Sgd.) G. G. ROBINSON.

10

No. 12.  
Notes of  
Proceed-  
ings.  
26th April  
1951.

No. 12.  
Notes of Proceedings.

DEFENCE: SAGOE for No. 1 calls no evidence.  
ADESANYA for No. 2 calls no evidence.

ADDRESSES: TEESDALE for Plaintiff. Plaintiffs established 1888 Lagos membership. Section 9 (1) (a) "Calculated to deceive." Section 3, 4, 5 of Exhibit "E" Memo. and Articles. Not for profit.

COURT: I think No. 2 Defendant better call some evidence: So Court can have some facts.

Court agrees. I will adjourn for 20 minutes.

20

LATER. ADESANYA: I cannot get my witness. Ask for adjournment.

TEESDALE: Objects to any adjournment. The defence appear to rely in the law. Para. 5 of Statement of Defence No. 2 would agree that.

COURT: The case must proceed. Counsel for No. 2 elected to call no evidence, and in view of that I cannot run the case myself—although it is true he now wants evidence. He should have had his witnesses present.

(Sgd.) G. G. ROBINSON.

No. 13.  
Notes of  
Plaintiffs'  
Argument.  
26th April  
1951.

No. 13.  
Notes of Plaintiffs' Argument.

TEESDALE CONTINUES HIS ADDRESSES: Whole point is does registration 30 of "African Chamber of Commerce" Calculated to deceive—not only Nigeria but world wide. Envelopes addressed variously—but "Chamber of Commerce" means only one thing to the Post Office. Cannot have in

*Lagos.* Lagos “Chamber of Commerce” and African “Chamber of Commerce, Lagos.” Same law as Trade Marks or Designs. See Cap. 217 Section 13. “Deceive,” to reported cases, used in some of “mislead”—not necessary to prove fraud. Not necessary to prove any actual deception has taken place or any actual damage suffered. It is a question for the Court to decide. No general rule can be laid down.

*Braham v. Beachin* (1878) 7 Ch.D. 848.  
*Radstock Colliery.*  
*Radstock Crallprinted Proprietors.*

In the  
 Supreme  
 Court of  
 Nigeria.

No. 13.  
 Notes of  
 Plaintiffs’  
 Argument.  
 26th April  
 1951—  
*continued.*

10 HELD: “Tendency to deceive.” Defendants should lean rather in the direction of dissimilarity rather than similarity. Objects of the parties only a factor not conclusion.

*Lloyds & Dann Brothers vs. Lloyds & S/Limpton Ltd.* (1912)  
 28 T.L.R. 338. Injunction granted on appeal.

*Merchant Banking Co. of London vs. Merchant Joint S/K* (1878)  
 9 C.L.D. 560. Injunction refused. “Calculated to deceive.” Only necessary to prove similarity. Court will infer “deceive.” Judge decided not calculated to deceive.

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No. 14.

20 Notes of 1st Defendant’s Argument.

No. 14.  
 Notes of 1st  
 Defendant’s  
 Argument.  
 26th April  
 1951.

SAGOE FOR REGISTRATION OF COMPANIES: Read Section 9 (1) (a) and (b) together of Cap. 38. Section 9 (1) (b) particular set of Companies can only comply with Section 21 it can automatically call itself “Chamber of Commerce” instead of “Ltd.” Chamber of Commerce is a general term even as Ltd. is to other Companies. If Registrar is satisfied that the Company falls within Section 21 then the Company can call itself “Chamber of Commerce.” Palmer’s Company Precedents 15th Edition page 462. Specimen of Licence issued by Board of Trade. Shows words “Chamber of Commerce” are instead of the words “Ltd.”

30 *Acrators Ltd. v. Tollitt* (1902) 2 Ch. D. 319. When company takes generic or descriptive word as its name it cannot be allowed a Monopoly of that word. Court has to consider what business has been carried on, etc. and what is intended to be carried on by the new Company. Lagos Chamber of Commerce and African Chamber of Commerce. Lagos Chamber—generic and descriptive as Registrar of Companies we cannot refuse registration of “African Etc.” We rely on above authority, at page 321. We disregard “Chamber of Commerce” and work out “Lagos” and “African”—if there is no confusion then—as there is not—we register.

40 *British Vacuum Ltd. v. New Vacuum* (1907) 2 Ch. D. 312: “Vacuum Cleaner” common to both. Held that “Vacuum cleaner” is descriptive

In the Supreme Court of Nigeria.

No. 14. Notes of 1st Defendant's Argument. 26th April 1951—continued.

and so a monopoly of it cannot be granted to Plaintiff—injunction refused. Two shops very close—mistakes made by customer going into one shop in mistake for the other, at page 320. Parker J. refers to passing off. Cannot give monopoly. Only trouble here is locality. Adesanya for No. 2 Defendant adopts Mr. Sagoe's argument and addresses. Plaintiff admits they want all overseas business. There is a scramble for inquiries from overseas. Plaintiff wanted to deal with all, Monopoly. Letters from abroad—different addresses.

BRITISH VACUUM COMPANY : at page 324 Vacuum cleaner descriptive words. Plaintiff claiming a Monopoly—only been in existence 9 months. 10 *Turtin v. Turtin* (1889) 42 Ch. D. 128. Monopoly—equity Asks Court to refuse the injunction. C.A.V. Judgment on 7.5.51.

(Sgd.) G. G. ROBINSON.

No. 15. Judgment. 8th May 1951.

No. 15. Judgment.

IN THE SUPREME COURT OF NIGERIA.  
IN THE LAGOS JUDICIAL DIVISION.

Tuesday the 8th day of May, 1951.

Before His Honour, GEORGE GILMOUR ROBINSON, Puisne Judge.

Suit No. 352/1950. 20

LAGOS CHAMBER OF COMMERCE ... .. *Plaintiffs*  
v.  
REGISTRAR OF COMPANIES & ANOR. ... .. *Defendants.*

In this action the Plaintiffs "The Lagos Chamber of Commerce (Incorporated)" seek an injunction against No. 1 Defendant, the Registrar of Companies, to restrain him from proceeding with the registration, on an application by No. 2 Defendant, who at present call themselves "The Association of Merchants and Industrialists," for a change of that name to "The African Chamber of Commerce."

The Plaintiffs gave evidence but neither of the Defendants elected to 30 do so, with the result that the Court is in a position to know something about the Lagos Chamber of Commerce, its membership and activities but it knows nothing about the Association of Merchants and Industrialists—I gather from Exhibit "H," a letter from the Registrar of Companies to the Plaintiffs, where he says "I am proceeding with the registration of

“ the change of name of the ‘ Association of Merchants and Industrialists ’  
 “ to ‘ African Chamber of Commerce, ’ ” that the Association has already  
 satisfied the Registrar under Section 21 of Cap. 38 that it is not an  
 Association for Profit and is registered accordingly, and now it wants to  
 register a change of name. The Court also knows, from paragraph 5 of  
 the Statement of Defence, that the Association’s operations cover the whole  
 of Nigeria and are limited to Africans only ; but whether that means that  
 membership is restricted to Africans or whether it means that the  
 Association is not interested in Commerce and Trade between Africans and  
 10 Europeans or Overseas enquiries, is not clear.

In the  
 Supreme  
 Court of  
 Nigeria.  
 —  
 No. 15.  
 Judgment.  
 8th May  
 1951—  
*continued.*

More is known about the Lagos Chamber of Commerce. It was  
 established in 1888 (only 7 years after the London Chamber—the Liverpool  
 Chamber was founded in 1884 and since then has been the leading voice in  
 all commercial matters in England relating to West Africa—This  
 information is to be found in the Encyclopædia Britannica under the heading  
 “ Trade Organisation ”) although it was only incorporated in June, 1950—  
 Its membership is open to any person, firm or company established in  
 trade . . . in the Western Provinces of Nigeria and the Colony of Lagos—  
 See Exhibit “ E ” the Memo and Articles of Association. Presently it has  
 20 89 members comprising all the big firms and including 19 African firms  
 and others from France, Belgium, Switzerland, Greece, India and America—  
 See Exhibit “ D.” It is affiliated to the Chambers of London, Liverpool,  
 Manchester and also to the Chambers in Calabar, Kano, Port Harcourt,  
 Kumasi, Cape Coast and Sierra Leone. It is a serious and authoritative  
 body of responsible business men joined together for the protection and  
 promotion of Trade and Commerce in Nigeria.

The Plaintiffs object under Section 9 (1) of Cap. 38 to the registration  
 of the Association under the name “ African Chamber of Commerce ” on  
 the ground that such a name so nearly resembles that of the Plaintiffs as to  
 30 be calculated to deceive and that its use in the Western Provinces and the  
 Colony of Lagos would lead to confusion. To substantiate that 2 bundles  
 of addressed envelopes (Exhibits “ F and G ”) may be about 200 of them  
 from all over the world were put in. Very very few were correctly  
 addressed, the big majority were addressed “ The Chamber of Commerce,  
 Lagos ” which address is also favoured by the Government Printer. The  
 argument runs that most of those letters from foreign correspondents  
 contained serious enquiries about the chances and statistics of establishing  
 trade in Nigeria and that they were intended for the old established Chamber  
 which had been founded in 1888. If the Association is permitted to be  
 40 registered with an address in Lagos then there is no reason why the letters  
 should not all go to them to the detriment and embarrassment of the  
 Plaintiffs, and also, I think, possibly to the detriment of the foreign  
 enquirers if the Association is only confining itself to trade amongst  
 Africans, because the letters might never get answered. If that happened,  
 it could be injurious to trade in Nigeria generally.

The ordinary practice is to have a Chamber of Commerce for each  
 Centre which is known by the name of the town or city or locality where it  
 is situated, and then there is an Association of Chambers of Commerce



In the  
Supreme  
Court of  
Nigeria.

No. 15.  
Judgment.  
8th May  
1951—  
*continued.*

which meets about once a year and to which the local Chambers send delegates, but it is contrary to all commercial practice for one locality to have more than one Chamber—good sense forbids it: good sense decrees that all reputable merchants in one locality should join together in one Chamber.

But if good sense is not going to prevail is there any legal objection to the 2nd Defendants being registered as the “African Chamber of Commerce” with an address in Lagos and thus almost certainly receiving a number of letters addressed “Chamber of Commerce—Lagos”? I think not—The words “Chamber of Commerce” are descriptive—It describes 10 what the company is and there could be no objection to each locality having one so long as the name of the locality is only taken by one. Chambers of Commerce are differentiated, from the point of view of Registration, by the name of the Chamber—I think the Registrar is right when he says that his duty is to ignore the words “Chamber of Commerce” and to see whether “African” so nearly resembles “Lagos” as to be calculated to deceive. If letters are correctly addressed, they will arrive at their respective addresses without confusion—Confusion will arise in fact because foreign correspondents, knowing the proper and ordinary practice of Chambers of Commerce i.e. one for each place, would not expect 20 a choice of addresses if they sent their letters to “Chamber of Commerce Lagos.” They would expect their letters to find their way to the Lagos Chamber of Commerce, but I do not think that because the 2nd Defendants choose to break away from common form that it can be said in the legal sense to be calculated to deceive. There could be no difficulty at all if their address was not in Lagos. But the Registrar, and the Court, is only concerned with the name, not the address.

Various authorities were cited but there is nothing directly on the point, and I do not think it necessary to examine them in detail—I will however record them. Mr. Teesdale for the Plaintiffs cited *Braham v. Beachim* (1878) 7 Ch. D. 848. *Lloyd’s and Dawson v. Lloyd’s Southampton (Ltd.)* (1912) 28, T.L.R. 338. *Merchant Banking Co. of London v. Merchant’s Joint Stock Bank* (1878) 9 Ch. D. 560. 30

Mr. Sagoe for the 1st Defendant cited *Aerators Ltd. v. Tollitt* (1902) 2 Ch. 319. *British Vacuum Cleaner Co. v. New Vacuum Cleaner Co.* (1907) 2 Ch. 312.

Mr. Adesanya for 2nd Defendant cited *Turton v. Turton* (1889) 42 Ch. D. 128. I hold that the Plaintiffs are not entitled to the injunction sought and the case must be dismissed.

(Sgd.) G. G. ROBINSON. 40  
8.5.51.

Read on 8.5.51 because not put in the list for 7.5.51. Mr. Sagoe does not ask for costs. Mr. Lawson (Adesanya) asks for costs for No. 2 Defendant.

COURT: No Costs for No. 1. 10 guineas costs for No. 2 (10 guineas).

(Sgd.) G. G. ROBINSON,  
*Puisne Judge.*

**No. 16.**  
**Order for Stay of Execution pending Appeal.**

In the  
Supreme  
Court of  
Nigeria.

IN THE SUPREME COURT OF NIGERIA.  
IN THE LAGOS JUDICIAL DIVISION.

—  
No. 16.  
Order for  
stay of  
execution  
pending  
Appeal.  
21st May  
1951.

Suit No. 352/50.

Between

LAGOS CHAMBER OF COMMERCE ... .. *Plaintiff*

and

1. REGISTRAR OF COMPANIES

10 2. ASSOCIATION OF MERCHANTS AND INDUSTRIALISTS ... *Defendants.*

UPON READING THE AFFIDAVIT of Douglas Henderson Elphinstone Teesdale, Advocate of 11-17 Tinubu Street, and of Supreme Court, Lagos, Nigeria, sworn to and filed on the 15th day of May, 1951, and after hearing the said Counsel for and on behalf of the Plaintiff/Appellants on the application :

IT IS ORDERED THAT stay of execution of the Judgment dated the 8th day of May, 1951, pending the determination of the appeal be and is hereby granted.

Dated at Lagos this 21st day of May, 1951.

20

(Sgd.) J. R. GREGG,  
*Puisne Judge.*

**No. 17.**  
**Notice of Appeal.**

In the West  
African  
Court of  
Appeal.

IN THE WEST AFRICAN COURT OF APPEAL.

Suit No. 352/1950.

Between

LAGOS CHAMBER OF COMMERCE ... .. *(Plaintiffs) Appellants*

and

1. REGISTRAR OF COMPANIES

30 2. ASSOCIATION OF MERCHANTS AND INDUSTRIALISTS  
*(Defendants) Respondents.*

—  
No. 17.  
Notice of  
Appeal.  
10th May  
1951.

TAKE NOTICE that the Plaintiffs being dissatisfied with the judgment of the Supreme Court, Lagos contained in the Judgment dated the 8th day

In the West African Court of Appeal. of May, 1951, doth hereby appeal to the West African Court of Appeal upon the grounds set out in paragraph 3 and will at the hearing of the appeal seek the relief set out in paragraph 4.

No. 17.  
Notice of  
Appeal.  
10th May  
1951—  
*continued.*

AND the Appellants further state that the names and addresses of the persons directly affected by the appeal are those set out in paragraph 5.

2. Whole decision.

3. Grounds of Appeal :—

1. The learned trial Judge erred in Law in holding that the words " Chamber of Commerce " are descriptive and thereby came to a wrong decision. 10

2. The learned trial Judge was wrong in holding that the name sought to be registered by the 2nd Defendants-Respondents did not so resemble the name in which the Plaintiffs-Appellants are registered as to be calculated to deceive and thereby came to a wrong decision.

4. Relief sought from the West African Court of Appeal.

That the judgment of the Court below be set aside and an Order granted restraining the 1st Defendant from registering the 2nd Defendants in the name applied for and for any further or other Order as the Court may deem fit to make in the circumstances. 20

5. Persons directly affected by the Appeal.

1. Registrar of Companies, 20, Campbell Street, Lagos.

2. Association of Merchants and Industries, 47, Balogun Street, Lagos.

Dated this 10th May, 1951.

(Sgd.) IRVING & BONNAR,  
*Appellant's Solicitor.*

No. 18.  
Notes of  
Plaintiffs'  
Argument.  
10th  
November  
1952.

No. 18.

Notes of Plaintiffs' Argument.

30

Mr. FERGUSON for Appellant.

No appearance on behalf of Respondents.

Mr. ANTONIOU—Acting Registrar of Companies now appears.

FERGUSON :

Enquiries come from all over the world from people who the Chamber has very often not heard of before.

“ African Chamber of Commerce ” is likely to be confused with “ Lagos Chamber of Commerce.”

- (i) Intent to deceive not necessary.
- (ii) Surrounding circumstances should be taken into account.
- (iii) Similar to a passing off action.

Grounds of appeal p. 16.

Cites *Aerators Ltd. v. Tollitt* (1902) 2 Ch. 319.

A letter addressed to the Chamber of Commerce, Lagos, might easily go to “ African Chamber of Commerce.” Submits “ African ” is descriptive of the place.

Submits that “ African ” is only distinctive when separated from the words “ Chamber of Commerce.” Note—*Reddaway v. Banham* (1896) A.C. p. 199. Lord Macnaghten at p. 216.

Cites *Lee v. Haley* (1859) 5 Ch. A.C. p. 155, *Manchester Brewery Co. Ltd., North Cheshire and Manchester Brewery Co. Ltd.* (1899) A.C. 83. African and Lagos are both words of same native and are not sufficiently distinctive. We do not call upon Antoniou.

C.A.V.

10 : 11 : 52 (Intld.) S. F. S.

In the West African Court of Appeal.

No. 18.  
Notes of Plaintiffs' Argument.  
10th November 1952—

*continued.*

20

No. 19.

Judgment.

No. 19.  
Judgment.

In this case the Appellants, the Lagos Chamber of Commerce, sought an injunction restraining the Registrar of Companies from registering the Association of Merchants and Industrialists, the 2nd Respondent on this appeal, under the new name of “ African Chamber of Commerce.”

In the Court below the Registrar of Companies contended that the words “ Chamber of Commerce ” constitute a generic designation for particular associations or bodies of persons and therefore cannot be exclusively claimed by one association or body of persons. He argued, therefore, that if the 2nd Respondent company satisfied the requirements of Section 21 (1) of the Companies Ordinance, Cap. 38, as in his view it had, it was entitled to registration under the new name, and he drew attention to the provisions of Section 9 (1) (b) of the Ordinance which provides that no company shall be registered by a name which contains the words “ Chamber of Commerce ” unless the company is a company which is to be registered under a licence granted in pursuance of Section 21 (1) of the Ordinance without the addition of the word “ Limited ” to its name. Finally, he submitted that it was his duty to ignore the words “ Chamber of Commerce ” and determine whether the word “ African ” so nearly resembles the word “ Lagos ” as to be calculated to deceive, which he submitted was not the case.

Foster  
Sutton, P.  
(concurrent  
in by  
Verity, C.J.  
and  
Coussey,  
J.A.).  
17th  
November  
1952.

In the West  
African  
Court of  
Appeal.

No. 19.  
Judgment.

Foster  
Sutton, P.  
(concurring  
in by  
Verity, C.J.  
and  
Coussey,  
J.A.).  
17th  
November  
1952—  
*continued.*

Appellants' Counsel argued that the new name under which the Association of Merchants and Industrialists sought to be registered does so nearly resemble the name of the Appellant organisation as to be calculated to deceive, that Section 9 (1) (a) of the Companies Ordinance, which prohibits registration in such circumstances, applies, and that registration should, therefore, be refused. He further argued that the word "African" is only distinctive when separated from the words "Chamber of Commerce," that in considering the tendency of the new name to deceive regard must be had to the place where it is to be used, that is to say Lagos, that "African" and "Lagos" are both words of the same nature, Lagos being in Africa, 10 and that the use of the word "African" in conjunction with the words "Chamber of Commerce" is calculated to deceive the numerous firms abroad who from time to time make trade enquiries through the Appellants.

The learned Trial Judge accepted the contentions put forward by the Registrar of Companies and declined to grant the injunction prayed.

I do not consider myself that if a company chooses to incorporate into its own name words descriptive of, and universally used to describe an organisation formed for promoting commerce, it can fairly claim a monopoly of the use of those words. The words "Chamber of Commerce" are clearly descriptive and it seems to me that the addition of the word "African" 20 ought to be sufficient to distinguish the two organisations. It certainly would be if reasonable care is used. In my view it would not be right to deprive the Appellants of the use of a descriptive name like "Chamber of Commerce" merely because mistakes may arise through lack of knowledge or carelessness on the part of persons making enquiries from abroad.

It follows that, in my opinion, the decision appealed against was right, and ought to be affirmed. I would, therefore, dismiss this appeal with costs.

During the course of his judgment the learned trial Judge embarked upon a dissertation regarding the undesirability of having more than one 30 Chamber of Commerce in the same locality and asserted that it is the ordinary practice and good sense not to do so. The observations were not necessary for the decision in this case and I only refer to them lest it be thought that in agreeing with his decision I also agree with the observations I have referred to, because such is not the case.

(Sgd.) S. FOSTER SUTTON, P.

"I concur."

(Sgd.) JOHN VERITY, C.J.

"I concur."

(Sgd.) J. HENLEY COUSSEY, J.A. 40

We fix the costs on this appeal at £16 : 4 : 0.

(Intld.) S. F. S.  
P.

**No. 20.  
Order dismissing Appeal.**

In the West African Court of Appeal.

IN THE WEST AFRICAN COURT OF APPEAL.  
HOLDEN AT LAGOS, NIGERIA.

Suit No. 352/50.  
W.A.C.A. 3629.

No. 20.  
Order dismissing Appeal.  
17th November 1952.

On appeal from the judgment of the Supreme Court in the Lagos Judicial Division.

Between

LAGOS CHAMBER OF COMMERCE (INC.) ... .. *Appellants*

10

and

1. REGISTRAR OF COMPANIES
2. ASSOCIATION OF MERCHANTS AND INDUSTRIES ... .. *Respondents.*

Monday, the 17th day of November, 1952.

UPON READING the Record of Appeal herein and after hearing Mr. A. M. Ferguson of Counsel for the Appellants, the Respondents not being present or represented :

IT IS ORDERED that this appeal be dismissed and that the Appellants do pay to the Respondents costs of this appeal fixed at £16 4s. 6d.

(Sgd.) W. H. HURLEY,  
*Deputy Registrar.*

20

**No. 21.  
Order granting Special Leave to Appeal to Her Majesty in Council.**

In the Privy Council.

AT THE COURT AT BUCKINGHAM PALACE.  
The 19th day of November, 1953.

Present

THE QUEEN'S MOST EXCELLENT MAJESTY

- |                                  |                      |
|----------------------------------|----------------------|
| LORD PRESIDENT.                  | SIR ALLEN LASCELLES. |
| MARQUESS OF READING.             | MR. MACLEOD.         |
| LORD KEITH OF AVONHOLM.          | SIR MICHAEL ADEANS.  |
| MR. CHANCELLOR OF THE EXCHEQUER. |                      |

No. 21.  
Order granting Special Leave to Appeal to Her Majesty in Council.  
19th November 1953.

30

WHEREAS there was this day read at the Board a Report from the Judicial Committee of the Privy Council dated the 4th day of November 1953 in the words following, viz. :—

“ WHEREAS by virtue of His late Majesty King Edward the Seventh's Order in Council of the 18th day of October 1909 there was

In the Privy  
Council.

No. 21.  
Order  
granting  
Special  
Leave to  
Appeal to  
Her  
Majesty in  
Council.  
19th  
November  
1953—  
*continued.*

referred unto this Committee a humble Petition of the Lagos Chamber of Commerce (Inc.) in the matter of an Appeal from the West African Court of Appeal between the Petitioners (Appellants) and (1) The Registrar of Companies (2) The Association of Merchants and Industrialists (Respondents) setting forth (among other matters): that this is a Petition for special leave to appeal from an Order of the West African Court of Appeal dated the 17th November 1952: that the Petitioners were founded in the year 1888 as an unincorporated association under the name 'Lagos Chamber of Commerce' and were in June 1950 incorporated under the name 'The Lagos Chamber of Commerce (Inc.)': that the Second Respondents submitted on or about the 26th June 1950 to the First Respondent notice to change their name to 'The African Chamber of Commerce': that the Petitioners contend that in the circumstances of this case the name 'African Chamber of Commerce' so nearly resembles the name of the Petitioners as to be calculated to deceive and accordingly ought not to be registered: that the Petitioners sought an injunction to restrain the First Respondent from proceeding with registration: that the Supreme Court decided against the Petitioners: that the Petitioners appealed to the West African Court of Appeal which on the 17th December 1952 dismissed the Appeal: And humbly praying 10  
Your Majesty in Council to grant the Petitioners special leave to appeal from the Order of the Court of Appeal dated the 17th November 1952 and for such further or other relief as to Your Majesty in Council may seem just : 20

"THE LORDS OF THE COMMITTEE in obedience to His late Majesty's said Order in Council have taken the humble Petition into consideration and having heard Counsel in support thereof (no one appearing in opposition thereto) Their Lordships do this day agree humbly to report to Your Majesty as their opinion that leave ought 30  
to be granted to the Petitioners to enter and prosecute their Appeal against the Order of the West African Court of Appeal dated the 17th day of November 1952 upon depositing in the Registry of the Privy Council the sum of £400 as security for costs :

"AND THEIR LORDSHIPS do further report to Your Majesty that the proper officer of the said Court of Appeal ought to be directed to transmit to the Registrar of the Privy Council without delay an authenticated copy under seal of the Record proper to be laid before Your Majesty on the hearing of the Appeal upon payment by the Petitioners of the usual fees for the same." 40

HER MAJESTY having taken the said Report into consideration was pleased by and with the advice of Her Privy Council to approve thereof and to order as it is hereby ordered that the same be punctually observed obeyed and carried into execution.

Whereof the Governor or Officer administering the Government of Nigeria for the time being and all other persons whom it may concern are to take notice and govern themselves accordingly.

W. G. AGNEW.

## EXHIBITS.

## Exhibit D.—List of Members of the Lagos Chamber of Commerce.

Exhibits.

MEMBERS OF THE LAGOS CHAMBER OF COMMERCE  
(INCORPORATED).Exhibit D.  
List of  
Members  
of the Lagos  
Chamber of  
Commerce.

- J. Allen & Co. Ltd.  
Amalgamated Engineering Co. Ltd.  
L. Ambrosini Ltd.  
Apex Ltd.  
Arbuckle Smith & Co. Ltd.  
10 Atlantic West African Co. Ltd.  
Bank of British West Africa Ltd.  
Barber West Africa Line.  
Barclays Bank (D. C. & O.) Ltd.  
British & African Engineering Co.  
British American Tobacco Co. Ltd.  
British Bata Shoe Co. Ltd.  
British West African Corpn. Ltd.  
A. Brunnschweiler & Co. Ltd.  
M. Bank-Anthony Esq.  
20 Badejo Stores.  
Brandler & Rylke Timber Co.  
Brussels Corporation for International Trade.  
Cable & Wireless Ltd.  
K. Chellaram & Sons.  
Cie. Francaise de l'Afrique Occidentale.  
Co-operative Wholesale Society.  
J. Christian & Co.  
Costain (West Africa) Ltd.  
Czechoslovak-Nigerian Export & Import Co.  
30 J. T. Chanrai & Co.  
Alhadji T. S. Calfos.  
Cappa d'Alberto.  
Echofarm Industries Ltd.  
Elder Dempster Lines Ltd.  
Ebute Metta Timber & Joinery Works.  
Finch & Co. (West Africa) Ltd.  
G. Gottschalck & Co. (W. A.) Ltd.  
H. E. B. Greene & Co. Ltd.  
Maurice Goualin Ltd.  
40 Guinness (Nigeria) Ltd.  
J. Harold Esq.  
Hayes, Green & Bryden Ltd.  
Hayes, Green & Bryden (Produce) Ltd.  
Holland West Africa Line.  
J. Holt & Co. (Liverpool) Ltd.  
Irving & Bonnar.



Exhibits.  
 —  
 Exhibit D.  
 List of  
 Members  
 of the Lagos  
 Chamber of  
 Commerce  
 —*continued.*

Ife-Olu Printing Press.	
J. W. Jackel & Co.	
S. D. Karam & Sons.	
Lagos Building Society Ltd.	
A. G. Leventis & Co. Ltd.	
London Africa & Overseas Ltd.	
London & Kano Trading Co. Ltd.	
Legal & General Assurance Co.	
Mandilas & Karaberis.	
May & Baker (W. A.) Ltd.	10
Metal Containers (W. A.) Ltd.	
J. L. Morrison Son & Jones (W. A.) Ltd.	
Nigerian Printing & Publishing Co.	
Nottidge Bros. & Co.	
National Cash Register Co. Ltd.	
Odutola Bros. Ltd.	
L. P. Ojukwu Esq.	
Oil Storage Co. of Apapa Ltd.	
G. B. Ollivant Ltd.	
J. Okwesa & Co.	20
Okunubi Bros.	
Paterson Zochonis & Co. Ltd.	
Royal Exchange Assurance.	
Regency (Overseas) Co. Ltd.	
Rowntree-Fry-Cadbury Ltd.	
J. F. Sick & Company.	
Societe Commerciale de l'Ouest Africain.	
Shell Co. of West Africa Ltd.	
Staveley & Co. Ltd.	
Taylor Woodrow (West Africa) Ltd.	30
Tekumo Onalaja & Co.	
The Tea Bureau (West Africa).	
Texas Petroleum Company.	
Union Trading Co. Ltd.	
United Africa Co. Ltd.	
Vivian Younger & Bond Ltd.	
West Africa Drug Co. Ltd.	
West Africa Publicity Ltd.	
West African Pictures Co.	
West African Soap Co. Ltd.	40
West African Airways Corporation.	
West Africa Motors Ltd.	
West African Construction & Development Co. Ltd.	
Witt & Busch Ltd.	
Thos. Wyatt & Son (W.A.) Ltd.	
C. Zard & Co. Ltd.	
J. N. Zarpas & Co. Ltd.	

**Exhibit H.—Letter from the Registrar of Companies to the Lagos Chamber of Commerce.**

Exhibits.

Exhibit H.  
Letter from  
the  
Registrar of  
Companies  
to the Lagos  
Chamber of  
Commerce.  
2nd August  
1950.

No. R.C. 790/33.

Registrar of Companies,  
20 Campbell Street, Lagos.

2nd August, 1950.

Sir,

The Lagos Chamber of Commerce (Incorporated).

10 With reference to your letter No. 248 of the 10th ultimo, I have to state that after further considering the matter I have arrived at the conclusion that the name "African Chamber of Commerce" does not so nearly resemble the above mentioned name "as to be calculated to deceive."

2. In the circumstances, I am proceeding with the registration of the change of name of the "Association of Merchants & Industrialists" to "African Chamber of Commerce." If, however, your Company is aggrieved by this registration, you are at liberty to apply to the Court for an Order that the registration be invalidated.

I have the honour to be,

Sir,

20

Your Obedient Servant,

(Sgd.) E. G. FITT,

*Registrar of Companies.*

The Secretary,  
The Lagos Chamber of Commerce (Incorporated),  
P.O. Box 109,  
Lagos.

JAdem/SAE.

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In the Privy Council.

No. 34 of 1954.

ON APPEAL FROM THE WEST AFRICAN COURT  
OF APPEAL.

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BETWEEN

LAGOS CHAMBER OF COMMERCE  
(INC.) ... .. *Plaintiffs-Appellants*

AND

1. REGISTRAR OF COMPANIES
2. ASSOCIATION OF MERCHANTS  
AND INDUSTRIALISTS  
*Defendants-Respondents.*

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RECORD OF PROCEEDINGS

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HALSEY, LIGHTLY & HEMSLEY,  
32 St. James's Place,  
London, S.W.1,  
*Solicitors for the Appellants.*

CHARLES RUSSELL & CO.,  
37 Norfolk Street,  
Strand, W.C.2,  
*Solicitors for the 1st Respondent.*

BURCHELLS,  
68 Victoria Street,  
London, S.W.1,  
*Solicitors for the 2nd Respondents.*