

TRANSVAAL.

DESPATCH

TRANSMITTING

LETTERS PATENT AND ORDER IN COUNCIL

PROVIDING FOR

CONSTITUTIONAL CHANGES IN THE TRANSVAAL.

Presented to both Houses of Parliament by Command of His Majesty.
April 1905.



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1905.

TRANSVAAL.

Despatch transmitting Letters Patent and Order in Council providing for Constitutional Changes in the Transvaal.

MR. LYTTLETON TO SIR ARTHUR LAWLEY.

Downing Street,

SIR,

March 31, 1905.

IN transmitting to you the Letters Patent which His Majesty has been pleased to issue, making provision for the introduction of elected Representatives into the Transvaal Legislature, I propose to review the circumstances which have influenced His Majesty's Government in tendering their advice to His Majesty on the subject.

Since I announced in the House of Commons, on the 21st July, 1904, that steps would shortly be taken to amend the existing political Constitution of the Transvaal Colony, I have had the advantage of discussing with Lord Milner confidentially, at considerable length and with much detail, the best means of carrying into effect that decision. I have received also from him information as to the state of opinion in the Colony, the distribution of population, and other facts of essential importance, and I have studied carefully the copious expressions of local opinion in the press and in the speeches and Resolutions at public meetings. His Majesty's Government have the satisfaction of knowing that Lord Milner, with his long experience of South African political and administrative conditions, concurs generally in the line of action which they have decided to follow, and they believe that it will command the adhesion of sensible and prudent men both in South Africa and in other parts of the British Empire.

It was never the intention of His Majesty's Government that the new Colonies should be for any length of time governed as Crown Colonies. This was made clear soon after the Proclamation of Annexation by my predecessor's statement in the House of Commons on the 7th December, 1900, when he said: "I believe we can promise that there shall be throughout South Africa equal laws, equal liberty—not, indeed, political independence (in the first instance, that must be more restricted in these two Colonies than it is in the Colonies of the Cape and Natal), but a liberty and Constitution leading ultimately to self-government, which we all desire to see established as soon as possible." In accordance with this pledge, Article 7 of the Terms of Peace of May 1902 contains the promise that "Military Administration in the Transvaal and Orange River Colony will, at the earliest possible date, be succeeded by civil government, and, as soon as circumstances permit, representative institutions leading up to self-government will be introduced."

The intentions of His Majesty's Government in regard to the fulfilment of that promise were more precisely stated by Mr. Chamberlain in the House of Commons on the 29th July, 1902, when he said, in speaking of Crown Colony government: "That is the first step. But we have always, from the very first, declared that that was only the first step; that we should go on gradually, and that the next advance would be to add to the official element a non-official element which would be, in the first instance, a nominated non-official element. Then we should go on from that probably to substitute for the nominative element an elective element; and after that nothing would separate us, but the circumstances of the time, from that full self-government which is, and always has been, our ultimate goal."

His Majesty's Government have thus given very distinct and specific pledges as to the course which the development of the political Constitution of the two Colonies should follow. The import of those pledges cannot be mistaken, and they have been given, not to one section or another of the population of whatever numerical importance or racial origin those sections may be, but to the inhabitants of the two Colonies as a whole. The promise was made to the entire community in December 1900. It was repeated and confirmed to those who, on the 31st May, 1902, by the Terms of Peace, acknowledged themselves to be the subjects of His Majesty.

Considerable progress towards self-government has already been made. After the abolition of martial law, a nominated Legislative Council containing a minority of non-officials was established in each Colony. In municipal affairs great advances have been made. Elective Municipalities or Local Boards have been established in all the towns and larger villages of the Transvaal; while in the Orange River Colony, where similar institutions existed before the war, they have been in full operation since its conclusion. In all their domestic affairs the urban centres of the new Colonies are completely self-governing communities. The extension of Elective Boards to rural districts in the Transvaal has, it is understood, only been suspended because a deputation of the Farmers' Congress, received by you on the 25th of May last, expressed apprehensions that the system might prove too expensive.

In July last His Majesty's Government felt that, so far as the Transvaal is concerned, the time had arrived when they could rightly meet the expectations created by the undertaking of my predecessor, and could take the next of these successive steps ultimately leading to full self-government. The moment seemed to be the more opportune because the Census had just been taken, and the result, which would be known a few months later, would make it possible to consider a distribution of representation in some proportion to the population. His Majesty's Government had also in mind the fact that the term of the present nominated unofficial members of the Legislative Council would expire in May 1905, and that it would be convenient to inaugurate elective representative government, if possible, by that date or not much later. Accordingly, on the 21st July, I made the already-mentioned announcement in the House of Commons, that His Majesty's Government had decided to give elective representative institutions to the Transvaal, and to substitute an elective element for the present nominated element in the Legislature.

Apart from the declarations which have been made and the pledges which have been given, the following considerations must be held to govern the grant of elective institutions to the new Colonies at the present time.

The Terms of Peace, to which I have referred, contemplate "representative institutions leading up to self-government." By "self-government" is meant, of course, the system under which not only legislation, but the very existence of the Executive, is based upon the consent of a majority in the Legislative Chamber. His Majesty's Government are aware that large sections of the people of the Transvaal have expressed the view that self-government in this sense should at once be granted, but they think now, as they did when the Terms of Peace were made, that some time, though not, they hope, a very long time, must still pass before the people of Colonies recently annexed after a long war should be entrusted with so great a control of their destinies.

Full self-government, as it is understood in the United Kingdom and in the self-governing Colonies, implies, and involves in practice, party Government; that is, control both of administration and legislation by the political leaders of the party which holds a majority in the Legislature. In a country which possesses a certain degree of homogeneity based either on unity of race and language, or on a long history in common, or, better still, on both, this system can work well. It does not follow that the system of party Government would at once be beneficial to a country like the Transvaal inhabited by two distinct races, or until the memories of a war which of necessity caused much loss and suffering and of the long period of political grievance and disability which preceded that war have become less acute. Parties in the Transvaal must for some time yet mainly coincide with the line of races, and party Government would most probably mean government by one race or the other. It will become more practicable when the two races have, with equal rights of citizenship, lived and acted somewhat longer together, and when bitter memories have become softened by the healing effect of time.

Representative institutions, which bring together in one Assembly the freely elected representatives of all sections of the people to discuss questions of common concern and to transact common business, should materially aid in this harmonizing process. But to constitute at once, and at the very birth of elective representative institutions, a complete system of Government by party would, it must be feared, as conditions stand at present, emphasize and stereotype the racial line, by making it also the dividing-line between Government and Opposition. His Majesty's Government are not prepared to take this responsibility, and they have reason to believe that they are supported in their view by a great body of opinion in the Colony itself. It must not be forgotten that a system of party Government would be new to the

inhabitants of Dutch origin in the Transvaal, whose institutions differed materially from the system known in British Colonial history as "responsible government," with which Government by party is inseparably connected.

For these general reasons His Majesty's Government have always adhered to the policy stated by Mr. Chamberlain in the House of Commons at the end of the year 1900, and embodied in the terms of the Agreement made with the Boer leaders at the end of the war. They have never swerved, or been tempted for a moment to swerve, from their view that the establishment of elective representative institutions must precede by some interval the concession of full self-government.

This policy is dictated by the particular circumstances of the Transvaal, especially when regard is had to the fact that the precedent of the Transvaal will govern the procedure in the case of the Orange River Colony in due time. Moreover, it is based upon the lessons of experience. Other Colonies have passed through this stage on their way to full self-government. This was the history of Upper and Lower Canada before the union of 1840 and for some years after it; of the Australian Colonies, and New Zealand; of Cape Colony and Natal. There seems to be no reason for departing from precedents tested by experience in the case of a Colony like the Transvaal, in which the problems of government are so singularly difficult and the interests of the Empire are so closely concerned.

It is true that in the case of Canada full responsible government was conceded, a few years after a troublous period culminating in a brief armed rising, to a population composed of races then not very friendly to each other, though now long since happily reconciled. But the Canadas had by that time enjoyed representative institutions for over fifty years, the French Canadians had since the year 1763 been continuously British subjects, and the disorders which preceded Lord Durham's Mission and the subsequent grant of self-government could not compare in any way with a war like that of 1899 to 1902. It is also the fact that in the united Colony of Upper and Lower Canada during the period 1840-1867 parties were formed mainly upon the lines of races, and that, as the representatives of the races were in number nearly balanced, stability of Government was not attained, a difficulty which was not overcome until the Federation of 1867, accompanied by the relegation of provincial affairs to provincial Legislatures, placed the whole political Constitution of Canada upon a wider basis. It must further be remembered that, although there is an analogy between Canada and the South African Colonies, in that they alike comprise two European races of different origin, in South Africa the presence of a coloured population numerically much in excess of the white population makes it necessary to move with greater caution in the direction of political change.

The immediate grant of full self-government to the new Colonies not being, in the opinion of His Majesty's Government, as yet practicable, they have had under their careful consideration to what degree the present purely nominative element in the Legislature should be replaced by one of an elective character. It might well be contended that the safest and most prudent course would be merely to replace the existing nominated non-official minority in the Legislative Council by an elected minority. In this way the Council would be brought into more direct touch with the people, but the ultimate decision in all matters would rest with the Government, supported if necessary by the official majority.

His Majesty's Government very carefully considered this expedient, but came to the conclusion that it would not satisfactorily meet the circumstances with which they had to deal. Although not prepared at present to give full self-government to the Colony, they wish to concede the utmost liberty compatible with safety and with the stability of the Administration. The form of Legislature in which the elected members are in a minority has much to recommend it where the European population is of a less permanent character or not likely to increase largely, but as a step towards full self-government, and a means of education to that end, it is of little practical value, and His Majesty's Government recognize that the inhabitants of the Transvaal have a right to expect such an elective majority as will give them an effective control of legislation.

His Majesty's Government decided, therefore, that the Constitution of the Transvaal should be re-cast by the establishment of a Legislative Assembly in which, with the exception of the Executive officers, all members should be elected, and that there should be a very large majority of elected members. His Majesty's Government are quite alive to the difficulties which attend a system of this kind. Experience has

frequently shown that when an elected majority are able to impede an Executive Government, though they cannot displace it, there may be much friction. On the other hand, a system of this kind proved in Cape Colony from 1853 to 1872, and in Natal between 1856 and 1893, to be a school for self-government, a means of bringing citizens together in political co-operation, and a sphere for the natural selection of the men most fit to lead and ultimately to undertake the responsibility of administration.

I have dealt so far with the fundamental character of the new Constitution. I now desire to direct your attention to certain important dispositions necessary to carry it into effect.

As regards the franchise, there appears to be a general agreement that it will be well to adopt a franchise similar to the municipal franchise already existing for the towns, but somewhat lower, so that it may be applied to the whole country, subject to the proviso that ex-burghers over the age of 21, whose names were on the voting lists under the South African Republic, should be allowed to continue to exercise the franchise without pecuniary qualification. This will secure a very liberal measure of representation, and at the same time will confirm in their electoral privileges a class which the misfortunes of war have, it is hoped, only temporarily impoverished. His Majesty's Government have been unable, having regard to the terms of peace signed in 1902, to make provision for the representation of any of His Majesty's coloured subjects. As a protection, however, for the interests of those sections of the population which are not directly represented in the Legislature, the Governor will, as now, be required by his Instructions to reserve any Bill whereby persons not of European birth or descent may be subjected to any disability or restriction to which persons of European birth are not also subjected.

His Majesty's Government consider that, having regard to the number of members in the former Volksraad, and to the present population, the Legislative Assembly should consist of from thirty to thirty-five elected, in addition to from six to nine official, members. This number will, they understand, meet the wishes of the community. A smaller number of elected members would be insufficient to ensure a Legislature thoroughly representative of the various interests of the country, whilst a larger number would seem to involve for the present too great a demand upon the community, especially in view of the fact that the system of automatic redistribution which has been adopted will inevitably lead to a considerable increase in the number.

His Majesty's Government have fully considered the possibility of preserving the old constituencies while adding new ones to them, but an examination of the result of the recent Census reveals very serious inequalities between them. At one end of the scale is Barberton, with a white population of 2,642, of whom 1,143 are adult males; at the other end, Standerton, with a white population of 11,192, of whom 3,267 are adult males. The whole policy of the late South African Republic was in the direction of giving altogether disproportionate power to the country population, of which a striking proof is afforded by the disfranchisement of towns in 1886. Even in the last year of the Republic only one Representative was allotted to Johannesburg, with a population at that time of 76,500, while the districts of Rustenburg and Lydenburg, with populations of 13,000 and 3,500 respectively, each possessed two. It is difficult to justify in a new country, in which there are no constituencies dating back to a distant past, the perpetuation of an electoral system which would allot to constituencies such as Barberton, with 1,143 possible voters, equality of representation with (say) Standerton, which has 3,267, and would add to these inequalities the grave anomaly of new urban constituencies, deliberately created, which would have necessarily as their basis the maximum electorate of the rural constituencies. Such a proceeding would revive and accentuate antagonism between town and country, and His Majesty's Government have come to the conclusion that the right course is to follow the numerical principle, as has been done in the most recent and important Colonial Constitutions, with its accompaniment of automatic redistribution.

The question whether the electoral districts should be framed on the basis of the number of voters or on the basis of population has also been carefully considered. In many countries where population has been taken as the basis, the number of voters in each constituency bears a fairly even ratio to its total population. But the peculiar circumstances of the Transvaal have led to the result that at present the adult male or voter population in certain regions is much larger in proportion to

the rest of the population than it is in others. The reason for this is that in the rural districts early marriages and large families are the rule, while in the rapidly increasing industrial and urban districts there are at present a great number of young unmarried men. If, therefore, the whole population were taken as the electoral basis, a man in one district would have an unjustified preference over a man in another and a vote the value of which would be out of proportion to his contribution to the wealth of the country. Moreover, if population be taken as the basis, redistribution must be governed by the Census, which is in ordinary course taken every ten years, and to take it more frequently would involve unusual and serious expense; thus automatic redistribution would be hampered and delayed, and large numbers would be deprived for unduly long periods of an adequate voice in the political affairs of the country.

A Commission will be appointed to create from thirty to thirty-five electoral districts upon the principle of an equal number of voters, and, for the purpose of enabling voters' lists to be compiled in advance, an Order in Council, a copy of which is inclosed, has been passed, making the necessary provision for registration of voters. This Commission will give due consideration to boundaries of existing administrative divisions, and will have power to adopt, in settling the boundaries of electoral districts, a margin of 10 per cent. of the quota of voters.

In accordance with the practice in similar Constitutions a Civil List has been reserved, which makes provision for the salaries of the Lieutenant-Governor, the Judges of the Supreme Court, and the members of the Executive Council, and also for the sums payable out of the revenues of the Colony to the Intercolonial Council under the Order in Council of the 20th May, 1903.

I have now reviewed the matters of vital importance, and it is not necessary for me to refer to the details of the provisions which are set out in the Letters Patent.

In dealing with this question of a change of Constitution, His Majesty's Government have not overlooked the fact that the United Kingdom has a great financial interest in the political stability of the Transvaal, because as part of an arrangement whereby the British Exchequer guaranteed to the Colony the interest and principal of a loan of 35,000,000*l.*, certain prominent and representative persons undertook that the Colony should make a contribution of 30,000,000*l.* towards the cost of the war. The Colony has reaped the advantage of the guarantee, which has enabled the taxpayers to obtain the resources necessary for the development of the country on considerably easier terms than would otherwise have been possible.

His Majesty's Government are aware that it would be competent to them to ask the existing Legislative Council to pass the necessary legislation for the purpose of raising a war contribution loan, and that the issue of the first instalment of 10,000,000*l.* might then be made as soon as the financial position of the Colony enabled it to meet the charges of the additional debt; but they are anxious to avoid any appearance of imposing or exacting this contribution by compulsion. They desire that the contribution should be made—not so as to arrest the sufficient development of the Colony, or to impose undue taxation upon its citizens, but in the same willing spirit in which it was promised, reflecting the worthy desire to share the immense burthens which have fallen, as the result of the war, on all classes in the Motherland.

Actuated by this desire, and relying on the loyal spirit of their fellow-subjects in the Transvaal, His Majesty's Government have decided not to press forward the necessary legislation in the Legislative Council which is so shortly to expire, and have deliberately left the matter to the new Representative Assembly, in the assured belief that they will do what is right and just.

It is necessary to state here briefly the reasons why His Majesty's Government have not proposed that a change similar to that now made in the Constitution of the Transvaal should be simultaneously made in that of the Orange River Colony. They recognize that there are industrial and economic conditions peculiar to the Transvaal which make it very desirable in that Colony to have at the earliest possible date some better means of ascertaining the views of the different sections of the population than the present system affords. The question as regards the Orange River Colony being a less urgent one, it appears to them that there will be advantage in allowing a short period to intervene before elective representative institutions are granted to the last named Colony, because this will permit His Majesty's Government to observe the experiment, and, if need be, to profit by the experience so gained.

His Majesty's Government recognize that the grant of the new Constitution in

the present circumstances of the Transvaal, and so soon after the end of the war, will be regarded by some as a step not unattended by risk. On the other hand, they are aware that this Constitution will not satisfy the aspirations expressed recently by a large number of people in the Colony itself. It has, however, been the subject of their most careful deliberation, and it represents their final view as to the extent to which it is reasonable to proceed at the present time.

His Majesty's Government trust that those of British origin in the Transvaal who, with honest conviction, have advocated the immediate concession of full responsible Government will recognize the soundness and cogency of the reasons, both in their own interests and in those of the Empire, for proceeding more cautiously and slowly, and that under a political system which admittedly has its difficulties they will, notwithstanding a temporary disappointment, do their best to promote the welfare of the country and the smooth working of its institutions.

The inhabitants of Dutch origin have recently witnessed, after their gallant struggle against superior power, the fall of the Republic founded by the valour and sufferings of their ancestors, and cannot be expected, until time has done more to heal the wound, to entertain the most cordial feelings towards the Government of the Transvaal. But from them also, as from a people of practical genius, who have learned by long experience to make the best of circumstances, His Majesty's Government expect co-operation in the task of making their race, no longer in isolated independence, a strong pillar in the fabric of a world-wide Empire. That this should be the result, and that a complete reconciliation between men of two great and kindred races should, under the leading of Divine Providence, speedily come to pass, is the ardent desire of His Majesty the King and of His Majesty's Government.

I have, &c.,

ALFRED LYTTTELTON.

Enclosure No. 1.

TRANSVAAL.

Letters Patent passed under the Great Seal of the United Kingdom, providing for the constitution of a Legislative Assembly in the Colony of the Transvaal.

[Dated 31st March, 1905.]

Edward the Seventh, by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India: To all to whom these Presents shall come, Greeting.

WHEREAS by Our Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster, the 23rd day of September, 1902, We did constitute the office of Governor and Commander-in-Chief of Our Colony of the Transvaal, and did make provision for a Legislative Council in and for the said Colony;

And whereas We think fit that the people of Our said Colony should be represented in the Legislature thereof by elected members, and We are minded to amend the said Letters Patent in order to provide for the election of such members, and to make other and further provision for the government of the said Colony;

Now know ye that We do declare Our will and pleasure to be as follows:—

Legislative
Assembly.

I.—(1.) There shall be a Legislative Assembly in the Colony, consisting of the Lieutenant-Governor and of not less than six nor more than nine official members, and, save as hereinafter provided, of not less than thirty nor more than thirty-five elected members.

(2.) The official members shall be such persons holding office under the Government of the Colony and being members of the Executive Council as We may from time to time appoint by any Instruction or Warrant under Our Sign Manual and Signet, or through one of Our Principal Secretaries of State.

(3.) The elected members shall be persons chosen by the voters in districts constituted as hereinafter provided.

II. The official members shall hold office during Our pleasure.

Provided that whenever any official member shall cease to perform the duties of his office under the Government of the Colony the Governor may, by an Instrument under the Public Seal, appoint some person holding office under the Government of the Colony, and being a member of the Executive Council, to be provisionally an official member in his place. Every such provisional appointment may be disallowed by Us through one of Our Principal Secretaries of State, or may be revoked by the Governor by any such Instrument as aforesaid.

Official member

Provisional appointments.

III.—(1.) Every white male British subject of the age of twenty-one years and upwards who is a qualified person as hereinafter described, and who is not subject to any of the legal incapacities hereinafter mentioned, shall be entitled to be registered as a voter. But no person shall be entitled to be registered as a voter, or to vote, in more than one district.

Qualification of voters.

(2.) The following persons shall be qualified persons :—

(a.) Any person who has been enrolled on the latest list of burghers of the late South African Republic and entitled to vote for members of the First Volksraad.

(b.) Any person who, in the twelve months next before the date on which any registration of voters shall commence, has for a period of not less than six months or for periods, whether consecutive or not, amounting in the aggregate to not less than six months, occupied any premises within the Colony which, together with the land on which such premises are situate, shall be of the value of 100*l.*, or of the annual value of 10*l.*

Provided that if any premises are jointly occupied by more persons than one, each of such joint occupiers shall, in case the total value or the total annual value of such premises when divided by the number of such joint occupiers is not less than 100*l.*, or 10*l.* respectively, if otherwise qualified, be entitled to be registered as a voter in respect of such premises: Provided further that in case such joint occupiers shall own or be interested in such premises in unequal shares or proportions no such joint occupier shall be entitled to be registered as a voter unless his share or proportion shall, regard being had to the total value of the premises, be of the value of 100*l.*, or of annual value of 10*l.*

Joint occupiers

The annual value of premises shall mean the gross annual rent at which the premises together with the land on which they are situate and with which they are occupied are or might reasonably be expected to be let, and the term premises shall include any part of a building separately let or occupied from the rest of the building and under the exclusive control of the lessee or occupier.

Annual value defined.

(c.) Any person who within the twelve months as aforesaid has been, for a period of not less than six months or for periods, whether consecutive or not, amounting in the aggregate to not less than six months, in receipt of salary or wages at the rate of not less than 100*l.* a-year, *bonâ fide* earned within the Colony.

Salary or wages shall include any money or valuable consideration of any kind whatsoever received as remuneration for any work or service.

IV. No person shall be entitled to be registered as a voter who shall have been :—

Disqualification of voters.

(1.) Convicted since the 31st day of May, 1902, of treason or at any time of murder unless he shall have obtained a free pardon.

(2.) Convicted at any time of any offence and sentenced to imprisonment without the option of a fine, which imprisonment shall not have expired at least three years before the date of the commencement of registration, unless he shall have obtained a free pardon.

(3.) In receipt within twelve months of the commencement of any registration of voters of relief from public funds not being relief by way of repatriation under Article 10 of the Terms of Peace of the 31st May, 1902. Provided that treatment without payment therefor in any hospital supported wholly or partly out of public funds shall not be regarded as relief from public funds.

V. The registration of voters, the preparation of lists of voters, and all other matters relating to the qualification and election of and the vacation of seats by elected members shall be such as may be prescribed by any Order or Orders in Our Privy Council, or by any Law or Laws of the Colony.

Conduct of elections.

VI.—(1.) The Lieutenant-Governor shall, as soon as may be after the completion of the final lists of voters made in pursuance of any such first registration as may be prescribed as aforesaid, appoint three Commissioners, and may, on the death, resignation, or absence from the Colony of any of the said Commissioners appoint another

Division of Colony into electoral districts.

person to take his place, and any person so appointed shall have all the powers and shall perform all the duties of the Commissioner in whose place he is appointed.

(2.) The Commissioners shall divide the Transvaal into not less than thirty nor more than thirty-five districts for the purpose of the election of members until such time as there shall be a redivision of the Colony as hereinafter provided. The Commissioners shall give a name to each district, and one member shall be elected for each district.

(3.) In dividing the Transvaal into districts the Commissioners shall give due consideration to

(a.) Existing boundaries of wards, municipalities and magisterial districts, or other like divisions of the Colony.

(b.) Community or diversity of interest.

(c.) Means of communication.

(d.) Physical features.

(4.) The number of registered voters, as ascertained by any registration of qualified voters carried out for the purpose, divided by the number of districts or the nearest whole number to the quotient so ascertained (hereinafter called the "quota of voters"), shall, so far as possible, be the number of voters in each district, but the Commissioners may adopt a margin of allowance to be used whenever necessary, having regard to the considerations set forth in sub-section (3) of this section, provided that in no case shall the voters in any one district be more by 5 per cent. or less by 5 per cent. than the quota of voters.

(5.) The Commissioners shall submit to the Lieutenant-Governor a list of districts together with such particulars as they consider necessary, and the Lieutenant-Governor may refer to the Commissioners for further consideration any matter relating to such list, or arising out of the powers or duties of the Commissioners. The Lieutenant-Governor shall publish the list as finally settled by the Commissioners in the Transvaal Government Gazette, and thereafter, save as hereinafter provided, the list shall be the list of districts.

redivision of
the Colony.

VII. There shall be a biennial registration of voters in every district, commenced and undertaken not later than the last day of March in the year next but one after the last preceding registration, and so on during each successive biennial period, and the list of voters resulting from such registration shall, upon publication in such manner as may be prescribed by the Lieutenant-Governor, be the list of persons entitled to vote.

The Lieutenant-Governor, on the completion of the voters' lists made in pursuance of the second biennial registration, and upon the completion of the voters' lists, made in pursuance of every alternate biennial registration thereafter, appoint three Commissioners in the manner hereinbefore provided, and the said Commissioners shall proceed to redivide the Colony into districts for the election of elected members.

For the purpose of any such redivision the number of voters, as shown by the final lists made in pursuance of the last biennial registration, shall be divided by the quota of voters, and the number resulting from that redivision, or the nearest whole number thereto, shall be the number of electoral districts into which the Commissioners shall redivide the Colony, and one member shall be elected for every such district.

The Commissioners shall in any such redivision of the Colony have regard to the same considerations as in the case of the first division of the Colony into districts as hereinbefore provided, and may adopt a like margin of allowance.

The Lieutenant-
Governor to
reside in
Assembly.

VIII. The Lieutenant-Governor shall attend and preside at all meetings of the Legislative Assembly, unless when prevented by illness or grave cause, and, in his absence, such member of the said Assembly as he may appoint; and in default of such appointment, the senior member of the Executive Council present shall preside.

Power to make
Laws.
Assent

IX. It shall be lawful for the Legislative Assembly, subject to the provisions of these Our Letters Patent, to make Laws required for the peace, order, and good government of the Colony.

Governor's assent
to Laws.

X. When any Law has been passed by the Legislative Assembly, it shall be presented for Our assent to the Governor, who shall declare, according to his discretion, but subject, nevertheless, to the provisions of these Our Letters Patent, and to such instructions as may from time to time be given in that behalf by Us, Our heirs or successors, that he assents to such Law, or that he reserves it for the signification of Our pleasure thereon. A Law assented to by the Governor shall come into operation upon the day of its publication in the Transvaal Government Gazette, unless it be otherwise provided in the said Law: Provided always that it shall be lawful for

the Governor, before declaring his pleasure in regard to any Law, which shall have been so presented to him, to make such amendments therein as he shall think needful or expedient, and by message to return such Law with such amendments to the Assembly, and the consideration of such amendments by the said Assembly shall take place in such convenient manner as shall in and by any Rules and Orders be in that behalf provided.

XI. Whenever any Law shall have been assented to by the Governor in Our name, the Governor shall, by the first convenient opportunity, transmit to one of Our Principal Secretaries of State two copies of the Law so assented to, authenticated under the Public Seal of the Colony, and by his own signature; and We do hereby reserve to Ourselves, Our heirs and successors, full power and authority, and Our and Their undoubted right to disallow any such Law at any time within two years after such Law shall have been received by one of Our Principal Secretaries of State; and such disallowance, being signified by the Governor to the Legislative Assembly by message or by Proclamation in the Transvaal Government Gazette, shall make void and annul the said Law from and after the date of such signification.

Power of Crown to disallow Law assented to by the Governor.

XII. No Law which shall be reserved for the signification of Our pleasure thereon shall have any force or effect within the said Colony until the Governor thereof shall signify, either by message to the Legislative Assembly or by Proclamation in the Transvaal Government Gazette, that such Law has been laid before Us in Our Privy Council, and that We have been pleased to assent to the same.

Laws reserved: when to take effect.

XIII. It shall not be lawful for the Legislative Assembly to pass any Law, Vote, or Resolution which shall have the effect of appropriating any part of Our revenue within the said Colony, or of imposing any rate, tax, or duty unless such Law, Vote, or Resolution has been first recommended to the Assembly by message of the Governor during the Session in which it is proposed, and no part of Our revenue within the said Colony shall be issued, except under the authority given by the Lieutenant-Governor directed to the Colonial Treasurer thereof.

Manner in which the public revenue shall be appropriated to the public service

XIV. The Lieutenant-Governor may from time to time prorogue the said Assembly by Proclamation which shall be published in the Transvaal Government Gazette, and the Governor may, whenever he shall think fit, dissolve it in like manner. The Governor shall dissolve the Assembly at the expiration of four years from the date of the return of the first writs at the last preceding general election, if it shall not have been sooner dissolved.

Prorogation and dissolution of Assembly.

XV. All debates and discussions in the Legislative Assembly shall be conducted in the English language, and all journals, entries, Minutes, and proceedings of the said Assembly shall be made and recorded in the same language; provided always that any member may, with the permission of the President, address the Assembly in the Dutch language.

Language in debates.

XVI. Every member of the Legislative Assembly shall, before being permitted to sit or vote therein, take and subscribe the following oath before the President of the said Assembly:--

Oath to be taken by members of Legislative Assembly.

"I, *A.B.*, do swear that I will be faithful and bear true allegiance to His Majesty King Edward the Seventh, his heirs and successors, according to law. So help me God."

XVII. The constitution, appointment, and powers of the Legislative Council of the Transvaal, constituted under Our Letters Patent providing for the government of the Transvaal, and bearing date the 23rd September, 1902, shall continue in force until a day to be fixed by Proclamation of the Governor, when it shall become, *ipso facto*, dissolved.

Existing Legislative Council

Upon such dissolution as aforesaid Clauses VII, VIII, and IX of Our Letters Patent of the 23rd September, 1902, shall be revoked without prejudice to anything lawfully done thereunder, but save as aforesaid, Our said Letters Patent shall continue in force, and these Our Letters Patent shall be read and construed as one with Our said Letters Patent of the 23rd September, 1902.

Revokes Clauses VII, VIII, and of Letters Patent of 23rd September, 1902.

XVIII. There shall be payable to Us, in every year, out of the revenues of the Colony, from whatever source arising, for defraying the expenses of the services and for the purposes enumerated in the Schedule hereto annexed, the sums therein set forth, and the said sums shall be issued by the Treasurer of the Colony in discharge of such warrants as shall from time to time be directed to him under the hand of the Lieutenant-Governor.

Civil List.

XIX. We do hereby reserve to Ourselves, Our heirs and successors, Our and Their undoubted right with the advice of Our or Their Privy Council, from time to

Powers of legislation, &c., reserved to the Crown.

time, to make all such laws as may appear to Us or Them necessary for the peace, order, and good government of the Colony.

power reserved
His Majesty to
revoke, alter, or
amend present
Letters Patent.
Publication of
Letters Patent.

XX. And We do hereby reserve to Ourselves, Our heirs and successors, full power and authority from time to time to revoke, alter, or amend these Our Letters Patent, as to Us or Them shall seem fit.

XXI. And We do further direct and enjoin that these Our Letters Patent shall come into operation forthwith, and shall be read and proclaimed at such place or places within the Colony as the Governor shall think fit.

In witness whereof We have caused these Our Letters to be made Patent. Witness Ourselves at Westminster, this Thirty-first day of March, in the Fifth year of Our Reign. By Warrant under the King's Sign Manual.

MUIR MACKENZIE.

SCHEDULE.

Reserved Civil List.

The Lieutenant-Governor, 6,000*l.*

The Judges of the Supreme Court, 22,000*l.*

The official salaries of persons holding office under the Government of the Colony who are or may be members of the Executive Council, 20,000*l.*

Any sums payable out of the revenues of the Colony to the Inter-Colonial Council under the provisions of the Order in Council, dated the 20th day of May, 1903, and entitled "The Inter-Colonial Council South Africa Order in Council, 1903," and under the provisions of any Order or Orders in Council from time to time amending or substituted for the same.

Enclosure No. 2.

Transvaal Constitution Order in Council, 1905.

At the Court at Buckingham Palace, the 27th day of March, 1905.

Present:

THE KING'S MOST EXCELLENT MAJESTY.
LORD PRESIDENT.
MR. SECRETARY LYTTELTON.
LORD SUFFIELD.
SIR HERBERT MAXWELL.

WHEREAS His Majesty has this day, by and with the advice of His Privy Council, been pleased to direct that Letters Patent be passed under the Great Seal of the United Kingdom of Great Britain and Ireland for the purpose of granting representative Institutions to His Majesty's subjects in the Colony of the Transvaal, and the draft of the said Letters Patent has this day been approved by His Majesty in Council;

And whereas by the said draft Letters Patent it is provided that the registration of voters, the preparation of lists of voters, and all other matters relating to the qualification and election of, and the vacation of seats by, elected members of the Legislative Assembly of the said Colony thereby established shall be such as may be prescribed by any Order or Orders in His Majesty's Privy Council;

And whereas it is expedient to provide for the aforesaid and other matters necessary to be provided for upon the coming into operation of the aforesaid Letters Patent;

Now, therefore, His Majesty, by and with the advice of His Majesty's Privy Council, is pleased to order, and it is hereby ordered, as follows:—

1. For the purpose of compiling the general register of qualified electors necessary to enable the Colony to be divided into electoral districts as provided in the aforesaid

Legi-
Asso

registering
Officers.

Letters Patent, and for the purpose of the election of members in and for such districts when constituted, the Lieutenant-Governor shall, by Proclamation in the "Gazette" enjoin and direct some fit and proper person (hereinafter referred to as the "Registering Officer") to make out in and for each ward as hereinafter defined an alphabetical provisional list of all persons qualified to be registered as voters who are *bond fide* occupying premises in respect of which they claim to be qualified situated within such ward, or who are *bond fide* residing in such ward, in case the qualification in respect of which they claim to be registered is in respect of salary or wages.

Upon the issue of such Proclamation the Colonial Secretary shall cause a notice in the terms of Schedule (A) annexed, to be inserted both in English and Dutch in the "Gazette," and in some newspaper or newspapers circulating within the said ward, or to be given in such other manner as he may deem best for the purpose of general information.

2. The Registering Officer shall insert in the said list the name, residence, trade, profession, or occupation of every person who shall, in person or by any writing under his hand witnessed by one witness at least, claim to be inserted therein, and the nature of the qualification in respect of which he claims to be registered as a voter; as well as of every other person who shall be known, or on reasonable grounds believed, by him to be entitled to be inserted therein.

Particulars to be inserted in provisional list voters.

3. Upon the completion of such lists as aforesaid, within the time to be named by the Lieutenant-Governor in the notice for that purpose, it shall be the duty of the Registering Officer to post and affix the same on the door of, or in some conspicuous place near to, his office or dwelling-house, or in some other public place or places within the ward for which such list is framed. The said lists shall remain so posted or affixed between the hours of 7 in the morning and 5 in the afternoon daily for a period not less than five weeks.

Provisional list be posted in public place

If any person shall, during such period as aforesaid, wilfully tear down, cover over, deface, or obliterate, either wholly or in part, any such list, or any such other list or notice as may be hereinafter mentioned, he shall, on conviction, be liable to be imprisoned, with or without hard labour, for a period not exceeding three months.

Penalty for tearing down, &c., list.

4. There shall be subjoined or annexed to every list posted under the last preceding section, a notice signed by the Registering Officer, which notice shall be both in the English and Dutch languages, and shall be in substance as set forth in Schedule (B).

Notices to be annexed to lists posted under last preceding section

5.—(1.) The form of claim to be registered as a voter and the form of objection to the name of any person inserted in the aforesaid list, shall be annexed to the notice mentioned in the last preceding section, and shall be in substance as set forth in Schedule (C), and shall be signed personally by the claimant or objector, as the case may be, in the presence of at least one witness.

Form of claim and objection.

(2.) Any person delivering to the Registering Officer any claim to be registered as a voter may tender such claim in duplicate, and it shall be the duty of the Registering Officer when a claim is so tendered to him, upon satisfying himself that the contents of the original and the duplicate are alike, to retain the original and return the duplicate to the person who tendered it to him, having first signed the same and properly dated it.

(3.) Every claim to be registered as a voter and lodged with the Registering Officer shall be open to public inspection at the office or house of the Registering Officer, or at such convenient place within the ward as may be publicly notified by the Registering Officer, between the hours of 10 in the morning and 5 in the afternoon, excepting Sunday, for the period between the last day for sending in claims and the day fixed by the Registering Officer for hearing objections.

6. It shall be the duty of the Registering Officer to receive and deal, as directed by this Order, with all claims to be registered as a voter which are lodged with him within the period prescribed for lodging claims, whether such claims are transmitted through the post or delivered or sent to him in any other manner. Immediately on the expiration of the period prescribed for lodging claims, the Registering Officer shall frame an alphabetical list of all claimants whose names have been lodged with him, which list shall be in the form prescribed in Schedule (D) hereto.

Registering Officer's duty with regard to claims

7. The Registering Officer shall forthwith post or affix the aforesaid list of claimants in the same place or places where the provisional list of voters, already framed by him, has been posted or affixed, and as close as possible to the said provisional list. The said list of claimants shall remain so posted or affixed between the hours of 7 in the morning and 5 in the afternoon daily until the date fixed for the hearing of objections by the Registering Officer. Subjoined or annexed to every such list of claimants posted

List of claimants to be posted up.

or affixed as aforesaid, shall be a notice signed by the Registering Officer, which notice shall be written both in the English and Dutch languages, and shall be in substance as set forth in Schedule (E) hereto.

8. At the time and place fixed by the notice in the last preceding section, the Registering Officer shall inquire into and decide upon all objections made to him on the said day by the objectors personally or by their duly authorized agents.

9. With regard to any claim lodged with the Registering Officer as aforesaid, either by transmission through the post or in any other manner, if the Registering Officer is satisfied that such claim has been duly signed, filled in, and witnessed he shall add the name of the claimant in his provisional list; unless he has allowed in manner aforesaid any objection lodged with him against such claim, or unless he is not satisfied that the claimant possesses the qualification required by law. If not so signed, filled in, and witnessed, or if he has allowed an objection lodged against such claim, or if he is not satisfied that the claimant possesses the said qualification he shall disallow such claim.

10. The Colonial Secretary shall, a sufficient time before the preparation of the provisional lists as aforesaid, cause to be supplied to the Registering Officer of every ward an adequate number of printed forms of claim and objection as required by the preceding sections; and it shall be the duty of every Registering Officer to supply a reasonable number of such forms to any resident of the ward who applies for them.

11. As soon as the Registering Officer shall have dealt with and decided upon the claims and objections as aforesaid, and shall or shall not have added names to or expunged names from the provisional list in accordance with such dealing or decision, he shall—

(a.) Frame a complete alphabetical list of persons who shall, in his judgment, be entitled to be registered as voters within the ward. The list shall be in the form prescribed in Schedule (F) hereto.

(b.) Frame an alphabetical list of persons whose names have been removed from the provisional list by reason of the allowance of objections lodged against them, and of persons whose claims to have their names inserted in the list of voters have been lodged or handed in but have been disallowed. This list shall be in the form prescribed in Schedule (G) hereto.

(c.) Transmit to the Revising Officer hereinafter referred to the said two last-mentioned lists, and also transmit to him all the original claims and objections lodged with or handed in to him, whether such claims and objections have been allowed by him or not.

12. When transmitting the said lists and the said claims and objections to the Revising Officer the Registering Officer shall cause copies of the said lists to be posted and affixed to the door of, or in some conspicuous place near to, his office or dwelling-house, or in some other public place or places within the ward, there to remain for general information between the hours of 7 in the morning and 5 in the afternoon, daily, during not less than fourteen days. Subjoined or annexed to every such list so framed, posted, or affixed, a notice shall be written, signed by the Registering Officer, which notice shall be both in the English and Dutch languages, and shall be in substance in the form prescribed in Schedule (H) hereto.

13. The Revising Officer for a ward shall be such person as the Lieutenant-Governor may by Proclamation in the "Gazette" appoint.

14. On receipt of the two lists, and of the original claims and objections, the Revising Officer shall, by Notice in the "Gazette" and in some paper circulating in the ward, appoint a day on which he will attend at a stated place convenient to the voters for the purpose of revising, amending, and settling the list of voters in such ward; the day so appointed shall not be less than fourteen days from the date of the first publication of such notice.

Such notice shall be published as often as the Revising Officer may deem to be necessary, and it shall in substance correspond with the form of notice prescribed in Schedule (H) hereto, save that the place and date fixed for the attendance of the Revising Officer for revising the lists shall be expressly inserted. The Revising Officer shall post copies of the said lists and of the said notice in some conspicuous position at or near the door of the Court-house of the Resident Magistrate of the district in which such ward is situated, and if portions of such ward are in different districts, then such lists and notice shall be posted in manner aforesaid at or near the door of the Court-house of the Resident Magistrate of each of such districts.

Registering
Officer's duty as
objections.

Registering
Officer's duty after
claim received.

Printed forms of
claims and
objections to be
distributed.

Duties of
Registering
Officer after claims
and objections
are dealt with.

Duties of lists
being set up.

Duties of Revising
Officer.

Duties of Revising
Officer on receipt
of lists.

15. The Revising Officer shall also forthwith give notice by letter, posted through the Post Office, to all persons whose claims have been disallowed by the Registering Officer or whose names have been removed from the provisional list by reason of the allowance of objections made to them, and also to all persons who have objected in writing to the right of any person inserted in the said list to be so inserted or to the right of any person claiming to have his name registered as a voter to be so registered, notifying the fact of such rejection or removal in the case of claimants, and in all cases notifying the date fixed for the holding of the Court of Revision as hereinafter provided.

Notice to persons whose names have been disallowed by Registering Officers.

16. Upon the day so notified as aforesaid, the Revising Officer shall attend at the stated place and hold a Court for the revision of the voters' list for the ward for which he is appointed; and it shall be lawful for any person whose claim has been disallowed by the Registering Officer or whose name has been removed from the provisional list by reason of the allowance of an objection made to it, and for every person who has objected in writing to the right of any person inserted in the said list to be so inserted, or to the right of any person claiming to have his name registered as a voter to be so registered, and for any person who shall be so objected to, to appear before the Revising Officer, who shall hear them and, if he thinks fit, take evidence on oath.

Procedure on hearing claims and objections and settling list.

17. The Revising Officer may, if he thinks fit, summon before him and examine on oath any person whom he shall in the course of such inquiry deem it necessary to examine, and may impose a fine not exceeding 10% on any person duly summoned who shall, without lawful cause, refuse or neglect to attend, and he shall determine all questions brought before him, and revise and amend the voters' list according to law. The Revising Officer may adjourn his sitting from time to time.

Powers of Revising Officer for taking evidence.

18. Every person whose claim has been disallowed by the Registering Officer, or whose name has been removed from the provisional list by reason of the allowance of an objection made to it, shall be bound to prove his qualification to the satisfaction of the Revising Officer; and should he not appear, either in person or by an agent specially authorized in writing, then the claim of such person shall be dismissed.

Person whose name has been removed or claim disallowed on objection to it must prove his qualification.

19. If a person who has lodged a written objection with the Registering Officer, which has not been allowed, shall not, either in person or by an agent specially authorized in writing, appear to make good his objection, then such objection shall, without requiring any appearance or proof on the part of the person objected to, be dismissed. If such objector shall appear, and if the person objected to shall not appear in person, then, in case the objector or his agent (if he has appeared by agent) shall make oath that to the belief of the deponent such ground of objection does really exist, then the Revising Officer may, after forthwith inquiring into the grounds of such belief, either at once allow the objection, or dismiss it, or make such further inquiry on a subsequent day as shall appear just, giving notice, in every case of a further inquiry, to the person objected to, of the date when such inquiry shall be held.

When objector person objected does not appear.

20. It shall be lawful for the Revising Officer, should it appear to him fitting so to do, to adjudge to any person objecting or objected to, such reasonable costs against the adverse party as such Revising Officer shall tax and allow, and such costs shall be recovered in like manner as costs between party and party in a civil action tried in a Court of Resident Magistrate.

Costs.

21. The Revising Officer shall, in revising the voters' lists, in addition to the powers conferred on him by the preceding section hereof, perform the duties and have the powers following:—

Further duties and powers of Revising Officer.

(1.) He shall expunge the name of every person, whether objected to or not, whose qualification, as stated in any list is, on the face of it, insufficient in law to entitle such person to be included therein unless, after reasonable inquiry, he shall be satisfied that such person does possess the necessary qualification, and that his qualification on the said list is wrongly described, in which case he shall rectify the qualification as described on the said list; provided that before expunging from a list the name of any such person the Revising Officer shall cause fourteen days' notice of the proposal to expunge the name to be given or left at the address of such person, as given on the said list;

(2.) He shall expunge the name of every person, whether objected to or not, who is proved to him to be dead, or to be an alien; provided the notice required in subsection (1) of this section be given to every such alien before his name is expunged;

(3.) Before proceeding with an inquiry into the validity of any objection he may call upon the person objecting to furnish security for the payment of any costs that he may be adjudged to pay.

Revising Officer may state case or opinion of a Judge in Chambers.

22. If the nature of any claim or objection be such that the Revising Officer is doubtful regarding the decision proper to be given upon it, it shall be competent for him to draw up a statement of facts and such statement shall be signed by such Revising Officer in attestation of its correctness and be transmitted by him to the Registrar of the Supreme Court to be laid before a Judge in Chambers. The Revising Officer shall in like manner state a case for the decision of a Judge in Chambers at the request of any of the parties in any claim or objection, and such case when so stated shall be signed by the party at whose request it is stated as well as by the Revising Officer.

procedure in such cases.

23. The Judge before whom any such statement as aforesaid shall be laid may, should the same appear to him defective, call for further information from the Revising Officer who transmitted it and shall give such a decision as to him shall appear right and proper; the decision of such Judge shall be final and conclusive and not subject to any right of appeal or revision, and every register of voters affected by such decision shall be amended accordingly.

procedure by Revising Officer.

24. The Revising Officer shall, in all matters connected with the revision of the voters' list give his decision in open Court, and shall write his initials against every name struck out by him or added by him to any list, and against every part of any list in which any mistake has been corrected or omission supplied, and shall sign his name to every page of the list so settled and shall then write or cause to be written at the foot or end of each list a certificate that the same has been revised and is correct, and shall date and sign such certificate.

final lists.

25. The Revising Officer shall cause to be made out from the lists revised by him a complete final list according to the form in Schedule (I) hereto for each ward, and shall forward such lists when so made out to the Colonial Secretary, who shall make out from such lists a complete list of the voters of each electoral district.

final lists to be submitted to Commissioners.

26. The Colonial Secretary shall, whenever it is required under the aforesaid Letters Patent to divide the Colony into electoral districts, transmit to the Commissioners appointed thereunder to make such division the complete final lists of voters on which such division is to be made, and the Commissioners, after they have divided the Colony into districts, shall from the said lists make out a list of the voters for each district as nearly as possible in the form in Schedule (I), and the voters named in the said list shall be the persons entitled to vote at an election in that electoral district.

subsequent registration.

27. The like proceedings in all respects *mutatis mutandis* as are hereinbefore directed in regard to the first registration of voters under this Order shall respectively take place in respect of every subsequent registration of voters undertaken in accordance with the provisions of the aforesaid Letters Patent, save and except as is otherwise provided in the next succeeding section.

framing of provisional list at subsequent registration of voters.

28. It shall be the duty of the Registering Officer in framing the provisional list of voters at any subsequent registration of voters under this Order to insert therein:—

(1.) The names of all persons on the existing register of voters within each electoral district, except the names of such persons who, on the day upon which the registration of voters shall commence, to the best of his knowledge and belief:—

- (a.) Are dead;
- (b.) Do not reside in the said district;
- (c.) Do not possess the qualification required by law;
- (d.) Are subject to any disqualification.

(2.) The names of all persons not on the existing register of voters who possess, to the satisfaction of the Registering Officer, the necessary qualification to have their names inserted on the list of voters for the district.

power of Registering Officer demand information concerning voters from officials.

29. In the performance of his duties every Registering Officer shall have the power, and is hereby required, to demand all necessary information from any Registrar of Births and Deaths, member of any police force, or the clerk of any Council of a municipality which may enable him to identify any person, or to ascertain the residence of any person, or whether he is dead, or whether he is qualified or disqualified to be registered as a voter, and any person who shall wilfully omit, or refuse, or unreasonably delay to give all the necessary information within his power which he is asked by any Registering Officer to give shall be liable to a penalty not exceeding 10*l.*

penalties.

30. If any Registering or Revising Officer, or any officer employed in connection with the registration of voters, shall be guilty of any wilful misfeasance or wilful negligence, either in commission or omission, in contravention of the provisions of this Order, he shall be liable, upon conviction, to a penalty not exceeding 50*l.*, and, in

default of payment, to imprisonment with or without hard labour for any period not exceeding six months unless the fine be sooner paid.

31. If, in the opinion of the Colonial Secretary, any Registering or Revising Officer or any other officer employed in connection with the registration of voters has been guilty of any wilful act or default contrary to the provisions of this Order, the Colonial Secretary may, by writing under his hand, after calling upon any such officer to furnish any explanation he may think fit, personally or in writing, and, after considering such explanation, advise the Lieutenant-Governor to declare forfeited, under this section, the whole or any portion of the remuneration payable to such officer for services performed under the provisions of this Order.

Offences by officers employed in registration of voters.

32. Every person who knowingly makes any false statement of fact in any claim sent in by him to the Registering Officer to be registered as a voter shall, on conviction, be liable to a fine not exceeding 100*l.* or to imprisonment, with or without hard labour, for a period not exceeding twelve months, or to both such fine and such imprisonment.

Penalty for false statements in claims.

33. Every person who shall by himself or any other person instigate, procure, or attempt to procure, or take part in procuring the registration of himself or any other person ;

Offences relating to procuring registration.

(a.) As a voter in or for more than one ward ; or

(b.) As a voter knowing that such person has not the qualification required by law for such registration ;

Shall be deemed to be guilty of the offence of personation and shall be liable to punishment accordingly.

34. No voters' list shall be invalidated by reason that it shall not have been affixed in every place and for the full time hereinbefore required ; but nothing herein contained shall be construed to exempt the Registering Officer or other person charged with the duty of publishing such list as aforesaid from the penalties of his neglect or wilful default.

Voters' list not invalidated by reason of certain omissions.

35. If through any accident anything required by law to be done in the preparation or transmission of any voters' list is omitted to be done the Lieutenant-Governor may order such steps to be taken as may be necessary to rectify any such omission, and he may from time to time alter the form in the Schedules hereto in such matter as may be necessary for the better carrying out the provisions of this Order.

Rectification of omissions.

36. Any person (save as hereinafter excepted) who shall be qualified to be registered as a voter in and for any electoral district shall be qualified and entitled to be elected a member of the Legislative Assembly for such or any other electoral district ; provided always that no person holding any office of profit under the Crown, no unrehabilitated insolvent, and no person whose estate shall be in liquidation under assignment in trust for his creditors, and no person declared of unsound mind by a competent Court shall be eligible to be elected a member of the said Assembly : Provided, further, that the receipt of a pension from the Crown shall not be deemed to be holding an office of profit under the Crown, for the purposes of this Order.

Qualification of members of Legislative Assembly.

37. The first election of members of the Legislative Assembly under this Order shall take place in the manner hereinafter prescribed in every electoral district on such day as may be notified by the Lieutenant-Governor by Proclamation in the "Gazette."

First election of members of Legislative Assembly.

38.—(1.) Upon the day named in the Proclamation mentioned in the last preceding section, the person appointed by the Lieutenant-Governor in that behalf (hereinafter referred to as the Returning Officer) shall hold in a place stated in the said Proclamation, situated within the electoral district for which he is appointed Returning Officer, a public Court for the nomination of persons proposed as members of the Legislative Assembly for such electoral district ; and every such person shall be nominated by some registered voter for such district, and such nomination shall be seconded by some other such voter.

Nomination of candidates for the Legislative Assembly and proceedings thereupon

(2.) In case it shall happen that only one person is nominated as aforesaid, then the person so nominated shall forthwith be declared to be duly elected ; but in case the number of persons so nominated is more than one, the Returning Officer shall fix a day upon which a poll shall be taken for the election of a member for the said electoral district, not being less than five clear days from the day of nomination, and the poll shall take place accordingly, and shall commence at 8 o'clock in the morning and close at 8 o'clock in the evening.

(3.) Before fixing a day on which a poll shall be taken under the last preceding sub-section, the Returning Officer shall require of every person nominated as aforesaid a deposit of 100*l.*, out of which shall be paid by such person a *pro rata* share of the expenses mentioned in section 40 hereof. In no case shall such *pro rata* share exceed the amount of such deposit as aforesaid.

In case any person makes default in depositing such sum, he shall be deemed and taken not to be nominated as a candidate for an election.

Polling stations.

39. For the purposes of the poll to be taken as aforesaid, there shall be polling stations at convenient places within each electoral district. Notice shall be given by the Returning Officer on the day of nomination of the place where the polling stations shall be, and such Notice shall be published in some newspaper circulating in the electoral district, and in such other manner as the Lieutenant-Governor may prescribe.

Election arrangements.

40. For all elections the Returning Officer shall provide such compartments, desks, ballot boxes, papers, stamping instruments, copies of register of voters, and other things, appoint Presiding Officers and Polling Officers, and do such other acts and things, and make such arrangements to facilitate the taking of the poll as he may deem advisable for effectually conducting the election. Everything done by the Returning Officer under this section shall be in the first instance paid for by the Colonial Treasurer, who shall recover from each candidate for election his *pro rata* share of such expenses, as herein-before provided.

Presiding Officer at polling station.

41. The Presiding Officer and other officers at the polling station shall keep order thereat, shall regulate the number of voters to be admitted at a time, and shall exclude all other persons except the Returning Officer, the clerks, the agents of the candidates, and the constables on duty.

Retirement of candidates from contest.

42. If after a poll has been appointed at any election, any candidate nominated for election shall be desirous of retiring from the candidature, he may, not later than three days before the day of polling, sign and deliver a notice of his retirement to the Returning Officer, who on receipt thereof shall, if the number of candidates is by such retirement reduced to one, declare the remaining candidate to be on that day duly elected; and if the said number is not so reduced, shall omit the name of the person so retiring from the list of candidates, and such person shall not be capable of being elected at such election.

Candidate's agents.

43. Every candidate may, if he think fit, appoint by writing under his hand a person to represent him at the polling station, to see that the votes are fairly taken, and may also appoint in writing an agent to represent him at the counting of the votes by the Returning Officer.

The register to be conclusive proof of right to vote.

44. No person shall be permitted to vote in any electoral district for any member of the Legislative Assembly whose name is not inserted in the list of registered voters for such district: provided always, that such list for the time being shall for all purposes be deemed and taken to be conclusive proof of the right to vote of every person whose name is inserted therein.

Inquiries as to the right to vote.

45. No inquiry shall be made at any election as to the right of any person to vote, except that the Polling Officer may himself at the request of the agent of any candidate put to any voter the following questions, or any of them, and no other:—

(1.) Are you the person whose name appears as *A.B.* on the list of voters in this district?

(2.) Have you already voted at this election?

And no person who shall refuse to answer any such questions, or who shall not answer the first of such questions in the affirmative, and the second of such questions absolutely in the negative, shall be permitted to vote.

Penalty for false answers.

46. Any person who shall wilfully make a false answer to any of the questions in the last preceding section, shall be liable on conviction to a penalty not exceeding 50*l.*, and in default of payment to imprisonment, with or without hard labour, for a period not exceeding three months.

One vote to be given by each voter.

47. Every voter shall be entitled to give at any such election only one vote; and no voter shall be competent or permitted to vote at any polling station outside the ward for which he is registered.

Manner of voting.

48. The voting at all elections held under this Order shall be by ballot, which shall be conducted in substance and as nearly as is material in the manner prescribed in the Municipalities Elections Ordinance 1903 for the election of members of the Councils of Municipalities, and the provisions contained in sections 41 to 52, inclusive, of the said Ordinance, shall, *mutatis mutandis*, apply to elections under this Order.

Returning Officer to transmit names of persons elected to Colonial Secretary.

49. As soon as the Returning Officer shall have declared the member of the Legislative Assembly returned for an electoral district, he shall without delay transmit to the Colonial Secretary the name of the member elected, and the number of votes received by the respective candidates.

Names of members to be published.

50. As soon as the Lieutenant-Governor shall have received from the several Returning Officers throughout the Colony the names of the persons elected by the several electoral districts as members of the Legislative Assembly, he shall, by

Proclamation in the "Gazette," publish the names of the members returned, together with the electoral districts which they severally represent.

51. When and as often as a vacancy shall by death, resignation, or other cause in this Order specified occur in the representation in the Legislative Assembly of any electoral district, the Lieutenant-Governor shall, as soon as he is informed of such vacancy by the Colonial Secretary, and the cause or causes thereof, by Proclamation in the "Gazette," command in like manner, *mutatis mutandis*, as is hereinbefore enjoined in regard to the first election under this Order, a new election for supplying such vacancy; and the like proceedings shall, *mutatis mutandis*, take place in regard to elections for supplying vacancies as are hereinbefore prescribed in regard to the first election under this Order: provided always that no member elected to supply any vacancy in the Legislative Assembly caused by the death, resignation, disqualification, or incapacity of any other member shall hold his seat longer than during the term for which the member occasioning such vacancy might, but for the cause creating the vacancy, have held his seat.

Vacancies, how filled.

52. Whenever, by reason of any dissolution of the Legislative Assembly there shall be a general election for the members thereof, then the like Proclamation or Proclamations, *mutatis mutandis*, shall be issued by the Lieutenant-Governor and the like proceedings, *mutatis mutandis*, be had and taken in regard to any such election as are hereinbefore directed in regard to the first election under this Order.

Procedure upon any general election by dissolution.

53. In case the same person shall have been elected for more than one electoral district, such person shall be bound upon being thereto required by the Lieutenant-Governor to decide what electoral district he will represent, and upon such decision being declared the Lieutenant-Governor shall by Proclamation command the Returning Officer of any other electoral district for which such person shall have been returned to proceed to the election of another person in the room and stead of the person so originally elected, and thereupon the like proceedings shall take place as are hereinbefore directed in regard to the original election; and if such person shall fail to make his decision as aforesaid when thereto required, then his election for every electoral district for which he shall have been elected shall be deemed to be null and void; and by Proclamation as aforesaid a new election for a member in place and instead of such person shall be commanded in regard to every such district.

Provision in case same person elected for more than one electoral district.

54. The provisions of Chapters VIII to XI inclusive, of the "Municipalities Elections Ordinance, 1903," or any amendment of such provisions, shall, *mutatis mutandis*, apply to elections under this Order as if the said Chapters were embodied herein, with the following exceptions:—

Electoral expense, corrupt practices, &c.

(1.) The reasonable and actual personal expenses of the candidate shall not be limited as in sub-section (10) of section 60 of the said Ordinance provided.

(2.) The maximum expenses allowed for a candidate shall not be calculated as is prescribed in sub-section (1) of section 61 of the said Ordinance, but shall be fixed by the Lieutenant-Governor.

55. The Legislative Assembly shall not be disqualified from the transaction of business on account of any vacancies among the members thereof; but the said Assembly shall not be competent to act in any case unless (including the Lieutenant-Governor or member presiding) there be present at and throughout the meetings of the Assembly ten members at the least.

Assembly may transact business notwithstanding vacancies. Quorum. Debates.

56. Subject to the provisions of the aforesaid Letters Patent, it shall be competent for any member of the Legislative Assembly to propose any question for debate therein, and such question, if seconded by any other member, shall be debated and disposed of according to the Standing Rules and Orders as hereinafter provided. All questions which shall arise in the Legislative Assembly shall be decided by a majority of votes of the members present other than the presiding member; and when the votes shall be equal, the presiding member shall have a casting vote.

Questions to be decided by a majority of members present: presiding member to have the casting vote.

57. The Legislative Assembly shall from time to time prepare and adopt such Standing Rules and Orders as may be necessary to insure punctuality of attendance of the members of the Assembly, and to prevent meetings of the Assembly being held without convenient notice to the several members thereof, and to maintain order and method in the dispatch of business and in the conduct of debates in the Assembly, and to secure deliberation in the passing of Laws, and to provide that before the passing of any Law intended to affect the interests of private persons due notice of the same is given to all persons concerned therein.

Rules and Orders of Assembly.

All such Rules and Orders approved of by the Governor, and not repugnant to the provisions of any Letters Patent or Order in Council, shall at all times be followed and observed, and shall be binding upon the said Assembly.

Laws reserved when to take effect.

58. Whenever any Law has been reserved for the signification of His Majesty's pleasure thereon, and the Governor shall signify, either by message to the Legislative Assembly or by Proclamation in the "Gazette," that such Law has been laid before His Majesty in Council, and that His Majesty has been pleased to assent to the same, an entry shall be made in the journals of the said Assembly of every such message or Proclamation, and a duplicate thereof duly attested shall be delivered to the proper officer to be kept amongst the records of the Colony.

Laws to be printed in "Gazette."

59. The Lieutenant-Governor shall cause every Law which shall have been assented to in His Majesty's name to be printed in the "Gazette" for general information.

Copies of Laws to be enrolled.

60. As soon as may be after any Law shall have been assented to in His Majesty's name by the Governor, or having been reserved for the signification of His Majesty's pleasure, His Majesty's assent thereto shall, in manner aforesaid, have been signified by the Governor, the Clerk of the Legislative Assembly shall cause a fair copy of such Law signed by the Governor, as well as by the Lieutenant-Governor, to be enrolled on record in the Office of the Registrar of the Supreme Court: provided, however, that the validity of any such Law shall not depend upon the enrolment thereof.

Certificates of disallowance to be enrolled.

61. As often as any Law provisionally assented to by the Governor in the name of His Majesty shall, in manner aforesaid, have been disallowed by His Majesty, the Governor shall cause a certificate of such disallowance, certified under the Public Seal of the Colony, to be enrolled in the Office of the Registrar of the Supreme Court.

Governor may transmit drafts of Laws to Assembly.

62. The Governor may transmit by message to the Legislative Assembly, for consideration, the drafts of any Laws which it may appear to him desirable to introduce, and all such drafts shall be taken into consideration in such convenient manner as shall, in and by the rules of procedure of the Assembly, be in that behalf provided.

Sessions of Assembly.

63. There shall be a Session of the Legislative Assembly once at least in every year, so that a period of twelve months shall not intervene between the last sitting of the Assembly in one Session and the first sitting thereof in the next Session.

Place and times of holding Sessions of Legislative Assembly.

64. The first and every other Session of the Legislative Assembly shall, until otherwise directed by law, be held in Pretoria at such times as may be notified by the Lieutenant-Governor by Proclamation in the "Gazette."

Member's seat in Assembly, how vacated.

65. If any elected member of the Legislative Assembly shall fail for a whole ordinary annual Session to give his attendance in the Assembly without the leave of the Assembly, or shall cease to hold his qualification, or shall take any oath, or make any declaration or acknowledgment of allegiance, obedience, or adherence to any foreign State or Power, or shall do, concur in, or adopt an act whereby he may become the subject or citizen of any such State or Power, or shall become an insolvent, or shall assign his estate in trust for his creditors, or shall be sentenced to imprisonment for any crime, without the option of a fine, or be found guilty of treason, or shall become of unsound mind, or shall accept any office of profit under the Crown, his seat shall become vacant.

Resignation of members.

66. Any elected member of the Assembly may resign his seat therein by writing, under his hand, addressed to the President, and upon the receipt of such resignation by the President, the seat of such member shall be declared vacant.

Payment of members.

67. There shall be paid out of the public revenue on the last day of every Session, to every elected member of the Legislative Assembly, the sum of 2*l.* for every day of the Session on which he has been in attendance, provided that the sum paid to a member for any one year shall not exceed 200*l.*

Modification of provisions of this Order.

68. The Lieutenant-Governor may, by Proclamation in the "Gazette" at any time within twelve months from the coming into operation of this Order, vary, annul, or add to any of the provisions herein contained relating to the making and revising of lists of voters, the publication of lists of voters, and any other matter necessary for carrying into effect the provisions of this Order.

Definition of terms.

69. In construing this Order the following expressions in inverted commas shall have the meanings placed opposite to them:—

"The Colony" shall mean the Colony of the Transvaal.

"Gazette" shall mean the Government Gazette of the Transvaal.

"Governor" and "Lieutenant-Governor" shall include every person for the time being administering the Government of the Colony as Governor or Lieutenant-Governor respectively.

"Ward" shall mean:—

(a.) In the case of the first registration of voters, a ward of a magisterial district

as defined by Proclamation (Administration) No. 42 of 1904, or any amendment thereof, or such portion of such ward as the Lieutenant-Governor may, by the Proclamation mentioned in section 1 of this Order, define as a ward.

(b.) In the case of subsequent registration of voters, the electoral district itself or such portion thereof as the Lieutenant-Governor may, by Proclamation, define as a ward.

70. This Order shall be cited for all purposes as the "Transvaal Constitution Order in Council, 1905," and shall come into force on the day on which the aforesaid Letters Patent shall come into operation.

SCHEDULE (A).

Form of Notice under Section 1.

Magisterial District of

NOTICE is hereby given to the inhabitants of the several wards within the Magisterial district of _____ that the Registering Officers will now commence, in accordance with the provisions of section 1 of "The Transvaal Constitution Order in Council, 1905," to make out in and for each ward a provisional list of all persons entitled to vote at elections of members for the Legislative Assembly.

In order to secure the most complete list possible and to prevent danger of exclusion of qualified persons from the list all persons claiming to be entitled to have their names placed on the said list are invited either to send in their claims to the respective Registering Officers, or to ascertain whether their names have been placed upon the provisional list on or before the date fixed for the completion of such list. •

The Registering Officers for the several wards of this district are those named at the foot hereof.

Dated this _____ day of _____ 190 .
(Signed)

Colonial Secretary.

SCHEDULE (B).

Notices to be subjoined or annexed to Provisional List of Voters posted under Sections 3 and 4.

NOTICE is hereby given that if any person whose name is not inserted in the above list shall claim to have his name inserted therein, then any such claimant may at any time before the _____ day of _____ [*Here name a date not less than twenty-one days from the date when the list was posted*] lodge with the Registering Officer [*Here insert the address or residence of the Registering Officer*] either by transmission through the post or in some other manner his claim to be registered as a voter which claim shall be in substance in the form annexed to this notice in order that such claim may be considered and dealt with as the law directs.

And if any person shall object to the right of any other person whose name is inserted in the above list to have his name so inserted, then every such objector may attend personally, or by an agent authorized in writing, at [*Here name some convenient place within the ward*] on the _____ day of _____ [*Here name some date not less than fourteen days from the date fixed as above for sending in claims*] and lodge his objection which shall be in substance in the form annexed to this notice in order that such objection may be considered and dealt with as the law directs.

Blank forms of claims and of objection may be obtained upon application to the undersigned.

Dated this _____ day of _____ 190 .
(Signed)

Registering Officer

SCHEDULE (C).

Claim to be Registered as a Voter.

Ward _____, in Magisterial district of _____

Name in Full.	Residence.	Occupation, Trade, Profession, or other description.	Qualification.*

* Where the qualification is in respect of the occupation of property the situation of such property must be accurately described, and where it is in respect of salary or wages, the name of the employer must be given.

I, the Undersigned, hereby declare that I am, to the best of my knowledge and belief, entitled to be registered as a voter in virtue of the qualification set opposite my name as above.
Signature of claimant

As witness :

Form of Objection to the Registration of a Voter.

To the Registering Officer appointed to make out the list of voters in the ward _____, in the Magisterial district of _____

Please take notice that I object to the name of _____ being retained on the list of voters in the above ward, and that I shall support my objection at the time fixed by law for that purpose—the ground of my objection being [here state ground of objection].

Dated the _____ day of _____, 190 .

(Signed) _____ A.B.
of [here state place of residence].

As witness :

SCHEDULE (D).

Ward _____, Magisterial district of _____

LIST of persons not included in the provisional list of voters already framed and posted who have lodged their claims to be placed upon the list of voters in the above ward for the election of members of the Legislative Assembly.

Dated this _____ day of _____ 190 .

(Signed) _____ A.B.,
Registering Officer.

Full Name of Claimant.	Occupation, Trade, Profession or other description.	Residence.	Qualification Claimed.

SCHEDULE (E).

Notice to be annexed to the List of Claimants under Section 7.

NOTICE is hereby given that if any person shall object to the right of any other person whose name appears in the above list of claimants, or whose name is inserted in the provisional list of voters posted by the Registering Officer, to have his name registered as a voter, then every such objector may attend personally or by an agent authorized in writing at [*here name the place already fixed as the place for hearing objections*] on the _____ day of _____ [*here insert the date already fixed as the date for hearing objections*], and lodge his objection, which shall be in substance in the form annexed hereto in order that such objection may be considered and dealt with as the law directs.

Blank forms of objection may be obtained upon application to the Undersigned.

Dated this _____ day of _____, 190 .

(Signed) *A.B.,*
Registering Officer.

The form of objection to be annexed to the above notice shall be the following:—

To the Registering Officer appointed to make out the list of voters in ward _____, in the Magisterial district of _____

Please take notice that I object to the name of _____ being placed on the list of voters in the above ward, and that I shall support my objection at the time fixed by law for that purpose: the ground of my objection being [*here state the ground of objection*].

Dated the _____ day of _____, .

(Signed) *A.B.,*
of [here state place of residence].

SCHEDULE (F).

LIST of persons appearing to be qualified to vote at the election of members of the Legislative Assembly in Ward _____, of the Magisterial district of _____.

Dated this _____ day of _____, .

(Signed) *A. B.,*
Registering Officer.

Name in Full.	Occupation, Trade, Profession, or other description,	Qualification.	Residence and Situation of Property in respect of which Qualification exists.

SCHEDULE (G).

LIST of persons whose names have been removed from the provisional list of voters for ward _____, in the Magisterial district of _____, by reason of the allowance of objections lodged against them; and of persons whose claims to be placed upon the list of voters have been lodged or handed in, but not allowed.

Dated this _____ day of _____, . . .

(Signed) A. B.,
Registering Officer.

Name in Full.	Occupation, Trade, Profession, or other description.	Residence.	Reason for Allowing the Objection or Disallowing the Claim.

SCHEDULE (H).

Notice to be annexed to the Lists posted up under Section 12.

NOTICE is hereby given: that the Revising Officer will attend at a place and on a day to be notified by publication in the "Gazette" and in a newspaper circulating in the magisterial district for the purpose of finally revising, amending, and settling the voters' lists for the magisterial district of _____. All persons whose claims have been disallowed by the Registering Officer or whose names have been removed from the provisional list by reason of the allowance of objections made to them; and all persons who have objected in writing to the right of any person inserted in the said provisional list to be so inserted, or to the right of any person claiming to have his name registered as a voter to be so registered, and all persons who have been so objected to may appear before the Revising Officer on the day and place aforesaid for the purpose of establishing their said claims or objections. All claimants and objectors must appear either personally or by an agent specially authorized in writing.

Dated this _____ day of _____, 190 .

(Signed) A. B.,
Registering Officer.

SCHEDULE (I).

Registration of Voters.

Final List.

LIST of persons registered as Voters.

Ward , Magisterial district of , of

Electoral roll of persons registered in ward , Magisterial district of as qualified to vote for the election of members of the Legislative Assembly.

Dated this day of . . .

(Signed) A. B.,
Revising Officer.

No.	Name in Full.	Profession, Trade, or other description.	Qualification.	Situation of Property in respect of which Qualification exists.

In the above Schedules the term "electoral district" shall be substituted for "magisterial district" in the case of the second and every subsequent registration of voters.