

TRANSVAAL.

TRANSVAAL CONSTITUTION, 1906.

LETTERS PATENT AND INSTRUCTIONS

RELATING TO THE

TRANSVAAL;

AND

SWAZILAND ORDER IN COUNCIL.

Presented to both Houses of Parliament by Command of His Majesty.
December 1906.



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TRANSVAAL CONSTITUTION, 1906.

Letters Patent and Instructions relating to the Transvaal; and Swaziland Order in Council.

No. 1.

LETTERS PATENT PASSED UNDER THE GREAT SEAL OF THE UNITED KINGDOM,
PROVIDING FOR THE CONSTITUTION OF RESPONSIBLE GOVERNMENT IN THE
COLONY OF THE TRANSVAAL.

Dated
6th December,
1906.

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 (hereinafter called "the Governor") of Our Colony of the Transvaal (hereinafter called "the Colony"), and did make provision for a Legislative Council in and for the said Colony;

Recites Letters
Patent of the 23rd
September, 1902.

And whereas by certain other Our Letters Patent bearing date the 31st day of March, 1905, We did make provision for the representation of the people of the Colony in the Legislature thereof by elected members;

Recites Letters
Patent of the 31st
March, 1905.

And whereas We think fit to provide for the establishment of Responsible Government in the Colony:

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

THE LEGISLATURE.

I. In place of the Legislative Council now subsisting there shall be a Legislature consisting of a Legislative Council and Legislative Assembly, constituted as hereinafter provided. *The Legislature.*

The constitution, appointment, and powers of the Legislative Council now subsisting shall continue in force until the date of the nomination of Members for election to the Legislative Assembly and no longer.

LEGISLATIVE COUNCIL.

II. The Legislative Council shall consist of fifteen Members, who shall be summoned in the case of the first Council by the Governor, and if any vacancy shall occur in the said first or in any subsequent Council a Member shall be appointed to fill the said vacancy by the Governor in Council until the completion of the period for which the person in whose

Legislative
Council.
Constitution.

place he is appointed would have held office. Members of the Council shall be appointed in Our name by instruments under the Public Seal of the Colony.

Qualification for membership.

III. No person shall be summoned unless he shall be of the age of 30 years or upwards, nor unless he shall have resided in the Colony for three years, nor unless he shall be qualified to be registered as a voter for some electoral division of the Colony.

Resignation of Members.

IV. Any Member of the Legislative Council may resign his seat therein, by writing under his hand, addressed to the Governor; and upon the receipt of such resignation by the Governor the seat of such Member shall become vacant.

President of Council.

V.—(1.) The Governor in Council may appoint one Member of the Legislative Council to be President thereof, and may remove him and appoint another in his stead; and the President may at any time take part in any debate or discussion in the said Council.

(2.) In the absence of the President some Member elected by the Legislative Council shall preside.

Quorum.

VI. The Legislative Council shall not be competent to proceed to the despatch of business unless six Members shall be present.

Provision for establishment of elective Legislative Council.

VII.—(1.) The Members of the first Legislative Council shall hold office for five years, unless before that time a law shall have come into effect providing for the election of Members of the Legislative Council.

(2.) If no such law shall have come into effect, then, on the expiration of the said period of five years, a fresh Legislative Council shall be summoned by the Governor in Council, and so in like manner every five years until such a law shall have come into effect.

(3.) It shall be lawful at any time, after four years from the date of the first meeting of the Council, for the Legislature to pass a law providing for the election of Members of the Legislative Council, and thereupon, subject to the provisions of such law, the then existing Legislative Council shall be dissolved; and thereafter all Members of the Legislative Council shall be elected, and shall possess such qualifications, and shall be elected in such manner, by such persons, and for such periods, as may have been prescribed by the said law.

LEGISLATIVE ASSEMBLY.

Legislative Assembly. Constitution.

VIII. The Legislative Assembly shall, save as hereinafter provided, consist of sixty-nine Members, who shall be elected by the voters in the electoral divisions defined and named by the Commissioners appointed by the Governor under Transvaal Government Notice No. 788 of 1906, and published in the Gazette, and in accordance with the instructions to them contained in Transvaal Government Notice No. 979 of 1906, which are set forth in the first Schedule to these Our Letters Patent.

A list of the electoral divisions, when defined and named as aforesaid, shall be proclaimed by the Governor in the Gazette, and each such division shall return one Member of the Legislative Assembly.

Qualification of voters.

IX.—(1.) Every white male British subject of the age of 21 years and upwards, who is not subject to any of the disqualifications hereinafter mentioned, shall be entitled to be registered as a voter and, when so registered, to vote at any election of Members of the Legislative Assembly.

(2.) Provided that no person on full pay belonging to Our regular forces maintained by annual vote of the Parliament of Our United Kingdom shall be entitled to be registered as a voter or to vote.

Persons disqualified as voters.

X. No person shall be entitled to be registered as a voter on any register of voters—

(1.) (a.) Unless he has resided in the Transvaal for a period of not less than six months next before the commencement (as declared by proclamation of the Governor) of the framing of a general register of voters, and—

(b.) Is at the said date *bonâ fide* residing in the electoral division for which he claims to be registered.

(c.) Provided that any person who within three years next before the commencement of the framing of a general register of voters has resided in the

Colony for not less than six months, but who has been temporarily absent during the six months next before that date, shall be entitled to be so registered notwithstanding such absence on proof being given, by him, or on his behalf, to the registering officer that his absence was temporary.

(2.) If he has been by any of Our Courts—

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

(b.) 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 the framing of such register.

(3.) If he has been, within six months of the commencement of the framing of such register, in receipt of relief from public funds in the Colony not being relief by way of repatriation under Article X 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.

XI.—(1.) For the purpose of the first election of members of the Legislative Assembly, to be held under the provisions of these Our Letters Patent, and of every subsequent election until such time as there shall be a fresh register of voters framed as hereinafter prescribed, the voters shall be the persons (other than persons on full pay belonging to Our regular forces maintained by annual vote of the Parliament of Our United Kingdom) whose names appear on the list framed under the provisions of the Order in Our Privy Council known as the "Transvaal Constitution Order in Council, 1906." First elections.

(2.) The Governor shall, as soon as practicable, cause to be compiled from the said list a list of the voters resident in each electoral division of the Colony at the date of the commencement of the framing of the aforesaid first mentioned list, and the list so compiled shall be the register of voters for such division until a new register is made as hereinafter prescribed. List of voters for each division.

XII. Subject to the provisions of the last preceding section, the registration of voters, the preparation of lists of voters, the conduct of elections, and the hearing of election petitions, shall be carried out in accordance with the regulations prescribed in the second Schedule to these Our Letters Patent. Registration of voters, &c.

XIII. There shall be a biennial registration of voters in every electoral division commenced not later than the last day of December in the year next but one after the commencement of the last preceding registration, and so on during each successive biennial period. The first biennial registration shall be commenced not later than the last day of December 1908. Biennial registration of voters.

XIV. Upon the completion of the voters' lists made in pursuance of the second biennial, and thereafter of every alternate biennial, registration, the Colony shall be redivided into electoral divisions for the purpose of the election of Members of the Legislative Assembly. Redivision of the Colony into electoral divisions.

XV. For the purpose of every such redivision, the Governor in Council shall, upon the completion of the final lists of voters 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, and may, on the death, resignation, or absence from the Colony of any of the said Commissioners, appoint another Commissioner, 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. For the purposes of any such redivision the Commissioners shall proceed in accordance with the regulations prescribed in the third Schedule to these Our Letters Patent. Commissioners.

XVI.—(1.) The Commissioners shall submit to the Governor in Council—

(a.) A list of electoral divisions, with the names given to them by the Commissioners, and a description of the boundaries of every such division. List of electoral divisions.

(b.) A map or maps showing the electoral divisions into which the Colony has been divided.

(c.) Such further particulars as they consider necessary.

(2.) The Governor in Council may refer to the Commissioners, for their consideration, any matter relating to such list, or arising out of the powers or duties of the Commissioners.

(3.) The Governor in Council shall publish the names and boundaries of the electoral divisions, as finally settled by the Commissioners, in the Gazette, and thereafter, until there shall be another redivision, the electoral divisions so named and defined shall be the electoral divisions of the Colony, and each such division shall return one member to the Legislative Assembly.

(4.) If any discrepancy shall arise between the description of the divisions and the aforesaid map or maps, the description shall prevail.

When redivision of Colony to come into operation.

XVII. Any redivision of the Colony made as aforesaid shall come into operation at the next general election held after the completion of the redivision, and not earlier.

Qualification of Members of Legislative Assembly.

XVIII.—(1.) Any person (save as herein excepted) who shall be qualified to be registered as a voter in and for any electoral division shall be qualified and entitled to be elected a Member of the Legislative Assembly for that or any other electoral division.

(2.) No person holding any office of profit under the Crown within the Colony (other than a Minister as hereinafter defined), no unrehabilitated insolvent, 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.

(3.) The receipt of a pension from the Crown, or by an officer of Our naval or military forces of retired or half pay, shall not be deemed to be holding an office of profit under the Crown.

(4.) No person who has acted as a registering or revising officer in connection with the framing or revision of a voters' list for any electoral division shall be eligible to be elected as a member for that division while such list is in force.

Speaker of Legislative Assembly.

XIX.—(1) The Legislative Assembly shall, on their first meeting, before proceeding to the despatch of any other business, elect one of their Members to be Speaker of the said Assembly (subject to confirmation by the Governor) until the dissolution thereof, and in case of vacancy in the office another Speaker shall be elected in like manner and subject to such confirmation as aforesaid.

(2.) The seat of a Member elected to be Speaker shall thereupon become vacant and a fresh election shall forthwith be held to fill the vacancy, and the Speaker shall not be a Member of the Legislative Assembly while he is Speaker.

Speaker to preside.

XX. The Speaker, or in his absence some Member elected by the Legislative Assembly, shall preside at the meetings thereof.

Quorum.

XXI. 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 proceed to the despatch of business unless twenty-one Members be present.

Resignation of seat in Legislative Assembly.

XXII. Any Member of the Legislative Assembly may resign his seat therein by writing under his hand addressed to the Speaker, and upon the receipt of such resignation by the Speaker the seat of such Member shall become vacant:

Provided that no Member shall, without the permission of the Legislative Assembly, resign his seat while any proceedings are pending in respect of his election if it is alleged in those proceedings that any corrupt or illegal practices took place at that election.

Writs for filling vacancies.

XXIII.—(1.) Whenever a vacancy occurs in the Legislative Assembly from any cause, other than as the result of an election petition, the Speaker shall, upon a Resolution of the said Assembly declaring such vacancy, inform the Governor thereof.

(2.) Provided that if such vacancy occurs when the Legislative Assembly is not in session, the Speaker, or, in case of the death, incapacity, or absence from the Colony of the Speaker, the Clerk to the Assembly, may, on a certificate

under the hands of two members of the Assembly, stating that such vacancy has occurred and the cause thereof, inform the Governor thereof.

(3.) The Governor, on receiving such information, shall cause the necessary steps to be taken as prescribed in the second Schedule hereto for filling such vacancy.

LEGISLATIVE COUNCIL AND LEGISLATIVE ASSEMBLY.

XXIV.—(1.) There shall be a Session of the Legislature once at least in every year, so that a period of twelve months shall not intervene between the last sitting of the Legislature in one Session and the first sitting thereof in the next Session. Sessions of Legislature.

(2.) The first Session shall be held within six months of the date when these Our Letters Patent shall commence to take effect.

XXV. The first and every other Session of the Legislature shall, until otherwise directed by law, be held in Pretoria at such times as may be notified by the Governor by Proclamation in the Gazette. Place and times of holding Sessions of Legislature.

XXVI.—(1.) The Governor may from time to time prorogue the Legislature by Proclamation, which shall be published in the Gazette, and the Governor may, whenever he shall think fit, dissolve the Legislative Assembly and any elected Legislative Council in like manner. Prorogation and dissolution of Legislative Council and Legislative Assembly.

(2.) The Governor shall dissolve the Legislative Assembly and any elected Legislative Council at the expiration of five years from the date of its election.

XXVII. The Governor may transmit by Message to the Legislative Council and the Legislative Assembly the draft of any Bill which it may appear to him desirable to introduce, and all such drafts shall be taken into consideration by the said Council and Assembly, as the case may be, in such convenient manner as shall be provided in that behalf by Rules of Procedure. Governor may transmit Bills to Legislature.

XXVIII.—(1.) Every Member of the Legislative Council and Legislative Assembly shall, before being permitted to sit or vote therein, take and subscribe the following oath before the President or Speaker respectively, or before such person as may be appointed thereto by the Governor should such oath be required to be taken before the appointment or election of a President or Speaker as the case may be :— Oath to be taken by Members of Legislature.

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

(2.) Provided that any person authorized by law to make a solemn affirmation or declaration instead of taking an oath, may make such affirmation or declaration in lieu of such oath.

XXIX. All questions in the Legislative Council or Legislative Assembly shall be determined by a majority of the votes of Members present, other than the President, Speaker, or presiding Member, who shall, however, have and exercise a casting vote in case of an equality of votes. All questions to be decided by majority of votes.

XXX. If any Member of the Legislative Council or Legislative Assembly shall— Member's seat in Legislature, how vacated.

(1.) Fail for a whole ordinary annual Session to give his attendance in the Legislative Council or Legislative Assembly; or

(2.) Shall take any oath, or make any declaration or acknowledgment of allegiance, obedience, or adherence to any foreign State or Power; or

(3.) Shall do, concur in, or adopt any act whereby he may become the subject or citizen of any such State or Power; or

(4.) Shall become an insolvent or take advantage of any Law for the relief of insolvent debtors; or

(5.) Shall be a public defaulter, or be attainted of treason, or be sentenced to imprisonment for any infamous crime: or

(6.) Shall become of unsound mind; or

(7.) Shall accept any office of profit under the Crown other than that of a Minister, or that of an officer of Our naval and military forces on retired or half-pay;

His seat shall become vacant, and if any person under any of the disqualifications herein mentioned shall, whilst so disqualified, knowingly sit or vote as a member of the said Council or Assembly, such person shall forfeit the sum of one hundred pounds, to be recovered by the Attorney-General for the benefit of the Treasury by action in the Supreme Court :

Saving of pensioners.

Provided that a person in receipt of pension from the Crown shall not be deemed to hold an office of profit under the Crown within the meaning of this section.

Standing Rules and Orders.

XXXI.—(1.) The Legislative Council and Legislative Assembly in their first Session, and from time to time afterwards as there shall be occasion, shall each adopt Standing Rules and Orders, joint as well as otherwise, for the regulation and orderly conduct of their proceedings and the despatch of business, and for the order in which the said Council and Assembly shall confer, correspond, and communicate with each other, and for the passing, intituling, and numbering of Bills, and for the presentation of the same to the Governor for Our assent.

(2.) All such Rules and Orders shall by the said Council and Assembly respectively be laid before the Governor in Council, and being by him approved shall become binding and of force.

(3.) Provided that the Standing Rules and Orders of the Legislative Council as now subsisting shall, until altered, added to, or amended, be the Standing Rules and Orders of the Legislative Council and of the Legislative Assembly.

Officers of Legislature.

XXXII. The salary of the President of the Legislative Council and of the Speaker of the Legislative Assembly shall be such as may be prescribed by any law of the Colony; and the Chief Clerk for the time being of the Legislative Council and of the Legislative Assembly shall respectively be removable from office only in accordance with a vote of the House of which he is an officer.

Privileges, &c., of Members.

XXXIII. It shall be lawful for the Legislature of the Colony by any Law to define the privileges, immunities, and powers to be held, enjoyed, and exercised by the Legislative Council and Legislative Assembly, and by the Members thereof respectively :

Provided that no such privileges, immunities, or powers shall exceed those for the time being held, enjoyed, and exercised by the Commons House of Parliament of Our United Kingdom, or the Members thereof.

Language in debates.

XXXIV.—(1.) All debates and discussions in the Legislative Council and Legislative Assembly shall be conducted in the English or Dutch language, and in no other language, and copies of the votes and proceedings of the said Council and Assembly, and of all proposed laws, shall be printed both in the English and Dutch languages.

Language in records.

(2.) Save as aforesaid, all journals, entries, minutes, and proceedings of the Legislative Council and Legislative Assembly shall be made and recorded in the English language.

Payment of Members.

XXXV. There shall be paid out of the public revenue of the Colony on the last day of every Session to every Member of the Legislature the sum of one hundred and fifty pounds, together with the sum of two pounds for every day of the Session on which he has been in attendance : Provided that the sum paid to any such Member for any one Session shall not exceed three hundred pounds, and that no such payment shall be made to any such Member who is a Minister or who is President of the Legislative Council or to the Speaker of the Legislative Assembly.

LEGISLATION.

Power to make laws.

XXXVI.—(1.) It shall be lawful for Us and Our successors, by and with the advice and consent of the Legislative Council and Legislative Assembly, subject to the provisions of these Our Letters Patent, to make all Laws, to be entitled "Acts," which shall be required for the peace, order, and good government of the Colony.

(2.) A Law passed by the Legislative Council and Legislative Assembly may repeal or alter any of the provisions of these Our Letters Patent.

XXXVII.—(1.) If the Legislative Assembly passes any proposed law and the Legislative Council rejects or fails to pass it, or passes it with amendments to which the Legislative Assembly will not agree, and if the Legislative Assembly, in the next Session, again passes the proposed law with or without any amendments which have been made, suggested, or agreed to by the Legislative Council, and the Legislative Council rejects, or fails to pass it, or passes it with amendments to which the Legislative Assembly will not agree, the Governor may during that Session convene a joint sitting of the Members of the Legislative Council and Legislative Assembly in the manner hereinafter provided, or may dissolve the Legislative Assembly, and may simultaneously dissolve both the Legislative Council and Legislative Assembly if the Legislative Council shall then be an elected Council. But such dissolution shall not take place within six months before the date of the expiry of the Legislative Assembly by effluxion of time.

Disagreement between the Legislative Council and the Legislative Assembly.

(2.) If after such dissolution the Legislative Assembly again passes the proposed law, with or without any amendments which have been made, suggested, or agreed to by the Legislative Council, and the Legislative Council rejects or fails to pass it, or passes it with amendments to which the Legislative Assembly will not agree, the Governor may convene a joint sitting of the Members of the Legislative Council and of the Legislative Assembly, at which the Speaker of the Legislative Assembly shall preside.

(3.) The Members present at any joint sitting convened under either of the preceding sub-sections, may deliberate and shall vote together upon the proposed law, as last proposed by the Legislative Assembly, and upon amendments, if any, which have been made therein by the one House of the Legislature and not agreed to by the other, and any such amendments which are affirmed by an absolute majority of the total number of the Members of the Legislative Council and Legislative Assembly shall be taken to have been carried, and if the proposed law, with the amendments, if any, so carried, is affirmed by an absolute majority of the total number of the Members of the Legislative Council and Legislative Assembly, it shall be taken to have been duly passed by the Legislature.

XXXVIII. When any law has been passed by the Legislature it shall be presented for Our assent to the Governor, who shall declare according to his discretion, but subject to this Constitution and to any instructions in that behalf given to him under Our Sign Manual and Signet, or through a Secretary of State, that he assents in Our name, or that he withholds assent, or that he reserves the law for the signification of Our pleasure.

Governor's assent to laws.

XXXIX. Unless he shall have previously obtained Our instructions upon such law through a Secretary of State, or unless such law shall contain a clause suspending the operations of such law until the signification in the Colony of Our pleasure thereupon,

Description of Bills to be reserved.

The Governor shall reserve—

(a.) Any law whereby persons not of European birth or descent may be subjected or made liable to any disabilities or restrictions to which persons of European birth or descent are not also subjected or made liable.

(b.) Any law which may repeal or alter any of the provisions of these Our Letters Patent or of any Letters Patent or Orders in Our Privy Council relating to the Colony.

And whereas it is Our will and pleasure that all persons within Our dominions shall be free from any conditions of employment or residence of a servile character, the Governor shall reserve any law providing for the introduction under contract, indenture, or licence, of labourers into the Colony from places outside South Africa.

XL. The Governor may return to the Legislative Council and Legislative Assembly any proposed Law so presented to him, and may transmit therewith any amendments which he may recommend, and the Legislative Council and Legislative Assembly may deal with the recommendation.

Return of Bills by Governor to the Legislature.

XLI. It shall be lawful for Us, Our heirs, and successors to disallow any Law within two years from the date of the Governor's assent thereto, and such disallowance, on being made known by the Governor by speech or message to the Legislative Council and the Legislative Assembly, or by

Disallowance by the King.

Proclamation, shall annul the Law from the day when the disallowance is so made known.

Signification of King's pleasure on Bills reserved.

XLII. A proposed Law reserved for Our pleasure shall not have any force unless and until, within two years from the day on which it was presented to the Governor for Our Assent, the Governor makes known, by speech or message to the Legislative Council and the Legislative Assembly, or by Proclamation, that it has received Our Assent.

Laws reserved when to take effect.

XLIII. Whenever any Law has been reserved for the signification of Our pleasure thereon, and the Governor shall signify, either by message to the Legislature or by Proclamation in the Gazette, that such Law has been laid before Us in Our Privy Council, and that We have been pleased to assent to the same, an entry shall be made in the journals of the Legislative Council and Legislative 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.

XLIV. The Governor shall cause every Law which shall have been assented to in Our name to be printed in the Gazette, in both the English and Dutch languages, for general information.

Copies of Laws to be enrolled.

XLV. As soon as may be after any Law shall have been assented to in Our name by the Governor, or, having been reserved for the signification of Our pleasure, Our 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, in the English language, signed by the Governor, to be enrolled on record in the Office of the Registrar of the Supreme Court, and such copy shall be conclusive evidence as to the provisions of every such Law: provided, however, that the validity of any such Law shall not depend upon the enrolment thereof.

Certificates of disallowance to be enrolled.

XLVI. Whenever any Law assented to by the Governor in Our name in manner aforesaid, has been disallowed by Us, 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.

THE MINISTRY.

Ministerial offices.

XLVII. (1.)—Within four months after the commencement of these Our Letters Patent, the Governor may designate such offices as he thinks fit, not being more than six in number, to be offices of Ministers.

(2.) Appointments to such offices shall be made by the Governor in Our name, and such offices shall be held during Our pleasure.

(3.) The holders of such offices shall be styled Ministers, and a Minister shall not vacate his seat in the Legislative Council or Legislative Assembly by reason of his appointment to or retention of any such office.

Rights of Ministers to speak and vote.

(4.) Every Minister who is a Member of either House of the Legislature shall have the right to sit and speak both in the Legislative Council and Legislative Assembly, but shall vote only in the Council or Assembly (as the case may be) of which he is a Member.

JUDGES.

Judges' appointment, tenure, and remuneration.

XLVIII. The Judges of the Supreme Court

(1.) Shall be appointed by the Governor in Council;

(2.) Shall not be removed except by the Governor in Council on an address from the Legislative Council and Legislative Assembly, praying for such removal on the ground of proved misbehaviour or incapacity;

(3.) Shall receive such remuneration as shall from time to time be prescribed by law, but the remuneration of a Judge shall not be diminished during his tenure of office;

(4.) The remuneration of the present Judges shall not be diminished, and their commissions shall continue as heretofore.

INTERCOLONIAL COUNCIL.

XLIX. (1.)—(a.) The Intercolonial Council, established under the Intercolonial Council South Africa Order in Council, shall continue to exercise such powers and perform such duties as it has hitherto exercised and performed. Intercolonial Council.

(b.) On the date of the election of the Legislative Assembly, the four Members of the Council nominated by the Lieutenant-Governor, and the six Members of the Council elected from among themselves by the Members of the present Legislative Council of the Colony, shall cease to be Members of the said Intercolonial Council.

(c.) The vacancies caused on the said Council as aforesaid, and the vacancy caused by the abolition of the office of Lieutenant-Governor of the Colony, shall be filled by—

- (1.) Seven Members of the Legislative Assembly to be elected by it from among the Members thereof as soon as practicable after its first meeting; and
- (2.) Four persons to be appointed thereto by the Governor in Council.

(d.) Provided that it shall be lawful for the Governor, prior to such election or appointment, to appoint such persons as he may think fit to fill vacancies on the said Council or on the Railway Committee thereof, who shall hold office as Members of the Council until the said election and appointment as aforesaid, and as Members of the said Committee until the appointment of a Railway Committee by the Intercolonial Council according to law.

(2.) The Government of the Transvaal or the Government of the Orange River Colony may, at any time after Ministers have been appointed under Responsible Government in both Colonies, give notice either to the other to terminate the Council or any of the services now administered by it, or on its advice; and at the expiration of six months from the date of such notice the Council shall cease to exist, or such service shall be terminated and no longer administered by the said Council, or on its advice, as the case may be; and the said Intercolonial Council South Africa Orders in Council shall cease to be operative either entirely or in respect of the service so terminated, as the case may be, without prejudice to anything lawfully done thereunder.

(3.) All the property administered by or on the advice of the said Council, and all its rights and liabilities in connection therewith, shall, on the termination of the said Council, or on the termination of any service administered by or on its advice in so far as such property, rights, and liabilities relate to such service, be equitably apportioned and divided between the Governments of the said Colonies: Provided always that no such apportionment or division shall be carried out in such a way as to affect the rights of creditors or any mortgage or security upon any property now vested in the High Commissioner and Governor as the common property of both Colonies, and in particular any mortgage charge or security securing the payment of the capital and interest of the loan authorized by the Ordinance of the Colony intituled the "Transvaal Guaranteed Loan Ordinance, 1903." For the purposes of such apportionment and division the aforementioned loan shall be deemed and taken to be a liability of the Council.

(4.) In default of agreement between the Government of the Transvaal and the Government of the Orange River Colony touching any such apportionment and division, or any matter consequent upon the termination of the Council or of any service administered by it, such matter shall, if both Governments agree thereto, be referred to arbitration, and in default of such agreement, then, upon the petition of either Government, shall be referred to Us in Our Privy Council, and Our said Council shall have power to hear and finally determine the same, and the Governments of the Transvaal and Orange River Colony shall thereupon take all such action as may be necessary to carry out the decision of Our said Council.

LABOUR IMPORTATION ORDINANCES.

L. (1.)—From and after the commencement of these Our Letters Patent no licence shall be issued for the introduction of labourers into the Colony Labour Importation Ordinances.
[1013] C 2

under the provisions of the Ordinance intituled the "Labour Importation Ordinance, 1904," and no contract made under the authority thereof shall be renewed after the said date.

(2.) Upon the termination of the period of one year from the date of the first meeting of the Legislature the Ordinance of the Colony intituled the "Labour Importation Ordinance, 1904," and all Ordinances amending the same, and all Rules and Regulations made under the authority of the said Ordinances, shall be repealed and cease to have effect within the Colony, and the system of labour deriving effect from the said Ordinances, Rules, and Regulations shall accordingly be determined.

(3.) The Legislature of the Colony may by any law or laws accelerate the determination of the said system of labour or regulate the same, subject to the conditions of these Our Letters Patent, and provide for all such matters as it may be necessary to provide for in consequence of the provisions of this section, and for carrying into effect the declarations and enactments of these Our Letters Patent in that behalf.

NATIVE ADMINISTRATION.

Governor to be
Paramount Chief.

LI.—(1.) The Governor shall continue to exercise over all Chiefs and natives in the Colony all power and authority now vested in him as Paramount Chief.

Assemblies of
Chiefs, &c.

(2.) The Governor in Council may at any time summon an assembly of native Chiefs, and also, if it shall seem expedient, of other persons having special knowledge and experience in native affairs, to discuss with the Governor, or such representative as the Governor in Council may appoint, any matters concerning the administration of native affairs or the interests of natives, and the Governor in Council shall consider any reports or representations submitted to him by any such assembly, and shall take such action thereupon as may seem necessary or proper.

Native lands.

(3.) No lands which have been, or may hereafter be, set aside for the occupation of natives shall be alienated or in any way diverted from the purposes for which they are set apart otherwise than in accordance with a law passed by the Legislature.

LAND SETTLEMENT.

LII. (1.)—(a.) There shall be established in the Colony on the appointed day (as hereinafter defined) a Board, to be called the Transvaal Land Settlement Board, for the purpose of exercising and discharging, in respect of the lands hereinafter mentioned and the persons in occupation of them, the rights and duties conferred and imposed upon the Government of the Colony or any Member thereof by any law of the Colony or by any Agreement between such persons and the Government.

(b.) The Board shall be a Body Corporate, and shall consist of three Members, resident in the Colony, one of whom shall be Chairman. The Chairman and Members of the said Board shall be appointed by the Governor, and shall hold office during his pleasure, and be paid such salaries as he may determine.

If any vacancy arises on the Board, the Governor shall appoint some other person residing in the Colony to fill such vacancy.

(c.) It shall be lawful for the Governor to appoint, at such salaries as he may determine, such officers as may be necessary to assist the Board in carrying out the purposes for which it is established, and to make rules and regulations—

- (1.) For the proper discharge by the Board and the aforesaid officers of the duties imposed on them;
- (2.) For the proceedings of the said Board;
- (3.) For the proper keeping of and auditing of the accounts of the said Board.

(2.)—(a.) There shall, on the appointed day, be transferred, without payment of transfer duty, stamp duty, or registration charges in the Deeds Office of the Colony, to and in the name of the Board and for the purposes aforesaid, such of Our lands in the Colony as are on the appointed day held by settlers on the conditions prescribed in the Ordinance of the Colony intituled "The Settlers' Ordinance, 1902," or by settlers to whom advances have been made out of such portion of the loan authorized under the Ordinance of the Colony intituled the "Transvaal Guaranteed Loan Ordinance, 1903," as has been allocated to land settlement in the Colony.

(b.) There shall further be transferred, on the appointed day, to the Board for the aforesaid purposes, all moveable property vested in the Government of the Colony and used in connection with the said lands, and all rights and obligations acquired or incurred by the Government against or towards the persons in occupation of the said lands and in respect thereof.

(c.) There shall further be transferred to the Board for the said purposes, and more especially for the purposes of making advances under the authority of the said Settlers' Ordinance to the persons in occupation of the aforementioned lands, all moneys paid to the said Government by such persons as aforesaid in discharge of their obligations to it, and held by it on the appointed day for or on account of land settlement, and any balance of money appropriated by the Intercolonial Council to the said Government out of the loan authorized by the "Transvaal Guaranteed Loan Ordinance, 1903," for the purposes of land settlement, together with such further sums as may be approved by a Secretary of State, out of moneys hereafter appropriated to the Government by the said Council for land settlement purposes.

(3.) The said Board may, with the approval of the Governor, exercise all the rights and discharge all the duties conferred and imposed by law or agreement on the Government of the Colony, or any Member thereof, in respect of the aforementioned lands and the persons in occupation of them, and may appropriate to such purpose and generally to the cost of carrying out this section any moneys paid to it after the appointed day by such persons as aforesaid in discharge of any obligations incurred by them to the Government, as well as any moneys transferred to it under sub-section 2 (c) of this section.

(4.) (a.)—The rights, powers, and duties conferred and imposed by this section on the Board shall be determined on the expiration of five years reckoned from the appointed day; Provided always that it shall be competent for the Government of the Colony to make an agreement, subject to the consent of the Governor and with the approval of a Secretary of State, with the Board in respect of the matters referred to in this section whereby the said rights, powers, and duties aforesaid shall be sooner determined.

(b.) On the determination of the said rights, powers, and duties the Board shall transfer to the Governor in Council the aforementioned lands registered in its name and all movable property, moneys, rights, and obligations acquired and incurred by it under the provisions of this section, and the Board shall thereupon be dissolved.

(5.) The appointed day shall be such day as may be proclaimed by the Governor in the Gazette.

GENERAL PROVISIONS.

LIII. All taxes, imposts, rates, and duties, and all territorial, casual, and other revenues of the Crown (including royalties) from whatever source arising within the Colony over which the Legislative Council and Legislative Assembly have power of appropriation, shall form one Consolidated Revenue Fund to be appropriated to the public service of the Colony in the manner and subject to the charges hereinafter mentioned.

LIV.—(1.) The Consolidated Revenue Fund shall be permanently charged with all the costs, charges, and expenses incident to the collection, management, and receipt thereof.

(2.) All such costs, charges, and expenses shall be subject to be reviewed and audited in such manner as may from time to time be directed by any law passed by the Legislature.

Consolidated
Revenue Fund.

Costs of collection
and management
of fund.

Appropriation and Taxation Bills to originate in Legislative Assembly.

LV. All Bills for appropriating any part of the Consolidated Revenue Fund or for imposing, altering, or repealing any rate, tax, duty, or impost shall originate in the Legislative Assembly.

Powers of Legislative Council thereon.

LVI. The Legislative Council may either accept or reject any Money Bill passed by the Legislative Assembly, but may not alter it.

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

LVII.—(1.) 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 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.

(2.) No part of Our revenue within the Colony shall be issued except in pursuance of a Warrant under the hand of the Governor directed to the Colonial Treasurer.

Reserved Civil List.

LVIII.—(1.) There shall be payable to Us, in every year, out of the Consolidated Revenue Fund, the sums mentioned in Schedules 4 and 5 to these Our Letters Patent for defraying the expenses of the services and purposes set forth in the said Schedules.

(2.) The said several sums shall be issued by the Treasurer in discharge of such Warrants as shall from time to time be directed to him under the hand of the Governor.

Appointments to public offices.

LIX. The appointment to, and removal from, all public offices under the Government of the Colony hereafter to become vacant or to be created, save those of Ministers, shall, subject to any Law hereafter in force in the Colony, be vested in the Governor in Council.

Pensions on retirement of certain official Members of the Executive Council.

LX.—(1.) In the event of the retirement from office of any Member of the Executive Council named in Schedule 5 hereto, such Member shall, subject to the proviso hereafter contained, be entitled to the pension set opposite his name in the said Schedule :

(2.) Provided that if any such Member shall accept any other appointment under the Crown in the Colony or elsewhere, his pension or retiring allowance shall, during the tenure of such appointment, merge or be reduced, *pro tanto*, according as the salary or emolument of any such appointment shall be equal to or less than the pension or retiring allowance of such Member.

Powers of Lieutenant-Governor to be exercised by Governor in Council.

LXI.—(1.) Where, under any law of the Colony, any power, jurisdiction, or authority, is at the date of the commencement of these Our Letters Patent exercised by the Lieutenant-Governor, such power, jurisdiction, or authority shall be exercised by the Governor in Council, and where, under any law, any power, jurisdiction, or authority has been conferred on any member of the existing Executive Council of the Transvaal, such power, jurisdiction, or authority shall be exercised by the Minister to whom it shall be assigned by the Governor in Council.

Meaning of "Legislative Council" in existing Laws.

(2.) Where in any existing Law the words "Legislative Council" occur, they shall, unless the context otherwise indicates, be read as if they were "Legislative Council and Legislative Assembly."

Power to amend by Proclamation.

LXII. The Governor may, by proclamation in the Gazette at any time, before the date of the nomination of persons for election as members of the Legislative Assembly, and provided that Our approval be previously signified to him through a Secretary of State, vary, annul, or add to any of the provisions of these Our Letters Patent in order to carry out the purposes of the same, and may provide for any other matter necessary in order to carry into effect the provisions thereof.

Definitions.

LXIII. In these Our Letters Patent, unless the contrary intention appears—

"Date of the election of the Legislative Assembly" means the date of the proclamation in the "Gazette" of the persons elected as members of the Legislative Assembly at a General Election.

"Gazette" means the Transvaal Government Gazette.

"Governor" means the officer for the time being administering the government of the Colony.

“Governor in Council” means the Governor acting by and with the advice of the Executive Council.

“Secretary of State” means one of Our Principal Secretaries of State.

LXIV. These Our Letters Patent shall be proclaimed at such place or places within the Colony as the Governor shall think fit, and shall commence and come into operation on a day to be fixed by the Governor by proclamation in the Gazette, and thereupon the Letters Patent, Orders in Council, and Instructions, described in Schedule 6 hereto, shall, without prejudice to anything lawfully done thereunder, be revoked.

Commencement of Letters Patent.

Revocation of earlier Letters Patent, &c.

LXV. These Our Letters Patent may be cited as “The Transvaal Constitution Letters Patent, 1906.”

Short title.

In witness whereof We have caused these Our Letters to be made Patent. Witness Ourselves at Westminster, this sixth day of December, in the sixth year of Our Reign.

By Warrant under the King's Sign Manual.

MUIR MACKENZIE.

SCHEDULE I.

(See section VIII.)

INSTRUCTIONS TO COMMISSIONERS.

1. Members of the Legislative Assembly shall be allotted to each magisterial district of the Colony as at present defined as follows:—

Barberton	1
Lydenburg	2
Ermelo	2
Heidelberg	2
Lichtenburg	1
Marico	1
Middelburg	2
Potchefstroom—	
Municipality	1
District excluding municipality	3
	—
	4
Rustenburg	2
Standerton	2
Wakkerstroom	2
Pretoria—	
Urban	6
District other than urban	3
	—
	9
Waterberg	1
Wolmarasstad	2
Zoutpansberg	2
Witwatersrand	34
	—
Total	69

2. The Commission will commence its work by dividing the Witwatersrand into five parts. In making this division, regard will be had, as far as possible, to existing administrative areas. Each of the said five parts shall for delimitation purposes be treated as if it were a magisterial district, and the Commissioners shall allot a number of members of the House of Assembly to each of the said parts proportional to the number of voters in each: the total number of members allotted to the whole of the Witwatersrand district being thirty-four.

3. The Commissioners shall, after dividing the Witwatersrand district into five parts as above mentioned, divide each of the said parts and each magisterial district and municipality to which more than one member is allotted into electoral divisions, each returning one member to the House of Assembly. In doing so, due regard will be paid to the following considerations:—

- (1.) The number of voters in any one of such parts of the Witwatersrand district or such magisterial district or municipality as aforesaid, divided by the number of members of the House of Assembly allotted to such part, district, or municipality respectively, shall be termed the quota, and each of the electoral divisions into which such part, district, or municipality is divided shall, subject to the considerations hereinafter mentioned, contain a number of voters as nearly as may be equal to the quota for such part, district, or municipality respectively.
- (2.) The electoral divisions aforesaid shall, as far as may be, follow recognized administrative boundaries, and, if necessary to enable this to be done, the number of voters in an electoral division may differ as much as 15 per cent. from the quota of the part, magisterial district, or municipality in which it is situated.
- (3.) In delimitation the Commissioners shall give due consideration to—
 - (a.) Existing boundaries of municipal and magisterial wards and the boundaries of old magisterial districts, such as Carolina, Bloembhof, &c., now included in existing magisterial districts;
 - (b.) Community or diversity of interest;
 - (c.) Means of communication;
 - (d.) Physical features.
- (4.) If there shall be in any magisterial district a municipality within the boundaries of which there shall be a number of voters not less than the quota for the district, the municipality or so much thereof as shall contain a number of voters approximately equal to the quota for the district shall be made a separate electoral division, and if the number of voters in any such municipality shall not be equal to the quota for the district the whole of the municipal area shall be included in one electoral division.

4. The Commissioners shall give a name to each electoral division defined by them as aforesaid, and shall supply a map or maps on which the boundaries of each such electoral division are marked and a written description of its extent. Should any discrepancy be found between the map and the written description, the latter shall prevail.

5. The Commissioners shall base such divisions as aforesaid on the Voters' Lists prepared under "The Transvaal Constitution Order in Council, 1905"; but before finally settling the electoral divisions they shall check the results so obtained by the Voters' Lists prepared under "The Transvaal Constitution Order in Council, 1906." Should the divisions based on the former be found according to the latter to give results which the Commissioners consider unfair, they shall revise such divisions according to the Voters' List framed under "The Transvaal Constitution Order in Council, 1906."

6. The Municipality of Potchefstroom and each magisterial district to which one member only is allotted shall be an electoral division, entitled to return one member to the House of Assembly.

SCHEDULE II.

(See section XII.)

REGULATIONS as to the registration of voters, the preparation of lists of voters, and the conduct of elections.

PART I.

Application of Part I.

1. Part I of this Schedule shall apply to the preparation and revision of voters' lists other than the lists mentioned in section 11 of the Letters Patent.

Registering Officers.

2. For the purpose of compiling the general register of qualified voters for any election of members in and for the electoral divisions into which the Colony is divided, the 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 electoral division an alphabetical provisional list of all persons qualified to be registered as voters who are *bonâ fide* residing in such electoral division. Such Proclamation shall fix the date of the commencement of such list and the date of the completion thereof.

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

Particulars to be inserted in Provisional List of Voters.

3. The Registering Officer shall insert in the said list the name, residence, trade, profession, or occupation of every person who shall be known, or on reasonable grounds believed by him, to be entitled to be inserted therein, or who shall in manner hereinafter prescribed claim to be inserted therein: provided he is satisfied after due inquiry that such claim is *bonâ fide*, and that the claimant possesses the required qualification.

Provisional List to be posted in Public Place.

4.—(1.) At the expiration of the time fixed by the Proclamation aforesaid for the completion of the list aforesaid 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 electoral division for which such list is framed. The said list shall remain so posted or affixed between the hours of seven in the morning and five in the afternoon daily for a period of not less than five weeks.

(2.) 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 is hereinafter mentioned, he shall on conviction be liable to be imprisoned with or without hard labour for a period not exceeding three months.

Notices to be annexed to Lists posted under last preceding Section.

5. 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 Annexure (B) hereto.

Form of Claim and Objection.

6.—(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 Annexure (C) hereto and shall be signed—

(i.) In the case of a claim ;

(a.) By the claimant himself if he is actually resident in the Colony ; or

(b.) If the claimant is temporarily absent from the Colony, by a person resident therein authorized by such claimant in writing ;

(ii.) In the case of an objection by the objector himself.

Every such form of claim or objection shall be signed in the presence of one witness at least.

(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 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 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 electoral division as may be publicly notified by the Registering Officer between the hours of ten in the morning and five 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 lodging objections.

Registering Officer's Duty with regard to Claims.

7. It shall be the duty of the Registering Officer to receive and deal as directed by this Schedule with all claims to be registered as voters 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 Annexure (D) hereto.

List of Claimants to be posted up.

8. 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 seven in the morning and five in the afternoon daily until the date fixed by the Registering Officer for the lodging of objections. Subjoined or annexed to every such list of claimants posted 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 Annexure (E) hereto.

Registering Officer's Duty as to Objections.

9.—(1.) At the time and place fixed by the notice mentioned in section 8, the Registering Officer shall, in every case where a person objected to is present, proceed to inquire into and decide upon every such objection made to him on the said day by the objectors personally or by their duly authorized agents ; and on such occasion he shall give every person objected to an opportunity of being heard in answer to such objection ; and may upon the application of any person objected to and present as aforesaid postpone the inquiry to a subsequent day if in his opinion good cause is shown for such postponement : provided always that if any such application for postponement be allowed the Registering Officer shall thereupon give notice to the objector or to his duly authorized agent, and to the person objected to, of the date and place (which shall be within his electoral division) on and at which the inquiry into the objection will be held or resumed.

(2.) In every case where the person objected to is not present at the time and place fixed by the notice mentioned in section 8, the Registering Officer shall fix a date and place (which

shall be within his electoral division) on and at which he shall inquire into and decide upon the objection, and shall give due notice of such place to the objector or to his duly authorized agent; and he shall further give to the person the subject of the objection due notice that an objection has been lodged, and of the time and place for the inquiry into such objection.

Registering Officer's Duty after Claim received.

10. 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 to his provisional list, provided he has not allowed, in manner aforesaid, any objection lodged with him against such claim; and provided he is satisfied after due inquiry that the claim is *bonâ fide*, and 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 claim is *bonâ fide*, and that the claimant possesses the said qualification, he shall disallow such claim.

Printed Forms of Claims and Objections to be distributed.

11. 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 electoral division an adequate number of printed forms of claim and objection, as set forth in Annexure (C) hereto; and it shall be the duty of every Registering Officer to supply a reasonable number of such forms to any white resident of the electoral division who applies for them.

Duties of Registering Officers after Claims and Objections dealt with.

12. 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 his electoral division. The list shall be in the form prescribed in Annexure (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 Annexure (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.

Copies of Lists posted up.

13. 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 electoral division, there to remain for general information between the hours of seven in the morning and five in the afternoon daily during not less than fourteen days. Subjoined or affixed 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 Annexure (H) hereto.

Revising Officer.

14. The Revising Officer for an electoral division shall be such person as the Governor in Council may by Proclamation in the Gazette appoint.

Duty of Revising Officer on Receipt of Lists.

15. 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 newspaper circulating in the electoral division, appoint a day on which he will attend at a stated place in such division, convenient to the voters, for the purpose of revising, amending, and settling the list of voters in such electoral division; the day so appointed shall be not less than fourteen days from the date of the first publication of such notice in the Gazette.

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 annexed set forth in Annexure (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 electoral division is situated, and at such other places therein as he may deem best for purposes of general information.

Notice to Persons whose Names have been disallowed by Registering Officers.

16. The Revising Officer shall also forthwith give notice by letter posted through the Post Office, or delivered in such other manner as he may determine, 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, and the Revising Officer shall notify the fact and the grounds for such rejection or removal in the case of claimants and persons objected to, and in all cases shall notify the place and date fixed for the holding of the Court of Revision as hereinafter provided.

Procedure on hearing Claims and Objections and settling Lists.

17. 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 electoral division 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 him, and, if he thinks fit, take evidence on oath.

Powers of Revising Officer for taking Evidence.

18. 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, or may summon any person whom he has reasonable cause to believe is in possession of any document necessary for the purpose of such inquiry to produce such document, and may impose a fine not exceeding 10*l.* on any person duly summoned who shall, without lawful cause, refuse or neglect to attend, or to produce any such document aforesaid, or to answer any question material to such inquiry; and he shall determine all matters brought before him, and revise and amend the voters' list according to law. The Revising Officer may adjourn his sitting from time to time. The Revising Officer shall transmit any such fine as is paid to him to a Receiver of Revenue, and shall certify under his hand particulars of any such fines not so paid to the Resident Magistrate or Assistant Resident Magistrate of the district in which the Court of Revision is held, who shall thereupon recover such fines as if they were fines imposed in the Court of any such Magistrate.

Person whose Name has been removed or Claim disallowed on Objection to it must prove his Qualification.

19. 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.

When Objector, or Person objected to, does not appear.

20. 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 and place when such inquiry shall be held.

Costs.

21. 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 recoverable in the Court of the Resident Magistrate of the district in which the revision is held in like manner as costs in a civil action in such Court on production to such Court of Resident Magistrate of the taxed bill of costs certified under the hand of the Revising Officer.

Further Duties and Powers of Revising Officers.

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

- (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 and the reasons therefor 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 sub-section (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.

Persons whose Names appear on more than one List of Voters.

23. No person shall be registered as a voter for more than one electoral division. Whenever it shall appear to the Colonial Secretary that any person is registered on the list of voters of more than one electoral division he shall cause inquiry to be made, and shall determine in which electoral division such person was *bonâ fide* residing at the date of the commencement of the registration of voters, and shall cause the name of such person to be expunged from the list of voters of every division in which it appears other than that of the division in which he was *bonâ fide* residing at the said date.

Revising Officer may state Case for Opinion of a Judge in Chambers.

24. 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.

25. 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.

26. 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 material mistake has been corrected or material 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.

27. The lists so settled, certified, dated, and signed as aforesaid shall be the complete final registers of voters and shall be forwarded by the Revising Officer to the Colonial Secretary, who shall cause to be made therefrom a complete register of voters for each electoral division in the form prescribed in Annexure (I) hereto.

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 registration of voters after the registration made under this part of this Schedule to insert therein—

- (1.) The names of all persons on the existing register of voters within each electoral division, 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 division ;
 - (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 qualifications to have their names inserted on the list of voters for such electoral division.

Power of Registering Officer to demand Information concerning Voters from Officials.

29. In the performance of his duty 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 any other public official, the Town Clerk of any Municipality, the Manager or Secretary of a Mining Company, or any other employer of labour, so as to 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 such information in his power as he is asked by any Registering Officer to give shall be liable on conviction to a fine not exceeding ten pounds, and, in default of payment, to imprisonment with or without hard labour for a period not exceeding one month.

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 Schedule, or any Regulations made or instructions given thereunder, he shall be liable upon conviction to a fine not exceeding 50*l.*, and, in default of payment, to imprisonment with or without hard labour for any period not exceeding six months.

Offences by Officers employed in Registration of Voters.

31. If, in the opinion of the Colonial Secretary, any Registering Officer 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 Schedule or any Regulations made or instructions given thereunder, 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 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 Schedule, and the Governor may thereupon declare the whole or part of such remuneration forfeited.

Penalty for false Statements in Claims.

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 be liable, on conviction, to a fine not exceeding 100*l.*, and, in default of payment, to imprisonment, with or without hard labour, for a period not exceeding twelve months, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment.

Offences relating to procuring Registration.

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

(i.) Of himself or any other person—

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

(b.) As a voter more than once in the same electoral division; or

(c.) Knowing that he or such other person has not the qualification required by law for such registration;

(ii.) Of a fictitious person;

shall be guilty of an offence and liable on conviction to the penalties prescribed by law for the offence of personation.

Voters' List not invalidated by reason of certain Omissions.

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 prescribed for his neglect or wilful default.

Written Authorizations not liable to Stamp Duty.

35. Anything in the Stamp Duties Amendment Proclamation, 1902, or any amendment thereof notwithstanding, no stamp duties shall be charged upon any declaration made or any authorization in writing issued for the purposes of any provision of this Schedule relating to registration of voters or revision of voters' lists.

Rectification of Omissions.

36. 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 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 any form hereto annexed in such manner as may be necessary for the better carrying out of the provisions of this Schedule.

 PART II.

Elections of Members of Legislative Assembly.

37. Part II of this Schedule shall apply to all elections of members of the Legislative Assembly constituted under these Letters Patent, and any election of a member of such Legislative Assembly shall take place in the manner hereinafter prescribed.

Nomination of Candidates for the Legislative Assembly and Proceedings thereupon.

38.—(1.) Upon a day named in a Proclamation by the Governor the person appointed by the Governor in Council in that behalf (hereinafter referred to as the Returning Officer) shall hold at a place stated in the said Proclamation a public Court for the nomination of persons proposed as members of the Legislative Assembly for the electoral division mentioned therein; and every such person shall be nominated by some registered voter for such division, and such nomination shall be seconded by some other such voter.

(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 date upon which a poll shall be taken for the election of a member of the said electoral division, not being less than five clear days from the day of nomination (subject to the provisions hereinafter contained in this section), and the poll shall take place accordingly, and shall commence at eight o'clock in the morning and close at eight o'clock in the evening. The Returning Officer shall forthwith give public notice of such date in some newspaper circulating within the electoral division and at such conspicuous places in such division as he may deem necessary for giving information of such polling.

(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 50*l.*, or such security for the said sum as the Returning Officer may deem sufficient, and out of such sum there shall be paid a *pro rata* share of the expenses mentioned in section 41 hereof. In no case shall such *pro rata* share exceed the amount of such deposit or security as aforesaid.

In case any person so required shall not forthwith deposit such sum or give security as aforesaid, he shall be deemed and taken not to be nominated as a candidate for an election.

(4.) At any general election of members of the Legislative Assembly the date of the nomination of persons proposed as members thereof shall be the same in each electoral division of the Colony, and all polls shall be taken on the same day in all electoral divisions situated within the Witwatersrand magisterial district and the area consisting of Pretoria municipality and suburbs.

Division of Electoral Divisions into Polling Districts.

39.—(1.) The Governor may by Proclamation in the Gazette divide any electoral division into so many polling districts as he may deem necessary for more conveniently carrying out the provisions of this Part of this Schedule, and may in like manner from time to time and for like purposes increase or decrease the number of such districts, or alter or adjust the boundaries thereof.

(2.) Whenever any electoral division has been divided into polling districts, or any increase, decrease, alteration, or adjustment of such districts has been made under the powers of this section, the Colonial Secretary shall take all steps that may be necessary for the purpose of compiling from the register of voters of the electoral division a register of voters for each polling district, consisting of the voters of the electoral division resident in such polling district.

Polling Stations.

40. For the purposes of the poll to be taken as aforesaid, there shall be one polling station at a convenient place to be determined by the Governor in Council within each electoral division, or, if an electoral division is divided into polling districts, then within each such polling district. Notice shall be given to the Returning Officer not later than the day of nomination of the place where every polling station shall be, and such notice shall be published in some newspaper circulating in the electoral division, and in such other manner as the Governor may prescribe. The determination of the Governor in Council as to the place of polling stations shall be notified by the Colonial Secretary in the Gazette.

Election Arrangements.

41. 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 by the Colonial Treasurer, who shall recover from each candidate for election his *pro rata* share of any such expenses as hereinbefore provided, exclusive of the initial expenditure incurred in providing such compartments, desks, ballot boxes, and stamping instruments aforesaid.

Presiding Officer at Polling Station.

42. 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.

43. 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.

44. 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.

Place where Vote is to be Recorded.

45. No person whose name is not inserted in the register of voters for an electoral division shall be permitted to vote in such division for any member of the Legislative Assembly, nor shall any person be permitted to record his vote elsewhere than at the polling station of such division, or if such division is divided into polling districts, elsewhere than at the polling station of such polling district for which he is registered as a voter save as is in this section provided; provided always that such register for the time being shall for all purposes be deemed and taken to be conclusive proof of the right to vote in such electoral division or polling district of every person whose name is inserted therein; provided, further, that if an electoral division is divided into polling districts such person shall be permitted to vote at a polling station in the electoral division for which he is registered other than the polling station of the polling district for which he is registered, if before voting he shall sign a declaration in a form to be prescribed by the Governor and notified by the Colonial Secretary in the Gazette. All such declarations may be taken by the Presiding Officer of the polling station at which such person desires to vote, and shall be kept by him and forwarded to the Returning Officer, and shall be open to inspection by the public at all reasonable times. No stamp duty shall be payable on any such declaration.

Enquiries as to right to Vote.

46. No enquiry shall be made at any election as to the right of any person to vote, except that the Presiding 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 register of voters in this division?
- (2.) Have you already voted at this election in this or any other electoral division?

And no person who shall refuse to answer any such question, 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.

47. 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 fine not exceeding fifty pounds, 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.

48. Every voter shall be entitled to give at any election only one vote.

Manner of voting.

49. The voting at all elections held under this Schedule shall be by ballot, which shall be conducted in substance and as nearly as possible in the manner hereinafter prescribed:—

- (i.) The Presiding Officer at the polling station shall, save as in section 45 is provided, ascertain that the person coming to vote is a person enrolled upon the register of voters for the electoral division or polling district in which the poll is being held, and having ascertained that such person is so enrolled, and his number on such register, shall enter his number upon the counterfoil in the ballot paper book, and shall then tear out the ballot paper corresponding to such counterfoil, and having stamped the same with a perforated stamp provided for that purpose, shall hand it to the voter. And every ballot paper shall be in the form from time to time prescribed by the Governor and notified by the Colonial Secretary in the Gazette.
- (ii.) When the voter has received such ballot paper, on which shall be printed in alphabetical order the names of all the duly nominated candidates at such election, he shall take the same to the compartment and desk provided for that purpose, and shall signify the candidate for whom he desires to vote by secretly placing a cross opposite the name of such candidate. He shall then fold the ballot paper so that the perforated mark may be visible, and having held up the ballot paper so that the Presiding Officer can recognize the perforated mark, shall drop the ballot paper in the ballot box placed in front of the Presiding Officer.
- (iii.) Should the voter either sign his name on the ballot paper or make any mark or write any word by which his ballot paper would become recognizable, then such voting paper shall be considered blank and not taken into account.

Spoiled Ballot Papers.

50. If a voter inadvertently spoils a ballot paper he may return it to the Presiding Officer, who shall, if satisfied of such inadvertence, give him another paper and retain the spoiled paper, and the spoiled paper shall be immediately cancelled, and the fact of such cancellation shall be noted upon the counterfoil.

Voters Incapacitated by Blindness or other Physical Cause.

51. The Presiding Officer, on the application of any voter who is unable to read, or who is incapacitated by blindness or other physical cause, from voting in manner prescribed by this Schedule shall, before such agents of the candidates as may be present, cause the vote of such voter to be marked on a ballot paper in manner directed by such voter, and the ballot paper to be placed in the ballot-box, and the name and number on the register of voters of every person whose vote is marked in pursuance of this section; and the reason why it is so marked shall be entered on a list hereinafter called the "List of votes marked by the Presiding Officer."

Tendered Ballot Papers.

52. If a person representing himself to be a particular voter applies for a ballot paper after another person has voted in his name, the applicant shall, upon duly answering the questions permitted by this Schedule, to be asked of voters at the time of polling, be entitled to mark a ballot paper in the same manner as any other voter, but the ballot paper (hereinafter called a "Tendered ballot paper") shall not be put in the ballot box, but shall be given to the Presiding Officer and indorsed by him with the name of the voter and his number on the register of voters and set aside in a separate packet, and shall not be counted by the Returning Officer; and the name of the voter and his number on the register aforesaid shall be entered in a list hereinafter called the "Tendered votes list."

Sealing up of Ballot Boxes, &c.

53. Every Presiding Officer, as soon as practicable after the close of the poll, shall, before such of the agents aforesaid as may be present, make up into separate packets sealed with his own seal and the seals of such agents aforesaid as desire to affix their seals—

- (1.) Each ballot box intrusted to him unopened, but with the key attached;
- (2.) The unused and spoiled ballot papers placed together;
- (3.) The tendered ballot papers;
- (4.) The marked copies of the register of voters and the counterfoils of the ballot papers;
- (5.) The "Tendered votes list" and the "List of votes marked by the Presiding Officer," and a statement of the number of voters whose votes are so marked by the Presiding Officer under the head "physical incapacity";

and shall deliver such packets to the Returning Officer.

The packets shall be accompanied by a statement made by each Presiding Officer, showing the number of ballot papers intrusted to him, and accounting for them under the heads of ballot papers in the ballot box, unused, spoiled, and tendered ballot papers.

Declaration of Poll.

54. Upon receipt of the aforesaid packets from such Presiding Officer by the Returning Officer the latter shall take charge of the same and shall, in the presence of such agents aforesaid as may be in attendance, open the ballot boxes and ascertain the result of the poll by counting the votes given to each candidate, and shall forthwith declare the candidate who has the greater or greatest number of votes to be duly elected a member of the Legislative Assembly for the electoral division in which the poll was held. In the event of the number of votes being found to be equal the Returning Officer shall by lot immediately determine the election. The decision of the Returning Officer shall be final subject to reversal on petition to or action in the Supreme Court praying that the election be set aside.

What Ballot Papers shall be Rejected.

55. The Returning Officer shall reject and not count any ballot papers which—

- (1.) Do not bear the official mark;
- (2.) Give votes to more than one candidate;
- (3.) Bear any writing or mark by which a voter can be identified otherwise than is in this Schedule prescribed;
- (4.) Are unmarked or void for uncertainty.

Marking of Rejected Ballot Papers.

56. The Returning Officer shall endorse "rejected" on any ballot paper which he may reject as invalid, and shall add to the endorsement "rejection objected to" if an objection be in fact made by or on behalf of any candidate to his decision.

Sealing up of Papers by Returning Officer.

57. The Returning Officer shall immediately after the declaration of the poll enclose in separate packets the counted and rejected ballot papers. He shall not open any sealed packet of tendered ballot papers or marked copy of the list of voters and counterfoils, but shall proceed before the candidates or such agents aforesaid as are present to re-seal after examination each of the sealed packets received by him from the Presiding Officers. All the packets aforesaid, together with a certificate stating the name of the member declared to be elected, shall be enclosed together in one sealed packet and delivered to the Colonial Secretary who shall safely keep such sealed packet for six months, after the expiration whereof the said packet and all papers contained therein may be destroyed.

Sealed Papers to Remain Unopened.

58. No such sealed packet as aforesaid shall be opened during the said period of six months except by order of the Supreme Court or any Judge thereof; and if any person shall, contrary to the provisions hereof, wilfully break the seal or open any such packet, he shall, upon conviction, be liable to a fine not exceeding fifty pounds, and in default of payment to imprisonment, with or without hard labour, for a period not exceeding three months.

Immaterial Mistakes not to affect Validity of Election.

59. No election shall be declared invalid by reason of any mistake or non-compliance with the terms of this Schedule if it appears to the Court having cognizance of the matter that the election was conducted in accordance with the principles laid down in this Schedule, and that such mistake or non-compliance did not affect the result of the election.

Returning Officer to Transmit Names of Persons Elected to Colonial Secretary.

60. As soon as the Returning Officer shall have declared a candidate to be duly elected a member of the Legislative Assembly for an electoral division, he shall, without delay, transmit to the Colonial Secretary the name of the person declared duly elected, and the number of votes received by the respective candidates.

Names of Members to be Published.

61. As soon as the Colonial Secretary shall have received from the several Returning Officers throughout the Colony the names of the persons declared duly elected for the several electoral divisions as members of the Legislative Assembly, he shall cause to be published by notice in the Gazette the names of the members returned, together with the electoral divisions which they severally represent.

Vacancies, how Filled.

62. When, and as often as a vacancy shall by death, resignation, or other cause occur in the representation in the Legislative Assembly of any electoral division, the Governor shall, as soon as he is duly informed of such vacancy, and the cause or causes thereof, by Proclamation in the Gazette, order in like manner *mutatis mutandis* as is hereinbefore enjoined in regard to other elections under this Schedule 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 other elections under this Schedule.

Procedure upon any General Election by Dissolution.

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

Provision in case same Person elected for more than one Electoral Division.

64. In case the same person shall have been declared duly elected for more than one electoral division such person shall be bound, upon being thereto required by the Governor, to decide which electoral division he will represent, and upon such decision the Governor shall, by Proclamation, command the Returning Officer of any other electoral division 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 division 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 division.

Electoral Expenses.—Illegal and Corrupt Practices. Hearing of Election Petitions.

65. The provisions of Chapters VIII to XI inclusive of "The Municipalities Elections Ordinance, 1903," as amended from time to time, shall *mutatis mutandis* apply in respect of elections under this Schedule, and such provisions shall be deemed to be incorporated herein, with the following exceptions:—

- (1.) The expenses of a candidate shall not be limited as in sub-section (10) of section 60 and as in section 61 of the said Ordinance is provided.
- (2.) The limit to the electoral expenses of each candidate allowed in respect of any election shall be two hundred pounds for one thousand names on the register of voters of the electoral division for which he is a candidate, and twenty-five pounds for each five hundred such names over and above such one thousand names.

And wherever in the said Chapters the expressions "Councillor," "Municipality," "Ordinance," or "Lieutenant-Governor" are used, such expressions shall for the purposes of this Schedule be read respectively as "Member of the Legislative Assembly," "Electoral Division," "Second Schedule of the Transvaal Constitution Letters Patent, 1906," and "Governor."

Power to make Regulations and give Instructions.

66. The Governor in Council may from time to time make, alter, or repeal Regulations, and give instruction not inconsistent with the provisions of this Schedule for the better carrying out of the objects and purposes thereof, and all such Regulations shall be notified in the Gazette by the Colonial Secretary.

ANNEXURE (A) TO SCHEDULE II.

Form of Notice under Section 2.

Magisterial District of

Notice is hereby given to the inhabitants of the several electoral divisions within the Magisterial District of that the Registering Officers will now commence, in accordance with the provisions of section 2 of Schedule 2 annexed to the Transvaal Constitution Letters Patent, 1906, to make out in and for each electoral division 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 electoral divisions of this district are those named at the foot hereof.

Dated this day of, 190...

(Signed)
Colonial Secretary.

ANNEXURE (B) TO SCHEDULE II.

Notices to be subjoined or annexed to Provisional List of Voters and posted under Section 5.

Notice of Claims and Objections.

Electoral division..... of the Magisterial District of

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, 190..., lodge with the Registering Officer at, either by transmission through the post or in some other manner, his claim to be registered as a voter, which claim shall be in writing and 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 on the day of, 190..., and lodge his objection, which shall be in writing and 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 Claim and of Objection may be obtained upon application to the Undersigned.

.....
Registering Officer.

Dated this day of, 190...

ANNEXURE (C) TO SCHEDULE II.

Claim to be Registered as a Voter.

Electoral division..... Magisterial District of

Name in full.	Claim to be a British Subject.	Age.	Period of Residence in the Transvaal.	Present Residence and Postal Address.	Profession, Trade, Occupation, or other description.

I, the undersigned, hereby declare that, to the best of my knowledge and belief, the particulars above given are correct.

Signature of Claimant

Postal address of Claimant

Date

As witness :

Signature of Witness

Postal address of Witness

Form of Objection to the Registration of a Voter.

To the Registering Officer appointed to make out the List of Voters in the electoral division, 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 electoral division, 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, 190...

(Signed)

of [*here state place of residence*].

As witness :

ANNEXURE (D) TO SCHEDULE II.

Electoral division 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 electoral division for the election of members of the Legislative Assembly.....

Dated this day of, 190...

(Signed)

Registering Officer.

Name in full.	Age.	Residence and Postal Address.	Occupation, Trade, Profession, or other description.

ANNEXURE (E) TO SCHEDULE II.

Electoral division Magisterial District of

Notice to be annexed to the List of Claimants under Section 8.

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 affixed by the Registering Officer, to have his name registered as a voter in the above electoral division, then every such objector may attend personally, or by an agent authorized in writing, at on the day of, 190..., and lodge his objection, which shall be in writing and 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),
Registering Officer.

ANNEXURE (F) TO SCHEDULE II.

List of persons appearing to be qualified to vote at the election of members of the Legislative Assembly in electoral division of the Magisterial District of

Dated this day of, 190...

(Signed),
Registering Officer.

Name in full.	Residence and Postal Address.	Occupation, Trade, Profession, or other description.

ANNEXURE (G) TO SCHEDULE II.

List of Rejected Claims.

Electoral division Magisterial District of

List of persons whose names have been removed from the Provisional List of Voters for the above electoral division 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.

..... day of, 190...

(Signed)
Registering Officer.

Name in full.	Occupation, Trade, Profession, or other description.	Residence and Postal Address.	Reason for allowing the Objection or disallowing the Claim.

ANNEXURE (H) TO SCHEDULE II.

Notice to be annexed to the Lists and posted up under Section 13.

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 electoral division of in 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)
Registering Officer.

ANNEXURE (I) TO SCHEDULE II.

Electoral Roll of persons registered in the electoral division of as qualified to vote for the election of Members of the Legislative Assembly.

Dated this day of, 190...

(Signed)

Name in full.	Residence and Postal Address.	Occupation, Trade, Profession, or other description.

SCHEDULE III.

Regulations for the Redivision of the Colony for Electoral Purposes.

(See section XV.)

1. The total number of voters, as ascertained from the list framed under "The Transvaal Constitution Order in Council, 1906," divided by sixty-nine shall be the quota of voters for the Colony.

2. If the total number of voters, as shown by the list of voters on which the redivision is to be made, exceeds the total number of voters, as ascertained from the list framed under "The Transvaal Constitution Order in Council, 1906," by an amount equal to the quota of voters for the Colony, or some whole multiple thereof, the number of electoral divisions shall be increased over and above sixty-nine by one, or by a number equal to such multiple, as the case may be, provided that the number of electoral divisions shall in no case exceed seventy-five, and shall not be less than the number existing at the date of such redivision.

3. In dividing the Colony into electoral divisions, the Commissioners shall ascertain the number of voters, as shown by the lists on which a redivision is to be made, in each of the following areas:—

- (a.) The Witwatersrand Magisterial District as at present defined;
- (b.) Pretoria Urban, which shall include the whole of the area to which six members have been allotted in the First Schedule of the Letters Patent;
- (c.) The area consisting of the whole of the Colony, after excluding therefrom the areas mentioned in (a) and (b);

and shall allot to each such area a number of members of the Legislative Assembly proportionate to the number of voters therein. The quotient obtained by dividing the number of voters in each such area by the number of members to which it is entitled is hereinafter referred to as the quota of voters for the area.

4. The Commissioners shall thereupon proceed to allot, in manner hereinafter prescribed, a number of members to each of the magisterial districts at present existing, and as at present defined, situated in the area mentioned in sub-section (c) of the last preceding Regulation (and for this purpose the Magisterial District of Pretoria shall consist of the said district as at present defined, less the area mentioned in sub-section (b) of the last preceding Regulation), and to each of the five parts (hereinafter referred to as an equivalent part) into which the Witwatersrand Magisterial District has been divided by the Commissioners mentioned in section 8 of the Letters Patent.

5. If the number of voters in any such magisterial district, or equivalent part, as aforesaid is less than one-half the quota of voters for the area as above defined, no member shall be returned by such district or part, but it shall be included in such adjoining district or part as the Commissioners may determine for the purpose of allotting the number of members to be returned by such adjoining district or part, in accordance with the principles laid down in the following Regulations.

6. If the number of voters in such magisterial district or equivalent part as aforesaid is not less than one-half the quota of voters for the area, but less than one and a-half times such quota, one member of the Legislative Assembly shall be returned by such district or part.

7. If the number of voters in any such district or part as aforesaid is not less than one and a-half times the quota of voters for the area, it shall return two members, if not less than two and a-half times such quota, three members, if not less than three and a-half times such quota, four members, and so on in like manner and proportion: provided that the total number of members allotted to the several magisterial districts or parts situated within any area mentioned in Regulation (3) shall not be greater nor less than the number of members allotted to such area as provided in that Regulation; and if such first-mentioned number of members be greater or less than the second-mentioned number of members, the Commissioners shall rectify such inequality by reducing or increasing as the case may be the number of members allotted to such of the several districts or parts within such area as in the opinion of the Commissioners ought to be reduced or increased while giving the nearest possible effect to the principles laid down in the preceding Regulations.

8. The Commissioners shall divide each magisterial district included in the area mentioned in sub-section (c) of Regulation (3) (and for this purpose the Magisterial District of Pretoria shall be the district as at present defined less the area described as Pretoria Urban in the said Regulation), and each equivalent part as above defined, and also the area described as Pretoria Urban, into as many electoral divisions as there are members allotted to such district, part, or area respectively.

In making such division the Commissioners shall follow the instructions mentioned in sub-sections (1), (2), and (3) of section 3 of the First Schedule hereto.

9. If there shall be in any magisterial district situated in the area mentioned in sub-section (3) of Regulation 3 a municipality, within the boundaries of which there shall be a number of voters equal to the quota for the said district or any whole multiple thereof, an electoral division, or a number of electoral divisions equal to such multiple, as the case may be, shall be included

in such municipality, each containing (due regard being had to the considerations above-mentioned) a number of voters equal to such quota; and such portion of the municipality as shall not be included in such electoral divisions shall be included in the electoral division adjoining such municipality. If the number of voters in any such municipality shall not be equal to the quota for the district, the whole of such municipality shall be included in one electoral division.

SCHEDULE IV.

CHARGES on Consolidated Revenue Fund.

(See section LVIII.)

The Governor, £8,000.

The Judges of the Supreme Court, £22,000.

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 until such time as the said Council shall cease to exist.

SCHEDULE V.

PENSIONS to retired officers.

(See sections LVIII and LX.)

The Honourable Sir Richard Solomon, K.C.B., K.C.M.G., K.C., Attorney-General, £1,000.

Patrick Duncan, Esq., C.M.G., Colonial Secretary, £450.

Sir Godfrey Lagden, K.C.M.G., Commissioner of Native Affairs, £450.

Adam Jamieson, Esq., Commissioner of Lands, £300.

SCHEDULE VI

(See section LXIV.)

Nature of Instrument.	Date.
Letters Patent	September 23, 1902.
Letters Patent	March 31, 1905.
"Transvaal Constitution Order in Council, 1905"	March 27, 1905.
Proclamations under the "Transvaal Constitution Order in Council, 1905"	No. 48 of June 1, 1905; No. 104 of October 18, 1905.
Royal Instructions to Governor ..	September 23, 1902.
Royal Instructions to Governor ..	May 13, 1905.

No. 2.

LETTERS PATENT PASSED UNDER THE GREAT SEAL OF THE UNITED KINGDOM,
 CONSTITUTING THE OFFICE OF GOVERNOR AND COMMANDER-IN-CHIEF OF
 THE TRANSVAAL.

*Letters Patent
 dated
 6th December,
 1906.*

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 provide for the Government of Our said Colony;

*Recites Letters
 Patent of the 23rd
 September, 1902.*

And whereas We are minded to make further provision for the Government of Our said Colony:

Now know ye that We do declare Our Will and Pleasure to be as follows:—

I. There shall be a Governor and Commander-in-Chief in and over Our Colony of the Transvaal, and appointments to the said Office shall be made by Commission under Our Sign Manual and Signet.

*Appointment of
 Governor.*

II. Our Colony of the Transvaal (hereinafter called the Colony) shall comprise all places, settlements, and territories which formed part of the territories of the South African Republic at the date when the said territories were annexed to and became part of Our dominions, save and except the districts known as Vryheid and Utrecht, together with certain parts of the district of Wakkerstroom, which have been included within the limits of Our Colony of Natal.

Limits of Colony.

III. We do hereby authorize, empower, and command Our said Governor and Commander-in-Chief (hereinafter called the Governor), to do and execute all things that belong to the said Office of Governor according to the tenor of these and any other Our Letters Patent, having effect within the Colony, and of such Commission as may be issued to him under Our Sign Manual and Signet, and according to such Instructions as may from time to time be given to him under Our Sign Manual and Signet or by Our Order in Our Privy Council, or by Us through one of Our Principal Secretaries of State, and to such laws as are now or shall hereafter be in force in the Colony.

*Governor's powers
 and authorities.*

IV. Every person appointed to fill the Office of Governor shall, with all due solemnity, before entering on any of the duties of his Office, cause the Commission appointing him to be Governor to be read and published in the presence of the Chief Justice of the Colony or of some other Judge of the Supreme Court, and such of the members of the Executive Council of the Colony who can conveniently attend, which being done, he shall then and there take before them the Oath of Allegiance in the form provided by an Act passed in the Session holden in the Thirty-first and Thirty-second years of the Reign of Her late Majesty, Queen Victoria, intituled "An Act to amend the Law relating to Promissory Oaths"; and likewise the usual Oath for the due execution of his Office, and for the due and impartial administration of justice, which oaths the said Chief Justice or Judge is hereby required to administer.

*Publication of
 Governor's Com-
 mission.*

*Oaths to be taken
 by Governor.*

*Imperial Act, 31 &
 32 Vict., c. 72.*

V. The Governor shall keep and use the Public Seal of the Colony for sealing all things whatsoever that shall pass the said Seal.

Public Seal.

VI. There shall be an Executive Council in and for the Colony, and the said Council shall consist of such persons being Ministers or other persons as the Governor shall, from time to time in Our name and on Our behalf, but subject to any law of the Colony, appoint under the Public Seal of

Executive Council.

the Colony to be members thereof. Subject to any such law the members of the Executive Council shall hold office during Our pleasure: Provided that the members of the Executive Council existing at the commencement of these Our Letters Patent may if the Governor thinks fit continue to hold office until the appointment of Ministers.

Grant of lands.

VII. The Governor may, in Our name and on Our behalf, make and execute, under the Public Seal, grants and dispositions of any lands within the Colony which may be lawfully granted or disposed of by Us.

Appointment of Officers.

VIII. The Governor may constitute and appoint in Our name and on Our behalf all such Officers in the Colony as may be lawfully constituted or appointed by Us.

Suspension or removal from Office.

IX. The Governor may, so far as We Ourselves lawfully may, upon sufficient cause to him appearing, remove from his office, or suspend from the exercise of the same, any person holding any office or place within the Colony under or by virtue of any Commission or Warrant or other Instrument granted, or which may be granted, by Us or in Our name or under Our authority, or by any other mode of appointment.

Grant of pardon.

X. When any crime or offence has been committed within the Colony, or for which the offender may be tried therein, the Governor may, as he shall see occasion, in Our name and on Our behalf, grant a pardon to any accomplice in such crime or offence who shall give such information as shall lead to the conviction of the principal offender, or of any one of such offenders, if more than one; and further, may grant to any offender convicted of any such crime or offence in any Court, or before any Judge or Magistrate, within the Colony, a pardon, either free or subject to lawful conditions, or any remission of the sentence passed on such offender, or any respite of the execution of such sentence, for such period as he may think fit, and may remit any fines, penalties, or forfeitures due or accrued to Us: Provided always, that if the offender be a natural-born British subject, or a British subject by naturalization in any part of Our Dominions, the Governor shall in no case, except where the offence has been of a political nature unaccompanied by any other grave crime, make it a condition of any pardon or remission of sentence that the offender shall be banished from or shall absent himself or be removed from the Colony.

Remission of fines.

Proviso.

Banishment.

Exception.

Political offences.

Succession to the Government in the event of the death, &c., or absence of the Governor from South Africa.

XI. In the event of the death, incapacity, removal, or absence from South Africa of Our said Governor, or of his being from any cause prevented from acting in the duties of his office, all and every the powers and authorities granted to him shall, until Our further pleasure is signified therein, be vested in such person as We may appoint under Our Sign Manual and Signet, and such person shall have and exercise all such powers and authorities until Our further pleasure shall be signified: Provided that no such powers or authorities shall vest in such person until he shall have taken the oaths hereinbefore directed to be taken by the Governor of the Colony, and in the manner herein prescribed.

Temporary absence of the Governor.

XII. Whenever and so often as the Governor shall be temporarily absent from the Colony in pursuance of any Instructions from Us through one of Our Principal Secretaries of State, or in the execution of any Letters Patent or any Commission under Our Sign Manual and Signet appointing him to be Our High Commissioner or Special Commissioner for any territories in South Africa with which it may be expedient that We should have relations, or appointing him to be Governor or to administer the Government of any Colony, province, or territory adjacent or near to the Colony, or shall be absent from the Colony for the purpose of visiting Our High Commissioner for South Africa or the Governor or Officer Administering the Government of Our Colony of the Cape of Good Hope, or some other neighbouring Colony or State, for a period not exceeding one month, then and in every such case the Governor may continue to exercise all and every the powers vested in him as fully as if he were residing within the Colony.

Governor may appoint a Deputy during his temporary absence from seat of Government or from the Colony.

XIII. In the event of the Governor having occasion to be temporarily absent for a short period from the seat of Government or from the Colony, he may, in every such case, by an Instrument under the Public Seal of the Colony, constitute and appoint any person to be his Deputy within the Colony, or any part thereof, during such temporary absence, and in that capacity to exercise, perform, and execute for and on behalf of the Governor

during such absence, but no longer, all such powers and authorities vested in the Governor, as shall in and by such Instrument be specified and limited, but no others. Every such Deputy shall conform to and observe all such Instructions as the Governor shall from time to time address to him for his guidance: Provided, nevertheless, that by the appointment of a Deputy, as aforesaid, the power and authority of the Governor shall not be abridged, altered, or in any way affected, otherwise than We may at any time hereafter think proper to direct:

Provided further that, if any such Deputy shall have been duly appointed, it shall not be necessary during the continuance in office of such Deputy for any person to assume the Government of the Colony as Administrator thereof.

XIV. And We do hereby require and command all Our Officers and Ministers, Civil and Military, and all other the inhabitants of the Colony, to be obedient, aiding and assisting unto the Governor, or to such person or persons as may from time to time, under the provisions of these Our Letters Patent, administer the Government of the Colony. Officers and others to obey the Governor.

XV. In the construction of these Our Letters Patent, the term "the Governor," unless inconsistent with the context, shall include every person for the time being administering the Government of the Colony. Term "the Governor" explained.

XVI. 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. Power reserved to His Majesty to revoke, alter, or amend present Letters Patent.

XVII. And We do direct and enjoin that these Our Letters Patent shall be read and proclaimed at such place or places within the Colony as the Governor shall think fit, and shall commence and come into operation on a day to be fixed by the Governor by Proclamation in the Transvaal Government Gazette. Proclamation of Letters Patent.

In witness whereof We have caused these Our Letters to be made Patent. Witness Ourselves at Westminster, this sixth day of December, in the sixth year of Our Reign.

By Warrant under the King's Sign Manual.

MUIR MACKENZIE.

No. 3.

INSTRUCTIONS PASSED UNDER THE ROYAL SIGN MANUAL AND SIGNET, TO THE GOVERNOR AND COMMANDER-IN-CHIEF OF THE COLONY OF THE TRANSVAAL. Dated 6th December, 1906.

EDWARD R. & I.

INSTRUCTIONS to Our Governor and Commander-in-Chief in and over Our Colony of the Transvaal, or to Our Lieutenant Governor or other Officer for the time being administering the Government of Our said Colony.

Given at Our Court at Saint James's, this sixth day of December, 1906, in the sixth year of Our Reign.

WHEREAS by certain Letters Patent bearing even date herewith We have constituted, ordered, and declared that there shall be a Governor and Commander-in-chief (therein and hereinafter called the Governor) in and over Our Colony of the Transvaal (therein and hereinafter called the Colony); Preamble. Recites Letters Patent, constituting the Office of Governor.

And whereas We have by the said Letters Patent authorized, empowered, and commanded the Governor to do and execute all things that belong to his said office, according to the tenor of the said Letters Patent and any other Our Letters Patent having effect within the Colony, and of such

Commission as may be issued to him under Our Sign Manual and Signet, and according to such Instructions as may from time to time be given to him under Our Sign Manual and Signet or by Our Order in Our Privy Council, or by Us through one of Our Principal Secretaries of State, and to such Laws as are now or shall hereafter be in force in the Colony :

Now, therefore, We do hereby direct and enjoin and declare Our Will and pleasure to be as follows :—

Term "Governor."

I. In these Our Instructions, unless inconsistent with the context, the term "Governor" shall include every person for the time being administering the Government of the Colony.

Oaths to be administered by Governor.

II. The Governor may, whenever he thinks fit, require any person in the public service to take the Oath of Allegiance, together with such other Oath or Oaths as may from time to time be prescribed by any Law in force in the Colony. The Governor is to administer such Oaths or cause them to be administered by some Public Officer of the Colony.

Governor to communicate Instructions to Executive Council.

III. The Governor shall forthwith communicate these Our Instructions to the Executive Council, and likewise all such others, from time to time, as he shall find convenient for Our service to impart to them.

Executive Council not to proceed to business unless summoned by the Governor's authority.

IV. The Executive Council shall not proceed to the despatch of business unless duly summoned by authority of the Governor, nor unless two Members at the least (exclusive of himself or of the Member presiding) be present and assisting throughout the whole of the meetings at which any such business shall be despatched.

Quorum.

Governor to preside, and in his absence such Member as he may appoint, or the Senior Member to preside.

V. The Governor shall attend and preside at the meetings of the Executive Council, unless prevented by some necessary or reasonable cause, and in his absence such Member as may be appointed by him in that behalf, or in the absence of such Member the senior Member of the Executive Council actually present shall preside. The seniority of the Members of the said Council shall be prescribed by the Governor.

Seniority of Members.

Governor to take advice of Executive Council.

VI. In the execution of the powers and authorities vested in him, the Governor shall be guided by the advice of the Executive Council, but if in any case he shall see sufficient cause to dissent from the opinion of the said Council, he may act in the exercise of his said powers and authorities in opposition to the opinion of the Council, reporting the matter to Us without delay, with the reasons for his so acting.

In any such case it shall be competent to any Member of the said Council to require that there be recorded upon the Minutes of the Council the grounds of any advice or opinion that he may give upon the question.

Description of laws not to be assented to.

VII. The Governor shall not assent in Our name to any law of any of the following classes :—

1. Any law for divorce.
2. Any law whereby any grant of land or money, or other donation or gratuity, may be made to himself.
3. Any law affecting the currency of the Colony.
4. Any law imposing differential duties.
5. Any law the provisions of which shall appear inconsistent with obligations imposed on Us by Treaty.
6. Any law interfering with the discipline and control of Our forces in the Colony by land or sea.
7. Any law of an extraordinary nature and importance, whereby Our prerogative, or the rights and property of Our subjects not residing in the Colony, or the trade and shipping of the United Kingdom and its dependencies, may be prejudiced.
8. Any law containing provisions to which Our assent has been once refused, or which have been disallowed by Us :

Unless he shall have previously obtained Our instructions upon such law through one of Our Principal Secretaries of State, or unless such law shall contain a clause suspending the operation thereof until the signification in the Colony of Our pleasure thereupon.

VIII. Whenever any offender shall have been condemned to suffer death by the sentence of any Court, the Governor shall consult the Executive Council upon the case of such offender, submitting to the Council any Report that may have been made by the Judge who tried the case; and, whenever it appears advisable to do so, taking measures to invite the attendance of such Judge at the Council. The Governor shall not pardon or reprieve any such offender unless it shall appear to him expedient so to do, upon receiving the advice of the Executive Council thereon; but in all such cases he is to decide either to extend or to withhold a pardon or reprieve, according to his own deliberate judgment, whether the Members of the Executive Council concur therein or otherwise; entering nevertheless, on the Minutes of the Executive Council, a Minute of his reasons at length in case he should decide any such question in opposition to the judgment of the majority of the Members thereof.

Regulation of power of pardon in capital cases.

Judge's Report to be laid before Executive Council.

Governor to consult Executive Council in such cases.

May exercise his own judgment.

Entering his reasons on the Council Minutes.

IX. All Commissions granted by the Governor to any persons to be officers in the Colony shall, unless otherwise provided by law, be granted during pleasure only.

Officers to be appointed during pleasure.

X. Except in accordance with the provisions of any Letters Patent or of any Commission under Our Sign Manual and Signet, the Governor shall not, upon any pretence whatever, quit the Colony without having first obtained leave from Us for so doing under Our Sign Manual and Signet, or through one of Our Principal Secretaries of State, unless for the purpose of visiting the High Commissioner for South Africa or the Governor or Officer Administering the Government of some neighbouring Colony or State, for periods not exceeding one month at any one time, nor exceeding in the aggregate one month for every year's service in the Colony.

Governor not to quit the Colony.

Temporary leave of absence.

XI. The temporary absence of the Governor for any period not exceeding one month shall not, if he have previously informed the Executive Council, in writing, of his intended absence, and if he have duly appointed a Deputy in accordance with the above recited Letters Patent, nor shall any extension of such period sanctioned by one of Our Principal Secretaries of State and not exceeding fourteen days, be deemed absence from the Colony within the meaning of the said Letters Patent.

Governor's absence from the Colony.

E. R. & I.

No. 4.

SWAZILAND ORDER IN COUNCIL.

At the Court at SANDRINGHAM HOUSE, the 1st day of December, 1906.

Present :

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.
EARL OF ELGIN.

LORD RIBBLESDALE.
SIR DIGHTON PROBYN.

WHEREAS by an Order of His Majesty in Council bearing date the 25th day of June, 1903, and known as "The Swaziland Order in Council, 1903," His Majesty was pleased to confer upon the Governor of the Transvaal power and authority in and over the territory of Swaziland as defined in the said Order;

And whereas it is expedient that the powers of the said Governor should be transferred to and in future be exercised by His Majesty's High Commissioner for South Africa;

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

1. This Order may be cited as "The Swaziland Order in Council, 1906."

2. From and after the commencement of this Order all the powers and authorities by "The Swaziland Order in Council, 1903," or otherwise vested in, and exercised by, the Governor of the Transvaal shall be transferred to, and be exercised by, His Majesty's High Commissioner for South Africa, and the said Order shall be read and construed as though in place of the words "Governor of the Transvaal" and "Governor," wherever the same occur, the words "High Commissioner for South Africa" were substituted therefor.

3. The "Gazette" referred to in the said Order, and in this Order shall be the official "Gazette" of the High Commissioner for South Africa.

4. For the Public Seal of the Transvaal the seal of the High Commissioner for South Africa shall be substituted.

5. Articles 8 and 10 of the said Order are hereby revoked without prejudice to anything lawfully done thereunder.

6. This Order shall be published in the "Gazette," and shall thereupon commence and come into operation, and the High Commissioner shall give directions for the publication of this Order at such places and in such manner and for such time or times as he thinks proper for giving due publicity thereto within Swaziland.

7. His Majesty may from time to time revoke, alter, add to, or amend this Order.

And the Right Honourable the Earl of Elgin, K.G., one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

A. W. FITZROY.

APPENDIX I.

THE EARL OF ELGIN TO GOVERNOR THE EARL OF SELBORNE.

(Sent, 6·10 P.M., July 31, 1906.)

TELEGRAM.

(July 31. No. 1.)

HIS Majesty's Government felt it their duty in February to advise His Majesty that the Letters Patent of the 31st March, 1905, should be withdrawn, and that the Transvaal should receive the gift of Responsible Government so soon as sufficient information had been collected, by the despatch of a Committee to South Africa and otherwise, to enable them to recommend to His Majesty with confidence the bases and provisions upon which self-government might be securely established. Letters Patent will duly issue in their final form, but as His Majesty's Government recognize that great anxiety prevails on this subject, they have resolved to declare to Parliament before the adjournment their determination to certain leading principles and conditions which will hereafter be incorporated in the Letters Patent.

Representation will be on a voter's basis, coupled with manhood suffrage and a residential qualification of six months. The military vote will be excluded. The existing Magisterial districts will be retained, but will be divided where necessary into single-member constituencies, the division following as far as possible the boundaries of the field cornetries.

It has been found impossible to use the voters' roll prepared under the Order in Council of 1905 for the distribution of seats owing to doubts, in which you concur, as to whether the roll now correctly represents the number and distribution of the voters, and the revision would occupy at least six months. This delay would have been prejudicial to many interests, and His Majesty's Government have resolved to use the figures of the last census for this purpose. On this basis thirty-four seats may be allotted to the Rand (including therein Krugersdorp (Rural), which territorially belongs to it), six to Pretoria, and twenty-nine to the rest of the country. This distribution follows closely the arithmetical proportions, except that, in view of the increase of population since the census on the Rand, one seat beyond the strict proportion is given to that district. Provision will be made for automatic redistribution, and for the election of a new Assembly after every five years. Members will be entitled to address the House either in English or in Dutch.

Having regard to the interpretation generally placed upon the Vereeniging terms, the exercise of the franchise must be confined to white British subjects. In the meantime, and pending any grant of representation to natives after establishment of Responsible Government, no native territory now administered by the Governor or High Commissioner will be placed under the control of the new Responsible Government, and Swaziland, like other native territories now administered by the High Commissioner, will be under the direct control of the Crown.

Provision will also be made for safeguarding the general interests of the natives, for instance, that lands reserved for natives shall not be alienated without legislation which will be reserved.

The Letters Patent will provide for the reservation of 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, and no law sanctioning any condition of service or residence of a servile character will be assented to. As announced earlier in the Session, a clause will be introduced to terminate the present Ordinance for the importation of Chinese coolies.

Following the precedent of other Colonies, there will be a second Chamber, and His Majesty's Government are of opinion that it ought, in its permanent form, to be elective, and to follow generally the model of the Cape Legislative Council. But to facilitate arrangements they propose to constitute it, for the first Parliament only, by nomination, reserving to the Crown the right of nomination.

Provisions will be necessary for the reconstitution of the Inter-Colonial Council after a reasonable interval to meet the requirements of the new situation—for a Civil List—for payment of members, and for land settlement.

APPENDIX II.

THE EARL OF ELGIN TO GOVERNOR THE EARL OF SELBORNE.

(Sent, 8·45 P.M., December 10, 1906.)

TELEGRAM.

(December 10. No. 4.)

REFERRING to my telegram No. 1 of the 31st July, the Letters Patent granting Responsible Government to the Transvaal and carrying into effect the declarations made by His Majesty's Government as to the advice they would tender to the Crown, have now been approved

by His Majesty. Full information regarding the text of the instrument will be in your hands on the 13th instant, and will be published by you without delay. Publication will take place in this country on the 12th instant.

The instrument itself passed the Great Seal on the 6th instant, and has been despatched by the mail of the 8th.

In announcing to you the transmission of this instrument for promulgation, I am commanded by the King to express through you to the people of the Transvaal his earnest wishes for the peace and prosperity of the country under the new Constitution.

I desire to add on behalf of His Majesty's Government that they have advised His Majesty to grant immediate Responsible Government to the Transvaal, in full confidence that under the free institutions established by this Constitution the prosperity and contentment of the Transvaal and its people will be permanently secured, and with the hope that the steps now taken will in due time lead to the union of the interests of the whole of His Majesty's dominions in South Africa.