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UNION OF SOUTH AFRICA.

1

CONFERENCE

ON THE

FUTURE CONSTITUTION

OF THE

THE
SERVANTS OF INDIA
SOCIETY.
PUNJAB

SENATE.

LETTER FROM MR. SPEAKER TO THE RT. HON. THE
PRIME MINISTER, TOGETHER WITH MINUTES OF
PROCEEDINGS AND ANNEXURES.

*Presented to both Houses of Parliament by Command of His Royal Highness the
Governor-General.*

Price: 6s. 6d.

V63,3:2p

CAPE TOWN:

CAPE TIMES LIMITED, GOVERNMENT PRINTERS.

1920.

[U.G. 65—'20.]

Cost of Printing 28 5 0

B3/8916.11.20.
C.T. 3rd.—B3237.

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STATEMENT OF REFERENCE.

(Extracts from the Minutes of the Senate dated 17th August, 1920, page 255, and from the Votes and Proceedings of the House of Assembly dated 16th August, 1920, page 1094, respectively.)

The Prime Minister said: "The Speaker's Conference on the Future Constitution of the Senate will meet at Cape Town on 11th October. It will consist of the Speaker as Chairman and the following 20 members from both Houses of Parliament:

"Fredrik William Beyers, K.C., Jan Hendrik Hofmeyr de Waal, Senator the Honourable Isaac William Brunt de Villiers, Richard Feetham, K.C., Senator the Honourable Sir John Fraser, Kt., Nicolaas Christiaan Havenga, John William Jagger, Walter Bayley Madeley, the Right Honourable Francois Stephanus Malan, the Right Honourable John Xavier Merriman, John William Moor, Tielman Johannes de Villiers Roos, Senator the Honourable C. P. Robinson, Henry William Sampson, O.B.E., the Honourable Sir Thomas William Smartt, K.C.M.G., Walter John Snow, Senator the Honourable Henri George Stuart, Senator the Honourable Hercules Christian van Heerden, Senator the Honourable Peter Whiteside, Senator the Honourable Andries Daniel Wijnand Wolmarans.

"The Conference will consider, and report to the Government, on the necessity, or otherwise, of any further provision in respect of the future constitution of the Senate, and in that connection make recommendations on the election or nomination, or both, of its members, and in what manner and for what periods, the dissolution of the Senate, the periodic retirement of Senators or groups of Senators and the filling up of casual vacancies, and any incidental questions which may arise in connection with the above matters."

Letter from the Right. Hon. the Prime Minister, dated, Pretoria, 7th October, 1920, to the Hon. C. Joel Krige, Speaker of the House of Assembly, intimating that he had nominated Messrs. George Hills, M.L.A., and J. H. S. Gow, M.L.A., to take the places of Messrs. W. B. Madeley, M.L.A., and H. W. Sampson, O.B.E., M.L.A., respectively, who were unable to attend the Conference.

MEMBERS.

Chairman.

The Hon. C. JOEL KRIGE, M.L.A. (*Speaker of the House of Assembly*).

Members.

Mr. F. W. BEYERS, K.C., M.L.A.
 Mr. J. H. H. DE WAAL, M.L.A.
 Senator the Hon. I. W. B. DE VILLIERS.
 Mr. R. FEETHAM, K.C., M.L.A.
 Senator the Hon. Sir J. FRASER, Kt.
 Mr. J. H. S. GOW, M.L.A.
 Mr. N. C. HAVENGA, M.L.A.
 Mr. G. HILLS, M.L.A.
 Mr. J. W. JAGGER, M.L.A.
 The Rt. Hon. F. S. MALAN, M.L.A.
 The Rt. Hon. J. X. MERRIMAN, M.L.A.
 Mr. J. W. MOOR, M.L.A.
 Mr. T. J. DE V. ROOS, M.L.A.
 Senator the Hon. C. P. ROBINSON.
 The Hon. Sir T. W. SMARTT, K.C.M.G., M.L.A.
 Mr. W. J. SNOW, M.L.A.
 Senator the Hon. H. G. STUART.
 Senator the Hon. H. C. VAN HEERDEN.
 Senator the Hon. P. WHITESIDE.
 Senator the Hon. A. D. W. WOLMARANS.

Secretary Mr. E. M. O. CLOUGH (*Clerk of the Senate*).

Assistant Secretary .. Mr. MAURICE GREEN (*Black Rod and Senate Committee Clerk*).

Translator Mr. S. F. DU TOIT (*Senate Translator and Assistant Committee Clerk*).

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Speaker's Chambers,
House of Assembly,
Cape Town,
1st November, 1920.

DEAR PRIME MINISTER,—

I have much pleasure in informing you that the Conference on the Future Constitution of the Senate has now completed its work and that I am authorised to report to you the Resolutions at which it has arrived.

You will doubtless remember the circumstances under which it originated, but, for the sake of greater accuracy, I will detail them.

1. The question of the re-constitution of the Senate after the expiration of the period of ten years, for which it was constituted at the establishment of Union in 1910, was first raised in Parliament in 1917 when Vote No. 2 ("The Senate") of the Annual Estimates was under consideration in Committee of Supply in the House of Assembly (4th June) and later during that Session, namely, the 21st of July in the Senate when the Annual Appropriation Bill was before that House. Since that time the subject has been brought up in Parliament as follows:—

- | | |
|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1918. Senate. | The appointment and Report of a Select Committee on the subject, which made a recommendation [S.C. 4—1918]. |
| 1918. Assembly. | Committee of Supply—Annual Estimates, Vote No. 2, "The Senate" (7th March). |
| 1919. Senate. | Motion by Senator Sir John Fraser for the immediate introduction of legislation on lines of the Select Committee Report above mentioned (26th March). |
| 1919. Senate. | In Committee upon the Annual Appropriation Bill (19th June). |
| 1919. Assembly. | Committee of Supply—Annual Estimates, Vote No. 2 (24th March). |
| 1920. Senate. | Motion by Senator Stuart urging the desirability of legislation (14th June). |
| 1920. Senate. | In Committee upon the Annual Appropriation Bill (16th August). |
| 1920. Senate. | Upon the stages of the Constitution of the Senate Bill. |
| 1920. Assembly. | Committee of Supply—Annual Estimates, Vote No. 2 (19th March). |
| 1920. Assembly. | Upon the various stages of the Bill to remove doubts as to the date of expiration of the First Senate in 1920. |

2. From the statements made by the Government in Parliament during the above-mentioned period, however, the Government was rather averse to taking action in regard to any important constitutional changes during the abnormal circumstances created by the War. However, on the 19th of May, 1920, and during the debate in the House of Assembly when the third reading of a Bill for the removal of doubt as to the date of expiration of the First Senate was under consideration, the Right Honourable the Prime Minister said:—

"There remained behind that, the larger question of what the future of the Senate was going to be. The Government had a clear view of what procedure should be adopted in order to obtain an amended constitution. . . . If they were going to take any wise action in regard to a grave constitutional reform of far-reaching importance they ought to proceed by consent and with the co-operation of all parties. . . . There was no doubt that there was a general consensus of opinion that a change was necessary. . . . The only way was to proceed, as was done in the case of the House of Lords, by a Speaker's Conference. During the present Session he was anxious to consult the Leaders of Parties to see whether it was possible to agree about the *personnel* both from members of the Assembly and of the Senate, of a Speaker's Conference, which would meet after the recess, and at leisure and quietly,

“ and from a non-party point of view, and in a spirit of co-operation and mutual consent, try to thresh out the details of a new Senate. . . .
 “ Then they could frame a Report, and if that Report commended itself to the good sense of the country, he hoped that in the next Session it would be possible to deal with the matter and put through a revised constitution of the Senate.”

3. The Prime Minister also made reference to the proposed Speaker's Conference when the question of the future constitution of the Senate was raised in the House of Assembly on the 22nd of June, 1920, during the consideration of Vote No. 2 (“The Senate”), on which occasion he said:

“ It was still the intention of the Government to make arrangements for a Speaker's Conference to be called immediately after the Session”

4. The idea seemed to find favour, and soon afterwards I accepted an invitation from you to preside over a Conference of Members of Both Houses of Parliament. The members of Parliament constituting the Conference were elected by the various political parties from amongst their supporters in the Senate, as well as in the House of Assembly, and on the 16th and 17th of August last you followed your statements above-mentioned as to the constitution of a Speaker's Conference with an announcement made in the House of Assembly and in the Senate, respectively, which announcement constitutes the statement of reference of this Conference, and is as follows:—

“ The Speaker's Conference on the Future Constitution of the Senate will meet at Cape Town on 11th October. It will consist of the Speaker as Chairman and the following twenty members from both Houses of Parliament:—F. W. Beyers, K.C., J. H. H. de Waal, Senator the Hon. I. W. B. de Villiers, R. Feetham, K.C., Senator the Hon. Sir John Fraser, Kt., N. C. Havenga, J. W. Jagger, W. B. Madeley, the Rt. Hon. F. S. Malan, the Rt. Hon. J. X. Merriman, J. W. Moor, T. J. de V. Roos, Senator the Hon. C. P. Robinson, H. W. Sampson, O.B.E., the Hon. Sir T. W. Smartt, K.C.M.G., W. J. Snow, Senator the Hon. H. G. Stuart, Senator the Hon. H. C. van Heerden, Senator the Hon. P. Whiteside, Senator the Hon. A. D. W. Wolmarans.

“ The Conference will consider and report to the Government on the necessity or otherwise of any further provision in respect of the future constitution of the Senate, and in that connection make recommendations on the election or nomination or both of its members, and in what manner and for what periods the dissolution of the Senate, the periodic retirement of Senators or groups of Senators and the filling up of casual vacancies, and any incidental questions which may arise in connection with the above matters.”

Before the Conference met, however, on account of Messrs. W. B. Madeley, M.L.A., and H. W. Sampson, O.B.E., M.L.A., being unable to attend, Messrs. J. H. S. Gow, M.L.A., and George Hills, M.L.A., were appointed by you to take their places.

— Mr. E. M. O. Clough, the Clerk of the Senate, acted as Secretary to the Conference.

5. The Conference met on the 11th ultimo in the Senators' Library, at the Houses of Parliament, and it is significant to mention that one of the tables at which we sat bears a plate signifying that it was the table upon which the First Report of the South African National Convention was signed, upon which plate is a facsimile of the signature of the late Lord de Villiers, its honoured President (then Sir Henry de Villiers) and afterwards the Chief Justice of the Union.

6. After our fourth sitting Mr. Tielman Roos, M.L.A., was unable to attend the sittings of the Conference, and after the sixth sitting Mr. Beyers, K.C., M.L.A., and Senator de Villiers were unable to be present, Senator Wolmarans being absent after the seventh sitting.

Altogether the Conference held ten sittings (meeting daily at 10 o'clock a.m.), the last of which took place on the 22nd ultimo, when I was authorised

to report to you the result of our deliberations. This appears in the following series of Resolutions, which I will deal with *seriatim*, and at the same time I propose to give you, in respect of each Resolution, an outline of the main arguments which led the Conference to these decisions.

A.—BICAMERALISM.

7. The first question raised at the Conference was as to whether the Union Constitution should continue under the two Chamber system or not. You will recollect that I addressed a letter to you on the 22nd of September last with reference to certain points which I anticipated might arise in connection with the subject under enquiry by the Conference and upon which there was some doubt in my mind as to whether they were included in the statement of reference. Of such points one was bicameralism and the other the powers to be vested in the future Senate. To this letter you kindly replied on the same date, and you expressed the view that, should the Conference decide upon a different scheme as to a future Senate than that laid down in section *twenty-five* of the South Africa Act, 1909, then such further or other provision might well be that there should be no Senate at all, and, that if such alternative were vetoed by the Conference, it could then go into the detailed questions affecting the Constitution which are referred to in the statement of reference. In view of your letter I was not prepared to rule such subject as being outside the scope of the enquiry; I therefore left the decision thereof with the Conference.

8. In regard to the question of bicameralism the following Motion was moved:—

“That in the opinion of this Conference a Second Chamber is not
“necessary.”

The question, however, was negatived by a very large majority. Discussion upon the subject revealed a strong opposition to the establishment of an unicameral system, and even its advocates expressed the opinion that the great difficulty was to devise a substitute which would be at the same time practical in its effect.

B.—A CONSTITUTIONAL CHANGE.

9. The Conference next proceeded to consider the question as to whether the system of constitution for the Senate as provided for in paragraphs (i) and (ii) of section *twenty-five* of the South Africa Act, 1909, should be continued and, if not, what system should be substituted. It will be remembered that the system referred to in the paragraphs above-mentioned consists of eight Government-nominated Senators (of which two were nominated early in the present year on account of casual vacancies which carry the full period of ten years in respect of tenure of seat), four of whom are nominated on account of their knowledge of native affairs, and eight Senators indirectly elected, namely, by the members of the Provincial Council and of the House of Assembly for each Province, both elements holding their seats for ten years, but only the elected element being affected by dissolution, which can take place at any time during that period provided it is simultaneous with that of the House of Assembly. With the exception of one or two members, the Conference was strongly of opinion that a departure from the composition provided for in such paragraphs was necessary.

The following Resolution was then affirmed:—

New constitution. “That in the opinion of this Conference the provisions
“laid down in the Act of Union for the constitution of the Senate
“require revision.”

C.—PROCEDURE.

10. Having come to the decision that some amendment of the South Africa Act, 1909, in this respect was necessary, the Conference then proceeded to consider
[U.G. 65—'20.]

what was the best and most suitable system of Second Chamber which would at the same time be applicable to conditions prevailing in South Africa. In the discussion of the subject it was agreed that all questions from this stage in the proceedings should, at first, only be provisionally affirmed or negated, as the case might be, and that the Resolutions so affirmed be submitted for definite and final decision at the close of the proceedings of the Conference.

This procedure was adopted for the reason that the Conference did not wish to bar itself against revision in case certain Resolutions might eventually prove in conflict with one another. I will, therefore, only quote the Resolutions as finally adopted by the Conference.

D.—PRINCIPLE OF COMPOSITION.

11. For the purpose of convenience the heads contained in the Report of the Senate Select Committee [S.C. 4—1918] were used as a basis for discussion and the propositions thereunder were taken *seriatim*, so far as the treatment of the subject would allow, members moving their motions as amendments.

12. Upon a motion for their exclusion, the question of life-nominated members was first considered. In the discussion upon this question not a single member of the Conference was in favour of the inclusion of a life-nominated member in any future Senate. There was also unanimity against any future Senate consisting entirely of term-nominated members. Upon the question of the inclusion of *any* term-nominated members, the Conference was almost equally divided. There was also a considerable difference of opinion as to such nomination being made by the Governor-General-in-Council.

13. In connection with this subject the decision of the Conference is embodied in the following Resolution :—

Principle of
Composition.

“That the future Senate neither include any life-nominated member nor consist solely of term-nominated members, but that it be composed partly of nominated members and mainly of elected members and that of the elected members, some be chosen by direct and others by indirect election.”

E.—RATIO.

14. In the consideration of what should constitute the proportionate number of Senators in comparison with the number of members of the House of Assembly it was decided that the ratio which existed at the time of the establishment of Union should be preserved, which, it will be remembered, was 40 Senators as compared with 121 members of the House of Assembly; such proportion to-day would be 44 of the former, the House of Assembly at present numbering 134; and when the House of Assembly reaches its limit of 150, the Senate would then number 50.

The following was the Resolution adopted :—

Ratio.

“That the number of members of the Senate be such as to preserve as nearly as possible a ratio of one-third the number of members of the House of Assembly.”

F.—COMPOSITION.

15. The Conference then entered upon the most intricate part of its enquiry, namely, how was the future Senate to be composed? Several schemes were put forward by the members, including that of an entirely elected body as well as various combinations of the nominated, directly and indirectly elected elements. There was a disposition on the part of some members to circumscribe the Government's nomination of the four Senators nominated mainly on account of their experience of native affairs, by requiring recommendation from such bodies as the Native Affairs Commission constituted under Act No. 23 of 1920, or from the members of the Provincial Council and House of Assembly for each Province. In the end, however, a continuance of the present system as to native representative

Senators prevailed, but it was recommended that such Senators should hold their seats for the same period as the elected Senators and be, like them, subject to a dissolution.

The actual decisions of the Conference upon this as upon other subjects under this head are contained in the Resolution given at the end of this paragraph.

16. The question to which the Conference devoted very close attention was that of the composition of the remaining 40 members after the four nominated Senators had been decided upon. When the proposal, that such members should be directly elected, came to the vote there was a substantial majority against it. Such proposal was followed by an even greater majority voting against such remaining number being composed entirely of indirectly elected members. It was eventually agreed upon that the elected element should be a combination of both directly and indirectly elected members. In respect of the directly elected Senators, one proposal was that the Union should be divided into a number of equal areas without reference to provincial boundaries, but although this suggestion found many adherents, yet it was considered by most of the members inadvisable to interfere with the present provincial boundaries and franchises. The Conference, therefore, decided that the representation of the original Provinces adopted by the Convention should continue, namely, eight Senators for each Province.

17. Having arrived at these basic principles, the Conference next considered how the directly elected Senators should be chosen, and with a few exceptions the entire Conference strongly supported the system known as proportional representation with the single transferable vote, as being that which gave the fairest representation to all sections of the community, ensuring, as it does, the representation of minorities.

18. Considerable diversity of opinion at one time existed as to whether each Province should constitute one electoral area or be divided into two or more such areas, and also as to the application of such a scheme to a continuous Senate with only a portion of its number retiring at fixed short periods. So keen, however, were the advocates of the system of proportional representation and so strong was the support of this method of election, that it was decided, in order not to jeopardise its operation in any way, that each Province should be one electoral area for the purpose of returning the directly elected Senators.

19. The Conference then proceeded to deal with the question of the indirectly elected element which it will be seen will number, with the present House of Assembly at 134, eight Senators. It was agreed that such eight Senators should be also elected by proportional representation, but upon a different electorate, namely, the members of the Senate and of the House of Assembly voting together.

20. A considerable number of the members of the Conference was in favour of such indirectly elected Senators being chosen from the following panel—

Judge of Superior Court,
 President of the Senate,
 Speaker of the House of Assembly,
 Speaker, President or Chairman of any House of Assembly, Legislative,
 Council or Volksraad,
 Minister of State for the Union,
 Member of Executive Council of any Colony or Territory which has become
 part of the Union,
 Administrator of any Province or Territory,
 Auditor-General of the Union,
 Permanent Head of any Government Department of the Union,
 Members of the House of Assembly of not less than ten years' standing,—

and much debate took place upon the question; eventually, however, the Conference decided to exclude any such provision.

21. In regard to casual vacancies, it is recommended that those occurring amongst the nominated element should be filled for the expiration of the original period only and be made within thirty days of their occurrence. In the case of those amongst both the directly and indirectly elected element it is recommended that such be filled by a re-examination of the original ballot papers and the selec-

tion of the candidate who obtained the majority of next preferences of the voters who have lost their representative, thus so far as possible preserving political continuity. It was decided that in cases where circumstances render the above procedure inoperative, such vacancies be filled, in the case of indirectly elected Senators, by the members of the Senate and of the House of Assembly electing a person to fill the seat for the unexpired term, and, in the case of the directly elected Senators, by the members of the Senate and of the House of Assembly for the Province in question electing a person to fill the vacancy in the same manner.

22. The Resolution relative to the composition of the Senate as adopted by the Conference in its final form reads as follows:—

Composition. “ That in place of the Senate constituted under the provisions
“ of paragraphs (i) and (ii) of section *twenty-five* of the South
“ Africa Act, 1909, the composition of the Senate be as follows:—

nominated
senators. “ 1. in respect of nominated Senators: four members nomi-
“ nated by the Governor-General-in-Council, selected on
“ the ground mainly of their thorough acquaintance, by
“ reason of their official experience or otherwise, with the
“ reasonable wants and wishes of the coloured and
“ native races in South Africa;

casual
vacancies. “ if the seat of a Senator so nominated become vacant the
“ Governor-General-in-Council to nominate a person to
“ hold the seat until the completion of the period for
“ which the person in whose stead he is nominated would
“ have held his seat, such vacancies to be filled within
“ thirty days of their occurrence;

directly
elected. “ 2. in respect of each original Province of the Union:
“ eight members be elected by the registered electors
“ for the members of the House of Assembly in each
“ Province according to the last biennial registration of
“ voters preceding such election of members of the
“ Senate and for the purpose of such election such
“ Province constitute one senatorial electoral area;

indirectly
elected. “ 3. the remaining* Senators be elected by the members of
“ the Senate and of the House of Assembly sitting
“ together and presided over by the Speaker of the
“ House of Assembly, who shall also be entitled to vote;

tenure of
seat. “ 4. both nominated and elected Senators to hold their seats
“ for a period of seven years from the day of the first
“ meeting of a Senate, subject to the prescribed dis-
“ solution;

casual vacancies-
elected senators. “ 5. if the seat of any elected Senator become vacant it be
“ filled, after the examination of the ballot papers which
“ secured the election of the member vacating his seat
“ by the candidate who obtained the majority of next
“ preferences of the voters who have lost their repre-
“ sentative, such candidate being duly qualified, and
“ should such candidate not be available then such
“ vacancy be filled—

“ (a) in the case of a directly elected member by the
“ members of the Senate and of the House of
“ Assembly for the Province concerned voting
“ together, and

“ (b) in the case of an indirectly elected member by all
“ the members of the Senate and of the House of
“ Assembly voting together.

* With the present House of Assembly numbering 134 Members the number of such Senators will be 8.

“The person elected to fill any such vacancy under this paragraph to hold the seat until the completion of the period for which the person in whose stead he is elected would have held his seat ;

proportional representation.

“6. the Senators to be elected under paragraphs (2), (3) and (5) of this Resolution to be elected according to the system of proportional representation, each voter having one transferable vote.”

G.—DURATION—DISSOLUTION.

23. There was considerable difference of opinion with regard to the prescribed life of the future Senate, the period varying from ten to six years. Much discussion took place as to the advisability of making the new Senate a continuous body with a division of Senators into classes, each retiring at stated intervals, thereby attempting to avoid a complete reflex of popular opinion in respect of the entire Senate. The continuous system, however, became rather difficult of acceptance so long as the representation of eight Senators for each Province, laid down by the South Africa National Convention, was retained, as even so large a proportion as half of such number only allows of four Senators being elected for each such area. It was felt that, under such conditions, proportional representation would not be given an opportunity of efficient operation as minorities in the several Provinces would not obtain fair treatment as to representation. It was pointed out during discussion that authorities upon proportional representation agreed that the system was not thoroughly operative where less than seven, or at least five, seats are to be filled. The objection, however, to increasing the Provincial representation prevailed, and it was decided by a large majority to make the duration of the Senate seven years, thereby avoiding, so far as possible, Senate elections being simultaneous with those of the House of Assembly.

24. The Conference unanimously was of opinion that dissolution should include the four nominated Senators also. There was very strong support for leaving the power of the double dissolution as provided for in the South Africa Act, 1909, and it was decided in order to maintain so far as possible the full life of each Senate, that simultaneous dissolution should be safeguarded by a provision that the Senate should not be dissoluble except in the case of prolonged disagreement between the two Houses upon a Bill resulting in a joint sitting as provided for in section *sixty-three* of the South Africa Act, 1909.

The Conference took the following Resolution in regard to this subject :—

Duration—
Dissolution.

“That every Senate continue for seven years from the first meeting thereof and no longer, but be sooner dissoluble by the Governor-General provided the dissolution of the Senate is simultaneous with that of the House of Assembly, and provided further that no such dissolution takes place until a joint sitting has been held as provided for in section *sixty-three* of the South Africa Act, 1909, such dissolution to affect both the nominated and elected Senators.”

H.—MONETARY POWERS.

25. The question was raised as to whether the discussion of the subject of the monetary powers of the Senate came within the statement of reference, and this question having been also dealt with in the correspondence referred to in paragraph (7) of this letter, I decided to follow the same procedure in regard to it as I did in respect of the discussion of the question of an uni-cameral constitution, namely, to leave the question as to the discussion of the matter to the decision of the Conference.

26. The monetary powers to be accorded to the future Senate received considerable attention. Some members urged that the usual practice in framing constitutions in the Dominions be followed and therefore that, with its directly elected element as now suggested, the Senate was entitled to greater freedom

in regard to money matters than heretofore. Such members recommended that the lines of the Australian Commonwealth Constitution be followed, which vests in the Senate power to reduce any monetary provision in a Bill so far as it affects the non-annual services. Ultimately, however, the opinion prevailed that in actual practice the inconvenience and restriction which the Senate felt in regard to such matters could best be met by leaving the actual monetary powers of the Senate as they are at present (*vide* sub-sections (1), (2) and (3) of section *sixty* of the Constitution), and to add to such section a provision introducing the system known as the "process of suggestion" which has found such favour with both Houses of Parliament during its many years' trial in Australia.

27. It was decided, however, not to adopt such principle without the restriction of limiting the number of times the Senate could send suggestions to the House of Assembly in regard to any Bill to *once* in its passage, and not to allow the Senate to press a suggestion. The position would then be that in regard to the provisions of any Bill which the Senate under the said section *sixty* could not amend, the Senate would be able to make suggestions of a reduction nature in regard thereto, such suggestions being included in a schedule to be attached to the Bill which would be sent to the House of Assembly and be adopted, modified or rejected as that House may deem fit. Should the House of Assembly adopt or modify the suggestion such House would then embody it in the Bill, which would be returned to the Senate for concurrence. Should the Lower Chamber decide to take no action upon the suggestion made by the Senate then the matter would drop and not be capable of being agitated upon in any way by the Senate which must abide by the decision of the House of Assembly.

The Resolution adopted by the Conference in regard to this question was as follows:—

"Process of suggestion."

"That in regard to any Bill containing provisions which the Senate is prohibited by the terms of sub-sections (2) and (3) of section *sixty* of the South Africa Act, 1909, from amending, the Senate may once during the passage of any such Bill return it to the House of Assembly, suggesting by message the omission or amendment of any item or provision therein (which shall be set forth in an accompanying schedule), and the House of Assembly may, if it thinks fit, make any such omissions or amendments with or without modifications."

I.—PROPERTY QUALIFICATION FOR SENATOR.

28. The Conference gave some consideration to the question of the continuance of the property qualification of £500 required under the South Africa Act in respect of the elected Senators, and adopted the following Resolution:—

Qualification.

"That the property qualification required of an elected Senator be discontinued."

J.—DISQUALIFICATION FOR SENATORSHIP.

29. Following the almost world-wide constitutional principle, section *fifty-two* of the South Africa Act, 1909, provides that a member of either House of Parliament is incapable of being chosen or of sitting as a member of the other House. The provisions of such Act, however, place no such restriction upon the members of Provincial Councils in regard to seats in the Senate, for such members may submit themselves as candidates for election to the Senate without first vacating their seats in such Councils. It was felt that this principle tended to restrict the field of selection of candidates for the Senate to those who had been primarily elected as members of the Provincial Council. Another argument which appealed to members of the Conference was that Provincial Councillors sitting for the same constituencies as Assembly members and enjoying free railway facilities in their respective Provinces would be placed in a much more advantageous position, both as against Assembly members and the general public, in canvassing for election to the Senate, unless they likewise first vacated their seats.

The Conference, therefore, decided by a large majority to widen the selection of the candidates to the Senate so far as possible, which they recommend in the following Resolution :—

Disqualification. “That no person who is, at the date of nomination for any election of Senators, a member of the House of Assembly or of any Provincial Council, shall be capable of being nominated as a candidate at any such election.”

K.—DESIRABILITY FOR EARLY LEGISLATION.

30. In conclusion the Conference discussed the question of recommending to the Government the desirability of the early introduction of legislation to give effect to the recommendations contained in the Resolutions of the Conference above quoted. I, therefore, include the following Resolution, unanimously agreed to :—

Early legislation. “That in the opinion of this Conference it is desirable that a reformed Senate be brought into existence as soon as possible.”

L.—CONCLUSION.

31. In conclusion I should like to bear witness to the admirable temper and conciliatory spirit which most of the members of the Conference showed in grappling with the difficulties confronting them.

It seemed to me that members had a due sense of the great responsibility devolving upon them in dealing with this subject. Extraordinary competence was shown by every Honourable Member who took part in the deliberations of this Conference, and almost every member contributed generously in arriving at a solution of our difficulties, both in giving counsel and in the submission of proposals for the consideration of the Conference. We have succeeded in devising a new scheme for the future constitution of the Senate. It may not be an ideal scheme and, although we have divided on several very salient points of the new scheme, I am certain that the several members of this Conference and the people they represent in the country will take the view that one cannot bring about a reform unless there is a certain amount of give and take, especially in the case of an important subject of this nature.

Although the true “Convention spirit” was not very strictly observed in the Conference, we must not forget that we are living in abnormal times, and when we have to frame a new constitution for a Chamber with influential functions in our legislature, it is only possible to mould the same in a spirit of compromise. It is no doubt that the framework established by the Conference embodies certain—naturally not *all*—principles advocated by the several political parties there represented, and in case our proposals take legislative form I trust such proposals will be considered by Parliament and the people in a spirit of liberal statesmanship.

During the deliberations I have been constantly imbued with the idea that parliamentary institutions are at present—the whole world over—on their trial, and that important world influences are also reflected in our own country. I think, therefore, that our scheme proves that we have not ignored this trend of feeling, however much it may be in conflict with old settled opinions.

I can confidently say, therefore, that the scheme put forward by the Conference is the result of that healthy compromise which so often solves difficulties in which political aspirations are involved and the scheme submitted is considered by the Conference to be that which is best adapted to the conditions prevailing in our land.

32. I may add that the Conference was unanimously of opinion that the result of its deliberations should be made public as soon as possible. It was conjectured that this letter and the Minutes of the Conference would be published in Parliamentary book form, but as such publication would naturally take some time it was considered desirable that the conclusions of the Conference should be conveyed to the public at once, either through the publication of this letter or

in such other manner as you may deem desirable: The Conference preferred the publication of my letter, as I undertook that I would adopt that mode of Report.

33. I enclose a certified copy of the Minutes of the Conference, together with copies of the various Memoranda placed before it.

34. As a last word I should like to say, on behalf of all the members of the Conference, how deeply they are indebted to Mr. Clough for his unfailing courtesy, his energy and his acquaintance with the subject of Second Chambers and their constitution. The expedition with which the Conference was able to get through its labours was due to a very great extent to the Memoranda he had written relative to the subject in previous years and those he had specially prepared for the Conference.

I have the honour to be,
dear Prime Minister,
Yours very truly,

C. JOEL KRIGE.

To the
Rt. Hon. the Prime Minister,
Pretoria.

Minute I.

UNION OF SOUTH AFRICA.

MINUTES OF PROCEEDINGS
OF THE
SPEAKER'S CONFERENCE—FUTURE CONSTITUTION OF THE SENATE.

The Conference assembled in the Senators' Library, Houses of Parliament, Cape Town, on Monday, the 11th of October, 1920, at 11 o'clock a.m.

PRAYER.

The *Chairman* read the following prayer in English :

ALMIGHTY GOD, WHO, in Thy infinite wisdom, hast ordained for the common good of men, that they should order their affairs under Government and rule, be pleased to look upon us, who, in Conference assembled, seek to promote the well-being and wise governance of the people of this land. We pray Thee to grant that during the continuance of this Conference we may, as in Thy sight, treat and consider all matters that shall come under our deliberation in so faithful a manner as to advance the good of our country and promote Thy honour and glory ; all of which we ask for Thy name's sake. AMEN.

STATEMENT OF REFERENCE.

1. By direction of the *Chairman*, the *Secretary* read :

(a) The following authority for the appointment of the Conference, namely : Extracts from the Minutes of the Senate, dated 17th August, 1920, page 255, and from the Votes and Proceedings of the House of Assembly, dated 16th August, 1920, page 1094, respectively :

The Prime Minister said : " The Speaker's Conference on the Future Constitution of the Senate will meet at Cape Town on 11th October. It will consist of the Speaker as Chairman, and the following twenty members from both Houses of Parliament : Fredrik William Beyers, K.C., Jan Hendrik Hofmeyr de Waal, Senator the Honourable Isaac William Brunt de Villiers, Richard Feetham, K.C., Senator the Honourable Sir John Fraser, Kt., Nicolaas Christiaan Havenga, John William Jagger, Walter Bayley Madeley, the Right Honourable Francois Stephanus Malan, the Right Honourable John Xavier Merriman, John William Moor, Tielman Johannes de Villiers Roos, Senator the Honourable C. P. Robinson, Henry William Sampson, O.B.E., the Honourable Sir Thomas William Smartt, K.C.M.G., Walter John Snow, Senator the Honourable Henri George Stuart, Senator the Honourable Hercules Christian van Heerden, Senator the Honourable Peter Whiteside, Senator the Honourable Andries Daniel Wijnand Wolmarans.

" The Conference will consider, and report to the Government, on the necessity or otherwise of any further provision in respect of the future constitution of the Senate, and in that connection make recommendations on the election or nomination or both of its members, and in what manner and for what periods, the dissolution of the Senate, the periodic retirement of Senators or groups of Senators, and the filling up of casual vacancies, and any incidental questions which may arise in connection with the above matters."

(b) The following letter from the Private Secretary to the Right Honourable the Prime Minister :

Prime Minister's Office,
Pretoria, 7th October, 1920.

The Honourable C. J. Krige, M.L.A.,
House of Assembly, Cape Town.

Dear Mr. Speaker,—

General Smuts has received notice from Colonel Creswell that neither Mr. Sampson nor Mr. Madeley is able to attend the Speaker's Conference. He has nominated Messrs. Hills and Gow to take their places. General Smuts has requested me to advise you of these alterations.

Yours faithfully,

(Sgd.) GEORGE BREBNER.

MEMBERS' ROLL.

2. By direction of the *Chairman*, the *Secretary* read the Roll of Members, and the following answered to their names: Beyers, F. W., de Waal, J. H. H., de Villiers, I. W. B., Feetham, R., Fraser, Sir J., Havenga, N. C., Hills, G., Jagger, J. W., Malan, F. S., Merriman, J. X., Moor, J. W., Roos, T. J. de V., Robinson, C. P., Smartt, Sir T. W., Snow, W. J., Stuart, H. G., van Heerden, H. C., Whiteside, P., Wolmarans, A. D. W.

CHAIRMAN'S OPENING ADDRESS.

3. The *Chairman* delivered the following opening address:

"As Chairman of this Conference I may perhaps be permitted to address a few words to the Honourable Members of both Houses of Parliament who constitute the body which has been called together to consider the question of the Constitution of the Senate.

"The Constitution of Second Chambers is a question which has often in history claimed the attention of legislators in other lands—in fact, there have been few constitutional questions in modern times which have caused more perplexity than the framing of a Constitution for the Second Chamber, which is at the same time satisfactory in its working, sound in its principles of construction and applicable to its local conditions.

"Both British and Foreign Constitutions display almost every conceivable example of a Second Chamber, but the secret of national success in this subject is for a country to devise a Second Chamber which exactly suits the conditions peculiar to that country.

"Therefore, on a subject which presents so many aspects as that we have to deal with, there must needs be differences of opinion—not to speak of the natural difference of opinion which will follow upon the representation in this Conference of all political parties in Parliament. In one principle, however, all members of this Conference are united, and that is honestly and sincerely to seek what is best for South Africa, without thought of the special interests of his own class or party. The first question with which this Conference will have to deal is as to whether any further provision is necessary in respect of the future constitution of the Senate than that provided for in paragraphs (i) and (ii) of section *twenty-five* of the South Africa Act, 1909, namely, that Senate which will automatically come into force at the expiration of the first Senate of the Union. Should the Conference be of opinion that a change is necessary it will then have to decide upon the nature of the change and if a new Senate is to be brought into being what form that new Senate has to take. Shall it be nominated or elected, or both? If nominated, for what period and under what conditions? If elected, is it to be by direct or indirect methods, and in either case what is to constitute such electorate, and according to what system is such election to be conducted?

"Then we have to consider the tenure of seats, the power of the Crown as to dissolution, the Senate's powers as to both general and financial legislation, the periodic retirement of Senators, the methods of filling vacancies and other matters incidental to the constitution of the Senate. A distinguished parliamentarian and renowned constitutional lawyer has said: 'The ideal Second Chamber is one strong enough to curb the Lower Chamber and yet weak enough for the Lower Chamber to curb it.'

"Honourable members of the Conference will see from the above that we have a difficult and complex question to solve; at the same time we have the constitutions and experience of many Second Chambers in the world to guide us, and in order to provide material and guidance to Honourable Members our Secretary (Mr. Clough) has, with my approval, collected information in this regard which has been printed and placed at the disposal of Honourable Members; this I trust will prove of assistance to us in framing a Second Chamber Constitution not only suitable to the needs of South Africa, but which will also form a sound basis for other countries seeking light upon this important and interesting subject.

"Honourable Senators and Honourable Members of the House of Assembly, I have much pleasure in declaring this Conference open."

REPORTS, PAPERS, ETC.

4. The *Chairman* laid upon the Table:

- (1) Senate Parliamentary Paper [S. 1—1912], Memorandum upon the position of the South African Senate with reference to matters relating to public money.
- (2) Report from the Senate Select Committee on Assembly's Disagreement with Senate's Amendments in Exchequer and Audit Act, 1911, Amendment Bill, together with the proceedings of the Committee and annexure. [Senate S.C. 5—1916.]

- (3) Senate Parliamentary Paper [S. 1—1917], Memorandum relative to the question of the Senate of South Africa after the expiration of the period of ten years for which it was constituted in 1910.
- (4) Report from the Senate Select Committee on the Future Constitution of the Senate, together with the proceedings of the Committee. [Senate S.C. 4—1918.]
- (5) Conference Memorandum A (by the *Secretary*), Schedule containing some particulars relative to the Upper Houses of—
 - (i) Principal British Empire Parliaments ;
 - (ii) Principal Foreign Legislatures.
- (6) Conference Memorandum B (by the *Secretary*), Basic points in connection with the Future Constitution of the Senate.
- (7) Conference Memorandum C (by the *Secretary*), System of Selection.

RULES OF PROCEDURE.

5. The Conference adopted the following Rules of Procedure :

- (1) Unless otherwise ordered the Conference shall meet daily (Saturdays and Sundays excepted) at 10 o'clock a.m. and sit until 1 o'clock p.m., and at 3 o'clock until 5 o'clock p.m.
- (2) Ten members shall form a quorum.
- (3) Unless the Conference otherwise decides, the proceedings thereof shall be kept secret and no records of any speeches shall be kept, but resolutions, proposals, amendments and divisions shall be recorded in the Minutes of Proceedings of the Conference.
- (4) The *Secretary* of the Conference shall take Minutes of each day's proceedings, which shall be typewritten and circulated amongst the delegates. Such records shall be signed by the *Chairman* and *Secretary* and, together with the Agenda for the following sitting, numbered and marked "Confidential," shall be issued to each member daily, bound in portfolios bearing the names of the members for whose use they are issued.
- (5) Previous notice of motions in writing may be given at any time before the closing of the proceedings at any meeting of the Conference for discussion at the next or any ensuing meeting thereof, and such motions shall be typewritten, circulated amongst members and have precedence over motions of which notice has not been given, unless the Conference otherwise orders.
- (6) All questions in the Conference shall be determined by a majority of votes of all members present, including the *Chairman*, who shall have the right to vote and, in event of an equality of votes, the question shall be deemed to have passed in the negative.
- (7) It shall be open to any member to challenge the *Chairman's* declaration of the voices given upon any question put to the Conference, provided such member is, according to such declaration, in the minority. In such case the *Chairman* shall put the question again, when the "Ayes" shall stand up and the "Noes" retain their seats. The *Secretary* shall then Minute the vote of each member and hand the list to the *Chairman*, who shall declare the numbers to the Conference.
- (8) Motions do not require to be seconded.
- (9) Members may speak more than once to the same question.
- (10) All points of order arising in debate shall be decided by the *Chairman*, who shall have the same right as any other member to make any motion and to take part in the discussion upon any question and record his vote as above-mentioned.

ALLOWANCES TO MEMBERS.

6. The *Chairman* made a statement with reference to the allowance to be drawn by members of the Conference.

PRESS COMMUNIQUE.

7. *Mr. Malan* moved : That information be given to the Press :

- (a) That the Conference had met at 11 o'clock a.m. and stating the names of the members present ;
- (b) That certain Rules of Procedure had been adopted ;
- (c) That the proceedings of the Conference will be held in private ; and
- (d) The *Chairman's* opening address.

Agreed to.

ADJOURNMENT.

8. The Conference adjourned at 12.37 p.m. until to-morrow, Tuesday, at 10 o'clock a.m.

O. CLOUGH,
Secretary.

C. JOEL KRIGE,
Chairman.

[U.G. 65—'20.]

NOTICES OF MOTION.

Tuesday, 12th October, 1920.

Senator Whiteside to move: That in the opinion of this Conference a Second Chamber is not necessary.

Minute II.

Tuesday, 12th October, 1920.

The Conference met at 10 o'clock a.m.
All members being present.

PRAYERS.

The *Chairman* read the Prayer in Dutch.

ABOLITION OF SECOND CHAMBER.

1. *Senator Whiteside* moved: That in the opinion of this Conference a Second Chamber is not necessary.
After discussion,
Question put, and the Conference divided.

Division No. 1.]

Ayes—6.
Mr. de Waal.
Mr. Gow.
Mr. Hills.
Mr. Roos.
Mr. Snow.
Senator Whiteside.
Noes—15.
Mr. Beyers.
Senator de Villiers.
Mr. Feetham.
Senator Sir J. Fraser.

Noes (*cont.*).
Mr. Havenga.
Mr. Jagger.
Mr. Krige.
Mr. Malan.
Mr. Merriman.
Mr. Moor.
Senator Robinson.
Sir T. Smartt.
Senator Stuart.
Senator van Heerden.
Senator Wolmarans.

Question accordingly negatived.

ADJOURNMENT.

2. The Conference adjourned at 12.45 o'clock p.m. until to-morrow, Wednesday, at 10 o'clock a.m.

O. CLOUGH,
Secretary.

C. JOEL KRIGE,
Chairman.

NOTICES OF MOTION.

Wednesday, 13th October, 1920.

1. *Sir John Fraser* to move: That in the opinion of this Conference the future constitution of the Senate should not be that laid down in paragraphs (i) and (ii) of section *twenty-five* of the South Africa Act, 1909, but some amendment thereof or alternative therefor.
2. *Sir T. Smartt* to move: That in the opinion of this Conference the provisions laid down in the Act of Union for the Constitution of the Senate require revision.
3. *Mr. Malan* to move (when the Conference comes to consider the question of the future constitution of the Senate): That the report of the Senate Select Committee on the Future Constitution of the Senate [Senate S.C. 4—1918] be taken as a basis for discussion.
4. *Mr. de Waal* to move (when the Conference considers the question of the constitution of a future Senate): That the Government be not entitled to nominate any member for the Senate.

Minute III.

Wednesday, 13th October, 1920.

The Conference met at 10 o'clock a.m.
All members being present.

CONTINUANCE OF SENATE UNDER SECTION 25 (I) AND (II), SOUTH AFRICA ACT, 1909.

1. *Sir John Fraser* moved: That in the opinion of this Conference the future constitution of the Senate should not be that laid down in paragraphs (i) and (ii) of section *twenty-five* of the South Africa Act, 1909, but some amendment thereof or alternative thereof.

Discussion.

Sir T. Smartt moved as an amendment: That in the opinion of this Conference the provisions laid down in the Act of Union for the constitution of the Senate require revision.

Discussion.

By leave of the Conference, *Sir John Fraser* withdrew his motion in favour of the amendment moved by *Sir T. Smartt*, which thereupon became the substantive motion.

AFTERNOON SITTING.

2. During discussion, by leave of the Conference,
Senator de Villiers moved: That the Conference do sit this afternoon.
Question put, and the Conference divided:

Division No. 2.]

Ayes—9.
Mr. Beyers.
Senator de Villiers.
Mr. Havenga.
Mr. Krige.
Mr. Moor.
Mr. Roos.
Senator Stuart.
Senator van Heerden.
Senator Wolmarans.

Noes—11.
Mr. de Waal.
Mr. Feetham.
Sir J. Fraser.
Mr. Gow.
Mr. Hills.
Mr. Jagger.
Mr. Merriman.
Senator Robinson.
Sir T. Smartt.
Mr. Snow.
Senator Whiteside.

Question accordingly negatived.

CONTINUANCE OF SENATE UNDER SECTION 25 (I) AND (II), SOUTH AFRICA ACT, 1909.—(contd.)

3. Discussion resumed.
Question (*Sir Thomas Smartt's* motion) agreed to.

BASIS FOR DISCUSSION.

4. *Mr. Malan* moved: That the Report of the Senate Select Committee [Senate S.C. 4—1918] on the Future Constitution of the Senate be taken as a basis for discussion, and that the propositions therein contained be taken *seriatim*.
5. *Mr. Beyers* moved as an amendment: That the points submitted by the *Chairman* and circulated amongst members be taken as the basis for discussion.

Discussion.

Amendment negatived.

Original question agreed to.

DECISIONS TO BE PROVISIONAL.

5. The *Chairman* moved: That, for the present, all decisions arrived at relative to the subject under enquiry be provisional and that resolutions thereon be submitted for definite decision when all matters in connection with such subject have been provisionally discussed.
Agreed to.

LIFE-NOMINATION SYSTEM.

6. *Senator Whiteside* moved: That a system of members nominated for life is undesirable for the future Senate of South Africa.

Discussion.

[U.G. 65—'20.]

Sir Thomas Smartt moved as an amendment: That the future Senate shall not include any member nominated for life.

Discussion.

Amendment provisionally agreed to.

Original motion therefore dropped.

TERM-NOMINATION SYSTEM.

7. *Mr. Jagger* moved: That in the opinion of this Conference the Senate shall not be constituted solely of members nominated for a number of years.

Discussion.

Provisionally agreed to.

MAINLY ELECTED AND PARTLY NOMINATED.

8. *Mr. Malan* moved: That this Conference is in favour of a Senate mainly elected and partly nominated.

Mr. de Waal moved as an amendment: That the Government be not entitled to nominate any member of the Senate.

Discussion.

Mr. Merriman moved: That the debate be adjourned.

Agreed to.

ADJOURNMENT.

9. The Conference adjourned at 12.50 o'clock p.m. until to-morrow, Thursday, at 10 o'clock a.m.

O. CLOUGH,
Secretary.

C. JOEL KRIGE,
Chairman.

NOTICES OF MOTION.

Thursday, 14th October, 1920.

1. *Senator de Villiers* to move: That—

(A) Both the nominated and elected Senators of the Senate to be constituted in the forthcoming months to hold their seats for nine years only.

(B) That thereafter the future Senate be—

(1) A continuous body and capable of dissolution at any time, but only with the House of Assembly.

(2) Composed of—

(a) Four Senators nominated for nine years—unless the Senate be sooner dissolved—by the Governor-General-in-Council on account of their knowledge of native affairs. Casual vacancies being filled in the same manner and for the same period.

(b) Thirty-six Senators, namely, nine Senators elected by the members of the House of Assembly and of the Provincial Council for each Province sitting together and presided over by the Judge-President of the Province. Each such elected Senator to hold his seat for nine years, but that immediately upon its first meeting at any time as a new Senate it shall divide each such nine Senators into three classes, each such class to hold their seats for three, six and nine years respectively. Thereafter, unless the Senate is sooner dissolved, every elected Senator shall hold his seat for nine years unless he fills a casual vacancy, when he shall only hold his seat for the completion of the period for which the member in whose place he was elected would have held his seat. All such elections to take place under Regulations framed by the Governor-General-in-Council, according to the present system of election.

(*Note.*—The above-mentioned provisions to be embodied in sections of a Bill for the amendment of the South Africa Act, 1909.)

2. *Mr. de Waal* to move: That if the business of the Conference is not concluded on Friday next, that the Conference adjourn and meet at Bloemfontein on an appointed day.

Minute IV.

Thursday, 14th October, 1920.

The Conference met at 10 o'clock a.m.
All members being present.

SITTINGS AT BLOEMFONTEIN.

1. *Mr. de Waal*, with leave of the Conference, moved: That (if the business of the Conference is not concluded on Friday next) the Conference adjourn and meet at Bloemfontein on an appointed day.

Discussion.
Negatived.

MAINLY ELECTED AND PARTLY NOMINATED.

2. Adjourned debate on question: That this Conference is in favour of a Senate mainly elected and partly nominated—(*Mr. Malan*).

The *Chairman* stated that when the debate was adjourned at the previous meeting, the above question was under discussion, together with an amendment thereto moved by *Mr. de Waal*, namely: That the Government be not entitled to nominate any member of the Senate.

Discussion resumed.

Amendment put, and the Conference divided:

Division No. 3.]

Ayes—10.
Mr. Beyers.
Mr. de Waal.
Senator de Villiers.
Mr. Gow.
Mr. Havenga.
Mr. Hills.
Mr. Roos.
Mr. Snow.
Senator Whiteside.
Senator Wolmarans.

Noes—11.
Mr. Feetham.
Sir J. Fraser.
Mr. Jagger.
Mr. Krige.
Mr. Malan.
Mr. Merriman.
Mr. Moor.
Senator Robinson.
Sir T. Smartt.
Senator Stuart.
Senator van Heerden.

Amendment accordingly provisionally negatived.
Original question put, and the Conference divided:

Division No. 4.]

Ayes—11.
Mr. Feetham.
Sir J. Fraser.
Mr. Jagger.
Mr. Krige.
Mr. Malan.
Mr. Merriman.
Mr. Moor.
Senator Robinson.
Sir T. Smartt.
Senator Stuart.
Senator van Heerden.

Noes—10.
Mr. Beyers.
Mr. de Waal.
Senator de Villiers.
Mr. Gow.
Mr. Havenga.
Mr. Hills.
Mr. Roos.
Mr. Snow.
Senator Whiteside.
Senator Wolmarans.

Original question accordingly provisionally agreed to.

Business suspended, 12.55 o'clock p.m.

Business resumed, 3 o'clock p.m.

The *Chairman* stated that the Conference had now provisionally dealt with the questions set forth in sub-paragraphs (a), (b) and (c) of paragraph 3 of the Report of the Senate Select Committee on the Future Constitution of the Senate, which, it had been agreed, should be taken as a basis for discussion.

ARRANGEMENT OF BUSINESS.

3. *Mr. Jagger* moved that sub-paragraph (d) and paragraph 4 of the Senate Select Committee Report stand over until paragraph 5 is disposed of.

Discussion.
Agreed to.

[U.G. 65—'20.]

NOMINATED ELEMENT.

4. *Mr. Jagger* moved :

- (a) That the nominated element in the Senate shall consist of four members and shall be confined to persons who are appointed on account of their knowledge of Native Affairs.
- (b) That the four members shall be nominated by the Governor-General-in-Council (after consultation with the Native Affairs Commission), and shall be appointed for the same period or periods as the elected Senators.
- (c) That casual vacancies occurring amongst the nominated Senators be filled in the same manner as their original appointments, provided that vacancies shall be filled within thirty days of their occurrence. The Senator filling a vacancy to hold his seat until the completion of the period for which the person in whose place he was nominated would have held his seat.

Mr. Hills moved as an amendment : To omit paragraph (b) and to substitute the following :

- (b) That the members of the House of Assembly and of the Provincial Council of each Province sitting together shall, after consultation with the Native Councils in each Province, as specified in sections *five, fourteen* and *sixteen* of Act No. 23 of 1920, recommend to the Governor-General-in-Council for nomination, one of the four Senators to be nominated on account of their special knowledge of Native Affairs.

Mr. de Waal moved as an amendment to *Mr. Hills'* amendment : To omit " after consultation with the Native Councils in each Province as specified in sections *five, fourteen* and *sixteen* of Act No. 23 of 1920 "

Sir J. Fraser moved as a further amendment to the original motion : That the nominated element in the Senate shall be confined to persons who are appointed on account of their knowledge of Native Affairs. That the present system of nomination by the Governor-General-in-Council be continued, such members to hold their seats for the same period as the elected Senators. That casual vacancies occurring amongst the nominated Senators be filled in the same manner as their original appointments, provided that vacancies shall be filled within thirty days of their occurrence. The Senator filling a vacancy to hold his seat until the completion of the period for which the person in whose place he was nominated would have held his seat.

Discussion.

ADJOURNMENT OF DEBATE.

5. *Senator Whiteside* moved that the debate be now adjourned.
Question put, and the Conference divided :

Division No. 5.]

<p style="text-align: center;">Ayes—7.</p> <p>Mr. de Waal. Mr. Gow. Mr. Hills. Mr. Merriman. Mr. Roos. Mr. Snow. Senator Whiteside.</p> <p style="text-align: center;">Noes—14.</p> <p>Mr. Beyers. *Senator de Villiers. Mr. Feetham.</p>		<p style="text-align: center;">Noes (cont.).</p> <p>Sir J. Fraser. Mr. Havenga. Mr. Jagger. Mr. Krige. Mr. Malan. Mr. Moor. Senator Robinson. Sir T. Smartt. Senator Stuart. Senator van Heerden. Senator Wolmarans.</p>
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Question accordingly negatived.

NOMINATED ELEMENT.

5. Discussion resumed.

It being two minutes to 5 o'clock p.m., the *Chairman* adjourned the discussion.

ADJOURNMENT.

7. The Conference adjourned at 5 o'clock p.m. until to-morrow, Friday, at 10 o'clock a.m.

O. CLOUGH,
Secretary.

C. JOEL KRIGE,
Chairman.

NOTICE OF MOTION.

Friday, 15th October, 1920.

Sir Thomas Smartt to move: That to-day the proceedings of the Conference be continued after 5 o'clock p.m., unless it is otherwise ordered.

ADJOURNED DEBATE.

1. Adjourned debate—Motion—Nominated Element. (*Mr. Jagger*): Paragraph 4, MINUTES, p. 18; Amendment (*Mr. Hills*), MINUTES, p. 18; Amendment (*Sir J. Fraser*), MINUTES, p. 18.

NOTICES OF MOTION—Continued.

2. *Senator de Villiers* to move: That the future Senate be—

- (1) A continuous body and capable of dissolution at any time, but only with the House of Assembly.
- (2) Composed of—
 - (a) Four Senators nominated for nine years—unless the Senate be sooner dissolved—by the Governor-General-in-Council on account of their knowledge of native affairs. Casual vacancies being filled in the same manner and for the same period.
 - (b) Thirty-six Senators, namely, nine Senators elected by the members of the House of Assembly and of the Provincial Council for each Province sitting together and presided over by the Judge-President of the Province. Each such elected Senator to hold his seat for nine years, but that immediately upon its first meeting at any time as a new Senate, it shall divide each such nine Senators into three classes, each such class to hold their seats for three, six and nine years respectively. Thereafter, unless the Senate is sooner dissolved, every elected Senator shall hold his seat for nine years unless he fills a casual vacancy when he shall only hold his seat for the completion of the period for which the member in whose place he was elected would have held his seat. All such elections to take place under Regulations framed by the Governor-General-in-Council, according to the present system of election.

(Note.—The above-mentioned provisions to be embodied in sections of a Bill for the amendment of the South Africa Act, 1909.)

3. *Mr. Feetham* to move:

- (1) That the future Senate consist of—
 - (a) Eight members elected for each Province, treated as one constituency, by those Parliamentary electors of the Province who were over 30 years of age at the commencement of the last biennial registration of voters preceding the date of election.
 - (b) Four members nominated by the Governor-General-in-Council on the ground mainly of their thorough acquaintance, by reason of their official experience or otherwise, with the wants and wishes of the coloured races in South Africa.
 - (c) Two members elected by graduates and members of Senates of South African Universities.
 - (d) Six members elected by members of both Houses of Parliament sitting together from persons who have held one or other of certain high judicial or administrative offices specified in the Schedule hereto.
- (2) That elections under (a), (c) and (d) be according to the principle of proportional representation, each voter having one transferable vote.
- (3) That, subject to the existing provisions of the South Africa Act as to dissolution of the Senate, a Senator's term of office be ten years, but that such arrangements be made as to secure that half of the Senators retire every five years.
- (4) That additional members be added to the Senate from time to time so as to maintain the ratio of one to three between the number of Senators and the number of members of the House of Assembly.
- (5) That as the Senate becomes entitled to additional members in order to maintain the above-mentioned ratio of one to three between its members and those of the House of Assembly, the numbers elected under (c) and (d) be increased as follows: the first additional member to be added to those elected under (c), the second and third to those elected under (d), the fourth to those elected under (c), and the fifth and sixth to those elected under (d).

Schedule of Offices.

Judge of Superior Court. President of the Senate. Speaker of the House of Assembly. President, Speaker or Chairman of any Legislative Council, House of Assembly, or Volksraad. Minister of State for the Union. Member of Executive Council of any Colony or Territory which has become part of the Union. Administrator of any Province or Territory. Auditor-General of the Union. Permanent Head of any Government Department of the Union.

Minute V.

Friday, 15th October, 1920.

The Conference met at 10 o'clock a.m.,
All members being present, except *Mr. Roos*.

HOOR OF ADJOURNMENT.

1. *Sir Thomas Smartt*, with leave, amended his Notice of Motion, and moved: That, if the special subject under discussion is not concluded at 5 o'clock p.m., the proceedings of the Conference be continued.

Senator de Villiers moved as an amendment: That No. 1 of the Rules of Procedure adopted at the first meeting (MINUTES, p. 13) be amended by the insertion of the words "without discussion" after the word "ordered" in the first line.

Discussion.

By leave of the Conference, both the amendment and the motion were withdrawn.

NOMINATED ELEMENT.

2. Adjourned debate on question of the nominated element in the Senate.

The *Chairman* stated that when the debate was adjourned at the previous meeting a motion had been moved by *Mr. Jagger* (MINUTES, p. 18).

To this *Mr. Hills* had moved an amendment (MINUTES, p. 18), to which *Mr. de Waal* had proposed an amendment (MINUTES, p. 19).

A further amendment to *Mr. Jagger's* motion had also been moved by *Sir J. Fraser* (MINUTES, p. 18).

Discussion resumed.

Senator Wolmarans moved a further amendment to *Mr. Jagger's* motion, namely: That paragraph (b) be deleted and the following inserted instead thereof:

- (b) That the Government shall nominate four members of the Senate (*i.e.*, one for each Province) on the recommendation of the members of the Provincial Council and of the House of Assembly for each Province assembled in joint sitting for that purpose, such recommendation to take place mainly on the ground of their general acquaintance with the history, customs and interests of the native population of such Province. The tenure of seat of such nominated Senators to be the same as that of elected members of the Senate.

Mr. Jagger, with leave, amended his motion by the deletion of the following words in paragraph (b), "after consultation with the Native Affairs Commission".

Sir John Fraser, with leave, withdrew his amendment.

Discussion.

Paragraph (a) of *Mr. Jagger's* motion provisionally agreed to.

Paragraph (b) of *Mr. Jagger's* motion:

Mr. de Waal's amendment to *Mr. Hill's* amendment put, and the Conference divided:
Division No. 6.]

Ayes—15.

Mr. Beyers.
Mr. de Waal.
Senator de Villiers.
Mr. Feetham.
Sir J. Fraser.
Mr. Havenga.
Mr. Jagger.
Mr. Krige.
Mr. Malan.
Mr. Moor.
Senator Robinson.

Ayes (cont.).

Sir T. Smartt.
Senator Stuart.
Senator van Heerden.
Senator Wolmarans.

Noes—5.

Mr. Gow.
Mr. Hills.
Mr. Merriman.
Mr. Snow.
Senator Whiteside.

Mr. de Waal's amendment accordingly provisionally agreed to.

Mr. Hills' proposed amendment, as amended, then read as follows: To omit paragraph (b) of *Mr. Jagger's* motion and to substitute the following:

"That the members of the House of Assembly and of the Provincial Council of each Province sitting together shall recommend to the Governor-General-in-Council for nomination one of the four Senators to be nominated on account of their special knowledge of native affairs."

Senator Wolmarans, with leave, withdrew his amendment.

Question "That all the words after the word 'That' in paragraph (b) of *Mr. Jagger's* motion be omitted for the purpose of substituting the words contained in *Mr. Hills'* amendment as amended" put, and the Conference divided:

Division No. 7.]

Ayes—9.

Mr. Beyers.
Mr. de Waal.
Senator de Villiers.
Mr. Gow.
Mr. Havenga.
Mr. Hills.
Mr. Snow.
Senator Whiteside.
Senator Wolmarans.

Noes—11.

Mr. Feetham.
Sir J. Fraser.
Mr. Jagger.
Mr. Krige.
Mr. Malan.
Mr. Merriman.
Mr. Moor.
Senator Robinson.
Sir T. Smartt.
Senator Stúart.
Senator van Heerden.

Amendment accordingly provisionally negatived.

Paragraph (b), as amended, provisionally agreed to.

Paragraph (c) provisionally agreed to.

Motion as amended, namely:

- (a) That the nominated element in the Senate shall consist of four members and shall be confined to persons who are appointed on account of their knowledge of native affairs.
- (b) That the four members shall be nominated by the Governor-General-in-Council, and shall be appointed for the same period or periods as the elected Senators.
- (c) That casual vacancies occurring amongst the nominated Senators be filled in the same manner as their original appointments, provided that vacancies shall be filled within thirty days of their occurrence. The Senator filling a vacancy to hold his seat until the completion of the period for which the person in whose place he was nominated would have held his seat.

Provisionally agreed to.

ELECTED ELEMENT.

3. *Mr. Feetham* moved: That of the elected members of the Senate, some be chosen by direct election and others by indirect election.

Mr. de Waal moved as an amendment: That any system of election decided upon for the constitution of the Senate shall be by indirect election as laid down under section twenty-five of the South Africa Act, 1909.

Discussion.

Business suspended at 12.45 o'clock p.m.

Business resumed at 3 o'clock p.m.

Discussion resumed.

Senator Whiteside moved as a further amendment: That any system of election decided upon for the constitution of the Senate shall be one of direct election.

Discussion.

Mr. de Waal moved: That the debate be now adjourned.

Agreed to.

ADJOURNMENT.

4. The Conference adjourned at 5 o'clock p.m., until Monday, the 18th instant, at 10 o'clock a.m.

O. CLOUGH,
Secretary.

C. JOEL KRIGE,
Chairman.

[U.G. 65—'20.]

NOTICES OF MOTION.

Monday, 18th October, 1920.

1. *Senator de Villiers* to move (when the Conference adjourns to-day) : That the Conference do adjourn until the 4th November, 1920, on which date it shall meet at Bloemfontein.

ADJOURNED DEBATE.

Adjourned debate—Motion : Elected Element (*Mr. Feetham*), MINUTES, p. 21 ; Amendment (*Mr. de Waal*), MINUTES, p. 21 ; Amendment (*Senator Whiteside*), MINUTES, p. 21.

NOTICES OF MOTION.

2. *Senator de Villiers* to move (MINUTES, p. 19).
3. *Mr. Feetham* to move (MINUTES, pp. 19 and 20).
4. *Mr. Jagger* to move :
 - (1) That the number of members of the Senate shall be such as to preserve as nearly as possible the ratio between the number of members of the two Houses as existed at the commencement of Union.
 - (2) That each Province shall be represented by eight Senators, elected by the Registered Parliamentary Voters in that Province over 30 years of age.
That each Province shall form one Electoral Area, and the mode of election shall be by the system known as proportional representation, each voter having one transferable vote.
 - (3) That the Senators other than those nominated by the Governor-General-in-Council and those elected by each Province shall be elected by the members of the Senate and the members of the House of Assembly sitting together and presided over by the Chief Justice of the Union from a panel of such persons as are set forth in the annexed Schedule.
 - (4) That the duration of the Senate shall be for ten years, half the members of each class of Senators retiring every five years, unless the Senate be sooner dissolved by the Governor-General, and provided always that the Senate shall only be dissolved simultaneously with the House of Assembly.

Schedule of Offices.

Judge of Superior Court. President of the Senate. Speaker of the House of Assembly. President, Speaker or Chairman of any Legislative Council, House of Assembly or Volksraad. Minister of State for the Union. Member of Executive Council of any Colony or Territory which has become part of the Union. Administrator of any Province or Territory. Auditor-General of the Union. Permanent Head of any Government Department of the Union.

Minute VI.

Monday, 18th October, 1920.

The Conference met at 10 o'clock a.m.
All members being present, except *Mr. Roos*.

SITTINGS AT BLOEMFONTEIN.

1. *Senator de Villiers* moved : That at its rising to day the Conference do adjourn until the 4th November, 1920, on which date it shall meet at Bloemfontein.
Discussion.
Negatived.

ELECTED ELEMENT.

2. Adjourned debate on question of the Elected Element in the Senate.
The *Chairman* stated that when the debate was adjourned at the previous meeting a motion had been moved by *Mr. Feetham* (MINUTES, p. 21) ; to which amendments had been moved by *Mr. de Waal* and *Senator Whiteside* (MINUTES, p. 21).
Discussion,

Business suspended at 12.55 o'clock p.m.

Business resumed at 3 o'clock p.m.

Discussion resumed.

It being two minutes to 5 o'clock p.m., the *Chairman* stated that he would adjourn the debate unless the Conference otherwise ordered.

Mr. Malan moved: That business be continued.

Agreed to.

Discussion resumed.

Mr. Gow moved: That the debate be now adjourned.

Agreed to.

AFTERNOON SITTINGS.

- Mr. Jagger* moved: That in future the Conference commences its afternoon sittings at 2.30 o'clock p.m. instead of at 3 o'clock p.m.
Agreed to.

AMENDMENT OF NOTICE.

- Mr. de Waal*, with leave, amended his amendment. (MINUTES, p. 21), to read as follows: That any system of election decided upon for the constitution of the Senate shall be by indirect election on the basis laid down in section *twenty-five* of the South Africa Act, 1909.

ADJOURNMENT.

- The Conference adjourned at 5.7 o'clock p.m. until to-morrow, Tuesday, the 19th instant, at 10 o'clock a.m.

O. CLOUGH,
Secretary.

C. JOEL KRIGE,
Chairman.

Tuesday, 19th October, 1920.

ADJOURNED DEBATE.

Adjourned debate—Motion: Elected element (*Mr. Feetham*), MINUTES, p. 21; Amendment (*Mr. de Waal*), MINUTES, pp. 21, 23; amendment (*Senator Whiteside*), MINUTES, p. 21.

NOTICES OF MOTION.

- Senator de Villiers* (MINUTES, p. 19).
- Mr. Feetham* (MINUTES, pp. 19 and 20).
- Mr. Jagger* (MINUTES, p. 22).
- Mr. Hills* to move:
 - That the Senate shall consist of forty members, thirty-six of whom shall be elected by the registered parliamentary voters of the Union.
 - That in respect of the elected Senators the Union shall be divided into six electoral areas, each electorate consisting of (as nearly as possible) one-sixth of the total number of electors of the Union.
 - That each of these electoral areas shall return six members, and the mode of election shall be by the system known as proportional representation, each voter having one transferable vote.
 - That the duration of the Senate shall be for six years (half the members of each class of Senator retiring every three years), unless the Senate be sooner dissolved by the Governor-General, and provided always that the Senate shall only be dissolved simultaneously with the House of Assembly.
 - That in the event of a dissolution, nominated Senators also vacate their seats.
 - That members of the House of Assembly shall be eligible for election to the Senate and members of the Senate shall be eligible for election to the House of Assembly, provided that in case of election such members *ipso facto* vacate their seats in the House in which they have previously sat.
- Senator Robinson* to move:
 - That the qualification of a Senator shall be as set out in section *twenty-five* of the South Africa Act, but omitting sub-section (e), which requires a Senator to be the owner of immovable property of a value of not less than £500.
 - That the Senate shall not be dissolved.

[U.G. 65-'20.]

- (c) That no person who is at the date of nomination (or who was at any time within fourteen days prior to the date of nomination) a member of the House of Assembly or of a Provincial Council shall be capable of being nominated as a Senator.
- (d) That Senators be chosen from three or two electorates in each Province, as the case may require, and each of the three or two electorates returning three or four Senators, half of whom shall retire by rotation every five years.
6. *Senator Wolmarans* to move : That there be laid before the Government the following points which may serve as a basis for the future constitution of the Senate.
- (1) That the number of members remain forty, namely, ten from each Province.
 - (a) That out of this number the Government nominate one for each Province by reason of his general acquaintance with the history, customs, traditions and interests of the native races of such Province.
 - (b) That nine members be elected for each of the four Provinces in the manner laid down in paragraph (ii) of section *twenty-five* of the Constitution.
 - (c) That the tenure of seat shall be for ten years, except in the case of an earlier dissolution in terms of the Constitution.
 - (d) That half of the members retire every five years.
 - (e) That at the opening of the first sitting of the new Senate it shall be decided by lot which half of the members shall retire after five and which half after ten years.
 - (f) That all casual vacancies be filled in the same manner, so that the time of service of the nominated as well as of the elected Senator shall only be for that time for which his predecessor would have held his seat.
 - (g) That the rights, powers and duties of the Senate shall remain as provided by the Constitution.
 - (2) That in case the people desire that the number of members of the Senate shall be in the same ratio as the number of members for the House of Assembly (which number has increased since Union), then such an increase in the number of members shall take place in the Provinces where there has been an increase of population and consequently an increase in the number of members of the House of Assembly and the election and retirement shall take place in the same manner as is provided in paragraph (1).
 - (3) That should the people desire that the members of the Senate shall be chosen directly by them, each Province shall be divided into as many electorates as the Provinces are entitled to, that is, constituencies for one Senator, namely, by the method of one member for one electorate, one voter one vote, one vote one value.
7. *Senator Stuart* to move :
- (1) That the number of members of the Senate shall be fifty, provided that should the number of members of the House of Assembly at any time be more than one hundred and fifty, the number of members of the Senate shall be such as to preserve, as nearly as practicable, the ratio of one to three to the number of members of the House of Assembly.
 - (2) (a) That each Province shall be represented by ten Senators elected by the Parliamentary voters over thirty years of age in that Province, upon the system of "proportional representation" with the single transferable vote.
 - (b) For the purpose of such election each Province shall either form one electoral area or be divided into no more than two such areas.
 - (c) The question as to whether any Province shall form one or two electoral areas shall be decided by the members representing such Province in both Houses of Parliament in joint meeting assembled and presided over by a Judge of a Superior Court.
 - (3) That the Senators other than those nominated by the Governor-General-in-Council and those elected by each Province shall, after such nomination and election, and before the meeting of Parliament, be elected, according to the system above-mentioned [*vide* 2 (a)], by the members of the Senate and of the House of Assembly sitting together and presided over by the Chief Justice of the Union, from a panel of persons as set forth in the annexed Schedule (see *Mr. Jagger's* motion).
 - (4) Subject to simultaneous dissolution of both Houses of Parliament—or in event of provision being made by legislation for the dissolution of the Senate as at present constituted without the dissolution of the House of Assembly—the Senate shall continue until the expiration or the dissolution of the House of Assembly which takes place next after the expiration of five years from the date of the first meeting of the Senate.

8. *Mr. Jagger* to move (as reprinted with amendments from MINUTES, p. 22):

- (1) That the number of members of the Senate shall be such as to preserve as nearly as possible the ratio between the number of members of the two Houses as existed at the commencement of Union.
- (2) That each Province shall be represented by eight Senators elected by the registered parliamentary voters in that Province over thirty years of age.
That each Province shall form one electoral area, and the mode of election shall be by the system known as proportional representation, each voter having one transferable vote.
Casual vacancies among the directly elected members shall be filled by the members of the Senate and Assembly for the Province in whose representation the vacancy has occurred, voting together. The Senator filling the vacancy to hold his seat until the completion of the period for which the person in whose place he was elected would have held his seat.
- (3) That the Senators other than those nominated by the Governor-General-in-Council and those elected by each Province shall be elected by the members of the Senate and the members of the House of Assembly sitting together and presided over by the Chief Justice of the Union from a panel of such persons as are set forth in the annexed Schedule. Casual vacancies being filled in the same manner, but for the remaining unexpired period only.
- (4) That the duration of the Senate shall be for ten years, half the members of each class of Senators retiring every five years, unless the Senate be sooner dissolved by the Governor-General, and provided always that the Senate shall only be dissolved simultaneously with the House of Assembly.

Schedule of Offices.

Judge of Superior Court. President of the Senate. Speaker of the House of Assembly. President, Speaker or Chairman of any Legislative Council, House of Assembly or Volksraad. Minister of State for the Union. Member of Executive Council of any Colony or Territory which has become part of the Union. Administrator of any Province or Territory. Auditor General of the Union. Permanent Head of any Government Department of the Union. Members of the House of Assembly of not less than ten years' standing.

Minute VII.

Tuesday, 19th October, 1920.

The Conference met at 10 o'clock a.m.

All members being present, except *Mr. Beyers*, *Senator de Villiers*, and *Mr. Roos*.

ELECTED ELEMENT.

1. Adjourned debate on question of the elected element in the Senate.

The *Chairman* stated that when the debate was adjourned at the previous meeting, a motion had been moved by *Mr. Feetham* (MINUTES, p. 21), to which amendments had been moved by *Mr. de Waal* (MINUTES, p. 23) and *Senator Whiteside* (MINUTES, p. 21).

Discussion.

Senator Whiteside's amendment, namely, "That any system of election decided upon for the constitution of the Senate shall be one of direct election," put, and the Conference divided:

Division No. 8.]

Ayes—5.

Sir J. Fraser.

Mr. Gow.

Mr. Hills.

Mr. Snow.

Senator Whiteside.

Noes—13.

Mr. de Waal.

Mr. Feetham.

Mr. Havenga.

Noes (cont.).

Mr. Jagger.

Mr. Krige.

Mr. Malan.

Mr. Merriman.

Mr. Moor.

Senator Robinson.

Sir T. Smartt.

Senator Stuart.

Senator van Heerden.

Senator Wolmarans.

Amendment accordingly provisionally negatived.

[U.G. 65—'20.]

Mr. de Waal's amendment, namely, "That any system of election decided upon for the Constitution of the Senate shall be by indirect election on the basis laid down in Section *twenty-five* of the South Africa Act, 1909," put, and the Conference divided:

Division No. 9.]

Ayes—3.

Mr. de Waal.
Mr. Havenga.
Senator Wolmarans.

Noes—15.

Mr. Feetham.
Sir J. Fraser.
Mr. Gow.
Mr. Hills.
Mr. Jagger.

Noes (*cont.*).

Mr. Krige.
Mr. Malan.
Mr. Merriman.
Mr. Moor.
Senator Robinson.
Sir T. Smartt.
Mr. Snow.
Senator Stuart.
Senator van Heerden.
Senator Whiteside.

Amendment accordingly provisionally negatived.

Original question (*Mr. Feetham's* motion) namely, "That of the elected members of the Senate some be chosen by direct election and others by indirect election," put, and the Conference divided:

Division No. 10.]

Ayes—11.

Mr. Feetham.
Sir J. Fraser.
Mr. Jagger.
Mr. Krige.
Mr. Malan.
Mr. Merriman.
Mr. Moor.
Senator Robinson.
Sir T. Smartt.
Senator Stuart.
Senator van Heerden.

Noes—7.

Mr. de Waal.
Mr. Gow.
Mr. Havenga.
Mr. Hills.
Mr. Snow.
Senator Whiteside.
Senator Wolmarans.

Question accordingly provisionally agreed to.

NUMBER OF MEMBERS.

Mr. Malan moved: That the number of members of the Senate shall be such as to preserve as nearly as possible the ratio between the numbers of members of the two Houses as existing at the commencement of the Union (paragraph 4 of S.C. 4—1918).

Discussion.

Business Suspended at 12.55 o'clock p.m.

Business Resumed at 2.30 o'clock p.m.

Discussion resumed.

Senator Stuart moved as an amendment: That paragraph No. 4 of S.C. 4—1918 stand over until the third sub-paragraph of paragraph 6 thereof has been dealt with.

Discussion.

Amendment negatived.

Mr. Havenga moved as an amendment to add to *Mr. Malan's* motion the words "provided that the existing principle of equal representation of the original Provinces is adhered to".

Mr. Hills moved as a further amendment: "That the Senate shall consist of forty members".

Mr. de Waal moved as a further amendment: That the number of members of the Senate remain as at present unless and until the Union is extended.

Senator Stuart moved as a further amendment: That the number of members of the Senate shall be fifty, provided that should the number of members of the House of Assembly at any time be more than one hundred and fifty the number of members of the Senate shall be such as to preserve, as nearly as practicable, the ratio of one to three to the number of members of the House of Assembly.

Discussion.

Mr. de Waal, with leave, withdrew his amendment.

Mr. Hills' amendment put, and the Conference divided :
Division No. 11.]

Ayes—8.
Mr. de Waal.
Mr. Gow.
Mr. Havenga.
Mr. Hills.
Mr. Merriman.
Mr. Snow.
Senator Whiteside.
Senator Wolmarans.

Noes—10.
Mr. Feetham.
Sir J. Fraser.
Mr. Jagger.
Mr. Krige.
Mr. Malan.
Mr. Moor.
Senator Robinson.
Sir T. Smartt.
Senator Stuart.
Senator van Heerden.

Amendment accordingly provisionally negatived.
Senator Stuart's amendment put, and negatived.

Mr. Havenga's amendment put, and the Conference divided :
Division No. 12.]

Ayes—3.
Mr. de Waal.
Mr. Havenga.
Senator Wolmarans.

Noes—15.
Mr. Feetham.
Sir J. Fraser.
Mr. Gow.
Mr. Hills.
Mr. Jagger.

Noes (*cont.*).
Mr. Krige.
Mr. Malan.
Mr. Merriman.
Mr. Moor.
Senator Robinson.
Sir T. Smartt.
Mr. Snow.
Senator Stuart.
Senator van Heerden.
Senator Whiteside.

Amendment accordingly negatived.

Original question (*Mr. Malan's* motion), namely, "That the number of members of the Senate shall be such as to preserve as nearly as possible the ratio between the numbers of members of the two Houses as existing at the commencement of Union," provisionally agreed to.

PROVINCIAL REPRESENTATION.

3. *Mr. Jagger* moved: That the present system of the different Provinces having each eight elected members in the Senate be adhered to.

Discussion.

Mr. Hills moved as an amendment: That in respect of the directly elected Senators the Union shall be divided into six electoral areas, each electorate consisting of (as nearly as possible) one-sixth of the total number of electors of the Union, and that each of these electoral areas shall return six members.

Discussion.

Amendment provisionally negatived.

Original question (*Mr. Jagger's* motion) provisionally agreed to.

DIRECTLY-ELECTED ELEMENT.

4. *Mr. Jagger* moved: That the eight members to be elected by each Province shall be chosen by direct election.

Mr. de Waal moved as an amendment: To omit the word "direct" and substitute the word "indirect".

Discussion.

Amendment provisionally negatived.

Original question (*Mr. Jagger's* motion) put, and the Conference divided :

Division No. 13.]

Ayes—15.
Mr. Feetham.
Sir J. Fraser.
Mr. Gow.
Mr. Hills.
Mr. Jagger.
Mr. Krige.
Mr. Malan.
Mr. Merriman.
Mr. Moor.
Senator Robinson.

Ayes (*cont.*).
Sir T. Smartt.
Mr. Snow.
Senator Stuart.
Senator van Heerden.
Senator Whiteside.

Noes—3.
Mr. de Waal.
Mr. Havenga.
Senator Wolmarans.

Question accordingly provisionally agreed to.

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PROPORTIONAL REPRESENTATION.

5. *Mr. Jagger* moved: That each Province form one electoral area, and that the mode of election be that known as proportional representation with the single transferable vote.

Discussion.

Mr. Malan moved as an amendment: To omit the words "one electoral area" and substitute the words "two equal constituencies, due regard being had to the provisions of section forty, sub-section (3), of the South Africa Act, 1909, and the boundaries of the constituencies delimited for the Assembly election".

Discussion.

It being two minutes to five, the *Chairman* adjourned the debate.

ADJOURNMENT.

The Conference adjourned at 5 o'clock p.m. until to-morrow, Wednesday, at 10 o'clock a.m.

O. CLOUGH,
Secretary.

C. JOEL KRIGE,
Chairman.

Wednesday, 20th October, 1920.

ADJOURNED DEBATE.

Motion: Proportional Representation.

(*Mr. Jagger*) MINUTES, p. 28; Amendment (*Mr. Malan*), MINUTES, p. 28.

NOTICES OF MOTION.

1. *Senator de Villiers* (MINUTES, p. 19).
2. *Mr. Feetham* (MINUTES, pp. 19 and 20).
3. *Mr. Jagger* (MINUTES, p. 25).
4. *Mr. Hills* (MINUTES, p. 23).
5. *Senator Robinson* (MINUTES, pp. 23 and 24).
6. *Senator Wolmarans* (MINUTES, p. 24).
7. *Senator Stuart* (MINUTES, p. 24).

Minute VIII.

Wednesday, 20th October, 1920.

The Conference met at 10 o'clock a.m.

All members being present, except *Mr. Beyers*, *Senator de Villiers*, *Mr. Roos* and *Senator Wolmarans*.

PROPORTIONAL REPRESENTATION.

1. The *Chairman* stated that when the debate was adjourned at the previous meeting a motion had been moved by *Mr. Jagger* (MINUTES, p. 28), to which an amendment had been moved by *Mr. Malan* (MINUTES, p. 28).

Debate resumed.

Mr. Malan, with leave, amended his amendment to read:

- (a) That each Province be divided into two circles, as nearly as possible with an equal number of electors, due regard being had to the provisions of section forty, sub-section (3), of the South Africa Act, 1909, and the boundaries of the constituencies delimited for the Assembly elections.
- (b) That each such circle shall return four members to be elected for ten years under the system of proportional representation with the single transferable vote; provided that in one circle in each Province, to be indicated by lot, the members shall retire five years after each general election for the Senate.

Discussion.

Mr. Havenga moved as a further amendment: That for the purpose of election each Province be divided into as-many electoral divisions as there are Senators to be elected, and that the same voters who at present vote for members of the House of Assembly be entitled to vote for the election of a Senator for such electoral division.

Senator van Heerden moved as a further amendment: That the system known in the old Cape Colony as the "cumulative vote" be adopted for the Senate direct elections, each Province being divided into four areas of, as nearly as practicable, an equal number of electors, each returning two members, to hold their seats for ten years.

Discussion.

Senator van Heerden, with leave, withdrew his amendment.

Mr. Havenga's amendment put, and the Conference divided:

Division No. 14.]

Ayes—2.	Noes (cont.).
Mr. de Waal.	Mr. Malan.
Mr. Havenga.	Mr. Merriman.
Noes—15.	Mr. Moor.
Mr. Feetham.	Senator Robinson.
Sir J. Fraser.	Sir T. Smartt.
Mr. Gow.	Mr. Snow.
Mr. Hills.	Senator Stuart.
Mr. Jagger.	Senator van Heerden.
Mr. Krige.	Senator Whiteside.

Amendment accordingly provisionally negatived.

First part of *Mr. Malan's* amendment, namely: To omit the words "one electoral area," put, and the Conference divided:

Division No. 15.]

Ayes—3.	Noes (cont.).
Mr. Malan.	Mr. Hills.
Mr. Moor.	Mr. Jagger.
Senator van Heerden.	Mr. Krige.
Noes—14.	Mr. Merriman.
Mr. de Waal.	Senator Robinson.
Mr. Feetham.	Sir T. Smartt.
Sir J. Fraser.	Mr. Snow.
Mr. Gow.	Senator Stuart.
Mr. Havenga.	Senator Whiteside.

Amendment accordingly provisionally negatived.

The remainder of *Mr. Malan's* amendment therefore dropped.

Original question (*Mr. Jagger's* motion), namely: "That each Province form one electoral area and that the mode of election be that known as "proportional representation with the single transferable vote" put, and the Conference divided:

Division No. 16.]

Ayes—12.	Ayes (cont.).
Mr. Feetham.	Senator Stuart.
Sir J. Fraser.	Senator van Heerden.
Mr. Gow.	Senator Whiteside.
Mr. Hills.	Noes—5.
Mr. Jagger.	Mr. de Waal.
Mr. Krige.	Mr. Havenga.
Senator Robinson.	Mr. Malan.
Sir T. Smartt.	Mr. Merriman.
Mr. Snow.	Mr. Moor.

Question provisionally agreed to.

Business Suspended 1 o'clock p.m.

Business Resumed 2.30 o'clock p.m.

INDIRECTLY ELECTED ELEMENT.

- Mr. Jagger* moved: That the Senators other than those nominated by the Governor-General-in-Council and those elected by each Province shall be elected by the members of the Senate and the members of the House of Assembly sitting together and presided over by the Chief Justice of the Union from a panel of such persons as are set forth in the annexed Schedule.

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Schedule of Officers.

Judge of Superior Court.
 President of the Senate.
 Speaker of the House of Assembly.
 President, Speaker or Chairman of any Legislative Council, House of Assembly
 or Volksraad.
 Minister of State for the Union.
 Member of Executive Council of any Colony or Territory which has become part
 of the Union.
 Administrator of any Province or Territory.
 Auditor-General of the Union.
 Permanent Head of any Government Department of the Union.
 Members of the House of Assembly of not less than ten years' standing.

Discussion.

By direction of the *Chairman*, the *Secretary* read the following letters :—

Union Observatory,
 Johannesburg, 12th October, 1920.

The Secretary,
 Speaker's Conference on the
 Constitution of the Senate, Cape Town.

Sir,—

The subject of your Conference has often occupied the attention of the S.A. Association for the Advancement of Science. As long ago as 1913 (September 20th) the Association adopted a resolution which is worded as follows :

“ That in the future constitution of the Senate provision shall be made for nominated members to be selected from those having special attainments in Education, Science and Industry.”

I should mention that it was subsequently explained that the word “ nominated ” used in this resolution meant nomination by Societies or Associations, and not by the Government.

A deputation from the Association was received by the Acting Prime Minister and the Association was asked to elaborate. The final result was the adoption of the following principles :—

Constitution of the Senate.

1. Senators shall be elected upon an occupational franchise. The occupation of the people will be divided into the following categories :
 Education ; Health ; Defence ; Justice ; Civil Service (Administration, etc.) ;
 Agriculture ; Mining ; Manufacture ; Commerce ; Transport ; Finance ;
 Engineering ; Science ; Miscellaneous ; Natives, Indians, Coloured.
- (2) There shall be 120 Senators, the proportion under each category being proportional to the number of electors, subject to the minimum being three Senators and the maximum twenty Senators for any one category. But category, (Natives, etc.) shall have ten Senators.
- (3) The electoral lists already contain, in addition to the residence, the occupation of each elector. To the occupation will be added a number indicating the category. If the occupation of an elector does not fit in with any category, that elector will not be qualified to vote for a Senator.
- (4) Senators must belong to the occupation for which they are elected. Thus a medical man cannot be elected as a Senator for any other category than the second—Health.
- (5) Senators to represent Natives, Indians and Coloured shall be chosen from amongst themselves by such means as they may devise in agreement with the Governor General-in-Council.
- (6) The elections for the Senate shall occur triennially.

The Prime Minister was thereupon asked to receive a deputation from the Association, but a meeting failed to be arranged.

I should add that the Council of the Association meets on Friday, the 15th instant, when a copy of this letter will be laid before it, and further action may be taken.

I am, etc.,

(Signed) R. T. A. INNES,
 Member of Council of the S.A.A.S.
 and a delegate on the deputation
 above-mentioned.

THE SOUTH AFRICAN ASSOCIATION FOR THE ADVANCEMENT OF SCIENCE.

P.O. Box 6394, Johannesburg,
16th October, 1920.

The Secretary,
The Speaker's Conference on the
Constitution of the Senate, Cape Town.

Sir,—

With reference to the letter, dated the 12th instant, forwarded to you by Mr. R. T. A. Innes regarding the Constitution of the Senate, I am directed to inform you that a copy of same was laid before the Council of this Association at the monthly meeting held on the 15th instant.

I am desired to state that my Council fully concurs with Mr. Innes' letter, and will be happy to render all the assistance it possibly can.

I am, etc.,

(Signed) H. G. JEFFREYS,
Assistant General Secretary.

Discussion resumed.

Mr. Gow moved as an amendment: To add at the end of the Schedule the words "Representatives of Trades Unions".

Discussion.

Mr. Malan moved as a further amendment: To omit the words "from a panel of such persons as are set forth in the annexed schedule," and also to omit the Schedule, and after the word "Union" to insert the words "and voting under the system known as proportional representation with the single transferable vote".

Mr. de Waal moved as a further amendment: That all Senators other than those elected by each Province shall be elected by the members of the House of Assembly and the four Provincial Councils sitting together.

Discussion.

Mr. Malan's amendment provisionally agreed to, and

Mr. Gow's amendment consequently dropped.

Mr. Hills moved as a further amendment: To insert the words "directly elected" after the words "elected by the", in line two of *Mr. Jagger's* motion.

Mr. Feetham moved as a further amendment: To omit the words "Chief Justice of the Union" and substitute the words "Speaker of the House of Assembly who shall also be entitled to vote".

Mr. de Waal's amendment put, and the Conference divided

Division No. 17.]

Ayes—2.

Mr. de Waal.

Mr. Havenga.

Noes—15.

Mr. Feetham.

Sir J. Fraser.

Mr. Gow.

Mr. Hills.

Mr. Jagger.

Mr. Krige.

Noes (cont.).

Mr. Malan.

Mr. Merriman.

Mr. Moor.

Senator Robinson.

Sir T. Smartt.

Mr. Snow.

Senator Stuart.

Senator van Heerden.

Senator Whiteside.

Amendment accordingly provisionally negatived.

Mr. Hills's amendment put, and the Conference divided:

Division No. 18.]

Ayes—6.

Mr. de Waal.

Mr. Gow.

Mr. Havenga.

Mr. Hills.

Mr. Snow.

Senator Whiteside.

Noes—11.

Mr. Feetham.

Sir J. Fraser.

Noes (cont.).

Mr. Jagger.

Mr. Krige.

Mr. Malan.

Mr. Merriman.

Mr. Moor.

Senator Robinson.

Sir T. Smartt.

Senator Stuart.

Senator van Heerden.

Amendment accordingly provisionally negatived.

Mr. Feetham's amendment provisionally agreed to.

[U.G. 65—'20.]

Original question (*Mr. Jagger's* motion), namely: That the Senators other than those nominated by the Governor-General-in-Council and those elected by each Province shall be elected by the members of the Senate and the members of the House of Assembly sitting together and presided over by the Speaker of the House of Assembly (who shall also be entitled to vote), and voting under the system known as proportional representation with the single transferable vote.
Provisionally agreed to.

. DURATION OF SENATE.

3. *Mr. Jagger*, with leave, amended his Notice of Motion and moved: "That the duration of the Senate shall be for seven years, unless the Senate is sooner dissolved by the Governor-General and provided always that the Senate shall only be dissolved simultaneously with the House of Assembly."

Discussion.

Mr. Feetham moved as an amendment: To omit the word "seven" and substitute the word "ten", and after the word "years" to insert the words "half the members of each class of Senators retiring every five years".

Sir T. Smartt moved as a further amendment: To add at the end of the motion the words "and provided further that no such dissolution shall take place until a joint sitting has been held as provided for in the South Africa Act, 1909".

Mr. Hills moved as a further amendment: To omit the word "seven" and substitute the word "six".

Discussion.

Mr. Hills' amendment, namely: To omit the word "seven" and substitute the word "six" put, and the Conference divided:

Division No. 19.]

Ayes—6.
Mr. de Waal.
Mr. Gow.
Mr. Havenga.
Mr. Hills.
Mr. Snow.
Senator Whiteside.
Noes—11.
Mr. Feetham.
Sir J. Fraser.

Noes (cont.).
Mr. Jagger.
Mr. Krige.
Mr. Malan.
Mr. Merriman.
Mr. Moor.
Senator Robinson.
Sir T. Smartt.
Senator Stuart.
Senator van Heerden.

Amendment accordingly provisionally negatived.

The first portion of *Mr. Feetham's* amendment, namely: To omit the word "seven" and substitute the word "ten" put, and the Conference divided:

Division No. 20.]

Ayes—3.
Mr. Feetham.
Mr. Malan.
Mr. Moor.
Noes—14.
Mr. de Waal.
Sir J. Fraser.
Mr. Gow.
Mr. Havenga.
Mr. Hills.

Noes (cont.).
Mr. Jagger.
Mr. Krige.
Mr. Merriman.
Senator Robinson.
Sir T. Smartt.
Mr. Snow.
Senator Stuart.
Senator van Heerden.
Senator Whiteside.

Amendment accordingly provisionally negatived.

Mr. Feetham thereupon, with leave, withdrew the second portion of his amendment.

Sir T. Smartt's amendment provisionally agreed to.

Original question (*Mr. Jagger's* motion) as amended, namely: That the duration of the Senate shall be for seven years, unless the Senate be sooner dissolved by the Governor-General, and provided always that the Senate shall only be dissolved simultaneously with the House of Assembly; and provided, further, that no such dissolution shall take place until a joint sitting has been held as provided for in the South Africa Act, 1909.—
Provisionally agreed to.

CASUAL VACANCIES.

4. *Mr. Jagger*, with leave, amended his Notice of Motion, and moved : That casual vacancies among the members elected by the Provinces shall be filled by the members of the Senate and of the Assembly for the Province in whose representation the vacancy has occurred, voting together. The Senator filling the vacancy to hold his seat until the completion of the period for which the person in whose place he was elected would have held his seat.

Discussion.

Sir T. Smartt moved as an amendment : That casual vacancies amongst the elected Senators be filled by means of the examination of the ballot papers which secured the election of the member vacating his seat and the election of the duly-qualified candidate obtaining the majority of the next preferences of the voters who have lost their representative, and if no such candidate is available then such vacancy to be filled by the members of the Senate and House of Assembly sitting together.

Mr. de Waal moved a further amendment : After the words "by the" in line 2 of *Mr. Jagger's* motion to insert the words "directly elected".

Discussion.

Senator Whiteside moved : That business be continued after 5 o'clock p.m.
Negatived.

It being 5 o'clock, the *Chairman* adjourned the debate.

ADJOURNMENT.

5. The Conference adjourned at 5 o'clock p.m. until to-morrow, Thursday, at 10 o'clock a.m.

O. CLOUGH,
Secretary.

C. JOEL KRIGE,
Chairman.

Thursday, 21st October, 1920.

ADJOURNED DEBATE.

Motion : Casual Vacancies.

Mr. Jagger, MINUTES, p. 33; amendments (*Sir T. Smartt*), MINUTES, p. 33, and (*Mr. de Waal*), MINUTES, p. 33.

NOTICES OF MOTION.

1. *Senator de Villiers* (MINUTES, p. 19).
2. *Mr. Feetham* (MINUTES, pp. 19 and 20).
3. *Mr. Jagger* (MINUTES, p. 25).
4. *Mr. Hills* (MINUTES, p. 23).
5. *Senator Robinson* (MINUTES, pp. 23 and 24).
6. *Senator Wolmarans* (MINUTES, p. 24).
7. *Senator Stuart* (MINUTES, p. 24).

Minute IX.

Thursday, 21st October, 1920.

The Conference met at 10 o'clock a.m.,

All members being present, except *Mr. Beyers*, *Senator de Villiers*, *Mr. Havenga*, *Mr. Roos* and *Senator Wolmarans*.

CASUAL VACANCIES.

1. The *Chairman* stated that when the debate was adjourned at the previous meeting a motion had been moved by *Mr. Jagger* (MINUTES, p. 33), to which amendments had been moved by *Sir T. Smartt* (MINUTES, p. 33) and *Mr. de Waal* (MINUTES, p. 33). Debate resumed.

Sir T. Smartt, with leave, amended his amendment to read : That any casual vacancy amongst the elected Senators be filled after examination of the ballot papers which secured the election of the member vacating his seat by the candidate who obtained
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the majority of the next preferences of the voters who have lost their representative, if such candidate is then duly qualified, and that if such candidate is not available such vacancy be filled in the case of a directly elected member by the members of the Senate and of the House of Assembly for the Province concerned voting together, and in the case of an indirectly elected member by all members of the Senate and of the House of Assembly voting together, the election in each case to be according to the system of proportional representation with the single transferable vote.

Discussion.

Sir T. Smartt's amendment put, and the Conference divided :

Division No. 21.]

Ayes—10.

Mr. Feetham.
Sir J. Fraser.
Mr. Gow.
Mr. Hills.
Mr. Jagger.
Senator Robinson.
Sir T. Smartt.
Mr. Snow.

Ayes (*cont.*).

Senator Stuart.
Senator Whiteside.
Noes—5.
Mr. de Waal.
Mr. Krige.
Mr. Malan.
Mr. Moor.
Senator van Heerden.

Amendment accordingly provisionally agreed to.

Mr. Jagger's motion and *Mr. de Waal's* amendment accordingly dropped.

SENATE FRANCHISE.

2. *Mr. Jagger* moved : That the franchise for Senate elections be the same as for the House of Assembly, with the exception of persons under thirty years of age at the date of the last registration of voters.

Senator Whiteside moved as an amendment : That the Senate franchise shall be for all white adults of not less than twenty-one years of age.

Mr. Malan moved as a further amendment : That the franchise for the Senate elections shall be the same as for the House of Assembly in each Province at the date of the last registration of voters

Discussion.

Senator Whiteside's amendment provisionally negatived.

Mr. Malan's amendment provisionally agreed to.

Mr. Jagger's motion therefore dropped.

DISSOLUTION AFFECTS NOMINATED SENATORS.

3. *Mr. Malan* moved : That a dissolution of the Senate shall also apply to the nominated Senators.

Provisionally agreed to.

MONETARY POWERS.

4. *Mr. Jagger* moved : That in regard to any Bill containing provisions which the Senate is prohibited by the terms of sub-sections (2) and (3) of section sixty of the South Africa Act, 1909, from amending, the Senate may during the stages of the passing of any such Bill return it to the House of Assembly suggesting by message the omission or amendment of any item or provision therein, and the House of Assembly may, if it thinks fit, make any of such omissions or amendments with or without modifications.

Discussion.

Mr. Feetham moved as an amendment : That section sixty of the South Africa Act, 1909, be amended so as to admit of origination in the Senate of Bills for the demand or payment or appropriation of fees, for licences or fees for services under such Bills.

Discussion.

Mr. Jagger, with leave, amended his motion by the addition of the following words : " provided that the Senate shall not be entitled to repeat in respect of any Bill any suggestion made to the House of Assembly which that House has altered or rejected "

Business Suspended, 12.55 o'clock p.m.

Business Resumed, 2.30 o'clock p.m.

Discussion resumed.

Mr. Malan moved as a further amendment : To insert the word " once " after the words " Senate may " in *Mr. Jagger's* motion.

Discussion.

Mr. Feetham, with leave, withdrew his amendment.

Mr. Jagger, with leave, withdrew his amendment.

Mr. Malan's amendment provisionally agreed to.

Original question (*Mr. Jagger's* motion) as amended, namely: "That in regard to any Bill containing provisions which the Senate is prohibited by the terms of sub-sections (2) and (3) of section *sixty* of the South Africa Act, 1909, from amending, the Senate may once during the stages of the passing of any such Bill return it to the House of Assembly suggesting by message the omission or amendment of any item or provision therein and the House of Assembly may, if it thinks fit, make any of such omissions or amendments with or without modifications" put, and the Conference divided:

Division No. 22.]

Ayes—9.

Mr. Feetham.
Sir J. Fraser.
Mr. Jagger.
Mr. Krige.
Mr. Malan.
Senator Robinson.
Sir T. Smartt.
Senator Stuart.
Senator Whiteside.

Noes—6.

Mr. Gow.
Mr. Hills.
Mr. Merriman.
Mr. Moor.
Mr. Snow.
Senator van Heerden.

Question accordingly provisionally agreed to.

QUALIFICATIONS OF SENATOR.

5. *Senator Robinson* moved: That the qualification of a Senator shall be as set out in section *twenty-six* of the South Africa Act, 1909, but omitting sub-section (e) thereof, which requires a Senator to be the owner of immovable property of a value of not less than £500.

Mr. Malan moved as an amendment: To delete all the words after the words "South Africa Act, 1909".

Amendment put, and the Conference divided:

Division No. 23.]

Ayes—7.

Sir J. Fraser.
Mr. Jagger.
Mr. Krige.
Mr. Malan.
Mr. Merriman.
Senator Stuart.
Senator van Heerden.

Noes—8.

Mr. Feetham.
Mr. Gow.
Mr. Hills.
Mr. Moor.
Senator Robinson.
Sir T. Smartt.
Mr. Snow.
Senator Whiteside.

Amendment accordingly provisionally negatived.

Original question (*Senator Robinson's* motion) provisionally agreed to.

MEMBER OF ASSEMBLY AND PROVINCIAL COUNCIL INELIGIBLE FOR ELECTION TO SENATE.

6. *Senator Robinson* moved: That no person who is at the date of nomination for any election of Senators a member of the House of Assembly or of a Provincial Council shall be capable of being nominated as a candidate at any such election.

Discussion.

Mr. Hills moved as an amendment: That the members of the House of Assembly and of the Provincial Council shall be eligible for direct election by the Provinces to the Senate, provided that in case of election such members shall *ipso facto* vacate their seats in the House of Assembly or Provincial Council, as the case may be.

Discussion.

Amendment put, and the Conference divided:

Division No. 24.]

Ayes—5.

Mr. de Waal.
Mr. Gow.
Mr. Hills.
Mr. Snow.
Senator Whiteside.

Noes (*cont.*)

Mr. Jagger.
Mr. Krige.
Mr. Malan.
Mr. Merriman.
Mr. Moor.
Senator Robinson.
Sir T. Smartt.
Senator Stuart.
Senator van Heerden.

Noes—11.

Mr. Feetham.
Sir J. Fraser.

Amendment accordingly provisionally negatived.

Original question provisionally agreed to.

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DISSOLUTION OF SECOND SENATE ALONE.

7. *Senator Stuart* moved: That this Conference recommends that provision be made for the power to dissolve the Senate to be elected in 1920 alone, if such be necessary, for the bringing into force of any change in the constitution of the Senate as recommended by this Conference.

Discussion.

CHAIRMAN'S RULING.

The *Chairman* ruled that the motion was outside the Statement of Reference and, consequently, not in order.

ADJOURNMENT.

8. The Conference adjourned at 4.45 o'clock p.m. until to-morrow, Friday, at 10 o'clock a.m.

O. CLOUGH;
Secretary.

C. JOEL KRIGE,
Chairman.

NOTICES OF MOTION.

Friday, 22nd October, 1920.

1. *Mr. Feetham* to move: That in the opinion of this Conference it is desirable that a new Senate be brought into existence as early as possible, constituted on the lines of the resolutions adopted by this Conference.
2. *Mr. de Waal* to move: That no member be nominated by the Government to the Senate who is not acquainted with both the English and Dutch languages.

Minute X.

Friday, 22nd October, 1920.

The Conference met at 10 o'clock a.m.,
All members being present, except *Mr. Beyers, Senator de Villiers, Mr. Havenga, Mr. Malan, Mr. Roos, and Senator Wolmarans.*

DESIRABILITY OF EARLY LEGISLATION.

1. *Mr. Feetham*, with leave, amended his Notice of Motion, and moved: That in the opinion of this Conference it is desirable that a reformed Senate be brought into existence as soon as possible.

Discussion.
Agreed to.

BILINGUAL QUALIFICATION FOR NOMINATED SENATORS.

2. *Mr. de Waal* moved: That no member be nominated by the Government to the Senate who is not acquainted with both the English and Dutch languages.

CHAIRMAN'S RULING.

The *Chairman* ruled that the motion was in conflict with the South Africa Act, 1909, and did not fall within the Statement of Reference of the Conference.

PROVISIONAL RESOLUTIONS: FINAL DECISION.

3. The Conference then proceeded to consider *seriatim* the resolutions relative to the future constitution of the Senate which had been hitherto only provisionally agreed to.
4. The *Chairman* moved: That, subject to the voting recorded in divisions thereupon, this Conference hereby affirms the following resolutions, hitherto only provisionally agreed to, and also confirms its action in respect of those motions which it has provisionally negatived, namely:
 - (1) That in the opinion of this Conference the provisions laid down in the Act of Union for the constitution of the Senate require revision.—(*Sir T. Smartt—MINUTES, p. 15.*)
 - (2) That the future Senate shall not include any member nominated for life.—(*Sir T. Smartt—MINUTES, p. 16.*)
 - (3) That in the opinion of this Conference the Senate shall not be constituted solely of members nominated for a number of years.—(*Mr. Jagger—MINUTES, p. 16.*)
 - (4) That this Conference is in favour of a Senate mainly elected and partly nominated.—(*Mr. Malan—MINUTES, pp. 16, 17.*)

- (5) (a) That the nominated element in the Senate shall consist of four members, and shall be confined to persons who are appointed on account of their knowledge of native affairs.
 (b) That the four members shall be nominated by the Governor-General-in-Council, and shall be appointed for the same period or periods as the elected Senators.
 (c) That casual vacancies occurring amongst the nominated Senators be filled in the same manner as their original appointments, provided that vacancies shall be filled within thirty days of their occurrence. The Senator filling the vacancy to hold his seat until the completion of the period for which the person in whose place he was nominated would have held his seat.—(*Mr. Jagger—MINUTES*, p. 21.)
- (6) That of the elected members of the Senate some be chosen by direct election and others by indirect election.—(*Mr. Feetham—MINUTES*, p. 26.)
- (7) That the number of members of the Senate shall be such as to preserve as nearly as possible the ratio between the numbers of members of the two Houses as existing at the commencement of Union.—(*Mr. Malan—MINUTES*, p. 27.)
- (8) That the present system of the different Provinces having each eight elected members in the Senate be adhered to.—(*Mr. Jagger—MINUTES*, p. 27.)
- (9) That the eight members to be elected by each Province shall be chosen by direct election.—(*Mr. Jagger—MINUTES*, p. 27.)
- (10) That each Province form one electoral area and that the mode of election be that known as proportional representation with the single transferable vote.—(*Mr. Jagger—MINUTES*, p. 29.)
- (11) That the Senators other than those nominated by the Governor-General-in-Council and those elected by each Province shall be elected by the members of the Senate and the members of the House of Assembly sitting together and presided over by the Speaker of the House of Assembly (who shall be also entitled to vote) and voting under the system known as proportional representation with the single transferable vote.—(*Mr. Jagger—MINUTES*, p. 32.)
- (12) That the duration of the Senate shall be for seven years, unless the Senate be sooner dissolved by the Governor-General, and provided always that the Senate shall only be dissolved simultaneously with the House of Assembly; and provided further that no such dissolution shall take place until a joint sitting has been held as provided for in the South Africa Act, 1909.—(*Mr. Jagger—MINUTES*, p. 32.)
- (13) That any casual vacancy amongst the elected Senators be filled after the examination of the ballot papers which secured the election of the member vacating his seat by the candidate who obtained the majority of the next preferences of the voters who have lost their representative, if such candidate is then duly qualified; and that if such candidate is not available, such vacancy be filled in the case of a directly elected member by the members of the Senate and of the House of Assembly for the Province concerned voting together, and in the case of an indirectly elected member by all members of the Senate and of the House of Assembly voting together, the election in each case to be according to the system of proportional representation with the single transferable vote. The Senator filling the vacancy to hold his seat until the completion of the period for which the person in whose place he was elected would have held his seat.—(*Sir T. Smart—MINUTES*, p. 33, 34.)
- (14) That the franchise for Senate elections shall be the same as for the House of Assembly in each Province at the date of the last registration of voters.—(*Mr. Malan—MINUTES*, p. 34.)
- (15) That a dissolution of the Senate shall also apply to the nominated Senators.—(*Mr. Malan—MINUTES*, p. 34.)
- (16) That in regard to any Bill containing provisions which the Senate is prohibited by the terms of sub-sections (2) and (3) of section sixty of the South Africa Act, 1909, from amending, the Senate may once during the stages of the passing of any such Bill return it to the House of Assembly suggesting by message the omission or amendment of any item or provisions therein, and the House of Assembly may, if it thinks fit, make any of such omissions or amendments with or without modifications.—(*Mr. Jagger—MINUTES*, p. 35.)
- (17) That the qualification of a Senator shall be as set out in section twenty-six of the South Africa Act, but omitting sub-section (e), which requires a Senator to be the owner of immovable property of a value of not less than £500.—(*Senator Robinson—MINUTES*, p. 35.)
- (18) That no person who is at the date of nomination for any election of Senators a member of the House of Assembly or of a Provincial Council shall be capable of being nominated as a candidate at any such election.—(*Senator Robinson—MINUTES*, p. 35.)

Agreed to.

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RE-DRAFTING AND CONSOLIDATING RESOLUTIONS.

5. *Sir T. Smartt* moved : That the *Chairman* be requested to re-draft the above-mentioned resolutions, consolidating them under their various heads ; and that such resolutions be the decisions of the Conference, and included in Mr. Speaker's letter to the Prime Minister reporting the Proceedings of the Conference.

Agreed to.

RESOLUTIONS OF THE CONFERENCE AS RE-DRAFTED BY MR. SPEAKER.

- | | |
|--------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| New Constitution. | 1. That in the opinion of this Conference the provisions laid down in the Act of Union for the constitution of the Senate require revision. |
| Principle of Composition. | 2. That the future Senate neither include any life-nominated member nor consist solely of term-nominated members, but that it be composed partly of nominated members and mainly of elected members, and that of the elected members some be chosen by direct and others by indirect election. |
| Ratio. | 3. That the number of members of the Senate be such as to preserve as nearly as possible a ratio of one-third the number of members of the House of Assembly. |
| Composition. | 4. That in place of the Senate constituted under the provisions of paragraphs (i) and (ii) of section <i>twenty-five</i> of the South Africa Act, 1909, the composition of the Senate be as follows : |
| Nominated Senators. | (1) In respect of nominated Senators : Four members nominated by the Governor-General-in-Council, selected on the ground mainly of their thorough acquaintance, by reason of their official experience, or otherwise, with the reasonable wants and wishes of the coloured and native races in South Africa. |
| Casual Vacancies. | If the seat of a Senator so nominated become vacant the Governor-General-in-Council to nominate a person to hold the seat until the completion of the period for which the person in whose stead he is nominated would have held his seat, such vacancies to be filled within thirty days of their occurrence. |
| Directly elected. | (2) In respect of each original Province of the Union : Eight members be elected by the registered electors for the members of the House of Assembly in each Province according to the last biennial registration of voters preceding such election of members of the Senate and for the purpose of such election each Province constitute one senatorial electoral area. |
| Indirectly elected. | (3) The remaining Senators to be elected by the members of the Senate and of the House of Assembly sitting together and presided over by the Speaker of the House of Assembly, who shall be also entitled to vote. |
| Tenure of seat. | (4) Both nominated and elected Senators to hold their seats for a period of seven years from the day of the first meeting of a Senate, subject to the dissolution referred to in Resolution No. 5 hereof. |
| Casual vacancies : Elected Senators. | (5) If the seat of any elected Senator become vacant it be filled, after the examination of the ballot papers which secured the election of the member vacating his seat, by the candidate who obtained the majority of next preferences of the voters who have lost their representative, such candidate being duly qualified, and should such candidate not be available then such vacancy be filled—
(a) in case of a directly elected Senator, by the members of the Senate and of the House of Assembly for the Province concerned voting together ; and
(b) in the case of an indirectly elected Senator, by all the members of the Senate and of the House of Assembly voting together. |
| Proportional representation. | The person elected to fill any such vacancy under this paragraph to hold the seat until the completion of the period for which the person in whose stead he is elected would have held his seat.
(6) The Senators to be elected under paragraphs (2), (3) and (5) of this Resolution to be elected according to the system of proportional representation, each voter having one transferable vote. |
| Duration—Dissolution. | 5. That every Senate continue for seven years from the first meeting thereof, and no longer, but be sooner dissoluble by the Governor-General provided the dissolution of the Senate is simultaneous with that of the House of Assembly, and provided further that no such dissolution take place until a |

- joint sitting has been held as provided for in section *sixty-three* of the South Africa Act. Dissolution to affect both the nominated and elected Senators.
- Process of suggestion. 6. That in regard to any Bill containing provisions which the Senate is prohibited by the terms of sub-sections (2) and (3) of section *sixty* of the South Africa Act, 1909, from amending, the Senate may once during the passage of any such Bill return it to the House of Assembly, suggesting by message the omission or amendment of any item or provision therein (which shall be set forth in an accompanying Schedule) and the House of Assembly may, if it thinks fit, make any such omission or amendment with or without modification.
- Qualification. 7. That the property qualification required of an elected Senator be discontinued.
- Dis-qualification. 8. That no person who is at the date of nomination for any election of Senators, a member of the House of Assembly or of any Provincial Council, shall be capable of being nominated as a candidate at any such election.

REPORTS, PAPERS, ETC.

6. The *Chairman* laid upon the Table :
[8] Memorandum D (by the *Secretary*) on "Proportional Representation."

VOTE OF THANKS TO THE CHAIRMAN.

7. *Senator Sir John Fraser* moved : That this Conference has great pleasure in expressing its appreciation of the services which Mr. Speaker has rendered as Chairman in presiding over its proceedings, and this Conference also desires to place on record its high approval of the ability, urbanity and impartiality which Mr. Speaker has displayed in the discharge of his duties—his attitude throughout the proceedings disclosing that fairness, tact, and at the same time that firmness which have so distinguished him ever since he has occupied the office of Speaker of the House of Assembly.

Agreed to, all members standing.

SERVICES OF SECRETARY.

8. *Senator Sir John Fraser* moved : That this Conference desires to place on record its appreciation of the services of Mr. E. M. O. Clough (Clerk of the Senate) as Secretary, and specially to acknowledge the valuable assistance which the Conference, as well as the individual members thereof, have received from him during the course of the enquiry. The preparation (both in former years and in the collection of data for this Conference) by Mr. Clough of the various memoranda bearing upon the question of Second Chamber Constitutions, and particularly in relation to the Second Chamber in the Union, have greatly contributed to the simplification of the work of the Conference and considerably expedited its proceedings.

Agreed to.

SECRETARIAT.

9. *Senator Sir John Fraser* moved : That this Conference expresses its appreciation of the services rendered by Mr. Maurice Green (Black Rod and Senate Committee Clerk) as Assistant Secretary, and Mr. S. F. du Toit (Senate Translator and Assistant Committee Clerk) as Translator, during the proceedings of the Conference.

Agreed to.

CHAIRMAN'S CLOSING ADDRESS.

10. The *Chairman* said : " I wish to thank members for the vote of thanks they have accorded me, and also *Senator Sir John Fraser* for the kind words he has used in regard to me personally. It has been to me a very great pleasure and honour to preside at this Conference. If I may be allowed to say so, I was specially struck with the great ability, the concentration and attention with which Honourable Members approached this very important subject. It seemed to me that members had a due sense of the great responsibility devolving upon them in dealing with this matter. Extraordinary competence was shown by every Honourable Member who took part in the deliberations of this Conference—so much so that I am not using words of flattery when I say that at times I regretted that our discussions are not being published. We have now arrived at a decision and we have succeeded in devising a new scheme for the future constitution of the Senate. It may not be an ideal scheme but, although we have divided on several very salient points of the new scheme, I am certain that the different members of this Conference and the people they represent in the country will take the view that one cannot bring about a reform unless there is a certain amount of give and take, especially in the case of an important subject of this nature. Although

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the true 'Convention spirit' was not very strictly observed in the Conference, we must not forget that we are living in abnormal times, and when we have to frame a new constitution for a Chamber with influential functions in our legislature it is only possible to mould the same in a spirit of compromise, and it is no doubt that the framework established by the Conference embodies certain—naturally not *all*—principles advocated by the several political parties here represented, and in case our proposals take legislative form I trust such proposals will be considered by Parliament and the people in a spirit of liberal statesmanship.

"During the deliberations I have been constantly imbued with the idea that parliamentary institutions are at present—the whole world over—on their trial, and that important world influences are also reflected in our own country, and I think our scheme proves that we have not ignored this trend of feeling however much it may be in conflict with old settled opinions.

"I know it is the wish of every Honourable Member that our labours may contribute to the elevation of the prestige of Parliament in the estimation of the country.

"I again thank the Conference for the cordial vote of thanks accorded me.

"With regard to Mr. Clough, I wish to confirm every word which has fallen from Sir John Fraser. He has devoted many years to this interesting and engrossing subject, and we have had the benefit of his study and labour before us. His memoranda and his knowledge of the proportional system of voting as well as his familiarity with the constitutions of Upper Chambers have been of very great benefit to me personally, because Mr. Clough and I had been in collaboration on this subject for many weeks before the Conference met. I also wish to thank Honourable Members for their resolution of thanks in regard to Mr. Green and Mr. du Toit, and the other members of the staff who have assisted in the work of the Conference. I can assure members that it is my intention to represent to the Government that the special services they have rendered be suitably recognised.

"I would ask Honourable Members to leave it to me to make such recommendations as I think fit in regard to the special services rendered by these officers."

CONCLUSION.

11. The Conference concluded at Noon.

O. CLOUGH,
Secretary.

C. JOEL KRIGE,
Chairman.

(End of the Proceedings of the Speaker's Conference on the Future Constitution of the Senate.)

ANNEXURE I.

ATTENDANCE OF MEMBERS.

	No. of Attendances.	Times Absent.
<i>Chairman.</i>		
The Hon. C. Joel Krige, M.L.A., Speaker of the House of Assembly ..	10	—
<i>Members.</i>		
Mr. F. W. Beyers, K.C., M.L.A.	6	4
Mr. J. H. H. de Waal, M.L.A.	10	—
Senator the Hon. I. W. B. de Villiers	6	4
Mr. R. Feetham, K.C., M.L.A.	10	—
Senator the Hon. Sir J. Fraser, Kt.	10	—
Mr. J. H. S. Gow, M.L.A.	9	1
Mr. N. C. Havenga, M.L.A.	8	2
Mr. G. Hills, M.L.A.	10	—
Mr. J. W. Jagger, M.L.A.	10	—
The Rt. Hon. F. S. Malan, M.L.A.	9	1
The Rt. Hon. J. X. Merriman, M.L.A.	10	—
Mr. J. W. Moor, M.L.A.	10	—
Mr. T. J. de V. Roos, M.L.A.	4	6
Senator the Hon. C. P. Robinson	10	—
The Hon. Sir T. W. Smarrt, K.C.M.G., M.L.A.	10	—
Mr. W. J. Snow, M.L.A.	10	—
Senator the Hon. H. G. Stuart	10	—
Senator the Hon. H. C. van Heerden	10	—
Senator the Hon. P. Whiteside	10	—
Senator the Hon. A. D. W. Wolmarans	7	3
Total number of Sittings ..		10.

ANNEXURE II.
DIVISION LISTS.

SPEAKER'S CONFERENCE—FUTURE CONSTITUTION OF THE SENATE, 1920.

Division List No. 1.

Motion.	Division.	Page.		
<i>Senator Whiteside :</i> That in the opinion of this Conference a Second Chamber is not necessary.	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"> Ayes. Mr. de Waal. Mr. Gow. Mr. Hills. Mr. Roos. Mr. Snow. Senator Whiteside. Noes. Mr. Beyers. Senator de Villiers. Mr. Feetham. Senator Sir J. Fraser. </td> <td style="width: 50%;"> Noes (cont.). Mr. Havenga. Mr. Jagger. Mr. Krige. Mr. Malan. Mr. Merriman. Mr. Moor. Senator Robinson. Sir T. Smartt. Senator Stuart. Senator van Heerden. Senator Wolmarans. </td> </tr> </table> <p style="text-align: center;">For—6 ; Against—15. Majority against—9.</p>	Ayes. Mr. de Waal. Mr. Gow. Mr. Hills. Mr. Roos. Mr. Snow. Senator Whiteside. Noes. Mr. Beyers. Senator de Villiers. Mr. Feetham. Senator Sir J. Fraser.	Noes (cont.). Mr. Havenga. Mr. Jagger. Mr. Krige. Mr. Malan. Mr. Merriman. Mr. Moor. Senator Robinson. Sir T. Smartt. Senator Stuart. Senator van Heerden. Senator Wolmarans.	14
Ayes. Mr. de Waal. Mr. Gow. Mr. Hills. Mr. Roos. Mr. Snow. Senator Whiteside. Noes. Mr. Beyers. Senator de Villiers. Mr. Feetham. Senator Sir J. Fraser.	Noes (cont.). Mr. Havenga. Mr. Jagger. Mr. Krige. Mr. Malan. Mr. Merriman. Mr. Moor. Senator Robinson. Sir T. Smartt. Senator Stuart. Senator van Heerden. Senator Wolmarans.			

Division List No. 2.

<i>Senator de Villiers :</i> That the Conference do sit this afternoon.	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"> Ayes. Mr. Beyers. Senator de Villiers. Mr. Havenga. Mr. Krige. Mr. Moor. Mr. Roos. Senator Stuart. Senator van Heerden. Senator Wolmarans. </td> <td style="width: 50%;"> Noes. Mr. de Waal. Mr. Feetham. Senator Sir J. Fraser. Mr. Gow. Mr. Hills. Mr. Jagger. Mr. Merriman. Senator Robinson. Sir T. Smartt. Mr. Snow. Senator Whiteside. </td> </tr> </table> <p style="text-align: center;">For—9 ; Against—11. Majority against—2.</p>	Ayes. Mr. Beyers. Senator de Villiers. Mr. Havenga. Mr. Krige. Mr. Moor. Mr. Roos. Senator Stuart. Senator van Heerden. Senator Wolmarans.	Noes. Mr. de Waal. Mr. Feetham. Senator Sir J. Fraser. Mr. Gow. Mr. Hills. Mr. Jagger. Mr. Merriman. Senator Robinson. Sir T. Smartt. Mr. Snow. Senator Whiteside.	15
Ayes. Mr. Beyers. Senator de Villiers. Mr. Havenga. Mr. Krige. Mr. Moor. Mr. Roos. Senator Stuart. Senator van Heerden. Senator Wolmarans.	Noes. Mr. de Waal. Mr. Feetham. Senator Sir J. Fraser. Mr. Gow. Mr. Hills. Mr. Jagger. Mr. Merriman. Senator Robinson. Sir T. Smartt. Mr. Snow. Senator Whiteside.			

Division List No. 3.

<i>Mr. de Waal :</i> That the Government be not entitled to nominate any member of the Senate.	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"> Ayes. Mr. Beyers. Mr. de Waal. Senator de Villiers. Mr. Gow. Mr. Havenga. Mr. Hills. Mr. Roos. Mr. Snow. Senator Whiteside. Senator Wolmarans. </td> <td style="width: 50%;"> Noes. Mr. Feetham. Senator Sir J. Fraser. Mr. Jagger. Mr. Krige. Mr. Malan. Mr. Merriman. Mr. Moor. Senator Robinson. Sir T. Smartt. Senator Stuart. Senator van Heerden. </td> </tr> </table> <p style="text-align: center;">For—10 ; Against—11. Majority against—1.</p>	Ayes. Mr. Beyers. Mr. de Waal. Senator de Villiers. Mr. Gow. Mr. Havenga. Mr. Hills. Mr. Roos. Mr. Snow. Senator Whiteside. Senator Wolmarans.	Noes. Mr. Feetham. Senator Sir J. Fraser. Mr. Jagger. Mr. Krige. Mr. Malan. Mr. Merriman. Mr. Moor. Senator Robinson. Sir T. Smartt. Senator Stuart. Senator van Heerden.	17
Ayes. Mr. Beyers. Mr. de Waal. Senator de Villiers. Mr. Gow. Mr. Havenga. Mr. Hills. Mr. Roos. Mr. Snow. Senator Whiteside. Senator Wolmarans.	Noes. Mr. Feetham. Senator Sir J. Fraser. Mr. Jagger. Mr. Krige. Mr. Malan. Mr. Merriman. Mr. Moor. Senator Robinson. Sir T. Smartt. Senator Stuart. Senator van Heerden.			

Division List No. 4.

<i>Mr. Malan :</i> That this Conference is in favour of a Senate mainly elected and partly nominated.	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"> Ayes. Mr. Feetham. Senator Sir J. Fraser. Mr. Jagger. Mr. Krige. Mr. Malan. Mr. Merriman. Mr. Moor. Senator Robinson. Sir T. Smartt. Senator Stuart. Senator van Heerden. </td> <td style="width: 50%;"> Noes. Mr. Beyers. Mr. de Waal. Senator de Villiers. Mr. Gow. Mr. Havenga. Mr. Hills. Mr. Roos. Mr. Snow. Senator Whiteside. Senator Wolmarans. </td> </tr> </table> <p style="text-align: center;">For—11 ; Against—10. Majority for—1.</p>	Ayes. Mr. Feetham. Senator Sir J. Fraser. Mr. Jagger. Mr. Krige. Mr. Malan. Mr. Merriman. Mr. Moor. Senator Robinson. Sir T. Smartt. Senator Stuart. Senator van Heerden.	Noes. Mr. Beyers. Mr. de Waal. Senator de Villiers. Mr. Gow. Mr. Havenga. Mr. Hills. Mr. Roos. Mr. Snow. Senator Whiteside. Senator Wolmarans.	17
Ayes. Mr. Feetham. Senator Sir J. Fraser. Mr. Jagger. Mr. Krige. Mr. Malan. Mr. Merriman. Mr. Moor. Senator Robinson. Sir T. Smartt. Senator Stuart. Senator van Heerden.	Noes. Mr. Beyers. Mr. de Waal. Senator de Villiers. Mr. Gow. Mr. Havenga. Mr. Hills. Mr. Roos. Mr. Snow. Senator Whiteside. Senator Wolmarans.			

Division List No. 5.

Motion.	Division.	Page.																								
<i>Senator Whiteside:</i> That the debate (Nominated element) be now adjourned.	<table border="0"> <tr> <td>Ayes.</td> <td>Noes (cont.).</td> </tr> <tr> <td>Mr. de Waal.</td> <td>Senator Sir J. Fraser.</td> </tr> <tr> <td>Mr. Gow.</td> <td>Mr. Havenga.</td> </tr> <tr> <td>Mr. Hills.</td> <td>Mr. Jagger.</td> </tr> <tr> <td>Mr. Merriman.</td> <td>Mr. Krige.</td> </tr> <tr> <td>Mr. Roos.</td> <td>Mr. Malan.</td> </tr> <tr> <td>Mr. Snow.</td> <td>Mr. Moor.</td> </tr> <tr> <td>Senator Whiteside.</td> <td>Senator Robinson.</td> </tr> <tr> <td>Noes.</td> <td>Sir T. Smartt.</td> </tr> <tr> <td>Mr. Beyers.</td> <td>Senator Stuart.</td> </tr> <tr> <td>Senator de Villiers.</td> <td>Senator van Heerden.</td> </tr> <tr> <td>Mr. Feetham.</td> <td>Senator Wolmarans.</td> </tr> </table> <p>For—7; Against—14. Majority against—7.</p>	Ayes.	Noes (cont.).	Mr. de Waal.	Senator Sir J. Fraser.	Mr. Gow.	Mr. Havenga.	Mr. Hills.	Mr. Jagger.	Mr. Merriman.	Mr. Krige.	Mr. Roos.	Mr. Malan.	Mr. Snow.	Mr. Moor.	Senator Whiteside.	Senator Robinson.	Noes.	Sir T. Smartt.	Mr. Beyers.	Senator Stuart.	Senator de Villiers.	Senator van Heerden.	Mr. Feetham.	Senator Wolmarans.	18
Ayes.	Noes (cont.).																									
Mr. de Waal.	Senator Sir J. Fraser.																									
Mr. Gow.	Mr. Havenga.																									
Mr. Hills.	Mr. Jagger.																									
Mr. Merriman.	Mr. Krige.																									
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Mr. Snow.	Mr. Moor.																									
Senator Whiteside.	Senator Robinson.																									
Noes.	Sir T. Smartt.																									
Mr. Beyers.	Senator Stuart.																									
Senator de Villiers.	Senator van Heerden.																									
Mr. Feetham.	Senator Wolmarans.																									

Division List No. 6.

<i>Mr. de Waal:</i> In <i>Mr. Hills'</i> amendment to <i>Mr. Jagger's</i> motion (Nominated element) to omit "after consultation with the Native Councils in each Province as specified in sections <i>five, fourteen</i> and <i>sixteen</i> of Act No. 23 of 1920".	<table border="0"> <tr> <td>Ayes.</td> <td>Ayes (cont.).</td> </tr> <tr> <td>Mr. Beyers.</td> <td>Sir T. Smartt.</td> </tr> <tr> <td>Mr. de Waal.</td> <td>Senator Stuart.</td> </tr> <tr> <td>Senator de Villiers.</td> <td>Senator van Heerden.</td> </tr> <tr> <td>Mr. Feetham.</td> <td>Senator Wolmarans.</td> </tr> <tr> <td>Senator Sir J. Fraser.</td> <td></td> </tr> <tr> <td>Mr. Havenga.</td> <td>Noes.</td> </tr> <tr> <td>Mr. Jagger.</td> <td>Mr. Gow.</td> </tr> <tr> <td>Mr. Krige.</td> <td>Mr. Hills.</td> </tr> <tr> <td>Mr. Malan.</td> <td>Mr. Merriman.</td> </tr> <tr> <td>Mr. Moor.</td> <td>Mr. Snow.</td> </tr> <tr> <td>Senator Robinson.</td> <td>Senator Whiteside.</td> </tr> </table> <p>For—15; Against—5. Majority for—10.</p>	Ayes.	Ayes (cont.).	Mr. Beyers.	Sir T. Smartt.	Mr. de Waal.	Senator Stuart.	Senator de Villiers.	Senator van Heerden.	Mr. Feetham.	Senator Wolmarans.	Senator Sir J. Fraser.		Mr. Havenga.	Noes.	Mr. Jagger.	Mr. Gow.	Mr. Krige.	Mr. Hills.	Mr. Malan.	Mr. Merriman.	Mr. Moor.	Mr. Snow.	Senator Robinson.	Senator Whiteside.	20
Ayes.	Ayes (cont.).																									
Mr. Beyers.	Sir T. Smartt.																									
Mr. de Waal.	Senator Stuart.																									
Senator de Villiers.	Senator van Heerden.																									
Mr. Feetham.	Senator Wolmarans.																									
Senator Sir J. Fraser.																										
Mr. Havenga.	Noes.																									
Mr. Jagger.	Mr. Gow.																									
Mr. Krige.	Mr. Hills.																									
Mr. Malan.	Mr. Merriman.																									
Mr. Moor.	Mr. Snow.																									
Senator Robinson.	Senator Whiteside.																									

Division List No. 7.

<i>Mr. Hills:</i> To omit paragraph (b) of <i>Mr. Jagger's</i> motion (Nominated element) and to substitute the following: "That the members of the House of Assembly and of the Provincial Council of each Province sitting together shall recommend to the Governor-General-in-Council for nomination, one of the four Senators to be nominated on account of their special knowledge of Native Affairs."	<table border="0"> <tr> <td>Ayes.</td> <td>Noes.</td> </tr> <tr> <td>Mr. Beyers.</td> <td>Mr. Feetham.</td> </tr> <tr> <td>Mr. de Waal.</td> <td>Senator Sir J. Fraser.</td> </tr> <tr> <td>Senator de Villiers.</td> <td>Mr. Jagger.</td> </tr> <tr> <td>Mr. Gow.</td> <td>Mr. Krige.</td> </tr> <tr> <td>Mr. Havenga.</td> <td>Mr. Malan.</td> </tr> <tr> <td>Mr. Hills.</td> <td>Mr. Merriman.</td> </tr> <tr> <td>Mr. Snow.</td> <td>Mr. Moor.</td> </tr> <tr> <td>Senator Whiteside.</td> <td>Senator Robinson.</td> </tr> <tr> <td>Senator Wolmarans.</td> <td>Sir T. Smartt.</td> </tr> <tr> <td></td> <td>Senator Stuart.</td> </tr> <tr> <td></td> <td>Senator van Heerden.</td> </tr> </table> <p>For—9; Against—11. Majority against—2.</p>	Ayes.	Noes.	Mr. Beyers.	Mr. Feetham.	Mr. de Waal.	Senator Sir J. Fraser.	Senator de Villiers.	Mr. Jagger.	Mr. Gow.	Mr. Krige.	Mr. Havenga.	Mr. Malan.	Mr. Hills.	Mr. Merriman.	Mr. Snow.	Mr. Moor.	Senator Whiteside.	Senator Robinson.	Senator Wolmarans.	Sir T. Smartt.		Senator Stuart.		Senator van Heerden.	21
Ayes.	Noes.																									
Mr. Beyers.	Mr. Feetham.																									
Mr. de Waal.	Senator Sir J. Fraser.																									
Senator de Villiers.	Mr. Jagger.																									
Mr. Gow.	Mr. Krige.																									
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Senator Whiteside.	Senator Robinson.																									
Senator Wolmarans.	Sir T. Smartt.																									
	Senator Stuart.																									
	Senator van Heerden.																									

Division List No. 8.

<i>Senator Whiteside:</i> That any system of election decided upon for the constitution of the Senate shall be one of direct election.	<table border="0"> <tr> <td>Ayes.</td> <td>Noes (cont.).</td> </tr> <tr> <td>Senator Sir J. Fraser.</td> <td>Mr. Jagger.</td> </tr> <tr> <td>Mr. Gow.</td> <td>Mr. Krige.</td> </tr> <tr> <td>Mr. Hills.</td> <td>Mr. Malan.</td> </tr> <tr> <td>Mr. Snow.</td> <td>Mr. Merriman.</td> </tr> <tr> <td>Senator Whiteside.</td> <td>Mr. Moor.</td> </tr> <tr> <td></td> <td>Senator Robinson.</td> </tr> <tr> <td>Noes.</td> <td>Sir T. Smartt.</td> </tr> <tr> <td>Mr. de Waal.</td> <td>Senator Stuart.</td> </tr> <tr> <td>Mr. Feetham.</td> <td>Senator van Heerden.</td> </tr> <tr> <td>Mr. Havenga.</td> <td>Senator Wolmarans.</td> </tr> </table> <p>For—5; Against—13. Majority against—8.</p>	Ayes.	Noes (cont.).	Senator Sir J. Fraser.	Mr. Jagger.	Mr. Gow.	Mr. Krige.	Mr. Hills.	Mr. Malan.	Mr. Snow.	Mr. Merriman.	Senator Whiteside.	Mr. Moor.		Senator Robinson.	Noes.	Sir T. Smartt.	Mr. de Waal.	Senator Stuart.	Mr. Feetham.	Senator van Heerden.	Mr. Havenga.	Senator Wolmarans.	25
Ayes.	Noes (cont.).																							
Senator Sir J. Fraser.	Mr. Jagger.																							
Mr. Gow.	Mr. Krige.																							
Mr. Hills.	Mr. Malan.																							
Mr. Snow.	Mr. Merriman.																							
Senator Whiteside.	Mr. Moor.																							
	Senator Robinson.																							
Noes.	Sir T. Smartt.																							
Mr. de Waal.	Senator Stuart.																							
Mr. Feetham.	Senator van Heerden.																							
Mr. Havenga.	Senator Wolmarans.																							

Division List No. 9.

<i>Mr. de Waal:</i> That any system of election decided upon for the constitution of the Senate shall be by indirect election on the basis laid down in section <i>twenty-five</i> of the South Africa Act, 1909.	<table border="0"> <tr> <td>Ayes.</td> <td>Noes (cont.).</td> </tr> <tr> <td>Mr. de Waal.</td> <td>Mr. Krige.</td> </tr> <tr> <td>Mr. Havenga.</td> <td>Mr. Malan.</td> </tr> <tr> <td>Senator Wolmarans.</td> <td>Mr. Merriman.</td> </tr> <tr> <td></td> <td>Mr. Moor.</td> </tr> <tr> <td>Noes.</td> <td>Senator Robinson.</td> </tr> <tr> <td>Mr. Feetham.</td> <td>Sir T. Smartt.</td> </tr> <tr> <td>Senator Sir J. Fraser.</td> <td>Mr. Snow.</td> </tr> <tr> <td>Mr. Gow.</td> <td>Senator Stuart.</td> </tr> <tr> <td>Mr. Hills.</td> <td>Senator van Heerden.</td> </tr> <tr> <td>Mr. Jagger.</td> <td>Senator Whiteside.</td> </tr> </table> <p>For—3; Against—15. Majority against—12.</p>	Ayes.	Noes (cont.).	Mr. de Waal.	Mr. Krige.	Mr. Havenga.	Mr. Malan.	Senator Wolmarans.	Mr. Merriman.		Mr. Moor.	Noes.	Senator Robinson.	Mr. Feetham.	Sir T. Smartt.	Senator Sir J. Fraser.	Mr. Snow.	Mr. Gow.	Senator Stuart.	Mr. Hills.	Senator van Heerden.	Mr. Jagger.	Senator Whiteside.	26
Ayes.	Noes (cont.).																							
Mr. de Waal.	Mr. Krige.																							
Mr. Havenga.	Mr. Malan.																							
Senator Wolmarans.	Mr. Merriman.																							
	Mr. Moor.																							
Noes.	Senator Robinson.																							
Mr. Feetham.	Sir T. Smartt.																							
Senator Sir J. Fraser.	Mr. Snow.																							
Mr. Gow.	Senator Stuart.																							
Mr. Hills.	Senator van Heerden.																							
Mr. Jagger.	Senator Whiteside.																							

Division List No. 10.

Motion.	Division.	Page.																								
<p><i>Mr. Feetham :</i> That of the elected members of the Senate some be chosen by direct election and others by indirect election.</p>	<table> <tr> <td>Ayes.</td> <td>Noes.</td> </tr> <tr> <td>Mr. Feetham.</td> <td>Mr. de Waal.</td> </tr> <tr> <td>Senator Sir J. Fraser.</td> <td>Mr. Gow.</td> </tr> <tr> <td>Mr. Jagger.</td> <td>Mr. Havenga.</td> </tr> <tr> <td>Mr. Krige.</td> <td>Mr. Hills.</td> </tr> <tr> <td>Mr. Malan.</td> <td>Mr. Snow.</td> </tr> <tr> <td>Mr. Merriman.</td> <td>Senator Whiteside.</td> </tr> <tr> <td>Mr. Moor.</td> <td>Senator Wolmarans.</td> </tr> <tr> <td>Senator Robinson.</td> <td></td> </tr> <tr> <td>Sir T. Smartt.</td> <td></td> </tr> <tr> <td>Senator Stuart.</td> <td></td> </tr> <tr> <td>Senator van Heerden.</td> <td></td> </tr> </table> <p>For—11 ; Against—7. Majority for—4.</p>	Ayes.	Noes.	Mr. Feetham.	Mr. de Waal.	Senator Sir J. Fraser.	Mr. Gow.	Mr. Jagger.	Mr. Havenga.	Mr. Krige.	Mr. Hills.	Mr. Malan.	Mr. Snow.	Mr. Merriman.	Senator Whiteside.	Mr. Moor.	Senator Wolmarans.	Senator Robinson.		Sir T. Smartt.		Senator Stuart.		Senator van Heerden.		26
Ayes.	Noes.																									
Mr. Feetham.	Mr. de Waal.																									
Senator Sir J. Fraser.	Mr. Gow.																									
Mr. Jagger.	Mr. Havenga.																									
Mr. Krige.	Mr. Hills.																									
Mr. Malan.	Mr. Snow.																									
Mr. Merriman.	Senator Whiteside.																									
Mr. Moor.	Senator Wolmarans.																									
Senator Robinson.																										
Sir T. Smartt.																										
Senator Stuart.																										
Senator van Heerden.																										

Division List No. 11.

<p><i>Mr. Hills :</i> That the Senate shall consist of forty members.</p>	<table> <tr> <td>Ayes.</td> <td>Noes.</td> </tr> <tr> <td>Mr. de Waal.</td> <td>Mr. Feetham.</td> </tr> <tr> <td>Mr. Gow.</td> <td>Senator Sir J. Fraser.</td> </tr> <tr> <td>Mr. Havenga.</td> <td>Mr. Jagger.</td> </tr> <tr> <td>Mr. Hills.</td> <td>Mr. Krige.</td> </tr> <tr> <td>Mr. Merriman.</td> <td>Mr. Malan.</td> </tr> <tr> <td>Mr. Snow.</td> <td>Mr. Moor.</td> </tr> <tr> <td>Senator Whiteside.</td> <td>Senator Robinson.</td> </tr> <tr> <td>Senator Wolmarans.</td> <td>Sir T. Smartt.</td> </tr> <tr> <td></td> <td>Senator Stuart.</td> </tr> <tr> <td></td> <td>Senator van Heerden.</td> </tr> </table> <p>For—8 ; Against—10. Majority against—2.</p>	Ayes.	Noes.	Mr. de Waal.	Mr. Feetham.	Mr. Gow.	Senator Sir J. Fraser.	Mr. Havenga.	Mr. Jagger.	Mr. Hills.	Mr. Krige.	Mr. Merriman.	Mr. Malan.	Mr. Snow.	Mr. Moor.	Senator Whiteside.	Senator Robinson.	Senator Wolmarans.	Sir T. Smartt.		Senator Stuart.		Senator van Heerden.	27
Ayes.	Noes.																							
Mr. de Waal.	Mr. Feetham.																							
Mr. Gow.	Senator Sir J. Fraser.																							
Mr. Havenga.	Mr. Jagger.																							
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Mr. Merriman.	Mr. Malan.																							
Mr. Snow.	Mr. Moor.																							
Senator Whiteside.	Senator Robinson.																							
Senator Wolmarans.	Sir T. Smartt.																							
	Senator Stuart.																							
	Senator van Heerden.																							

Division List No. 12.

<p><i>Mr. Havenga :</i> To add to <i>Mr. Malan's</i> motion (number of members) the words "providing that the existing principle of equal representation of the original Provinces is adhered to".</p>	<table> <tr> <td>Ayes.</td> <td>Noes (cont.).</td> </tr> <tr> <td>Mr. de Waal.</td> <td>Mr. Krige.</td> </tr> <tr> <td>Mr. Havenga.</td> <td>Mr. Malan.</td> </tr> <tr> <td>Senator Wolmarans.</td> <td>Mr. Merriman.</td> </tr> <tr> <td></td> <td>Mr. Moor.</td> </tr> <tr> <td>Noes.</td> <td>Senator Robinson.</td> </tr> <tr> <td>Mr. Feetham.</td> <td>Sir T. Smartt.</td> </tr> <tr> <td>Senator Sir J. Fraser.</td> <td>Mr. Snow.</td> </tr> <tr> <td>Mr. Gow.</td> <td>Senator Stuart.</td> </tr> <tr> <td>Mr. Hills.</td> <td>Senator van Heerden.</td> </tr> <tr> <td>Mr. Jagger.</td> <td>Senator Whiteside.</td> </tr> </table> <p>For—3 ; Against—15. Majority against—12.</p>	Ayes.	Noes (cont.).	Mr. de Waal.	Mr. Krige.	Mr. Havenga.	Mr. Malan.	Senator Wolmarans.	Mr. Merriman.		Mr. Moor.	Noes.	Senator Robinson.	Mr. Feetham.	Sir T. Smartt.	Senator Sir J. Fraser.	Mr. Snow.	Mr. Gow.	Senator Stuart.	Mr. Hills.	Senator van Heerden.	Mr. Jagger.	Senator Whiteside.	27
Ayes.	Noes (cont.).																							
Mr. de Waal.	Mr. Krige.																							
Mr. Havenga.	Mr. Malan.																							
Senator Wolmarans.	Mr. Merriman.																							
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Noes.	Senator Robinson.																							
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Mr. Gow.	Senator Stuart.																							
Mr. Hills.	Senator van Heerden.																							
Mr. Jagger.	Senator Whiteside.																							

Division List No. 13.

<p><i>Mr. Jagger :</i> That the eight members to be elected by each Province shall be chosen by direct election.</p>	<table> <tr> <td>Ayes.</td> <td>Ayes (cont.).</td> </tr> <tr> <td>Mr. Feetham.</td> <td>Sir T. Smartt.</td> </tr> <tr> <td>Senator Sir J. Fraser.</td> <td>Mr. Snow.</td> </tr> <tr> <td>Mr. Gow.</td> <td>Senator Stuart.</td> </tr> <tr> <td>Mr. Hills.</td> <td>Senator van Heerden.</td> </tr> <tr> <td>Mr. Jagger.</td> <td>Senator Whiteside.</td> </tr> <tr> <td>Mr. Krige.</td> <td></td> </tr> <tr> <td>Mr. Malan.</td> <td>Noes.</td> </tr> <tr> <td>Mr. Merriman.</td> <td>Mr. de Waal.</td> </tr> <tr> <td>Mr. Moor.</td> <td>Mr. Havenga.</td> </tr> <tr> <td>Senator Robinson.</td> <td>Senator Wolmarans.</td> </tr> </table> <p>For—15 ; Against—3. Majority for—12.</p>	Ayes.	Ayes (cont.).	Mr. Feetham.	Sir T. Smartt.	Senator Sir J. Fraser.	Mr. Snow.	Mr. Gow.	Senator Stuart.	Mr. Hills.	Senator van Heerden.	Mr. Jagger.	Senator Whiteside.	Mr. Krige.		Mr. Malan.	Noes.	Mr. Merriman.	Mr. de Waal.	Mr. Moor.	Mr. Havenga.	Senator Robinson.	Senator Wolmarans.	27
Ayes.	Ayes (cont.).																							
Mr. Feetham.	Sir T. Smartt.																							
Senator Sir J. Fraser.	Mr. Snow.																							
Mr. Gow.	Senator Stuart.																							
Mr. Hills.	Senator van Heerden.																							
Mr. Jagger.	Senator Whiteside.																							
Mr. Krige.																								
Mr. Malan.	Noes.																							
Mr. Merriman.	Mr. de Waal.																							
Mr. Moor.	Mr. Havenga.																							
Senator Robinson.	Senator Wolmarans.																							

Division List No. 14.

<p><i>Mr. Havenga :</i> That for the purpose of election each Province be divided into as many electoral divisions as there are Senators to be elected, and that the same voters who at present vote for members of the House of Assembly be entitled to vote for the election of a Senator for such electoral division.</p>	<table> <tr> <td>Ayes.</td> <td>Noes (cont.).</td> </tr> <tr> <td>Mr. de Waal.</td> <td>Mr. Malan.</td> </tr> <tr> <td>Mr. Havenga.</td> <td>Mr. Merriman.</td> </tr> <tr> <td>Noes.</td> <td>Mr. Moor.</td> </tr> <tr> <td>Mr. Feetham.</td> <td>Senator Robinson.</td> </tr> <tr> <td>Senator Sir J. Fraser.</td> <td>Sir T. Smartt.</td> </tr> <tr> <td>Mr. Gow.</td> <td>Mr. Snow.</td> </tr> <tr> <td>Mr. Hills.</td> <td>Senator Stuart.</td> </tr> <tr> <td>Mr. Jagger.</td> <td>Senator van Heerden.</td> </tr> <tr> <td>Mr. Krige.</td> <td>Senator Whiteside.</td> </tr> </table> <p>For—2 ; Against—15. Majority against—13.</p>	Ayes.	Noes (cont.).	Mr. de Waal.	Mr. Malan.	Mr. Havenga.	Mr. Merriman.	Noes.	Mr. Moor.	Mr. Feetham.	Senator Robinson.	Senator Sir J. Fraser.	Sir T. Smartt.	Mr. Gow.	Mr. Snow.	Mr. Hills.	Senator Stuart.	Mr. Jagger.	Senator van Heerden.	Mr. Krige.	Senator Whiteside.	29
Ayes.	Noes (cont.).																					
Mr. de Waal.	Mr. Malan.																					
Mr. Havenga.	Mr. Merriman.																					
Noes.	Mr. Moor.																					
Mr. Feetham.	Senator Robinson.																					
Senator Sir J. Fraser.	Sir T. Smartt.																					
Mr. Gow.	Mr. Snow.																					
Mr. Hills.	Senator Stuart.																					
Mr. Jagger.	Senator van Heerden.																					
Mr. Krige.	Senator Whiteside.																					

Division List No. 15.

Motion.	Division.	Page.
<i>Mr. Malan :</i> To omit the words "one electoral area" in <i>Mr. Jagger's</i> motion (Provincial representation : Method of election).	<p>Ayes.</p> <p>Mr. Malan. Mr. Moor. Senator van Heerden. Noes. Mr. de Waal. Mr. Feetham. Senator Sir J. Fraser. Mr. Gow. Mr. Havenga.</p> <p>Noes (cont.). Mr. Hills. Mr. Jagger. Mr. Krige. Mr. Merriman. Senator Robinson. Sir T. Smartt. Mr. Snow. Senator Stuart. Senator Whiteside.</p> <p>For—3 ; Against—14. Majority against—11.</p>	29

Division List No. 16.

<i>Mr. Jagger :</i> That each Province form one electoral area and that the mode of election be that known as proportional representation with the single transferable vote.	<p>Ayes.</p> <p>Mr. Feetham. Senator Sir J. Fraser. Mr. Gow. Mr. Hills. Mr. Jagger. Mr. Krige. Senator Robinson. Sir T. Smartt. Mr. Snow.</p> <p>Ayes (cont.). Senator Stuart. Senator van Heerden. Senator Whiteside. Noes. Mr. de Waal. Mr. Havenga. Mr. Malan. Mr. Merriman. Mr. Moor.</p> <p>For—12 ; Against—5. Majority for—7.</p>	29
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Division List No. 17.

<i>Mr. de Waal :</i> That all Senators other than those elected by each Province shall be elected by the members of the House of Assembly and the four Provincial Councils sitting together.	<p>Ayes.</p> <p>Mr. de Waal. Mr. Havenga. Noes. Mr. Feetham. Senator Sir J. Fraser. Mr. Gow. Mr. Hills. Mr. Jagger. Mr. Krige.</p> <p>Noes (cont.). Mr. Malan. Mr. Merriman. Mr. Moor. Senator Robinson. Sir T. Smartt. Mr. Snow. Senator Stuart. Senator van Heerden. Senator Whiteside.</p> <p>For—2 ; Against—15. Majority against—13.</p>	31
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Division List No. 18.

<i>Mr. Hills :</i> To insert the words "directly elected" after the words "elected by the" in line 2 of <i>Mr. Jagger's</i> motion (Indirectly elected element).	<p>Ayes.</p> <p>Mr. de Waal. Mr. Gow. Mr. Havenga. Mr. Hills. Mr. Snow. Senator Whiteside. Noes. Mr. Feetham. Senator Sir J. Fraser.</p> <p>Noes (cont.). Mr. Jagger. Mr. Krige. Mr. Malan. Mr. Merriman. Mr. Moor. Senator Robinson. Sir T. Smartt. Senator Stuart. Senator van Heerden.</p> <p>For—6 ; Against—11. Majority against—5.</p>	31
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Division List No. 19.

<i>Mr. Hills :</i> To omit the word "seven" and substitute the word "six" in <i>Mr. Jagger's</i> motion (Duration of Senate).	<p>Ayes.</p> <p>Mr. de Waal. Mr. Gow. Mr. Havenga. Mr. Hills. Mr. Snow. Senator Whiteside. Noes. Mr. Feetham. Senator Sir J. Fraser.</p> <p>Noes (cont.). Mr. Jagger. Mr. Krige. Mr. Malan. Mr. Merriman. Mr. Moor. Senator Robinson. Sir T. Smartt. Senator Stuart. Senator van Heerden.</p> <p>For—6 ; Against—11. Majority against—5.</p>	32
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Division List No. 20.

Motion.	Division.	Page.																				
<p><i>Mr. Feetham :</i> To omit the word "seven" and substitute the word "ten" in <i>Mr. Jagger's</i> motion (Duration of Senate).</p>	<table> <tr> <td>Ayes.</td> <td>Noes (cont.).</td> </tr> <tr> <td>Mr. Feetham.</td> <td>Mr. Jagger.</td> </tr> <tr> <td>Mr. Malan.</td> <td>Mr. Krige.</td> </tr> <tr> <td>Mr. Moor.</td> <td>Mr. Merriman.</td> </tr> <tr> <td>Noes.</td> <td>Senator Robinson.</td> </tr> <tr> <td>Mr. de Waal.</td> <td>Sir T. Smartt.</td> </tr> <tr> <td>Senator Sir J. Fraser.</td> <td>Mr. Snow.</td> </tr> <tr> <td>Mr. Gow.</td> <td>Senator Stuart.</td> </tr> <tr> <td>Mr. Havenga.</td> <td>Senator van Heerden.</td> </tr> <tr> <td>Mr. Hills.</td> <td>Senator Whiteside.</td> </tr> </table> <p>For—3; Against—14. Majority against—11.</p>	Ayes.	Noes (cont.).	Mr. Feetham.	Mr. Jagger.	Mr. Malan.	Mr. Krige.	Mr. Moor.	Mr. Merriman.	Noes.	Senator Robinson.	Mr. de Waal.	Sir T. Smartt.	Senator Sir J. Fraser.	Mr. Snow.	Mr. Gow.	Senator Stuart.	Mr. Havenga.	Senator van Heerden.	Mr. Hills.	Senator Whiteside.	32
Ayes.	Noes (cont.).																					
Mr. Feetham.	Mr. Jagger.																					
Mr. Malan.	Mr. Krige.																					
Mr. Moor.	Mr. Merriman.																					
Noes.	Senator Robinson.																					
Mr. de Waal.	Sir T. Smartt.																					
Senator Sir J. Fraser.	Mr. Snow.																					
Mr. Gow.	Senator Stuart.																					
Mr. Havenga.	Senator van Heerden.																					
Mr. Hills.	Senator Whiteside.																					

Division List No. 21.

<p><i>Sir T. Smartt :</i> That any casual vacancy amongst the elected Senators be filled after examination of the ballot papers which secured the election of the member vacating his seat by the candidate who obtained the majority of the next preference of the voters who have lost their representative, if such candidate is then duly qualified, and that if such candidate is not available such vacancy be filled in the case of a directly elected member by the members of the Senate and of the House of Assembly for the Province concerned voting together and in the case of an indirectly elected member by all members of the Senate and of the House of Assembly voting together, the election in each case to be according to the system of proportional representation with the single transferable vote.</p>	<table> <tr> <td>Ayes.</td> <td>Noes.</td> </tr> <tr> <td>Mr. Feetham.</td> <td>Mr. de Waal.</td> </tr> <tr> <td>Senator Sir J. Fraser.</td> <td>Mr. Krige.</td> </tr> <tr> <td>Mr. Gow.</td> <td>Mr. Malan.</td> </tr> <tr> <td>Mr. Hills.</td> <td>Mr. Moor.</td> </tr> <tr> <td>Mr. Jagger.</td> <td>Senator van Heerden.</td> </tr> <tr> <td>Senator Robinson.</td> <td></td> </tr> <tr> <td>Sir T. Smartt.</td> <td></td> </tr> <tr> <td>Mr. Snow.</td> <td></td> </tr> <tr> <td>Senator Stuart.</td> <td></td> </tr> <tr> <td>Senator Whiteside.</td> <td></td> </tr> </table> <p>For—10; Against—5. Majority for—5.</p>	Ayes.	Noes.	Mr. Feetham.	Mr. de Waal.	Senator Sir J. Fraser.	Mr. Krige.	Mr. Gow.	Mr. Malan.	Mr. Hills.	Mr. Moor.	Mr. Jagger.	Senator van Heerden.	Senator Robinson.		Sir T. Smartt.		Mr. Snow.		Senator Stuart.		Senator Whiteside.		34
Ayes.	Noes.																							
Mr. Feetham.	Mr. de Waal.																							
Senator Sir J. Fraser.	Mr. Krige.																							
Mr. Gow.	Mr. Malan.																							
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Senator Robinson.																								
Sir T. Smartt.																								
Mr. Snow.																								
Senator Stuart.																								
Senator Whiteside.																								

Division List No. 22.

<p><i>Mr. Jagger :</i> That in regard to any Bill containing provisions which the Senate is prohibited by the terms of sub-sections (2) and (3) of section sixty of the South Africa Act, 1909, from amending, the Senate may once during the stages of the passing of any such Bill return it to the House of Assembly suggesting by message the omission or amendment of any item or provision therein and the House of Assembly may, if it thinks fit, make any of such omissions or amendments with or without modifications.</p>	<table> <tr> <td>Ayes.</td> <td>Noes.</td> </tr> <tr> <td>Mr. Feetham.</td> <td>Mr. Gow.</td> </tr> <tr> <td>Senator Sir J. Fraser.</td> <td>Mr. Hills.</td> </tr> <tr> <td>Mr. Jagger.</td> <td>Mr. Merriman.</td> </tr> <tr> <td>Mr. Krige.</td> <td>Mr. Moor.</td> </tr> <tr> <td>Mr. Malan.</td> <td>Mr. Snow.</td> </tr> <tr> <td>Senator Robinson.</td> <td>Senator van Heerden.</td> </tr> <tr> <td>Sir T. Smartt.</td> <td></td> </tr> <tr> <td>Senator Stuart.</td> <td></td> </tr> <tr> <td>Senator Whiteside.</td> <td></td> </tr> </table> <p>For—9; Against—6. Majority for—3.</p>	Ayes.	Noes.	Mr. Feetham.	Mr. Gow.	Senator Sir J. Fraser.	Mr. Hills.	Mr. Jagger.	Mr. Merriman.	Mr. Krige.	Mr. Moor.	Mr. Malan.	Mr. Snow.	Senator Robinson.	Senator van Heerden.	Sir T. Smartt.		Senator Stuart.		Senator Whiteside.		35
Ayes.	Noes.																					
Mr. Feetham.	Mr. Gow.																					
Senator Sir J. Fraser.	Mr. Hills.																					
Mr. Jagger.	Mr. Merriman.																					
Mr. Krige.	Mr. Moor.																					
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Senator Stuart.																						
Senator Whiteside.																						

Division List No. 23.

<p><i>Mr. Malan :</i> To delete all the words after the words "South Africa Act, 1909," in <i>Senator Robinson's</i> motion (Qualification of Senator).</p>	<table> <tr> <td>Ayes.</td> <td>Noes.</td> </tr> <tr> <td>Senator Sir J. Fraser.</td> <td>Mr. Feetham.</td> </tr> <tr> <td>Mr. Jagger.</td> <td>Mr. Gow.</td> </tr> <tr> <td>Mr. Krige.</td> <td>Mr. Hills.</td> </tr> <tr> <td>Mr. Malan.</td> <td>Mr. Moor.</td> </tr> <tr> <td>Mr. Merriman.</td> <td>Senator Robinson.</td> </tr> <tr> <td>Senator Stuart.</td> <td>Sir T. Smartt.</td> </tr> <tr> <td>Senator van Heerden.</td> <td>Mr. Snow.</td> </tr> <tr> <td></td> <td>Senator Whiteside.</td> </tr> </table> <p>For—7; Against—8. Majority against—1.</p>	Ayes.	Noes.	Senator Sir J. Fraser.	Mr. Feetham.	Mr. Jagger.	Mr. Gow.	Mr. Krige.	Mr. Hills.	Mr. Malan.	Mr. Moor.	Mr. Merriman.	Senator Robinson.	Senator Stuart.	Sir T. Smartt.	Senator van Heerden.	Mr. Snow.		Senator Whiteside.	35
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Senator Sir J. Fraser.	Mr. Feetham.																			
Mr. Jagger.	Mr. Gow.																			
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Mr. Malan.	Mr. Moor.																			
Mr. Merriman.	Senator Robinson.																			
Senator Stuart.	Sir T. Smartt.																			
Senator van Heerden.	Mr. Snow.																			
	Senator Whiteside.																			

Division List No. 24.

<p><i>Mr. Hills :</i> That the members of the House of Assembly and of the Provincial Council shall be eligible for direct election by the Provinces to the Senate provided that in case of election such members shall <i>ipso facto</i> vacate their seats in the House of Assembly or Provincial Councils as the case may be.</p>	<table> <tr> <td>Ayes.</td> <td>Noes (cont.).</td> </tr> <tr> <td>Mr. de Waal.</td> <td>Mr. Jagger.</td> </tr> <tr> <td>Mr. Gow.</td> <td>Mr. Krige.</td> </tr> <tr> <td>Mr. Hills.</td> <td>Mr. Malan.</td> </tr> <tr> <td>Mr. Snow.</td> <td>Mr. Merriman.</td> </tr> <tr> <td>Senator Whiteside.</td> <td>Mr. Moor.</td> </tr> <tr> <td>Noes.</td> <td>Senator Robinson.</td> </tr> <tr> <td>Mr. Feetham.</td> <td>Sir T. Smartt.</td> </tr> <tr> <td>Senator Sir J. Fraser.</td> <td>Senator Stuart.</td> </tr> <tr> <td></td> <td>Senator van Heerden.</td> </tr> </table> <p>For—5; Against—11. Majority against—6.</p>	Ayes.	Noes (cont.).	Mr. de Waal.	Mr. Jagger.	Mr. Gow.	Mr. Krige.	Mr. Hills.	Mr. Malan.	Mr. Snow.	Mr. Merriman.	Senator Whiteside.	Mr. Moor.	Noes.	Senator Robinson.	Mr. Feetham.	Sir T. Smartt.	Senator Sir J. Fraser.	Senator Stuart.		Senator van Heerden.	35
Ayes.	Noes (cont.).																					
Mr. de Waal.	Mr. Jagger.																					
Mr. Gow.	Mr. Krige.																					
Mr. Hills.	Mr. Malan.																					
Mr. Snow.	Mr. Merriman.																					
Senator Whiteside.	Mr. Moor.																					
Noes.	Senator Robinson.																					
Mr. Feetham.	Sir T. Smartt.																					
Senator Sir J. Fraser.	Senator Stuart.																					
	Senator van Heerden.																					

ANNEXURE III.

Senate Parliamentary Paper [S.1—1912.]

MEMORANDUM

Upon the position of the South African Senate with reference to matters relating to Public Money.

It was represented to me by a Senator last session that the position of the Senate with regard to money matters was not altogether satisfactory, and it was suggested to me that during the recess I should give the question my attention. This has been done, and the following memorandum will, I submit, show that the Senate of South Africa does not enjoy that freedom and facility with regard to monetary provisions in bills which a House of Parliament of its representative character and federal nature should possess.

A.—CONSTITUTION OF UPPER HOUSES OF COLONIAL PARLIAMENTS.

1. Since the granting of the first bi-cameral constitution* to a British Colony, the principle which has shaped and formed British Constitutional law as to the powers of the Upper House of Parliament of a self-governing Colony, has been to vest in that House legislative powers equal to those of the Lower House, except in regard to money matters, and when conferring monetary powers upon the Upper House to have due regard to its nominee or elective character.

2. There are (and for reference the four late Parliaments of South Africa are included) seventeen Colonial Upper Houses :—

(a) Six nominated for life, namely :—

- (i) The Canadian Senate,
- (ii) Quebec,
- (iii) Nova Scotia,
- (iv) Newfoundland,
- (v) New South Wales, and
- (vi) Queensland.

(b) Four nominated for a period of years, namely :—

- (i) New Zealand (since 1891. Previously life-nominated),
- (ii) The late Natal,
- (iii) The late Transvaal, and
- (iv) The late Orange River Colony.

(c) Six directly elected by the people either upon a special electoral franchise, or upon the same as that of the Lower House, namely :—

- (i) The Australian Senate,
- (ii) Victoria,
- (iii) South Australia,
- (iv) Western Australia,
- (v) Tasmania, and
- (vi) The late Cape of Good Hope,

and

(d) One, indirectly elected by the people upon the same electoral franchise as that of the Lower House, namely :—

The Senate of the Union of South Africa; (four-fifths indirectly elected and one-fifth nominated † for a period of years).

3. In an adjoined schedule (Appendix I.) will be found a list of the Upper Houses of British Colonial Parliaments (including those of the four late Parliaments in South Africa); how they are constituted; the period for which members hold their seats; the monetary powers and franchise; the proportionate number of members in comparison with those of the Lower House, and the provisions (if any) for avoiding deadlocks.

B.—CONSTITUTIONAL MONETARY PROVISIONS.

4. It will be observed from a consideration of Appendix I. that, except as to the necessity of originating money bills in the Lower House—a provision which is common to all British Constitutions‡—Colonial Upper Houses can be divided into four classes, in so far as their respective constitutional monetary powers are concerned, namely those :—

(a) WITH NO CONSTITUTIONAL MONETARY PROVISION.

The life-nominated Upper Houses of :—

- (i) Canada,
- (ii) Quebec,
- (iii) Nova Scotia,
- (iv) Newfoundland,
- (v) New South Wales,
- (vi) Queensland; and
- (vii) New Zealand, which at the time§ of the granting of the Constitution was nominated for life, but which since 1891 has been nominated for seven years; and
- (viii) The elected Upper House of Tasmania.

(b) WITH A PROHIBITIVE PROVISION AS TO MONETARY AMENDMENT.

The Upper Houses of :—

- (i) The late Natal (nominated for a period of 10 years),
- (ii) The late Transvaal (nominated for a period of 5 years),
- (iii) The late Orange River Colony (nominated for a period of 5 years); and

* Constitution of Provinces of Upper and Lower Canada, 1791.

† Half of their number is nominated on the ground mainly of their thorough acquaintance, by reason of their official experience, or otherwise, with the reasonable wants and wishes of the coloured races. Sec. 24 (ii) of the South Africa Act, 1909 (3 Edw. VII, Cap. 9).

‡ See New Zealand, p. 49.

§ 1852.

[U.G. 65—'20.]

(iv) The South African Senate (four-fifths indirectly elected and one-fifth nominated for a period of 10 years).

(c) WITH THE PROHIBITIVE PROVISION AS TO MONETARY AMENDMENT PLUS THE OPPORTUNITY OF SUGGESTING MONETARY ALTERATIONS TO THE LOWER HOUSE.

The elected Upper Houses of:—

- (i) South Australia,*
- (ii) Western Australia,
- (iii) The Australian Senate, and
- (iv) Victoria,

and

(d) WITH POWER TO AMEND MONEY BILLS.

The elected Upper House of:—
The late Cape of Good Hope.

6.—UPPER HOUSES WITH NO CONSTITUTIONAL MONETARY PROVISION.

5. With regard to the Upper Houses enumerated under 4 (a) of heading B, above, the only monetary provision, in respect of the powers of either House of Parliament, included in the Constitution is the usual one as to the origination of all money matters with the Lower House.

Canada.

6. In Canada the Senate is nominated for life, and it is provided by section *fifty-three* of the British North America Act of 1867 † that “Bills for appropriating any part of the Public Revenue, or for imposing any Tax or Impost, shall originate in the House of Commons.” There is no other Constitutional provision limiting the powers of the Senate with regard either to finance, or to general legislation. The Canadian House of Commons has a standing‡ order (No. 78) similar to the resolution passed by the English House of Commons in 1678 (July 3). The preamble of the British North America Act of 1867 sets forth that the provinces of Canada, etc., “have expressed their desire to be federally united into one Dominion . . . with a Constitution similar in principle to that of the United Kingdom.” §

The law and practice is the same in Quebec and Nova Scotia, which are the only two

bi-cameral Provincial Legislatures in Canada. The provisions of section *fifty-three*, above given, have been applied by section *ninety* of the same Act to the Provinces of the Dominion.

Newfoundland.

7. In Newfoundland the Lower House has a similar standing order (No. 249) to that of the Canadian House of Commons. A recognised constitutional practice following that of Canada where the Lords and Commons analogy is strictly observed, has deprived the life-nominated Upper House of the right to amend Money Bills.||

New South Wales.

8. In New South Wales, the Mother State of most of the Australian Colonies, where the Upper House is also nominated for life, neither House is bound by any monetary provisions in the Constitution except as to the origination of monetary matters with the Lower House, which reads as follows, namely:—“Bills for appropriating any part of the public revenue, or for imposing any new rate, tax, or impost shall originate in the Legislative Assembly.” ¶ The Upper House, which does not acknowledge the Lords and Commons analogy, makes monetary amendments, and the Lower House is free either to allow them to pass unnoticed when it suits its convenience, or, to insist upon its privilege in vital cases. It is found on reference to the votes of those Houses that the Upper House assumes to itself the right of altering a Money Bill sent to it by the other House and that in one instance (up to 1890) the latter has assented to an amendment but with some qualifying remarks appended.** The differences which have occurred between the nominated Upper House of this State and the Lower House have in the past been so frequent and acute as to almost bring the Colony to a verge of revolution.††

Queensland.

9. In Queensland the Upper House is also life-nominated. In the absence of any provision in the Constitution to the contrary, the Upper House has claimed equal legislative powers‡‡ with the co-ordinate branch of the Legislature in all Bills, and it has repeatedly amended Money Bills,§§ only acknowledging

* *Vide* resolution passed by both Houses of Parliament, d.d. 25th August, 1857.

† 30, Vic. Cap. III.

‡ “All aids and supplies granted to His Majesty by the Parliament of Canada are the sole gift of the House of Commons, and all bills for granting such aids and supplies ought to begin with the House as it is the undoubted right of the House to direct, limit, and appoint in all such bills, the ends, purposes, considerations, conditions, limitations and qualifications of such grants, which are not alterable by the Senate.” This standing order, however, although not to be found in the Standing Orders of other Lower Houses, except in New Zealand, yet embodies prohibitions which Lower Houses have generally, by means of their reference to English House of Commons practice in unprovided cases, tried to impose upon Upper Houses, often however, without success, as a standing order of one House of Parliament cannot bind the other.

§ The Constitution of 1791 was framed with the avowed object of “assimilating the Constitution of Canada to that of Great Britain as nearly as the difference arising from the manners of the people . . . will admit.” (Dispatch of Lord Granville to Lord Dorchester, 20th October, 1789—given in Bourinot III. Ed., p. 21.)

¶ “Senates and Upper Chambers.”—H. W. V. Temperley, 1910, p. 59.

¶¶ Section 47 of N.S.W. Act No. 32 of 1902.

** Relations between the two Houses of Parliament, etc.—E. C. Nowell (Clerk of the Legislative Council), 1890.

†† “Second Chambers.”—J. A. R. Marriott, 1910, p. 194.

‡‡ Relation between the two Houses (Queensland).—C. W. Costin, Clerk of the Parliaments, 1911.

§§ Stamp Duties Amendment Bill, 1876, Navigation Bill, 1876, Divisional Boards Bill, 1879, Crown Lands Bill, 1884, Appropriation Bill, 1885-6, etc., etc.

the Assembly's powers as to the origination (*vide* section *two* of the Constitution Act, 1867)* of financial matters. The Lower House, however, has never admitted the claim of the Upper House to monetary amendment. In some cases the Lower House has acquiesced therein with the usual privilege entry recorded upon its journals; in others it has contested the point at issue with the Upper House, sometimes with, but more often without, success.

Disagreement followed disagreement until 1885-6 when, owing to failure of Parliament to pass the Annual Appropriation Bill, both Houses agreed to the appointment of a Joint Committee for the purpose of referring the general question to the Lords of the Judicial Committee of the Privy Council who gave the opinion† that the Upper House did *not* enjoy co-ordinate powers in the amendment of all bills—including Money Bills—with the Lower House. The Upper House, however, refused to yield to any great extent to the authority that decided against them, and the financial disagreement between the two Houses was resumed.‡

At last in 1908 a bill containing what was known as "The two-thirds clause" was passed by both Houses of Parliament to repeal the provision of the Constitution Act of 1867, whereby a two-thirds majority in each House was required for an amendment of the composition of the Upper House. This paved the way for the Referendum now in force (Act No. 16 of 1908) which provides that a measure rejected a second time by the Upper House shall be submitted by Referendum to the people, and, if approved by them, presented to the Governor for assent, thus closing a noted chapter of constitutional crises and deadlocks.

New Zealand.

10. In New Zealand, where the Upper House was life-nominated until 1891, when a seven years' nomination was substituted, there have been several differences between the two Houses in regard to Money Bills, and on two occasions they were referred to the Law Officers of the Crown in England for opinion. The analogy between the Lords and Commons and the two Houses in New Zealand, which was freely used by the Law Officers in their opinion upon the cases§ submitted to them by New Zealand, does not appear to have been disputed by either House of the New Zealand Parliament. Had the New Zealand Upper House disputed the Lords and Commons

theory, as in the case of the life-nominated Upper House of Queensland, or the elected Upper Houses of Tasmania and South Australia, and refused to go outside the limits of the Constitution for their reference as to Money Bills, they might have, not only amended by reduction any appropriation measure, but also amended, even by increase, any taxation matters, for the latter do not appear to have been included in section *fifty-four* of the New Zealand Constitution,|| which provides that "it shall not be lawful for the House of Representatives or the Legislative Council to pass, or for the Governor to assent to, any Bill appropriating to the public service any sum of money from or out of His Majesty's revenue within New Zealand, unless the Governor, on His Majesty's behalf, shall first have recommended to the House of Representatives to make provision for the specific public service towards which such money is to be appropriated." The provisions of this section render it therefore necessary for any appropriation bill to be initiated in the Lower House.

Tasmania.

11. The Upper House of Tasmania is the only elected Upper House having no other constitutional monetary provision than the usual one as to the origination of Money Bills with the Lower House, *vide* section *thirty-three* of the Constitution Act of 1855, by which it is provided that "all bills for appropriating any part of the Revenue, or for imposing any tax, rate, duty, or impost, shall originate in the said House of Assembly. . . ."

The records of the two Houses of Parliament, since the establishment of the Constitution in 1856, show a long series of disagreements upon questions of public money. The Upper House has freely amended by reduction monetary provisions in bills and has persistently maintained a strictly co-ordinate right with the Lower House in regard to general legislation. This elected Upper House has even initiated proceedings by resolution for the reduction of taxation in which the Lower House has concurred.¶ Neither has the Upper House hesitated by amendments both to impose additional burdens on the people** when such have involved no increase of the existing duty, or to deal with the appropriation of public money so long as it did not propose any *new* appropriation.†† The Upper House has refrained from making monetary amendments only when they would have shown an actual

* Which reads as follows:—"That all Bills for appropriating any part of the public revenue or for imposing any new rate, tax, or impost, shall originate in the Legislative Assembly."

† 3rd April, 1886.

‡ Valuation and Rating Bill, 1890, laid aside by Council. Assembly introduced an amended measure which passed both Houses, etc.

§ Bill of Supply, 1855; Native Lands Bill, 1862, and the Payments to Provinces Bill, 1871.

|| 15 & 16 Vict., Cap. 72.

¶ Relations between the Two Houses, etc., 1900, p. 7.—E. C. Nowell, Clerk of the Legislative Council of Australia, and, later, Clerk of the First Federal Council of Australasia.

** *Ib.*, p. 10.

†† *Ib.*, pp. 27, 28.

[U.G. 65-'20.]

increase of burden as authorised by the existing law, and were not merely a re-enactment of some part of that law, or within its limits.* The Tasmanian Upper House has persistently maintained that its monetary powers must be sought for within the limits of the Constitution Act itself, and that the Lords and Commons analogy is inapplicable to the Tasmanian Constitution.

The Upper House of Tasmania has therefore been in almost as strong a position as to the amendment of matters dealing with public money as if the written Constitution had contained such powers. The power to amend, of course, carries with it the power to insist. Therefore, the elected Upper House of Tasmania has enjoyed considerably greater freedom with regard to matters relating to public money than has the Senate of Australia.

Remarks upon Heading "C."—

Upper Houses with no Constitutional Monetary Provision.

12. From the foregoing it will be seen that in Canada, Quebec, Nova Scotia, Newfoundland, New South Wales and New Zealand (all life-nominated bodies except New Zealand, which since 1891 has been nominated for seven years) where no restriction has been placed by the respective Constitutions upon the monetary powers of the Upper House, it has been possible for it either to accept† or refute‡ the Lords and Commons theory.

In Tasmania where the Upper House is similarly situated as regards its monetary constitutional provisions as the Upper Houses above-mentioned, but is an elected House, it has refused to acknowledge the Lords and Commons theory, and has been compelled to seek for its monetary powers within the limits of the Constitution Act itself. It has, therefore, asserted its equal rights with the Lower House upon all bills, except as to the origination of money matters, a power which in all British Constitutions is vested in the Lower House.

Even in those colonies where the Lords and Commons analogy has been accepted by both Houses, the Upper House has been able to effect monetary amendments in bills, when the Lower House has agreed to waive its privilege in regard thereto, which it is especially willing to do when such amendments further its intentions, or when their rejection may mean the loss of the bill—for instance at the end of a session.

Under a Constitution, however, containing provisions prohibiting monetary amendment by the Upper House, no elasticity in the case

of such amendment is possible, even should the Lower House acquiesce, for such would be a violation of the Constitution.

All the above-mentioned Upper Houses (none of which have federal representation) by reason of having no prohibitive monetary amendment bar in the Constitution, have advantages over the South African Senate, for instance:—

- (i) The Lower House has power to waive privilege and accept Upper House's amendments, especially when they further the intention of the measure or when made at the end of a session in a bill which the Lower House is desirous to make law.
- (ii) No joint sittings of both Houses can be forced by the Lower House upon the less numerous Upper House.

D.—UPPER HOUSES WITH A PROHIBITIVE PROVISION AS TO MONETARY AMENDMENT.

13. With regard to the Upper Houses, enumerated under paragraph 4 (b) of Heading "B," page 4, in addition to the usual constitutional provisions as to the origination of money matters with the Lower House, there are contained in the respective Constitutions provisions prohibiting the Upper House from amending money matters.

Natal, Transvaal and Orange River Colony.

14. In Natal, the Transvaal and Orange River Colony, where the Upper Houses were nominated for 10, 5 and 5 years respectively, the respective Constitutions contained provisions which prohibited them from—

- (a) altering any bill for appropriating any part of the consolidated revenue fund, or for imposing, altering, or repealing any rate, tax, duty or impost;
- (b) originating any such bill;§

—leaving the Upper House only the acceptance or rejection of such bills.

During the short life of the Transvaal Parliament one case of dispute arose, namely, in 1908, when two bills|| were received by the Upper House from the Lower House, dealing with the pension and discipline of certain Government services. In the Lower House the Governor's recommendation had been given in respect of the whole of each bill, as in the case of an entire Money Bill. The President of the Legislative Council ruled these bills to be Money Bills within the meaning of article fifty-six of the Constitution, and deprecated the "tacking" on to a bill for appropriating any part of the Consolidated

* Relations between the Two Houses, etc., 1900, P. 7—E.C. Nowell, pp. 27, 28.

† As was required in Canada by the Constitution and in Newfoundland by the Constitutional practice.

‡ As in Tasmania, New South Wales, and Queensland.

§ Natal, Law No. 14 of 1893, sections forty-eight and forty-nine; Transvaal and O.R.C. Constitutions. Art. iv. and vi. and vii. and viii respectively.

|| The Public Service and Pensions' Bill and the Railway Service and Pension Bill.

Revenue Fund and dealing with pensions, another part dealing with discipline, which the Upper House could undoubtedly have amended, had such part been included in a separate bill. This ruling was under a standing order referred to the Standing Orders Committee of the Upper House which upheld it. Upon an undertaking given in the Upper House by the Government to refer the matter to the Law Officers of the Crown in England for opinion, the House withdrew the motion to adopt the Committee's report, and the matter was duly referred. The Government also referred the case to the Clerk of the House of Commons. The Law Officers of the Crown upheld the President's ruling and gave it as their opinion that any bill which contained a money clause was a Money Bill according to the terms of the Transvaal Constitution. Thus the Law Officers went much further in their interpretation of the Constitution than did the President in his ruling, for, under their decision any bill which contained a money clause would be a Money Bill within the meaning of the Constitution, even if such clause were merely a subsidiary feature of, and incidental to, the bill. The Clerk of the House of Commons did not place such a rigid interpretation upon the Constitution, and gave it as his opinion that the monetary provisions of the Constitution should be interpreted in the light of the practice and usage of the British Parliament, and that of the British self-governing Colonies.* A Joint Committee of both Houses of Parliament was then appointed. In view of the prospect of the early accomplishment of the Union of South Africa, the Committee did not recommend an amendment of article *fifty-six* of the Constitution. The Committee also agreed to incline to the view taken by the Clerk of the House of Commons, as the definition of a "Money Bill" given by the Law Officers of the Crown in their opinion would have created an almost impossible position for the Upper House. It further agreed to a Resolution† which laid down that the Upper House should have power to amend all non-appropriation and non-taxation clauses of bills, so that practically all bills would be open to amendment by it except purely appropriation and taxation bills, which alone would be considered to fall within the term "Money Bill" as used in the Constitution. Thus a working agreement was arrived at, albeit one not incapable of being legally questioned in terms of the Constitution.

Union of South Africa.

15. In the Union the Upper House consists of 40 Senators, eight representing each of the four Provinces of the Union, elected in the first instance by the Members of both Houses of Parliament sitting together, of each of the old Colonies of the Cape of Good Hope, Natal,

Transvaal and Orange River (which have since become the four Provinces of the Union), and eight nominated by the Government, all holding their seats for ten years. Vacancies during the first Senate (ten years from Union) occurring in the seats of elected Senators are filled by the Provincial Council of the Province in respect of which such vacancy occurs. Should no other provision be made after the lapse of ten years above-mentioned, then the eight Senators representing each Province will be elected by the Members respectively representing such Province in the Lower House of the Union Parliament and in the Provincial Council, sitting together. An elected Senator filling a vacancy during the first ten years holds his seat for the period for which the Senator whose place he has filled would have held his seat, but a Senator filling a nominated vacancy holds his seat for ten years from the date of his appointment, provided a re-constitution of the Senate does not take place at the end of the first Senate. All Senate elections are conducted under the system of proportional representation (the single transferable vote).

As to the legislative powers‡ of the Senate, they are co-ordinate with those of the Lower House of Parliament, with the following exceptions:—

- (a) Bills appropriating revenue or moneys, or imposing taxation, can originate only in the House of Assembly;
- (b) The Senate may not amend any bills:—
 - (i) "So far as they impose taxation or appropriate revenue or moneys for the services of the Government."
 - (ii) "So as to increase any proposed charges or burden on the people," and,
- (c) The provision (section *sixty-three*) for a joint sitting in case of disagreement upon bills between the two Houses only applies to bills originating in the House of Assembly;

but with reference to (b), sub-section (i) of section *sixty* of the Constitution provides that a bill shall not be taken to appropriate revenue or moneys, or to impose taxation by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties.

The proposals and amendments moved at the South African National Convention in respect of the monetary powers to be accorded to the Senate are set forth in Appendix IV.

Remarks upon Heading "D."

Upper Houses with a Prohibitive Provision as to Monetary Amendments.

16. From a review of the information given under this heading it will be observed that,

* This, however, is not the practice in either Queensland, South Australia, Tasmania, or New South Wales, where the Lords and Commons theory has always been most religiously avoided by the Upper House, which has sought for its powers only within the limits of the Constitution Act itself.

† Adopted by Parliament. *Vide Minutes of 2 July, p. 36, and Votes of 1 July, pp. 271-2, 1909.*

‡ South Africa Act 1909 (9 Edward VII., Cap. 9), section *sixty*.

although elective and representative in character,* and one of the Houses of a "Supreme" Colonial Parliament, having what the Upper House of a Unitary State has not, namely, federal representation, the South African Senate, so far as its facilities for monetary amendment are concerned, makes a very poor comparison with even the small nominated Upper Houses of the late Natal (13 Members), Transvaal (15 members) and Orange River Colonies (11 members), all essentially Unitary States. In fact, in cases of disagreement upon bills between the two Houses of the Parliaments of the Transvaal and Orange River Colony, the respective Constitutions provided for a joint sitting in the next session, or a dissolution of the Lower House, followed by a joint sitting in the next session, and in the case of Natal no joint sitting could be forced upon the Upper House. Whereas in the case of such disagreement between the Senate and the House of Assembly of the Union Parliament, the joint sitting may be convened during the same session in case of bills for the appropriation of revenue or moneys for the public service, and in the next session for all other bills, and there is no provision whatever for a dissolution of either House. The South African Senate would appear, therefore, not to enjoy that facility with regard to public money matters which the nature of its composition might lead one to expect in the light of Constitutional practice in the other self-governing Colonies.

E.—UPPER HOUSES WITH THE PROHIBITIVE PROVISION AS TO MONETARY AMENDMENT PLUS THE OPPORTUNITY OF SUGGESTING MONETARY ALTERATIONS TO THE LOWER HOUSE.

17. With regard to the Upper Houses enumerated under heading "B," paragraph 4 (c), page 48, compared with the nominee Upper Chambers, the elective† are in a more favourable position, and have frequently been able to give the Lower House a second opportunity to make amendments in the monetary provisions of bills, by what is known as "the process of suggestion." The Upper Houses enjoying this facility either by Statute or Joint Resolution are those of South Australia, Western Australia, the Commonwealth Senate and Victoria, all of which are elected bodies.

South Australia.

18. The South Australian Upper House consists of 18 members, elected for a period of six years. In the Constitution (Act No. 2 of 1855-6) the only monetary provision affecting the powers of the Upper House is the usual provision (section one) requiring † all bills

for "appropriating any part of the revenue of the said Province, or for imposing, altering or repealing any rate, tax, duty or impost, shall originate in the House of Assembly." There have been numerous disagreements and contests between the two Houses since the granting of the Constitution in 1855-6 with reference to the Upper House's power of amendment as to Money Bills. The Upper House contended that it had equal power with the Lower House as regards all legislation except that of the origination of money matters.‡ That it, being an elected body, there was no analogy between it and the House of Lords in respect of Money Bills, and that the Constitution of the State was the only document to guide it, the unwritten practice and custom of the British Constitution being no reference which it could acknowledge.‡ The Lower House claimed the Lords and Commons analogy and the same powers and privileges as to Money Bills as those enjoyed by the House of Commons.§ Sometimes when convenient, or at the end of a session, the Lower House waived its privilege and agreed to the Upper House's amendments, with protests recorded on its journals against it being taken as a precedent. In 1857 after a very heated disagreement between the two Houses on a Tonnage Duties Repeal Bill, the Upper House passed (August 25, 1857) certain resolutions with reference to its monetary powers, which it sent down to the Lower House, and in one of them it proposed that it (the Upper House) be allowed to make suggestions in monetary provisions and return them to the Lower House for its consideration. In November of that year the House of Assembly agreed to this proposal, and the resolution dealing with the suggested amendments reads as follows:—

"That it shall be competent for this Council to suggest any alterations in any such bill (except that portion of the Appropriation Bill that provides for the ordinary annual expenses of the Government),|| and in case of any such suggestions not being agreed to by the House of Assembly, such bills may be returned by the House of Assembly to this Council for reconsideration, in which case, the bill shall either be assented to or rejected¶ by this Council, as originally passed by the House of Assembly."***

The "letter" of the agreed-upon resolutions, owing to oversight on the part of both Houses, does not appear to have been observed until 1874, for the Upper House continued to make

* Four-fifths of its Members being elected to represent the Provinces and half of its one-fifth nominee element being specially qualified and appointed by the Government of the day to represent a certain section of the population.

† Including that of Tasmania, which has been dealt with under Heading "C."

‡ Relations between the two Houses, etc., 1890, pp. 67, 68.—E. C. Nowell, Clerk of the Legislative Council.

§ *Ibid.*, p. 79. Resolution of Lower House transmitted to Upper House, 19th November, 1857.

|| Resolution No. V. laid down that if any clause of the Annual Appropriation Bill appeared objectionable then a Conference was to take place between the two Houses.

¶ There being no provision for a Joint Sitting of the two Houses in South Australia.

*** Relations between the two Houses, etc. (Nowell), 73-75, also "Practice, Procedure and Usage of the Legislative Council of South Australia."—E. G. Blackmore, Clerk of the Legislative Council.

'amendments' (although mostly verbal) in monetary provisions, and the Lower House continued to deal with such as "amendments."* However, since that date the Upper House has continued the practice agreed upon between the two Houses in 1857, and almost every volume of their Parliamentary records show "suggestions" made by the Upper House in monetary provisions of bills sent up to them, many of which have been adopted by the Lower House.† This process of "limited suggestion" worked so well in South Australia that it was adopted, though in a more extended form, by Western Australia, Victoria, and after very careful scrutiny, by the Australian Federation Convention, and was embodied in the Constitution of the Australian Commonwealth, *vide* section *fifty-three* thereof.‡

Victoria.

19. In Victoria the Upper House is also elected. It is provided in the Constitution, section *fifty-six* of the Bill scheduled to the Imperial Act 18 and 19 Vict., c. 55, that all bills for appropriating any part of the revenue of Victoria, and for imposing any rate, tax, duty, rent, return, or impost, shall originate in the Assembly, and may be rejected but not altered by the Legislative Council. By section *thirty* of the Amending Victorian Act, No. 1864 of 1903, it is provided as follows:—

- (1) A Bill shall not be taken to be a Bill for appropriating any part of the revenue of Victoria, and for imposing any rate, tax, duty, rent, return, or impost, by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand, or payment, or appropriation of fees for licences, or fees for services under such Bill.§
- (2) The Council may once at each of the undermentioned stages of a Bill which the Council cannot alter, return such Bill to the Assembly, suggesting, by message, the omission or amendment of any items or provisions therein. And the Assembly may, if it thinks fit, make any of such omissions or amendments with or without modifications. Provided that the Council may not suggest any omission or amendment the effect of which will be to increase any proposed charge or burden on the people.||

(3) The stages of a Bill at which the Council may return the Bill with a message as aforesaid shall be:—

- (a) The consideration of a Bill in Committee;
- (b) The consideration of the report of the Committee; and
- (c) The consideration of the question that the Bill be read a third time.

Previous to the passing of "the process of suggestion" agreement friction repeatedly manifested itself between the two Houses. In 1866 the Upper House rejected a Bill for the introduction of a high protective tariff which had been "tacked" by the Assembly to the Appropriation Act. The Assembly thereupon induced the Governor to permit the levy of duties merely on the strength of a resolution of the Lower House, to borrow money without a law, and to pay official salaries without an Appropriation Act.¶ For this conduct the Governor was sternly reprimanded by the Secretary of State, and ultimately recalled. The Lower House retorted by voting a gratuity of £20,000 to Lady Darling, the wife of the retiring Governor, and, to coerce the Upper House into accepting it "tacked" it on to an Appropriation Bill. The Upper House rejected the Bill and a deadlock ensued, which was terminated only by the Governor intimating that he would prefer not to accept the gratuity.** In 1894 the Upper House rejected a Budget on the ground that the proposal to levy a tax upon unimproved land values raised a principle which ought to be submitted to the electorate; and in the following session the Upper House rejected an electoral bill for the abolition of plural voting and the enfranchisement of women.†† Not until 1903 was any solution of the constitutional difficulties between the two Houses reached. In that year the Upper House was formally invested, by Resolution of Parliament (see *Supra*) with the right of "suggesting" alterations in Money Bills.‡‡

Western Australia.

20. In Western Australia the Upper House is elected, and it is provided by the Constitution Act of 1890 that 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. In the Amending Act of 1899 the following provision is made:— "In the case of a proposed Bill, which according to law, must have originated in the Legis-

* Relations between the two Houses (Nowell), 92-100.

† *Vide* Journals of both Houses (116-119) Nowell.

‡ See p. 60 *post*.

§ As in the Commonwealth Constitution, section *fifty-three*.

|| This differs slightly from the Commonwealth section.

¶ Responsible Government in the Dominions (Keith), pp. 107-8, given in Marriott's "Second Chambers," p. 162.

** *Ib.*, p. 108.

†† Australian Democracy (Walker), p. 125.

‡‡ Responsible Government in the Dominions (Keith), p. 111, given in Marriott's "Second Chambers," p. 162.

ative Assembly, the Legislative Council may at any stage return it to the Legislative Assembly with a message requesting the omission or amendment of any items or provisions therein; and the Legislative Assembly may, if it thinks fit, make such omission or amendments, or any of them, with or without modifications."

The system known as "the process of suggestion," the panacea of bi-cameral bills, has worked well in Western Australia. In fact it was the happy experience of the Parliaments of the States of South and Western Australia in this connection that mainly induced the Australian Federal Convention to embody it in the Commonwealth Constitution, and the success in all three instances which caused its adoption by Victoria in 1903.

Senate of the Commonwealth of Australia.

21. The Australian Senate is elected for six years, twice (as in South Africa) the period for which the House of Representatives is elected, and consists of 36 Senators as against 75 of the Lower House.

The monetary provisions of the Constitution are as follows:—

"53. Proposed Laws appropriating revenue or moneys or imposing taxation, shall not originate in the Senate. But a proposed law shall not be taken to appropriate revenue or moneys, or to impose taxation, by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand or payment or appropriation of fees for licences, or fees for services under the proposed law.

The Senate may not amend proposed laws imposing taxation, or proposed laws appropriating revenue or moneys for the ordinary annual services of the Government.

The Senate may not amend any proposed law so as to increase any proposed charge or burden on the people.

The Senate may at any stage return to the House of Representatives any proposed law which the Senate may not amend, requesting by message, the omission or amendment of any item or provisions therein. And the House of Representatives may, if it thinks fit, make any of such omissions or amendments, with or without modifications.

Except as provided in this section, the Senate shall have equal power with the House of Representatives in respect of all proposed laws.

54. The proposed law which appropriates revenue or moneys for the ordinary annual services of the Government shall deal only with such appropriation.

55. Laws imposing taxation shall deal only with the imposition of taxation, and any provision therein dealing with any other matter shall be of no effect.

Laws imposing taxation, except laws imposing duties of customs or of excise, shall deal with one subject of taxation only; but laws imposing duties of customs shall deal with duties of customs only, and laws imposing duties of excise shall deal with duties of excise only.

56. A vote, resolution, or proposed law for the appropriation of revenue or moneys shall not be passed unless the purpose of the appropriation has in the same session been recommended by message of the Governor-General to the House in which the proposal originated."

In order to show, at a glance, the corresponding provisions of the Union Constitution with those of the Commonwealth, they will be found printed together in Appendix II. A comparison of the terms of these two Constitutions in this respect is dealt with in the Summary, pages 56 to 58 *post*.

Remarks upon Heading "E."

Upper Houses with the prohibitive provision as to monetary amendment plus the opportunity of suggesting monetary alterations to the Lower House.

22. It will be observed from a consideration of the matters referred to under this Heading, and a comparison with the constitutional powers and disabilities of the Upper Houses named therein with those of the Senate of South Africa, that the monetary powers and facilities of the South African Senate are more akin to those of a nominee Upper Chamber than to those of virtually an elected body, as four-fifths of its members are elected by the people's representatives on the same Parliamentary franchise as the House of Assembly to represent the four Provinces of the Union, and only the remaining one-fifth is nominated. And even of the nominee element half is appointed specially to represent a certain section of the population. These points, however, will be dealt with in the Summary.*

F.—UPPER HOUSES WITH POWER TO AMEND MONEY BILLS.

Cape of Good Hope.

23. With regard to the Upper House of Parliament of the late Cape of Good Hope, the only House of Parliament coming under Heading "B," (4) (d) (page 4), the Cape Constitution of 1852, in addition to the usual provisions as to the origination of money matters with the House of Assembly, contained the following provision, namely, section eighty-eight:—

"That in regard to all bills relative to the granting of supplies to Her Majesty, or the imposition of any impost, rate, or pecuniary burden upon the inhabitants, and which bills shall be of such a nature that if bills similar to them should be proposed to the Imperial Parliament of Great Britain and Ireland, such bills would by law and custom of Parliament be required to originate in the House of Commons, that all such bills shall originate in, or be by the Governor of the Cape of Good Hope introduced into the House of Assembly of the said Colony: provided that the Legislative Council of the said Colony, and the Governor thereof, shall, respectively, have full power and authority to make, in all such bills, such amendments as the said Council and the said Governor shall respectively regard as needful or expedient: and the said Council and the said Governor may, respectively, return such bills, so amended, to the House of Assembly, or the Legislative Council."

* See p. 55 *post*.

The Upper House of the late Cape Colony was elected for a period of seven years as against five of the Lower House, and consisted of 26 elected members and one member—the Chief Justice, who was *ex officio* President. This Upper House was the only Upper House of a British Parliament (either elected or nominated) upon which the distinction has ever been conferred of having power granted by the Constitution to amend Money Bills (see section *eighty-eight* of the Constitution Ordinance of 1852), and the reason why this power came to be conferred upon an Upper House only in this single instance, either before or since, may be attributed to the Imperial Authorities in the consideration of the Constitution, for in 1850 when the Cape Representative Constitution was under the consideration of the Privy Council, a committee of that body in a report (approved by the Queen in Council, dated January 30, 1850) on the proposed establishment of a Representative Legislature in that Colony stated that :

“ 27. The elective character we have proposed to give to the Legislative Council would also, we think, render it expedient to vary in another respect the ordinary rules for the transaction of the public business in a Legislature composed of three estates; and we would recommend that it should be expressly provided that the Legislative Council should be entitled to amend, if it should so think fit, Money Bills sent up to it from the Assembly, by either increasing* or diminishing the amount of the taxation to be imposed, or of the appropriations of revenue to be made by the Bills proposed to it. These amendments would, of course, like any others, require the concurrence of the Assembly before the Bills in which they were introduced would be presented for the assent of the Governor.”†

It is a matter of opinion whether the vesting of this power of amendment in the hands of the Upper House was a sound working constitutional provision. It certainly was adopted in no other Constitution granted to a Colony since the date of the Cape Constitution. It might have created some very extraordinary intercameral complications and tended in the direction of requiring the Ministry of the day to retain the confidence of the Upper House also.

Nevertheless—if one excepts the amendment by the Upper House of the Appropriation Bill in 1899 in view of the peculiar conditions

prevailing immediately prior to the War—the only approach to a financial crisis between the two Houses of the late Cape Parliament did not occur until 1907 when the Appropriation Bill was—after a long series of resolutions in the Committee of the Upper House repeatedly moving the Chairman out of the Chair (thereby converting the order into a dropped order, repeatedly revived by the Government)‡—finally dropped by the Government, and a Partial Appropriation Bill substituted which was passed by the Upper House only upon the Government of the day undertaking to appeal to the country. This action on the part of the Upper House resulted in the resignation of the Jameson Ministry.

SUMMARY.

Practice and Precedent.

24. It will now be evident to anyone who has carefully perused the foregoing facts and precedents, that the British constitutional law and custom in framing the Parliamentary Constitutions of the self-governing possessions has been to confer upon an Upper House of Parliament powers, and impose upon it disabilities, in due proportion to its elective or nominee character. The more directly such a House of Parliament is responsible to, and representative of the people, the greater the financial powers which it has exercised.§ The greater the nominee element of such a House and the more fixed its tenure—and therefore the less reflective it is of the political complexion of the electorate—the greater the disabilities which have been imposed upon it.||

Lords and Commons Analogy.

25. No Colonial Parliamentarian will argue that a House of Parliament constituted on the lines of the House of Lords, with its preponderating hereditary element, is applicable to a Colonial self-governing constitution, or suitable to the democratic atmosphere of a self-governing colony. Yet as regards the financial relationship between the two Houses of Parliament in the United Kingdom, and that of the two Houses of a Colonial Parliament, an analogy has often been drawn, and especially has this been done where no provisions defining the financial powers of the Upper House, except as to the origination of money matters with the Lower House, have been included in the Constitution. This analogy is what Parliamentarians in Australia (where this argument has been most hotly refuted)¶ have described as the “Lords and Commons Theory.”

* According to the letter but not according to the spirit of the Constitution (*Vide* President's ruling, Minutes, 1885, p. 67).

† See “Correspondence relative to the establishment of a Representative Assembly at the Cape of Good Hope.” Presented to both Houses of the Imperial Parliament, 5th February, 1850, p. 106, par. 27.

‡ *Vide* Minutes, 1907, pp. 272-295.

§ Australian Senate, Victoria, South Australia, Western Australia, Tasmania and the late Cape Colony.

|| Canadian Senate, Quebec, Nova Scotia, Newfoundland, New South Wales, Queensland, New Zealand and the late Natal, Transvaal and Orange River Colonies.

¶ Australian Senate, Queensland, New South Wales, Victoria, South Australia, Western Australia and Tasmania.

In Canada it has always been the constitutional law and practice* to represent as nearly as possible the powers and practice of the Houses of Lords and Commons in the Senate and House of Commons of Canada. In Australia, where no such analogy has been referred to in the Constitutions, the question has been a much-contested one, especially in Tasmania,† South Australia‡ and Queensland,‡ where the Upper Houses have, from the first, taken a very firm stand for equal rights and powers with the Lower House upon all legislation, except as to the origination of money bills. The Law Officers of the Crown in England, on the other hand, when appealed to, have inclined to interpret the constitutional powers of the *nominee* Upper House in the light of the English Constitution.‡

A Comparison between the South African and Australian Senates.

26. In this memorandum the Upper Houses of the Colonial Parliaments have been classified according to the character of their Constitution and their powers in regard to finance. In comparing the financial powers of the South African Senate with those of other Colonial Upper Houses, one is more concerned with the elected than with nominee Upper Houses, with "Joint Sitting" constitutions than with constitutions in which that provision for dealing with disagreements is not provided for, and with Upper Houses of a Federal nature rather than those of a minor State or Province. Therefore, the only Upper House which closely resembles the Senate of South Africa in composition, status and general conditions, is the Senate of the Parliament of the Commonwealth of Australia. The provisions of sections *fifty-three* to *fifty-six* of the Commonwealth Constitution at first sight bear a certain resemblance to those contained in sections *sixty* to *sixty-two* of the Constitution of the Union.§ On comparison, however, of the two Constitutions considerable differences will be observed, for while both Constitutions (South Africa by sub-sec. (1) of section *sixty* of the South Africa Act, 1909, and Australia by section *fifty-three* of its Constitution) provide that bills appropriating revenue or moneys, or imposing taxation, shall originate only in the Lower House, and

that a bill shall not be taken to appropriate revenue or moneys or to impose taxation by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, yet the Senate of Australia has considerable advantages over the Senate of South Africa, for the former can not only originate bills containing, *inter alia*, clauses authorising the imposition or appropriation of fines or other pecuniary penalties, when the object of those fines and penalties is to secure the execution of the Act, but can also originate bills containing provisions "for the demand or payment, or appropriation of fines or fees for licences or fees for services under the proposed law," as in the case of a bill :

1. Dealing with such a subject as fisheries beyond territorial waters and imposing or appropriating fees for licences to fish in such waters ;
2. Dealing with mining in Federal territories (in which the Federal Parliament will have exclusive jurisdiction to make laws) and authorising the issue of licences to mine upon payment of fees ;
3. Relating to navigation, requiring the owners of ferry boats to take out licences and pay fees ; and
4. For the purpose of regulating the rate of postage, charges for telegrams, harbour dues, light dues, pilotage, wharfage rates, etc.

(all of which are fees for services rendered.)||

27. The facility, however, as to the origination of provisions authorising the imposition of, or appropriation of, fines or other pecuniary penalties when their object is to secure the execution of the Act is in no sense an extraordinary one, for it is either embodied in the Standing Orders of British Colonial Lower Houses,¶ or is practice based upon a Resolution (1831) of the English House of Commons and now embodied in a Standing Order of that House. (No. 44.)**

28. The Commonwealth Constitution (section *fifty-six*) also provides that the Governor-General may recommend by message to the House in which the proposal originated, the purpose of a vote, resolution, or proposed law for the appropriation of revenue or moneys.

* *Vide* the Constitution, Standing Orders and Journals of Parliament.

† *Vide* Headings C. 11 ; E. 18 and C. 9, pp. 49, 52, 48 respectively.

‡ Queensland, New Zealand.

§ See Appendix II.

¶ Quick & Garran, pp. 667-8.

** In Canada, New Zealand, Natal and South Australia.

** With respect to any bill brought to this House from the House of Lords, or returned by the House of Lords to this House, with amendments, whereby any pecuniary penalty, forfeiture, or fee shall be authorised, imposed, appropriated, regulated, varied or extinguished, this House will not insist on its ancient and undoubted privileges in the following cases :—

- (1) When the object of such pecuniary penalty or forfeiture is to secure the execution of the Act, or the punishment or prevention of offences.
- (2) Where such fees are imposed in respect of benefit taken or service rendered under the Act, and in order to the execution of the Act, and are not made payable into the Treasury or Exchequer, or in aid of the Public Revenue, and do not form the ground of public accounting by the parties receiving the same, either in respect of deficit or surplus.
- (3) When such bill be a private bill for a local or personal act.

There is no such provision in the South Africa Act, 1909, for the words here given in italics.

29. Sub-sec. (2) of section *sixty* of the Union Constitution in comparison with the corresponding provision of that of the Commonwealth* shows the following differences:— In the Union Act the words “any Bills so far as they impose” are used in place of the words “proposed laws imposing” in the Australian Act. This prevents any dispute arising in the Union Parliament similar to that which occurred in the Transvaal Parliament in 1907 (see heading D 14, page 50), and makes “tacking” on the part of the House of Assembly out of the question.

30. The remaining provisions of this sub-section† of the South Africa Act, 1909, however, differ considerably from those of the Australian Constitution,‡ in that in the latter the Senate is only prohibited from amending this sub-section so far as the “ordinary annual” services of the Government are concerned; whereas in South Africa the prohibition is general in respect of *all* services of the Government.

The omission of the words “ordinary annual” occurring in section *fifty-three* of the Australian Constitution from sub-section (2) of the corresponding section in the Union Constitution, has the effect of depriving the South African Senate of the power of amendment by reduction which it would undoubtedly have had, had the words “ordinary annual” been included in sub-section (2) of section *sixty* of the South Africa Act, 1909.

Under paragraph two of section *fifty-three* of the Commonwealth Constitution the Senate can amend any proposed laws imposing taxation or appropriating revenue or moneys for the services of the Government which are not “ordinary annual” services, such, for example, as the appropriation of revenue or loan money for the construction of public works and buildings; and for the application of revenue or loan moneys to public purposes of a special character (of which the £20,000,000 granted to facilitate the abolition of slavery in the British Colonies; loans to foreign countries, and to Ireland; and the grant for the purchase of the Suez Canal shares,§ occurring in the United Kingdom, are equivalent instances), whereas, under the Union Constitution which reads, “moneys for the services of the Government,” sub-section 3 of section *sixty*, is rendered practically a dead letter; and the monetary powers of the South African Senate are thus reduced to those usually accorded

to a life-nominated Upper House, in fact to a less favourable degree, for, in the event of there being no prohibitive monetary provisions in the Constitution in respect of an Upper House, the Lower House is in a position to accept welcome amendments by agreeing to waive its privilege, should the Upper House acknowledge the Lords and Commons analogy.

31. The Australian Senate, therefore, can with unquestionable constitutionality, amend a public works, railway construction, harbour improvement, or official's salary bill, or a bill for permanent or extraordinary appropriation; not so as to increase a burden on the people—which would be an infringement of paragraph three of section *fifty-three*—but by reducing the total amount of such charges.||

32. The Constitution of the Australian Commonwealth also contains provisions¶ by which the Senate may, at any stage, return to the House of Representatives any Bill which the Senate is by the Constitution unable to amend, requesting, by message, the amendment or omission of any items or provisions therein, which the Lower House may, with or without modifications, make. The South Africa Act, 1909, contains no such provisions. An Amendment (No. 3)** was put forward at the South African National Convention to add certain words to the Motion (No. 1)** before the Convention by proposing a certain form of “suggestion,” but it was not put to the vote, being dropped. As another amendment was proposed after, and distinct from, this one, to an earlier line in the main question, and put and negatived, it does not appear from the Minutes how the “suggestion” amendment became dropped. It would be of interest to know whether the “limited” or “unlimited” form of “suggestion” was intended. “The process of suggestion” however, is dealt with under a separate heading hereof.††

33. The same section‡‡ of the Commonwealth Constitution provides that except as provided therein, the Senate shall have equal power with the House of Representatives in respect of all Bills.

34. Sections *sixty-one* of the South Africa Act, 1909, and *fifty-four* of the Commonwealth Constitution are identical. They provide against “tacking”§§ in the ordinary annual Appropriation Bill. Section *fifty-five* of the Australian Constitution, provides against “tacking” in respect of Taxation Bills, and compels them to be submitted to the Senate in Bills not dealing with other matter. It has no corresponding provision in the South

* Vide section *fifty-three*, par. (2).

† Sub-section (2) of section *sixty*.

‡ Section *fifty-three*, par. (2).

§ May, X., Ed., p. 524.

¶ “Constitution of the Australian Commonwealth,” Quick and Garran, p. 670.

¶¶ Section *fifty-three*, par. 4, see p. 54 hereof.

** Vide Appendix IV.

†† Paragraph 40, p. 60.

‡‡ *Fifty-three*.

§§ i.e., adding to supply bills provisions which, if included in a separate bill, the Upper House would have the right to amend.

Africa Act, 1909. This section also provides that laws imposing taxation, except laws imposing duties of customs or of excise, shall deal with one subject of taxation only; but laws imposing duties of customs shall deal with duties of customs only, and laws imposing duties of excise shall deal with duties of excise only. This also compels customs duties and excise duties to be submitted to the Senate in separate Bills not dealing with other matter. In any case the process commonly known as "tacking" could not be resorted to in South Africa in view of the words "so far as" occurring in sub-section (2) of section sixty of the South Africa Act, 1909, but there is nothing in the South Africa Act, 1909, to prevent a Bill (except those appropriation revenue or moneys for the ordinary annual services of the Government) being submitted to the Senate, which contains several money matters of a different and separate nature.

35. There is also a considerable difference between the two Constitutions as to what matters require the Governor-General's recommendation. That of the Commonwealth provides* that such recommendation shall be given by message, to the House in which the proposal originated,† in respect of a vote, resolution or proposed law for the appropriation of revenue or moneys. Whereas the Union Constitution‡ provides that the said recommendation shall be given in addition, in the case of taxes or imposts and also before an "address"‡ for the appropriation of any part of the public revenue or of any tax or impost can be originated. In Australia a vote, etc., etc., cannot be passed and in South Africa a vote, etc., etc., cannot be passed or originated, unless such recommendation has been given in the same session.

The difference between the two Constitutions with regard to Joint Sittings, and the facility accorded the Australian Senate of suggesting alterations to the Lower House in monetary provisions of bills which they are unable to amend, is dealt with separately in paragraphs 39 to 42.

Joint Sitting.

36. In Constitutions providing for "Joint Legislative Sittings" as a means of avoiding deadlocks in consequence of disagreements upon bills between the two Houses of Parliament, there are two points which especially affect the Upper House, namely:—

- (i) The proportion that the number of the members of the Upper House bears to that of the Lower House.

- (ii) What is the least cause that can bring about such a Joint Sitting, and how soon is it compelled to take place?

The only Parliaments in addition to those of the late Transvaal§ and Orange River Colonies|| having this constitutional provision for avoiding deadlocks are those of the Commonwealth of Australia¶ and the Union of South Africa.**

- (i) *The Proportionate Number of Members each House.*

COMMONWEALTH OF AUSTRALIA.		UNION OF SOUTH AFRICA.	
Senate.	House of Representatives.	Senate.	House of Assembly.
36 (Directly Elected.)	75	40 (Indirectly Elected.)††	121

THE LATE TRANSVAAL COLONY.		THE LATE ORANGE RIVER COLONY.	
Legislative Council.	Legislative Assembly.	Legislative Council.	Legislative Assembly.
15 (Nominated.)	69	11 (Nominated.)	39

The Constitution of the Commonwealth of Australia provides‡‡ that the number of members of the House of Representatives must be, as nearly as possible, double that of the Senate. There is no such provision in the Union Constitution.

- (ii) *What is the least cause that can bring about such a Joint Sitting and how soon is it compelled to take place?*

37. The following will explain over what period the Upper House has the power to delay a bill with which it is not in favour and if and when a dissolution can take place under the four respective "joint sitting constitutions":—

(a) Commonwealth of Australia.

- (i) The Lower House passes a Bill.
(ii) The Upper House rejects or fails to pass such Bill or passes it with amendments.

* *Vide* section fifty-six of the Constitution.

† See Appendix II.

‡ Two cases in point arose in the House of Assembly during its first session, *vide* Votes 1910-11, p. 131. (Speaker's Ruling.)

§ *Vide* section xxxvii. of the Constitution.

|| *Vide* section xxxix. of the Constitution.

¶ *Vide* section fifty-seven of the Constitution.

** *Vide* section sixty-three of the Constitution.

†† Four-fifths indirectly elected and eight nominated by Government.

‡‡ *Vide* section twenty-four of the Constitution.

- to which the Lower House will not agree.
- (iii) After an interval of three months in the same or next Session has elapsed the Lower House can again pass the Bill, with or without any amendments which have been made, suggested or agreed to by the Upper House.
 - (iv) If the Upper House then again rejects or fails to pass such Bill or passes it with amendments to which the Lower House will not agree, the Governor-General may dissolve both Houses simultaneously, but such dissolution shall not take place within six months of the date of the expiry of the Lower House by effluxion of time.
 - (v) If after such dissolution the Lower House again passes the Bill with or without any amendments which have been made, suggested or agreed to by the Upper House.
 - (vi) And the Upper House again rejects, etc. [see (ii)]
 - (vii) The Governor-General may then convene a joint sitting.
- House again passes the Bill, etc. [see (iii)]
- (vii) And the Upper House again rejects, etc. [see (ii).]
 - (viii) The Governor may then convene a joint sitting.

So that in either of these colonies the proceedings upon such a contested Bill would have extended into two Sessions *without* dissolution, with the joint sitting in the second Session, and *with* dissolution would have been carried into the third Session before the joint sitting could have taken place.

(c) *Union of South Africa.*

- (i) Lower House passes a Bill.
- (ii) Upper House rejects, etc. [see (ii)].
- (iii) Lower House in the next Session again passes the Bill,* etc. [see (iii)].
- (iv) The Upper House again rejects, etc. [see (iii)].
- (v) Governor-General may during that Session convene a joint sitting.

But in the case of the Union Senate there is not even the alternative of an appeal to the people, and the Bill in question is committed to much less delay, for such a Bill can be voted upon by joint sitting in the next Session, except in the case of Appropriation Bills, when the same Session will decide its fate.

38. In the Commonwealth an "absolute majority of the total number of members of the Upper and Lower House" is required to carry a Bill and amendments at a joint sitting. In the Union "a majority of the total number of members of the Senate and House of Assembly present" is required to carry the amendments under disagreement, and the Bill with amendments must be affirmed by "a majority of the members of the Senate and House of Assembly present." What are known as "suggestions" cannot be dealt with at a joint sitting.† In both Parliaments the members present deliberate and vote upon the Bill as last proposed by the Lower House and upon amendments, if any, made by one House and not agreed to by the other. In the Union the Speaker presides at all joint sittings. In the Commonwealth the joint sittings elect a member to preside, and during such election the Clerk of the Senate acts as Chairman.

The Canadian Senate (although a life-nominated body) can, time after time, reject a bill sent to it by the Lower House, but the latter can never force either a Joint Sitting or a dissolution upon the Senate for so doing.

The Three British Senates.

39. Until the passing of the South Africa Act, 1909, there were three classes of Upper Houses in the British self-governing colonies, which, so far as their composition is concerned,

So that should the three months interval take place in the same Session then such a contested Bill would require to be passed by the Lower House, rejected by the Upper House and re-passed by the Lower House, before dissolution, and in a second Session to be passed a third time by the Lower House and rejected a second time by the Upper House before the joint sitting could be convened. But should the three months interval extend beyond the duration of the first Session, then the proceedings would extend into a third Session.

(b) *The late Transvaal and Orange River Colonies.*

- (i) The Lower House passes a Bill.
- (ii) The Upper House rejects or fails to pass or passes the Bill with amendments to which the Lower House will not agree.
- (iii) In the next Session the Lower House again passes that Bill with or without any amendments which have been made, suggested or agreed to by the Upper House.
- (iv) If the Upper House again rejects the Bill, etc. [see (ii)]
- (v) The Governor may then convene a joint sitting or in the alternative may dissolve the Lower House (both Houses should the Upper House then be an elected House) but such dissolution shall not take place within six months of the date of the expiry of the Lower House by effluxion of time.
- (vi) If after such dissolution the Lower

* In the case of an Appropriation Bill such joint sitting may be convened during the same Session.

† *Vide* Quick & Garran, p. 687.

[U.G. 65—'20.]

could be divided into three: (1) the directly elected, (2) the nominated for a period of years and (3) the life nominated, to none of which, strictly speaking, does the indirectly elected Senate of South Africa belong. British constitutional law and practice has always recognised that the more directly the Upper House is responsible to the people, the greater the powers to be conferred upon it. Therefore, the powers granted to an Upper House have always been in proportion to its elected or nominee nature, *e.g.*, the life-nominated Senate of Canada has the least, and the directly-elected Senate of Australia the greatest powers in respect of money bills. The Senates of Canada and Australia are the two extremes in constitution—the former the most conservative and the latter the most democratic of all the British Upper Houses.

The Senate of South Africa is between two stools, for, as has been shown, its composition is neither nominee nor directly elected by the people. Therefore, as regards the monetary powers of its Constitution, it cannot be classed with a nominated Federal Senate.

Its powers and facilities as regards money bills, however, are less than those of the Senate of Canada which is, *vide* the preamble of the British North America Act of 1867 and its own record, the nearest prototype of the House of Lords of any British Colonial Upper House; in fact at one time the proposal to make the Upper House in Canada an hereditary Upper House was seriously considered.* In fact one well-known writer on bi-cameralism has stated that *no* second chamber, except the Senate of South Africa, has less authority over finance than the House of Lords.†

A table of comparison giving a general idea of the monetary powers and facilities of these three Senates in schedule form is given in Appendix III.

“*The Process of Suggestion.*”

40. What is known as “the process of suggestion” originated, as has been shown, many years ago‡ in South Australia and was instituted as a means of enabling the Upper House to inform the Lower House of any alterations which it thought desirable should be made by the Lower House, the custodians of the public purse, in provisions of bills which the Upper House was prohibited from amending. The new method of ensuing Parliamentary harmony was found to work so well in South Australia that it was adopted also by Western Australia, and later, after very careful scrutiny and consideration by the Australian Federal Convention, was embodied in the Constitution of the Australian Commonwealth, and when this provision had been working for two years in the Commonwealth Parliament it was also adopted by the Parliament of the State of Victoria in a more

modified form. The Senate of Australia, may, therefore, at any stage, return to the House of Representatives with a message, a bill which the Senate is prohibited by the Constitution from amending, requesting the omission or amendment of any item or provision therein. If the suggestion thus made were not finally entertained by the Lower House, the Senate would have to pass or reject the bill as first sent from the Lower House, so that the responsibility of final acceptance or rejection would remain with the Senate, as if no suggestion had been made. The “process of suggestion” must not be confused with the “power of amendment” as regards the responsibility of the two Houses. To quote from Quick & Garran’s “Constitution of the Australian Commonwealth” (page 671), “a short analysis will make this clear. In the case of a bill which the Senate may amend, the Senate equally with the House of Representatives is responsible for the detail. It incorporates its amendments in the bill, passes the bill as amended, and returns it to the House of Representatives. If that House does not agree to the amendments, the Senate can “insist on its amendments,” and thus force the House of Representatives to take the responsibility of accepting the amendments or of sacrificing the bill, whilst the House of Representatives cannot force the Senate to take a direct vote on the bill in its original form.

On the other hand, in the case of a bill which the Senate may not amend, the House of Representatives alone is responsible for the form of the measure; the Senate cannot strike out or alter a word of it, but can only suggest that the House of Representatives should do so.

If that House declines to make the suggested amendment, the Senate is face to face with the responsibility of either passing the Bill as it stands or rejecting it as it stands. It cannot shelve that responsibility by insisting on its suggestion, because there is nothing on which to insist. A House which can make an amendment can insist on the amendment which it has made; but a House which can only “request” the other House to make amendments cannot insist upon anything. If its request is not complied with, it can reject the Bill, or shelve it, but it must take the full responsibility of its action.

This provision, therefore, is intended to declare the Constitutional principles: (1) that the Lower House is solely responsible for the form of the money bills to which the section relates; (2) that the Senate may request alterations in any such bill; (3) that if such request is not complied with, the Senate must take the full responsibility of accepting or rejecting the bill as it stands.”

* *Vide* the Constitution of Upper and Lower Canada, 1791 (31 Geo. III., Cap. 31), section *six*.

† “Second Chambers” (Marriott), 1910, p. 258.

‡ 1867.

As one of the delegates to the Australian Federation Convention said* in alluding to this subject: "Therefore I look upon the practice as the established practice of Western Australia as well as of South Australia. This power, so far from being degrading, is really a power which is lodged in another branch of Parliament. I refer to the Governor representing the Queen. Under most of our Constitutions, he can communicate†—I do not say as to money bills, but as to other legislation—by message any amendment he thinks it desirable to make in a bill after it has passed both Houses. And the same procedure would be adopted as to dealings between the Senate and the House of Representatives in regard to financial legislation."

The standing orders‡ permit of the Australian Senate pressing their suggestions, and of the House of Representatives "modifying" the suggestions of the Senate, but neither House may "insist" upon such suggestions or modifications, as in the case of amendments.

The Constitutional provisions of the Australian Commonwealth as to the powers and facilities of the Senate upon money bills have worked so well that, to quote from a recent pamphlet§ on the question which covers the whole period of the Commonwealth to 1910:—"As to any incidents which have arisen between the two Houses in connection with money bills it may be said that nothing has occurred in the nature of a disagreement which has gone so far as to reach the acute stage of a 'dead-lock,' or even of a 'conference'; much less, therefore, has there been any suggestion of a resort to Section 57 of the Constitution, which provides for a dissolution of the two Houses in case of the failure by the Senate to agree to a proposed law. All differences have been settled in a manner agreeable to each Chamber."

H.—CONCLUSION.

41. The South African Senate is one of the three Senates of the British Empire. It is not like its prototype in Canada, nominated for life. Neither is it like that of Australia, directly elected by the people. On the other hand it has what no other British House of Parliament has, and that is representation of the minority. It is not a nominated body, and the complexion of its elective element can change every ten years in proportion to the political complexion of each Province at the time being. It is, therefore, reflective of the political parties of all kinds at the time of its general election and of the party in majority in the Council of the Province where a vacancy has occurred at a bye-election. By

being elected by the elected of the people it cannot be argued that it is not representative of the people. Its 8 (10 year) nominated Senators, who after all are appointed by the Government of the day itself, are not all nominated in the strict sense of the word, for half of this number has to be selected particularly to represent the coloured races of the Union. As in the case of the Australian States, each Province of the Union elects (although in a different manner) an equal number of representatives to the Senate, which is the sheet anchor of the smaller Provinces and for that reason stands on a different footing from the *non-federal* Upper Houses in Canada and Australia.

42. While it is not suggested that all the powers of a *directly* elected Senate, such as that of Australia, be conferred on the Senate of South Africa, which is partly indirectly elected and partly nominee-representative, yet it is submitted it would be a distinct advantage to the Union for the Senate, which is not a nominated body, to be granted, not greater powers, but increased facilities in regard to money matters.

43. It is proposed, therefore, that the practice instituted in South Australia and adopted, either by Joint Resolution or statutory amendment, by Western Australia, Victoria, and the Australian Convention for the Senate of the Commonwealth of Australia, be recognised by the Parliament of the Union, namely: by providing that the Senate should have the opportunity of making known to the House of Assembly its views in regard to those provisions in Bills which the terms of section *sixty* of the South Africa Act, 1909, prohibit it from amending—by means of the form of procedure known as "the process of suggestion."

44. The system has been found to work well, has had a good trial for many years in all these Parliaments and has been a means of assisting the passage of a certain class of legislation and creating harmony and better relationship between the two Houses. The Constitution of the Commonwealth of Australia has especial merit, because "no Constitution," says Marriott,|| "was ever brought into being with more circumspection and deliberation."

45. Therefore, if a similar practice¶ is adopted in South Africa we should not be instituting a novel and untried procedure, or be chargeable with devising a means by which the powers of the Senate would be increased and those of the House of Assembly diminished. The relative powers of the two Houses in respect of money matters would remain the same.

* Mr. J. W. Hackett, Convention Debates, Sydney, 1891, p. 359.

† Also under the South Africa Act, 1909, section *sixty-four*.

‡ Senate S.O., No. 245, 246.

§ Notes on the Practice and Procedure of the Senate in relation to Appropriation, Taxation and other Money Bills, etc. (1901-1910), by C. B. Boydell, Clerk of the Senate of Australia, p. 22.

|| "Second Chambers," Marriott, 1910, p. 167.

¶ An amendment was put forward at the South African National Convention, *vide* Appendix IV., Amendment (3), proposing a certain form of "suggestion," but it was not put to the vote, being dropped. It is not clear, however, from the amendment itself, whether the "limited" or "unlimited" form was intended.

46. To recapitulate them, the monetary powers and facilities of the elected Australian Senate, which are not enjoyed by the Senate of South Africa, are as follows :—

- (a) Power as to origination* also in respect of provision in bills for the demand, or payment, or appropriation of fees for licences, or fees for services under the proposed law.
- (b) Power to amend by reduction proposed laws appropriating revenue or moneys not for the annual services of the Government.
- (c) Prohibition by the Constitution of either taxation, or Customs or Excise matters being submitted to the Senate in one bill or in a bill containing other subject-matter.
- (d) Power of "unlimited" suggestion of alteration in provisions of bills which the Senate may, by the Constitution, not amend.
- (e) Power of Senate of forcing the dissolution of both Houses by failing to pass *any*† bills.

47. All that is now proposed is to take over the facility conferred under (d), but in a more limited form, and apply it to the South African Senate, thereby making no alteration in the powers of the two Houses of the Union Parliament and still leaving that very considerable difference between the constitutional position of the directly-elected Senate of Australia and the indirectly-elected Senate of South Africa, which constitutional practice and custom has provided there should be between an Upper House directly elected by and responsible to the people and one only indirectly so elected and responsible.

48. It is suggested, therefore, in order to place the South African Senate more in the position it should occupy in accordance with the law, custom and practice laid down by British Colonial Self-Governing Constitutions, by reason of its elective nature and, what is more important, because of the practical assistance it could then render the House of Assembly in the consideration and passage of monetary legislation and the good harmony and relationship it will preserve between the two Houses of our Parliament, that the Senate be afforded the opportunity of "suggesting," but in a more limited degree than is the case in the Commonwealth Parliament, alterations in provisions of bills which it is, by section *sixty* of the South Africa Act, 1909, prohibited from amending, and to this end the following Resolutions are put forward for consideration and adoption by both Houses of Parliament (as in South Australia) :—

- (I) That it be competent for the Senate to suggest any alteration in any bill, or in any provision of a bill which

the Senate under section *sixty* of the South Africa Act, 1909, may not amend, and send such bill with such suggestions scheduled, *once* back to the House of Assembly for its consideration.

- (II) That such bill be thereafter returned by the House of Assembly to the Senate within such time as the ordinary convenience of public business may require, either, with such suggestions or any of them, adopted, or not adopted, as the case may be, for reconsideration by the Senate.
- (III) That such bill, with or without such suggestions, or any of them, be then dealt with by the Senate, without any further suggestion being made by the Senate in such Bill.
- (IV) That the procedure upon such suggestions between the two Houses of Parliament shall be the same as that upon amendments except that :
The Senate shall not have the right to "press" (as in Australia) for the adoption of its suggested alterations, and the House of Assembly shall not have the right to "modify" (as in Australia) the suggestions of the Senate, and, further, that the Senate shall not have the right :—

- (a) to insist upon its suggested alterations.
- (b) to disagree with the House of Assembly thereon,
- (c) to postpone the consideration of the House of Assembly's message upon such suggestions, for a longer period than the ordinary convenience of public business may require.

49. This "*limited form of the process of suggestion*" will enable the Senate to suggest only once in the passage of each bill alterations in those provisions of the bill which the Senate, in terms of section *sixty* of the South Africa Act, 1909, is prohibited from amending. Such suggestions will be sent down by message in a schedule to the House of Assembly, with the bill, for consideration by the House of Assembly which may either adopt or not adopt each suggestion. If the House of Assembly adopt all the suggestions, it returns the bill in fresh form with the suggestions incorporated therein, and accompanied by a message that the House of Assembly has agreed to adopt the suggestions made by the Senate and has inserted them in the bill. These are then put from the Chair in Committee (which has not yet finally reported to the House) of the whole Senate on the bill, and the bill—provided no non-monetary amendment has been made—is

* See also section *fifty-six* of the Commonwealth Constitution.

† Including Appropriation Bills.

reported without amendment to the House, and passed, and the same procedure as to messages, etc., then followed as in the case of a bill received by the Senate from the House of Assembly containing no monetary provisions, and which has been unamended by the Senate.

50. On the other hand should the House of Assembly not adopt any of the suggestions of the Senate, the House of Assembly returns the bill, together with the schedule containing the unadopted suggestions, giving the reasons therefor, as in the case of disagreement upon amendments to bills, and the bill must be passed or rejected by the Senate in its original form *plus* of course any non-monetary amendments which may have been, or may be, made.

51. The same procedure would be followed in respect of each suggestion, if more than one, and if some were adopted and others not, but only two messages in all would pass between the two Houses in regard to such suggestions in respect of each bill, one from the Senate and the reply from the House of Assembly.

O. CLOUGH,
Clerk of the Senate.

The Senate,
Houses of Parliament,
Cape Town,
20th January, 1912.

APPENDIX I.

UPPER HOUSES of BRITISH COLONIAL PARLIAMENTS (including the four late Parliaments of South Africa), giving a general idea of : (a) their Constitution, (b) period for which Members sit, (c) monetary powers, (d) electoral franchise, (e) number of Members of Upper House, (f) number of Members of Lower House, (g) provisions for avoiding deadlock.

STATE.	How Constituted.	Period for which Members sit.	MONETARY POWERS.*	Electoral Franchise.	No. of Members of Upper House.	No. of Members of Lower House.	Provisions for avoiding deadlock.
CANADA.							
(a) Senate	Nominated.	Life.	No constitutional provision except as to origination with Lower House. Amendments by Senate contrary to S.O. No. 78 of House of Commons, though privilege can be waived by Lower House.	..	87	221	Six members may be added to Upper Chamber under certain limitations.
(b) Quebec	Nominated.	Life.	Same Constitutional provisions as Dominion Parliament (sections 83 and 90 of B.N.A. Act of 1867).	..	24	74	..
(c) Nova Scotia	Nominated.	Life.		..	21	38	..
NEWFOUNDLAND	Nominated.	Life.		Amendment by Upper House contrary to S.O. No. 249, of House of Assembly.	..	18	36
AUSTRALIA.							
(a) Senate	Elected.	Six years.	Cannot amend by increase but can amend by decrease in the case of proposed laws not imposing taxation or appropriating revenue or moneys for the ordinary annual services of the Government; and can at any stage of Bill suggest alterations and press for their adoption by Lower House (section 53 of Constitution).	Same as Lower House.	36	75	Joint Session after dissolution of both Houses. Referendum for Constitution.
(b) New South Wales ..	Nominated.	Life.	No Constitutional provision except as to origination with Lower House. Privilege can be waived by Lower House (section 5 of N.S.W. Act No. 32 of 1902).	..	57	90	"Swamping" is Constitutionally impossible.
(c) Victoria	Elected.	Six years.	Cannot amend but can at certain stages of Bill suggest amendments (section 56 of Constitution and section 30 of Act No. 1864 of 1903).	Freeholder, £50, or leaseholder, £20 yearly or educational test.	34	65	Dissolution followed by dissolution of both Houses.
(d) Queensland	Nominated.	Life.	No Constitutional provision except as to origination with Lower House. Upper House has always fought Lower House on this point and often won. Result the Referendum (section 2 of Constitution and Act No. 18 of 1908).	..	44	72	Referendum.

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* All money bills are required by every self-governing Colonial Constitution to originate in the Lower House, except in New Zealand, where section fifty-four of the Constitution only provides for such origination in the case of Appropriation bills.

APPENDIX I.—(continued).

UPPER HOUSES of BRITISH COLONIAL PARLIAMENTS (including the four late Parliaments of South Africa), giving a general idea of :—(a) their Constitution, (b) period for which Members sit, (c) monetary powers, (d) electoral franchise, (e) number of Members of Upper House, (f) number of Members of Lower House, (g) provisions for avoiding deadlock.

STATE.	How Constituted.	Period for which Members sit.	MONETARY POWERS.*	Electoral Franchise.	No. of Members of Upper House.	No. of Members of Lower House.	Provisions for avoiding deadlock.
(e) South Australia ..	Elected.	Six years.	Cannot amend but can <i>suggest</i> amendments (section 1 of Constitution and Resolution of both Houses of Parliament, d.d. 25th August, 1857).	Freeholder, £50, or Leaseholder, £20 yearly.	18	42	Dissolution followed by dissolution of both Houses, or by election of limited number additional members to Upper House.
(f) Western Australia..	Elected.	Six years.	Cannot amend but can at any stage of bill <i>suggest</i> amendments (section 60 of Constitution and Amending Act of 1899).	Freeholder, £100, or Leaseholder, £25 yearly.	30	50	..
(g) Tasmania	Elected.	Six years.	No Constitutional provision except as to origination with Lower House (section 33 of Constitution). Upper House has always amended Money Bills.	Freeholder, £10 yearly, or Leaseholder, £30 yearly, or educational test.	18	30	..
NEW ZEALAND	Nominated.	7 years (before 1891 for Life).	No Constitutional provision except as to origination of <i>Appropriation</i> Bills with Lower House (section 54 of Constitution).	..	45	80	"Swamping" is legally possible.
[CAPE OF GOOD HOPE] ..	Elected (except Chief Justice who was <i>ex-officio</i> a Member).	Seven years.	Could amend <i>any</i> Bill (<i>vide</i> section 88 of Constitution of 1853).	Same as Lower House.	27	107	..
[NATAL]	Nominated.	Ten years.	Amendment prohibited (<i>vide</i> section 49 of Constitution of 1893).	..	13	43	..
[TRANSVAAL]	Nominated.	Five years.	Amendments prohibited (<i>vide</i> section 56 of Constitution of 1906).	..	15	69	<i>Joint Session</i> with or without dissolution of either House.
[ORANGE RIVER COLONY]	Nominated.	Five years.	Amendment prohibited (<i>vide</i> section 57 of Constitution of 1907).	..	11	39	<i>Joint Session</i> with or without dissolution of either House.
UNION OF SOUTH AFRICA Senate	4-5ths elected, 1-5th nominated.	Ten years.	Amendment prohibited (<i>vide</i> section 60 of Constitution of 1909).	Same as Lower House.	40	121	<i>Joint Session</i> without dissolution of either House.

* All money bills are required by every self-governing Colonial Constitution to originate in the Lower House, except in New Zealand where section *fifty-four* of the Constitution only provides for such origination in the case of *Appropriation* bills.

[U. G. 65-190.]

APPENDIX II.

CORRESPONDING MONETARY PROVISIONS OF THE COMMONWEALTH AND UNION CONSTITUTIONS.

(NOTE.—THE WORDS IN SMALL LETTERS ARE COMMON TO BOTH CONSTITUTIONS. THOSE IN RED CAPITALS TO AUSTRALIA ONLY, AND THOSE IN BLACK CAPITALS TO SOUTH AFRICA ONLY.)

- 53 (1) PROPOSED LAWS appropriating revenue or moneys, or imposing taxation, shall
 60 **BILLS** NOT ORIGINATE IN THE SENATE. But a PROPOSED LAW shall not be taken
 ORIGINATE ONLY IN THE HOUSE OF ASSEMBLY. **BILL** to appropriate revenue or moneys, or to impose taxation by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties OR FOR THE DEMAND OR PAYMENT OR APPROPRIATION OF FEES FOR LICENCES, OR FEES FOR SERVICES UNDER THE PROPOSED LAW.
- (2) The Senate may not amend PROPOSED LAWS IMPOSING taxation, or
 ANY BILLS SO FAR AS THEY IMPOSE PROPOSED LAWS APPROPRIATING
 APPROPRIATE revenue or moneys for the ORDINARY ANNUAL services of
 the Government.
- (3) The Senate may not amend any PROPOSED LAW so as to increase any proposed CHARGE
 BILLS CHARGES or burden
 on the people.
- THE SENATE MAY AT ANY STAGE RETURN TO THE HOUSE OF REPRESENTATIVES ANY PROPOSED LAW WHICH THE SENATE MAY NOT AMEND, REQUESTING, BY MESSAGE, THE OMISSION OR AMENDMENT OF ANY ITEMS OR PROVISIONS THEREIN, AND THE HOUSE OF REPRESENTATIVES MAY, IF IT THINKS FIT, MAKE ANY OF SUCH OMISSIONS OR AMENDMENTS WITH OR WITHOUT MODIFICATIONS.
- EXCEPT AS PROVIDED IN THIS SECTION, THE SENATE SHALL HAVE EQUAL POWER WITH THE HOUSE OF REPRESENTATIVES IN RESPECT OF ALL PROPOSED LAWS.
- 54 THE PROPOSED LAW which appropriates revenue or moneys for the ordinary annual services of the
 61 **ANY BILL** Government shall deal only with such appropriation.
- 55 LAWS IMPOSING TAXATION SHALL DEAL ONLY WITH THE IMPOSITION OF TAXATION, AND ANY PROVISION THEREIN DEALING WITH ANY OTHER MATTER SHALL BE OF NO EFFECT. LAWS IMPOSING TAXATION, EXCEPT LAWS IMPOSING DUTIES OF CUSTOMS OR OF EXCISE, SHALL DEAL WITH ONE SUBJECT OF TAXATION ONLY; BUT LAWS IMPOSING DUTIES OF CUSTOMS SHALL DEAL WITH DUTIES OF CUSTOMS ONLY, AND LAWS IMPOSING DUTIES OF EXCISE SHALL DEAL WITH DUTIES OF EXCISE ONLY.
- 56 A VOTE, RESOLUTION, OR PROPOSED LAW FOR THE APPROPRIATION OF REVENUE OR MONEYS SHALL NOT BE PASSED UNLESS THE PURPOSE OF THE APPROPRIATION HAS IN THE SAME SESSION BEEN RECOMMENDED BY MESSAGE OF THE GOVERNOR-GENERAL TO THE HOUSE IN WHICH THE PROPOSAL ORIGINATED.
- 62 THE HOUSE OF ASSEMBLY SHALL NOT ORIGINATE OR PASS ANY VOTE, RESOLUTION, ADDRESS, OR BILL FOR THE APPROPRIATION OF ANY PART OF THE PUBLIC REVENUE OR OF ANY TAX OR IMPOST TO ANY PURPOSE UNLESS SUCH APPROPRIATION HAS BEEN RECOMMENDED BY MESSAGE FROM THE GOVERNOR-GENERAL DURING THE SESSION IN WHICH SUCH VOTE, RESOLUTION, ADDRESS OR BILL IS PROPOSED.

APPENDIX III.

A TABLE OF COMPARISON GIVING A GENERAL IDEA OF THE MONETARY POWERS AND FACILITIES OF THE THREE BRITISH SENATES.

Constitutional powers and facilities in respect of Money Bills.	Canada.	Australia.	South Africa.
I. Power to originate.	Not exceeding that of the House of Lords.	Also provision in Bills for the demand, payment or appropriation of fees for licences or fees for services under a Bill.*	Not exceeding that of the House of Lords.
II. Power to amend	†Only when the House of Commons chooses to waive its privilege either by reason of the convenience or unimportance of the Senate's amendments or the proximity of the close of the session.	By reduction upon appropriation measures not for the ordinary annual services of the Government.	‡None.
III. Facility of suggesting alterations to Lower House.	None.	Yes.	None.
IV. Power of Lower House to force a Joint Sitting on Senate.	None.	Yes, but with simultaneous dissolution of both Houses.	Yes, and without dissolution of either House.

* See also section *fifty-six* of the Constitution.

† In the absence of any Constitutional prohibition.

‡ What public money matter could the Senate amend by reduction under section *sixty*, sub-section (3) which could not be covered by sub-section (2) thereof?

APPENDIX IV.

AN ABSTRACT FROM THE MINUTES OF THE SOUTH AFRICAN NATIONAL CONVENTION 1908-1909, SHOWING ALL THE PROPOSALS AND AMENDMENTS MOVED IN REGARD TO THE POWERS TO BE ACCORDED THE SENATE OF THE UNION :—

(NOTE.—The numbers given against each motion and amendment are inserted in this Appendix for easy reference.)

DURBAN SESSION, Monday, 2nd November, 1908.

Half-past nine o'clock a.m.

The following Motion (No. 1) was moved :—“ Proposed laws appropriating revenue or moneys, or imposing taxation shall not originate in the Senate. But a proposed law shall not be taken to appropriate revenue or moneys, or to impose taxation, by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand or payment, or appropriation of fees for licences, or fees for services under the proposed law. The Senate may not amend proposed laws imposing taxation, or proposed laws appropriating revenue or moneys for the ordinary annual services of the Government. The Senate may not amend any proposed law so as to increase any proposed charge or burden on the people,” which is word for word the first three paragraphs of section *fifty-three* of the Commonwealth Constitution.

An Amendment (No. 1) was proposed, namely, to add to Motion No. 1, above quoted, the following words :—“ A proposed law which appropriates money for the ordinary annual services of the Government shall deal only with such appropriation. Laws imposing taxation shall deal only with the imposition of taxation.” The first sentence is the same as section *fifty-four* of the Commonwealth Constitution, except that the words “ revenue or ” occurring after the word “ appropriates ” in the said section are omitted from the amendment. The second sentence is the first part of section *fifty-five* of the Commonwealth Constitution.

After discussion, the Amendment was by leave withdrawn.

An Amendment (No. 2) was then proposed, namely, to omit the words :—“ imposing taxation, or proposed laws appropriating revenue or moneys for the ordinary annual,” and substitute therefor the words “ so far as they impose taxation or appropriate revenue or moneys for the.”

Another Amendment (No. 3) was proposed, namely, to add the following words :—“ The Senate shall have the power to suggest amendments to such proposed laws, but, if after consideration of such amendments by the House of Assembly they be not agreed to, then the Senate shall not have the power to insist upon such amendments.” *

A further Amendment (No. 4) was then proposed to the original motion, namely, after “ amend ” to insert “ reject.” † After discussion, a division took place on this Amendment (No. 4), when the voting was as follows :—12 for, and 18 against. The amendment was therefore lost. Amendment No. 3 dropped. ‡

Business suspended at eleven o'clock a.m.

Ten minutes past eleven o'clock.

Business resumed.

Discussion on the original Motion (No. 1) was then continued.

Amendment No. 2 was put and agreed to.

A further Amendment (No. 5) was then proposed, namely, to insert thereafter the words “ so as to increase the burdens on the people, but they may amend such laws with a view to reducing such burdens,”—which was put and negatived.

Another Amendment (No. 6) was then proposed, namely, to omit the words “ or for the demand or payment or appropriation of fees for licences or fees for services,” which was agreed to.

The Motion (No. 1) as amended, was then put and agreed to, which read as follows :—“ Proposed laws appropriating revenue or moneys or imposing taxation, shall not originate in the Senate. But a proposed law shall not be taken to appropriate revenue or moneys, or to impose taxation, by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties under the proposed law. The Senate may not amend proposed laws so far as they impose taxation or appropriate revenue or moneys for the services of the Government. The Senate may not amend any proposed law so as to increase any proposed charge or burden on the people,”—which with certain verbal corrections now constitutes section *sixty* of the South Africa Act, 1909.

A Motion (No. 2) was then moved, as follows :—“ All Bills for appropriating any part of the public revenue, or for imposing any new tax, or impost, shall originate in the House of Assembly,” and agreed to. This provision was not included in the Draft Act. It is, however, very similar in terms to the opening words of Motion No. 1, with the exception of the word “ new.”

A Motion (No. 3) was then moved, as follows :—“ The House of Assembly shall not originate or pass any vote, resolution, address or bill for the appropriation of any part of the public revenue, or of any tax, or impost, to any purpose not being first recommended by message from the Governor-General during the Session in which such vote, resolution, address or bill is proposed,” which is section *fifty-six* of the Commonwealth Constitution in a different drafting, with two exceptions, namely :—(1) The word “ address ” is not included, and (2) it only requires such recommendation to be given before the *passing* of the Bill, and to the House in which the proposal originated.

An Amendment (No. 7) was then proposed, namely :—“ To omit the word “ address.”

Another Amendment (No. 8) was then moved, as follows :—“ A vote, resolution or proposed law for the appropriation of revenue, or moneys, shall not be passed unless the purpose of the appropriation has in the same Session been recommended by message of the Governor-General. After discussion, these amendments (Nos. 7 and 8) were put and negatived, and the original motion (No. 3) was then put and agreed to.

A Motion (No. 4) was then moved, as follows :—“ Any proposed law which appropriates revenue or moneys for the ordinary annual service of the Government shall deal only with such appropriation,” which is identical with section *fifty-four* of the Commonwealth Constitution. After discussion, this motion was put and agreed to.

A Motion (No. 5) was then moved as follows :—“ Laws imposing taxation shall deal only with the imposition of taxation,” which is the latter part of Amendment No. 1 moved upon Motion No. 1 and withdrawn. After discussion, the motion was by leave withdrawn.

A Motion (No. 6) was then moved, as follows :—“ If the House of Assembly passes any proposed law and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Assembly will not agree, and if the House of Assembly in the next Session again passes the proposed law, with or without any amendments which have been made, or agreed to by the Senate, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Assembly will not agree, the Governor-General may, during that Session, convene a joint sitting of the members of the Senate and House of Assembly in the manner hereinafter provided, or may dissolve the House of Assembly, and may simultaneously dissolve both the Senate and House of Assembly. But such dissolution shall not take place within six months before the date of the expiry of the House of Assembly by the effluxion of time.

* From the wording of this amendment either the “ limited ” or “ unlimited form of suggestion ” might have been intended.

† Presumably to insert the words “ or reject.”

‡ It is not clear from the Minutes how this amendment became dropped. Amendment No. 4, which was put and negatived, was upon an earlier line in Motion No. 1, and was quite distinct from Amendment No. 3 in subject also.

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

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 House of Assembly, and upon amendments, if any, which have been made therein by the one House of the Parliament, 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 Senate and House of 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 Senate and House of Assembly, it shall be taken to have been duly passed by the Parliament." This provision is practically sections *thirty-seven* and *thirty-nine* of the *Transvaal and Orange River Colony Constitutions* respectively, except that the word "suggested" (amendments) has been omitted. This word was no doubt left in the said sections in error, when they were taken over from the Australian Commonwealth Constitution, where "suggestions" are allowed.

An Amendment (No. 9) was then proposed, as follows:—"If the House of Assembly passes any proposed law and the Senate rejects, or fails to pass it, or passes it with amendments to which the House of Assembly will not agree, the Governor-General may convene a joint sitting of the Members of the Senate and House of Assembly.

The members present at the joint sitting may deliberate and shall vote together upon the proposed law as last proposed by the House of Assembly and upon amendments, if any, which have been made therein by one House and not agreed to by the other, and any such amendments which are affirmed by a majority of the total numbers of the Senate and the House of Assembly present at such sitting shall be taken to be 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 Senate and House of Assembly present at the sitting it shall be taken to have been duly passed by both Houses of Parliament and shall be presented to the Governor for the King's pleasure." This amendment proposed to make a joint sitting possible in the same session upon all bills. The second paragraph is the third paragraph of section *fifty-seven* of the Australian Constitution, except that in the above amendment only "the proposed law with amendments" is required to be passed by an "absolute majority," etc.

Another Amendment (No. 10) was then proposed to the original Motion (No. 6) as follows:—"To omit all the words "in the manner" down to the words "Senate and of the House of Assembly" before the words "at which"; and in the last paragraph after the word "any" to insert the word "such," and to omit the words "convened under either of the preceding sub-sections." Thus removing from the Senate the power of dissolution. After discussion, Amendment No. 9 was by leave withdrawn.

The first part of Amendment (No. 10) was then put, namely: To omit all the words from the words "in the manner" down to "Senate and of the House of Assembly" before the words "at which." Whereupon a division took place: for, 16 and against, 14. The amendment was therefore carried.

The remainder of the Amendment (No. 10): In the last paragraph after the word "any" to insert the word "such," and to omit the words "convened under either of the preceding sub-sections," was put and agreed to.

Another Amendment (No. 11) was then proposed, namely, to omit the words "an absolute," in two places, and to substitute "a" instead thereof; and after the words "majority of the" in two places, to omit the words "total number of the"; and after the word "Assembly," where it follows in two places, to insert the words "present at such sitting." An "absolute majority of the total number of the members of the Senate and House of Representatives" is required under the Commonwealth Constitution in both cases.

Discussion ensued.

Business suspended at half past twelve o'clock p.m.

A quarter to four o'clock p.m.

Business resumed.

* * * * *

Discussion on Motion (No. 6) was then resumed.

Amendment (No. 11) was then put and agreed to.

Motion (No. 6) as amended, was then put and agreed to, namely:—

"If the House of Assembly passes any proposed law and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Assembly will not agree, and if the House of Assembly in the next Session again passes the proposed law, with or without any amendments which have been made, or agreed to by the Senate, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Assembly will not agree, the Governor-General may during that Session convene a joint sitting of the members of the Senate and House of Assembly, at which the Speaker of the House of Assembly shall provide.

The members present at any such joint sitting, may deliberate and shall vote together upon the proposed law, as last proposed by the House of Assembly, and upon amendments, if any, which have been made therein by the one House of the Parliament and not agreed to by the other, and any such amendments which are affirmed by a majority of the total number of the members of the Senate and House of Assembly present at such sitting shall be taken to have been carried, and if the proposed law, with the amendments, if any, so carried, is affirmed by a majority of the members of the Senate and House of Assembly present at such sitting it shall be taken to have been duly passed by the Parliament."

A Motion (No. 7) was then moved as follows:—"It shall be lawful for the Governor-General to dissolve the Senate and the House of Assembly simultaneously or to dissolve the House of Assembly alone: provided that the dissolution of the Senate shall not affect any Senators nominated by the Governor-General-in-Council."†

An Amendment (No. 12) was then proposed, namely, after the words "or to dissolve" to insert the words, "the Senate alone or."

Another Amendment (No. 13) was proposed, namely, to add the words, "In the event of the Senate rejecting a measure for the annual appropriation of public funds, or for taxation, the Governor-General shall have the power of dissolving the Senate."

A further Amendment (No. 14) was proposed, namely, to insert at the beginning the words, "Notwithstanding anything to the contrary in the 14th Resolution (page 37) contained."

After discussion, Amendments (No. 12 and 13) were put and negatived and the Amendment (No. 14) was by leave withdrawn.

The original Motion (No. 7) was then put, and a division took place: 23 for and 7 against.

Motion (No. 7) was accordingly agreed to.

* * * * *

The debate was adjourned until to-morrow.

* In the South Africa Act, 1909, however, there is an additional provision to this section, for which there does not appear to be a record in the Minutes of the Convention. It is therefore, no doubt one of the amendments included in one of the Draft Acts submitted by the drafting committee and adopted by the Convention. The additional provision referred to reads as follows:—"Provided that, if the Senate shall reject or fail to pass any Bill dealing with the appropriation of revenue or moneys for the public service, such joint sitting may be convened during the same session in which the Senate so rejects or fails to pass such Bill."

† As pointed out by Mr. G. R. Hofmeyr (Clerk of the House of Assembly), one of the Secretaries to the Convention, in a foot note to the official Minutes, p. 53, the words "total number of the" were only omitted in one place in the resolution as finally adopted as well as in the corresponding clause of the South Africa Act as assented to.

‡ The South Africa Act, 1909 (section *twenty*), provides that the Senate shall not be dissolved within a period of ten years after the establishment of the Union.

ANNEXURE IV.

Senate Parliamentary Paper [S. 1—1917.]

MEMORANDUM

Relative to the Question of the Senate of South Africa after the expiration of the period of Ten Years for which it was Constituted in 1910.

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MEMORANDUM.

The period of ten years for which the Senate of the Union was constituted is drawing to a close, and the time is therefore approaching when the question of the Upper House will require the attention of the people of the Union.

1. It has been represented to me by certain Honourable Senators that some unofficial memorandum on this subject, while, naturally, in no way binding the Senate to any course of action, yet would give timely opportunity both to legislators and the public generally, to consider a question upon which a decision will be necessary in the near future. Having therefore received Mr. President's approval to comply with the request, I will endeavour to place before the reader in as concise a manner as the subject will admit of, such facts as have occurred to me in connection with this subject and in such a form as will make it convenient for the reader to take into consideration, and in due course come to a decision upon, the question of the constitution, composition and functions of the Upper House, or in other words, the "Second Chamber."

2. As Honourable Senators are aware, I have taken a particular interest in constitutional law for many years, and since I have been brought into more intimate relationship with Upper Houses, it has fallen to my lot to have had more than ordinary opportunities of observing how their powers, duties and usefulness work out in actual practice. I therefore submit a proposal, which, in my opinion, will work to the best practical advantage of the Union and its Parliament. It is hoped, however, that the reader in perusing this memorandum, will note that the information has had to be much abbreviated in order to put the subject in a concentrated form. It will be readily understood that detailed information upon this subject would easily occupy the pages of a fair-sized book were full justice to be done to all the points arising in connection with the question.

3. In 1920 the Union will come to the parting of the ways so far as the question of the Second Chamber is concerned. There will then be three courses open, namely:—

- (a) A new Senate, to be constituted as provided for in section *twenty-five* of the South Africa Act, 1909, which will automatically take place if no other action is taken; or
- (b) the abolition of the Senate; or
- (c) the creation of a new Senate constituted upon lines different both from the present one or from that referred to in the section above mentioned.

I. ABOLITION OF THE SENATE.

4. As the course stated in paragraph (b) above mentioned would constitute the most drastic and sweeping change which could be made in the treatment of this question, it

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will be taken first. There are those in the Union who say "What is the use of an Upper Chamber?—Let us abolish it."

5. Such a constitutional change as the abolition of the Second Chamber in the Parliament of South Africa would constitute a step unprecedented in what may be termed the governing Dominion legislatures. History affords many instances of the consideration of this question, both in the framing of new constitutions and in the amending of established ones. It therefore behoves anyone holding the view that a Single Chamber legislature is better, to first see what information history records as to the experience of other countries in this respect. This being done, the *pros* and *cons* of the case can then be contemplated from their various standpoints before a decision on the subject is arrived at. In the first place, what is the position in regard to this matter in other countries, both within and without the Empire?

(a) UNI-CAMERALISM IN THE EMPIRE.

6. It will be found that within the Empire it is only in the case of subsidiary legislatures that the Second Chamber does not exist, and even in regard to those, the Two Chamber system of Government is in operation in the Canadian Provinces of Quebec and Nova Scotia, as well as in the six legislatures of the States constituting the Commonwealth of Australia. There has been, however, in recent times, a movement afoot in the States of Tasmania, New South Wales and Queensland to abolish the Second Chamber, but owing to the nationalisation of parties for the period of the War in New South Wales and the effect of the War upon local problems of the day in the other States abovementioned, the question has been somewhat relegated to the background. Neither the Parliament of the Dominion of Canada nor that of the Commonwealth of Australia, however, has taken any steps in the direction of abolishing the Two Chamber system of Government.

(b) UNI-CAMERALISM OUTSIDE THE EMPIRE.

7. Without the Empire, amongst all the motley gathering of Constitutions, some based upon that of England and others framed on lines entirely strange to British constitutional law and custom, the only legislatures of One Chamber are,—in South America, those of the Republics of Costa Rica, Panama, Honduras and Salvador; in Europe, the Kingdoms of Bulgaria, Montenegro, Serbia, the Grand Duchy of Luxemburg and the Principality of Monaco; and in Asia, that of the Kingdom of Siam. All of these countries, it will be agreed, consist of small communities and in the phalanx of nations only occupy the status of what may be termed minor states. The Single Chamber system of Government has been tried in many countries, but it will suffice if only the important cases are dealt with in this memorandum.

(c) THE SINGLE CHAMBER EXPERIMENT IN ENGLAND.

8. The Single Chamber system was tried in England under the Commonwealth, when in 1653 a Committee produced the draft Constitution embodied in "*The Instrument of Government*," which provided for a Single Chamber system; but it proved so utterly unworkable, that in 1655 Cromwell dissolved the Parliament, and the country was placed under military rule, under which it remained until 1657 when "*The Humble Petition and Advice*" providing, amongst other things, for a Two Chamber legislature,* was presented. This proposal for reviving the Second Chamber was carried with an unexpected degree of unanimity. Cromwell impressed it strongly upon the Officers—"I tell you," he said, "that unless you have some such thing as a balance you cannot be safe. . . . By the proceedings of this Parliament you see they stand in need of a check or balancing power. . . . This '*Instrument of Government*' will not do your work."† In fact, Oliver Cromwell, that great exemplar of democratic Government, had to confess that it was "the horriddest arbitrariness that ever existed on earth." Professor Dicey summarises this episode as follows:—"For four years this one House of Parliament was supreme. It at once abolished the Monarchy and the House of Lords. It claimed to establish the rule of the people of England as a Commonwealth or Free State. This unlimited authority of the House of Commons was for these four years no mere form; the House established its power to the utmost. It usurped judicial functions. It had neither the strength to restrain nor the wisdom to conciliate the Army. . . . One lesson Englishmen and especially English reformers and democrats had taken to heart was that the despotism of the House of Commons, which was legally under no restraint, became a combination of incapacity and tyranny." In the last speech which Cromwell addressed to his Parliament in the very year in which he died, he made use of the following expression in regard to this experiment of the Single Chamber which had been created under that constitutional document called "*The Instrument of Government*":—"I did tell you at a conference concerning it. (I made it a condition—that is, for taking the supreme power) that I would not undertake it, unless there might be some other persons that might interpose between me and the House of Commons who then had the power to prevent the tumult and popular spirits; and it was granted that I should name another House. I named it."‡ Morley in his "*Life of Cromwell*" also refers to this experiment in English

constitutional history as follows:—"There is no branch of political industry that men approach with heart so light and yet that leaves them at the end so dubious and melancholy as the concoction of a Second Chamber. Cromwell and his Parliament set foot on this *pons asinorum* of democracy without a suspicion of its dangers. . . . To call out of empty space an artificial House without the hold upon men's minds of History and ancient association, without defined powers, without marked distinction of persons or interests, and then to try to make it an effective screen against an elected House, to whose assent it owed its own being, was not to promote union but directly to promote division and to intensify it. . . . Cromwell never thought out the scheme. . . . Like smaller reformers since, Cromwell had never decided, to begin with, whether to make his Lords strong or weak; strong enough to curb the Commons, yet weak enough for the Commons to curb them."§

9. The experiment in England, therefore, proved a failure. In recent years, when owing to the action of the House of Lords upon the Budget of 1909, the question of the Upper Chamber again came under public discussion, many schemes were suggested as to the reform of the Upper House, some of them amounting to the entire re-construction of that House, but no suggestion was made to do away with the Second Chamber altogether.

(d) THE SINGLE CHAMBER EXPERIMENT IN FRANCE.

10. The first question which the National Assembly of the French Revolution had to decide in constructing a new legislature, was whether it should have one Chamber or two. Here past history gave it no aid, though the problem had agitated reformers since the dawn of representative institutions in France. Lally-Tollendal, in the name of the Commission delegated by the first representatives of the nation to draw up a scheme of Constitution, said, a month after the fall of the Bastille: "With one Chamber you can destroy everything; without two Chambers you can found nothing."** The Comité de Constitution appointed on the 14th July, 1791, to draft the new Constitution, reported strongly in favour of a bi-cameral legislature on the English model. A Single Chamber system, however, was decided upon by a majority of 849 to 89, the majority including the statesman Mirabeau. In 1795, however, the Instrument known as the "*Directorial Constitution of 1795*" provided for a legislature of two Houses. Already, therefore, within six years of its initiation the Single Chamber experiment, beloved of the

* Nominated of 40-70 members (*vide* Article V. thereof).

† "*Second Chambers*," J. A. R. Marriott, p. 38.

‡ "*Parliamentary History*," Vol. III., 1642-1660, p. 1,526.

§ *Op. cit.*, pp. 449-450.

** "*France*," Vol. II. *The Parliamentary System*, J. E. C. Bodley, p. 2.

doctrinaires, had been abandoned, and France, gradually returning to normal health, after the wild orgies of the Revolution, declined any longer to be scared by the dilemma, propounded by the most famous of her constitutional architects. Never again, except for a brief space under the Second Republic of 1848, did France renew the experiment.* Twice only, therefore, since the Revolution, had a Constituent Assembly dispensed with a Second Chamber—once under a King in 1791, when the controversy ended on the scaffold; and again under a Republic, when the result was the *coup d'état* of 2nd December, 1851. It led, however, each time through anarchy back to despotism. France's great statesman, Mirabeau, who after the Single Chamber experiment became a convert to the Two Chamber system, once remarked: "Of all tyrannies, the most insupportable is that of a Single Chamber." The experiments in France, therefore, proved even a greater failure than the single instance in England.

(e) THE SINGLE *versus* TWO CHAMBER PROBLEM IN THE UNITED STATES.

11. At the time of the drafting of the Constitution of the United States of America, the framers of that Constitution—which was once described by Gladstone as "the greatest work ever achieved at one effort by the intellect of man"—had the experience of many countries to guide them, in addition to the assistance given by the sagacious counsel of her own great thinkers. Alexander Hamilton, in one of his Essays upon the Constitution of the United States, in reviewing the inconveniences which the Republic would suffer from the want of such an institution as a Second Chamber based upon provincial representation, wrote: "It is a misfortune incident to Republican Government, though in a less degree than to other Governments, that those who administer it, may forget their obligations to their constituents and prove unfaithful to their important trust. In this point of view, a Senate, as a second branch of the Legislative Assembly, distinct from, and dividing the power with, a first, must be in all cases a salutary check on the Government. It doubles the security to the people, by requiring the concurrence of two distinct bodies in schemes of usurpation or perfidy, where the ambition or corruption of one would otherwise be sufficient. This is a precaution founded on such clear principles, and now so well understood in the United States, that it would be more than superfluous to enlarge on it. . . . The necessity of a Senate is not less indicated by the propensity of all single and numerous assemblies, to yield to the impulse of sudden and violent passions, and to be seduced by factious leaders into intemperate and pernicious resolutions.

Examples on this subject might be cited without number; and from proceedings within the United States as well as from the history of other nations."† And again: "As the cool and deliberate sense of the community ought in all Governments, and actually will, in all free Governments, ultimately prevail over the views of its rulers, so there are particular moments in public affairs when the people, stimulated by some irregular passion, or some illicit advantage, or misled by the artful misrepresentations of interested men, may call for measures, which they themselves will afterwards be the most ready to lament and condemn. In these critical moments, how salutary will be the interference of some temperate and respectable body of citizens, in order to check the misguided career, and to suspend the blow meditated by the people against themselves, until reason, justice and truth can regain their authority over the public mind."‡

The framers of the Constitution of the United States had the advantage of being in a position to profit by the constitutional experiments and experiences of other countries, adapting such of them as they chose to conditions existing in their own country. It will be seen, therefore, from the two quotations given above, what was the opinion of Alexander Hamilton, one of her greatest constitutional builders, on this question of constitutional principle. The experiment of a Single Chamber, therefore, was not attempted in the framing of the United States Constitution. Its dangers were foreshadowed, and a Senate was instituted which has become a constitutional example of what a Second Chamber, under a Federal system, should be. Neither do any of the legislatures of the States of the American Confederation consist of a Single Chamber. The Single Chamber system, however, was tried in the States of Pennsylvania, Georgia and Vermont, but abandoned after a short period of trial. In Pennsylvania, by the Constitution of 1776, the supreme legislative power was vested in a House of Representatives. The council of censors appointed to enquire septennially whether the Constitution had been preserved inviolate, whether the government had been faithfully conducted, and to propose necessary amendments in the Constitution, reported (1783-84) that the Constitution had been flagrantly violated by the legislature in a number of important instances. A great number of laws had been passed, breaking without any apparent necessity, the rule requiring that all bills of a public nature shall be previously printed for the consideration of the people, although this is one of the precautions chiefly relied on by the Constitution against improper acts of the legislature. The Constitutional trial by jury had been violated; and powers assumed which

* "Second Chambers," J. A. R. Marriott, pp. 200-203.

† "The Federalist," Ed. J. C. Hamilton, Philadelphia, 1904, No. 62, p. 469.

‡ *Ibid.*, pp. 476-477.

had not been delegated by the Constitution. Executive powers had been usurped. The salaries of the judges, which the Constitution expressly requires to be fixed, had been occasionally varied; and cases belonging to the judiciary department frequently drawn within legislative cognisance and determination.* In 1790 the Constitution was amended by vesting the legislative power in a general assembly consisting of a Senate and a House of Representatives. Senators were elected for four years. The amendments of the Constitution in 1838 and 1873 maintained the legislature on these lines.

12. In Georgia the Constitution of 1777 provided that the supreme legislative power be vested in a House of Assembly. In 1789 this was altered by the creation of two distinct branches of the legislature, to wit, the Senate and the House of Representatives, Senators being elected for three years. In the amended Constitution of 1798 it was provided that Senators should be elected annually, one from each county; but again in 1868 quadrennial election was resorted to.†

13. In Vermont, as in the case of Georgia, the Constitution of 1777 provided only for one Chamber—a House of Representatives. In 1791 Vermont was admitted to the Union; and in 1828, on the proposals of the council of censors, a Senate was brought into being in addition to the House of Representatives, Senators being annually elected.‡

(f) THE SECOND CHAMBER IN SOUTH AFRICA.

(i) *Before Union.*

14. In the case of both the representative and responsible Governments of the Cape of Good Hope there was provision for the inclusion of an Upper Chamber in the Constitution of the Colony. This House was endowed with somewhat unusual powers§ in regard to Money Bills which it often exercised in the direction of amending, by reduction, monetary provisions contained in bills. At the time of the passing of the Constitution of Natal there was a disposition to recommend that government should be by means of a Single Chamber, but the Imperial Authorities considered it to be an experiment which had not hitherto been made in a self-governing Colony Parliament, the result being that the Colony acquiesced in the proposals originally included in the Bill submitted to the legislature, and made provision for a Second Chamber.** In the two inland Republics the position was as

follows: The Constitution of the Orange Free State was a uni-cameral one, and in such a thinly populated country as it was at that time it would have been difficult, if not impossible, to have established a Second Chamber differently constituted from the other and with a distinctive franchise. In the Transvaal, however, the Constitution of the South African Republic in the first instance provided for a Single Chamber, but later passed a law†† setting up a Second Chamber (Tweede Volksraad). Such Second Chamber, however, was not a Second Chamber in the ordinary sense of the word, namely, a component part of the legislature through which all legislative measures had to pass. Each House was distinct from the other, and was elected on a different franchise. In the First Volksraad was vested the power, the Second Volksraad only being allowed to legislate upon matters more closely affecting the new population, such as mines, posts, patents, licences, trade marks, copyright, forests and saltpans, infectious diseases, company and insolvency law, civil and criminal procedure, and such other subjects as the First Volksraad might allocate to it, but legislation in regard to these matters had to be sent to the First Volksraad for information, and although the First Volksraad very seldom‡‡ amended such legislation, yet it had the right to do so. The Second Volksraad, however, had neither revision nor notification of the legislation passed by the First Volksraad. In the two Responsible Government Constitutions of the Transvaal and Orange River Colonies, established four and five years respectively after the close of the South African War in 1902, the Second Chambers were nominated in the first instance by the Governor, vacancies thereafter being filled by the Governor-in-Council. In the case of the Transvaal§§ the nomination was for a period of five years, but after the expiration of the first four years a law could be passed providing for an elected Second Chamber. In the Orange River Colony*** there was provision for the retirement of a certain proportion of the members of the Second Chamber at the end of three, five and seven years respectively,††† five years being the period of nomination; and a similar provision existed in the Constitution in respect of an elected Council as in the case of the Transvaal. Union, however, was established in 1910, and superseded these two Constitutions before all the provisions thereof had time to come into full operation. A reference to the pre-Union Parliamentary records of the four late South

* "The Federalist," p. 386.

† "Charters and Constitution of the U.S.A.," 1878. Part I.

‡ *Ibid.* Part II.

§ "Memorandum by the Clerk of the Senate upon the position of the South African Senate with reference to matters relating to Public Money." Senate Parliamentary Paper [S 1—1912].

**Imperial White Paper (Cd. 6487).

††Law (S.A. Republic) No. 4 of 1890.

‡‡E.g., Laws (S.A. Republic) Nos. 1 of 1894; 12 of 1896; 12 of 1898; 15 of 1898; 17 of 1899.

§§Constitutional Letters Patent 1906 Sections II. and VII.

***Constitutional Letters Patent 1907 Sections II. and VII.

†††Orange River Colony Legislative Council Minutes 1907-8, p. 3.

African Colonies, which now constitute the four Provinces of the Union, will show that the Second Chamber established its usefulness in regard to legislation. It was, however, only in the Cape Colony, under responsible Government, where the Second Chamber was an elected one (for seven years as against five years for the more numerous Chamber and on the same franchise), that a difference of opinion arose between the two Houses which amounted to anything approaching a constitutional crisis. Excepting the peculiar conditions prevailing in the pre-war year of 1899 when the Upper House amended the Appropriation Bill, the only difference which occurred was in 1907, and resulted in the Annual Appropriation Bill being dropped by the Government of the day, which resigned. Therefore, except under responsible Government in the Cape Colony, where the two Houses were each directly elected (but the Upper House for larger constituencies of more than one member and under a cumulative system of voting) and upon the same franchise, and practically for the same period, it cannot be said that the Second Chamber in South Africa in pre-Union days

ever played a strong part in the Government of the country. Its decision on that occasion, however, resulted in the defeat of the Government of the day at the polls and the return of the Opposition to power.

(ii) *After Union.*

15. The Senate has been constituted for ten years and in a very different manner to the Second Chambers of previous South African Constitutions. It contains an element (1-5th) of the nominated together with a preponderance (4-5ths) of the indirectly elected. No disagreement upon any momentous question has occurred since its creation. It has performed the functions of a revising Chamber in amendment of legislation originating in the more numerous Chamber, and, whenever legislation has been initiated in it, has given such legislation searching scrutiny in the House and exhaustive enquiry before its Select Committees. Since the establishment of Union the distribution of legislation between the Houses of Parliament has been as follows :—

DISTRIBUTION OF LEGISLATION BETWEEN THE TWO HOUSES.

	1910-11.	1912.	1913.	1914 IV.Ses. V.Ses.	1915.	1915-16.
Bills originated in the Senate and transmitted to the Other House ..	2	7	5	3	1	3
Bills originated in the Assembly and transmitted to the Other House	42	26	37	43	24	49
Bills dealing principally with Public Moneys..	14	15	22	23	16	20
Assembly Bills amended by the Senate ..	18 (out of a possible 28)	7 (out of a possible 11)	5 (out of a possible 15)	1§ (out of a possible 20)	1 (out of a possible 8)	13 (out of a possible 29)
Senate amendments in Assembly Bills not concurred in by the Assembly	1*	2†	0‡	0	0	0§

* High Commissioner's Bill. There were two other instances but upon purely versional alterations in the Dutch text. Difference also occurred as to certain provisions of the Native Disputes Bill originating in the Senate, but were removed.

† Irrigation and Conservation of Water Bill. Land Banks Bill.

‡ There was disagreement upon the following three Bills but the Senate did not insist upon its amendment :— Administration of Estates Bill; Children's Protection Bill; Wines, Spirits, Beer and Vinegar Bill.

§ An understanding was eventually arrived at upon the disagreement in regard to certain amendments by the Senate in the Exchequer and Audit Act Amendment Bill and the Senate did not insist upon its disagreement in the case of the Girls' and Mentally Defective Women's Protection Bill.

(g) THE CONTROVERSY: TWO HOUSES OR ONE.

(i) *The Single Chamber System.*

16. The experience then being as stated above, we have to consider whether our two Houses are to continue side by side. The terms will be considered later. At this stage of the argument we are only concerned with the principle. Are we in South Africa prepared to entrust the steady welfare of the nation to a Single Chamber unchecked, uncontrolled, subject to the caprice of any political party of the moment, a party which may not even be acting in accordance with the mandate of the people? Is the issue to depend upon a "snatch" majority of one Chamber, and the fate of the country to rest upon the untempered partisanship, the passion or caprice of, say, a fluctuating majority? What safeguard has the people under a Single

Chamber system of Government against panic legislation introduced into a Single Chamber legislature in a moment of popular excitement? Standing Orders are suspended, expedition is urged, advantage may even be taken of the state of attendance in the House at the time, drastic proposals are stamped through the legislature, and, when all this has been done, grave defects are discovered. Even in more sober moments amendments made in the Single Chamber legislature are later found to require other amendments to make the measure workable, but the bill has either to be delayed until next year, or to be placed upon the statute book incomplete and unsatisfactory, often, may be, both to the legislature itself and to the people. To find instances of this, one has not to go outside the Union, for the records of our bi-cameral Union Parliament and our uni-cameral Provincial Legislatures afford numerous examples, of which some are shown in the following tables:—

A. TABLE SHOWING UNION ACTS (EXCLUSIVE OF FINANCIAL MEASURES) AMENDED BY UNION PARLIAMENT (1910-1916).

Name and Date of Act.	Year in which Amended.					
	1910-11.	1912.	1913.	1914.	1915.	1916.
1. Miners' Phthisis Act, 1912 ..	—	—	..	Amdt.	..	Amdt.
2. Public Service and Pensions Act, 1912 ..	—	—	..	Amdt.	..	Amdt.
3. Railways and Harbours Service Act, 1912 ..	—	—	..	Amdt.	..	..
4. Diseases of Stock Act, 1911 ..	—	..	Amdt.	..	..	Amdt.
5. Exchequer and Audit Act, 1911 ..	—	Amdt.
6. Irrigation and Conservation of Water Act, 1912 ..	—	—	Amdt.
7. Land Bank Act, 1912	Amdt.	..	..	Amdt.
8. Transvaal and Orange Free State Land Settlement Act, 1912 ..	—	—	Amdt.
Total Number of Acts passed	221

B. TABLE SHOWING PROVINCIAL ORDINANCES (EXCLUSIVE OF FINANCIAL MEASURES) AMENDED BY PROVINCIAL COUNCILS (1910-1916).

Name and Date of Ordinance.	Year in which Amended.					
	1910-11.	1912.	1913.	1914.	1915.	1916.
CAPE OF GOOD HOPE PROVINCE.						
1. Cape Hospitals and Charitable Institutions Ordinance, 1912 ..	—	—	Amdt.	Amdt.	..	Amdt.
2. Shop Hours Ordinance, 1915 ..	—	—	—	—	—	Amdt.
3. Valuation Ordinance, 1914 ..	—	—	—	—	Amdt.	Amdt.
4. Motor Car Ordinance, 1913 ..	—	—	—	Amdt.	..	Amdt.
5. Cape Municipal Ordinance, 1912 ..	—	—	..	Amdt.	Amdt.	Amdt.
6. Electric Power Ordinance, 1911 ..	—	Amdt.
7. General Dealers and other Licences Ordinance, 1914 ..	—	—	—	—	Amdt.	..
8. East London Municipal Ordinance, 1914 ..	—	—	—	—	Amdt.	..
9. Cape Local Authorities Gas Ordinance, 1912 ..	—	—	..	Amdt.	..	..
10. Promotion of Entertainments Licensing Ordinance, 1913 ..	—	—	—	Amdt.	..	..
11. Horse Racing and Betting Regulation Ordinance, 1913 ..	—	—	—	Amdt.	..	..
Total Number of Ordinances passed	97

Name and Date of Ordinance.	Year in which Amended.					
	1910-11.	1912.	1913.	1914.	1915.	1916.
NATAL PROVINCE.						
1. Municipal Corporations Law Amendment Ordinance, 1911.. ..	—	..	Amdt.	Amdt.	..	..
2. Motor Car Ordinance, 1913 ..	—	—	—	Amdt.	..	..
3. Masonic Road Durban Ordinance, 1913	—	—	—	..	Amdt.	..
4. Women's Borough Franchise Ordinance, 1914	—	—	—	—	Amdt.	..
5. Newcastle Corporation Ordinance, 1912	—	—	Amdt.
6. Fisheries Ordinance, 1912	—	—	Amdt.	..	..	..
7. Game Ordinance, 1912	—	—	Amdt.	..	..	..
Total Number of Ordinances passed		..	..	..	..	79
TRANSVAAL PROVINCE.						
1. Education Act Amendment Ordinance, 1911	—	Amdt.	..	..	Amdt.	§
2. Roads Ordinance, 1912	—	—	Amdt.	Amdt.	..	..
3. Municipal Elections Ordinance, 1912	—	—	..	Amdt. (Thrice)	..	§
4. Local Government Ordinance, 1912	—	—	..	—	Amdt.	§
5. Motor Vehicle Ordinance, 1915	—	—	—	—	Amdt.	Amdt.
6. Local Authorities Rating Ord., 1912	—	—	Amdt.
7. Religious Performances Prevention Ordinance, 1913	—	—	—	§
8. Shop Hours Ordinance, 1913	—	—	—	Amdt.	..	§
Total Number of Ordinances passed up to and including 1915		..	..	..	..	47
ORANGE FREE STATE PROVINCE.						
1. Roads Ordinance, 1912	—	—	Amdt.	..	..	..
2. Pound Ordinance, 1912	—	—	..	Amdt.	..	..
3. Local Government Ordinance, 1913	—	—	—	Amdt.	Amdt.	..
Total Number of Ordinances passed		..	..	..	..	48

There is scarcely a single measure introduced into any Parliament which is not all the better for delay and further consideration. In fact, where is the urgency for immediately passing ninety-nine measures out of a hundred? Most of them would be all the better for twelve months' calm consideration in their complete and final form after passing one House. What then would be the position under a Single Chamber system? It is only occasionally that urgency in legislation is essential, and it is usually then in regard to some measure most vital to the nation, and which both Houses of a Two Chamber system will pass through in a single day, of which British con-

stitutional history affords many notable instances.*

17. What are the advantages of the Single Chamber system? Economy? Economy at the expense of what? Is the whole system of the Government of the Union, which our principal public men have taken such pains to build up, to be placed in jeopardy, in danger from itself, merely for the sake of economy? The experience of other great countries is against the Single Chamber system. Those countries where it has been tried have soon altered it back to the Two Chamber one. There seems to be a disposition on the part of some of our people to view the Second

§ Draft Ordinances introduced.

* Bill for Recruiting the Land Forces, 1744; Seamen's Additional Pay Bill, 1797; Habeas Corpus Suspension (Ireland) Bill, 1866; Explosives Substances Bill, 1883, etc.

Chamber as a sort of House of Lords, or as something unfriendly, nay, even bitterly antagonistic to the more numerous House. It is forgotten by them that after all, as Bryce has so aptly put it, "the object of having two Chambers is to secure, not that things shall always work smoothly between them, but that they shall frequently differ and provide a means of correcting such errors as either may commit." We also live in a democratic country and our Senators are drawn from the same classes as our Members of the House of Assembly. It is a sort of whim amongst certain thinkers to regard the Second Chamber as an enemy to democracy, and that it should be swept away. They overlook the fact that it secures betterment in legislation originating in the House of Assembly, just as the House of Assembly secures betterment in legislation originating in the Senate. To establish the Single Chamber system in the Union would be just as undesirable as to establish a court of law without any right of appeal. It has been observed that the only instances of a Single Chamber system of Government in the Empire are certain provincial institutions under a governing Dominion Parliament, but in these cases the functions are chiefly local and municipal rather than national. From previous paragraphs it will have been seen that no country of any great importance has ever yet endured upon the basis of a Single Chamber system. Upon that basis, no strong State, whether Monarchy or Republic, has ever yet existed.

Nationalities of a kind, as will have been noted (*vide par. 7*)* do still indeed adhere to a Single Chamber, but, as has been observed, these States are not great, and they are not successful. They are, in fact, just examples of what to avoid. "Look before you leap" ("Bezin voor dat u begin"), "More haste less speed" ("Meer haast minder spoed") are well established proverbs amongst both the chief white races of South Africa.

To put the question in a nutshell, to establish a Single Chamber system of Constitution in governing control of this country, would be like driving a motor car in a mountainous country unfitted with a brake.

(ii) *The Two Chamber System.* †

18. "Two Houses as the double security" —in Alexander Hamilton's phrase—"for the order and justice and vigour of our policy, for the prosperity and progress of our industry and commerce, for the welfare of our people, for the maintenance of our Dominion, for the very life of the State; or that system which will most surely destroy all these—the unchecked rule of Single Chamber majorities." It is noteworthy that in all national Govern-

ments based upon the Two Chamber system at the present day, the Second Chamber is recognised as a necessary and constituent part of the Constitution, and we have seen that the combined sagacity of political thinkers and Constitution builders supports the principle of a Second Chamber as a necessary component part of the Constitution. Under the Two Chamber system all legislation originating in the more numerous Chamber—and the majority of bills originate there, and rightly too, whenever of a controversial nature—is reviewed in the calmer atmosphere of the Second Chamber, where politics do not play such an important part, and defects in such legislation are remedied and the measures put upon the statute book straight away with satisfaction, both to the other branch of the legislature and the country generally, instead of, as under the Single Chamber system, having to be righted in a subsequent session by an amending statute. ‡

19. The Second Chamber is a deliberative Chamber where party lines are not always so clearly defined. In fact, experience discovers members of different political views voting together in such a House upon some question of broad principle. The Second Chamber is further removed from immediate popular clamour. By the time the more numerous Chamber comes to appeal to its electorate again, the question has been considered in calmer moments, and time has proved that the measure, which passed through the more numerous House so spasmodically, was hastily conceived. The votes of the Upper House seldom affect the fate of a Government. Its members are less liable, therefore, to the influence of intrigue, and the body thus possesses the independence necessary for a judicial, and the leisure for an intellectual, examination of legislative measures. Revision, therefore, during discussion in the Second Chamber should make for legislative efficiency. The calmer atmosphere, the greater time for reflection, the opportunity for sober thought as against impulsive action, enable the weaknesses of a bill to be exposed, and the general public to become fully educated in the merits or demerits of the proposal.

20. In all British self-governing countries, as in the United Kingdom, but in a more marked degree, the Cabinet is playing a more and more important part in Parliamentary government. It is becoming the striking feature in Parliamentary life. Therefore, its will, under a well-disciplined political organisation, becomes more and more forced upon the more numerous Chamber, and the members of the various political parties being bound to support their party do not offer such willing criticism of the measure, which means that the more numerous Chamber is becoming less

* P. 71 *ante*.

† See articles in the *Sydney Morning Herald*, dated 9th, 11th and 13th February, 1914, by Mr. C. G. Wade, M.L.A., relative to the proposal to abolish the Upper House of the subsidiary Parliament of New South Wales.

‡ *Vide Tables* shown in paragraph 16 hereof, p. 76.

and less a deliberative assembly. Party discipline plays a more important part than parliamentary oratory in debate. Thus breathing time and further analysis under the more placid and less party atmosphere of the Second Chamber becomes a greater advantage to the framing and criticism of legislation. The Second Chamber—the House of Review—can assist in safeguarding against objectionable proposals by postponing the measure until the general opinion of the electorate has been given an opportunity of being expressed.

21. From whatever standpoint one views this question of Single Chamber government in respect of governing legislatures, whether from that of the experience afforded by history or that of the well-established views of great constitution builders, the arguments to be deduced from the working of the legislative machine or from the rights which local conditions require shall be respected, it proves to be equally undesirable and unworkable. Is it then for us in South Africa to venture the experiment where others, both new and old established communities, have so signally failed, even when the ground was so thoroughly cleared for them by the national situation at the moment, and when the most favourable conditions were awaiting the creation and working of the Single Chamber system? Nevertheless, in spite of all these circumstances in its favour, the Single Chamber system has withered on its stem. Therefore, taking all the facts of the case, both for and against Single Chamber Government, into consideration, there is but one conclusion to be arrived at, and that is for the Two Chamber system in a governing legislature. Lecky, the historian, said:—"Of all forms of Government that are possible among mankind, I do not know any which is likely to be worse than the Government of a single omnipotent and democratic Chamber. . . . The necessity of a Second Chamber to exercise a controlling, modifying, retarding and steadying influence has acquired almost the position of an axiom."

22. It is submitted, therefore, that—taking into consideration the mass of evidence and opinion which not only history and constitutionalists, but practical experience, record against it—to establish a system of uni-cameral government in the Union would be both an unwise and a dangerous course to embark upon, merely for the single redeeming feature of petty economy.

II. THE NEW SENATE AS ALREADY PROVIDED FOR IN THE CONSTITUTION.

23. The second question for our consideration is that enumerated in paragraph 3 (a)* namely, whether the new Senate is to be constituted on the lines provided for in section

twenty-five of the South Africa Act, that is, an Upper House composed of 40 Senators, 8 nominated as hitherto, and 32 indirectly elected by the Members of the Provincial Council and of the House of Assembly for each Province, sitting together as an electoral college and electing each 8 Provincial Senators according to the system of Proportional Representation, instead of, election in the same manner, but by the Members of both Houses of the four expiring Colonial Parliaments as in the case of the original Senate elections. In the consideration of this matter one must not lose sight of the fact that the condition of things in 1910 was phenomenal. Then, there were 322 members of all the four expiring Colonial Parliaments available for the filling of 161 seats in the two Houses of the Union Parliament, amongst which 322 members there were ex-Ministers, ex-Presidents, ex-Speakers and ex-Members of Parliament of long standing. In other words there was a large field from which to select each Provincial eight of the 32 elected Senators. Experience, both at that time and since, in regard to casual vacancies in the Senate which have been filled by the Provincial Councils, has proved that such electoral colleges do not go outside their own immediate circles for a Senator. In fact, only upon one occasion† was what may be termed an "outsider" even put up as a candidate either at the original elections or at any of the bye-elections since, and neither of such candidates was selected. Now, however—and the same condition of things in that respect is likely to prevail in 1920—the field is much smaller. The selection is confined to very narrow limits. Comparatively few prominent politicians seek for seats in the Provincial Council, and the Members of the House of Assembly are not eligible for election as Senators.‡ To secure suitable members for the revising Chamber, therefore, the field must be larger. Another point for consideration is the future of the Provincial Councils. It may transpire that the present Provincial Council system does not continue after 1920, in which event some other system of election to the Senate would then, in any case, become necessary.

24. It is submitted that the principle of—for all practical purposes—restricting the field from which Senators are to be selected makes it exceedingly difficult to obtain that class of member which an Upper House, by reason both of its functions as a reviewing Chamber and its smaller membership, requires. The age limit and the property qualification are not sufficient assurance of obtaining suitable candidates for a Second Chamber. The field, therefore, should be, in practice as well as in theory, thrown open to a whole Province.

* P. 71 ante.

† Senate: Natal Bye-Election 18th January, 1912, on account of the death of the Hon. Sir C. O'G. Gubbins, Minister without Portfolio, when Sir W. Beaumont (an ex-Judge) and the Hon. J. Baynes, C.M.G. an ex-Member of the old Natal Upper House) were also candidates.

‡ *Vide* section *fifty-two* South Africa Act, 1909.

[U.G. 65—'20.]

Conditions as to the availability of candidates are now different to those which existed at the time of Union, and therefore different methods are necessary in constituting the electorate of the Senate.

It is submitted, therefore, that a Senate constituted as provided for in section *twenty-five* of the South Africa Act, 1909, will be un- sound in principle and prove unsatisfactory in practice.

III. CONSTITUTION OF DOMINION UPPER CHAMBERS.

25. The third and remaining question now for consideration is that contained in paragraph 3 (c),* namely, the creation of a new Senate constituted upon lines different both from the present body or that which has been just dealt with under paragraphs Nos. 23 and 24. In considering the most suitable type upon which to model such a new Senate, it will be of interest to note the various types of Dominion Upper Chambers, separating them under different heads in accordance with their form of constitution, as follows:—

- (a) nominated for life;
- (b) nominated for a period of years;
- (c) directly or indirectly elected;
- (d) a combined system.

(a) NOMINATED FOR LIFE.

26. The life nominated Upper House is the most conservative form and that which most

closely resembles the hereditary principle. When Canada was framing her Constitution she decided to make her Houses of Parliament, so far as possible, a replica of the Constitution of the United Kingdom. In fact, the preamble of the British North America Act of 1867 sets forth that the Provinces of Canada, etc., "have expressed their desire to be federally united into one Dominion . . . with a Constitution similar in principle to that of the United Kingdom."† The life nomination system is not a popular one. In addition to being undemocratic, and therefore unsuitable to the Dominions, it leaves the bulk of the Upper Chamber cold to any expression of popular opinion in regard to measures before Parliament. The greatest weakness, however, which this system possesses is that it conduces towards the packing of the Upper House with Members of the political party of the Government of the day, in order to overcome opposition. Such appointments were also often made as a reward for political services,‡ and without regard to any special fitness which any nominee may have to sit in the House of Review. The Senate of Canada is a notable example of political packing of the Upper House. Since the establishment of Dominion Government the following Canadian Prime Ministers have made the appointments to the Senate in the periods mentioned as given below:—

NOMINATION OF SENATORS TO THE CANADIAN SENATE.

Party in Majority in Senate.	Prime Minister.	Period of Office.	No. of Senators nominated during period of office. §
1867. Both parties equal 1873. Conservative Majority: 15 }	Sir John Macdonald (Conservative).	After first constitution in 1867, until 1873 inclusive.	} 32 } 16 } 85 } 81 } 18 } Out of a House of 87; (at present 87; 72 originally in 1867).
1878. Conservative Majority ..	Hon. Alex. McKenzie (Liberal).	1874-1878 ..	
1896. Only 13 Liberals	Sir John Macdonald (Conservative).	1878-1896 ..	
1903. Liberal Majority	Sir Wilfred Laurier (Liberal).	1896-1911 ..	
1911. Liberal Majority: 39 ..	Sir Robert L. Borden (Conservative).	1911-1914 ..	

Experience of the life nominated system which existed in New Zealand from 1854 until it was abolished in 1891 proved un-

satisfactory. Governments seldom existed for more than three or four years, and the consequence was that as each one came into office,

* P. 71 *ante*.

† The Constitution of 1791 was framed with the avowed object of "assimilating the Constitution of Canada to that of Great Britain as nearly as the difference arising from the manner of the people . . . will admit." (Despatch of Lord Granville to Lord Dorchester, 20th October, 1789, given in Bourinot 3rd Edition, p. 21.)

‡ A story told by Goldwin Smith of Sir John Macdonald: . . . "Referring to the selection of a candidate for the Canadian House of Commons, Macdonald wrote: 'From all I can learn W. W. — will run the best. He will very likely object, but, if he is the best man, you can easily hint to him that if he runs for West Montreal and carries it we will consider that he has a claim for an early seat in the Senate. This is the great object of his ambition.'" — "Second Chambers," J. A. R. Marriott, p. 143.

§ Figures given in "The Senate of Canada," by Sir G. Ross. Appendix.

certain quota of new members was appointed to the Upper House. From 1891 to within the last two years the Governments of the day, which lasted for 12 or 13 and 7 or 3 years, have appointed certain gentlemen, who were their followers, and the Upper House was packed with the representatives of only that particular denomination of politics.* In so doing an Upper House becomes as much a political Chamber as the more numerous one, and loses its efficiency as an independent revising Chamber or House of review.

27. There have been numerous attempts to reform the Canadian Senate,† but owing to the difficulty of amending the Constitution, which can only be done upon Address by both Houses of Parliament to the Crown, no attempt has ever been effective. In drafting their Constitution the Canadians decided to make it so that an amendment of it could not be lightheartedly attained, and the Constitution had been so well thought out that it was not until 1907, forty years after Federation, that the first proposal was made to move for an Address to the King for an amendment of the Constitution—the subject being the increase of provincial subsidies. In Australia an amendment of the Constitution has to be dealt with by referendum, and only two amendments have been made since the inauguration of the Commonwealth nearly twenty years ago. In South Africa, where there are very few restrictions in this respect, during the seven years of Union there have been 38 amendments of the Constitution, and very often only by implication in the amending Acts concerned. Mr. J. A. R. Marriott,‡ in his work on Second Chambers,§ sums up the Senate of Canada as follows:—

“The existing Senate has little to recommend it; it lacks both dignity and utility. The prolonged ascendancies of two great statesmen; the all but continuous domination of the two great parties have so far averted a deadlock and have tended to obscure the unquestionable failure of the Second Chamber devised by the Constitution of 1867. Should different conditions prevail in the near future, should party oscillations be as rapid and violent in Canada as elsewhere, it is difficult to believe that the Senate could, in its present form, survive. To put the Second Chamber upon a basis at once firm, dignified and intelligible, would seem, therefore, to be the obvious duty of conservative statesmanship in the Dominion.”

In support of this Sir Wilfred Laurier has forcibly demonstrated the evils of the exist-

ing system of Upper House constitution in the Dominion Parliament, and has advocated the substitution of an Upper Chamber elected, according to the American method, by the legislatures of the constituent provinces.**

28. The other life nominated Upper Chambers are those of the subsidiary legislatures of Quebec and Nova Scotia, the States of New South Wales and Queensland in Australia, and the Legislative Council of Newfoundland. The Upper House of New Zealand was until 1891 a life nominated House, when its period of nomination was reduced to seven years, but by an Act †† passed by both Houses of the New Zealand General Assembly its composition has been amended to the directly elected form, except three Maori Members, who are to be nominated for six years. It is strange that only in the two Australian States having life nominated Upper Houses, namely, New South Wales and Queensland, should there have been so much agitation against the Upper House, and it is only now on account of the formation of a National Government in New South Wales, and the effect of the War upon local questions of the day that the question of the reform of the Upper Houses of these two States has been postponed. In the Convention which drafted the Constitution of the Commonwealth not a single Member was found in favour of a nominated Senate. It was generally conceded that not only would a Chamber so constituted be of an obsolete type and repugnant to the drift of modern political thought, but that as a Council of States it would be an infirm and comparatively ineffective legislative body.††

29. Experience in the other Dominions proves that a nominated Upper House is both unpopular and unsatisfactory, and in addition to being undemocratic in principle, is not conducive to the selection of the most suitable public men to such Houses. Having considered the question, therefore, as fully as the limit of this memorandum allows, and sufficiently fully to show how undesirable the system of life nomination is, the life nominated form of composition for our new Senate is not recommended.

(b) NOMINATED FOR A PERIOD.

30. There were only four Upper Houses in the Dominions entirely constituted upon a period-nominated basis, namely, the Upper House of New Zealand, which has now been altered to the directly elective form,§§ and the three late Upper Houses of Natal, the Transvaal and the Orange River Colony, although in

* Colonel the Hon. I. Bailey, M.L.C., speech in the New Zealand Upper House on the Legislative Council Reform Bill, Hans. Deb., Vol. 169, p. 94.

† 1874, 1875, 1906, 1908, 1909, 1910, 1911. “The Senate of Canada,” Sir G. Ross, Chapter VII.

‡ Lecturer in Modern History and Political Science, Worcester College, Oxford.

§ P. 152.

** *Ibid.*, p. 148.

†† New Zealand Act No. 59 of 1914 (5 Geo. V.).

‡‡ “Annot. Ed. Constitution of the Australian Commonwealth,” by Quick & Garran, 1901, p. 418.

§§ Resolutions of 1912, *vide* New Zealand Hans. Deb., Vol. 170, p. 610.

regard to the two latter there was provision in the respective Constitutions for the creation of an elected Upper House after four years from the date of their first meeting. After 1920, the date when the New Zealand Act* providing for a directly elected Upper House comes into force, there will be no Dominion Upper House composed on the period-nominated basis. New Zealand has found this system of an Upper House as unsuitable as the life-nominated form, and indeed similar arguments apply in regard to the period-nomination system as to that of life-nomination. It is also an accepted fact that the principle of the period-nominated Upper House in the three late South African Colonies above mentioned, was a form of constitution unacceptable to the majority of the people of the respective Colonies. The South Africa National Convention records no proposal having been made suggesting that the Senate should be a nominated body, and indeed the nominated element was only introduced when it was proposed to select such nominated Senators from a panel consisting of ex-Judges, ex-Executive Councillors, ex-Presidents and Speakers, and persons known for their special knowledge of native affairs, the last mentioned principally on account of the natives and coloured people having no representation in the Lower House in respect of the Provinces of the Transvaal and Orange Free State, and for all practical purposes of Natal also.†

31. The case, therefore, for a period-nominated Senate can be dismissed on the same grounds as those applying to a life-nominated body, although the former is perhaps the nomination method in not quite such an unsatisfactory form.

(c) DIRECTLY OR INDIRECTLY ELECTED.

32. The directly elected Upper Houses in the Dominions are those of the subsidiary legislatures of South and West Australia and Victoria, as well as the Senate of the Commonwealth itself. New Zealand has enacted‡ that there shall be a directly elected Upper House, but the date of the coming into operation of the Act has not yet arrived.§

33. When the Australian Federal Convention sat** to consider its Constitution, it paid very minute and prolonged attention to the composition of the Upper Chamber. The Australian Senate was essentially the Chamber of the States. The national part of the Parliament being the House of Representatives—the organ of the nation. The Federal part of

the Parliament, the Senate—the organ of the States.†† As we have already seen, the functions of that Senate are of a double kind; first, as a Chamber of revision and review in matters of general legislation; and, secondly, as a Chamber to represent the particular views, opinions and interests of the States. . . . For the purpose of exercising powers such as these it was contended, with unanswerable force, that the Senate of the Commonwealth could and should be chosen by the process of popular election, and that there was no occasion to vest the choice in the State legislatures. In addition to these considerations there was a gathering mass of testimony before the Convention as to the unsatisfactory manner in which the American system of Senatorial elections was conducted.‡‡

34. In his commentaries on the United States Constitution, Mr. Roger Foster says: "In one respect alone is there any sign of a popular demand for a change in either the functions or the construction of the Senate. A movement is now§§ on foot to secure a constitutional amendment transferring the election of Senators from the State legislatures to the people; and on account of the facilities for intrigue and bribery which are afforded by the present method, it is not unlikely that such a change would be beneficial."*** In a report upon the United States Senate forwarded by our Ambassador at Washington in 1907, it is stated that petitions have been addressed to the United States Congress from thirty-one, if not more, States—more than the two-thirds required by the Constitution for the sanctioning of an amendment—asking for the submission of an amendment to secure the election of Senators by direct vote of the people.†††

Bryce, in his *American Commonwealth*, remarks: "A proposal recently made to amend the Federal Constitution by taking the election of Senators from the legislatures in order to vest it in the people of each State, is approved by some judicious publicists, who think that had candidates will have less chance with the party at large and the people than they now have in bodies apt to be controlled by a knot of party managers."

35. It was considered by the Australian Convention that the principle of popular election was more in harmony with the progressive instincts and tendencies of the times than those according to which the Senates of the United States of America and Canada were called into existence.‡‡‡

36. There is, therefore, a great deal to be said for a directly elected Upper House in

* New Zealand Act No. 59 of 1914 (5 Geo. V.).

† South Africa National Convention Minutes, p. 30.

‡ Act No. 59 of 1914.

§ 1920 *vide* New Zealand Acts Nos. 82 of 1915 and 17 of 1916.

** From 1883 to 1898.

†† Annot. Cons. Aust. Comm., p. 414.

‡‡ Annot. Cons. Aust. Comm., pp. 418, 419.

§§ 1895.

*** Foster's Commentaries, U.S.A. Constitution, I., p. 498, given in Quick & Garran, p. 419.

††† Imperial White Paper [Cd. 3824], p. 62-63.

‡‡‡ Annot. Const. Aust. Comm., p. 418.

South Africa in some form different from that of the House of Assembly, if the Union in future is to select its best men to the Senate.

37. It is not recommended that the new Union Senate be elected upon the same system, for the same period or for the same electoral divisions as are members of the House of Assembly, for that would be constituting two Houses of the same legislature, each equally responsible to the people, a practice unsound and contrary to the established principles of British constitutional law, but it is advisable that it should contain a large preponderance of members directly elected by the people, but in a different form to that under which the House of Assembly is elected.

(d) A COMBINED SYSTEM.

38. The last point to be considered under this head is the question of combining, but in somewhat different proportions, to our present Senate, any two of the elements enumerated in paragraph 25. The South Africa National Convention decided upon a combined system,* and when this subject was under consideration by them, several proposals were made as to the classes from which the nominated senators were to be drawn. The original proposal made by the President of the Convention himself was that half the nominated element should be nominated on the ground mainly of their thorough acquaintance, by reason of their official experience or otherwise, with the reasonable wants and wishes of the coloured races; and in respect of the remaining half, the Governor-General-in-Council should have regard to their official or judicial experience by selecting only persons who have occupied in South Africa the position of a Judge of a Superior Court, Executive Councillor, President or Speaker of any House of Parliament or Chairman of any Volksraad. The proposal, however, in respect of the remaining half was not carried.

39. The question now is, therefore, what suggestion can be made in respect of the type or constitution of the new Union Senate, and the various forms enumerated in paragraph 25 are under consideration. As will be seen from paragraphs 29 and 31 and their attendant paragraphs, neither the life nor the period-nominated form is suggested. The experience of other new countries proves the undesirability of a life-nominated Upper Chamber as being undemocratic in spirit and antiquated in form, and that the period-nominated principle for the entire House is undesirable upon similar grounds. In a community such as the Union of South Africa, however, consisting of a large

native and coloured population, which is not represented at all in Parliament in respect of the Provinces of the Transvaal and Orange Free State and for all practical purposes that of Natal also, it is felt that, so long only as such continues, there should be special representation of such population in the Upper House by the inclusion of a nominated element amongst its number, consisting of members specially qualified to represent that section of the population above-mentioned. In deciding upon the proportion of such nominated element it is important that such should be small in order not unduly to interfere with the particular complexion given to the House by the system of representation of the directly elected element, and it is suggested that such system should be that known as proportional representation, each voter having one transferable vote.

40. It is submitted, therefore, that so long as the natives and coloured people in the provinces above-mentioned do not participate in the election of members of Parliament, the present principle of special native representation in the Senate be continued, and that the new Senate be constituted upon a combined system, composed principally of senators elected in the manner referred to in the preceding paragraph and containing also a certain element of persons nominated for the same period as the elected senators to specially represent the native and coloured races, such nominated element to give place to the elected, as the franchise is extended to such native or coloured population throughout the Union.† The details of this scheme, however, will be dealt with under the following heading No. IV.

IV. COMPOSITION OF THE NEW SENATE.

(a) THE "TWO TO ONE RATIO."

41. At the time of Union there were 40 members of the Senate and 121 members of the House of Assembly. Under the provisions of the Constitution the number of members of the House of Assembly has been since increased to 130,‡ and the Constitution provides that the number of members of the House of Assembly can be still further increased until its members total 150, which total may be thereafter increased as Parliament may provide; but no provision has been made in the Constitution for a proportionate increase in the number of members of the Senate. It will be understood that in the case of a parliamentary deadlock under a Constitution containing no provisions for a joint sitting of the two Houses of Parliament, the propor-

* South Africa National Convention Minutes, p. 28.

† The native and coloured population in the Cape Province, having the franchise, will also participate in the election of Senators under the scheme suggested. According to figures given in a Minute by Sir W. H. Beaumont, Chairman of the Natives Land Commission [U.G. 25—16], p. 21, the percentage of "Other than European" registered voters in the Cape of Good Hope Provinces in 1914 to the total number of their male population (*vide* Census of 1911) was 2.55 as against 43.62 in the case of European registered voters. The details in the case of the "Other than European" are as follows:—Kaffir and Fingo, .96; Other and Hottentots, 6.49 and Indian, Malay and Chinese 41.92 per cent.

‡ Report of the Second Electoral Delimitation Commission. [U.G. 15—'13.]

[U.G. 65—'20.]

tion of members of the Upper House to that of the Lower House is immaterial—even three members can form a House and reject bills. It is only in the event of a joint sitting of the two Houses of the Union Parliament that the proportion of the members of the one House to those of the other House comes into play at all. Therefore, the position in the Union Parliament is that in event of a joint sitting taking place upon, say, any matter vital to the Provinces, the Senate, being the House specially constituted to represent upon equality the four Provinces of the Union, is weaker to-day than it was at the time of Union, and will gradually grow weaker as the House of Assembly grows stronger.

42. The only other Dominion Parliament besides that of the Union in which a provision for a joint sitting of both Houses of Parliament in event of a deadlock is in operation, is that of the Commonwealth of Australia, and in that Constitution it was provided that the number of the members of the House of Representatives shall be, as nearly as practicable, twice the number of the Senators.** In the New Zealand Act† for reconstituting the Upper House, and which does not come into operation until 1920, provision has also been made for joint sittings in cases of deadlock, and the number of members of the Upper House is to be 43, the number of members of the Lower House being 80. The two Parliaments above-mentioned, therefore, are the only other British Parliaments where this question of the proportionate number of the members of both Houses arises, and the principle of the "two to one ratio" has been followed in each case.

43. The opportunity might here be taken to remark that a joint sitting under section *sixty-three* of the South Africa Act is not a thing to be lightly entered upon. It is not intended for use until all other means have failed, and that would be an important case indeed. The ordinary inter-House machinery of Parliament, such as the carrying to and fro of amendments and alternative amendments, and, what is even more useful, the appointment of conferences between Members of both Houses, provides ample means for all ordinary cases of dispute, and in fact it is all the machinery available to Parliament under a constitution which provides for no joint sitting. It may surprise those, both amongst the Press and the public generally, who have, on certain merely common causes of difference between the two Houses of the Union Parliament, suggested, and even publicly advocated in all seriousness, that a joint sitting should settle the matter, to know that in the only other British Constitution, *witely*, the Commonwealth of Australia, where this pro-

vision for a joint sitting in case of disagreement between the two Houses upon Bills is in operation, that although the Commonwealth Parliament has been constituted for nearly 20 years and a number of disputes between the two Houses has occurred, there has not been one joint sitting thereof arising out of disagreement.

44. The Australian constitutional proportion of members of the Lower to members of the Upper House is known in Australia as the "two to one ratio." That constitution places no limit on the power of Parliament to increase the size of the House of Representatives, except that the Senate must be increased in the same proportion, so as to preserve the "two to one ratio." The automatic increase of the members of the Australian House of Representatives is governed by the increase in the Senate, say, by addition of States or the increase in the number of Senators representing each State.

45. In the draft bill of 1891 it was provided (the same principle as in the United States) that there should be one representative for every 30,000 of the population of the Commonwealth, but that this quota should be alterable by the Federal Parliament. Some interesting figures are given in Quick & Garran showing how rapidly the number of Members of the House of Representatives would have increased, based upon previous statistics, and also demonstrating that had the Commonwealth been established in 1897 and the House of Representatives been constituted on a basis of one member for every 50,000 of the population, based upon the average increase, it would have increased to 446 members by the year 1941. In the United States of America the proportion of members of the House of Representatives to population has been gradually diminished from one representative for every quota of 30,000 in 1789 to one representative for every quota of 173,900 in 1890.‡ In the Union, the quota§ for the House of Assembly in the provinces of the Cape, Natal, Transvaal and Orange Free State is one member for every 2,913, 1,729, 2,557 and 2,342 voters respectively, and according to the last** census it works out for the Senate at one Senator for every 9,287 voters.

46. The "two to one ratio" in Australia is a rigid element and a basic requirement of much importance and significance; it is embedded in the Constitution; it is beyond the reach of modification by the Federal Parliament, and can only be altered by an amendment of the Constitution. It was adopted after due consideration and for weighty reasons. It was considered that as it was desirable in a Constitution of this kind to define and fix the

* *Vide* section *twenty-four* of the Commonwealth of Australia Constitution Act (63 and 64 Vict., Chapter 12), the words "nearly as practicable" being inserted to adjust fraction and minimum representation, p. 450.

† Act No. 59 of 1914 (5 Geo. V.).

‡ Annot. Const. Aust. Comm., p. 451.

§ Report of the Second Electoral Delimitation Commission [U.G. 15—'13], par. 10.

** 1911. Registered Electors, Cape, 169,851; Natal, 34,239; Transvaal, 121,168; O.F.S.P., 46,253. Total, 371,511 ÷ 40 = 9,287. *Vide* Union Statistical Year Book [U.G. No. 41—'16], p. 255 *et seq.*

relative powers of the two Houses; it was also but fair and reasonable to define their relative proportions in numerical strength to each other, so as to give that protection and vital force by which the proper exercise of those powers could be legally secured. It was considered extremely necessary to prevent an automatic or arbitrary increase in the number of members of the House of Representatives, by which there would be a continually growing disparity between the number of members of that House and the Senate; and to give some security for maintaining the numerical strength as well as the Constitutional power of the Senate. It was argued that if the number of the members of the Senate remained stationary whilst the number of the Members of the House of Representatives were allowed to go on increasing with the progressive increase of population, the House would become inordinately large and inordinately expensive, whilst the Senate would become weak and impotent. It was said that to allow the proportion of the Senate towards the House of Representatives to become the merest fraction, would in course of time lead practically to the abolition of the Senate, or at any rate, to the loss of that influence, prestige and dignity to which it is entitled under the Constitution.*

47. It will be observed, therefore, particularly on account of the provisions contained in the Constitution in respect of joint sittings of both Houses of Parliament in cases of disagreements upon bills, that it becomes of even greater importance that this basic principle of the "two to one ratio" should be provided for by a provision of the Constitution, as in the Constitution† of the Australian Commonwealth.

48. It is suggested that what is known in the other British Parliament (where the provision for a joint sitting of the two Houses in cases of confirmed disagreement upon bills is in operation) as "the two to one ratio," and which principle will also obtain in New Zealand (where joint sittings are also provided for) when the new Legislative Council Act comes into operation, be established in the Union, namely, that the Senate consist of half the number of members of the House of Assembly, that is as nearly as fractional and minimum representation admit.

(b) LARGE ELECTORATES—PROVINCIAL AREAS.

49. Quick & Garran, in their Annotated Constitution of the Australian Commonwealth, state that "one of the arguments in favour of the election of senators by the State Legislatures was that thereby the corporate and undivided representation of the States in the Senate was secured. It was, however, considered that the advantage of unified State

representation in the Senate could be secured quite as effectually by the system, now provisionally embodied in the Constitution, of 'one State one Senatorial electorate.' As soon as it was decided that the senators should be elected by the people and not by the legislatures, the view was expressed with great force that the people of each State, in choosing senators for the State, should vote as one constituency. If a State were divided into electorates, and if locality became the guiding principle of selection, the special purpose for which the Senate was constituted would be obscured. Voting as electors of one great constituency, it is contended, the people of a State will not be influenced by local sympathies and parochial interests; at any rate not to the same extent as if they were required to vote in provincial groups. It is believed that the process of voting in one common electorate is calculated to promote the selection of the best men whose services are available—men of broad views, established reputations and extended experience, such as should be elected members of the Senate." (Mr. E. Barton, Conv. Deb. Adel., p. 669; Mr. H. B. Higgins, Conv. Deb. Syd., pp. 369-70.)

"A serious objection raised to the system of 'one State one Senatorial electorate' was, that the expense necessarily involved in contesting an election extending over a whole State would be so great that only rich men would become candidates for the Senate, and that poor men of talent and capacity would be excluded. It was, however, denied that such would be the case. On the contrary it was contended that the largeness of the electorate and the vast number of voters to be canvassed or appealed to would render it impossible for even a rich man to secure a seat in the Senate by lavish expenditure; he would have a better chance of doing so in a small or moderately large electorate. A man of limited means who had the confidence of the public would have a better chance of being successful than a millionaire who did not possess that confidence. It was mentioned during the debate that, on the occasion of the election of members for the Federal Convention, it was found that democratic candidates of moderate means had no difficulty in taking part in the campaign, on equal terms with conservative candidates, backed by wealth and social position. If the well-to-do candidates spent more money it was because they were expected to do so; it did not follow that the expenditure of money gained them any more votes. Mr. Trenwith was proud to mention the fact that his expenses in connection with the Federal Convention election did not exceed £4."‡ (Mr. H. B. Higgins, Conv. Deb. Syd., p. 369.)

50. There is, however, another aspect of this question of large electorates which arises,

* Annot. Const. Aust. Comm., p. 452.

† Section twenty-four thereof.

‡ Extract from Annot. Const. Aust. Comm., p. 419 *et seq.*

[U.G. 65-'20.]

whether the electoral divisions are to consist of entire provinces or not, and that is the election of candidates according to the system known as Proportional Representation (the single transferable vote) now in force as regards the Senate elections and which it is recommended in this memorandum be continued, but upon a different electorate. The Royal Commission upon Electoral Systems (1910)* in its report states—"that the proportional representation of parties (if they are not equally divided) and the representation of more than one minority, cannot be obtained in a constituency of less than three Members, and that the larger the number of Members returned the more accurately can the proportions of parties be reflected. . . . On the whole it appeared that the system, if adopted, would produce the best results on the basis of an average constituency of about seven Members." In Belgium, where elections are conducted according to this system, each of the nine provinces is divided into large constituencies returning several Members, Brussels returning 21 Members, Ghent 11 and only some of the smaller constituencies as few as three. In 1914 a representative of the Lower House represented 40,000 electors and a directly elected Member† of the Senate 80,000. The writer was informed last year by a Member of the Belgian Chamber of Deputies that instead of diminishing the electorates a strong feeling exists amongst Belgians to increase them.

51. Although this Memorandum does not deal with the question of the abolition or retention of the present system of local government by provincial councils, yet provision has to be made in the scheme of the composition of the new Union Senate herein put forward in case of either eventuality. It will be necessary, therefore, in defining the Senate electorates, in the event of the South Africa Act remaining unamended in this respect that each province continue to be equally represented in the Senate—the "Council of States." On the other hand, should Parliament decide upon the abolition of the Provincial Councils, and in consequence of such decision should any electoral area for the new Senate not be within the limits of any one of the present provincial boundaries, it will be imperative—until there is an amendment of the law extending the other than European franchise to the areas now constituting the provinces of Natal, the Transvaal and Orange Free State, or making the franchise in respect of Europeans uniform throughout the Union—for the new Senate electoral areas so far as the Cape and Natal provincial areas are concerned, to be kept distinct from those included in the areas now constituting the provinces of the Transvaal and Orange Free State. Other-

wise there will be confliction as to the franchise. In any case, however, it is highly important to the principle of election recommended in respect of the elected element in the new Senate, that each electoral area returning its elected Senators should be so populous as to admit to the fullest extent of the proper and effectual operation of the principle of election by proportional representation. It is suggested therefore, that each Province, or such electoral area as the case may be, constitute one electorate for the Senate.‡

(c) DURATION OF THE SENATE.

52. Under our Constitution the period for which the Senate is appointed is ten years, nearly double that of the House of Assembly. This is the same principle as that followed in Australia in the case of the directly elected Upper Houses of the State of Victoria, Western Australia and Tasmania. In the case of the Commonwealth Senate, however, half retire at the end of three years, and a similar provision exists in the State of South Australia; both these Upper Houses being also directly elected. The idea is that an Upper House should be thereby given greater independence, and be removed, further than is a Lower House, from the will last expressed by the people through their representatives elected at the last general election for the Lower House, and with the avowed object of protecting the people against themselves.

53. It is a well established principle in the Dominions that in the case of elected Upper Houses they should be elected for a longer period than the Lower Houses, and therefore be further removed from the more immediate mandate of the people. This enables the Upper House to give more deliberate judgment upon measures submitted to it, and renders it more independent in its view of matters transmitted by the Lower House for revision. The recommendation put forward is that both the nominated and the elected Senators should sit for the duration of the next House of Assembly after the expiration of five years from its first meeting upon a general election, but that the Senate shall be capable of dissolution at any time after the expiration of five years after the opening of its first Session following a periodical election therefor, and then only simultaneously with the other House. The principle of a longer life for each new Upper House than that of the other branch of the Legislature will thereby be conformed with, the periodical elections for the Senate effected at the same time as one for the House of Assembly, and economy in administration consequently secured.

* Imperial Blue Book (Cd. 5163), pp. 21, 22.

† The Belgian Senate, however, consists also of indirectly elected members.

‡ For details as to delimitation of Senate electorates otherwise than on the Provincial basis, see par. 97 hereof and the footnote to Clause three of the Draft Bill, Appendix, p. 93.

(d) COMBINED SYSTEM.

54. Having agreed upon the combined system of composition for the new Senate (*vide* paragraphs 38-40), the next question for consideration is the proportion which the nominated element shall bear to the number of elected senators. It has been suggested that the composition of the new Senate should contain a large preponderance of the elected element, with a modicum of specially qualified members nominated to represent the wants and wishes of the native and coloured races of the Union. It is regrettable that the principle of election according to the system of proportional representation should be diluted in any way, and it must be understood that the suggestion to include a nominated element is solely on account of there being, and for so long as there is, no native or coloured franchise throughout the Union. At the present time the nominated element consists of eight members, only half of whom are nominated to represent the native and coloured races. The proportion, therefore, which four bears to the total strength of the present Senate, namely, 40, is one-tenth. It is proposed, therefore, to continue that proportion in respect of the Provinces in the case of the new Senate, the nominated members constituting such one-tenth to be nominated for the whole Union as at present.

(e) MODE OF ELECTION—PROPORTIONAL REPRESENTATION.

55. It is a well-known axiom that it is unwise to construct two Houses, elected upon a popular vote upon the same system and for the same franchise and for the same electorates, to form one Parliament. One House is then no check upon the other, and each considers it has the mandate of the people. A directly elected Upper House, in the ordinary sense of the term, is likely to prove antagonistic to the Lower House and a stumbling block in the way of performing its proper functions as a House of Review. It is too closely allied in its construction to that of the other House, upon which it is to act as a revising Chamber. The more democratic device of elective Upper Chambers such as those of Victoria and South Australia has proved a constant source of political trouble.* It will be remembered that both these Upper Chambers are as directly elected as their respective Lower Houses, therefore the Upper House could resist any measure of the Lower House so long as the Upper House retained the support of its own constituents, which could only be ascertained by a general election which would be punitive to the Assembly also. The voting for the Australian Senate is by the *scrutin de liste* ;

each voter has as many votes as there are places to be filled. This method, as is well known, permits, if it does not encourage, a good deal of political manipulation and enables a well-organised majority to sweep the board. The qualification for a senator is identical with that of the House of Representatives and the electors to both Houses are the same, the only difference being that in the case of the six senators representing each State, each State is one constituency. The power of the Senate is thus drawn from precisely the same source as the Lower House, and it is drawn, as Mr. Wise points out in his "Commonwealth of Australia," in the concentrated form of support from large constituencies,† with the result that it is the only Upper House in the world which is less conservative than the Lower.‡

56. In order to avoid any clashing of the two Houses of the Union Parliament by reason of their being elected upon the same franchise, even when for widely different electorates, and to reduce the strictly party complexion of the Upper House, it is recommended that the present principle of election by the system of proportional representation be continued, but that each Province constitute one constituency returning an equal number of the elected members. By this system a minority in each constituency will receive some form of representation, thereby militating against the possibility of the Senate being constituted almost entirely of a different political party to that in power in the House of Assembly; this will prevent any recurrence of what is now taking place in the Federal Parliament of Australia. The Royal Commission on Electoral Systems in its report§ stated that the proportional representation system "shows at its best in elections where the comparative merits of candidates as individuals are at issue. Thus there would be much to be said in its favour as a method for the constitution of an elected Second Chamber." In such case, therefore, with elections for the Senate upon the same franchise and voters' roll as for the House of Assembly and upon the same day and in the same polling booths, but with ballot papers and boxes of a different colour to those for votes for the House of Assembly, additional returning officers being only required in case of Assembly electoral divisions where Assembly candidates are unopposed and for the Senate central counting station, the expense of a separate election for the Senate is avoided. The Senate could then be brought under the same electoral laws as the House of Assembly, except so far as the system of proportional representation requires regulations specially applicable to the system and in regard to certain formal matters.** At the present time

* Second Chambers. J. A. R. Marriott, p. 163.

† *Op. cit.*, p. 202.

‡ Imperial Blue Book (Cd. 5163), dd. 1910, par. 135.

§ Second Chambers, p. 169.

** See Clauses nine to eleven of the Senate Reform Draft Bill in Appendix hereto.

no provision having been made in the South Africa Act, 1909, the Senate would have to adjudicate upon its own contested elections. It is suggested, therefore, that the mode of election for the elected Senators be according to the system of proportional representation, each voter having one transferable vote, and that the franchise and voters' roll be the same as that in force for the House of Assembly and the elections on the same day.

(f) MODE OF NOMINATION.

57. It is suggested that the present system of nomination by the Governor-General-in-Council, which means the Government of the day, continue in respect of the one-tenth to be nominated to membership of the new Senate to represent the reasonable wants and wishes of the native and coloured races in the Union. Such members to hold their seats for the same period as the elected Senators.

(g) CASUAL VACANCIES.

(i) *Elected Senators.*

58. It is suggested that any vacancy arising in the Senate after any periodical election and before the expiration of the period for which it is constituted should be filled by some person—not being a member of either House of Parliament at the time such person becomes a candidate for a seat in the Senate—being elected by the members of the Senate sitting as an electoral College, the Chief Justice of the Union, or one of the Judges of a Superior Court appointed by him, to preside at such election, which, provided there is more than one vacancy, should be conducted according to the principles of proportional representation, with the single transferable vote. The Clerk of the Senate to act as returning officer, and should such election be conducted according to the system of proportional representation two assessors to be appointed by the Chief Justice to check and examine everything in connection with such election, any differences between the assessors being decided by the judge presiding, who will certify to the President of the Senate the result of such election. Should such vacancy occur in the Parliamentary Recess it would be filled during the first week of the next ensuing Session, and if occurring during Session, immediately after the expiration of 21 days from the date such vacancy took place. The Senator filling a vacancy to hold his seat until the completion of the period for which the person in whose place he was elected would have held his seat. This avoids putting the whole machinery of election into force for one vacancy, which under the system of proportional representation is unworkable, and would in any case be very costly.

(i) *Nominated Senators.*

59. It is suggested that the vacancies occurring amongst the nominated Senators be filled in the same manner as their original appointments; provided that vacancies occurring during the Parliamentary Recess be filled during the first week of the next ensuing Session and those during Session immediately after the expiration of 21 days from the date such vacancy took place. The Senator filling a vacancy to hold his seat until the completion of the period for which the person in whose place he was nominated would have held his seat, and not, as at present, for a fresh period of ten years, which militates against the constitutional principle of the creation of a new House after a dissolution thereof.

V. FUNCTIONS OF THE SENATE.

60. The Constitution imposes two particular functions upon the Senate, first, by the equal representation of the several Provinces of the Union, a guarantee and safeguard of provincial rights and interests, and secondly, in the person of the nominated Senators, a distinct representation of the native and coloured races, which in respect of the Provinces of the Transvaal and Orange Free State, and for all practical purposes of Natal also, have no representation in the more numerous Chamber. In regard to legislation the functions of the Senate are of a double kind; first, as a Chamber of Revision and Review in matters of general legislation transmitted to it by the House of Assembly, and secondly, as a Chamber for the initiation of such non-controversial legislation as either the Government or private members may introduce into it. For such latter purpose the practice (taken from the House of Lords) of bracketing monetary provisions incidentally included in such bills, such provisions being formally struck out of the bill, but at the report stage, with a footnote stating that such provisions do not form part of the bill, which was instituted in the First Session of the Union Parliament, has since been continued with satisfactory results.* The bracketed provisions really amount to suggestions to the House of Assembly, which, if it approves of them, moves such bracketed words into the bill as Assembly amendments which are duly sent to the Senate for concurrence when such bill has passed the Assembly. The method of "suggestion" by the Senate in regard to monetary provisions in bills transmitted from the House of Assembly, which provisions the Senate is by the Constitution prohibited from amending, dealt with later in this memorandum,† is really the bracketing practice extended to bills originating in the Assembly. One of the advantages of the Two Chamber system is that two

* Bushman's Relics Protection Bill, 1910. Administration of Justice, Administration of Estates and Forests Bills, 1912; Children's Protection, Forests, Land Survey and Registration of Deeds Bills, 1913; Statistics Bill, 1914; Criminal Procedure and Magistrates' Courts Bills, 1915; and the People's Direct Vote Bill, 1917.

† Heading VIII., p. 90 post.

streams of legislation can be initiated into Parliament at one time, by way of its respective branches, controversial and financial legislation being initiated in the more numerous Chamber and non-controversial legislation entering Parliament by way of the Senate. Then, provided that the Government's programme of legislation is ready for submission to Parliament at the beginning of the Session, both Houses can be engaged upon legislation proper to each at the same time. Each House then in turn acts as a House of Review in regard to matters originating in the other. By so doing Sessions may be considerably shortened provided non-controversial measures are ready for submission to the Senate at the beginning of the Session. Although the Senate, like other Upper Houses under British Constitutions, has complete co-ordinate power * with the other House in regard to all legislation except such as is specifically restricted by the Constitution, the principal functions of the Senate are as a revising chamber in regard to legislation transmitted to it by the House of Assembly. Such legislation, however, in regard to controversial measures does not usually admit of being sent up in any great quantity to the Senate at the beginning of the Session; the result therefore is that on account of the Assembly dealing also with non-controversial measures † the Senate is compelled to consider the bulk of the Session's legislation at the end of the Session, and in full view of the Prorogation of Parliament, which prevents it from effectively fulfilling its functions as a House of Revision. It has been felt therefore that the Second Chamber has not been utilised sufficiently for Parliament to derive full usefulness from the system of bi-cameral government. This, however, is not due to any fault in the Constitution. It has, no doubt, been to a great extent a reflection from the extraordinarily complex situation which has been the lot of Union since its consummation in 1910 and since accentuated by national events.

VI. LEGISLATIVE POWERS OF THE SENATE.

61. Section *fifty-nine* of the South Africa Act, 1909, already provides that "Parliament shall have full power to make laws for the peace, order and good government of the Union." The Constitution only places a restriction upon the Senate in respect of legislation in the case of the origination and the amendment of certain monetary provisions in bills which are given in detail in the succeeding paragraph (VII.). With such exceptions, therefore, the Senate has complete co-ordinate power with that of the House of Assembly in regard to all legislation.

VII. MONETARY POWERS OF THE SENATE IN REGARD TO BILLS. ‡

62. The powers of the present Senate as to the origination and amendment of monetary provisions in bill † are provided for in section *sixty* of the Constitution, which reads as follows:—

"(1) Bills appropriating revenue or moneys or imposing taxation shall originate only in the House of Assembly. But a bill shall not be taken to appropriate revenue or moneys or to impose taxation by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties. (2) The Senate may not amend any bills so far as they impose taxation or appropriate revenue of moneys for the services of the Government. (3) The Senate may not amend any bills so as to increase any proposed charges or burden on the people."

All these three sub-sections are in accord with the corresponding provisions of section *fifty-three* of the Commonwealth Constitution and of section *five* of the Act constituting the New Zealand Upper House, with the exceptions that such Upper Houses may also originate provisions in a bill "for the demand or payment or appropriation of fees for licences, or fees for services under the proposed law," and may amend by reduction bills which appropriate revenue or moneys not for the ordinary annual services of the Government. Such provisions were also contained in section *sixty* as the clause was originally proposed in the South Africa National Convention, § but was later amended. The principle which has guided the framers of the various constitutions in force in the British Dominions and of the constitutional lawyers and Law Officers of the Crown in the United Kingdom, when they have been referred to by Dominion Parliaments for opinion in regard to this subject, has been to impose upon Upper Houses restrictions as to monetary provisions in bills *ab ratio* to their nominated or elected element. Life-nominated Upper Houses have been restricted most in regard to money matters and those directly elected the least, which in effect is, that the greater the elected representative composition of the Upper House the less its restrictions in regard to monetary matters; in other words, the more directly the Upper House represents the people the less it is restricted as to monetary provisions in legislation.

63. In the consideration of the question of the constitutional monetary provisions of our new Senate we are not so much concerned

* *Vide* The South Africa Act, 1909 (9 Edw. VII., Chapter IX.).

† Of which 72 measures may have been said to have been initiated in the House of Assembly during the period 1910-1916.

‡ This subject was fully dealt with in the Report of the Senate Select Committee on the Assembly's disagreement with the Senate's amendments in the Exchequer and Audit Act, 1911, Amendment Bill, 1916 [Senate S.C. 5-16], which report should be read in conjunction with Heading No. VII. hereof.

§ South Africa National Convention Minutes, pp. 49, 50.

with the precedent in this respect set by the Upper Houses of the subsidiary Parliaments of the several Dominions as with the Upper House of the Parliament of the Dominion itself. Canada having a life-nominated Upper House, the only other Dominion Upper Houses corresponding to that of South Africa are the Senate of Australia and the Legislative Council of New Zealand (and the new Upper House of the last named is referred to), both of which are directly elected, the former by the *scrutin de liste* system of voting and the latter—with the exception of three nominated Maori members—to be elected according to the system of proportioned representation. Our present Senate is only an indirectly elected one, whereas the new Senate herein suggested will be directly elected and consequently more directly representative of the people. On that account, therefore, it will be entitled, according to the established constitutional law and custom which has governed each Dominion in the relegation of the restrictions to be placed upon the Upper House in respect of monetary legislation, to less restriction in that respect than that imposed upon our present indirectly elected Senate.

It is recommended, therefore, in accordance with established constitutional practice and with the original proposal made at the South Africa National Convention in 1909, that the additional powers as to origination of fees for licences, etc., and amendments by reduction in regard to appropriations of revenue or moneys not for the ordinary annual services of the Government, possessed by the directly elected Australian Senate and which the new New Zealand Upper House will enjoy, be conferred on the directly elected new Union Senate recommended in this Memorandum. However, in regard to these monetary amendments by Upper Houses there will be borderland cases upon which differences of opinion may arise, and it is with a view to reducing these and giving, as it were, a sort of safety valve to let off any steam which may be generated by the elected element of the Senate, that the suggestion is made as set forth under the following heading.

VIII. THE PROCESS OF SUGGESTION.

64. In response to the request of an Honourable Senator (who now occupies a seat in the Union Cabinet) made during the First Session of the First Union Parliament, the writer drew up a memorandum in which what may be described as the "process of suggestion" was dealt with,* which memorandum was subsequently laid upon the Table of the Senate and printed. It is therefore unnecessary to reiterate all the arguments and repeat all the information upon this form of procedure which was given in that paper. Paragraph

number 40 of the Memorandum above mentioned reads as follows:—

40. What is known as "the process of suggestion" originated, as has been shown, many years ago† in South Australia and was instituted as a means of enabling the Upper House to inform the Lower House of any alterations which it thought desirable should be made by the Lower House, the custodians of the public purse, in provisions of Bills which the Upper House was prohibited from amending. The new method of ensuring Parliamentary harmony was found to work so well in South Australia that it was adopted also by Western Australia, and later, after very careful scrutiny and consideration by the Australian Federal Convention, was embodied in the Constitution of the Australian Commonwealth, and when this provision had been working for two years in the Commonwealth Parliament it was also adopted by the Parliament of the State of Victoria in a more modified form. The Senate of Australia may, therefore, at any stage, return to the House of Representatives with a message, a bill which the Senate is prohibited by the Constitution from amending, requesting the omission or amendment of any item or provision therein. If the suggestion thus made were not finally entertained by the Lower House, the Senate would have to pass or reject the bill as first sent from the Lower House, so that the responsibility of final acceptance or rejection would remain with the Senate, as if no suggestion had been made. The "process of suggestion" must not be confused with the "power of amendment" as regards the responsibility of the two Houses. To quote from Quick & Garran's "Constitution of the Australian Commonwealth" (p. 671), "a short analysis will make this clear. In the case of a bill which the Senate may amend, the Senate equally with the House of Representatives is responsible for the detail. It incorporates its amendments in the bill, passes the bill as amended, and returns it to the House of Representatives. If that House does not agree to the amendments, the Senate can 'insist on its amendments,' and thus force the House of Representatives to take the responsibility of accepting the amendments or of sacrificing the bill, whilst the House of Representatives cannot force the Senate to take a direct vote on the bill in its original form.

"On the other hand, in the case of a bill which the Senate may not amend, the House of Representatives alone is responsible for the form of the measure; the Senate cannot strike out or alter a word of it, but can only suggest that the House of Representatives should do so.

* Senate Parliamentary Paper [S. 1—1912].

† 1857.

"If that House declines to make the suggested amendment, the Senate is face to face with the responsibility of either passing the bill as it stands or rejecting it as it stands. It cannot shelve that responsibility by insisting on its suggestion, because there is nothing on which to insist. A House which can make an amendment can insist on the amendment which it has made; but a House which can only 'request' the other House to make amendments cannot insist upon anything. If its request is not complied with, it can reject the bill, or shelve it, but it must take the full responsibility of its action.

"This provision, therefore, is intended to declare the Constitutional principles: (1) that the Lower House is solely responsible for the form of the money bills to which the section relates; (2) that the Senate may request alterations in any such bill; (3) that if such request is not complied with, the Senate must take the full responsibility of accepting or rejecting the bill as it stands."

As one of the delegates to the Australian Federation Convention said* in alluding to this subject: "Therefore I look upon the practice as the established practice of Western Australia as well as of South Australia. This power, so far from being degrading, is really a power which is lodged in another branch of Parliament. I refer to the Governor representing the Queen. Under most of our Constitutions, he can communicate†—I do not say as to money bills, but as to other legislation—by message any amendment he thinks it desirable to make in a bill after it has passed both Houses. And the same procedure would be adopted as to dealings between the Senate and the House of Representatives in regard to financial legislation."

"The standing orders‡ permit of the Australian Senate pressing their suggestions and of the House of Representatives 'modifying' the suggestions of the Senate, but neither House may 'insist' upon such suggestions or modifications, as in the case of amendments."

65. The "process of suggestion" is therefore a means by which an Upper House is afforded of making known to the Lower House modifications in the monetary provisions of bills originating in the Lower House, which provisions the Constitution does not admit of the Upper House amending. The system has none of the strong force or the assistance of the usual Parliamentary machinery which can be utilised in cases of an amendment by either House in a bill transmitted to it by the Other House. It is in fact merely a hint.

66. The proposal made by the writer in 1912 as contained in the memorandum above

referred to was to afford the present indirectly elected Senate the facility of making known to the House of Assembly modifications which it would like to see made in monetary provisions of Bills, which monetary provisions the Senate was by the Constitution unable to amend, and in order to make a difference between the restrictions imposed upon the directly elected Australian Senate and the present indirect system of election of our present Senate, such proposal was only to allow "suggestions" to be sent down to the House of Assembly *once* in regard to any one Bill, and for the same reason it was recommended that such "suggestions" were not to be "pressed."

67. It will be observed, however, that the composition of the new Senate now suggested is directly elected, whereas the present one is only indirectly elected, and in accordance with British Dominion constitutional law and practice and for the reason given in paragraph 62 hereof, the directly elected new Senate now suggested will, on that ground, be entitled to less restrictions in regard to money matters than the present indirectly elected one. It is recommended, therefore, that the same constitutional provisions be made in respect of the directly elected new Senate as those made in the respective constitutions and practice of the directly elected Senate of Australia and now provided for in the case of the new Upper House of New Zealand, namely, to "press" their "suggestions," and in regard to which the respective Lower House can modify or not the "suggestions" of the Senate, the Senate in turn being able to agree to such modification or an alteration thereof.

68. Under such "process of suggestion" the procedure will be that such "suggestions" will be sent down by message from the Senate to the House of Assembly in a schedule with the bill, for consideration by the House of Assembly, which may either adopt or not adopt each "suggestion." If the House of Assembly adopts all the "suggestions" it returns the bill in fresh form with the "suggestions" incorporated therein, and accompanied by a message that the House of Assembly has agreed to adopt the "suggestions" made by the Senate and has inserted them in the bill. These are then put from the Chair in Committee of the whole Senate on the bill (which has not yet finally reported to the House), and the bill—provided no "amendment"§ has been made—is reported without amendment to the House, and passed, and the same procedure as to messages, etc., is then followed as in the case of a bill received by the Senate from the House of Assembly containing no monetary provisions, and which has been unamended by the Senate.

* Mr. J. W. Hackett, Convention Debates, Sydney, 1891, p. 359.

† Also under the South Africa Act, 1909, section sixty-four.

‡ Senate S.O. 251 *et seq.*

§ Namely, a non-monetary alteration of the bill.

69. Should, however, the House of Assembly decide not to agree to make the amendment in the bill in accordance with the "suggestion" of the Senate or agree thereto but with modification, a message would be sent by the Assembly to the Senate to that effect, upon which the Senate may decide that such modification be agreed to or not agreed to, or may propose some other modification of the original suggestion. The same procedure would be followed in respect of each "suggestion" if more than one, and if some were adopted and others not. In the event of the Assembly deciding not to agree to make any amendment in the bill consequent upon any of the "suggestions" of the Senate, the Assembly returns the bill together with the schedule containing the unadopted "suggestions" giving the reasons therefor, as in the case of disagreement upon amendments to bills. The Senate may then decide to press or not to press such "suggestions" or propose some other modification of the original suggestion. Should the Assembly maintain its attitude of indisposition to the "suggestion" of the Senate, the bill must then be passed or rejected by the Senate in its original form. Amendments will, of course, follow the usual procedure and be treated in the ordinary way and apart from "suggestions." But, in whatever way the Senate may decide, the power in regard to the making of any amendment upon the Senate's "suggestion" will still rest with the House which controls the public purse, namely, the House of Assembly.

70. This system in its varying forms has stood the test of time in the Australian Senate as well as in the subsidiary Parliaments of South Australia, West Australia and Victoria, in all of which it has been in operation for many years and has worked so well that any trouble between the two Houses in regard to monetary amendments is practically non-existent. In fact in the new Act for reforming the Upper House of the Dominion of New Zealand a similar provision has been inserted.* This system of suggestion by the Senate in respect of monetary provisions in Assembly bills is practically the same as that already in vogue in the Union Parliament by the bracketing—i.e., striking out—of such provisions in bills originating in the Senate before they are transmitted to the House of Assembly, which inserts them as amendments in the bill, or not, as it may decide. During the first nine years (1901-1910) of Federation, the Australian Senate made suggestions, altogether, ~~eight~~ eight bills some of which were acted upon and amended by the Lower House with, and others without, modification, and others

in turn upon which no amendment was made by such House.

71. The Clerk of the Australian Senate† remarks as follows in regard to the working of such "process of suggestion" :—

"As to any incidents which have arisen between the two Houses in connection with money bills, it may be said that nothing has occurred in the nature of a disagreement which has gone so far as to reach the acute stage of a 'dead-lock,' or even of a 'Conference'; much less, therefore, has there been any suggestion of a resort to section *fifty-seven*‡ of the Constitution, which provides for a dissolution of the two Houses in case of the failure by the Senate to agree to a proposed law. All differences have been settled in a manner agreeable to each Chamber."

72. It will therefore be necessary in order to carry the recommendations for the "process of suggestion" into force, for provision to be made therefor in the Constitution accordingly. It is true that in the State of South Australia this procedure has been instituted only upon a Joint Resolution of both Houses of Parliament. However, as the provision is a constitutional one it is proposed to embody it in the South Africa Act, 1909, as has been done in the constitutions of the Commonwealth of Australia in regard to the Federal Parliament, in the States of Western Australia and Victoria, and later provided for in the Act reforming the New Zealand Upper House§ which comes into force in 1920. The following sub-section is therefore suggested to become a new sub-section (4) of section *sixty* of the South Africa Act, 1909 :—

"(4) The Senate may, during the stages of the passing of any bill containing provisions which the Senate may not under sub-sections (2) and (3) of this section amend, return such bill to the House of Assembly suggesting, by message, the omission or amendment of any items or provisions therein. And the House of Assembly may, if it thinks fit, make any of such omissions or amendments, with or without modifications."

73. Detailed procedure in connection with such "suggestions" is set forth in the following Standing Orders which would have to be provided for consequent upon the addition

* Act No. 59 of 1914 (5 Geo. V.), section *five*.

† "Notes on the Practice and Procedure of the Senate in relation to Appropriation, Taxation and other Money Bills, 1901-1910," by C. B. Boydell, p. 22.

‡ The Joint Sitting Section.

§ Act No. 59 of 1914 (5 Geo. V.).

of the sub-section (4) abovementioned to section sixty of the South Africa Act, 1909 :—

A.—PROCEDURE UPON "SUGGESTIONS" IN PROVISIONS OF ASSEMBLY BILLS, WHETHER PROVISIONS THE SENATE, UNDER SECTION SIXTY OF THE SOUTH AFRICA ACT, 1909, MAY NOT AMEND :

(1) "Suggestions" to the House of Assembly may be made at all or any of the following stages of a bill in respect of any provisions whereof the Senate under section sixty of the South Africa Act, 1909, may not amend.

- (a) in Committee after the second reading has been agreed to ; or
- (b) at the report stage ; or
- (c) on consideration of any message from the House of Assembly in reference to the suggestions to such bill and subject to standing order No. 5 hereof.

(2) The Committee of the whole House to which a bill containing provisions which the Senate under section sixty above mentioned may not amend, has been referred shall be empowered to recommend the Senate to make, press, modify and generally to deal with suggestions on the bill. Proceedings in Committee of the whole House shall be as follows :—

The Chairman shall, unless otherwise ordered, call on each clause or item and ask if any Senator has any "suggestion" to move thereon ;

If no motion for a "suggestion" is moved or moved and negatived the Chairman shall declare the clause or item passed ;

If motions for "suggestions" are moved and passed, the Chairman shall declare the clause or item passed subject to the suggestions being complied with.

(3) Upon any amendment containing a "suggestion" to the House of Assembly being made upon the adoption of any report from the Committee of the whole House, or of any report as amended by the Senate recommending suggestions for amendments, a message shall be sent to the House of Assembly suggesting that House to make amendments in the bill in accordance therewith and returning the bill.

(4) All messages from the House of Assembly in reference to such bills which do not completely comply with the suggestions of the Senate as originally made or as modified, shall, unless otherwise ordered, be referred to the Committee of the whole Senate.

(5) If the bill is returned to the Senate by the House of Assembly with any suggestion not agreed to, or agreed to with modifications, any of the following motions may be moved :—

- That the suggestion be pressed ;
- That the suggestion be not pressed ;
- That the modification be agreed to ;
- That the modification be not agreed to ;
- That some other modification of the original suggestion be made ;

That the suggestion be not pressed, or agreed to as modified, subject to a request as to some other clause or item which the Committee may order to be reconsidered being complied with.

(6) All Resolutions of the Committee shall be reported to the Senate.

(7) If a message is returned from the House of Assembly completely complying with the suggestions of Senate as originally made or as modified, the Bill as altered may be proceeded with in the usual way.

B.—PROCEDURE UPON ASSEMBLY BILLS REPORTED BOTH WITH "SUGGESTION" AND AMENDMENT BY THE SENATE.

(8) If (whether in addition to amendments or not) suggestions for amendments in the bill shall have been made, such suggestions, together with the amendments (if any), shall upon the conclusion of the Committee's proceedings be reported to the Senate and upon the adoption of the Report a message shall be sent to the House of Assembly informing that House of the amendments (if any) made by the Senate and requesting the House of Assembly to make amendments in the bill in

accordance with the suggestions and returning the bill. Upon the disposal of such suggested amendments as provided for in the preceding Standing Orders, the bill shall be read a third time and thereafter the procedure in respect to amendments shall be followed.

(9) If any bill received from the House of Assembly in which the Senate has made amendments, be returned by the House of Assembly with the request that any of such amendments should be made the subject of a suggestion by the Senate in accordance with sub-section (4) section sixty of the Constitution, the Senate may forthwith or on a future day take such message into consideration in Committee ; and if suggestions for amendments are made the bill shall be returned to the House of Assembly with a message suggesting that House to make such suggested amendments. In dealing with any such suggestions the same procedure shall be followed as is laid down in Standing Orders 1-7 hereof inclusive. After such suggestions have been disposed of, if the amendments of the Senate have not been agreed to, the procedure in respect of an amendment shall be followed.

IX. QUALIFICATION FOR SENATORSHIP.

74. The provisions at present provided for in the Constitution as to the qualifications for Senatorship are to be found in section twenty-six, and read as follows :—

He must—

- (a) be not less than thirty years of age ;
- (b) be qualified to be registered as a voter for the election of members of the House of Assembly in one of the Provinces ;
- (c) have resided for five years within the limits of the Union as existing at the time when he is elected or nominated, as the case may be ;
- (d) be a British subject of European descent ;
- (e) in the case of an elected Senator, be the registered owner of immovable property within the Union of the value of not less than five hundred pounds over and above any special mortgages thereon. For the purposes of this section, residence in, and property situated within, a Colony before its incorporation in the Union shall be treated as residence in and property situated within the Union,

75. At the South Africa National Convention on the question of the value in immovable property which an elected Senator required to own, there was a proposal, which met with considerable support, to make the property qualification £2,000.* In regard to the nominated Senators, the property qualification was not required.

76. It may be interesting to give the position in regard to the property qualification required by members of Upper Houses in the Constitutions of the other Dominions. They are as follows :—

* South Africa National Convention Minutes, v. 38.

SPECIAL PROPERTY QUALIFICATIONS FOR MEMBERSHIP OF UPPER HOUSES
OF PARLIAMENT IN THE BRITISH DOMINIONS.

Country.	Property Qualification.	Reference.
CANADA.		
Senate	§4,000 unencumbered real and personal property. (Property must be in Quebec Division in respect of the Quebec Senators.)	British North America Act 1867, Chap. IV. §22, 23 (4).
Quebec	(The same.)	British North America Act 1867, Chap. IV. § 73.
Nova Scotia	None.	—
AUSTRALIA.		
Senate	None.	—
Victoria	None.	—
West Australia	None.	—
South Australia	None.	—
New South Wales	None.	—
Tasmania	None.	—
Queensland	None.	—
UNION OF SOUTH AFRICA.		
Senate	£500 unencumbered immovable property.	9 Edw. VII. Chap. IX § 26 (c).
NEW ZEALAND	None.	—
NEWFOUNDLAND	§2,400 property unencumbered or income of \$480 p.a.	5 and 6 Vict. Cap. 120, and Royal Instructions dated May 4th, 1855.

In the late SOUTH AFRICA COLONIES.

The only instances in the Upper Houses of the late South African Colonies were in the CAPE OF GOOD HOPE, where the property qualification of members was immovable unencumbered property of £2,000, or movable and immovable property of £4,000, *vide* section *thirty-three* of Const. Ord. 1853; and in NATAL, where such qualification was immovable and unencumbered property of £500, *vide* section *fifteen* of Law No. 14 of 1893.

77. From the foregoing table it will be seen that with the exception of the life-nominated Canadian Senate, Newfoundland Upper House and the Quebec Legislative Council, there is no other instance in the other Dominions of a property qualification being required by Members of the Upper House. No such qualification is required throughout the Commonwealth or in New Zealand. There is no practical means of assuring its working. A new Senator may hold the property qualification when making his declaration thereto upon taking his seat, but unless he is submitted to the indignity of renewing this declaration each Session the House has no assurance that the Senator continues to hold such qualification. The test of wealth is not a test which appeals to the people of the present day as a qualification for membership for either House of Parliament. No such test is applied in the case of Members of the House of Assembly, or in regard to the electors of the Transvaal and Orange Free State Provinces, and there is no reason to recommend that this antiquated and undemocratic re-

quirement be continued in the case of the new Senate. It is suggested therefore that section *twenty-six* of the Constitution be amended by a consequential amendment upon the recommendations contained in this Memorandum, in paragraph (b),* the deletion of paragraph (e) and at the same time also all the following words, to the end of the section, which are now obsolete.

X. QUORUM IN THE SENATE.

78. The provision of the Constitution in regard to this matter is as follows:—

“ 30. The presence of at least twelve Senators shall be necessary to constitute a meeting of the Senate for the exercise of its powers.”

In view of the probable increase of the number of Senators involved in the scheme recommended herein, and the probability of its tending later to further alterations as the Union extends its borders, or the number of members of the House of Assembly varies, the

* *Vide* Senate Reform Draft Bill in the Appendix hereto, clause *seven*.

more workable provision will be to make it not less than one-fourth of the total number of Senators. In the case of the Australian Senate it is one-third. This will be an automatic provision which will not require a further amendment of the Constitution to be made from time to time as the number of Senators is increased. The amendment suggested to the section in question therefore is as shown in the Appendix hereto.*

XI. MISCELLANEOUS.

79. Those provisions of the Constitution which the recommendations contained in this memorandum involve amendment of have now all been dealt with. The actual amendments of the South Africa Act, 1909, itself in this respect will be set forth in the Appendix to this memorandum for more ready reference. The following are the provisions of the Constitution having more direct bearing upon the Senate, but the scheme of Senate reform set out in this memorandum will not require any alteration of them. It is therefore not necessary to set them out at length: section *nineteen* (The Legislative Power), sections *twenty-seven* and *twenty-eight* respectively (Appointment and Tenure of Office of President—Deputy President), section *twenty-nine* (Resignation of Senators), section *thirty-one* (Voting in the Senate), section *fifty-one* (Oath or Affirmation of Allegiance), section *fifty-two* (Member of either House disqualified from being Member of other House), section *fifty-three* (Disqualifications for being Member of either House), section *fifty-four* (Vacation of Seat), section *fifty-five* (Penalty for sitting or voting when disqualified), section *fifty-six* (Allowance of Members), † section *fifty-seven* (Privileges of Parliament), ‡ section *fifty-eight* (Rules of Procedure)§ dealing with the procedure upon Joint Sittings, section *sixty-three* (Disagreements between two Houses), section *sixty-four* (Royal Assent to bills as to Governor-General's amendments), and sections *sixty-five* and *sixty-six* (as to procedure upon disallowance and reservation of bills).

CONCLUSIONS.

The result of the arguments, information and recommendations contained in this memorandum in regard to the reform of the Senate may be summarised as follows:—

80. That the Parliament of the Union consist of Two Chambers.

81. That a new Senate be created, constituted upon lines different both to the present one and to that provided for in section *twenty-five* of the South Africa Act, 1909.

82. That the new Senate be composed, as nearly as practicable, in order to account for

fractional and minimum representation, of one half of the number of members composing the House of Assembly.

83. That one-tenth (as nearly as practicable, in order to account for fractional and minimum representation) of the total number of Senators be nominated and when such nominations have been made the balance of the total number of Senators be elected.

84. That the nominated members of every Senate (except a member nominated to fill a vacancy) hold their seats for the same period for which elected Senators hold their seats and be appointed by the Governor-General-in-Council for the whole Union. The nominated Senators to be selected on the ground mainly of their thorough acquaintance, by reason of their official experience or otherwise, with the reasonable wants and wishes of the native and coloured races in South Africa, and to be specially qualified to represent such races.

85. That should their number be a complete multiple of the number of the Provinces of the Union, the elected Senators be distributed equally amongst the Provinces of the Union. In the contrary event the number of elected Senators to be so distributed and when that has been done the remaining fractional number of the multiple to be allotted equally, so far as possible, amongst those Provinces having the greatest number of electors according to the last published voters' rolls. Each such Province to constitute one electorate and such Senators to be elected according to the principle of proportional representation, each voter having one transferable vote.

86. That the elected members of the Senate be elected upon the same Parliamentary franchise, upon the same voters' rolls, in the same polling booths (the ballot papers and boxes being of a different colour to those in use for the House of Assembly elections), as those in force in the several Provinces in respect of the election of Members to the House of Assembly and under the same electoral law so far as such can be applied to the special requirements necessitated by the altered conditions and different mode of election of periodical elections of the Senate, such requirements being provided for in the draft Bill for amending the South Africa Act in respect of the Senate and by regulation, until such time as Parliament may otherwise provide in a consolidating measure dealing with Parliamentary elections.

87. That the periodical elections for the Senate take place on the same day and concurrent with the general election for the House of Assembly, subject to the provisions made hereunder as to the duration of the Senate.

88. That both the elected and nominated Senators (except members to fill up vacancies)

* Clause *eight* of the Draft Bill, p. 101 post.

† Since amended by Act No. 21 of 1916.

‡ This has been dealt with *vide* Act No. 19 of 1911.

§ Provided for by both Houses of Parliament, the Senate in the adoption of its Standing Orders in 1910 and the House of Assembly in 1912.

hold their seats until the dissolution or expiry of the House of Assembly which takes place next after the expiration of five years from the date of the first meeting of a new Senate consequent upon a periodical election therefore.

89. That casual vacancies amongst elected Senators be filled by some person (not being a member of either House of Parliament at the time he becomes a candidate for the Senate) to be elected by ballot by Members of the Senate then present sitting as an electoral college, at which the Chief Justice of the Union, or one of the Judges of a Superior Court nominated by him, preside, and if there is more than one vacancy; be conducted upon the system of proportional representation as already mentioned. Should the election be conducted according to the principle of proportional representation, two assessors to be appointed by the presiding Judge to check and examine everything in connection with such election, and in event of any difference of opinion occurring between them, the presiding Judge to decide. Vacancies occurring during the Parliamentary recess to be filled during the first week of the next ensuing session, and those occurring during Parliamentary session, immediately after the expiration of 21 days from the date such vacancy took place. The presiding Judge to certify to the President the result of, and the Clerk of the Senate to act as Returning Officer for the purposes of such elections. Regulations for the election of Senators at the meetings above mentioned, both under the proportional representation system and otherwise, to be framed by the Senate.

90. That casual vacancies amongst nominated Senators be filled in the same manner as original nominations and within such times as are prescribed in the case of elected Senators.

91. That both elected and nominated Senators filling vacancies only hold their seats until the completion of the period for which the persons in whose stead they were elected would have held their seats.

92. That on account of the new Senate being a directly elected body, section *sixty* of the South Africa Act, 1909, be amended so as to admit of (1) the origination in the Senate of bills for the demand or payment or appropriation of fees for licences or fees for services under such bills, and (2) the amendment of bills by reduction so far as they appropriate revenue or moneys not for the ordinary annual services of the Government.

93. That in regard to any bill containing provisions which the Senate is prohibited by the terms of sub-sections (2) and ~~and~~ of section *sixty* of the South Africa Act, 1909, from amending, the Senate may during the stages of the passing of any such bill return it to the House of Assembly suggesting by message the omission or amendment of any item or provisions therein and the House of Assembly may, if it thinks fit, make any of such omissions

or amendments with or without modifications.

94. That no property qualification be required for membership of the Senate.

95. That the quorum of the Senate be made proportionate to its numbers, therefore automatically adapting itself to any increase.

96. That the Senate be incapable of dissolution until after the expiration of five years from the day of the first meeting of a new Senate consequent upon a periodical election therefor, and then only simultaneously with the House of Assembly.

97. That in the event of the election of Senators upon a Provincial basis being abolished, then—

- (a) One-tenth (as nearly as practicable in order to account for fractional and minimum representation) of the total number of Senators be nominated and that when such nominations shall have been made the balance of the total number of Senators shall be elected as provided for in paragraphs 85 to 88.
- (b) That in respect of the elected Senators the total number of the electoral divisions of the House of Assembly for the whole Union as provided for in sections *thirty-three* to *forty-three* of the South Africa Act, 1909, inclusive, be divided into electorates for the Senate, each electorate consisting of the undivided area containing one-sixth in number (as nearly as minimum and fractional representation will admit) of such electoral divisions.
- (c) That should the remaining balance of the total number of Senators, after the nominated Senators have been appointed, number a complete multiple of the number of the electorates, the elected Senators be distributed equally amongst the electorates. In the contrary event, the number of elected Senators to be so distributed, and when that has been done the remaining fractional number of such multiple to be allotted equally, so far as possible, amongst those electorates having the greatest number of electors according to the last published voters' rolls.
- (d) That the elections and procedure upon casual vacancies, both amongst elected and nominated Senators, be as already provided for in the case of continued representation upon the Provincial basis.
- (e) That subject to the provisions of the Draft Bill for the reform of the Senate, the Electoral Delimitation Commission be empowered to act in the same manner and according to the same methods in regard to Senate electorates as they are required by the provisions of the South Africa Act, 1909, to act in regard to the electoral divisions of the House of Assembly.

98. That in other respects the provisions of the South Africa Act, 1909, in regard to the new Senate remain unamended.

99. The constitutional amendments involved in the conclusions given above are set forth in the Appendix hereto, and it is a well-established Parliamentary principle that a bill which concerns the privileges or proceedings of either House should in courtesy commence in that House to which it relates.* Any legislation to be introduced which provides for any alteration in the Constitution, composition or functions of the Senate should therefore originate in that House, and such legislation would no doubt be preceded by an exhaustive inquiry by one of its Select Committees before which evidence would be taken.

100. In regard to the recommendations, facts and conclusions contained in this

memorandum, the writer both courts criticism and welcomes suggestion. Sufficient reasons or strong enough arguments put forward that any suggestion contained in this memorandum is either unsound in principle or impracticable in practice, will meet with the writer's most careful consideration and assistance. What he is most anxious to attain is that a scheme shall not only be put forward, but receive the most earnest consideration of all who have the welfare of the country at heart, which will prove the best for the Union and the most fair, just and reasonable to all parties concerned.

O. CLOUGH,
Clerk of the Senate.

Houses of Parliament,
Cape Town, 17th March, 1917.

APPENDIX.

CONSTITUTIONAL AMENDMENTS CONSEQUENT UPON THE RECOMMENDATIONS CONTAINED IN THIS MEMORANDUM.

It is now proposed to put forward for mere easy reference the provisions of the South Africa Act, 1909, in which repeal or amendment will be necessary in order to carry into effect the recommendations contained in this memorandum. Sections of such Act to be repealed or amended will be set forth in full upon the left hand page and the Senate Reform Draft Bill on the right hand page. The sections in question of the Act will appear opposite the clauses in the Draft Bill which it is proposed, to be substituted for, or amend such sections.

A DRAFT BILL

FOR AN

ACT

TO

Amend certain provisions of the South Africa Act, 1909, in respect of the constitution, composition and powers of the Senate.

WHEREAS the period for which the present Senate is constituted expires in the year 1920:

AND WHEREAS it is desirable that other provisions than those contained in section *twenty-five* of the South Africa Act, 1909, as to the constitution of the Senate after the expiration of the period above mentioned shall come into force:

AND WHEREAS it is expedient to make provision for a new Senate constituted, composed and with such powers as are conferred by the South Africa Act, 1909, as amended by this Act:

BE IT THEREFORE ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of

* Hatsell's Precedents Vol. III., p. 69; Stephen's Alickstone, Vol. II., p. 372—May's Parliamentary Practice XI., Ed., p. 460.

South Africa in Parliament assembled and by authority of the same, as follows :—

PRELIMINARY.

1. The sections *twenty-four, twenty-five and thirty* of the South Africa Act, 1909, are hereby repealed. Repeals certain sections South Act, 1

CONSTITUTION OF THE SENATE.

24. For ten years after the establishment of the Union the constitution of the Senate shall, in respect of the original provinces, be as follows :—

(i) Eight Senators shall be nominated by the Governor-General-in-Council, and for each original province eight Senators shall be elected in the manner hereinafter provided :

(ii) The Senators to be nominated by the Governor-General-in-Council shall hold their seats for ten years. One half of their number shall be selected on the ground mainly of their thorough acquaintance, by reason of their official experience or otherwise, with the reasonable wants and wishes of the coloured races in South Africa. If the seat of a Senator so nominated shall become vacant, the Governor-General-in-Council shall nominate another person to be a Senator, who shall hold his seat for ten years.

(iii) After the passing of this Act, and before the day appointed for the establishment of the Union, the Governor of each of the Colonies shall summon a special sitting of both Houses of the Legislature, and the two Houses sitting together as one body and presided over by the Speaker of the Legislative Assembly shall elect eight persons to be Senators for the province. Such Senators shall hold their seats for ten years. If the seat of a Senator so elected shall become vacant, the Provincial Council of the province for which such Senator has

2. The Senate shall be composed of Members respectively nominated and elected as provided for by this Act, and the number of such members shall be, as nearly as practicable, in order to account for fractional and minimum representation, one half of the number of the members composing the House of Assembly. Proposed Senate House Assam

3. (1) One-tenth (as nearly as practicable, in order to account for fractional and minimum representation) of the total number of Senators shall be nominated and when such nomination shall have been made the balance of the total number of Senators, subject to the provisions of the previous section, shall be elected. Compt of the Senate

(2) Should their number be a complete multiple of the number of the Provinces of the Union, the elected Senators shall be distributed equally amongst the Provinces of the Union. In the contrary event the number of elected Senators shall be so distributed and when that has been done the remaining fractional number of the multiple shall be allotted equally, so far as possible, amongst those Provinces having the greatest number of electors according to the last published voters' rolls, the greater number having priority over the less. Each such Province* shall constitute one Senate electorate, the boundary of which shall be the boundary of such Province, and such Senators shall be elected, whenever such election is contested, according to the principle of proportional representation, each voter having one transferable vote. Elected Senate Proportional representation.

(3) The elected members of every Senate (except a member elected to fill a vacancy as provided for in sub-section (9) hereof) shall

* In the event of the election of Senators upon a Provincial basis being abolished and different areas constituted Senate electorates then it is suggested—

- (1) That one-tenth (as nearly as practicable in order to account for fractional and minimum representation) of the total number of Senators as provided for in sub-clause (1) of section *three* of the Draft Bill be nominated, as therein provided, and that when such nominations shall have been made the balance of the total number of Senators, subject to the provisions of clause *two* of the Draft Bill, shall be elected as provided for in clause *three* thereof.
- (2) That in respect of the elected Senators the total number of the electoral divisions of the House of Assembly for the whole Union as provided for in sections *thirty-three to forty-three* of the South Africa Act, 1909, inclusive, be divided into electorates for the Senate, each such electorate consisting of the undivided area containing one-sixth in number (as nearly as minimum and fractional representation will admit) of such electoral divisions.
- (3) That after such nomination aforesaid, should the remaining balance of the total number of Senators as provided for in clause *three* of the Draft Bill number a complete multiple of the number of such electorates, such elected Senators be distributed equally amongst such electorates. In the contrary event such number of elected Senators to be so distributed and when that has been done the remaining fractional number of such multiple to be allotted equally, so far as possible, amongst those electorates having the greatest number of electors according to the last published voters' rolls, and that such Senators be elected as provided for in clause *three* of the Draft Bill.
- (4) That such elections be conducted as provided for in clauses *three, nine, ten, eleven and twelve* of the Draft Bill, and the procedure upon casual vacancies both amongst elected and nominated Senators be as provided for in sub-clauses (8), (9) and (10) of clause *three*; and
- (5) That subject to the provisions of the Draft Bill the Electoral Delimitation Commission act in the same manner and according to the same methods in regard to Senate electorates as they are required by the provisions of the South Africa Act, 1909, to act in regard to the electoral divisions of the House of Assembly.

been elected shall choose a person to hold the seat until the completion of the period for which the person in whose stead he is elected would have held his seat.

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ⁱⁿ 25. Parliament may provide for the manner in which the Senate shall be constituted after the expiration of ten years, and unless and until such provision shall have been made—

- (i) the provisions of the last preceding section with regard to nominated Senators shall continue to have effect;
- (ii) eight Senators for each province shall be elected by the members of the Provincial Council of such province together with the members of the House of Assembly elected for such province. Such Senators shall hold their seats for ten years unless the Senate be sooner dissolved. If the seat of an elected Senator shall become vacant, the members of the Provincial Council of the province, together with the members of the House of Assembly elected for such province, shall choose a person to hold the seat until the completion of the period for which the person in whose stead he is elected would have held his seat. The Governor-General-in-Council shall make regulations for the joint election of Senators prescribed in this section.

hold their seats until the dissolution or expiry of the House of Assembly which takes place next after the expiration of five years from the date of the first meeting of a new Senate consequent upon a periodical election therefor.

(4) The elected members of the Senate shall be elected upon the principle of election provided for in sub-section (2) hereof, and according to the same Parliamentary franchise, upon the same voters' rolls, in the same polling booths (the ballot papers and boxes being of a different colour to those in use for the House of Assembly elections), as those in force in the several provinces in respect of the election of members to the House of Assembly and the provisions made by law as to the election of members of the House of Assembly shall apply throughout a Senate electorate as to the election of members of the Senate irrespective of whether in some, or all of, the electoral divisions of the House of Assembly constituting such electorate, the Assembly candidates are unopposed or not.

(5) Subject to the provisions as to the duration of the Senate as contained in sub-section (3) hereof, the periodical elections for the Senate shall take place on the same day and concurrent with the general elections for the House of Assembly.

(6) The Governor-General shall cause any remaining fractional number of the multiple mentioned in sub-section (2) hereof to be made and published in the *Gazette* immediately such election has been notified together with the allotment of the remaining seats to the Provinces concerned.

(7) The nominated members of every Senate ^{Nominate} ^{Senators.} (except a member nominated to fill a vacancy as provided for in sub-section (10) hereof) shall hold their seats for the same period for which the elected Senators hold their seats and shall be appointed by the Governor-General-in-Council, for the whole Union. Such nominated Senators shall be selected on the ground mainly of their thorough acquaintance by reason of their official experience, or otherwise, with the reasonable wants and wishes of the native and coloured races in the Union, and shall be specially qualified to represent such races.

(8) Casual vacancies amongst the elected ^{Casual} ^{vacancies} ^{amongst} ^{the} ^{elected} ^{Senators} arising in the Senate after a periodical election therefor shall be filled by some person, not being a member of either House of Parliament at the time such person becomes a candidate for a seat in the Senate, to be elected by ballot by the members of the Senate then present sitting as an electoral college at which the Chief Justice of the Union or one of the Judges of a Superior Court nominated by him, shall preside. In the event of there being more than one vacancy the election shall be conducted upon the system of proportional representation as provided for in sub-section (2) hereof. Should the election be conducted according to the principle of

proportional representation, the presiding Judge shall appoint two assessors to check and examine everything in connection with such elections and in event of any difference of opinion occurring between them the presiding Judge shall decide. In the event of such vacancy occurring during the Parliamentary Recess it shall be filled during the first week of the next ensuing session, and if such vacancy has occurred during a Parliamentary Session, immediately after the expiration of twenty-one days from the date of such vacancy taking place. The presiding Judge shall certify to the President of the Senate the result of, and the Clerk of the Senate shall act as Returning Officer for the purposes of such elections. The Senate shall frame regulations for the election of Senators at the meetings in this sub-section mentioned, both under the proportional representation system and otherwise.

(9) Any Senator filling such vacancy as is mentioned in the preceding sub-section shall only hold his seat until the completion of the period for which the person in whose stead he is elected would have held his seat.

(10) If the seat of a nominated Senator becomes vacant the Governor-General-in-Council shall subject to the provisions of sub-section (7) of this section nominate another person to be a Senator who shall hold his seat until the completion of the period for which the person in whose stead he is nominated would have held his seat, and such vacancies shall be filled within such times as are respectively prescribed in sub-section (8) hereof, in regard to elected Senators.

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ant. 20. The Governor-General may appoint such times for holding the Sessions of Parliament as he thinks fit, and may also from time to time, by proclamation or otherwise, prorogue Parliament, and may in like manner dissolve the Senate and the House of Assembly simultaneously, or the House of Assembly alone: provided that the Senate shall not be dissolved within a period of ten years after the establishment of the Union, and provided further that the dissolution of the Senate shall not affect any senators nominated by the Governor-General-in-Council.

Bills. 60. (1) Bills appropriating revenue or moneys or imposing taxation shall originate only in the House of Assembly. But a Bill shall not be taken to appropriate revenue or moneys or to impose taxation by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties.

(2) The Senate may not amend any bills so far as they impose taxation or appropriate revenue or moneys for the services of the Government.

DISSOLUTION.

4. Section *twenty* of the South Africa Act, 1909, is hereby amended by the deletion of all words after the word "dissolved" to the end of such section and the substitution of the following words therefor:—"until after the expiration of five years from the date of the first meeting of a new Senate consequent upon a periodical election therefor."

MONETARY POWERS AND FACILITIES.*

5. Section *sixty* of the South Africa Act, 1909, is hereby amended as follows:—

- (a) Sub-section (1) of the said section is amended by the addition after the word "penalties" of the words "or for the demand or payment or appropriation of fees for licences, or fees for services under the bill";
- (b) Sub-section (2) of the said section is amended by the insertion after the

* In accordance with the established practice of the Senate paragraphs (a) and (b) of this clause in the Bill before its transmission to the House of Assembly will require to be struck out and placed between brackets with a footnote stating that they do not form part of the Bill.

(3) The Senate may not amend any bills so as to increase any proposed charges or burden on the people.

words "moneys for the" of the words "ordinary annual";

(c) The said section is amended by the addition of the following new sub-section after sub-section (3) thereof:—

"(4) The Senate may during the stages of the passing of any bill containing provisions which the Senate may not under sub-sections (2) and (3) of this section amend, return such bill to the House of Assembly suggesting by message the omission or amendment of any items or provisions therein. And the House of Assembly may, if it thinks fit, make any of such omissions or amendments with or without modifications."

134. The election of Senators and of members of the executive committees of the provincial councils as provided in this Act shall, whenever such election is contested, be according to the principle of proportional representation, each voter having one transferable vote. The Governor-General-in-Council, or, in the case of the first election of the Senate, the Governor-in-Council of each of the Colonies shall frame regulations prescribing the method of voting and of transferring and counting votes and the duties of returning officers in connection therewith, and such regulations or any amendments thereof after being duly promulgated shall have full force and effect unless and until Parliament shall otherwise provide.

MISCELLANEOUS.

6. Section *one hundred and thirty-four* of the South Africa Act, 1909, is hereby amended by the deletion after the word "election" of the words, "of senators and" and after the words "Governor-General-in-Council," of the words "or in the case of the first election of the Senate, the Governor-in-Council of each of the Colonies."

26. The qualifications of a Senator shall be as follows:—

He must—

- (a) be not less than thirty years of age;
- (b) be qualified to be registered as a voter for the election of members of the House of Assembly in one of the Provinces;
- (c) have resided for five years within the limits of the Union as existing at the time when he is elected or nominated, as the case may be;
- (d) be a British subject of European descent;
- (e) in the case of an elected Senator, be the registered owner of immovable property within the Union of the value of not less than five hundred pounds over and above any special mortgages thereon.

For the purposes of this section, residence in, and property situated within, a Colony before its incorporation in the Union shall be treated as residence in and property situated within the Union.

30. The presence of at least twelve Senators shall be necessary to constitute a meeting of the Senate for the exercise of its powers.

7. Section *twenty-six* of the South Africa Act, 1909, is hereby amended by the deletion in paragraph (b) of the words, "the House of Assembly" and the substitution of the word, "Parliament" therefor and by the deletion of all words from and including paragraph (e) to the end of such section.

8. The presence of at least one-fourth of the whole number of Senators shall be necessary to constitute a meeting of the Senate for the exercise of its powers.

9. Subject to the provisions of the South Africa Act, 1909, and to such act as amended by this act and to the regulations issued under section *eleven* of this Act, the electoral laws in force in the several Provinces of the Union at the time of the passing of this Act, or any law passed by Parliament for the Union supplementary to or in place of such laws shall *mutatis mutandis* apply to polls taken in connection with periodical elections for the Senate.

10.* (1) The Governor-General shall appoint a place in each Senate electorate as a central counting station in connection with the Senate poll.

(2) The Governor-General shall also appoint a Senate Returning Officer together with the necessary staff to carry out such duties in connection with the counting of the Senate poll at such station as may be prescribed by regulations issued under section *eleven* of this Act. The Returning Officer of each electoral division of the House of Assembly shall perform the same duties in regard to the transmission of Senate ballot papers from his division to the central station referred to in sub-section (1) hereof, as are required in the transmission of Assembly ballot papers from polling stations in such division to such Assembly Returning Officer.

(3) All expenses incident to the conducting of a periodical election for the Senate shall be defrayed out of moneys to be appropriated by Parliament for the purpose.

11. Until Parliament otherwise provides— by legislation as to the registration of Parliamentary Voters, the conduct of Parliamentary elections, expenditure allowed in the interests of candidates thereat, the proceedings which may be taken against undue elections and for the prevention of corrupt and illegal practices at such elections and for other purposes in relation thereto—the Senate, or in case of the first election of the Senate the Governor-General-in-Council, shall, subject to the provision of this Act, frame regulations in respect of Senate elections: providing—

- (a) the utilisation so far as practicable of the same machinery and the services of the same officers as in the case of elections for the House of Assembly, in respect of elections for the Senate;
- (b) the appointment of additional Returning and other officers where necessary;
- (c) the nomination of candidates;
- (d) the deposits to be made or security given by or on behalf of persons nominated;
- (e) provision in the case of retirement or death of candidates;
- (f) the method of voting and of transferring and counting of votes according to the system of election by proportional representation as provided for in sub-

* In accordance with the established practice of the Senate sub-clauses (2) and (3) of this clause in the Bill before the transmission to the House of Assembly will require to be struck out and placed between brackets with a footnote stating that they do not form part of the Bill.

- section (2) of section *three* of this Act, including the duties of polling, presiding and Returning Officers, the transmission of Senate ballot papers and the counting thereof ;
- (g) the publication of results of the poll ;
 - (h) the procedure in case of the same person being elected for more than one electorate ;
 - (i) offences in connection with conduct of elections ;
 - (j) the regulation of the number and appointment of election agents ;
 - (k) returns of electoral expenditure ;
 - (l) provisions in the case of corrupt and illegal practices and other offences relating to such election ;
 - (m) provision in the case of election petitions and trials ;
 - (n) the forms to be issued for use in the carrying out of the provisions of this Act or the regulations issued under this section ;

and generally for the better carrying out of the objects and purposes of this Act. The regulations may provide for penalties for any contravention thereof or failure to comply therewith wherever penalties are provided therefore under the existing electoral laws.

12. The election expenses of a candidate shall be subject to the laws in force in the various provinces and in the Union applicable to candidates for the House of Assembly except that the personal expenses of a candidate are fixed at a sum not exceeding three hundred pounds.

Election expenses of candidate.

13. This Act may be cited for all purposes as the Senate Reform Act 19.... and shall come into operation on the 1920.

ANNEXURE V.

[Senate S.C. 4—1918.]

Senate Select Committee Report on the Future Constitution of the Senate, together with the Proceedings of the Committee.

ORDERS OF REFERENCE.

Tuesday, 26th March, 1918.

Ordered: That a Select Committee of nine members be appointed to consider and report upon the future constitution of the Senate, with recommendation of such modification of the South Africa Act regarding the same as the Committee may deem desirable; with power to call for papers, reports and take evidence, and to sit during adjournments of the House; five to be a quorum. (*Senator Sir John Fraser.*)

Ordered: That the said Committee do consist of Senators *Sir Meiring Beck, Stuart, Grobler, Churchill, Greaves, Lance, Whiteside, Popple* and the Mover. (*Senator Sir John Fraser.*)

Wednesday, 27th March, 1918.

Ordered: That the Memorandum by the Clerk of the Senate relative to the question of the Senate of South Africa after the expiration of ten years for which it was constituted in 1910 [S.1—17], be again laid upon the Table and referred to the Select Committee appointed to report on questions dealing with the Future of the Senate. (*Senator Sir John Fraser.*)

REPORT.

THE SELECT COMMITTEE appointed to consider and report upon the FUTURE CONSTITUTION OF THE SENATE, has agreed to the following Report:—

1. The future constitution of the Senate after the expiration of ten years from the date of Union is provided for in section *twenty-five* of the South Africa Act, 1909, which reads as follows:—

25. Parliament may provide for the manner in which the Senate shall be constituted after the expiration of ten years, and unless and until such provision shall have been made—

(I) the provisions of the last preceding section with regard to nominated senators shall continue to have effect;

(II) eight senators for each province shall be elected by the members of the provincial council of such province together with the

members of the House of Assembly elected for such province. Such senators shall hold their seats for ten years unless the Senate be sooner dissolved. If the seat of an elected senator shall become vacant, the members of the provincial council of the province, together with the members of the House of Assembly elected for such province, shall choose a person to hold the seat until the completion of the period for which the person in whose stead he is elected would have held his seat. The Governor - General - in - Council shall make regulations for the joint election of senators prescribed in this section.

2. Your Committee at the outset of its deliberations had accordingly to consider the question whether, in its opinion, the Senate to be constituted in terms of section *twenty-five* of the South Africa Act, 1909, and which would automatically come into being in default of other action, would adequately and satisfactorily meet the requirements of the future. A unanimous resolution against a Senate so constituted was adopted by your Committee, as follows:—

The Committee having considered the provisions laid down in section *twenty-five* of the South Africa Act for the Constitution of the Senate after the expiration of the period of ten years from the date of the establishment of Union in the event of no other provision for the same being made by Parliament, resolves that the said provisions are not in the best interests of the Union and should not be allowed to come into operation, and that therefore Parliament should make other provision for the future constitution of the Senate as by the said section contemplated.

3. Having accordingly affirmed the principle in favour of a Senate differing in constitution from the Senate as provided for in section *twenty-five* of the South Africa Act, 1909, your Committee directed its attention to the most suitable basis upon which such Senate should be established. In this connection your Committee carefully considered the several systems of Dominion Upper Chambers which have from time to time been

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constituted, and which may be defined respectively as follows:—

- (a) nominated for life;
- (b) nominated for a period of years;
- (c) a combined system of election and nomination; and
- (d) directly or indirectly elected.

Taking these systems *seriatim*, your Committee arrived at the following conclusions:—

- (a) That in the opinion of the Committee such a system is undesirable for the future Senate of South Africa.
- (b) That in the opinion of the Committee such a system is similarly undesirable.
- (c) That this Committee is in favour of a Senate mainly elected but partly nominated.
- (d) That any system of election decided upon for the constitution of the Senate shall be one of direct election.

4. The principle of a Senate mainly elected but partly nominated having been approved, your Committee next devoted its attention to the numerical composition of the body so to be constituted, and resolved as follows:—

That the number of members of the Senate should be such as to preserve as nearly as possible the ratio between the numbers of members of the two Houses as existing at the commencement of Union.

That the nominated element in the Senate shall consist of four members.

5. The principles which, in the opinion of your Committee, should govern the appointment of nominated Senators are laid down in the following resolutions:—

That the nominated element in the Senate shall be confined to persons who are appointed on account of their knowledge of Native Affairs.

That the present system of nomination by the Governor-General-in-Council, be continued, such members to hold their seats for the same period as the elected Senators.

That casual vacancies occurring amongst the nominated Senators be filled in the same manner as their original appointments, provided that vacancies shall be filled within thirty days of their occurrence. The Senator filling a vacancy to hold his seat until the completion of the period for which the person in whose place he was nominated would have held his seat.

6. Turning now to the elected members of the Senate, your Committee has adopted the following Resolutions:—

That the present system of the Provinces having an equal number of elected

members in the Senate be adhered to.

That in the opinion of this Committee each Province should be one constituency.

That the mode of election for the Senate be the system known as proportional representation with the single transferable vote.

That casual vacancies shall be filled up by election by the electors of the Province concerned.

That the franchise for Senate elections be the same as for the House of Assembly with the exception of persons under thirty years of age at the date of the last registration of voters.

7. Upon the questions of the duration and dissolution of the Senate, your Committee has resolved as follows:—

That the duration of each Senate be for ten years, half of the members to retire every five years.

That the provisions of the South Africa Act, 1909, regarding the Senate be adhered to.

8. With regard to the monetary powers of the Senate, your Committee resolved:—

That on account of the new Senate being a directly elected body, section *sixty* of the South Africa Act, 1909, be amended so as to admit of (1) the origination in the Senate of bills for the demand or payment or appropriation of fees for licences or fees for services under such bills, and (2) the amendment of bills by reduction so far as they appropriate revenue or moneys not for the ordinary annual services of the Government.

That in regard to any bill containing provisions which the Senate is prohibited by the terms of sub-sections (2) and (3) of section *sixty* of the South Africa Act, 1909, from amending, the Senate may during the stages of the passing of any such bill return it to the House of Assembly suggesting by message the omission or amendment of any item or provisions therein and the House of Assembly may, if it thinks fit, make any of such omissions or amendments with or without modifications.

Section *sixty* of the South Africa Act would then, in terms of these suggested amendments, read as follows:—

“60. (1) Bills appropriating revenue or moneys or imposing taxation shall originate only in the House of Assembly. But a bill shall not be taken to appropriate revenue or moneys or to impose taxation by

reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties or for the demand or payment or appropriation of fees for licences or fees for services under such bills.

- (2) The Senate may not amend any bills so far as they impose taxation or appropriate revenue or moneys for the ordinary annual services of the Government.
- (3) The Senate may not amend any bills so as to increase any proposed charges or burden on the people.
- (4) The Senate may during the stages of the passing of any bill containing provisions which the Senate may not under sub-sections (2) and (3) of this section amend, return such bill to the House of Assembly suggesting by message the omission or amendment of any items or provisions therein. And the House of Assembly may, if it thinks fit, make any such omissions or amendments with or without modifications."

9. Your Committee is of opinion that the qualifications for a Senator should be that he must:

- (a) be not less than thirty years of age;
- (b) be registered as a voter for the election of members of the Senate in one of the Provinces;
- (c) have resided for five years within the limits of the Union as existing at the time when he is elected or nominated, as the case may be;
- (d) be a British subject of European descent;
- (e) in the case of an elected Senator, be the registered owner of immovable property within the Union of the value of not less than five hundred pounds over and above any special mortgages thereon.

10. The Quorum of the Senate your Committee considers should be as fixed in the South Africa Act, 1909.

11. Your Committee has designedly confined itself in this Report to the recommendation of the broad principles which should be applied to the constitution of the new Senate, it being of opinion that the Committee's functions are best fulfilled by bringing into prominence the main issues involved without the introduction of minor details which can be more fittingly dealt with when legislation is being framed to give effect to the recommendations contained therein.

12. It was scarcely to be expected that the members of your Committee would be unanimous upon all the various points which

came before the Committee for decision. A perusal of the Minutes of the Proceedings of the Committee, which are annexed to this Report, will indicate where and to what extent divergencies of opinion exist.

13. Your Committee recommends:—

- (a) The transmission to the Government of this Report, with the request that a Bill dealing with the subject be introduced into Parliament during its next ensuing Session; Recommendations.
- (b) That, in accordance with the well-established principle that legislation affecting the constitution, powers and functions of either House of Parliament should originate in that particular branch of the Legislature, the Government be further requested to introduce the Bill into the Senate at as early a date as possible in the next Session of Parliament; and
- (c) That, in order to afford the public an opportunity of considering the Bill before its introduction into Parliament, the Bill will be published for not less than three months prior to the commencement of the next ordinary annual Session of Parliament.

14. In conclusion, your Committee acknowledges its indebtedness to the valuable Memoranda by Mr. Clough, Clerk of the Senate, on the question of the future Constitution of the Senate. Appreciation.

J. GEO. FRASER,
Chairman.

Committee Rooms,
The Senate,
15th April, 1918.

MINORITY REPORT.

MONETARY POWERS OF THE SENATE.

It is, I think, clear from the Minutes that, when laying down the provisions regarding the monetary powers of the Senate, the National Convention was following more or less closely the model of the Australian Commonwealth Constitution.

It seems equally clear, however, that the Convention, bearing in mind the fact that the South African Senate as then constituted was not a properly-elected body, and being unwilling therefore to grant the Senate, as to money matters, the same powers which are possessed by the directly elected Australian Senate, had considerable difficulty in reaching a decision.

The section dealing with this matter (now Section 60 of the South Africa Act), as first proposed, was practically identical with the first portion of Section 53 of the Common-

wealth Constitution, and under it the Senate would have had power—

- (a) to originate Bills for the imposition or appropriation of fines or other pecuniary penalties, or for the demand or payment or appropriation of fees for licences or fees for services under the Bill;
- (b) to amend by reduction all Bills except Bills imposing taxation or appropriating revenue or moneys for the ordinary annual services of the Government; these latter Bills the Senate was prohibited from amending at all.

The above proposal, however, appears to have been opposed by the Majority of the Convention, and eventually the following changes were made:—

- (a) *Origination.*—The Senate was given power to originate only Bills for the imposition or appropriation of fines or other pecuniary penalties.
- (b) *Amendment.*—The Senate was prohibited from amending—
 - (1) any Bills so far as they impose taxation or appropriate revenue or moneys for the services of the Government;
 - (2) any Bills so as to increase any proposed charges or burden on the people.

With regard to these changes, which are now embodied in Section 60 of the South Africa Act, attention should be called to the following points:—

The peculiar provision contained in the above paragraph (1) does not, as far as is known, occur in any other Constitution and is noteworthy in two respects—firstly, as regards the vagueness and general operation of the words “so far as,” and secondly, as regards the indefinite meaning of the unqualified words “services of the Government.”

It must be and has been interpreted to mean that any Bill, and any clause of any Bill, is open to amendment by the Senate provided only that the actual clause or part amended does not impose taxation or appropriate revenue or moneys for the services of the Government.

If it be assumed that this interpretation is wrong, and that the said provision must be taken to mean that the Senate is prohibited from amending any Bill (as a whole) which contains provisions for imposition of taxation or appropriation of revenue or moneys, then the question naturally arises: why has the wording of the original proposal been departed from?

Experience since Union has proved that the decision as to whether any clause or part of any clause of any Bill must be held to impose taxation or to appropriate revenue or moneys for the services of the Government, or as to whether any clause or part of any

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clause must be held to be inseparably connected with such imposition of taxation or appropriation, is very often difficult and is liable on this account to lead, and has actually led, to friction between the two Houses of Parliament.

Another point deserving attention is that owing to the very general wording of the provision in paragraph (1) the value and effect of the provision in paragraph (2) is largely discounted and nullified.

In fact, it is difficult to decide what part of any Bill the Senate may amend under paragraph (2) which it is not prohibited from amending under paragraph (1).

Lastly, it is noteworthy that the provision in Section 61 of the South Africa Act, which clearly aims at preventing the Government from “tacking” in the annual appropriation Bills, is also largely rendered unnecessary and inapt by the operation of the words “so far as” in paragraph (1), for the effect of these words is that no amount of “tacking” will enable the Government to escape the possibility of amendment of any Bill.

It seems fair, therefore, to infer that the provision in Section 61 was intended to follow and apply to Section 60 as originally proposed, and that when this Clause 61 was adopted the Convention had lost sight of the fact that the original draft of Section 60 had been materially altered by the insertion of the words “so far as” and the deletion of the words “ordinary annual.”

In view of the above considerations, I am of opinion—

- (1) That Sections 60 and 61 of the South Africa Act should be so amended as to state in clear, unmistakable terms the Senate's powers as to origination and amendment of Money Bills;
- (2) That under the system of direct election now proposed by the Committee, the Senate should have powers of origination and amendment similar more or less to those of the Commonwealth Senate as originally contemplated by the Convention. This would mean that while the Senate will be definitely debarred from amending all so-called strictly money Bills it would be definitely empowered to amend by reduction all other Bills.

Seeing that the recommendations of the Committee under this head do not, in my opinion, sufficiently secure the above objects, I am unable fully to agree to them, and I therefore submit the following as a draft of Sections 60 and 61 in amended form:—

Section 60:

- (1) Bills appropriating revenue or moneys or imposing taxation shall originate only in the House of Assembly, but a Bill shall not be taken to appropriate revenue or moneys or to impose taxation by reason only of its containing provisions for the imposition or appro-

- priation of fines or other pecuniary penalties or for the demand or payment or appropriation of fees for licences or fees for services under the Bill.
- (2) The Senate may not amend Bills imposing taxation or appropriating revenue or moneys for the ordinary annual services of the Government.
 - (3) The Senate may not amend any Bills so as to increase any proposed charge or burden on the people.
 - (4) The Senate may at any stage return to the House of Assembly any Bill which the Senate may not amend requesting by message the omission or amendment of any items or provisions therein. And the House of Assembly may if it thinks fit make any of such omissions or amendments with or without modifications.

Section 61:

- (1) Bills appropriating revenue or moneys for the ordinary annual services of the Government shall deal only with such appropriation.
- (2) Bills imposing taxation shall deal only with the imposition of taxation.

H. G. STUART.

Committee Rooms,
The Senate,
15th April, 1918.

PROCEEDINGS OF THE COMMITTEE
on the
FUTURE CONSTITUTION OF THE
SENATE.

Thursday, 28th March, 1918.

PRESENT:

The Minister of Posts and Telegraphs.
Senator Churchill.
Senator Sir John Fraser.
Senator Greaves.
Senator Grobler.
Senator Powell.
Senator Stuart.
Senator Whiteside.

The Committee met at 11 o'clock a.m.
Senator Sir John Fraser was called to the Chair.

Order of the House, dated 26th March, 1918, appointing the Committee, read.

Order of the House, dated 27th March, 1918, referring to the Committee the Memorandum by the Clerk of the Senate relative to the question of the future Constitution of the Senate [S. 1—'17], read.

In terms of the Order of the House, copies of the Memorandum in question were laid upon the Table.

The Committee deliberated in respect of its further sittings.

Resolved: That unless otherwise ordered from time to time, the Committee do meet at 10.30 o'clock a.m.—(Senator Churchill.)

Resolved: That at its rising to-day, the Committee do adjourn until Tuesday next, the 2nd April.—(The Minister of Posts and Telegraphs.)

The Committee deliberated upon the question of its procedure.

Resolved: That the Committee do proceed in the first instance to consider the several points enumerated in the Contents Sheet of the Memorandum by the Clerk of the Senate, excluding Chapter I.—(Senator Whiteside.)

Motion proposed: That in the opinion of this Committee the provisions laid down in the South Africa Act for the continuance of the Senate are neither adequate nor satisfactory.—(Senator Whiteside.)

The Committee deliberated.

Resolved: That the further consideration of this point be adjourned, and that Senators Stuart and Whiteside be requested to frame a resolution on the lines indicated, for submission to the Committee at its next ensuing meeting.

The Committee adjourned at 11.35 o'clock until Tuesday next, 2nd April, at 10.30 o'clock a.m.

Tuesday, 2nd April, 1918.

PRESENT:

SENATOR SIR JOHN FRASER (Chairman).

The Minister of Posts and Telegraphs.
Senator Churchill.
Senator Greaves.
Senator Lance.
Senator Powell.
Senator Stuart.
Senator Whiteside.

The Committee met at 10.30 o'clock a.m.
The Minutes of the previous meeting were read and confirmed.

Resolved: That all resolutions considered and approved by the Committee shall be regarded as but provisionally and tentatively adopted in principle, until the final stages of the Committee when they are formulated in detail for the purposes of the Committee's report.

Senators Stuart and Whiteside, in terms of the Resolution adopted at the previous meeting, brought up the following Motion relative to the existing provisions of the South Africa Act, namely:

"The Committee having considered the provisions laid down in Section 25 of the South Africa Act for the Constitution of the Senate after the expiration of the period of ten years from the date of the establishment of Union, in the

event of no other provision for the same being made by Parliament, resolves that the said provisions are not in the best interests of the Union and should not be allowed to come into operation and that therefore Parliament should (at the expiration of the said period) make other provision for the future constitution of the Senate as by said section contemplated."

The Committee deliberated.
Resolved: That the Motion as submitted be adopted, with the deletion of the words in brackets, namely, "at the expiration of the said period"—(*Senator Stuart.*)

The Committee in accordance with its previous decision, thereupon proceeded to consider the several points set out in the Memorandum by the Clerk of the Senate.

On the point of a Senate nominated for life,

The Committee deliberated.
Resolved: That in the opinion of the Committee such a system is undesirable for the future Senate of South Africa.—(*Senator Whiteside.*)

On the point of a Senate nominated for a period of years,

The Committee deliberated.
Resolved: That in the opinion of the Committee such a system is similarly undesirable.—(*Senator Churchill.*)

On the point of a Senate directly or indirectly elected,

The Committee deliberated.
Resolved: That any system of election assumed for the constitution of the Senate shall be direct election.—(*Senator Churchill.*)
On a point of a combined system, partly elected and partly nominated,

Motion proposed: That in the opinion of the Committee it is undesirable that there should be any nominated element in the Senate.—(*Senator Whiteside.*)

The Committee deliberated.
An amendment was moved: That this Committee is in favour of a Senate mainly elected by direct vote, but partly nominated.—(*Senator Stuart.*)

Amendment put, and the Committee divided:

Contents—4.

The Minister of Posts and Telegraphs.
Senator Greaves.
Senator Powell.
Senator Stuart.

Not-Contents—3.

Senator Churchill.
Senator Lance.
Senator Whiteside.

Amendment agreed to.
The sitting of the Committee was suspended at 12 o'clock noon, until 2.30 o'clock p.m.

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The Committee resumed at 2.30 o'clock p.m.
Present: All the Members as at the Morning Sitting, with the exception of the Minister of Posts and Telegraphs.

Motion proposed: That the nominated element in the Senate shall be confined to persons who are appointed on account of their knowledge of Native Affairs.—(*Senator Whiteside.*)

The Committee deliberated.
The Committee divided:

Contents—4.

Senator Churchill.
Senator Greaves.
Senator Lance.
Senator Whiteside.

Not-Contents—2.

Senator Powell.
Senator Stuart.
Motion carried.

(The Minister of Posts and Telegraphs entered the Committee.)

On the point of the composition of the Senate in its ratio to the House of Assembly,

Motion proposed: That the number of members of the Senate should be such as to preserve as nearly as possible the ratio between the numbers of the two Houses as existing at the commencement of Union.—(*Senator Stuart.*)

An amendment was moved: That the membership of the Senate shall be fifty-two—forty-eight elected members and four nominated members.—(*Senator Whiteside.*)

The Committee deliberated.
The Committee divided upon the amendment:

Contents—1.

Senator Whiteside.

Not-Contents—6.

The Minister of Posts and Telegraphs.
Senator Churchill.
Senator Greaves.
Senator Lance.
Senator Powell.
Senator Stuart.
Amendment negatived.

Original motion put, and the Committee divided:

Contents—6.

The Minister of Posts and Telegraphs.
Senator Churchill.
Senator Greaves.
Senator Lance.
Senator Powell.
Senator Stuart.

Not-Contents—1.

Senator Whiteside.
Motion agreed to.

On the point of Electorates (Provincial areas).

Motion proposed: That the present system of the Provinces having an equal number of members in the Senate be adhered to.—(Senator Churchill.)

The Committee deliberated.

An amendment was moved: That the Committee does not feel at liberty under present circumstances to recommend any change in (a) Provincial representation as laid down in the Act of Union, and (b) equality of representation of each Province as regards numbers.—(Senator Stuart.)

A further amendment was moved: That the principle be adopted of a minimum number of members representing the smaller Provinces as in the Assembly.—(Senator Lance.)

A further amendment was moved: That existing Provincial boundaries be ignored and constituencies be so defined as to group together as far as possible all coloured voters: Further, that constituencies be so defined as to embody the principle of one man one vote, one vote one value.—(Senator Whiteside.)

Senator Whiteside's amendment put, and the Committee divided:

Content—1.

Senator Whiteside.

Not-Contents—6.

The Minister of Posts and Telegraphs.
Senator Churchill.
Senator Greaves.
Senator Lance.
Senator Powell.
Senator Stuart.

Amendment accordingly negated.
Senator Lance's amendment put, and the Committee divided:

Content—1.

Senator Lance.

Not-Contents—6.

The Minister of Posts and Telegraphs.
Senator Churchill.
Senator Greaves.
Senator Powell.
Senator Stuart.
Senator Whiteside.

Amendment accordingly negated.
Senator Stuart's amendment put, and the Committee divided:

Contents—2.

The Minister of Posts and Telegraphs.
Senator Stuart.

Not-Contents—5.

Senator Churchill.
Senator Greaves.
Senator Lance.
Senator Powell.
Senator Whiteside.

Amendment accordingly negated.
Original motion put, and the Committee divided:

Contents—4.

The Minister of Posts and Telegraphs.
Senator Churchill.
Senator Greaves.
Senator Powell.

Not-Contents—3.

Senator Lance.
Senator Stuart.
Senator Whiteside.

Motion agreed to accordingly.
The Committee adjourned at 4.10 o'clock p.m. until to-morrow at 10.30 o'clock a.m.

Wednesday, 3rd April, 1918.

PRESENT:

SENATOR SIR JOHN FRASER (Chairman).
The Minister of Posts and Telegraphs.
Senator Churchill.
Senator Greaves.
Senator Lance.
Senator Powell.
Senator Stuart.
Senator Whiteside.

The Committee met at 10.30 o'clock a.m.
The Minutes of the previous meeting were read and confirmed.

On the point of Areas of Electorates,
Motion proposed: That in the opinion of this Committee each Province should be one constituency.—(Senator Whiteside.)

The Committee deliberated.

An amendment was moved: That each Province should form one or more constituencies, not exceeding three.—(The Minister of Posts and Telegraphs.)

The Committee deliberated.

The Committee divided upon the amendment:

Content—1.

The Minister of Posts and Telegraphs.

Not-Contents—6.

Senator Churchill.
Senator Greaves.
Senator Lance.
Senator Powell.
Senator Stuart.
Senator Whiteside.

Amendment accordingly negated.
Original motion put, and the Committee divided:

Contents—6.

Senator Churchill.
Senator Greaves.
Senator Lance.
Senator Powell.
Senator Stuart.
Senator Whiteside.

Not-Content—1.

The Minister of Posts and Telegraphs.

Motion agreed to accordingly.

On the point, Duration of the Senate,

Motion proposed: That the period for which the Senate is appointed should be ten years, half of the Senators to retire every five years, the first retirements to be those Senators who obtained the fewest votes at the first election.—(*The Minister of Posts and Telegraphs.*)

An amendment was proposed: That the duration of the Senate be for eight years, half of the members to retire every four years.—(*Senator Lance.*)

A further amendment was proposed: That the duration of the Senate be for six years, half of the members to retire every three years.—(*Senator Whiteside.*)

The Committee deliberated.

Senator Whiteside's amendment put, and the Committee divided:

Content—1.

Senator Whiteside.

Not-Contents—6.

The Minister of Posts and Telegraphs.

Senator Churchill.

Senator Greaves.

Senator Lance.

Senator Powell.

Senator Stuart.

Amendment negated accordingly.

Senator Lance's amendment put, and the Committee divided:

Contents—4.

Senator Churchill.

Senator Lance.

Senator Powell.

Senator Whiteside.

Not-Contents—3.

The Minister of Posts and Telegraphs.

Senator Greaves.

Senator Stuart.

Amendment carried.

On the point of the nominated element in the Senate,

Motion proposed: That the nominated element in the Senate shall consist of four members.—(*Senator Whiteside.*)

The Committee deliberated.

An amendment was moved: That the number of Senators to be nominated shall be as nearly as possible one-tenth of the total number of Senators.—(*The Minister of Posts and Telegraphs.*)

The Committee deliberated.

Amendment put, and the Committee divided:

Contents—3.

The Minister of Posts and Telegraphs.

Senator Lance.

Senator Stuart.

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Not-Contents—4.

Senator Churchill.

Senator Greaves.

Senator Powell.

Senator Whiteside.

Amendment accordingly negated.

Original motion put, and the Committee divided:

Contents—5.

Senator Churchill.

Senator Greaves.

Senator Lance.

Senator Powell.

Senator Whiteside.

Not-Contents—2.

The Minister of Posts and Telegraphs.

Senator Stuart.

Motion agreed to accordingly.

On the point of Mode of Election,

Resolved: That the mode of election for the Senate be the system known as proportional representation with the single transferable vote.—(*Senator Stuart.*)

The Committee adjourned at 12 o'clock noon until 2.30 o'clock p.m.

The Committee resumed at 2.30 o'clock p.m.

Present: All the members as at the Morning Sitting, with the exception of the Minister of Posts and Telegraphs.

On the point of the Franchise,

Motion proposed: That the franchise for Senate elections be for white adults of 21 years of age and upwards.—(*Senator Whiteside.*)

An amendment was moved: That the franchise and voters' roll for Senate elections be the same as for the House of Assembly.—(*Senator Powell.*)

A further amendment was moved: That the franchise for Senate elections be the same as for the House of Assembly with the exception of persons under 30 years of age.—(*Senator Lance.*)

The Committee deliberated.

Senator Lance's amendment put, and the Committee divided:

Contents—3.

Senator Greaves.

Senator Lance.

Senator Stuart.

Not-Contents—3.

Senator Churchill.

Senator Powell.

Senator Whiteside.

The Chairman gave his casting vote with the Not-Contents, to keep the matter open.

Amendment negatived accordingly.
Senator Powell's amendment put, and the Committee divided:

Contents—2.

Senator Lance.
Senator Powell.

Not-Contents—4.

Senator Churchill.
Senator Greaves.
Senator Stuart.
Senator Whiteside.

Amendment negatived accordingly.
Original motion put, and the Committee divided:

Contents—2.

Senator Churchill.
Senator Whiteside.

Not-Contents—4.

Senator Greaves.
Senator Lance.
Senator Powell.
Senator Stuart.

Motion negatived accordingly.

Resolved: That this point do stand over for further consideration at a later stage.

On the point of Mode of Nomination,

Resolved: That the present system of nomination by the Governor-General-in-Council be continued, members to hold their seats for the same period as the elected Senators.—(*Senator Lance.*)

On the point Casual Vacancies (Elected Senators),

Resolved: That casual vacancies shall be filled up by election by the electors of the Province concerned.—(*Senator Whiteside.*)

On the point Casual Vacancies (Nominated Senators),

Resolved: That the vacancies occurring amongst the nominated Senators be filled in the same manner as their original appointments, provided that vacancies occurring during the Parliamentary recess be filled during the first week of the next ensuing Session and those during Session immediately after the expiration of twenty-one days from the date such vacancy took place: The Senator filling a vacancy to hold his seat until the completion of the period for which the person in whose place he was nominated would have held his seat.—(*Senator Lance.*)

On the point Monetary Powers of the Senate in regard to Bills,

Resolved: (1.) That on account of the new Senate being a directly elected body, section *sixty* of the South Africa Act, 1909, be amended so as to admit of (1) the origination in the Senate of Bills for the demand or payment or appropriation of fees for licences or fees for services under such Bills, and (2) the amendment of Bills by reduction so far as

they appropriate revenue or moneys not for the ordinary annual services of the Government.

(II.) That in regard to any Bill containing provisions which the Senate is prohibited by the terms of sub-sections (2) and (3) of section *sixty* of the South Africa Act, 1909, from amending, the Senate may during the stages of the passing of any such Bill return it to the House of Assembly suggesting by message the omission or amendments of any item or provisions therein and the House of Assembly may if it thinks fit make any of such omissions, or amendments with or without modifications.—(*Senator Whiteside.*)

On the point Qualifications for Senatorship, *Resolved:* That the paragraphs of section *twenty-six* of the South Africa Act, be considered seriatim.—(*Senator Whiteside.*)

On paragraph (a) (Age limit),

Motion proposed: That this paragraph be adopted.—(*Senator Stuart.*)

An amendment was moved: That the word "thirty" be deleted and the words "twenty-five" inserted instead thereof.—(*Senator Churchill.*)

The Committee deliberated.

Amendment put, and the Committee divided:

Contents—2.

Senator Churchill.
Senator Whiteside.

Not-Contents—4.

Senator Greaves.
Senator Lance.
Senator Powell.
Senator Stuart.

Amendment accordingly negatived.

Original motion for the adoption of the paragraph put, and the Committee divided:

Contents—5.

Senator Churchill.
Senator Greaves.
Senator Lance.
Senator Powell.
Senator Stuart.

Not-Content—1.

Senator Whiteside.

Motion agreed to accordingly.

On paragraph (b) (Registration as a Voter), *Resolved:* That the initial words "be qualified to" be deleted; and further that the words "House of Assembly" be deleted and the word "Senate" inserted instead thereof.—(*Senator Whiteside.*)

On paragraph (c) (Residence),

Motion proposed: That this paragraph be adopted.—(*Senator Stuart.*)

The Committee divided:

Contents—5.

Senator Churchill.
Senator Greaves.
Senator Lance.
Senator Powell.
Senator Stuart.

Not-Content—1.

Senator Whiteside.

Motion agreed to accordingly.

On paragraph (d) (British Subject of European descent),

Resolved: That this paragraph be adopted.—(Senator Stuart.)

On paragraph (e) (Property Qualification), *Motion proposed*: That this paragraph be deleted.—(Senator Whiteside.)

The Committee deliberated.

Motion put, and the Committee divided:

Contents—2.

Senator Whiteside.
Senator Churchill.

Not-Contents—4.

Senator Greaves.
Senator Lance.
Senator Powell.
Senator Stuart.

Motion negated accordingly.

Motion proposed: That this paragraph be adopted.—(Senator Stuart.)

An amendment was moved: That the words "Five Hundred Pounds" be deleted, and the words "One Hundred Pounds" inserted instead thereof.—(Senator Churchill.)

The Committee deliberated.

Amendment put, and the Committee divided:

Content—1.

Senator Churchill.

Not-Contents—5.

Senator Greaves.
Senator Lance.
Senator Powell.
Senator Stuart.
Senator Whiteside.

Amendment negated accordingly.

Motion for the adoption of the paragraph put, and the Committee divided:

Contents—4.

Senator Greaves.
Senator Lance.
Senator Powell.
Senator Stuart.

Not-Contents—2.

Senator Churchill.
Senator Whiteside.

Motion agreed to accordingly.

On the point Quorum in the Senate, *Resolved*: That the quorum be one-fourth of the membership of the Senate.—(Senator Lance.)

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Resolved: That a Schedule of the Resolutions tentatively adopted by the Committee be prepared and copies distributed to members of the Committee.—(Senator Whiteside.)

The Committee adjourned at 4.30 o'clock p.m. until Friday next, the 5th instant, at 10.30 o'clock a.m.

Friday, 5th April, 1918.

PRESENT:

SENATOR SIR JOHN FRASER (Chairman).

The Minister of Posts and Telegraphs.
Senator Churchill.
Senator Greaves.
Senator Lance.
Senator Powell.
Senator Stuart.
Senator Whiteside.

The Committee met at 10.30 o'clock a.m.

The Minutes of the previous meeting were read and confirmed.

The Chairman laid upon the Table a Schedule of the Resolutions already agreed to provisionally by the Committee.

The Chairman submitted, for the consideration of the Committee, a request by Senator Schreiner to be permitted to give evidence on the question of the nomination of Senators to represent the Native element.

The Committee deliberated.

Resolved: That evidence from outside sources shall only be taken upon resolution of this Committee.—(Senator Whiteside.)

The Committee resumed consideration of the question on the Franchise which stood postponed from the previous meeting.

Motion proposed: That the franchise for Senate elections be the same as for the House of Assembly, with the exception of persons under 30 years of age at the date of registration.—(Senator Lance.)

An amendment was moved: That the franchise and voters' roll for Senate elections be the same as for the House of Assembly.—(Senator Powell.)

A further amendment was moved: That the franchise for Senate elections be for white adults of 21 years of age and upwards.—(Senator Whiteside.)

(The Minister of Posts and Telegraphs left the meeting.)

The Committee deliberated.

Senator Powell withdrew his amendment in favour of the original motion.

Senator Whiteside's amendment put, and the Committee divided:

Contents—2.

Senator Churchill.
Senator Whiteside.

Not-Contents—4.

Senator Greaves.
Senator Lance.
Senator Powell.
Senator Stuart.

Amendment negated accordingly.

Original motion put, and the Committee divided:

Contents—4.

Senator Greaves.
Senator Lance.
Senator Powell.
Senator Stuart.

Not-Contents—2.

Senator Churchill.
Senator Whiteside.

Motion agreed to accordingly.

The Committee deliberated as to its future procedure, with a view to the presence of all the members at the formulation of its final decisions.

Resolved: That at its rising to-day the Committee adjourn until Monday next, the 8th instant, at 10.30 o'clock a.m.—(*Senator Lance.*)

The Committee adjourned accordingly at 11.55 o'clock a.m.

Monday, 8th April, 1918.

PRESENT:

SENATOR SIR JOHN FRASER (Chairman).

The Minister of Posts and Telegraphs.
Senator Churchill.
Senator Greaves.
Senator Grobler.
Senator Lance.
Senator Powell.
Senator Stuart.
Senator Whiteside.

The Committee met at 10.30 o'clock a.m.

The Minutes of the previous meeting were read and confirmed.

The Committee proceeded to consider the several Resolutions already provisionally agreed to, with a view to the formulation of final decisions for the purposes of its Report.

The Chairman stated: In proceeding to consider finally the Resolutions adopted provisionally by this Committee, I would suggest that we take them *seriatim* and deal with them as with clauses of a Bill in Committee of the Whole House, namely that unless amendments are moved to vary such Resolutions they shall be taken as finally adopted.

Agreed to.

Resolution No. 1 (The New Senate as already provided for in the Constitution) considered, put and agreed to.

Resolution No. 2 (Senate nominated for life), considered, put and agreed to.

Resolution No. 3 (Senate nominated for a period of years) considered, put and agreed to.

Resolution No. 4 (Senate directly or indirectly elected), considered.

An amendment was moved: That the word "assumed" in the first line be deleted and the words "decided upon" be inserted instead thereof; and that before the words "direct election" at the end of the Resolution there be inserted the words "one of".—(*The Minister of Posts and Telegraphs.*)

Amendment put and agreed to.

Resolution, as amended, agreed to.

Resolution No. 5 (A combined system), considered.

An amendment was moved: That the word "mainly" in the second line be deleted and the word "entirely" be inserted instead thereof; and that the words "but partly nominated" at the end of the Resolution be deleted.—(*Senator Whiteside.*)

A further amendment was moved: that the words "by direct vote" in the second line be deleted.—(*Senator Stuart.*)

The Committee deliberated.

Senator Whiteside's amendment put, and the Committee divided:

Contents—3.

Senator Churchill.
Senator Lance.
Senator Whiteside.

Not-Contents—5.

The Minister of Posts and Telegraphs.
Senator Greaves.
Senator Grobler.
Senator Powell.
Senator Stuart.

Amendment negatived accordingly.

Senator Stuart's amendment put, and the Committee divided:

Contents—7.

The Minister of Posts and Telegraphs.
Senator Churchill.
Senator Greaves.
Senator Grobler.
Senator Lance.
Senator Powell.
Senator Stuart.

Not-Content—1.

Senator Whiteside.

Amendment accordingly agreed to.

Resolution, as amended, agreed to.

Resolved: That the foregoing Resolution No. 5 be transposed to precede No. 4 as shown on the Schedule.—(*The Minister of Posts and Telegraphs.*)

Resolution No. 6 (Composition of the Senate: The Ratio), considered.

An amendment was moved: That the new Senate be composed as nearly as practicable of half of the number of members composing the House of Assembly.—(*Senator Stuart.*)

The Committee deliberated.

Amendment put, and the Committee divided:

Contents—2.

Senator Stuart.
Senator Whiteside.

Not-Contents—6.

The Minister of Posts and Telegraphs.
Senator Churchill.
Senator Greaves.
Senator Grobler.
Senator Lance.
Senator Powell.

Amendment negated accordingly.

Resolution agreed to.

Resolution No. 7 (Large electorates: Provincial areas) considered.

An amendment was moved: That before the word "members" in the second line there be inserted the word "elected."—(*Senator Lance.*)

The Committee deliberated.

Amendment put, and the Committee divided:

Contents—7.

The Minister of Posts and Telegraphs.
Senator Churchill.
Senator Greaves.
Senator Grobler.
Senator Lance.
Senator Powell.
Senator Stuart.

Not-Content—1.

Senator Whiteside.

Amendment agreed to accordingly.

Resolution, as amended, agreed to.

Resolution No. 8 (Each Province one Constituency) considered.

An amendment was moved: That each Province should form one or more constituencies, not exceeding three.—(*The Minister of Posts and Telegraphs.*)

The Committee deliberated.

Amendment put, and the Committee divided:

Content—1.

The Minister of Posts and Telegraphs.

Not-Contents—7.

Senator Churchill.
Senator Greaves.
Senator Grobler.
Senator Lance.
Senator Powell.
Senator Stuart.
Senator Whiteside.

Amendment negated accordingly.

Resolution put and agreed to.

Resolution No. 9 (Duration of the Senate) considered.

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An amendment was moved: That the word "eight" be deleted and the word "ten" inserted instead thereof; and that the word "four" be deleted and the word "five" be inserted instead thereof.—(*Senator Stuart.*)

A further amendment was moved: That the word "eight" be deleted and the word "six" inserted instead thereof; and that the word "four" be deleted and the word "three" be inserted instead thereof.—(*Senator Whiteside.*)

The Committee deliberated.

Resolved: That the further consideration of this Resolution stand over until the next sitting of the Committee.

Motion proposed: That the Committee do now adjourn until 3 o'clock p.m. this afternoon.

The Committee divided:

Contents—4.

Senator Churchill.
Senator Lance.
Senator Powell.
Senator Whiteside.

Not-Contents—4.

The Minister of Posts and Telegraphs.
Senator Greaves.
Senator Grobler.
Senator Stuart.

The Chairman gave his casting vote with the Contents.

Motion carried; and

The Committee adjourned at 11.55 a.m. until 3 o'clock p.m.

The Committee resumed at 3 o'clock p.m.

All the members present.

The Committee proceeded to consider further Resolution No. 9 (Duration of the Senate), to which two amendments had been proposed at the Morning-Sitting.

A further amendment was proposed: That the words "half of the members to retire every four years" be deleted.—(*Senator Whiteside.*)

Amendment, providing for a six years' Senate with a retirement of half the members every three years, put, and

The Committee divided:

Content—1.

Senator Whiteside.

Not-Contents—7.

The Minister of Posts and Telegraphs.
Senator Churchill.
Senator Greaves.
Senator Grobler.
Senator Lance.
Senator Powell.
Senator Stuart.

Amendment accordingly negatived.
Amendment, providing for a ten years' Senate with a retirement of half the members every four years, put, and
The Committee divided:

Contents—4.

The Minister of Posts and Telegraphs.
Senator Grobler.
Senator Powell.
Senator Stuart.

Not-Contents—4.

Senator Churchill.
Senator Greaves.
Senator Lance.
Senator Whiteside.

The Chairman gave his casting vote with the Contents.

Amendment accordingly agreed to.

Further amendment for deletion of the provision regarding retirement of half the membership, withdrawn.

On the point of Dissolution of the Senate.

Motion proposed: That the Senate be incapable of dissolution until after the expiration of five years from the day of the first meeting of a new Senate consequent upon a periodical election therefor, and then only simultaneously with the House of Assembly.—(*The Minister of Posts and Telegraphs.*)

An amendment was proposed: That the provisions in the South Africa Act, 1909, regarding Dissolution of the Senate be adhered to.—(*Senator Churchill.*)

The Committee deliberated.

Amendment put, and the Committee divided:

Contents—6.

The Minister of Posts and Telegraphs.
Senator Churchill.
Senator Greaves.
Senator Lance.
Senator Powell.
Senator Whiteside.

Not-Contents—2.

Senator Grobler.
Senator Stuart.

Amendment agreed to accordingly. [Resolution No. 9a.]

Resolution No. 10 (Mode of Election; Proportional Representation) considered, put and agreed to.

Resolution No. 11 (Nominated Members to have a knowledge of Native Affairs) considered, and ordered to stand over pending a consideration of Resolution No. 12.

Resolution No. 12 (Number of Nominated Senators) considered.

Amendment proposed: That the word "four" be deleted and the word "eight" be inserted instead thereof.—(*The Minister of Posts and Telegraphs.*)

The Committee deliberated.
Amendment put, and the Committee divided:

Contents—3.

The Minister of Posts and Telegraphs.
Senator Grobler.
Senator Stuart.

Not-Contents—5.

Senator Churchill.
Senator Greaves.
Senator Lance.
Senator Powell.
Senator Whiteside.

Amendment accordingly negatived.
Resolution put and agreed to.

Resolved: That this Resolution be transposed before the next preceding Clause and numbered 11.—(*The Minister of Posts and Telegraphs.*)

Resolution No. 11, now 12 (Nominated Members to have a knowledge of Native Affairs) further considered and agreed to.

Resolution No. 13 (Nomination by Governor-General-in-Council) considered, put and agreed to.

Resolution No. 14 (Casual Vacancies: Elected Senators) considered, put and agreed to.

Resolution No. 15 (Casual Vacancies: Nominated Senators) considered.

An amendment was moved: That all the words occurring after the word "vacancies" in the third line, down to and including the words "took place" in the eighth line, be deleted; and that the words "shall be filled within thirty days of their occurrence" be inserted instead thereof.—(*The Minister of Posts and Telegraphs.*)

Amendment put and agreed to.

Resolution No. 15, as amended, put and agreed to.

Resolution No. 16 (Monetary Powers of the Senate in regard to Bills) considered.

The Committee deliberated.

The Committee adjourned at 4.45 o'clock p.m. until to-morrow at 10.30 o'clock a.m.

Tuesday, 9th April, 1918.

PRESENT:

SENATOR SIR JOHN FRASER (Chairman).

The Minister of Posts and Telegraphs.
Senator Churchill.
Senator Grobler.
Senator Greaves.
Senator Lance.
Senator Powell.
Senator Stuart.
Senator Whiteside.

The Committee met at 10.30 o'clock a.m.
The Minutes of the previous meeting were read and confirmed.

The Committee resumed consideration of Resolutions Nos. 16 and 17 on the Schedule of Resolutions provisionally adopted (Monetary Powers of the Senate in regard to Bills.)

Motion proposed: That the following be adopted as new sections to replace the existing sections Nos. ~~sixty~~ and ~~sixty-one~~ of the South Africa Act, 1909, namely:—

Draft for new section sixty, South Africa Act:

- (1) Bills appropriating revenue or moneys or imposing taxation shall originate only in the House of Assembly. But a Bill shall not be taken to appropriate revenue or moneys or to impose taxation by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties (or for the demand or payment or appropriation of fees for licences or fees for services under the Bill).
- (2) The Senate may not amend Bills imposing taxation or appropriating revenue or moneys for the ordinary annual services of the Government.
- (3) The Senate may not amend any Bills so as to increase any proposed charge or burden on the people.
- (4) The Senate may at any stage return to the House of Assembly any Bill which the Senate may not amend requesting by message the omission or amendment of any items or provisions therein. And the House of Assembly may if it thinks fit make any of such omissions with or without modifications.

Draft for new section sixty-one:

Bills appropriating revenue or moneys for the ordinary annual services of the Government shall deal only with such appropriation. —(*Senator Stuart.*)

An amendment was moved: That this Committee adopts *mutatis mutandis* the monetary provisions of the Constitution of the Senate of the Commonwealth of Australia as set out on page 12 of the Memorandum by the Clerk of the Senate on the Position of the South African Senate with reference to Public Money [S. 1—1912], namely:—

- “ 53. Proposed Laws appropriating revenue or moneys, or imposing taxation shall not originate in the Senate. But a proposed law shall not be taken to appropriate revenue or moneys or to impose taxation, by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand or payment or appropriation of fees for licences, or fees for services under the proposed law.

“ The Senate may not amend proposed laws imposing taxation, or proposed laws appropriating revenue or moneys for the ordinary annual services of the Government.

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“ The Senate may not amend any proposed law so as to increase any proposed charge or burden on the people.

“ The Senate may at any stage return to the House of Representatives any proposed law which the Senate may not amend, requesting by message, the omission or amendment of any item or provisions therein. And the House of Representatives may, if it thinks fit, make any of such omissions or amendments, with or without modifications.

“ Except as provided in this section, the Senate shall have equal power with the House of Representatives in respect of all proposed laws.

“ 54. The proposed law which appropriates revenue or moneys for the ordinary annual services of the Government shall deal only with such appropriation.

“ 55. Laws imposing taxation shall deal only with the imposition of taxation, and any provision therein dealing with any other matter shall be of no effect.

“ Laws imposing taxation, except laws imposing duties of customs or of excise shall deal with one subject of taxation only; but laws imposing duties of customs shall deal with duties of customs only, and laws imposing duties of excise shall deal with duties of excise only.

“ 56. A vote, resolution or proposed law for the appropriation of revenue or moneys shall not be passed unless the purpose of the appropriation has in the same session been recommended by message of the Governor-General to the House in which the proposal originated.”—(*Senator Whiteside.*)

A further motion was proposed: That this Committee adheres to its provisional Resolutions (Nos. 16 and 17) as set out in paragraphs 92 and 93 of the Clerk's Memorandum under the heading of “ Conclusions ”.—(*The Minister of Posts and Telegraphs.*)

The Committee deliberated.

Senator Whiteside's amendment put, and the Committee divided:

Contents—4.

Senator Churchill.
Senator Greaves.
Senator Lance.
Senator Whiteside.

Not-Contents—4.

The Minister of Posts and Telegraphs.
Senator Grobler.
Senator Powell.
Senator Stuart.

The Chairman gave his casting vote with the Not-Contents, on the ground that the amendment had much the same semblance as certain provisions which the National Convention had originally rejected.

Amendment negatived accordingly.

A further amendment was thereupon proposed; That the following be adopted as new sections to replace the existing sections Nos. *sixty* and *sixty-one* of the South Africa Act, 1909, namely:—

Draft for new section sixty of South Africa Act:

- “(1) Bills appropriating revenue or moneys or imposing taxation shall originate only in the House of Assembly. But a Bill shall not be taken to appropriate revenue or moneys or to impose taxation by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties (or for the demand or payment or appropriation of fees for licences or fees for services under the Bill).
- “(2) The Senate may not amend Bills imposing taxation or appropriating revenue or moneys for the ordinary annual services of the Government.
- “(3) The Senate may not amend any Bills so as to increase any proposed charge or burden on the people.
- “(4) The Senate may at any stage return to the House of Assembly any Bill which the Senate may not amend requesting by message the omission or amendment of any items or provisions therein. And the House of Assembly may, if it thinks fit, make any of such omissions with or without modifications.

Draft for new section sixty-one:

- “(1) Bills appropriating revenue or moneys for the ordinary annual services of the Government shall deal only with such appropriation.
- “(2) Bills imposing taxation shall deal only with the imposition of taxation.
- “(3) Bills imposing taxation except Bills imposing duties of customs or of excise shall deal only with one subject of taxation.
- “(4) Bills imposing duties of customs shall deal only with duties of customs.
- “(5) Bills imposing duties of excise shall deal only with duties of excise.”—
(*Senator Whiteside.*)

The Committee deliberated.
Senator Whiteside's further amendment regarding sections *sixty* and *sixty-one* of the South Africa Act, 1909, put, and the Committee divided:

• *Contents—4.*

Senator Churchill.
Senator Lance.
Senator Stuart.
Senator Whiteside.

Not-Contents—4.

The Minister of Posts and Telegraphs.
Senator Greaves.
Senator Grobler.
Senator Powell.

The Chairman gave his casting vote with the *Not-Contents*.

Amendment accordingly negatived.
Senator Stuart's motion put, and the Committee divided:

Contents—2.

Senator Lance.
Senator Stuart.

Not-Contents—6.

The Minister of Posts and Telegraphs.
Senator Churchill.
Senator Greaves.
Senator Grobler.
Senator Powell.
Senator Whiteside.

Motion negatived accordingly.
The motion of the Minister of Posts and Telegraphs re-affirming the Resolutions (Nos. 16 and 17) provisionally adopted, put, and the Committee divided:

Contents—4.

The Minister of Posts and Telegraphs.
Senator Greaves.
Senator Grobler.
Senator Powell.

Not-Contents—4.

Senator Churchill.
Senator Lance.
Senator Stuart.
Senator Whiteside.

The Chairman gave his casting vote with the *Contents*.

Motion agreed to accordingly.
Resolutions Nos. 16 and 17 put and agreed to.

Resolution No. 18 (Qualifications for Senatorship) considered.

Resolved: That the several sub-paragraphs be considered seriatim.—(*Senator Whiteside.*)

On sub-paragraph (a) (Age qualification), An amendment was proposed: That the word “thirty” be deleted and the words “twenty-one” inserted instead thereof.—
(*Senator Whiteside.*)

Amendment put, and the Committee divided:

Contents—2.

Senator Churchill.
Senator Whiteside.

Not-Contents—6.

The Minister of Posts and Telegraphs.
Senator Greaves.
Senator Grobler.
Senator Lance.
Senator Powell.
Senator Stuart.

Amendment accordingly negatived.
Sub-paragraph (a) put and agreed to.

Sub-paragraphs (b) (Registration as a Voter); (c) (Residence qualification); and (d) (British subject of European descent), respectively put and agreed to.

On sub-paragraph (e) (Property qualification),

An amendment was moved: That the whole of this sub-paragraph be deleted.—(*Senator Churchill.*)

A further amendment was proposed: That the words "five hundred" in the fourth line be deleted and the words "two thousand" be inserted instead thereof.—(*Senator Grobler.*)

The Committee deliberated.

Senator Grobler's amendment put, and the Committee divided:

Content—1.

Senator Grobler.

Not-Contents—7.

The Minister of Posts and Telegraphs.

Senator Churchill.
Senator Greaves.
Senator Lance.
Senator Powell.
Senator Stuart.
Senator Whiteside.

Amendment accordingly negatived.

A further amendment was moved and agreed to: That the final sentence of the sub-paragraph be deleted, namely:—"For the purposes of this section, residence in and property situated within a Colony before its incorporation in the Union, shall be treated as residence in and property situated within the Union."—(*The Minister of Posts and Telegraphs.*)

Senator Churchill's amendment to delete the whole of sub-paragraph (e) put, and the Committee divided:

Contents—3.

Senator Churchill.
Senator Lance.
Senator Whiteside.

Not-Contents—5.

The Minister of Posts and Telegraphs.
Senator Greaves.
Senator Grobler.
Senator Powell.
Senator Stuart.

Amendment accordingly negatived.

Sub-paragraph (e), as amended by the deletion of the second sentence, put, and the Committee divided:

Contents—5.

The Minister of Posts and Telegraphs.
Senator Greaves.
Senator Grobler.
Senator Powell.
Senator Stuart.
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Not-Contents—3.

Senator Churchill.
Senator Lance.
Senator Whiteside.

Sub-paragraph (e), as amended, accordingly agreed to.

Resolution No. 18, as amended, put and agreed to.

Resolution No. 19 (Quorum of the Senate) considered.

An amendment was moved: That the words "one-fourth of the membership of the Senate" be deleted, and the word "twelve" be inserted instead thereof.—(*Senator Stuart.*)

A further amendment was moved: That the quorum of the Senate be as fixed by the South Africa Act, 1909.—(*Senator Churchill.*)
Senator Churchill's amendment put, and the Committee divided:

Contents—6.

The Minister of Posts and Telegraphs.
Senator Churchill.
Senator Greaves.
Senator Grobler.
Senator Powell.
Senator Stuart.

Not-Contents—2.

Senator Lance.
Senator Whiteside.

Amendment accordingly agreed to.

Resolution No. 19, as amended, put and agreed to.

Resolution No. 20 (Franchise) considered.

An amendment was moved and agreed to: That before the word "registration" in the last line there be inserted the words "the last" and that after the word "registration" there be inserted the words "of voters."—(*Senator Lance.*)

A further amendment was thereupon moved: That all the words after the words "House of Assembly" in the second line be deleted.—(*Senator Whiteside.*)

The Committee deliberated.

Senator Whiteside's amendment put, and the Committee divided:

Contents—2.

Senator Churchill.
Senator Whiteside.

Not-Contents—6.

The Minister of Posts and Telegraphs.
Senator Greaves.
Senator Grobler.
Senator Lance.
Senator Powell.
Senator Stuart.

Amendment negatived.

Resolution No. 20, as amended, put, and the Committee divided:

Contents 6.

The Minister of Posts and Telegraphs.
 Senator Greaves.
 Senator Grobler.
 Senator Lance.
 Senator Powell.
 Senator Stuart.

Not-Contents—2.

Senator Churchill.
 Senator Whiteside

Resolution, as amended, agreed to accordingly.

Resolved: That the Committee acknowledges its indebtedness to the valuable Memoranda by Mr. Clough, Clerk of the Senate, on the question of the future Constitution of the Senate.—(Senator Powell.)

Resolved: That the Chairman be requested to prepare a Draft Report in consultation with such other members of the Committee and with the assistance of such officers of the Senate as may in his discretion be desirable.—(The Minister of Posts and Telegraphs.)

Resolved: That at its rising to-day the Committee do stand adjourned until again convened by the Chairman for the consideration of the Draft Report.—(The Minister of Posts and Telegraphs.)

The Committee adjourned accordingly at 11.55 o'clock a.m.

Monday, 15th April, 1918.

PRESENT:

SENATOR SIR JOHN FRASER (Chairman).

The Minister of Posts and Telegraphs.
 Senator Churchill.
 Senator Grobler.
 Senator Whiteside.
 Senator Lance.
 Senator Powell.
 Senator Stuart.

The Committee met at 11 o'clock a.m.

The Minutes of the previous meeting were read and confirmed.

The Chairman submitted a Draft Report, for the consideration of the Committee.

Senator Stuart intimated his intention of presenting a Minority Report upon the subject of the Monetary Powers of the Senate. The Committee deliberated.

The Chairman suggested, as a means if possible of obviating the presentation of Minority Reports, that the following additional paragraph be inserted in the Main Report, namely:—

It was scarcely to be expected that the Members of your Committee would be

unanimous upon all the various points which came before the Committee for decision. A perusal of the Minutes of the Proceedings, which are annexed to this Report, will indicate where and to what extent divergences of opinion exist.

The Committee further deliberated.

New paragraph, as suggested by the Chairman, agreed to.

(Senator Powell left the Committee.)

Resolved: That the several paragraphs of the Report be considered *seriatim*.—(Senator Churchill.)

Paragraph (The Senate, as already provided for in the Constitution), considered:

Resolved: That the introductory portion of the paragraph read as follows:—“The future constitution of the Senate after the expiration of ten years from the date of Union is provided for in section *twenty-five* of the South Africa Act, 1909, which reads as follows:—(Senator Stuart.)

Paragraph 2 considered and agreed to, with the deletion of the word “new” occurring before the word “Senate” in the second and fifth lines respectively—such amendment to apply also to similar references in succeeding paragraphs.

Paragraph 3 (Systems of Dominion Upper Chambers) considered:

Resolved: That the words “from the constitution of” in the second line be deleted and the words “in constitution from” be inserted instead thereof.—(Senator Lance.)

Resolved further: That sub-paragraphs (c) and (d) in both cases be transposed and re-lettered accordingly.—(The Minister of Posts and Telegraphs.)

Paragraph 3, as amended, agreed to.

Paragraph 4 (Nominated Senators in relation to Native Affairs) considered.

Resolved: That this paragraph be deleted.—(Senator Lance.)

Paragraph 5, now 4 (Numerical composition of the Senate) considered:

Resolved: That the initial words “A new” be deleted and the words “The principle of a” be inserted instead thereof; and that the words “determined upon” be deleted and the word “approved” be inserted instead thereof.—(Senator Lance.)

Paragraph, as amended, agreed to.

Paragraph 6, now 5 (Nominated Senators) considered, put and agreed to.

Paragraph 7, now 6 (Elected Members) considered, put and agreed to, the word “new” occurring before the word “Senate” being deleted in terms of a preceding Resolution.

(The Minister of Posts and Telegraphs left the Committee.)

Paragraph 8, now 7 (Constitution, powers and functions of the Senate) considered:

Resolved: That this paragraph be divided into three paragraphs, the first dealing with the “Duration and Dissolution of the Senate”; the second with the “Monetary Powers of the Senate in regard to Bills”; and the third with “Qualifications of Senators”.—(Senator Stuart.)

Paragraph divided accordingly.

Paragraph 7 (Duration and Dissolution of the Senate) put and agreed to.

Resolved: That as a sub-paragraph to the second paragraph 8 (Monetary Powers of the Senate in regard to Bills), there be added the following:—

Section sixty of the South Africa Act would then in terms of these suggested amendments, read as follows:

60. (1) Bills appropriating revenue or moneys or imposing taxation shall originate only in the House of Assembly. But a bill shall not be taken to appropriate revenue or moneys or to impose taxation by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties or for the demand or payment or appropriation of fees for licences or fees for services under such bills.
- (2) The Senate may not amend any bills so far as they impose taxation or appropriate revenue or moneys for the ordinary annual services of the Government.
- (3) The Senate may not amend any bills so as to increase any proposed charges or burden on the people.
- (4) The Senate may during the stages of the passing of any bill containing provisions which the Senate may not under sub-sections (2) and (3) of this section amend, return such bill to the House of Assembly suggesting by message the omission or amendment of any item or provisions therein. And the House of Assembly may, if it thinks fit, make any of such omissions or amendments with or without modifications.

Paragraph 8 (Monetary Powers of the Senate in regard to bills) as amended, put and agreed to.

New paragraph 9, formerly portion of 8 (Qualifications of Senators), put and agreed to.

New paragraph 10 (Quorum), formerly portion of 8, considered, put and agreed to.

Paragraph 9, now 11 (Main Principles, the subject of this Report), considered, put and agreed to.

Resolved: That the following be inserted as a new paragraph, to be numbered 12, namely:

“It was scarcely to be expected that the Members of your Committee would be

unanimous upon all the various points which came before the Committee for decision. A perusal of the Minutes of the Proceedings of the Committee, which are annexed to this Report, will indicate where and to what extent divergences of opinion exist.”—
(*Senator Churchill.*)

Agreed to; and

New paragraph 12 inserted accordingly.

Paragraph 10, now 13 (Recommendations), considered.

Resolved: That sub-paragraph (a) be deleted.—(*Senator Churchill.*)

Sub-paragraph (b) now (a) considered.

Resolved: That this sub-paragraph be amended to read as follows:—

- (a) “The transmission to the Government of this Report, with the request that a bill dealing with the subject be introduced into Parliament during its next ensuing Session.”—(*Senator Lance.*)

Sub-paragraph (a) as amended, put and agreed to.

Sub-paragraph (c), now (b) considered, put and agreed to.

Resolved: That the following be inserted as a new sub-paragraph (c), namely:—

- (c) “That, in order to afford the public an opportunity of considering the bill before its introduction into Parliament, the bill be published for not less than three months prior to the commencement of the next ordinary annual Session of Parliament.”—(*Senator Lance.*)

Paragraph 11, now 14 (Appreciation), considered, put and agreed to.

Resolved: That the Draft Report, as amended, be now adopted and that the Chairman be authorised to sign the Report and present it to the House together with the Minutes of Proceedings.—(*Senator Churchill.*)

Senator Stuart put in a Minority Report signed by himself.

Resolved: That the Chairman be authorised to sign the Minutes of Proceedings of this meeting of the Committee if satisfied as to their accuracy.—(*Senator Churchill.*)

A vote of thanks was passed to Senator Sir John Fraser for his services as Chairman in the conduct of the proceedings of the Committee.

The Committee thereupon adjourned at 12.45 o'clock p.m.

MEMORANDUM

(By)

Schedule containing some particulars

I. Principal British

II. Principal Foreign

I.—British Empire.*

Country.	Area in Sq. Miles.	Popu- lation.	Composition of Houses of Parliament.		Constitution.	UPPER	
			Upper.	Lower.		Legisla- tive	General.
†United Kingdom	121,633	(1919) 45,516,259	House of Lords, 700 members.	House of Com- mons, 707 members. (For 5 years).	Consists for the most part of hereditary peers together with Law Lords, English Archbishops (2), Bishops (24), by virtue of their respective offices, and by election by their compeers for life of 28 Irish peers, and by election by their compeers for the duration of a Par- liament of 16 Scottish peers. They are summoned by writs issued out of chancery.	Co-ordinate with those of the House of Com- mons.	
Canada	3,603,910	(1911) 7,206,643	Senate, 87 members.	House of Com- mons, 221 members. (For 5 years).	Life-nominated on basis of provincial representation.	Co-ordinate with those of House of Commons.	

* Area 12,780,000 square miles; population, 441,410,000; form of Government, Monarchy.

† The Upper House under the Government of Ireland Act, 1914 (4 and 5 Geo. V., Ch. 90), which has not yet come into force, is to be composed of 40 Senators (the Irish House of Commons to have 164 members), who are to be nominated in the first place by the Lord Lieutenant, subject to instructions from the King, thereafter the Senate is to be directly elected by proportional representation with the single transferable vote by the same electors as those of members of the English House of Commons in the four provinces of Ireland, as separate constituencies according to certain representation laid down. The term of office of every senator is five years and it is unaffected by a dissolution. The powers of the Senate over general legislation are to be the same as those of the lower house, but as to financial legislation, they are, as to origination, similar to those of the Australian Senate (*see above*), and as to amendment and rejection are as follows: The Senate may not reject any Bill which deals with the

XURE VI.

NDUM A.*Secretary).*

**relative to the Upper Houses of :
Empire Parliaments.
Legislatures.**

H O U S E .				
Powers.	Adjustment of differences between the two Houses.	Power of Dissolution over.	Members.	
			Tenure of Seat.	Qualifications.
Financial.				
If a money bill [which is elaborately defined by sub-section (2) of section 1 of the Parliament Act, 1911 (1 and 2, Geo. V. Ch. 13), and which is certified as such by the Speaker of the House of Commons] sent by the Commons to the Lords at least one month before the end of the session is not passed by the latter without amendment within one month after it has been so sent up, such bill, unless the Commons otherwise direct, is presented to the King, and becomes law upon the royal assent being signified. With regard to amendments affecting monetary provisions of other bills, these are still treated as matters affecting the "privileges" of the Commons which can waive their rights as they may desire, but the practice is that the Lords are not to amend any provisions of bills which affect public money.	If any bill—other than a money bill or a bill containing provision to extend the life of Parliament beyond five years, passed by the Commons in any three successive sessions and sent up to the Lords at least one month before the end of the session—is rejected by the Lords in each of those sessions it is on its third such rejection unless the Commons otherwise direct, presented to the King and becomes law upon the royal assent being signified, provided two years have elapsed between the first and third second readings of such bill in the Commons.	Same as House of Commons.	Life, or during retention of office in such classes of membership, or in cases of Scottish representative peers for the duration of the Parliament for which they were elected.	Entitled to a Writ of Summons.
The only constitutional provision limiting the power of the Senate is that requiring monetary bills to originate in the Commons, which House has a S.O. (No. 78) setting forth its claims in regard to the subject. In actual practice the Senate may only make amendments when the Commons chooses to waive its "privileges," either by reason of convenience, the unimportance of the Senate's amendments or the proximity of the close of the session. The procedure being similar to that of the Imperial Parliament before passing of Parliament Act of 1911.	Beyond the ordinary practice of holding conferences of appointed members of the two Houses the only relief obtainable in case of a deadlock is the power of the Crown under the Constitution to add six members to the Senate.	None.	Life.	Beyond those customary a senator must be not less than thirty years of age, owner of \$4,000 unencumbered real and personal property, and resident in the Province for which appointed.

imposition of taxation or appropriation of revenue or moneys for the services of the Irish Government, and the Senate may not amend any Bill so far as it imposes taxation or appropriates moneys, as aforesaid, nor may it amend any Bill so as to increase any proposed charges or burden on the people. Failure to pass any money bill sent up to the Senate at least one month before the end of the session is equivalent to its rejection. The adjustment of differences between the two Houses is that when the Commons send a bill to the Senate at least one month before the end of the session and the Senate rejects, or fails to pass it, or passes it with amendments to which the Commons will not agree, and if the Commons again pass such bill with or without amendments made or agreed to by the Senate and the Senate continues to disagree with the Commons, then the Lord Lieutenant may summon a joint sitting of the two Houses and the bill as last proposed by the Commons shall be voted upon. A majority of the members of the two Houses present shall decide the issue. This process also applies to a resolution transferring a reserved service from the United Kingdom to the Irish Government.

[U.G. 65—'20.]

I.—British Empire (continued).

Country.	Area in Sq. Miles.	Population.	Composition of Houses of Parliament.		UPPER	
			Upper.	Lower.	Constitution.	Legislative
						General.
Australia	2,974,581	(1919) 5,140,543	Senate, 36 members.	House of Representatives, 75 members. (For 3 years).	Direct election by the registered electors of each State voting as one electorate upon the same franchise and voters lists as for the Lower House. Although subject to dissolution, the Senate is a continuous body, each new Senate being divided into two classes who hold their seats for 3 and 6 years respectively, elections thereafter being for the full period of 6 years. The block system of voting was substituted in 1919 by a system of preferential voting upon which an election took place recently, showing a return of the almost equally divided political parties, 17 Senators of one party being returned as against 18 of the other party. The system was, however, not found to be much improvement on that of the <i>Scrutin de liste</i> (block vote).	Co-ordinate with those of the House of Representatives.
Union of South Africa.	473,096	(1911)* 5,973,394*	Senate, 40 members.	House of Assembly, 134 members. (For 5 years).	A combination of term-nominated and indirectly elected, 32 indirectly elected; the electorates each comprising after the first general election of the Senate, 1910, the members of the House of Assembly and the Provincial Council of each Province, which jointly elect eight senators for their Province under the system of proportional representation with the single transferable vote, and eight nominated by the Governor-General-in-Council, four of whom must be selected mainly on the ground of their thorough acquaintance by reason of their official experience or otherwise, with the reasonable wants and wishes of the coloured races. Casual vacancies after the end of the first Senate are filled in the same manner.	Co-ordinate with those of the lower house.
New Zealand	103,581	(1919) 1,139,014 (excluding 49,776 Maoris (1916), and Cook Islanders, 12,797 (1916).	Legislative Council, 40 members.	House of Representatives, 80 members. (For 3 years).	Under Act No. 59 of 1914† the upper House is directly elected upon the system of proportional representation with the single transferable vote by the electors for the lower House in the four electoral divisions into which New Zealand is divided for the purpose of Council elections, which divisions each comprise a number of lower House electoral districts and have certain allotted representation, being odd numbers and three nominated male Maori members. Council elections take place simultaneously with an election for the lower house. In the case of the first election 24 members are to be elected and thereafter 40. Vacancies are filled by the upper house co-opting a person not being a member of either house, present life and term-nominated members continue to hold their seats as nominated.	Co-ordinate with those of the lower house.
Newfoundland	42,734	(1918) 254,587	Legislative Council, 21 members (at present).	House of Assembly, 36 members. (For 4 years).	Nominated during pleasure by the Governor and confirmed by the King.	Co-ordinate with those of the House of Assembly.

* Census of Europeans only was taken in 1918, who numbered 1,421,781.

† Act No. 59 of 1914, which is still to come into operation with the exception of Section 23 already in force which provides that no member filling a vacancy shall hold his seat after 1st July, 1921.

H O U S E.				
Powers.	Adjustment of differences between the two Houses.	Power of Dissolution over.	Members.	
Financial.			Tenure of Seat.	Qualifications.
May not originate appropriation or taxation bills, but may originate bills incidentally imposing or appropriating fines or pecuniary penalties or fees for licences or fees for services under the bill. The Senate may not amend bills imposing taxation or appropriating revenue or moneys for the ordinary annual services of the Government or so as to increase any proposed charge or burden on the people. The Senate may, however, return any bill it may not amend to the Lower House requesting the omission or amendment of any items or provisions therein and the House of Representatives may make such with or without modifications.	In case of prolonged disagreement upon bills between the two Houses, the Governor-General may dissolve both Houses if after an interval of three months in the same or the next session the Senate again rejects the measure, with or without its previous suggestions or amendments, or should the Lower House fail to agree; provided that such dissolution shall not take place within six months before the expiry of the Lower House by the effluxion of time. If after such dissolution agreement can still not be arrived at with the Lower House, the Governor-General may summon a joint sitting of both houses, and if passed by an absolute majority, the bill is presented for the King's assent.	Only in the case of prolonged disagreement with the Lower House on assembly bills.	Six years.	Beyond the customary qualifications Senators must be 21 years of age and three years' resident in the Commonwealth.
Senate may not originate appropriation or taxation bills except where their provisions incidentally appropriate or impose fines or other pecuniary penalties. Senate may not amend any bills so far as they impose taxation or appropriate revenue or moneys for the services of the Government or so as to increase any proposed charges or burden upon the people.	Should the Senate reject or fail to pass any Assembly Bill with or without amendments, to which the Assembly will not agree and if the Assembly in the next session again passes such bill with or without amendments made or agreed to by the Senate, and the Senate again rejects or fails to pass or passes such bill with amendments to which the Assembly will not agree then the Governor-General may during that second session convene a joint sitting of both Houses, at which the bill as last proposed by the Assembly is under consideration; any amendments under disagreement required to be passed by a majority of the total number of members of both Houses present, and if the bill with amendments, if any, is passed by a majority of the members of both Houses present, it is submitted for the King's assent. In the case of Appropriation Bills joint sittings may be convened in the same session in which the Senate first rejects or fails to pass such bill.	After the expiration of the first Senate (1920) only simultaneously with the Assembly, but such does not affect any nominated members.	Ten years.	In addition to the customary qualifications; a senator must be at least thirty years of age; five years' resident in the Union and an elected senator must be the registered owner of unencumbered immovable property of £500, and all senators must be of European descent.
See Australian Senate, with the additional provision that if a money bill (see definition, United Kingdom) which is certified as such by the Speaker of the House of Representatives—sent up to the Council at least one month before the end of the session, is not passed by it without amendment within one month of it being so sent it shall, unless the Lower House otherwise directs, be presented for the King's assent.	If the Lower House sends any public bill other than a money bill to the Council at least one month before the end of the session and the Council rejects it or passes it with amendments to which the Lower House will not agree, and if the Lower House again passes such bill in the next session with or without such amendments, and if the Council rejects or fails to pass it within one month after being so sent up, the Governor-General may during that session summon a joint sitting of the two Houses, and such bill may be passed by a majority of the total number of members of the two Houses present, and submitted for the King's assent. Should such bill not be then passed, the Governor may dissolve both Houses provided it is not within six months of the three years for which the lower house is elected.	Except in the event of dissolution of both Houses in case of disagreement the Council is only dissoluble at the first general election for the Lower House after expiration of five years from the constitution of a new upper house.	Until expiry of the Parliament next after the expiration of five years from the date of his election, with exception of nominated Maori members who sit for six full years.	Beyond the customary qualifications must be a male registered elector.
Amendments by upper house infringes "privileges" of the lower House (vide Assembly S.O. No. 249).	No provision with the exception of the usual methods of a conference.	None.	During pleasure of Crown.	Beyond those customary must be owner of unencumbered property of £2,400 or an income of \$480 per annum.

† Vide page 122, ante.

[U.G. 65—'20.]

II.—Foreign Powers.

Country and Form of Government.	Area in Sq. Miles.	Population.	Composition of Houses of Parliament.		Constitution.	UPPER	
			Upper.	Lower.		Legislative	General.
Austria	No information available.						
Belgium (Monarchy)	11,373	(1917) 7,642,054	Sénat, 120 members.	House of Representatives, 180 members (for 4 years, one-half retiring every 2 years).	Part directly and part indirectly elected (a) 92 (equal to half the number of members of the Lower House) directly elected by proportional representation upon the same constituencies (but more often several fused into one senatorial division) as the Lower House, except that only the electors of 30 years of age and upwards may vote at Senate elections; half the members subject to re-election every 4 years (instead of 2 years as in Lower House); (b) indirectly elected—the remaining 27 Senators elected by "Conseils Provinciaux" in "cantons" which is a division of the "arrondissement." No Senator indirectly elected must have been a member of the council appointing him during 2 years preceding his election. Sons of the King have ex officio seats in the Senate; failing these all Royal Princes over 18 years of age but such have no voice until after reaching 25 years of age. Every 80,000 persons are represented by one senator (as against 40,000 by one member of the lower house).	Co-ordinate with those of the House of Representatives.	
China	No information available.						
Denmark (Monarchy)	15,582	(1916) 2,940,970	Landsting, 66 members.	Folketing, 114 members (for 4 years).	Partly nominated and partly directly and indirectly elected: nominated by the King for life 12 members; 54 members elected by direct electors and deputy electors according to a system of proportional representation half of which 54 retire every 4 years.	Co-ordinate with those of the lower house.	
France (Republic)	212,659	(1919) 41,476,523	Sénat, 300 members.	Chamber of Deputies, 610 members (for 4 years).	A permanent body indirectly elected with judicial and legislative functions, the electors of which consist of (1) Parliamentary deputies (2) members of departmental councils (3) members of district councils and (4) delegates elected from among the electors of the Commune by each Municipal Council. The 300 seats are allotted to the departments including the Colonies in certain specified proportions, the system of election being "au scrutin de liste" (the block vote), one-third of the senate has to be renewed every three years. The Senate may be constituted a High Court of Justice to try the President of the Republic or the Ministers or any persons implicated in conspiracies against the safety of the State. The consent of the Senate is required for the President of the Republic to dissolve the lower house before its legal expiration.	Co-ordinate with those of the Chamber of Deputies.	

HOUSE.				
Powers.	Adjustment of differences between the two Houses.	Power of Disolution over.	Members.	
Financial.			Tenure of Seat.	Qualifications.
Sonate has equal power of origination of money matters to that of the other two branches of the legislature.	No provision.	May be dissolved with the House of Representatives.	8 years	Beyond the customary qualifications, Senators must be at least 40 years of age; directly elected senator must be owner or occupier of real estate valued at Fr. 12,000 p.a. or to pay in taxes Fr. 1,200 p.a.
Budget must originate in lower house but as it must be passed before 31st March the upper house is often precluded by time from discussing its details.	By a joint committee of an equal number of members of each House.	Theoretically, at any time by the Crown but it has never been settled whether such could include the nominated element.	Elected Senators 8 years.	In addition to the usual provisions a senator must reside in the constituency for which he is elected.
All financial legislation must originate in the lower chamber.	Adjustment of differences between the two houses are regulated by rules framed by each house which provide for such differences to be re-considered by the Committee of the house in question or a committee may be appointed to confer with a committee of the other House. Should one house fail to accept the proposal for a conference or should such committees fail to agree then the bill may not be placed in the orders of the day for 2 months except by the Government. Settlements are usually by compromise. Failing ultimate agreement the measure is lost.	None.	9 years	Beyond the customary qualifications must be 40 years of age.

II.—Foreign Powers (continued).

Country and Form of Government.	Area in Square Miles.	Popula-tion.	Composition of Houses of Parliament.		Constitution.	U P P E R	
			Upper.	Lower.		Legislative	
						General.	
Germany and Hungary	No information available.	No information available.	Senato, number unlimited (in 1919 321 and 7 members of the Royal Family.)	Camera de Deputati, 508 members (for 5 years)	Nominated for life by the King on the proposition of his Ministers. Senate has legislative and also judicial functions and in the latter case may constitute itself as a High Court of Justice to judge (i) of crimes and offences of Senators who are not subject to ordinary Courts, (ii) Ministers accused by the lower house and brought before the Senate for trial, and (iii) persons accused of high treason and attempts against the safety of the State. The Senate may not exercise its judicial and legislative functions concurrently. In addition to the categories given under "qualifications," Princes of the Royal Family are senators by right at 21 years of age, and may vote at 25 years of age. The Senate has the sole right of judging the validity of qualifications of persons for admission to the Senate, and nominations are referred to a special permanent committee of the Senate.	Co-ordinate with those of the Chamber of Deputies.	
Italy (Monarchy)	110,632	(1915) 36,120,118	Senato, number unlimited (in 1919 321 and 7 members of the Royal Family.)	Camera de Deputati, 508 members (for 5 years)	Nominated for life by the King on the proposition of his Ministers. Senate has legislative and also judicial functions and in the latter case may constitute itself as a High Court of Justice to judge (i) of crimes and offences of Senators who are not subject to ordinary Courts, (ii) Ministers accused by the lower house and brought before the Senate for trial, and (iii) persons accused of high treason and attempts against the safety of the State. The Senate may not exercise its judicial and legislative functions concurrently. In addition to the categories given under "qualifications," Princes of the Royal Family are senators by right at 21 years of age, and may vote at 25 years of age. The Senate has the sole right of judging the validity of qualifications of persons for admission to the Senate, and nominations are referred to a special permanent committee of the Senate.	Co-ordinate with those of the Chamber of Deputies.	
Japan (Monarchy)	260,738	(1918) 87,070,936	Kizokuin (House of Peers), 373 members.	Shugiin (House of Representatives), 381 members (for 4 years)	Parliamentary government was established in 1889. Separate laws authorising the constitution of the two houses, and no law can amend the constitution of the House of Peers without the consent of the Emperor and Privy Council. House of Peers consists of five classes, (1) members of the Royal Family over 20 years of age, (2) princes and marquises over 25 years of age, (3) other peers as representative of their compeers in the proportion not exceeding one-fifth of their order elected for 7 years, (4) persons nominated for life by the Emperor for meritorious service to the State or because of erudition, and (5) persons elected for 7 years by the 15 highest taxpayers in each city and prefecture and subsequently nominated by the Emperor for 7 years. At present the classes number as follows: (1) about 17, (2) about 20, (3) counts less than 17, viscounts less than 70, and barons less than 63, (4) less than 125, and (5) about 50.	Co-ordinate with those of the House of Representatives.	
Netherlands (Monarchy)	12,582	(1918) 6,778,669	Eerste Kamer, 50 members.	Tweede Kamer, 100 members (for 4 years)	Indirectly elected (the President being appointed by the Crown from among the members), the electors being the members of the Provincial Councils; one-third of the upper house members retire every 3 years with provision for re-classifying after a dissolution. Joint sittings of both houses take place at the beginning and close of every session and upon the demise of the Crown.	The upper house not only has no power of initiating bills, but it may not even amend them. The Queen submits bills to Parliament, and also any other proposals she may deem necessary. The Sovereign also has the right to accept or reject measures adopted by Parliament. The Sovereign, on the advice of her Ministers, sends all bills to the lower house, and if the latter decides to accept the measure, either with or without amendment, it transmits the same to the upper house. Should the lower chamber decide not to adopt the measure they address the Queen to give it her earnest consideration. The upper chamber considers measures as transmitted to it by the lower chamber and communicates its decisions both to the Sovereign and the lower house. Pending the decision of the upper house on a bill the Queen has the power to withdraw the bill submitted by her. Parliament may submit bills to the Queen, but the initiation thereof rests solely with the lower house, and if the upper house approves of the measure it applies for the Sovereign's sanction and informs the lower house accordingly. Proposals other than bills may be submitted independently to the Crown by either house. The power to amend rests with the lower house alone, and the two houses when sitting as one body.	

H O U S E .					
Powers.		Adjustment of differences between the two Houses.	Power of Dissolution over.	Members.	
Financial.	Tenure of Seat.			Qualifications.	
All bills imposing taxation, Budgets and State accounts must originate in the Chamber of Deputies.	No provision	None	Life	Forty years of age, and must belong to one of the following categories: Archbishops and Bishops; President of Chamber of Deputies; Deputies of three Parliaments or of 6 years' standing. Ministers and Councillors of State; Minister-Secretaries of State; Ambassadors. Envoys Extraordinary after 3 years' service; Presidents and Councillors of Courts of Justice and Administrative Courts and Council of State, etc.; certain high Law Officers of the Crown; General officers of the Army and Navy; three Presidents of Provincial Councils; Prefects and ex-Prefects; members of 7 years' standing of the Royal Academy of Science and other kindred societies, and of the Superior Council of Education; persons who have merited the country's fame; persons who have for the last 3 years paid a sum equivalent to £120 in direct property or income tax.	
The only restriction is the practice that the Budget originates in the House of Representatives.	No provision	None	Life or term of years, as the case may be.	Class (1) for life, all members of the Royal Family over 20 years of age; (2) for life, all Princes and Marquises over 25 years of age; (3) Representative peers over 25 years of age, elected by their peers, Counts, Viscounts and Barons for 7 years, not exceeding one-fifth of each order; (4) persons life-nominated by the Emperor for meritorious services; (5) elected by certain taxpayers and nominated by the Emperor for 7 years.	
See "General"	See "Power of Dissolution over."	Either independently of the lower house or with it (or the lower house alone may be dissolved).	9 years	Not less than 30 years of age and is included in the highest category for direct taxation, or holds, or has held, one or more of the public offices enumerated below: (i) Ex-President or member of one of the Houses of Parliament or Audit Chamber or Supreme Council; (ii) Vice-President or Member of Council of State; (iii) Director of Cabinet or Minister; (iv) Envoy Extraordinary or Minister Plenipotentiary, etc.; (v) High Law Officer of the Crown; (vi) President &c. of a Court of Justice; (vii) Queen's Commissioner; (viii) Member of Provincial Government; (ix) Burgomaster of a Commune of over 20,000 inhabitants; (x) curator or professor of certain Universities, etc.; (xi) President or member of Royal Academy of Sciences; (xii) high Naval and Military officers, certain high officials of Government, both in the Netherlands and in the Colonies; and (xiii) President of a Chamber of Commerce in a commune or group thereof of more than 20,000 inhabitants.	

II.—Foreign Powers (continued).

Country and form of Government.	Area in Sq. Miles.	Population.	Composition of Houses of Parliament.		Constitution.	UPPER
			Upper.	Lower.		Legislation
						General.
Norway (Monarchy)	128,001	(1918) 2,632,010	Lagthing, i.e. really a committee of a quarter of the Storting	Odelsting 150 members (for 3 years)	There is really no upper house in Norway the Lagthing being merely a committee of certain members of the Storting elected by the members thereof, which committee continues during all the sessions of the same Storting. This committee or Lagthing, together with the Supreme Court, constitutes the authority before which members of the Government can be impeached. Every bill is discussed by the two divisions of the Storting separately, namely, the Lagthing and the Odelsting, but they must be initiated in the Odelsting, and when accepted, either with or without amendment, is sent to the Lagthing, which body either accepts it, in which case it is sent to the King for sanction, or returns it to the Odelsting with suggestions for amendments, which are then considered by the Odelsting, and, if accepted, the bill is considered passed. If, on the contrary, the Odelsting considers the suggestions of the Lagthing inadmissible, the bill can be dropped or be again sent to the Lagthing with or without further alterations. Should the Lagthing again refuse to accept the bill as received from the Odelsting the whole Storting sits as one body to vote on the proposed measure, which, if passed by two-thirds majority of all the members thereof, the bill is enabled to become law. All bills involving finance, motions criticising the Government's action, naturalisation of foreigners, concessions for works of public utility come straight before the whole Storting and are decided by a bare majority of votes. The mode of election of the Storting is direct. The inspection of public accounts, the revision of the Government and impeachment belong exclusively to the Odelsting.	(See "C")
Portugal (Republic)	35,480	(1911) 5,957,985	Senado 71 members	Camera de Deputados 164 members (for 3 years).	Directly elected by the municipal council areas, which are also the constituencies for the lower house, but on lesser representation; one half renewable every three years. The colonies are also represented in both Houses of Parliament.	All legislation must originate in the lower chamber, which the upper house may amend, such amendments subject to agreement of the lower house.
Spain (Monarchy)	194,783	(1918) 20,719,698	Senado 360 members	Congreso 417 members (for 5 years)	A combination of hereditary—life nominated—indirectly elected. The upper house therefore consists of Senators in their own right and Senators nominated for life by the Crown, these two classes not to exceed 180, and 180 Senators indirectly elected, 30 of whom by the corporations of the State and highest taxpayers. Such corporations consist of high ecclesiastical and academical dignitaries, universities, and economical societies; the remaining 150 are elected by 49 provinces, the electoral college in each province consisting of provincial deputies, town councillors and highest taxpayers. Half the elected Senators retire every five years. Both houses sit together at the ceremony of opening and of closing the session and to receive the King's and Heir Apparent's oaths and the upper house alone to appoint a Regent or guardian to a King in his minority. The upper house sits as a Court of Justice by virtue of a Royal Decree on the advice of ministers to hear (i) impeachments against ministers by the lower house; (ii) actions of grave offences against the Crown or security of the State; and (iii) cases of misdemeanour by Senators who cannot in certain cases be proceeded against in a Court of Law without permission of the Senate.	Co-ordinate with the lower house.

H O U S E .				
owers.	Adjustment of differences between the two Houses.	Power of Dissolution over.	Members.	
Financial.			Tenure of Seat.	Qualification.
tion.")	In case of disagreement between the two bodies: joint sitting, a majority of $\frac{2}{3}$ two-thirds required.	—	Three years	Must be not less than 30 years of age, ten years resident in Norway and, with the exception of former members of the council of State, must be a registered elector in the district for which he is chosen.
Senate has neither power of amendment nor origination, but can only reject.	By joint sitting in the current session arranged by the Presidents of the two chambers acting concurrently.	None	Six years	Must be over 33 years of age.
The only restrictions imposed upon the Senate are that laws relating to taxes and the public credits must originate with the lower house.	By conference of an equal number of Senators and Deputies, whose reports must be discussed without alteration by both the upper and lower house, and if accepted by both the bill is passed.	Either simultaneously or separately from the lower house, but only in respect of the elected Senators, in practice the elected portion of the Senate is dissolved at the same time as the lower house.	Indirectly elected 5 years, others life-nominated or by heredity.	Over 25 years of age. (i) Senators in their own right namely sons, being of full age, of the King and heir to the Crown, grantees in their own right having an income of £2,400 p.a. from immovable property or its legal equivalent, High Naval and Military Officers, Patriarch of The Indies and Archbishops, Presidents of not less than two years standing of the Council of State, Supreme Court and certain Administrative Courts. (ii) Nominated or elected Senators, Presidents of Senate and Chamber of Deputies, Deputies of three Parliaments or 8 parliamentary sessions standing, Ministers of the Crown, Bishops, Grantees of Spain, certain High Military and Diplomatic and Civil Service officers, Presidents of certain Academies and senior members thereof of an income of not less than £300 p.a. All persons of title, ex-deputies, certain ex-mayors if of not less than £800 p.a. income, or who pay not less than £160 p.a. in direct taxes, ex-senators.

II.—Foreign Powers (continued).

Country and Form of Government.	Area in Sq. Miles.	Population.	Composition of Houses of Parliament.		Constitution.	UPPER	
			Upper.	Lower.		Legislative	
						General.	
Russia	No information available.						
South American Republics.	The Senates are modelled more or less on the lines				of that of the United States of America.		
Sweden (Monarchy).	173,075	(1918) 5,813,850	Första Kam-maren, 150 members.	Andra Kam-maren, 230 members (for 4 years).	Indirectly elected by the County and municipal councils and by the municipal councils of certain cities not represented on county councils, according to a system of proportional representation (wherever two or more members are elected). The upper house is of a more or less permanent character as members to fill casual vacancies sit for a full period of 9 years. Special provisions are made as to alteration of constitutional laws.	Co-ordinate with those of the lower house. In regard to administrative and economic legislation and relating to public economy and industries both houses of Parliament must address the King who often invites Parliament to unite with him in legislating upon such subjects.	
Switzerland (Republic).	15,976	(1918) 3,937,000	Ständerat, 44 members.	Nationalrat, 189 members (for 3 years).	Switzerland has not an upper chamber in the sense that the council of States (Ständerat) reviews, remodels or rejects decisions of the National Council (Nationalrat). Both houses are absolutely equal. The upper chamber is elected by 22 Cantons each returning 2 members, their mode of election depends upon the arrangements made therefor by such "canton" or province. The two chambers sit separately except to elect the Federal Council or Executive Government, the Federal Tribunal and Chief of the Federal Army. Both the Initiation and 'referendum' are in operation.	All laws must be voted by both houses whether subject to referendum or not. The Presidents of the two houses apportion the work to be distributed to the two houses and failing agreement the decision is decided by lot. If one house negatives a bill or decree no further action is taken and no communication is made to the other house.	
United States of America (Republic).	2,973,890	(1918) 105,253,300	Senate, 90 members.	House of Representatives, 386 members (for 2 years).	A permanent body elected by the electors for members of the more numerous house of each State Legislature. One third of the senate renewed every 2 years. Originally and in case of new States the three classes are decided by ballot. Biennial renewal of one third of the senate coincides with meeting of a newly elected house of Representatives; equal representation of all States, casual vacancies may be filled by State Executive until the people fill the vacancy by election as each State Legislature may direct; Vice-President of U.S.A. elected at general presidential election is <i>ipso facto</i> President of Senate but cannot take part in debate and only has a vote in case of equality of votes. In addition to legislative power the Senate has executive and judicial powers. Advice and consent of the senate is required for appointments by President (of U.S.A.) of all Ambassadors, Consuls, Judges, etc.; such advice, etc., is also required and upon a two-thirds majority, before a foreign treaty can be concluded by the President. Senate has also power to try all impeachments.	Co-ordinate with that of the House of Representatives.	

Houses of Parliament,
Capetown, 29th September, 1920.

HOUSE.				
Powers.	Adjustment of Differences between the two Houses.	Power of Dissolution over.	Members.	
			Tenure of Seat.	Qualifications.
Financial.				
Bills relative to financial questions upon which there is disagreement between the two houses are submitted to a joint sitting of both houses.	Conference by means of a committee except in regard to financial measures. See "Financial."	At any time but such a step has not been taken since the law came into operation	6 years.	At least 35 years of age and rated for income tax for three years previously on an annual income of at least £186 or to be the owner of real property of the taxed value of at least £2,777, or a combination of both, to the required amount.
The same procedure of equality of the two houses is followed in regard to money as in respect of other matters priority being given to each house alternately in the introduction of the budget.	Should the decisions of one house not correspond with those already taken by the other they are returned to the latter in order that the points at issue may be discussed. Should agreement not be then arrived at, a conference of Committees of equal numbers of the two houses takes place and failing agreement the measure is then lost.	No provision	Dependent upon decision of each Canton, varying from 1 to 4 years.	No special provision beyond that of a registered elector.
The only restriction upon the senate is as to origination of bills raising revenue.	By conference of managers and failing agreement measure lost.	None	6 years.	30 years of age, citizens of the U.S.A. for 9 years, inhabitant of State, for which he is standing and generally those of the more numerous house of the State Legislatures.

ANNEXURE VII.

MEMORANDUM B.

(By the Secretary.)

***Basic points in connection with a Future Constitution of the Senate.**

1. REVISION.

On account of the greater part of proposed legislation in all legislatures being of a controversial nature and, in consequence, requiring to be originated in the more popular or lower chamber, it is the second or upper chamber which more often finds itself in the position of a chamber of revision in regard to such legislation than does the more numerous house. It has therefore become a world-wide constitutional principle that the primary function of an upper house is that of revision and such revision is applicable as well to bills unamended in the lower house as to those which have been substantially amended therein, for they are both subject to consideration *de novo* by the upper house in their final and completed form as passed by the lower house. In either case the difference between the two houses, both in regard to their composition and the authorities to which they are respectively responsible, causes quite another light to be thrown upon a measure in the upper chamber than that to which it has been subjected in the more popular body. Therefore if a second chamber is so composed as to perform its function of revision effectively, proposed legislation receives two distinct scrutinies and the result is one which ensures the complete working of the legislative machine in those two sections of it which are responsible for the constructive part of legislation.

2. DELAY.

The second function of an upper chamber may be said to be that of the suspension, by delay, of the passing of a bill. This is a salutary check in the course of legislation and one which generally is made use of in regard to measures of a more than usually important nature and upon which the opinion of the people is more or less equally divided. Particularly is the system of delay useful in regard to what may be termed "hasty legislation." It is then that the upper house can cause just sufficient delay in the passage of the measure as to enable popular feeling on the subject to be expressed before the process of legislative enactment is concluded. Records of second chambers afford many examples of bills in their passage through Parliament having been suspended by them, and of the action of the second chamber having been afterwards endorsed by popular opinion.

3. ORIGINATION.

Another useful function of the upper house is the origination therein of non-controversial legislation in respect of which the lower house in turn acts as a chamber of revision. Legislative congestion in the lower house (both public and private) is thereby relieved and the session of Parliament curtailed. In order, however, to make this effective it is necessary that the measures originating in the upper house should be given opportunity of being put forward in the lower house during the current session.

4. DIFFERENT STAND-POINT.

An important factor in connection with the proper exercise of functions appropriate to a second chamber is the greater independence from direct popular control which it enjoys under almost all constitutions, as compared with that of the more numerous house. This is attributable to many causes. In the first place members of a second chamber usually hold their seats for longer periods and under different conditions to those of the lower chamber. They are also not so much affected by spasmodic waves of popular feeling as members of a lower house, who are so closely concerned with politics and their responsibility to their constituencies. Upper house members are not required to keep in constant remembrance an appeal to their electorate when considering their attitude in regard to any measure which may be before them. They are thus more at liberty to judge a matter before the house with greater regard to its merits than to its political aspects. A calmer atmosphere also exists in the second chamber, removed as it usually is from the clamour which must necessarily be present in a chamber where the displacement of the Ministry of the day is the *coup d'état* which the party in opposition is continually on the watch to achieve. This striving for power is practically unknown in a second chamber, for, whatever attitude it may take in regard to any matter it can rarely, if ever, threaten the life of a Government, and, indeed, to place it in such a position would be to draw it into the maelström of party politics and thereby out of its proper channel as a chamber of revision.

* The question of uni- versus bicameralism is dealt with under Part I. of Parliamentary Paper [S.1—1917]. See p. 70.

5. CO-OPERATION.

It may have been observed that many people in the Union seem to be under the impression that the Senate is not really fulfilling its functions unless it is in conflict with the lower chamber over some question or other. The fact is lost sight of that the Senate is the sister chamber of the other House of Parliament and that neither can effect legislation without the other, for the co-operation of both is necessary before a measure is ready to be crowned with the full authority of law. Just as, in another degree, argument brought out by means of debate in either house often exposes new points to view, so in turn do the different elements which exist in a second chamber often cause a light to be cast upon a question different from that to which it has been subjected in the more popular house. In fact the greater the difference between the elements of the two houses the better does the bi-cameral system perform its functions.

6. COMPOSITION OF A SECOND CHAMBER.

It is the practice in almost all countries (as will be seen from Memorandum A.) to fix the minimum age for members of a second chamber in advance of that required of members of the more popular chamber. In many countries it is also one of the qualifications for membership, or a section of the membership, of the second chamber, that such persons shall have held some high office of State, or prominence; in other walks of life, thereby making national use of their particular experience and at the same time finding a useful place for those prominent men to whom the clamour of popular election does not, or has ceased to appeal. The system of popular election to the second chamber would not necessarily guarantee such qualification, yet wholly nominated second chambers are out of touch with modern-day ideas. The same form of composition naturally does not suit all countries. The question is, therefore, what form of composition would supply all that is necessary for an ideal second chamber, for, and yet suit the conditions which prevail in, South Africa? Not every country has succeeded in constituting a second chamber which satisfies its requirements. The problem, therefore, is not an easy one.

7. LEGISLATIVE POWER.

(i) Finance.

In almost every country enjoying parliamentary institutions it is the practice to vest the primary authority of the nation in that chamber which is more directly responsible to, and in closer touch with, the people. It is that chamber which alone has

the power to originate finance, and, since whatever matter be the subject of legislation its operation in some shape or form depends upon the expenditure of public money for its administration, the control over finance vested in the lower house is the hub around which the whole structure of government revolves. The fate of the Ministry is wrapped up in its power to retain the confidence of the lower house and that confidence includes the power to vote money for carrying on the services of the Government; therefore, it is the lower house alone which should dictate the policy of taxation and expenditure. Not even the most ardent advocate of a strong second chamber who has made any study of the working of these institutions would suggest that it be given equal control over finance with that possessed by the more numerous house. To embody such provisions, in the systems under which British constitutional law is operated and which invariably place the major power over finance in the lower house would be to encourage inter-chamber conflict.* With regard, however, to the second chamber's legislative power in respect of incidental monetary provisions, British constitutional practice differs very much under the various constitutions; but speaking generally, such power varies *ab ratio* with the particular type of second chamber, the nominated being the most, and the directly elected the least, restricted in such matters. While the power of a second chamber to amend incidental monetary provisions by increase is naturally tantamount to originating expenditure and therefore not allowable, yet provision is made in some British Empire constitutions to amend by reduction certain minor services of the Government. No plan, however, has yet been devised which will include all borderland cases and by far the most practical scheme for removing the feeling of restriction thus necessarily imposed upon a second chamber and assist it in the performance of its normal function of revision, is to invest in such chamber the facility to express its desire not by power of amendment but by means of a "process of suggestion" to the lower house which at the same time leaves all the power with such house to move, or not as it may deem fit, in the direction in which the suggestion has been made by the second chamber. It is a system which has had many years' successful operation in some of the Parliaments of Australia and one which has contributed, very largely to the smooth working of the two-chamber system in that country. This procedure* is well worthy of consideration:

(ii) General.

In regard to general legislation, however, co-ordinate power under all bi-cameral constitutions is universally vested in both chambers

*Vide Parliamentary Papers [S. 1—1912] pages 47 to 69 and [S. 1—1917] pages 70 to 102.

in order that each branch may perform its respective function in regard to origination or revision, as the case may be, of every legislative measure. Without such legislative freedom the functions of second chamber government would be practically inoperative.

8. ADJUSTMENT OF DISAGREEMENT BETWEEN THE TWO HOUSES.

It speaks well for the relationship which has existed between the two Houses of Parliament since the establishment of Union that not only has there never been occasion to resort to the operation of section *sixty-three* of the South Africa Act, 1909, which provides for the summoning of the two houses to settle legislative disagreements, but there has not even been occasion to make use of that old-established parliamentary machinery a "conference." Legislative differences in the Union have always been successfully removed by the ordinary exchange of inter-house amendment. The section above-mentioned has the advantage that all members of both chambers may participate, which procedure is really only practicable where the number of members of each house admits of them all sitting jointly as one deliberative assembly in a chamber of convenient dimensions. The section in question also does not require a dissolution of the two houses before the final decision is taken. Parliamentary deadlocks are rare landmarks in a country's history and when they do occur it is generally on some grave issue.

9. CHIEF POINTS AT ISSUE.

When the Conference has decided upon the continuance of a bicameral form of constitution, the first question for decision will be as to whether the composition of the Senate as provided for in paragraphs (i) and (ii) of section *twenty-five* of the Constitution is to be continued or not and, if not, then what composition does the Conference propose to substitute.

An hereditary chamber being foreign to the spirit of new countries and constitutions, the composition of a future Union Senate could be:—

- (a) entirely nominated, either for life or for a definite period, with or without special qualifications for membership;
- (b) entirely directly-elected according to a franchise, electorate and system of election to be decided upon;

- (c) a combination of (a) and (b);
- (d) indirectly-elected (as to which many schemes can be put forward), and, if so upon what franchise, electorate and system;
- (e) a combination, in certain proportions, of (a), (b) and (d); of (a) and (b); or (a) and (d) only;
- (f) whatever be the form of such composition, how casual vacancies are to be filled up?

The powers of the new Senate would naturally depend upon the extent of direct popular authority conferred under its constitution, and such power could allow greater latitude in regard to money matters or still further curtail them, and in any case could include some grade or other of the "process of suggestion" in regard to those provisions which the Senate was unable constitutionally to amend.

Another question for consideration is that of the power of dissolution. Is the Senate to be rendered as easily dissoluble as is the House of Assembly, or is some restriction to be put upon this? If not a life-nominated body, is the life of the Senate to be continuous by being divided into classes of senators retiring at stated intervals?

If the life of the Senate is to expire at fixed periods what is to constitute such periods? Are they to be longer or shorter than those for which the House of Assembly is constituted? And, if the Senate is to be elected, are such elections to be simultaneous with all or any of the elections of the House of Assembly? Lastly—What are to constitute the qualifications necessary for senatorship? Are the present qualifications in this respect to continue or to be amended? Is the property qualification to be amended or cancelled? Are any senators to be drawn from sections of the people possessing special qualifications useful in the performance of their duties as members of a chamber of revision, such as for example ex-judges, ex-ministers, ex-presidents, ex-speakers, etc., and, if so, from what classes and in what proportion? Are provincial councillors to be eligible for membership of the Senate when House of Assembly members are not?

The above are some of the chief points which the Conference may have under consideration.

Houses of Parliament,
Cape Town,
11th October, 1920.

ANNEXURE VIII.

MEMORANDUM C.

*(By the Secretary.)***System of Selection.**

When the Conference has decided upon the continuance of a bicameral form of constitution, the first question to be considered will be :

Whether the Senate provided for under paragraphs (i) and (ii) of section *twenty-five* of the Constitution is to continue, or, whether Parliament is to be recommended otherwise to provide ?

The new Senate which automatically comes into being after the expiry of the present Senate on the 31st instant will consist of the same number of nominated and elected senators as at present, but the 8 senators to represent each of the four Provinces will be elected by the members of the House of Assembly and the Council of each Province jointly. Casual vacancies amongst elected senators will be filled in the same manner as the Senate itself is to be elected.

At the last general election for the Senate the conditions were abnormal, for such 8 senators were elected jointly by the members of the Two Houses of the four superseded Parliaments of the Colonies which now constitute the Provinces of the Union. The casual vacancies amongst the elected senators since that time have been filled by the Council of the particular province concerned.

At the time of Union, when one Parliament took the place of four Parliaments, there were in all 322 legislators as against 161 seats in the Union Parliament, namely, 40 in the Senate and 121 in the Union Assembly. The Senate elections took place before those for the House of Assembly and of such 322 those who became senators included ex-prime ministers, ex-ministers, ex-presidents and ex-speakers and an ex-judge, constituting in all about 35 per cent. of the membership of the Senate, and in connection with such election it is significant to note that in no single instance was a person elected a senator who was not a member of the body vested with the power to elect such senator.

As casual vacancies amongst the elected senators occurred, however, it was not found that in-coming senators always included men of the same prominence as those whose places they filled. The result of these bye-elections was that out of 16 vacancies which took place only 4 were filled by senators who were not members of the Provincial Council at the time they were elected senators.

[U.G. 65-'20.]

What is shown from this mode of selection is that the Provincial Council practically followed in the footsteps of the Houses of the four superseded Colonial Parliaments at the time of Union and that it was the exception for such Council to go outside its own ranks to select a candidate. It has happened that the successful candidate was a member of the Provincial Executive Committee and his election to the Senate created a vacancy for competition amongst the provincial councillors remaining. In fact, the selection was restricted, for no matter how prominent an outside candidate may have been he had little hope of election, and indeed on this account very few what may be more readily described as "outside men" stood as candidates.

In connection with this subject it must be borne in mind that under the South Africa Act, 1909, a member of the Assembly may not submit himself for election to the Senate unless he has previously resigned his seat in the Assembly and the same principle is followed when a senator seeks election to the Assembly. It is a principle almost universally adopted in parliamentary government. In the case of a provincial councillor, however, an exception is made. The Act of Union does not debar him from submitting himself as a candidate for the Senate, whether nominated or elected. The new electorates for the Senate are divided into two classes, both being members of a legislative body, one being the members of the House of Assembly, who cannot become candidates for the Senate without first resigning their seats in the House of Assembly, and the other being the provincial councillors, who can do so without being subject to such disability. Thus an M.P.C. who fails to secure election to the Senate still continues his unbroken membership, and indeed there is every encouragement for him to allow his name to be put forward as a candidate, as his seat in the Council is not thereby placed in jeopardy.

Is this principle constitutionally sound ? A person is elected to the Provincial Council by his constituency and the question as to his selection for membership to the Senate does not arise in connection with such election. He can, while still holding tenure of his seat in one legislative body be a candidate for a seat in another legislative body under the same constitution.

Basing our opinion upon the practice at the time of Union and the bye-elections since

that date, therefore, it may reasonably be assumed that candidates for the Senate will, more often than not, be confined to those members of its electorate who are eligible for election.

All those who have perused, especially foreign, constitutions, will know that one of the main principles in regard to the composition of second chambers under most of such constitutions is that such chambers should, so far as possible, include the intellect and tried experience of men who have long served the State in some prominent capacity, and who by reason of their years are not desirous of being subjected to the clamour and activity which candidature for the more numerous House of Parliament requires.

The question now occurs—What is to be the system of selection of the future Senate? Is the field to remain restricted as in the past or is the subject to be so provided for by legislation that a wide selection and the services of prominent men of experience as candidates for the Senate are assured? Whether the elected senator be directly or indirectly elected or whatever be the particular method of composition of the future Senate, the question applies notwithstanding. Is our chamber of

revision to consist entirely of the same elements from which members are drawn who are elected to represent their constituents in the Provincial Council or is it considered that the house of revision should include at least a large proportion of such experienced public men, for example, as ex-ministers, ex-judges, ex-presidents, ex-speakers, etc., and those who have held high office in the service of the State or distinguished themselves in academical or other professions?

There is always a number of experienced and prominent men in every country who have occupied positions which peculiarly fit them for giving the benefit of their knowledge and experience in the deliberations of a chamber of revision but who are not willing to undergo the ardour of submitting themselves to popular election as candidates for the more numerous chamber.

The incorporation of a system by which the services of at least a fair proportion of such men is secured for the future Union Senate merits consideration by the Conference.

Houses of Parliament,
Cape Town,
11th October, 1920.

ANNEXURE IX.

MEMORANDUM D.

(By the Secretary.)

Proportional Representation.

I. PROPORTIONAL VERSUS MAJORITY SYSTEM.

It is generally acknowledged in countries where the system of proportional representation has been introduced that no system of popular election has been yet devised which so closely balances the scales of justice in regard to representation of all sections of the people in Parliament as the system of proportional representation, and as the Conference is now considering this subject perhaps some information in connection with it may be of interest to members.

The proportional representation system of election claims to represent parties or sections of the people in relative proportion to their strength, and is a system which has been frequently recommended, more especially in regard to the constitution of Second Chambers, to which it has been considered by eminent authorities to be particularly applicable.

The ballot is as secret as in the case of the ordinary system of Parliamentary elections for the House of Assembly.

In order to obtain the fullest operation of the system of proportional representation, it is held by authorities to be essential that a constituency should not return less than 5 members. In fact 7 is considered to be a preferable minimum. In any case it is desirable that the number of seats to be filled in any such constituency should be an odd one.

One of the main principles in connection with this system is that it works best over large-area constituencies, in fact Thomas Hare (one of its founders) advocated that for the purpose of elections to the House of Commons the whole of the United Kingdom should be one constituency. The larger the number of electors in one constituency the better representation minorities obtain.

An example of the iniquities of the majority system of election is the instance of a country divided into 100 constituencies, each of such

constituencies containing 10,000 voters and returning one member to a House of Parliament. A general election takes place, two political parties being in the field, namely—"the A's" and "the B's." "The A's" record 5,001 votes in each of the 100 constituencies. "The B's" record 4,999 votes in every such constituency. The total number of votes recorded in the whole country for the candidates of "the A party" will therefore be 500,100, and the total number of votes recorded for "the B party" 499,900. Thus "A party," with only 200 more votes in the whole country than "B party," will secure all the seats, and "B party" consequently will obtain no representation in Parliament whatever.

It is also possible, under the majority system of election, for the majority of representatives in a legislature to be returned by a minority of votes in the country, and many examples of such are to be found in countries where that system is in force. Therefore the results of such elections often depend, not so much upon the actual strength of parties, as upon the manner in which that strength is distributed in the several constituencies over the whole country.

An appropriate instance of the unfairness of the majority system is to be found in the elections for the Australian Senate, which until recently were conducted under a system of majority election, in this instance that known in the British system of government as the Block Vote.* This system allows a voter to record one vote apiece to the number of candidates to be returned.

In Australia each state is represented by six members in the Senate, half of whom retire every three years. Each state is polled as one constituency, and at a periodical election each elector has three votes. At the election of 1910 the Labour party polled the highest number of votes in each state, and therefore succeeded in returning 18 Senators, all the other parties obtaining no representation whatever.

* In the U.S.A. as the "general ticket," and in European Continental countries as the "*scrutin de liste*."
[U.G. 65--'20.]

Proportional representation was originally introduced into Denmark and has long been in force in many continental countries, where it has given entire satisfaction. In fact, the elections (6th June, 1920) for the Reichstag in Germany were conducted under that system.

The Royal Commission on Electoral Systems in 1908 reported that there was much to be said in favour of the system of proportional representation as a method for the constitution of a Second Chamber.

It is claimed by some that the system is complicated for the voter, but actual experience does not prove this to be the case. The voter's duty is simple. He has merely to record the figure 1 against the candidate he wants most to be elected; 2 against his next choice, and so on. What has to be learned is the method of counting the votes and declaring the result of the election, but this, of course, the voter is not concerned with. However, even the counting of the votes is not a matter which anyone of ordinary intelligence has any difficulty in acquiring a thorough knowledge of after working out one or two examples. The percentages of spoiled papers at Proportional Representation elections in Australia have averaged 1 to 2 per cent. At the municipal elections in the Transvaal in 1909 where the system was introduced for the first time to South African voters the number of spoiled papers was comparatively small. In Pretoria, where the number of electors was 2,852, there were 38 spoiled papers, or 1.33 per cent., and even 27 of such 38 would have been spoiled papers at an election under the ordinary majority system. At Johannesburg, where the number of electors was 12,155, the percentage of spoiled papers was 3 per cent., and of these only 2.35 per cent. could be attributed to the new system.

II. THE SINGLE TRANSFERABLE VOTE.

The two main systems are the single transferable vote and the system of lists. The single transferable vote bases representation upon voters who may group themselves into parties, while the list systems base representation upon parties as such. The single transferable vote is more in vogue in the United States of America and in connection with constitutions established under British constitutional law, and is that advanced by Thomas Hare, a contemporary of John Stuart Mill. The Royal Commission on Electoral Systems reported that this system would have the best chance of acceptance by the people of

the United Kingdom. The single transferable vote is that used at our own Senatorial Elections, and at those of the Provincial Executive Committees.

III. LARGE CONSTITUENCIES.

The following tables give a comparison of the areas and number of electors of the States of Australia with those of our own Provinces:—

Union of South Africa.

Province.	Area in Square Miles.	Registered Electors.*
		1920.
Cape of Good Hope ..	276,966	200,874
Natal	35,291	35,679
Transvaal	110,450	148,423
Orange Free State ..	50,389	49,265

* The average number of voters voting at Assembly elections since Union was in 1915 approximately 73 per cent., and in 1920, 87 per cent.

Australia.

State.	Area in Square Miles.	Registered Electors.*
		1917.
New South Wales ..	309,432	1,094,834
Victoria	87,884	819,707
Queensland	670,500	378,296
South Australia ..	380,070	265,779
Western Australia ..	975,920	168,030
Tasmania	28,215	108,681

* These figures give an approximate number of voters (registered) for Australian Senate and for each of the State Assemblies.

Each of the Australian States is one electoral area for the purpose of Senate elections. At the elections which took place last year an alternative system of voting was substituted for the block vote system. The substituted system is, so far as the marking of the ballot paper by the voter is concerned, if anything, not so simple as under that of proportional representation with the single transferable vote.

The system of counting under this Australian system is of a similar nature to that under proportional representation.

No confusion took place, but the system did not meet with satisfaction, and this has consequently increased the demand for proportional representation with the single transferable vote.

IV. PERCENTAGE OF SPOILED PAPERS.

A recent instance of voting under Proportional Representation with the single transferable vote occurred on the 15th January 1920 in Ulster, namely, the Belfast Urban Elections

(nine separate wards). The electors numbered 135,548. Seats, in all, 60. Poll, 91,822—68 per cent. of the electorate. Spoiled votes, 2,791—3.1 per cent. of the poll.* Valid votes, 89,031.

Parties.	First Votes.	Seats in proportion.	Seats won.
(1) Official Unionist and allied parties ..	49,773	33.5	37
(2) Belfast Labour Party and allied parties ..	16,913	11.4	12
(3) Nationalists ..	10,768	7.3	5
(4) Sinn Fein ..	7,120	4.8	5
(5) Independents ..	4,467	3.0	1
	89,031	60.0	60

The time taken in counting the votes was as follows:—

Polling day (no votes counted)	First day	} The count.
First five wards counted	Second "	
First results published	Third "	
Last results	Fourth "	

Each count was carried out by about 30 persons, so that upon the first day some 150 were engaged on the work, equal to 1 for every 300 polled, 52 polling stations were used averaging about 1 for every 2,600 of the electorate, or 1 for every 1,800 polled.

V. AN EXAMPLE OF AN ELECTION.

The elector has one vote only and he records it by putting the figure 1 opposite the name of the candidate he likes best. He may also put the figure 2 opposite the candidate of his second choice, and so on, numbering as many candidates as he pleases in the order of his preference, the number of which is not restricted to the number of vacancies, but may continue over the whole range of candidates. Any departure from the order of sequence spoils his preferences from the point where such departure begins. The elector, after expressing his wishes on his ballot paper, puts it in the ballot paper box, and there his duty ends.

The ballot papers are then taken out of the ballot box and counted under the usual precautionary methods adopted at elections; such papers are first counted and the invalid ones rejected. The remaining papers are then added together and the quota necessary to declare a candidate elected is obtained by

dividing the number of such valid papers by the number of seats to be filled plus 1 and adding 1 to the result, disregarding fractions. Say the number of valid papers is 115 and that there are 5 seats to be filled, the quota would be:—

$$\frac{115}{5 + 1} + 1 = 20$$

Therefore any of the 9 candidates who obtains 20 votes or more on the first or any other count is immediately declared elected.

Assume the voting on the first count is as follows:—

Name of Candidate.		No. of Votes.
A.	(S.A.P.)	14
B.	(Nationalist)	12
C.	(Nationalist)	10
D.	(S.A.P.)	7
E.	(Labour)	16
F.	(Unionist)	15
G.	(Nationalist)	30
H.	(Unionist)	7
I.	(S.A.P.)	4
		115

G., having obtained the quota, is declared elected.

The next thing is to transfer G.'s surplus of 10 votes (namely, 30—20=10).

All G.'s 30 papers are then re-examined and sorted according to the names marked with the figure 2, which discloses the following:—

B. was second choice on 3 of G's papers;
C. was second choice on 21 of G's papers;
E. was second choice on 6 of G's papers.

G. has 10 spare votes, *i.e.*, 30—20. He can, therefore, spare only one out of every three votes. B., C. and E. are, therefore, each entitled to the preference marked in column 3, which is obtained by the following formula:—

Proportion to be transferred	×	Surplus	÷	Total of next preferences	=	Result
		10				
In B's case		3 ×		30		1
				10		
In C's case		21 ×		30		7
				10		
In E's case		6 ×		30		2

* Omitting 378 votes spoiled by accident, the true percentage was 2.82 per cent.

Second Count.

Name of Candidate.	First Count.	Transfer of G's Surplus.	Result.
A.	14	=	14
B.	12	+ 1	13
C.	10	+ 7	17
D.	7	=	7
E.	16	+ 2	18
F.	15	=	15
G.	30	- 10	20
H.	7	=	7
I.	4	=	4
	115		115

The result of the second count is that no one else is elected, and all the surplus votes having been transferred the next step is to eliminate the candidate lowest on the poll, namely, I. His ballot papers are therefore examined and 3 papers show a second preference for A. and 1 for H. These being original votes (No. 1), they are transferred at their full value.

Third Count.

Name of Candidate.	First Count.	Transfer of G's surplus.	Result.	Transfer of I's Votes.	Result.
A.	14	=	14	+ 3	17
B.	12	+ 1	13	=	13
C.	10	+ 7	17	=	17
D.	7	=	7	=	7
E.	16	+ 2	18	=	18
F.	15	=	15	=	15
G.	30	- 10	20	=	20
H.	7	=	7	+ 1	8
I.	4	=	4	- 4	0
	115		115		115

The result of the third count also shows no further candidate elected. The next step, therefore, is to eliminate the lowest candidate, who is now D. His papers are re-examined and show that 2 papers indicate E. as the next choice and 5 for F. as the next choice, as follows:—

Fourth Count.

Name of Candidate.	First Count.	Transfer of G's Surplus.	Result.	Transfer of I's Votes.	Result.	Transfer of D's Votes.	Result.
A.	14	=	14	+ 3	17	=	17
B.	12	+ 1	13	=	13	=	13
C.	10	+ 7	17	=	17	=	17
D.	7	=	7	=	7	- 7	0
E.	16	+ 2	18	=	18	+ 2	20
F.	15	=	15	=	15	+ 5	20
G.	30	- 10	20	=	20	=	20
H.	7	=	7	+ 1	8	=	8
I.	4	=	4	- 4	0	=	0
	115		115		115		115

E. and F. having secured the quota are now declared elected and there are still 2 of the 5 seats remaining unfilled.

H. being now at the bottom of the poll, his papers are re-examined, and they disclose 6 papers indicating A. as the next choice and 2 for I., who has been eliminated, but as no further preferences have been recorded, they are non-transferable, as follows:—

Fifth Count.

Name of Candidate.	First Count.	Transfer of G's Surplus.	Result.	Transfer of I's Votes.	Result.	Transfer of D's Votes.	Result.	Transfer of H's Votes.	Result.
A.	14	=	14	+ 3	17	=	17	+ 6	23
B.	12	+ 1	13	=	13	=	13	=	13
C.	10	+ 7	17	=	17	=	17	=	17
D.	7	=	7	=	7	- 7	0	=	0
E.	16	+ 2	18	=	18	+ 2	20	=	20
F.	15	=	15	=	15	+ 5	20	=	20
G.	30	- 10	20	=	20	=	20	=	20
H.	7	=	7	+ 1	8	=	8	=	8
I.	4	=	4	- 4	0	=	0	+ 2	2
Non-transferable									
	115		115		115		115		115

A. is now 3 over the quota and is declared elected. There remains but one seat to fill, and, even if A.'s surplus of 3 falls to B., B.'s total would be only 16, and as 16 is less than C.'s 17, C. is declared elected.

Assume that B., C. and G. are the Nationalist candidates; A., D. and I. the S.A.P.; F. and H. the Unionists, and E. the Labour party, the analysis of the result would be as follows:—

Analysis.

Party.	First Preferences.	Seats won.
Nationalists	52	2
S.A.P.	25	1
Unionists	22	1
Labour	16	1

VI. 1921 SENATE ELECTIONS.

With the example already given, and the information set forth below, the quota in respect of the several forthcoming Senate elections in the Provinces can be ascertained upon the assumption that every voter will record his first preference and every ballot paper will be valid in respect of such preference. With the knowledge Honourable Members will have as to the political party of each voter, a result can also be worked out so far as first preferences are concerned.

The following table gives the number of possible voters and the highest possible quota at the forthcoming general election for the Second Senate (held under paragraph (ii) of section *twenty-five* of the South Africa Act, 1909):—

Province.	Provincial Council.	House of Assembly.	Total number of electors to elect eight Senators	Quota of votes required to elect one Senator.
Cape	51	51	102	12
Natal	25	17	42	5
Transvaal ..	49	49	98	11
Orange Free State	25	17	42	5

Should the Regulations shortly to be published in connection with these elections make provision for each vote having, for the purpose of more easy calculation, an enhanced value—say, every vote to be counted as 100—then the quota given in this table will be, of course, altered accordingly.

Houses of Parliament,

Cape Town,

18th October, 1920.

ANNEXURE X.

Sections of the Constitution (South Africa Act, 1909) affected by the recommendations of the Conference.

20. The Governor-General may appoint such times for holding the sessions of Parliament as he thinks fit, and may also from time to time, by proclamation or otherwise, prorogue Parliament, and may in like manner dissolve the Senate and the House of Assembly simultaneously, or the House of Assembly alone: provided that the Senate shall not be dissolved within a period of ten years after the establishment of the Union, and provided further that the dissolution of the Senate shall not affect any senators nominated by the Governor-General-in-Council.
21. The expiration of ten years, and unless and until such provisions shall have been made—
- (i) the provisions of the last preceding section with regard to nominated senators shall continue to have effect;
 - (ii) eight senators for each province shall be elected by the members of the provincial council of such province together with the members of the House of Assembly elected for such province. Such senators shall hold their seats for ten years unless the Senate be sooner dissolved. If the seat of an elected senator shall become vacant, the members of the provincial council of the province, together with the members of the House of Assembly elected for such province, shall choose a person to hold the seat until the completion of the period for which the person in whose stead he is elected would have held his seat. The Governor-General-in-Council shall make regulations for the joint election of senators prescribed in this section.
22. For ten years after the establishment of the Union the constitution of the Senate shall, in respect of the original provinces, be as follows:—
- (i) Eight senators shall be nominated by the Governor-General-in-Council, and for each original province eight senators shall be elected in the manner hereinafter provided:
 - (ii) The senators to be nominated by the Governor-General-in-Council shall hold their seats for ten years. One-half of their number shall be selected on the ground mainly of their thorough acquaintance, by reason of their official experience or otherwise, with the reasonable wants and wishes of the coloured races in South Africa. If the seat of a senator so nominated shall become vacant, the Governor-General-in-Council shall nominate another person to be a senator, who shall hold his seat for ten years:
 - (iii) After the passing of this Act, and before the day appointed for the establishment of the Union, the Governor of each of the Colonies shall summon a special sitting of both Houses of the Legislature, and the two Houses sitting together as one body and presided over by the Speaker of the Legislative Assembly shall elect eight persons to be senators for the province. Such senators shall hold their seats for ten years. If the seat of a senator so elected shall become vacant, the provincial council of the province for which such senator has been elected shall choose a person to hold the seat until the completion of the period for which the person in whose stead he is elected would have held his seat.
23. The qualifications of a senator shall be as follows:—
- He must—
- (a) be not less than thirty years of age;
 - (b) be qualified to be registered as a voter for the election of members of the House of Assembly in one of the provinces;
 - (c) have resided for five years within the limits of the Union as existing at the time when he is elected or nominated, as the case may be;
 - (d) be a British subject of European descent;
 - (e) in the case of an elected senator, be the registered owner of immovable property within the Union of the value of not less than five hundred pounds over and above any special mortgages thereon.
- For the purposes of this section, residence in, and property situated within, a Colony before its incorporation in the Union shall be treated as residence in and property situated within the Union.
24. A member of either House of Parliament shall be incapable of being chosen or of sitting as a member of the other House: Provided that every Minister of State who is a member of either House of Parliament shall have the right to sit and speak in the Senate and the House of Assembly, but shall vote only in the House of which he is a member.
25. Parliament may provide for the manner in which the Senate shall be constituted after the expiration of ten years, and unless and until such provisions shall have been made—
- (i) the provisions of the last preceding section with regard to nominated senators shall continue to have effect;
 - (ii) eight senators for each province shall be elected by the members of the provincial council of such province together with the members of the House of Assembly elected for such province. Such senators shall hold their seats for ten years unless the Senate be sooner dissolved. If the seat of an elected senator shall become vacant, the members of the provincial council of the province, together with the members of the House of Assembly elected for such province, shall choose a person to hold the seat until the completion of the period for which the person in whose stead he is elected would have held his seat. The Governor-General-in-Council shall make regulations for the joint election of senators prescribed in this section.
26. (1) Bills appropriating revenue or moneys or imposing taxation shall originate

only in the House of Assembly. But a Bill shall not be taken to appropriate revenue or moneys or to impose taxation by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties.

(2) The Senate may not amend any Bills so far as they impose taxation or appropriate revenue or moneys for the services of the Government.

(3) The Senate may not amend any Bills so as to increase any proposed charges or burden on the people.

134. The election of senators and of members of the executive committees of the provincial

councils as provided in this Act shall, whenever such election is contested, be according to the principle of proportional representation, each voter having one transferable vote. The Governor-General-in-Council, or, in the case of the first election of the Senate, the Governor-in-Council of each of the Colonies shall frame regulations prescribing the method of voting and of transferring and counting votes and the duties of returning officers in connection therewith, and such regulations or any amendments thereof after being duly promulgated shall have full force and effect unless and until Parliament shall otherwise provide.

UNION OF SOUTH AFRICA.

—
ACT

TO

Consolidate and Amend the Laws in force in the various Provinces of the Union relating to Prohibited Immigrants, to provide for the Establishment of a Union Immigration Department, to regulate Immigration into the Union or any Province thereof, and to provide for the removal therefrom of undesirable persons.

UNIE VAN ZUID-AFRIKA.

— Y:5826-(Z63)
WET

TOT

Samenvatting en Wijziging van de in de onderscheidene Provincies van de Unie geldende Wetten op Verboden Immigranten, tot Instelling van een Immigratie-Departement voor de Unie, tot Regeling van de Immigratie in de Unie of een Provincie en tot voorziening in de Uitzetting van Ongewenste Personen.

No. 22, 1913.

ACT
TO

Consolidate and Amend the Laws in force in the various Provinces of the Union relating to Prohibited Immigrants, to provide for the Establishment of a Union Immigration Department, to regulate Immigration into the Union or any Province thereof, and to provide for the removal therefrom of undesirable persons.

(Assented to 14th June, 1913).

(Signed by the Governor-General in English).

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows :—

CHAPTER I.

ADMINISTRATION OF ACT.

Immigration
department

1. (1) The Governor-General may establish, and, out of the moneys voted by Parliament for the purpose, maintain a department to be known as the Immigration Department, which shall be under the control of the Minister.

(2) The function of the department shall be the performance of all work, whether within or outside the Union, necessary for or incidental to the prevention of the entrance of prohibited immigrants into the Union or into any Province wherein their residence is, under this Act or any other law, unlawful, or necessary for or incidental to their removal from the Union or any such Province. The department shall further carry out any other powers and duties specially conferred or imposed upon it by this Act or by any other law.

Immigration
boards, their
jurisdiction
and func-
tions.

2. (1) The Governor-General shall appoint so many boards as he may deem desirable for the summary determination of appeals by persons who, seeking to enter or being found within the Union or any Province, have been detained, restricted, or arrested as prohibited immigrants. Each such board shall have jurisdiction in respect of such port or ports of entry and such areas in the Union as the Governor-General may determine.

(2) Each board shall consist of three or more persons and each member shall hold office for such period, not exceeding one year, as may be expressed in his appointment. Every such member shall be eligible for re-appointment. Remuneration at rates fixed by the Governor-General from time to time, shall be payable to such members of boards as are not officers of the public service.

(3) The chairman of a board shall be designated by the Governor-General and shall whenever possible be a magistrate. In the absence of the chairman the members of the board shall choose one of its members to act as chairman.

(4) A board shall, save as is otherwise specially provided in the next succeeding section, have exclusive jurisdiction at the port or ports of entry and within the area assigned to it to hear and determine any appeal made by a person detained, restricted, or arrested as a prohibited immigrant.

(5) Whenever leave to enter the Union or any particular Province is withheld by any immigration officer or police officer, or when any person is detained, restricted, or arrested as a prohibited immigrant, notice of that fact and the grounds of refusal, detention, restriction, or arrest shall be given by such officer in writing to the said person and, if such person has been restricted on arrival by sea, also to the master of the ship on which he has arrived.

* *Vide section thirty-one, post page 26.*

WET
TOT

Samenvatting en Wijziging van de in de onderscheidene Provincies van de Unie geldende Wetten op Verboden Immigranten, tot Instelling van een Immigratie-Departement voor de Unie, tot Regeling van de Immigratie in de Unie of een Provincie en tot voorziening in de Uitzetting van Ongewenste Personen.

(Goedgekeurd 14 Junie 1913).

(Door de Gouverneur-generaal in het Engels getekend).

ZIJ HET BEPAALD door Zijn Majesteit de Koning, de Senaat en de Volksraad van de Unie van Zuid-Afrika, als volgt:—

HOOFDSTUK I.**UITVOERING VAN WET.**

- 5
1. (1) De Gouverneur-generaal kan een departement, te Immigratie worden genoemd het Immigratie-Departement, staande onder Departement de Minister, instellen en door middelen, door het Parlement daarvoor beschikbaar gesteld, onderhouden.
- 10 (2) Het departement is belast met de verrichting van alle werkzaamheden, hetzij binnen of buiten de Unie, vereist voor of in verband staande met de wering van verboden immigranten uit de Unie of uit een Provincie waar hun verblijf ingevolge deze of een andere Wet verboden is, of vereist voor of in verband staande met hun uitzetting uit de Unie of zulk een Provincie. Het departement verricht voorts alle andere werkzaamheden waarmee het bij deze of een andere Wet bijzonderlijk belast is.
2. (1) De Gouverneur-generaal benoemt zo vele raden als Immigratiereaden; hun ingesteld door personen, die bij een poging om de Unie of een Provincie binnen te komen, of binnen de Unie of een Provincie gevonden zijnde, als verboden immigranten aangehouden, geweerd of in hechtenis genomen zijn. Iedere zodanige raad is bevoegd ten aanzien van de toegangspoort of toegangspoorten en de kringen binnen de Unie die de Gouverneur-generaal mocht aanwijzen.
- 25 (2) Iedere raad bestaat uit drie of meer leden. Ieder lid bekleedt zijn bediening zo lang als in zijn benoeming uitgedrukt staat, doch niet langer dan één jaar. Ieder lid is herbenoembaar. Aan raadeleden, die geen staatsambtenaren zijn, wordt een vergoeding betaald volgens een door de Gouverneur-generaal van tijd tot tijd vastgesteld tarief.
- 30 (3) De voorzitter van een raad wordt door de Gouverneur-generaal aangewezen en moet, indien mogelijk, een magistraat zijn. Bij ontstentenis van de voorzitter kiezen de leden van de raad één uit hun midden tot voorzitter.
- (4) Voorzover bij het volgende artikel niet uitdrukkelijk anders voorzien is, is een raad bij de toegangspoort of toegangspoorten en binnen het aan die raad toegewezen gebied uitsluitend bevoegd tot het horen en beslissen van een appèl ingesteld door iemand die als een verboden immigrant aangehouden, geweerd of in hechtenis genomen is.
- 40 (5) Wanneer een immigratiebeampte of een politiebeampte de vergunning tot het binnenkomen in de Unie weigert, of wanneer iemand als verboden immigrant aangehouden, geweerd of in hechtenis genomen is, dan moet die beampte daarvan alsmede van de gronden voor de weigering, aanhouding, wering of inhechtenisneming schriftelijk kennis geven aan bedoelde persoon en, zo die persoon geweerd is bij zijn aankomst overzee, ook aan de gezagvoerder van het schip waarop hij aangekomen is.
- 45

* Zie artikel een en dertig, post blz. 27.

(6) Every such person may appeal to the board having jurisdiction under this section. For the purposes of this sub-section "person" shall include an alien.

(7) No appeal shall be heard by a board unless notice thereof in the prescribed form has been given to the immigration officer by or on behalf of the person concerned within three days after the refusal, detention, restriction, or arrest aforesaid, or, in case the appellant arrived by sea and the ship whereon he arrived is about to depart, unless such notice is given forthwith. In every case a deposit shall be made of an amount sufficient, in the opinion of the Minister, to cover the detention expenses of the said person, the costs of bringing him before a board and of returning him to the place at which he was restricted if he desire to appear personally, and if he arrived by sea, the cost of his return passage by another ship to the place from which he came.

(8) The hearing of an appeal by a board shall take place as soon as possible after notice thereof is lodged. The hearing shall be in the presence of the appellant if he desire to appear. The appellant shall have the right to be represented at the appeal by counsel, an attorney, or an enrolled law agent.

(9) A board may, in manner prescribed by regulation, summon witnesses to give evidence or to produce documents and may, through the chairman or other person for the time being lawfully acting as such, administer an oath to any witness. Any person who, when summoned to give evidence or to produce documents, fails, without reasonable excuse, to comply with the terms of the summons or who, whether summoned or not, refuses, while under examination, to answer to the best of his knowledge or belief, all questions put to him by or with the concurrence of a board or who wilfully interrupts the proceedings thereof, shall be guilty of an offence and liable on conviction to a fine not exceeding five pounds or, in default of payment, to imprisonment with or without hard labour for a period not exceeding one month: Provided that any witness shall have the same privileges in respect of answering any question or producing any document as he would have if such question were asked of him or such document was to be produced by him before a superior court.

(10) If any such witness to whom an oath has been administered as aforesaid, give false evidence material to the question under the consideration of a board, knowing such evidence to be false, he shall be guilty of an offence and liable on conviction to the penalties prescribed by law for perjury.

(11) All evidence adduced before a board shall be taken down in writing. Save as is provided in the next succeeding section, the decision of a majority of a board upon an appeal shall be final and conclusive, except that the Minister may, in special cases, vary or modify any decision which would have the effect of causing the removal of the appellant from the Union or any Province.

(12) Save as in sub-section (11) is excepted, if a board decide that an appellant is a prohibited immigrant in respect of the Union or any Province, or if the appellant does not prosecute the appeal, such steps may forthwith be taken in respect of him by an immigration officer as would have been taken if the appeal had not been lodged.

Provided that if the appeal be prosecuted and a question of law is reserved under the next succeeding section, no such steps shall be taken unless the court determine that the appellant is such a prohibited immigrant.

Provided further that a further deposit shall be made of such amount as the Minister may determine to cover the cost of the appellant's detention until the decision of the court is given.

(6) Ieder zodanige persoon kan in appèl komen bij de raad, die krachtens dit artikel bevoegd is. Voor de doeleinden van dit subartikel sluit "persoon" in een vreemdeling.

(7) Geen appèl kan door een raad in behandeling worden genomen, tenzij door of namens de betrokken persoon binnen drie dagen na de weigering, aanhouding, wering of inhechtenisneming in de voorgeschreven vorm kennis gegeven is aan de immigratiebeambte, of in geval de appellant overzee aangekomen is en het schip dat hem aangebracht heeft staat te vertrekken, tenzij die kennisgeving dadelik geschiedt. In ieder geval moet een bedrag gestort worden dat naar het oordeel van de Minister voldoende is tot dekking van de kosten van aanhouding van bedoelde persoon, van de kosten van zijn overbrenging voor een raad en van zijn terugbrenging naar de plaats waar hij geweerd werd, in geval hij persoonlijk wenst te verschijnen, en, zo hij overzee aangekomen is, van de kosten van zijn terugreis met een ander schip naar de plaats van waar hij gekomen is.

(8) Het horen van een appèl door een raad moet plaats vinden zo spoedig mogelijk nadat de kennisgeving daarvan ingediend is. De zaak moet in tegenwoordigheid van de appellant worden behandeld, indien hij wenst te verschijnen. De appellant heeft het recht zich bij het appèl te doen vertegenwoordigen door een advocaat, een prokureur of een ingeschreven wetsagent.

(9) Een raad kan op de bij regulatie voorgeschreven wijze getuigen dagvaarden om getuigenis af te leggen of om documenten over te leggen en kan door de voorzitter of de persoon die wettig als zodanig optreedt aan een getuige een eed opleggen. Ieder die, gedagvaard zijnde om te getuigen of om documenten over te leggen, zonder gegronde reden niet aan de dagvaarding voldoet of die, al dan niet gedagvaard zijnde, bij zijn verhoor weigert naar zijn beste weten alle vragen te beantwoorden die hem door of met toestemming van de raad gesteld worden, of die opzettelijk de verrichtingen van de raad stoort, maakt zich schuldig aan een overtreding en wordt bij veroordeling gestraft met een boete van ten hoogste vijf pond of, bij wanbetaling, met gevangenisstraf met of zonder harde arbeid van ten hoogste één maand: Met dien verstande dat een getuige dezelfde voorrechten heeft ten aanzien van de beantwoording van vragen of overlegging van documenten als hij zou hebben indien hem die vragen gesteld waren of hij die documenten had moeten overleggen in een hoger hof.

(10) Een als voormeld beëdigd getuige, die desbewust een valse verklaring aflegt, welke van wezenlijk belang is voor de vraag, die door de raad overwogen wordt, maakt zich schuldig aan een overtreding en kan bij veroordeling gestraft worden met de straffen volgens wet op meened gesteld.

(11) Alle voor een raad afgelegde getuigenis moet opgetekend worden. De beslissing van de meerderheid van een raad op een appèl is behoudens het bepaalde in het eerstvolgend artikel afdoende, zullende echter de Minister in bijzondere gevallen een beslissing die de uitzetting van de appellant uit de Unie of een Provincie ten gevolge zou hebben, mogen veranderen of wijzigen.

(12) Wanneer een raad beslist dat een appellant ten aanzien van de Unie of een Provincie een verboden immigrant is, of wanneer de appellant het appèl niet voortzet kan een immigratiebeambte, voorzover bij subartikel (11) niet anders voorzien is, ten aanzien van die appellant onverwijld zodanige stappen doen als gedaan hadden kunnen worden zo geen appèl aangetekend was.

Met dien verstande dat, zo het appèl voortgezet wordt en een rechtsvraag volgens het eerstvolgend artikel voorbehouden is, geen zodanige stappen gedaan zullen worden tenzij het Hof beslist dat de appellant zulk een verboden immigrant is.

Met dien verstande voorts dat, tot dekking van de kosten van appellants aanhouding totdat de uitspraak van het Hof gegeven is, zodanig verder bedrag gedeponneerd moet worden als de Minister mocht bepalen.

Restriction
of jurisdic-
tion of courts
of law in
respect of
detention or
removal of
alleged pro-
hibited
immigrants.

3. (1) No court of law in the Union shall, except upon a question of law reserved by a board as in this section provided, have any jurisdiction to review, quash, reverse, interdict or otherwise interfere with any proceeding, act, order, or warrant of the Minister, a board, an immigration officer or a master, had, done, or issued under this Act, and relating to the restriction or detention, or to the removal from the Union or any Province, of a person who is being dealt with as a prohibited immigrant. 5

(2) A board may, of its own motion, and shall, at the request 10 of the appellant or of an immigration officer, reserve for the decision of a superior court having jurisdiction, any question of law which arises upon an appeal heard before such board under the last preceding section, and shall state such question in the form of a special case for the opinion of such court by 15 transmitting such special case to the registrar thereof. The question so stated may be argued before such court which may call for further information to be supplied by the board if the court shall deem such information necessary and may give such answer on such case, supplemented 20 by such information, if any, and may make such order as to the costs of the proceedings, as it may think right.

(3) For the purposes of this section—
“a question of law” shall, among other questions, include a question of domicile; and “a superior court having 25 jurisdiction” shall mean the provincial division of the Supreme Court which has jurisdiction where the board was sitting, or any judge of such division, or the Eastern Districts Local Division having such jurisdiction or any judge thereof, and “appellant” 30 shall not include an alien.

(4) If the special case aforesaid is stated at the request of the appellant he shall, if he is a person seeking to enter the Union for the first time lodge with the said registrar security, to such amount as the registrar may determine, for any costs 35 that the court may order the appellant to pay.

CHAPTER II.

PROHIBITED IMMIGRATION.

Who are
prohibited
immigrants.

4. (1) Any such person as is described in any paragraph of this sub-section who enters or is found within the Union, or 40 who, though lawfully resident in one Province, enters or is found in another Province in which he is not lawfully resident, shall be a prohibited immigrant in respect of the Union or of that other Province (as the case may be), that is to say— 45

- (a) any person or class of persons deemed by the Minister on economic grounds or on account of standard or habits of life to be unsuited to the requirements of the Union or any particular Province thereof;
- (b) any person who is unable, by reason of deficient 50 education, to read and write any European language to the satisfaction of an immigration officer or, in case of an appeal, to the satisfaction of the board; and for the purpose of this paragraph Yiddish shall be regarded as an European language; 55
- (c) any person who is likely, if he entered the Union, to become a public charge, by reason of infirmity of mind or body, or because he is not in possession for his own use of sufficient means to support himself and such of his dependants as he shall bring with 60 him into the Union;
- (d) any person who, from information received from any Government (whether British or Foreign) through official or diplomatic channels, is deemed by the Minister to be an undesirable inhabitant of or visitor 65 to the Union;
- (e) any prostitute, or any person, male or female, who lives or has lived on or knowingly receives or has received any part of the earnings of prostitution or who procures or has procured women for immoral 70 purposes;
- (f) any person who has been convicted in any country of any of the following offences (unless he has

3. (1) Uitgezonderd wanneer een rechtsvraag door een raad uit kracht van dit artikel voorbehouden wordt, is geen gerechtshof in de Unie bevoegd zich te bemoeien met enige verrichting, handeling, bevel of lastbrief uitgaande van de Minister, een raad, een immigratiebeambte of een gezagvoerder van een schip en betrekking hebbende op de beperking of aanhouding of de uitzetting uit de Unie of een Provincie, van een persoon die als een verboden immigrant behandeld wordt; Beperking van rechterlijke bevoegdheid ten aanzien van aanhouding of uitzetting van beweerd verboden immigranten.
- 10 (2) Een raad is ambtshalve bevoegd, en, zulks verlangd wordende door de appellant of door een immigratiebeambte, is gehouden ter beslissing van een bevoegd hoger hof, enige rechtsvraag voor te behouden die in het appèl door de raad ingevolge het voorgaand artikel gehoord mocht opkomen, 15 zullende hij de rechtsvraag in de vorm van een speciale zaak gesteld aan de griffier van bedoeld hof moeten opzenden. De also gestelde rechtsvraag kan voor dat hof worden bepleit en het hof kan om verdere inlichting vragen, door de raad te worden verschaft indien het hof zulke inlichting nodig 20 vindt en zal zodanige nitspraak over zodanige zaak, door zodanige inlichting indien enige aangevuld, doen en zodanige beschikking ten aanzien van de kosten maken als het voegzaam oordeelt;
- 25 (3) Voor de doeleinden van dit artikel— wordt onder "rechtsvraag" benevens andere vragen, begrepen een vraag van domicilie; en wordt onder "bevoegd hoger hof" verstaan de provinciale afdeling van het Hooggerechtshof die bevoegd is ter 30 plaatsen waar de raad zitting houdt, of een rechter van zodanige afdeling of de plaatselijke afdeling van de Oostelijke distrikten, die also bevoegd is of een rechter daarvan; en onder "appellant" wordt niet begrepen een vreemdeling.
- 35 (4) Is de speciale zaak vermeld op verzoek van de appellant opgesteld, dan moet hij, zo hij voor de eerste maal de Unie tracht binnen te komen, ten genoegen van vorenvermelde griffier zekerheid stellen voor de kosten waarin hij door zodanig hof mocht worden verwezen.

HOOFDSTUK II.

VERBODEN IMMIGRATIE.

- 40 4. (1) Ieder in een van de paragrafen van dit sub-artikel omschreven persoon, die de Unie binnenkomt of daarin gevonden wordt of die, hoewel wettig in de ene Provincie gevestigd zijnde, een andere Provincie, waarin hij niet wettig 45 gevestigd is, binnengaat of daarin gevonden wordt, is een verboden immigrant onderscheidenlik ten aanzien van de Unie of van die andere Provincie, namelijk—
- (a) iedere persoon of klasse van personen die om 50 economische redenen of met het oog op zijn levensstandaard of gewoonten volgens het oordeel van de Minister niet voldoet aan de eisen van de Unie of een bepaalde Provincie daarvan;
- (b) ieder die wegens gebrek aan opvoeding niet in 55 staat is ten genoegen van een immigratiebeambte of, in geval van een appèl, ten genoegen van de raad, een europese taal te lezen en te schrijven (zullende voor het doel van deze paragraaf joods als europese taal beschouwd worden);
- (c) iemand die, zo hij in de Unie toegelaten werd, een 60 openbare last zou kunnen worden uit hoofde van lichaams- of zielsgebrek of wegens gemis van genoegzame middelen om zichzelf en de personen, die hij met zich in de Unie brengt en die van hem afhankelijk zijn, te onderhouden;
- (d) iemand die, op grond van berichten, langs ambtelijke 65 of diplomatieke weg ontvangen van een, hetzij britse of vreemde Regering, naar het oordeel van de Minister een ongewenste ingezetene of bezoeker van de Unie is;
- (e) een prostituee, of iemand, hetzij man of vrouw, die 70 van de opbrengst van ontucht leeft of geleefd heeft of daarvan willens en wetens een deel ontvangt of ontvangen heeft of iemand die vrouwen voor ontuchtige doeleinden verschaft of verschuift heeft.
- (f) iemand die, in welk land ook, veroordeeld is wegens 75 een van de volgende misdaden (tenzij hij daarvoor

received a free pardon therefor), namely, murder, rape, arson, theft, receiving stolen goods knowing the same to have been stolen, fraud, forgery or uttering forged documents knowing the same to have been forged, counterfeiting coin or uttering coin knowing the same to be counterfeit, housebreaking with intent to commit an offence, burglary, robbery with violence, threats by letter or otherwise with intent to extort, or of any attempt to commit any such offence, and by reason of the circumstances connected with the offence, is deemed by the Minister or by an immigration officer acting pursuant to directions from the Minister, to be an undesirable inhabitant of or visitor to the Union ;

- (g) any idiot or epileptic, or any person who is insane or mentally deficient, or any person who is deaf and dumb, or deaf and blind, or dumb and blind, or otherwise physically afflicted, unless in any such case he or a person accompanying him or some other person give security to the satisfaction of the Minister for his permanent support in the Union, or for his removal therefrom whenever required by the Minister ;
- (h) any person who is afflicted with leprosy or with any such infectious, contagious, or loathsome or other disease (other than tuberculosis), as is defined by regulation ; and any person who is afflicted with tuberculosis unless he is in possession of a permit to enter the Union, issued upon conditions prescribed by regulation.

Whenever the Minister exercises any power conferred upon him by this sub-section, he shall transmit written notice of that fact to the immigration officer concerned and to every board. Subject to the provisions of sections *two* and *three*, an immigration officer shall cause a prohibited immigrant so entering or found within the Union or within any Province into which his entry, or in which his presence, is unlawful, to be removed therefrom.

(2) Nothing in sub-section (1) (a) contained shall be construed—

- (a) as enabling a person to be deemed a prohibited immigrant in the Cape of Good Hope or Natal if, being at the commencement of this Act lawfully entitled to reside in any Province, he shows or has shown that he is able to comply with the requirements described in section *three* (a) of Act No. 30 of 1906 of the Cape of Good Hope, or of section *five* (a) of Act No. 30 of 1903 of Natal ; or
- (b) as abrogating or affecting any right conferred by Act No. 36 of 1908 of the Transvaal upon the lawful holder of a certificate of registration defined in that Act.

(3) A list of all persons who have been declared under this Act to be prohibited immigrants in respect of the Union or any Province, and who have been removed therefrom or whose entry into the Union or any Province has been restricted, shall be laid by the Minister upon the Tables of both Houses of Parliament within fourteen days after the commencement of each session thereof. Such list shall be framed in respect of a period ending one month before the session commences, and shall contain the name, sex, and nationality of each such person and the reason for his removal or restriction.

(4) The Minister may from time to time, by notice in the *Gazette*, declare that persons belonging to classes described in paragraph (a) of sub-section (1) of this section when permitted under this Act to enter or return to the Union or any Province, shall enter or return at a port or ports specified in the notice and not at any other port, and thereupon it shall be unlawful for any such person to enter or return at any other port,

- gratie ontvangen heeft), namelijk, moord, verkrachting, brandstichting, diefstal, het ontvangen van gestolen goed wetende dat het gestolen is, bedrog, valsheid in geschrifte of het uitgeven van vervalste dokumenten wetende dat zij vervalst zijn, muntvervalsing of het uitgeven van munt wetende dat dezelve vervalst is, huisbraak met het oogmerk om een misdaad te begaan, inbraak bij nacht, roof gepaard gaande met geweld, bedreiging in geschrifte of anderszins met het oogmerk om af te persen of een poging om een misdaad van voormelde aard te plegen, en die, uit hoofde van de omstandigheden welke met de misdaad gepaard gingen, naar het oordeel van de Minister of van een immigratiebeambte handelende volgens de voorschriften van de Minister, een ongewenste ingezetene of bezoeker van de Unie is;
- (g) een idioot of een lijder aan vallende ziekte, of iemand die krankzinnig of wiens verstandsontwikkeling gebrekkig is, of iemand die doofstom is, doof en blind, stom en blind, of andere lichaamsgebreken heeft, tenzij in ieder van deze gevallen de betrokkene of iemand, die hem vergezelt of een ander persoon ten genoegen van de Minister zekerheid stelt voor zijn voortdurend onderhoud in de Unie of voor zijn verwijdering daaruit wanneer de Minister zulks verlangt;
- (h) een melaatse of iemand die lijdende is aan zodanige besmettelijke, aanstekelijke, walgelijke of andere ziekte (met uitzondering van tuberkulose) als bij regulatie omschreven mocht zijn; alsmede ieder die lijdende is aan tuberkulose, tenzij hij in het bezit is van een permit om de Unie binnen te komen, uitgegeven onder voorwaarden vastgesteld bij regulatie.

De Minister die een hem bij dit sub-artikel verleende bevoegdheid uitoefent, moet daarvan schriftelijk mededeling doen aan de betrokken immigratiebeambte en aan iedere raad. Behoudens de bepalingen van artikels twee en drie, moet een immigratiebeambte een verboden immigrant, die alzo de Unie of een Provincie die hij niet mag betreden of waarin hij niet mag verblijven, binnenkomt of daarin gevonden wordt, daaruit doen zetten.

(2) Door het bepaalde bij sub-artikel (1) (a)—

- (a) wordt een persoon niet gehouden voor een verboden immigrant in de Kaap de Goede Hoop of Natal, wanneer hij, bij de invoering van deze Wet gerechtigd zijnde in een Provincie verblijf te houden, aantoonst of aangetoond heeft dat hij in staat is te voldoen aan de vereisten van artikel drie (a) van Wet No. 30 van 1906 van de Kaap de Goede Hoop of artikel vijf (a) van Wet No. 30 van 1903 van Natal; of
- (b) wordt geen inbreuk gemaakt op de rechten bij Wet No. 36 van 1908 van Transvaal verleend aan de wettige houder van een certificaat van registratie beschreven in evenvermelde Wet.

(3) Een lijst van alle personen, die ingevolge deze Wet tot verboden immigranten ten aanzien van de Unie of een Provincie verklaard zijn en die daaruit gezet of wier toelating tot de Unie of een Provincie beperkt is, moet door de Minister ter Tafel van beide Huizen van Parlement worden gelegd binnen veertien dagen na de aanvang van elke zitting daarvan. Deze lijst moet lopen over een tijdvak eindigende één maand vóór de aanvang van de zitting en moet de naam, sekse en nationaliteit behelzen van elke zodanige persoon en de reden van zijn uitzetting of zijn beperking.

(4) De Minister kan van tijd tot tijd bij kennisgeving in de *Staatskourant* bepalen, dat personen behorende tot de klassen bedoeld in paragraaf (a) van subartikel (1) van dit artikel, wanneer hun ingevolge deze Wet toegestaan wordt om de Unie of een Provincie binnen te komen of om daarheen terug te keren, door een of meer in de kennisgeving aangegeven toegangspoorten en door geen andere toegangspoorst moeten binnenkomen of terugkeren, en zal het alsdan zulk een persoon verboden zijn door een andere toegangspoorst binnen te komen of terug te keren.

Persons who
are not to be
deemed
prohibited
immigrants,

5. The following persons or classes of persons shall not be prohibited immigrants for the purposes of this Act, namely—

- (a) any member of His Majesty's Regular Naval or Military Forces;
- (b) the officers and crew of a public ship of any foreign state while the ship is in port;
- (c) any person who is duly accredited to the Union by or under the authority of His Majesty or the government of any foreign state, or the wife, family, staff or servants of any such person;
- (d) any person who enters the Union, under such conditions as may be prescribed from time to time in accordance with any law or under any convention with the Government of a territory or state adjacent to the Union, provided he is not such a person as is described in sub-section (1) (c), (d), (e), (f), (g) or (h) of the last preceding section; and provided further he is not a person domiciled north of twenty-two degrees south of the equator in such a territory or state;
- (e) any person born before the commencement of this Act in any part of South Africa included in the Union whose parents were lawfully resident therein and were not at that time restricted to temporary or conditional residence by any law then in force, and any person born in any place after the commencement of this Act whose parents were at the time of his birth domiciled in any part of South Africa included in the Union;
- (f) any person domiciled in any Province who is not such a person as is described in paragraph (e) or (f) of sub-section (1) of the preceding section, or who has not been removed under section *twenty-two* of this Act;
- (g) any person who is proved to the satisfaction of an immigration officer or in case of an appeal, to the satisfaction of the board, to be the wife, or the child under the age of sixteen years, of any person exempted by paragraph (f) of this section, including the wife or child of a lawful and monogamous marriage duly celebrated according to the rites of any religious faith outside the Union, provided that the wife or the child (as the case may be) is not such a person as is described in sub-section (1) (d), (e), (f), (g) or (h) of the last preceding section;
- (h) persons of European descent who are agricultural or domestic servants, skilled artisans, mechanics, workmen, or miners, and who have entered the Union under conditions which the Governor-General has approved: Provided that every such person shall produce, if required, a certificate of the person authorized in any country to issue such certificates, to the effect that the intending immigrant has been engaged to serve immediately on his arrival in the Union, an employer of repute at adequate wages and for a period of time to be fixed in the said conditions, not being less than one year:

Provided that nothing in this section contained shall be construed as entitling a person to whom the provisions of sub-section (1) (a) of the last preceding section apply, to enter and reside in a Province in which he has not previously been lawfully resident.

Punishment
of prohibited
immigrants
if they have
been previ-
ously dealt
with as such.

6. (1) If any person after having been restricted from entering, removed from, or ordered to leave the Union, or any Province in which he is a prohibited immigrant, (whether before or after the commencement of this Act) is found within the Union or that Province, he shall be guilty of an offence and liable on conviction—

- (a) to imprisonment with or without hard labour for a period not exceeding three months without the option of a fine; and
- (b) to be removed at any time from the Union or from such Province, as the case may be, by warrant issued under this Act.

5. De volgende personen of klassen van personen zijn geen verboden immigranten in de zin van deze Wet, namelijk—

Personen, die niet als verboden immigranten aangemerkt worden.

- (a) een lid van Zijn Majesteits Geregelde Land- of Zee-macht;
- 5 (b) de officieren en bemanning van een openbaar schip van een vreemde mogendheid zo lang het schip in een haven is;
- (c) iemand, die behoorlijk bij de Unie geakkrediteerd is door of van wege Zijn Majesteit of de regering van een vreemde mogendheid, alsmede de echtgenote, het personeel, het gezin of de dienstboden van zulk een persoon;
- 10 (d) personen, die de Unie binnenkomen onder de voorwaarden, die van tijd tot tijd hetzij overeenkomstig een wet, hetzij overeenkomstig een verdrag met de Regering van een aan de Unie grenzend gebied of grenzende staat vastgesteld mochten worden, mits zij niet behoren tot de personen vermeld in subartikel (1) (c), (d), (e), (f), (g) of (h) van het voorgaand artikel; en voorts mits zij niet noordelijker dan twee en twintig graden ten zuiden van de equator in zulk een gebied of staat hun domicilie hebben;
- 15 (e) een vóór de invoering van deze Wet in een in de Unie opgenomen deel van Zuid-Afrika geboren persoon wiens ouders wettig daarin verblijf hielden en niet op dat tijdstip krachtens een alsdan geldende wet beperkt waren tot tijdelijk of voorwaardelijk verblijf, alsmede een persoon, die na de invoering van deze Wet waar het ook zij geboren is en wiens ouders ten tijde van zijn geboorte gedomicilieerd waren in een in de Unie opgenomen deel van Zuid-Afrika;
- 20 (f) iemand die in een Provincie domicilie heeft; en die niet zulk een persoon is als beschreven in paragraaf (e) of (f) van sub-artikel (1) van het vorige artikel, of die niet ingevolge artikel twee en twintig van deze Wet uitgezet is;
- 25 (g) iemand die ten genoegen van een immigratiebeambte, of in geval van een appèl, ten genoegen van de raad, bewezen wordt te zijn de echtgenote of het kind beneden de zestien jaar van een door paragraaf (f) van dit artikel vrijgestelde persoon, waaronder begrepen is de vrouw of het kind van een wettig monogamies huwelijk, buiten de Unie behoorlijk voltrokken volgens de ritus van een godsdienstig geloof, mits onderscheidenlik de echtgenote of het kind niet is een persoon bedoeld in sub-artikel (1) (d), (e), (f), (g) of (h) van het voorgaand artikel;
- 30 (h) blanke landbouwarbeiders, huisbedienden, vakkundige handwerkers, werktuigkundigen, arbeiders of mijnwerkers die de Unie binnengekomen zijn onder voorwaarden, die door de Gouverneur-generaal goedgekeurd zijn: Met dien verstande dat iedere zodanige persoon op verlangen moet vertonen een certificaat van iemand die in enig land bevoegd is zodanige certifikaten uit te geven, verklarende dat de toekomstige immigrant zich verbonden heeft om dadelijk bij zijn aankomst in de Unie bij een werkgever van goede naam en faam in dienst te treden tegen genoegzaam loon en voor een tijdperk in bedoelde voorwaarden te worden bepaald, doch niet korter zijnde dan een jaar:
- 35 40 45 50 55 60

Met dien verstande, dat het bepaalde bij dit artikel aan niemand, op wie de bepalingen van sub-artikel (1) (a) van het voorgaand artikel van toepassing zijn, het recht geeft om een Provincie, waarin hij niet vroeger wettig woonachtig was, binnen te komen en aldaar te wonen.

6. (1) Ieder die binnen de Unie gevonden wordt, nadat, hetzij vóór of na de invoering van deze Wet, hem de toelating tot de Unie of een Provincie, waarin hij een verboden immigrant is, geweigerd is, hij daaruit gezet is of bevel ontvangen heeft de Unie of zodanige Provincie te verlaten, is schuldig aan een overtreding en kan bij veroordeling

Straf voor verboden immigranten die al vroeger als zodanigen behandeld werden.

- (a) worden gestraft met gevangenisstraf met of zonder harde arbeid van ten hoogste drie maanden, zonder de keuze van boete; en
- 75 (b) te eniger tijd krachtens een ingevolge deze Wet nitgereikte lastbrief onderscheidenlik uit de Unie of uit bedoelde Provincie worden gezet.

(2) Every such sentence of imprisonment shall terminate as soon as the prohibited immigrant is removed from the Union or the said Province (as the case may be).

(3) Every officer in charge of a prison or gaol shall, if the warrant of removal be produced to him, deliver the prisoner named therein to any police officer or immigration officer, and the prisoner shall be deemed to be in lawful custody as long as he is in the custody of any such police officer or immigration officer or of any police officer or immigration officer for the time being in possession of the warrant. 5 10

Saving as to persons referred to in Chapter XXXIII of the Orange Free State Law Book. 7. Any such person as is described in Chapter XXXIII of the Orange Free State Law Book shall, notwithstanding that he is lawfully resident in a particular Province or that he has been permitted to enter the Union, continue to be subject in all respects to the provisions of sections *seven* and *eight* of the said Chapter XXXIII, and if he acts in contravention of those provisions, he may be dealt with under this Act as a prohibited immigrant in respect of the Orange Free State. 15

Prohibited immigrant not to obtain a licence to carry on a trade or calling or to acquire interest in land. 8. (1) No prohibited immigrant shall be entitled to obtain a licence to carry on any trade or calling in the Union or (as the case may be) in any Province wherein his residence is unlawful or to acquire therein any interest in land, whether leasehold or freehold, or in any other immovable property. (2) Any such licence (if obtained by a prohibited immigrant) or any contract, deed or other document by which any such interest is acquired in contravention of this section, shall, as from the date that the holder of the licence or interest is dealt with as a prohibited immigrant under this Act, be null and void. 20 25

Arrest without warrant of suspected prohibited immigrants and search for same under warrant. 9. (1) Every person who is suspected on reasonable grounds of being a prohibited immigrant may, if there is reason to believe that the delay occasioned by obtaining a warrant would enable such person to evade the provisions of this Act, be arrested without warrant by an immigration officer or police officer, and shall be dealt with in accordance with this Act. 30 35

(2) Any magistrate may, if information on oath be laid before him that there is upon any premises a named or described person reasonably suspected of being a prohibited immigrant, issue a warrant empowering a police officer of or above the rank of sergeant to enter those premises and search for the person named or described in that warrant and arrest him. 40

Prohibited immigrant not exempt from Act by reason that he was allowed to enter through oversight, etc. 10. No prohibited immigrant shall be exempt from the provisions of this Act or be allowed to remain in the Union, or in any Province wherein his residence is unlawful, or be deemed to have acquired a domicile therein, by reason only that he had not been informed that he could not enter or remain in the Union or (as the case may be) in that Province, or that he had been allowed to enter or remain through oversight, misrepresentation, or owing to the fact having been undiscovered that he was such a prohibited immigrant. 45 50

CHAPTER III.

SPECIAL POWERS FOR PREVENTING THE ENTRY OF AND THE DEALING WITH PROHIBITED IMMIGRANTS AT PORTS OF ENTRY. 55

Power to board ships and regulate intercourse of ships with the shore. 11. (1) Any immigration officer may, as and when he deems fit, board any ship which is entering or has entered a port. 60

(2) Any immigration officer may, whenever it is necessary for the more effectual carrying out of this Act prohibit or regulate any communication with, or the landing on the shore from, any ship on which the immigration officer is proceeding with the examination of persons or which has on board or is suspected of having on board any prohibited immigrant, and the immigration officer may take such steps to carry out any such prohibition or regulation as the Minister may approve. 65

(2) Bedoelde gevangenisstraf eindigt zodra de verboden immigrant onderscheidenlik uit de Unie of uit die Provincie gezet is.

(3) Iedere beambte, die aan het hoofd staat van een gevangenis of tronk, moet op vertoon van de lastbrief tot uitzetting de daarin genoemde gevangene uitleveren aan enige politie- of immigratiebeambte, zullende de gevangene geacht worden in wettige hechtenis te zijn zo lang hij in de bewaring is van zulk een politie- of immigratiebeambte of van een politie- of immigratiebeambte, die de lastbrief in zijn bezit mocht hebben.

7. Ieder in Hoofdstuk XXXIII van het Wetboek van de Oranje Vrijstaat bedoelde persoon, blijft niettegenstaande hij wettig in de een of andere Provincie woonachtig is of hem toegestaan werd de Unie binnen te komen, in alle opzichten onderworpen aan de bepalingen van artikels zeven en acht van voormeld Hoofdstuk XXXIII. Handelt hij in strijd met die bepalingen, dan kan hij volgens deze Wet worden behandeld als een verboden immigrant ten aanzien van de Oranje Vrijstaat.

Voorbehoeden ten aanzien van personen bedoeld in Hoofdstuk XXXIII van Wetboek van Oranje Vrijstaat.

8. (1) Een verboden immigrant kan noch een licentie verkrijgen voor het drijven van handel of het nitoevenen van een beroep in de Unie of onderscheidenlik in een Provincie, waarin hij niet wettig verblijf kan houden, noch rechten op grond, hetzij huur- of eigendomsrechten, of op ander vastgoed daarin verwerven.

Verboden immigrant kan geen handels- of beroepslicentie of rechten op grond verkrijgen.

(2) Elke zodanige licentie, die door de verboden immigrant verkregen mocht zijn alsmede elk kontrakt, akte of ander dokument, waarbij hij zulke rechten in strijd met deze Wet verworven mocht hebben, is vanaf de datum, dat de houder van die licentie of verkrijger van die rechten ingevolde deze Wet als verboden immigrant behandeld wordt, nietig en van onwaarde.

9. (1) Ieder, tegen wie gegrond vermoeden bestaat, dat hij een verboden immigrant is, kan, wanneer redelijkerwijze aangenomen kan worden dat de vertraging, die het gevolg zou zijn van het verkrijgen van een lastbrief, de betrokkene in staat zou stellen de bepalingen van deze Wet te ontduiken, door een immigratie- of politiebeambte zonder lastbrief aangehouden worden, en wordt overeenkomstig deze Wet behandeld.

Aanhouding zonder lastbrief van verdachte verboden immigranten en hun opsporing onder lastbrief.

(2) Ieder magistraat kan, wanneer bij beëdigde verklaring te zijner kennis gebracht wordt dat er gegrond vermoeden bestaat dat een genoemde of omschreven persoon, die zich in de een of ander lokaliteit ophoudt, een verboden immigrant is, bij lastbrief onder zijn hand een politiebeambte van of boven de rang van sergeant machtigen die lokaliteit binnen te gaan en de in die lastbrief genoemde of omschreven persoon op te sporen en te arresteren.

10. Een verboden immigrant is niet ontheven van de toepassing van de bepalingen van deze Wet, noch kan hem worden vergund in de Unie of in een Provincie, waarin hij niet wettig woonachtig kan zijn, verblijf te houden, noch wordt hij geacht daarin een domicilie verkregen te hebben, uit hoofde alleen dat hem niet medegedeeld werd dat hij onderscheidenlik de Unie of die Provincie niet kan binnenkomen of daarin verblijf houden, of op grond dat hij toegelaten werd bij vergissing, door misleiding of wegens onbekendheid met het feit dat hij zulk een verboden immigrant was.

Verboden immigrant niet ontheven van Wet op grond van toelating bij vergissing, enz.

HOOFDSTUK III.

BIEZONDERE BEVOEGDHEDEN TOT WERING EN BEHANDLING VAN VERBODEN IMMIGRANTEN BIJ TOEGANGSPOORTEN.

11. (1) Ieder immigratiebeambte kan, als en wanneer hij zulks verkiest, aan boord gaan van ieder schip dat een haven binnenkomt of binnengekomen is.

(2) Wanneer het voor de betere uitvoering van deze Wet nodig is, kan ieder immigratiebeambte de ontscheping uit of gemeenschap met een schip, verbieden of regelen, waarop de immigratiebeambte met de ondervraging van personen bezig is of waarop een verboden immigrant zich bevindt of vermoedelijk bevindt en zodanige stappen nemen om aan dat verbod of die regeling gevolg te geven als de Minister mocht goedkeuren.

Bevoegdheid aan boord van schepen te gaan en gemeenschap van schepen met het land te regelen.

(3) For the better carrying out of the objects and purposes of this Act any port captain or harbour master may, at the instance of an immigration officer, order the master of any ship to moor or anchor the ship in the harbour at such distance from the shore or landing place or in such position as the port captain or harbour master may direct.

Duty of master of ship to furnish certain lists and returns to immigration officer on demand. 12. It shall be the duty of the master of any ship which enters any port to deliver to an immigration officer upon demand—

- (a) a list of all passengers on board the ship, classified 10 according to their respective ports of destination and specifying the class by which each such passenger has voyaged and such further particulars as may be prescribed by regulation ;
- (b) a list of stowaways, if any have been discovered ; 15
- (c) a list of the crew and all persons (other than passengers or stowaways) employed or carried on the ship in any capacity by or on behalf of the owner ;
- (d) a certificate under the hand of the medical officer of the ship or, if there be no medical officer, 20 under his own hand, stating any known cases of disease, whether infectious or otherwise, which have occurred upon the voyage or any known cases of physical or mental infirmity or affliction, the names of the persons who have suffered or are suffering 25 therefrom, and the nature in each case of the disease, infirmity, or affliction :

Provided that in the case of a ship arriving at one port and destined for any other port or ports in the Union, the Minister may, subject to such rules as he may make for the guidance of the master, exempt the master from the delivery under this section of all or any of such lists or of such certificate, except at the port of the Union at which the ship first arrives.

Detention of suspected prohibited immigrant in the ship. 13. (1) Any person arriving by sea at a port of entry 35 to whom it has been personally notified by an immigration officer that he is, and who is declared by such officer to the master to be, a prohibited immigrant shall be detained on the ship by the master, and the master shall, unless he is officially informed that the said person has been found 40 not to be a prohibited immigrant, remove him from the Union: Provided that, if it appear to an immigration officer (whether upon the representation of the master or otherwise) that any person so declared ought, for the better carrying out of the objects and purposes of this Act, to be 45 kept elsewhere than on the ship, the immigration officer may cause him to be removed in custody from the ship and be detained in any other place, whether afloat or on shore, which may be appointed by the Minister for the detention of prohibited immigrants. 50

(2) Every such person shall, while detained, pending removal, on board the ship be deemed to be in the custody of the master and not of the immigration officer or of the Minister or of the Government, and the master shall further be liable to pay the cost of the detention, maintenance, and 55 control of any such person while so detained.

(3) If the master fails to comply with sub-section (1) or to pay the cost mentioned in sub-section (2), he or the owner of the ship shall forfeit a sum to be fixed by the Minister, not exceeding one hundred pounds in respect of each such person. 60

(4) The immigration officer may, prior to the said person being landed and removed from the ship under sub-section (1), require the master or the owner of the ship to deposit a sum sufficient to cover any expense that may be incurred by the department in connection with the landing, removal, 65 detention, maintenance, and custody aforesaid.

(3) Ter beter uitvoering van het doel en de strekking van deze Wet kan een havenkapitein of havenmeester, op verzoek van een immigratiebeambte, de gezagvoerder van een schip aanzeggen om het schip in de haven op zulk een afstand van de kust of landingsplaats of in zulk een ligging te meren of te verankeren, als de havenkapitein of havenmeester mocht bevelen.

12. De gezagvoerder van ieder schip dat een haven binnenkomt, moet aan een immigratiebeambte op aanvraag ter hand stellen,—

- 10 (a) een lijst van alle passagiers aan boord van het schip, gerangschikt overeenkomstig de havens van hun bestemming onder opgave van de klasse, waarin ieder passagier reisde en zulke verdere bijzonderheden als bij regulatie voorgeschreven mochten worden ;
- 15 (b) een lijst van "blinde" passagiers, die ontdekt mochten zijn ;
- (c) een lijst van de bemanning en van alle andere personen (uitgezonderd passagiers of "blinde" passagiers) die op het schip in welke hoedanigheid ook in dienst gesteld zijn of vervoerd worden door of van wege de eigenaar ;
- 20 (d) een certificaat onder de hand van de scheepsdokter of bij ontstentenis van dien, van hemzelf, vermeldende alle bekende gevallen van ziekte, hetzij bemettelijke of andere, die zich op reis voorgedaan hebben, en alle bekende gevallen van lichaams- of zielsgebreken of kwalen, de namen van de personen die daaraan geleden hebben of lijdende zijn, en de aard van iedere ziekte, gebrek of kwaal :
- 25
- 30

Met dien verstande, dat ingeval een schip, in de ene haven aankomende, naar één of meer andere havens in de Unie bestemd is, de Minister onder zodanige regels als hij ten dienste van de gezagvoerder mocht vaststellen, de gezagvoerder kan vrijstellen van de inlevering volgens dit artikel van een of meer of al die lijsten of van dat certificaat, behalve in de haven van de Unie die het schip het eerst aandoet.

13. (1) Ieder die, uit zee bij een toegangspoort aankomende persoonlijk door een immigratiebeambte in kennis gesteld wordt dat hij een verboden immigrant is en die door zulk een beambte aan de gezagvoerder aangewezen wordt als zodanig, moet door de gezagvoerder op het schip worden gehouden en door deze, tenzij hem ambtelijk medegedeeld wordt, dat bedoelde persoon gebleken is geen verboden immigrant te zijn, uit de Unie worden verwijderd : Met dien verstande dat, zo een immigratiebeambte (hetzij op voorstel van de gezagvoerder of anderszins) bevindt, dat aan het doel en de strekking van deze Wet beter voldaan zal worden, indien een aldus aangewezen persoon elders gehouden werd dan aan boord van het schip, de immigratiebeambte bedoelde persoon onder bewaking van het schip kan doen overbrengen naar, en aanhouden op een andere plaats, hetzij op het water of aan wal, die door de Minister voor de aanhouding van verboden immigranten bestemd mocht zijn.

(2) Iedere zodanige persoon wordt, terwijl hij in afwachting van zijn uitzetting wordt aangehouden aan boord van het schip geacht te zijn in de verzekerde bewaring van de gezagvoerder en niet van de immigratiebeambte of van de Minister of van de Regering, zullende de gezagvoerder voorts gehouden zijn de kosten te betalen van de aanhouding, bewaking en het onderhoud van een zodanige persoon zolang hij aldus aangehouden wordt.

(3) Indien de gezagvoerder niet voldoet aan sub-artikel (1) of de kosten bedoeld in sub-artikel (2) niet betaalt, verbeurt hij of de eigenaar van het schip een door de Minister te bepalen som van ten hoogste honderd pond ten aanzien van iedere zodanige persoon.

(4) De immigratiebeambte kan, alvorens voormelde persoon geland en krachtens sub-artikel (1) van het schip overgebracht wordt, verlangen dat de gezagvoerder of eigenaar van het schip een genoegzame som deponereert tot dekking van de kosten door het departement te worden gemaakt in verband met de landing, overbrenging, aanhouding, bewaking en het onderhoud voormeld.

Gezagvoerder
levert op
aanvraag
sekere lijsten
en opgaven
aan immigra-
tiebeambte.

Aanhouding
op schip van
een vermoede-
delijke ver-
boden immi-
grant.

(5) If for any reason (other than that the said person has been found not to be a prohibited immigrant) he is not removed from the Union in the said ship, the owner shall, at the request of the immigration officer, convey the said person in another ship free of charge to the Government to a place outside the Union, and if the owner fail to comply with this sub-section he shall forfeit a sum to be fixed by the Minister, not exceeding one hundred pounds in respect of each such person. 5

(6) Any such person who escapes or attempts to escape from detention, while being dealt with under the powers of this section, may be arrested without warrant, and shall, in addition to any other offence which he may have committed under this Act, be deemed to have committed an offence in respect of the escape or attempt to escape. 15

Responsibility of master and owner of ship for landing of prohibited immigrant. 14. If, after a ship has arrived at any port, the immigration officer has notified the master or the owner that any person or persons on board such ship is a prohibited immigrant, and such person or persons lands or land from the ship at that port without proper authority, the master or the owner shall forfeit a sum to be fixed by the Minister, but not exceeding one hundred pounds, in respect of every such prohibited immigrant. 20

Responsibility of master for crew. 15. (1) On or after the arrival at and again before the sailing of a ship from any port, an immigration officer may require the master to muster his crew and, after the first muster, may serve upon him a list of such of the crew as are suspected of being prohibited immigrants. 25

(2) If any of the crew, being persons whose names are included in the said list, do not answer to their names at the later muster, the master or the owner of the ship may be required before the ship sails to deposit with the immigration officer a sum not exceeding one hundred pounds in respect of each such person so missing. 30

(3) Any such sum shall be forfeited to the Government unless the master or owner prove to the satisfaction of the immigration officer, within six months thereafter, that the person in respect of whom the sum was deposited, is no longer in the Union. 35

Mode of recovery of sums forfeited by master. 16. Until any sum which has been forfeited under section *thirteen* or *fourteen* has been paid, or any sum which is to be deposited under section *fifteen* has been lodged, no clearance papers shall be given to the master or owner. 40

The ship may be declared executable by order of a superior court to satisfy any forfeiture incurred or deposit required under any of those sections. 45

Power to refuse clearance papers. 17. The proper officer of customs at any harbour may refuse to give the master of any ship clearance papers to leave that harbour until such master has complied with the provisions of this Act and produces a certificate of an immigration officer of such compliance. 50

Minister may enter into bond or agreement with ship-owners for carrying out provisions of sections *thirteen*, *fourteen* and *fifteen*. 18. For the purpose of facilitating the clearance of ships habitually calling at the various ports, the Minister may, in his discretion, enter into a bond or agreement with the owner whereby the owner undertakes that he or the masters of ships belonging to him and calling habitually at ports will carry out so much of the provisions of sections *thirteen*, *fourteen*, and *fifteen* as relate to the owner or the master, and thereupon the provisions of the said bond or agreement shall be substituted for those sections so far as they relate to the payment or deposit of moneys by the master or the owner. 60

CHAPTER IV.

GENERAL AND MISCELLANEOUS.

Duties of persons on arrival at any port or about to enter the Union. 19. (1) Every person arriving at any port or whenever otherwise found within the Union shall, if required, appear before an immigration officer and satisfy such officer that he is not a prohibited immigrant either in respect of the Union or 65

(5) Wordt bedoelde persoon om de een of andere reden (behalve uit hoofde dat hij geen verboden immigrant bleek te zijn) niet op voormeld schip uit de Unie verwijderd, dan moet de eigenaar op verzoek van de immigratiebeambte bedoelde persoon op een ander schip zonder kosten van de Regering vervoeren naar een plaats buiten de Unie. Indien de eigenaar in gebreke blijft aan dit subartikel te voldoen, verbeurt hij een door de Minister te bepalen som van ten hoogste honderd pond ten aanzien van ieder zodanige

10 persoon.

(6) Ieder zodanige persoon, die tijdens de verrichtingen uit kracht van dit artikel, uit de bewaringsontvlucht of poogt te ontvluchten, kan zonder lastbrief worden gearresteerd en wordt, onverminderd zijn vervolging wegens andere door hem begane vergrijpen tegen deze Wet, geacht ter zake van die ontvluchting of poging tot ontvluchting een overtreding te hebben begaan.

14. Wanneer, na de aankomst van een schip in een haven, de immigratiebeambte de gezagvoerder of de eigenaar in kennis gesteld heeft dat een of meer personen aan boord van dat schip een verboden immigrant is, en die persoon of personen van het schip zonder behoorlijke vergunning in die haven landt of landen, verbeurt de eigenaar of de gezagvoerder een door de Minister te bepalen som van ten hoogste honderd pond, ten aanzien van ieder zodanige verboden immigrant.

15. (1) Bij of na aankomst van een schip in een haven en voorts vóór het vertrek van het schip uit de haven, kan een immigratiebeambte de bemanning van het schip door de gezagvoerder doen monstereen en na de eerste monstering een lijst op hem dienen van die leden van de bemanning, tegen wie vermoeden bestaat dat zij verboden immigranten zijn.

(2) Wanneer iemand van de bemanning, wiens naam op bedoelde lijst voorkomt, bij een latere monstering niet tegenwoordig is, kan de gezagvoerder of eigenaar van het schip verplicht worden vóór het vertrek van het schip in handen van de immigratiebeambte een som van ten hoogste honderd pond te deponeren voor ieder alzo vermiste man.

(3) Voormelde som wordt verbeurd ten behoeve van de Regering zo de gezagvoerder of eigenaar niet ten genoegen van de immigratiebeambte binnen zes maanden daarna bewijst, dat de persoon ten aanzien van wie de som gedeponeed is, niet meer in de Unie zich bevindt.

16. Totdat een ingevolge artikel *dertien* of *veertien* verbeurde som betaald, of een ingevolge artikel *vijftien* te deponeren som gestort is, worden aan de gezagvoerder of eigenaar geen uitklaringspapieren gegeven.

Het schip kan bij order van een hoger hof executabel worden verklaard tot verhaal van een ingevolge evenvermelde artikels verbeurde of te deponeren som.

17. De bevoegde ambtenaar van dosane in een haven kan weigeren aan de gezagvoerder van een schip klaringspapieren af te geven om de haven te verlaten, totdat hij voldaan heeft aan de bepalingen van deze Wet en een certificaat van een immigratiebeambte overlegt dat door hem daaraan voldaan is.

18. Ten einde het uitklaren te vergemakkelijken van schepen, die geregeld de onderscheidene havens aandoen, kan de Minister desverkiezende met de eigenaar een overeenkomst aangaan, waarbij de eigenaar zich verbindt dat hij of de gezagvoerders van zijn schepen, die geregeld havens aandoen, de bepalingen van artikels *dertien*, *veertien* en *vijftien* zullen uitvoeren, voorzover deze van toepassing zijn op de eigenaar of de gezagvoerder, zullende alsdan de bepalingen van die overeenkomst of regeling in de plaats treden van bedoelde artikels, voorzover zij betrekking hebben op het betalen of deponeren van gelden door de gezagvoerder of de eigenaar.

HOOFDSTUK IV.

ALGEMENE EN GEMENGDE BEPALINGEN.

19. (1) Ieder die in een haven aankomt of die anderszins binnen de Unie gevonden wordt, moet desverlangd voor de immigratiebeambte verschijnen en aan die beambte doen blijken dat hij geen verboden immigrant is, noch ten aanzien van de Unie, noch ten aanzien van de een of andere bepaalde van de Unie

in respect of any particular Province. The immigration officer may require every such person--

- (a) to make and sign a declaration in the prescribed form ; and
- (b) to produce documentary or other evidence relative to his claim to enter or be in the Union or that Province ; and
- (c) to submit to any examination or test to which he may be lawfully subjected under this Act ; and
- (d) if he is suspected of being afflicted with any disease or physical infirmity which under this Act would render him a prohibited immigrant, to submit to examination by a medical practitioner designated by the Minister.

Every declaration made by a person under this sub-section shall be exempt from the stamp duty ordinarily imposed by law on affidavits and solemn or attested declarations, anything to the contrary notwithstanding in any law in force in the Union relating to stamp duty.

(2) The immigration officer shall permit every person who he is satisfied is not, or who obviously is not, a prohibited immigrant, forthwith to land or remain in the Union or the said Province, as the case may be, but if any person fail to comply with the requirements of sub-section (1) or, having complied with such requirements, fail to satisfy the immigration officer that he is not a prohibited immigrant, he shall be declared by the said officer to be a prohibited immigrant either in respect of the Union or in respect of any Province, and shall not be permitted to land or to remain in the Union or such Province as the case may be. The immigration officer shall thereupon inform the said person in writing that he may appeal to an immigration board in accordance with the provisions of section two and in case of the said person's arrival by a ship which is about to depart without calling at any other port of the Union, that such appeal must be noted forthwith ; and that otherwise the appeal must be noted within three days after the said person has been declared by the immigration officer to be a prohibited immigrant.

Penalties for aiding or being accessory to prohibited immigration.

20. Any person who—

- (a) aids or abets any person in entering or remaining within the Union or any Province in contravention of this Act, knowing that person to be prohibited from so entering or remaining ;
- (b) aids or abets a person ordered to be removed from the Union or any Province in evading the order, or harbours any such person knowing him to be the subject of any such order ;
- (c) for the purpose of entering the Union, or any Province in which he is a prohibited immigrant, or of facilitating or assisting the entrance of himself or any other person in contravention of this Act, commits any fraudulent act or makes any false representation by conduct, statement, or otherwise,

shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or, in default of payment, to imprisonment with or without hard labour for a period not exceeding six months, or to such imprisonment without the option of a fine.

Removal from Union or any Province of certain classes of persons.

21. Any person (not being a person born in any part of South Africa which has been included within the Union) who—

- (a) having been removed by any Government from the Union or any part of South Africa which has been included in the Union, or being the subject of an order issued under any law to leave the Union or any part of South Africa which has been included in the Union, returns thereto without lawful authority or has failed to comply with the terms of any such order ; or
- (b) having been refused permission to enter the Union or any Province, whether before or after the commencement of this Act, has entered the Union or that Province or any other Province in respect of which he is a prohibited immigrant,

Provincie. Op verlangen van de immigratiebeambte moet ieder zodanige persoon—

- (a) een verklaring in de voorgeschreven vorm afleggen en tekenen; en
 5 (b) zijn beweerd recht om de Unie of die Provincie binnen te komen of zich daarin op te houden met schriftelijke of andere bewijsmiddelen staven; en
 (c) zich onderwerpen aan een examen of toets waaraan hij ingevolge deze Wet wettig onderworpen kan
 10 worden; en
 (d) zo hij verdacht wordt van een ziekte of lichaamsgebrek dat hem ingevolge deze Wet tot een verboden immigrant zou maken, zich onderwerpen aan een geneeskundig onderzoek door een door de Minister aangewezen geneeskundige.

15 Iedere door iemand ingevolge dit sub-artikel afgelegde verklaring is vrijgesteld van het zegelrecht, dat gewoonlijk volgens de wet van heëdigde en plechtige of geattesteerde verklaringen geheven wordt, niettegenstaande tegenovergestelde

20 bepalingen in een in de Unie geldende wet op zegelrecht.

(2) De immigratiebeambte moet aan een ieder, die naar zijn overtuiging of kennelijk geen verboden immigrant is, toestaan onverwijld te landen of onderscheidenlik in de Unie of de bedoelde Provincie te blijven, doch wanneer iemand in
 25 gebreke blijft aan de voorschriften van sub-artikel (1) te voldoen, of daaraan voldaan hebbende, niet in staat is de immigratiebeambte te overtuigen dat hij geen verboden immigrant is, dan wordt hij door bedoelde ambtenaar verklaard een verboden immigrant te zijn, hetzij ten aanzien van de Unie of ten
 30 aanzien van een Provincie en wordt hem niet toegestaan te landen of onderscheidenlik in de Unie of die Provincie te blijven. De immigratiebeambte moet daarop aan bedoelde persoon schriftelijk mededelen dat hij volgens het bepaalde bij
 artikel twee bij een immigratieraad in beroep kan komen, en,
 35 zo die persoon aangekomen is op een schip dat staat te vertrekken zonder een andere haven van de Unie aan te doen, dat het beroep dadelik aangetekend moet worden, en dat, zo dit het geval niet is, het beroep moet worden aangetekend binnen drie dagen nadat die persoon door de immigratiebeambte een
 40 verboden immigrant verklaard werd.

20. Ieder die—

- (a) een persoon bijstaat of helpt om in strijd met deze
 • Wet de Unie of een Provincie binnen te komen of daarin te verblijven, wetende dat die persoon de
 45 Unie of de Provincie niet mag binnenkomen of niet daarin mag verblijven;
 (b) een persoon, van wie hij weet dat zijn uitzetting uit de Unie of een Provincie bevolen is, bijstaat of helpt om het bevel te ontduiken, of hem opneemt;
 50 (c) ten einde de Unie of een Provincie, waarin hij een verboden immigrant is, binnen te komen, of het binnenkomen van hemzelf of een ander in strijd met deze Wet te vergemakkeliken of te bevorderen, een bedriegelijke handeling begaat of een valse voorstelling
 55 doet door zijn gedrag, een verklaring of anderszins, is schuldig aan een overtreding en wordt bij veroordeling gestraft met een boete van ten hoogste honderd pond of, bij wanbetaling met gevangenisstraf met of zonder harde arbeid van ten hoogste zes maanden, of met die gevangenisstraf
 60 zonder de keuze van boete.

Straf op medeplichtigheid aan verboden immigratie.

21. Ieder (behalve iemand die geboren is in enig deel van Zuid-Afrika, dat in de Unie opgenomen is) die—

- (a) na door enige Regering uitgezet te zijn uit de Unie of enig deel van Zuid-Afrika dat in de Unie opgenomen is, of nadat hem krachtens de een of andere wet bevolen werd de Unie of enig deel van Zuid-Afrika, dat in de Unie opgenomen is, te verlaten, zonder wettige vergunning daarheen terugkeert of verzuimd heeft aan dat bevel te voldoen; of
 65 (b) nadat hem, hetzij vóór of na de invoering van deze Wet, de vergunning om de Unie of de een of andere Provincie binnen te komen, geweigerd werd, de Unie of die Provincie of een andere Provincie ten aanzien waarvan hij een verboden immigrant is, binnengekomen is;
 75

Uitzetting uit Unie of een Provincie van zekere klassen van personen

may, if not already under detention, be arrested without warrant and removed by warrant from the Union or (as the case may be) from the Province, and, pending removal, may be detained in such custody as may be prescribed by regulation.

Removal
from the
Union of
persons
convicted of
certain
offences.

22. Any person (not being a person born in any part of South Africa which has been included in the Union) who, whether before or after the commencement of this Act, has been sentenced to imprisonment—

- (a) for a contravention of any provision mentioned in the First Schedule to this Act or any provision hereafter made amending that provision or substituted therefor or for any offence mentioned in sub-section (1) (f) of section four; or
- (b) for selling, bartering, giving or otherwise supplying intoxicating liquor to any coloured person in contravention of any law; or
- (c) for dealing in or being in possession of unwrought precious metal or rough or uncut precious stones in contravention of any law,

and who, by reason of the circumstances connected with the offence, is deemed by the Minister to be an undesirable inhabitant of the Union, may be removed from the Union by warrant, and pending removal, may be detained in such custody as may be prescribed by regulation.

Evidence.

23. (1) The burden of proving that a person has not entered or remained in the Union or any Province in contravention of this Act shall lie upon such person.

(2) Any order, warrant, permit, certificate or other document which under this Act may be issued shall be good and effectual if signed by any officer in the public service authorized by the Minister by notice in the *Gazette* to sign such an order, warrant, permit, certificate or other document, and when so signed shall be evidence in all courts of law and for other purposes that it was issued in accordance with the provisions of this Act.

(3) A certificate under the hand of an immigration officer or of the chairman of an immigration board shall in any proceedings under this Act be *prima facie* evidence of the facts stated therein and it shall not be necessary to tender oral evidence of such facts, unless the court or board before which such proceedings are had, specially direct, in which case a postponement shall be allowed to enable the officer or chairman whose presence is required to attend.

Special
jurisdiction
of magis-
trates' courts.

24. A magistrate's court shall have special jurisdiction to impose the maximum penalties provided for a contravention of this Act, anything to the contrary notwithstanding in any law relating to magistrates' courts.

Permits and
certificates.

25. (1) Anything to the contrary notwithstanding in this Act contained, the Minister may, in his discretion, exempt any person from the provisions of paragraphs (a), (b), (c), (d) of sub-section (1) of section four or, subject to the provisions of section seven, may authorize the issue of a temporary permit to any prohibited immigrant to enter and reside in the Union or any particular Province upon such conditions as may be lawfully imposed by regulation.

(2) The Minister may also in his discretion authorize the issue of a certificate of identity to any person who is lawfully resident in the Union and who, desiring to proceed thereout with the intention of returning thereto, is for any reason apprehensive that he will be unable to prove on his return that he is not a prohibited immigrant.

(3) The Minister may authorize persons outside the Union to issue to any intending immigrant a certificate that he is exempt from the provisions of sub-section (1) (a) of section four, but no such certificate shall be recognized in the Union unless the holder thereof furnish to the immigration officer such proof as is prescribed by regulation of his identity with the immigrant to whom the certificate was originally issued.

kan, zo hij niet reeds in hechtenis is, zonder lastbrief in hechtenis worden genomen en krachtens lastbrief onderscheidenlijk uit de Unie of uit die Provincie worden gezet, en kan, in afwachting van zijn uitzetting, in zodanige verzekerde bewaring worden gehouden als volgens de regulaties voorgescreven mocht zijn.

22. Ieder, (behalve iemand geboren in enig deel van Zuid-Afrika, dat in de Unie opgenomen is) die, hetzij vóór of na de invoering van deze Wet, gevonnen is tot gevangenisstraf wegens een overtreding van een in de Eerste Bijlage tot deze Wet genoemde bepaling of hierna gemaakte voorziening tot wijziging of vervanging van evenvermelde bepaling, of wegens een in subartikel (1) (*f*) van artikel vier genoemd misdrijf; of

15 (b) wegens het verkopen, ruilen, geven of op andere wijze verschaffen van sterke drank aan een kleurling in strijd met de een of andere wet; of

(c) wegens het handelen in, of in het bezit zijn van onbewerkt edel metaal of ruwe of ongeslepen edelgesteenten, in strijd met de een of andere wet,

20 en die uit hoofde van de omstandigheden in verband met de misdaad door de Minister een onwenselijke ingezetene van de Unie geacht wordt, kan bij lastbrief uit de Unie worden gezet. In afwachting van zijn uitzetting kan hij volgens regulaties in bewaring worden gehouden.

23. (1) De bewijslast dat een persoon niet in strijd met deze Wet de Unie of een Provincie binnengekomen is of daarin verblijf gehouden heeft, rust op de betrokken persoon.

(2) Ieder order, lastbrief, permit, certificaat of ander dokument, dat ingevolge deze Wet uitgereikt kan worden, is rechtsgeldig indien het ondertekend is door een staatsambtenaar, aan wie de Minister bij kennisgeving in de *Staatskoerant* de bevoegdheid verleend heeft om zodanige order of lastbrief of zodanig permit, certificaat of ander dokument te tekenen. Aldus ondertekend, strekt het in alle gerechtshoven en voor andere doeleinden tot bewijs, dat het ingevolge deze Wet uitgereikt is.

(3) Een certificaat, ondertekend door een immigratiebeambte of door de voorzitter van een immigratieraad, strekt in elk geding ingevolge deze Wet *prima facie* tot bewijs van de daarin uitgedrukte feiten, en is het niet nodig mondelinge getuigenis van die feiten aan te bieden, tenzij het hof of de raad voor welke bedoeld geding gevoerd wordt, zulks bepaaldelijk verlangt, in welk geval uitstel gegeven wordt om de ambtenaar of voorzitter wiens tegenwoordigheid verlangd wordt, in staat te stellen te verschijnen.

24. Een magistraatshof heeft bijzondere rechtsmacht om de maximum straffen, gesteld op een overtreding van deze Wet, op te leggen, niettegenstaande afwijkende bepalingen in enige wet op Magistraatshoven.

25. (1) Niettegenstaande tegenovergestelde bepalingen in deze Wet kan de Minister te zijner beoordeling iemand van het bepaalde bij paragrafen (*a*), (*b*), (*c*) en (*d*) van subartikel (1) van artikel vier vrijstellen, of, behoudens het bepaalde bij artikel zeven, aan een verboden immigrant een tijdelijk permit doen uitreiken om de Unie of een bepaalde Provincie binnen te komen en zich daarin te vestigen onder zodanige voorwaarden als wettig bij regulatie opgelegd mochten worden.

(2) De Minister kan ook, te zijner beoordeling, een identiteits-certificaat doen uitreiken aan een wettig in de Unie gevestigde persoon, die daaruit wenst te verrekken met het doel om weer daarheen terug te keren, en die om de een of andere reden bevreesd is dat hij bij zijn terugkeer niet in staat zal zijn te bewijzen dat hij geen verboden immigrant is.

(3) De Minister kan aan personen buiten de Unie de bevoegdheid verlenen om aan een aanstaande immigrant een certificaat uit te reiken dat hij vrijgesteld is van de bepalingen van sub-artikel (1) (*a*) van artikel vier, zullende echter zodanig certificaat niet in de Unie erkend worden, tenzij de houder daarvan aan de immigratiebeambte het bij regulatie voorgescreven bewijs levert dat hij dezelfde persoon is aan wie het certificaat oorspronkelijk uitgereikt werd.

Uitzetting uit de Unie van zekere veroordeelde personen.

Bewijslast.

Bijzondere rechtsmacht van magistraatshoven.

Permitten en Certifikaten.

Regulations. 26. (1) The Governor-General may make regulations, not inconsistent with this Act, prescribing—

- (a) the powers and duties of immigration officers and immigration boards;
- (b) the steps to be taken to prevent the entrance of 5 prohibited immigrants into the Union or the entrance of persons into any Province in which their residence is unlawful;
- (c) the times, places, and conduct of the enquiry or examination, medical or otherwise, of persons 10 entering or desiring to enter the Union or any Province or who, being found in the Union or any Province, are suspected of being prohibited immigrants or unlawfully resident therein;
- (d) the procedure for, and the manner of, the detention of 15 prohibited immigrants and unlawful residents, pending their removal from the Union or any Province, and the procedure necessary for and the manner of any such removal;
- (e) the procedure to be followed at or in connection with 20 meetings of, and proceedings before, immigration boards and the mode of securing the attendance of witnesses at such proceedings;
- (f) lists of infectious, contagious, loathsome or other diseases (other than tuberculosis) the affliction with 25 which will render a person a prohibited immigrant; and the conditions governing the issue to any person infected with tuberculosis of a permit to enter the Union;
- (g) the other permits and the certificates which may be 30 issued under this Act, the conditions upon which any such permit or certificate may be issued, the circumstances under which they may be cancelled or withdrawn, and the fees which may be charged for any such permit or certificate; and the amount and 35 nature of the security to be found for the due carrying out of any conditions upon which a permit to enter and reside for a specified period may be issued to a prohibited immigrant;
- (h) the conditions under which prohibited immigrants 40 may be allowed to pass through the Union while journeying or being conveyed to a place outside the Union or from one Province to another within the Union;
- (i) the forms of warrants, permits, certificates, or other 45 documents to be issued or used, or of the declarations to be made, or of the books to be kept, for the purposes of this Act, and the particulars to be inserted on or in any such document, declaration, or book,

and generally for the better carrying out of the objects and 50 purposes of this Act.

(2) The regulations may prescribe penalties for the contravention thereof or failure to comply therewith, not exceeding the penalties mentioned in the next succeeding section.

General offences and penalties.

27. Any person who—

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- (a) for the purpose of entering the Union or any particular Province, or of remaining therein in contravention of this Act or any other law, or of assisting any other person so to enter or so to remain, fabricates or falsifies any permit, certificate, or 60 other document or utters, uses, or attempts to use any permit, certificate, or other document which has not been issued by lawful authority, or which though issued by lawful authority, he is not entitled to use, or any fabricated 65 or falsified permit, certificate, or other document, knowing it to have been fabricated or falsified; or
- (b) fails to comply with or contravenes the conditions under which any permit, certificate, or other document 70 has been issued to him under this Act; or

26. (1) De Gouverneur-generaal kan regulaties, niet onbestaanbaar zijnde met deze Wet, vaststellen betrekkelijk de volgende onderwerpen, nanelik :

- 5 (a) de bevoegdheden en plichten van immigratiebeambten en immigratieraden ;
- (b) de te nemen maatregelen om verboden immigranten uit de Unie of personen uit een Provincie te weren, waarin hun verblijf onwettig zou zijn ;
- 10 (c) de tijden en plaatsen en de wijze van het onderzoek of de ondervraging, geneeskundige of andere, van personen die de Unie of een Provincie binnenkomen of wensin binnen te komen, of die, in de Unie of een Provincie aangetroffen zijnde, verdacht worden verboden immigranten te zijn of onwettig daarin verblijf te houden ;
- 15 (d) de procedure en de wijze van aanhouding van verboden immigranten en van personen die onwettig verblijf houden, in afwachting van hun uitzetting uit de Unie of een Provincie, en de procedure vereist voor, en de wijze van de uitzetting ;
- 20 (e) de procedure die gevolgd moet worden bij of in verband met vergaderingen van, en gedingen voor immigratieraden en de wijze waarop de verschijning van getuigen daarbij verkregen kan worden ;
- 25 (f) lijsten van besmettelijke, aanstekelijke, walgelijke of andere ziekten (behalve tuberkulose), die daaraan lijdende personen verboden immigranten maken ; alsmede de voorwaarden verbonden aan de uitgifte van een permit aan tuberkulose personen om de Unie binnen te komen ;
- 30 (g) de andere permitten en certifikaten die ingevolge deze Wet uitgereikt kunnen worden, de voorwaarden waaronder zodanige permitten of certifikaten uitgereikt mogen worden, de omstandigheden waaronder zij herroepen of ingetrokken kunnen worden ; en de leges die voor zodanige permitten en certifikaten berekend kunnen worden, alsmede het bedrag en de aard van de zekerheid die gesteld moet worden voor de behoorlike nakoming van de voorwaarden, waarop een permit om voor een bepaalde tijd binnen te komen en verblijf te houden aan een verboden immigrant uitgereikt kan worden ;
- 35 (h) de voorwaarden waaronder verboden immigranten door de Unie mogen reizen of vervoerd worden naar plaatsen buiten de Unie, of van een Provincie naar een andere in de Unie ;
- 40 (i) de formulieren voor lastbrieven, permitten, certifikaten of andere dokumenten die gebruikt, de verklaringen die afgelegd of de boeken die gehouden moeten worden voor de doeleinden van deze Wet, alsmede de bijzonderheden die in dat dokument, die verklaring of dat boek aangegeven moeten worden ;

en in 't algemeen omtrent al wat dienstig is voor de betere uitvoering van 't doel en de strekking van deze Wet.

55 (2) De regulaties kunnen tegen overtreding of niet-nakoming daarvan straffen bedreigen niet te bovengaande de straffen vastgesteld in het navolgend artikel.

27. Ieder die,—

- 60 (a) ten einde de Unie of een bepaalde Provincie, in strijd met deze of een andere wet, binnen te komen of daarin te verblijven, of ten einde een ander behulpzaam te zijn om also binnen te komen of also te verblijven, een permit, certifikaat of ander dokument namaakt of vervalst, of die een permit, certifikaat of dokument, dat niet door het bevoegd gezag uitgereikt is of dat, ofschoon door een bevoegd gezag uitgereikt zijnde, hij niet gerechtigd is te gebruiken, of een nagemaakt of vervalst permit, certifikaat, of ander dokument, uitgeeft, gebruikt of poogt te gebruiken, wetende dat het nagemaakt of vervalst is ; of
- 65
- 70 (b) de voorwaarden, waaronder een permit, certifikaat of ander dokument aan hem onder deze Wet uitgereikt is, niet nakomt of overtreedt ; of

Algemene
overtredingen
en
straffen.

(c) obstructs, hinders, or opposes an immigration officer or police officer in the execution of his duty under this Act; or

(d) contravenes or fails to comply with any provision of this Act for the contravention whereof or failure to comply wherewith no penalty is specially provided, 5

shall be liable on conviction to a fine not exceeding fifty pounds, or, in default of payment, to imprisonment with or without hard labour for a period not exceeding three months, and, in the case of a contravention of paragraph (a) of this 10 section, to such imprisonment without the option of a fine.

Savings.

28. Anything to the contrary notwithstanding in Act No. 36 of 1908 of the Transvaal, a person who has been exempted from the provisions of paragraphs (a), (b), (c), (d) of sub-section (1) of section four of this Act or, on the 15 authority of a temporary permit issued under sub-section (1) of section twenty-five of this Act, has been permitted to enter and reside in any part of the Union, shall not be deemed to be subject to registration under the provisions of the said Act of the Transvaal. 20

Repeal of laws.

29. The laws mentioned in the Second Schedule to this Act shall be and are hereby repealed to the extent set out in the fourth column of that Schedule.

Interpretation of terms

30. In this Act, and in the regulations made thereunder, unless inconsistent with the context,— 25

“board” or “immigration board” shall mean an immigration board appointed under section two, and, when used in respect of any port or any area or any matter, shall mean the board having jurisdiction in respect of that port, area, or matter; 30

“department” shall mean the Immigration Department established under this Act;

“domicile” shall mean the place in which a person has his present home or in which he resides or to which he returns as his place of present permanent 35 abode and not for a mere special or temporary purpose; and a person shall not be deemed to have a domicile within the Union or any Province (as the case may be) for the purposes of this Act unless he has resided therein for at least three years, otherwise 40 than under terms of conditional or temporary residence permitted by this Act or any other law or as a person under detention in a prison, gaol, reformatory or lunatic asylum; and a person shall be deemed for the purposes of this Act to have lost 45 his domicile within the Union or any Province (as the case may be) if he voluntarily go and reside outside the Union or that Province (except for a special or temporary purpose) with the intention of making his home outside the Union or that Province (as the 50 case may be.)

“immigration officer” shall mean any officer of the department, or any person on whom powers have been conferred or to whom duties have been assigned by the Minister as to the carrying out of this Act, other 55 than powers or duties conferred or imposed upon a board;

“magistrate” shall mean a chief magistrate or a magistrate or an assistant magistrate;

“master,” in relation to a ship, shall mean any person 60 (other than a pilot) for the time being in charge or command of that ship;

“Minister” shall mean the Minister of the Interior, or any other Minister to whom the Governor-General may assign the administration of this Act; 65

“owner,” in relation to a ship, shall, in addition to the actual owner, include the charterer of the ship, or any agent within the Union of the owner or charterer;

“police officer” shall mean a member of any force established under the authority of a law, and carrying out 70 police powers and duties;

“port” or “port of entry” shall mean—

(a) any place on the coast of the Union; or

(c) een immigratie- of politiebeambte in de uitoefening van zijn dienst ingevolge deze Wet hindert, belemmert of weerstand biedt; of

5 (d) een bepaling van deze Wet op de overtreding of niet-nakoming waarvan geen straf bepaaldelijk gesteld is, overtreedt of niet nakomt,

wordt bij veroordeling gestraft met geldboete van ten hoogste vijftig pond of bij wanbetaling met gevangenisstraf met of zonder harde arbeid van ten hoogste drie maanden, en ingeval 10 van een overtreding bedoeld in paragraaf (a) van dit artikel, met gelijke gevangenisstraf zonder de keuze van boete.

28. Niettegenstaande tegenovergestelde bepalingen van Wet No. 36 1908 van Transvaal wordt een persoon, die van de bepalingen van paragrafen (a), (b), (c) en (d) van subartikel (1) 15 van artikel vier van deze Wet vrijgesteld is of die krachtens een ingevolge subartikel (1) van artikel vijf en twintig verstrekt tijdelijk permit de vergunning verkregen heeft om enig deel van de Unie binnen te komen en zich aldaar te vestigen, niet geacht aan registratie uit krachte van 20 voormelde wet van Transvaal onderworpen te zijn.

Uitzonderingsbepalingen.

29. De wetten, vermeld in de Tweede Bijlage tot deze Wet, worden mits deze herroepen, in de omvang aangewezen in de vierde kolom van die Bijlage. Wets-herroeping.

30. In deze Wet en in de regulaties uit krachte daarvan vastgesteld, hebben onderstaande woorden, tenzij het verband 25 een andere zin aanwijst, de navolgende betekenis:—

“raad” of “immigratierraad” betekent een ingevolge artikel twee ingestelde raad, en in toepassing op enige haven of enig gebied of enig onderwerp, 30 betekent die uitdrukking de raad die ten aanzien van die haven, dat gebied of dat onderwerp bevoegd is;

“departement” betekent het Immigratie-Departement ingesteld uit krachte van deze Wet;

35 “domicilie” betekent de plaats waar iemand zijn tegenwoordig tehuis heeft, of waar hij woont of waarheen hij terugkeert als zijn tegenwoordige vaste verblijfplaats en niet slechts voor een bijzonder of tijdelijk doeleinde; en iemand wordt niet geacht een domicilie te hebben onderscheidenlik binnen de Unie of 40 een Provincie voor de doeleinden van deze Wet, tenzij hij minstens drie jaren aldaar gewoond heeft, behalve onder termen van vooraardelik of tijdelijk verblijf toegestaan bij deze Wet of een andere wet of als een persoon aangehouden in een gevangenis, 45 tronk, verbeter- of krankzinnigegesticht; en iemand wordt voor de doeleinden van deze Wet geacht zijn domicilie verloren te hebben, onderscheidenlik in de Unie of een Provincie, wanneer hij vrijwillig buiten de Unie of die Provincie gaat wonen (behalve voor 50 een bijzonder of tijdelijk doeleinde) met de bedoeling zich onderscheidenlik buiten de Unie of die Provincie metterwoon te vestigen.

“immigratiebeambte” betekent iedere ambtenaar van het departement of een ieder aan wie de Minister in verband met de uitvoering van deze Wet andere bevoegdheden of plichten verleend of opgedragen heeft dan 55 de aan een raad verleende of opgedragene;

“magistraat” betekent een hoofdmagistraat of een magistraat of assistent-magistraat;

60 “gezagvoerder” betekent, in verband met een schip, de persoon (niet zijnde een loods), die het gezag of bevel voert over dat schip;

“Minister” betekent de Minister van Binnenlandse Zaken of een andere Minister aan wie de Goeverneur 65 generaal de uitvoering van deze Wet mocht opdragen;

“eigenaar” betekent, ten opzichte van een schip, niet alleen de werkelijke eigenaar, maar tevens de bevrachter van het schip of een agent in de Unie van de eigenaar of bevrachter;

70 “politiebeambte” betekent een lid van een politiemacht, ingesteld uit krachte van een Wet en die politie bevoegdheden of plichten uitoefent;

“haven” of “toegangspoort,” betekent—

(a) een plaats aan de kust van de Unie; of

(b) any railway station or any place within the Union at or near any border thereof, at which entry into the Union can be effected, and, in respect of a Province, shall bear a like meaning ;
 " regulation " shall mean a regulation made and in force 5
 under this Act ;

" ship " shall include any vessel or boat of any kind whatsoever used in navigation, whether propelled by sails, steam power, or other mechanical means, or by towing or oars or in any other manner whatever ; 10
 " this Act " shall include any order, direction, or regulation lawfully issued and in force thereunder.

Short title and date of commencement of Act.

31. This Act may be cited for all purposes as the Immigrants Regulation Act, 1913, and shall commence and come into operation on the first day of August, 1913. 15

FIRST SCHEDULE.

PROVISIONS REFERRED TO IN PARAGRAPH (a) OF SECTION *twenty-two*.

Province.	No. and Year of Law.	Title or Subject of Law.	Section contravened.
Cape of Good Hope.	Act No. 36 of 1902.	The Betting Houses, Gaming and Brothels' Suppression Act, 1902	Section <i>twenty-two</i> , <i>thirty-one</i> , <i>thirty-two</i> or <i>thirty-three</i> .
Natal ...	Act No. 31 of 1903.	The Criminal Law Amendment Act, 1903	Section <i>three</i> , <i>thirteen</i> , <i>fourteen</i> or <i>fifteen</i> .
Transvaal ...	Ordinance No. 46 of 1903.	The Immorality Ordinance, 1903.	Section <i>three</i> , <i>thirteen</i> , <i>fourteen</i> or <i>twenty-one</i> .
" ...	Act No. 16 of 1903.	The Criminal Law Amendment Act, 1903	Section <i>four</i> or section <i>five</i> , paragraph (a).
Orange Free State.	Ordinance No. 11 of 1903.	The Suppression of Brothels and Immorality Ordinance, 1903, as amended by Ordinance No. 19 of 1903.	Section <i>two</i> , <i>eleven</i> , <i>twelve</i> , or <i>thirteen</i> .

SECOND SCHEDULE.

LAWS REPEALED.

Province.	No. and Year of Law.	Title or Subject of Law.	Extent of Repeal.
Cape of Good Hope.	Act No. 30 of 1906.	The Immigration Act, 1906.	The whole.
Natal ...	Act No. 30 of 1903.	The Immigration Restriction Act, 1903.	The whole.
" ...	Act No. 7 of 1904.	The Transit Immigrants Act, 1904.	The whole.
" ...	Act No. 3 of 1905.	To Amend the Immigration Act, 1903.	The whole.
Transvaal ...	Act No. 2 of 1907.	The Asiatic Law Amendment Act, 1907.	The whole, except so far as it is applicable to the registration of minors lawfully resident in the Transvaal and entitled to registration therein.
" ...	Act No. 15 of 1907.	The Immigrants' Restriction Act, 1907.	The whole.
" ...	Act No. 38 of 1908.	The Immigrants' Restriction Amendment Act, 1908 ...	The whole.
Orange Free State.	Law No. 18 of 1899.	The admission and expulsion of aliens to and from the Orange Free State.	The whole.
"	Ordinance No. 25 of 1902.	The Idemnity and Peace Preservation Ordinance, 1902.	Sections <i>nineteen</i> to <i>twenty-four</i> , inclusive.

- (b) een spoorwegstation of plaats in de Unie aan of bij een van de grenzen daarvan, vanwaar men de Unie kan binnenkomen ;
 en heeft ten aanzien van een Provincie dezelfde betekenis ;
 5 "regulatie" betekent een regulatie vastgesteld en van kracht ingevolge deze Wet ;
 "schip" omvat alle vaartuigen of boten van welke aard ook, die voor de scheepvaart gebedigd worden, om
 10 het even of zij voortbewogen worden door zeilen, stoomvermogen of door andere mechanische kracht of door middel van een sleeptouw of door roerriemen of op welke andere wijze ook ;
 "deze Wet" omvat ook een ingevolge daarvan wettig
 15 gegeven of vastgestelde en geldende order, voorschrift of regulatie.

31. Deze Wet kan voor alle doeleinden worden aangehaald als de Wet tot Regeling van Immigratie, 1913, en treedt in werking op de eerste dag van Augustus 1913.

Korte titel e datum van invoering van Wet.

EERSTE BIJLAGE.
BEPALINGEN WAARNAAR VERWEZEN WORDT IN PARAGRAAF
(a) VAN ARTIKEL 22.

Provincie.	No. en Jaar van Wet.	Titel of Onderwerp van Wet.	Overtreden Artikel.
Kaap de Goede Hoop.	Wet No. 36 van 1902.	De Wet tot Onderdrukking van Speelhuizen en Bordelen, 1902.	Artikel twee, twintig, een en dertig, twee en dertig of drie en dertig.
Natal	Wet No. 31 van 1903.	Wet tot Wijziging van het Kriminele Recht, 1903.	Artikel drie, dertien, veertien of vijftien.
Transvaal	Ordonantie No. 46 van 1903.	De Onzedelikeheids-Ordonantie, 1903.	Artikel drie, dertien, veertien, of een en twintig.
"	Wet No. 16 van 1908.	Wet tot Wijziging van het Kriminele Recht, 1908.	Artikel vier of artikel vijf, paragraaf (a).
Oranje Vrijstaat	Ordonantie No. 11 van 1903.	De Ordonantie tot Onderdrukking van Bordelen en Onzedelijkheid, 1903, zoals gewijzigd bij Ordonantie No. 19 van 1908.	Artikel twee, elf, twaalf of dertien.

TWEDE BIJLAGE.
INGETROKKEN WETTEN.

Provincie.	No. en Jaar van Wet.	Titel of Onderwerp van Wet.	Omvang van Herroeping.
Kaap de Goede Hoop.	Wet No. 30 van 1906.	De Immigratie Wet, 1906.	Geheel.
Natal	Wet No. 30 van 1903.	De Immigratie Beperkings Wet, 1903.	Geheel.
"	Wet No. 7 van 1904.	De Wet op Doortrekkende Immigranten, 1904.	Geheel.
"	Wet No. 3 van 1906.	Tot Wijziging van de Immigratie Wet, 1903.	Geheel.
Transvaal	Wet No. 2 van 1907.	De Aziaten Wet Wijzigingswet 1907.	Geheel, behalve voorzover zij toepasselijk is op de registratie van minderjarigen die wettig in Transvaal wonen en gerechtigd zijn aldaar geregistreerd te worden.
"	Wet No. 15 van 1907.	De Immigranten Beperkings Wet, 1907.	Geheel.
"	Wet No. 38 van 1908.	De Immigranten Beperkings Wijzigingswet, 1908.	Geheel.
Oranje Vrijstaat.	Wet No. 13 van 1899.	De toelating en uitzetting van Vreemdelingen in en uit de Oranje Vrijstaat.	Geheel.
"	Ordonantie No. 25 van 1902.	De Vrijwarings en Vredesbewarings Ordonantie, 1902.	Artikel negentien tot en met vier en twintig.

UNION OF SOUTH AFRICA.

3

—
ACT

TO

Amend the law as to riotous assemblies and the dispersal thereof ; to amend the criminal law in certain respects ; to provide for the constitution of a special criminal court for the trial of certain offences ; and to provide for the removal from the Union of persons convicted of certain offences.

UNIE VAN ZUID-AFRIKA.

— Z 63,582

—
WET

TOT

Wijziging van de wetten omtrent oproerige bijeenkomsten en hun uiteendrijving; tot wijziging van het krimineel recht in zekere opzichten; tot instelling van een bijzonder krimineel hof ter behandeling van zekere misdrijven; en voor het verwijderen uit de Unie van personen veroordeeld wegens zekere misdrijven.

No. 27, 1914.

ACT

To amend the law as to riotous assemblies and the dispersal thereof; to amend the criminal law in certain respects; to provide for the constitution of a special criminal court for the trial of certain offences; and to provide for the removal from the Union of persons convicted of certain offences.

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

CHAPTER I.

RIOTOUS GATHERINGS AND THE DISPERSAL THEREOF AND INCITEMENTS TO PUBLIC VIOLENCE.

Prohibition of public gatherings in public places in certain events and penalties for convening meetings in contravention of such prohibition.

1. (1) Whenever a magistrate acting under special authority of the Minister has reason to apprehend that the public peace would be seriously endangered by the assembly of a particular public gathering in any public place, he may prohibit the assembly of that public gathering in any public place in his district.

A prohibition of a particular public gathering under this sub-section may be—

- (a) by notice in newspapers circulating in the locality in respect of which the prohibition is to apply; or
- (b) by notices distributed amongst the public and affixed upon public buildings or in prominent public places in that locality,

or if, owing to urgency or any other cause whatever any such notice cannot be printed, published, distributed, or affixed, then the prohibition may be by sufficient oral public announcement in that locality.

(2) Any person who, after such prohibition and in contravention thereof, convenes a public gathering in a public place, or who presides at or addresses a public gathering the assembly whereof in a public place has been prohibited under this section, shall be guilty of an offence, unless he satisfies the court that he had no knowledge of the prohibition, and shall be liable on conviction to imprisonment for a period not exceeding three months, and on a second and subsequent conviction to imprisonment not exceeding six months.

(3) A person shall be deemed for the purposes of this section to have convened a public gathering in a public place—

- (a) if he has caused written notice to be published or distributed, inviting the public, or any section of the public, to assemble at a specified time and public place; or
- (b) if he has himself, or through another person, orally invited the public or any section of the public so to assemble; or
- (c) if he has taken any active part in making arrangements for the publication or distribution of such a notice, or in organizing or making preparations for such a meeting.

WET

Tot wijziging van de wetten omtrent oproerige bijeenkomsten en hun uiteendrijving; tot wijziging van het crimineel recht in zekere opzichten; tot instelling van een bijzonder crimineel hof ter behandeling van zekere misdrijven; en voor het verwijderen uit de Unie van personen veroordeeld wegens zekere misdrijven.

ZIJ HET BEPAALD door Zijn Majesteit de Koning, de Senaat en de Volksraad van de Unie van Zuid-Afrika, als volgt.

HOOFDSTUK I.

OPROERIGE SAMENKOMSTEN EN HOE DIE UITEEN TE DRIJVEN EN AANZETTING TOT PUBLIEK GEWELD.

1. (1) Wanneer een magistraat, optredend onder bijzondere machtiging van de Minister, redenen heeft om te vrezen openbare dat de openbare rust ernstig bedreigd zou worden door een bijzondere openbare samenkomst op een openbare plek, kan hij die openbare samenkomst op een openbare plek in zijn distrikt verbieden.

Een verbod, ingevolge dit sub-artikel, om een bijzondere openbare samenkomst te houden, kan gegeven worden:

- (a) door kennisgeving in koeranten die in de kring waar het verbod van toepassing zal zijn, in omloop zijn; of
- (b) door kennisgevingen onder het publiek uitgedeeld en op openbare gebouwen of op in het oog lopende openbare plekken in die kring aangeplakt,

of wanneer, door dringende noodzakelijkheid of andere redenen van welke aard ook, zodanige kennisgeving niet gedrukt, gepubliceerd, uitgedeeld of aangeplakt kan worden, dan kan het verbod op voldoende wijze mondeling in die kring worden afgekondigd.

(2) Een ieder, die na zodanig verbod en in strijd daarmee een openbare samenkomst op een openbare plek belegt, of die als voorzitter optreedt van of een aanspraak maakt op een openbare samenkomst waarvan het vergaderen in een openbare plek krachtens dit artikel verboden is, is schuldig aan een overtreding tenzij hij het hof overtuigt dat hij geen kennis droeg van het verbod en wordt bij veroordeling gestraft met gevangenisstraf van ten hoogste drie maanden en bij een tweede en latere veroordeling met gevangenisstraf van ten hoogste zes maanden.

(3) Een persoon wordt voor de doeleinden van dit artikel geacht een openbare samenkomst op een openbare plek belegd te hebben—

- (a) als hij een schriftelijke kennisgeving heeft laten openbaar maken of uitdelen, het publiek of enig deel ervan uitnodigende om op een bepaalde tijd op een openbare plek bijeen te komen; of
- (b) als hij zelf of door een ander persoon, mondeling het publiek of een deel daarvan heeft uitgenodigd om zo bijeen te komen; of
- (c) als hij een werkzaam deel heeft genomen in het maken van schikkingen voor de publikatie of uitdeling van zodanige kennisgeving of in de regeling of het maken van voorbereidselen voor zodanige samenkomst.

Offence of printing, publishing, or circulating notice of gathering prohibited under the last preceding section.

2. Any person who prints, publishes, or distributes, or in any manner whatever circulates, a notice convening a public gathering the assembling of which has, before the time of such notice, been prohibited in accordance with the last preceding section, shall be guilty of an offence unless he satisfy the court that he had no knowledge of the prohibition, and shall be liable on conviction to a fine not exceeding fifty pounds or, in default of payment, to imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine.

Power to close public places to prevent offences in respect of prohibited or dangerous gatherings.

3. (1) A magistrate authorized to exercise the powers conferred by sub-section (1) of section *one* may, if he has reason to believe that there will assemble in any public place a public gathering prohibited under that section cause access to that public place and to any other public place adjacent thereto to be barred and to be closed to the public, for such time as may be necessary to prevent the assembling of such public gathering. The fact that a public place is so closed to the members of the public shall be notified at the entrance thereto in a manner described in sub-section (1) of section *one*.

(2) Any person who, unless permitted by the police on duty, enters or remains in any public place which is closed under this section, while it is so closed, shall be guilty of an offence, and liable on conviction to a fine not exceeding twenty-five pounds or, in default of payment, to imprisonment for a period not exceeding three months or to such imprisonment without the option of a fine.

Dispersal of prohibited or unlawful gathering and manner of dispersal.

4. (1) Whenever—

- (a) a public gathering which has been prohibited under section *one* has assembled in a public place; or
- (b) the persons assembled at any public gathering in a public place (whether or not the gathering has been so prohibited),—
 - (i) kill or seriously injure, or attempt to kill or seriously injure, or show a manifest intention of killing or seriously injuring any person; or
 - (ii) destroy or do serious damage to, or attempt to destroy or do serious damage to, or show a manifest intention of destroying or doing serious damage to, any valuable property movable or immovable,

a police officer of or above the rank of inspector or captain may call upon the persons assembled at the gathering to disperse and for that purpose he shall endeavour to obtain the attention of those persons by such lawful means as he deems most suitable, and then in a loud voice order them to depart forthwith from the place of assembly, and shall inform them that if within a time specified by him they do not so depart, force will be used. Such order and information shall be repeated by him three times. Any person who fails so to depart immediately after an order and information is so given and repeated shall be guilty of an offence and liable on conviction to the penalties mentioned in the last preceding section.

(2) If within the time so specified the persons assembled have not so departed, a police officer of or above the rank aforesaid may order the police under his command to disperse the gathering and for the purpose to use force, in which term shall be included, subject to the provisions of the next succeeding section, firearms and weapons therein mentioned: Provided

2. Een ieder, die een kennisgeving drukt, uitgeeft of uitdeelt of op welke wijze ook in omloop brengt, waarbij een openbare samenkomst wordt belegd, die ten tijde van de kennisgeving alreeds verboden was overeenkomstig het voorgaand artikel, is schuldig aan een overtreding, tenzij hij het hof overtuigt dat hem het verbod niet bekend was, en wordt bij veroordeling gestraft met boete van ten hoogste vijftig pond of, bij wanbetaling met gevangenisstraf van ten hoogste zes maanden of deze gevangenisstraf zonder de keuze van boete.

3. (1) Een magistraat gemachtigd om de bevoegdheden krachtens sub-artikel (1) van artikel een verleend, kan, als hij reden heeft om te geloven dat een krachtens dat sub-artikel verboden openbare samenkomst op een openbare plek bijeen zal komen, de toegang tot die openbare plek en tot enige andere aangrenzende openbare plek laten afsluiten en voor het publiek gesloten houden voor zolang als nodig mocht zijn om de openbare samenkomst te verhinderen. Van het feit dat een openbare plek aldus voor de leden van het publiek gesloten is, moet aan de ingang daarvan worden kennis gegeven op de wijze zoals aangegeven in sub-artikel (1) van artikel een.

(2) Een ieder, die een ingevolge dit artikel gesloten openbare plek, terwijl die nog gesloten is, betreedt of daar blijft, tenzij hij vergunning heeft van de dienstdoende politie, is schuldig aan een overtreding en wordt bij veroordeling gestraft met een boete van ten hoogste vijf en twintig pond of, bij wanbetaling, met gevangenisstraf van ten hoogste drie maanden of met deze gevangenisstraf zonder de keuze van boete.

4. (1) Wanneer—

- (a) een openbare samenkomst, die krachtens artikel een verboden is, op een openbare plek gehouden wordt; of
- (b) de personen vergaderd op een openbare samenkomst op een openbare plek (hetzij die samenkomst al dan niet aldus verboden is),—
- (i) iemand doden of ernstig kwetsen, of pogen te doden of ernstig te kwetsen of klaarblijkelijk voornemens zijn iemand te doden of ernstig te kwetsen; of
- (ii) enig waardevol roerend of onroerend eigendom vernielen of zwaar beschadigen, of trachten te vernielen of zwaar te beschadigen of klaarblijkelijk voornemens zijn om het te vernielen of zwaar te beschadigen,

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dan kan een officier van politie van of boven de rang van inspekteur of kapitein de op de samenkomst vergaderde personen opvorderen uiteen te gaan en voor dat doel moet hij trachten de aandacht van die personen te trekken op zodanige wettige wijze als hem het meest doelmatig voorkomt, en moet dan met luider stemme hen bevelen zich onmiddellijk van de vergaderplaats te verwijderen en hen verwittigen dat als zij zich niet binnen een door hem bepaalde tijd verwijderen, geweld zal worden gebruikt. Dat bevel en die kennisgeving moet hij driemaal herhalen. Een ieder, die verzuimt zich te verwijderen onmiddellijk nadat het bevel en de kennisgeving aldus gegeven en herhaald zijn, is schuldig aan een overtreding en wordt bij veroordeling gestraft met de in het voorgaand artikel vermelde straffen.

(2) Indien de vergaderde personen zich niet binnen de vastgestelde tijd verwijderd hebben, kan een officier van politie, van of boven voormelde rang, de onder zijn bevelen staande politie gelasten de samenkomst uiteen te drijven en voor dat doel geweld te gebruiken, waaronder, behoudens de bepalingen van het navolgende artikel, het gebruik van de daarin vermelde vuur- en andere wapens begrepen wordt: Met dien verstande dat de mate

that the degree of force which may be so used shall not be greater than is necessary for dispersing the persons assembled, and shall be moderated and proportionate to the circumstances of the case and the object to be attained.

Restriction as to use of firearms or lethal weapons to disperse a gathering.

5. Firearms or other weapons likely to cause serious bodily injury or death shall not, under the authority of the last preceding section, be used to disperse a public gathering until weapons less likely to cause such injury or death have been used and the gathering has not been dispersed, or unless or until any of the persons assembled at the gathering—

- (a) kill or seriously injure, or attempt to kill or seriously injure, or show a manifest intention of killing or seriously injuring any person; or
- (b) destroy or do serious damage to, or attempt to destroy or do serious damage to, or show a manifest intention of destroying or doing serious damage to, any valuable property movable or immovable.

Firearms or other weapons likely to cause serious bodily injury or death shall be used for the purposes aforesaid with all reasonable caution, without recklessness or negligence, and so as to produce no further injury to any person than is necessary for the attainment of the object aforesaid.

Saving of other laws as to dispersal of riotous gatherings.

6. Nothing in this Chapter contained shall be construed as affecting or derogating from any right conferred or duty imposed upon any member of the police or any member of the public under any other statute or under the common law to assist in the dispersal of riotous gatherings or in the prevention and suppression of riotous and seditious acts.

Acts or conduct which constitute an incitement to public violence.

7. A person shall be deemed to have committed the common law offence of incitement to public violence if, in any place whatever, he has acted or conducted himself in such a manner or has spoken or published such words that it might reasonably be expected that the natural and probable consequences of his act, conduct, speech or publication would, under the circumstances, be the commission of public violence by members of the public generally or by persons in whose presence the act or conduct took place or to whom the speech or publication was addressed.

CHAPTER II.

AMENDMENT OF THE CRIMINAL LAW.

Prohibition of intimidation or annoyance of persons, their relatives or dependants in relation to their employment.

8. Any person who, in order to compel any other person to abstain from doing or to do in respect of employment any act which that other person has a legal right to do or abstain from doing or on account of that other person having abstained from doing or having done such an act,—

- (a) threatens or suggests the use of violence to or restraint upon that other person or of any of his relatives or dependants, or threatens or suggests any injury to the property of that other person or of any of his relatives or dependants; or
- (b) remains at or near the premises where that other person resides or works or is seeking work or happens to be or any approach or place adjacent to those premises or persistently follows him about from place to place; or
- (c) hides any tools, clothes or other property owned or used by, or in charge of, that other person or deprives him thereof or hinders him in the use thereof; or

van geweld, die zo gebruikt mag worden, niet groter mag zijn dan nodig is om de verzamelde personen uiteen te drijven en gematigd moet worden door, en geëvenredigd zijn aan de omstandigheden van het geval en het te bereiken doel.

5. Vuurwapens of andere wapens die waarschijnlijk ernstig lichamelik letsel of de dood kunnen veroorzaken, mogen niet krachtens het voorgaande artikel gebruikt worden om openbare samenkomst uiteen te drijven, vóór en aleeer wapens, die minder waarschijnlijk zulke letsel of de dood zouden oorzaken, gebruikt zijn en de samenkomst niet uiteen gedreven is of tenzij of totdat een of meer van de op de samenkomst vergaderde personen—

- (a) iemand doodt of ernstig kwetst of poogt te doden of ernstig te kwetsen of klaarblijkelijk voornemens is iemand te doden of ernstig te kwetsen ;
- (b) waardevol roerend of onroerend eigendom vernielt of zwaar beschadigt, of poogt te vernielen of zwaar te beschadigen of klaarblijkelijk voornemens is om het te vernielen of zwaar te beschadigen.

De vuurwapens en andere wapens, die waarschijnlijk ernstig lichamelik letsel of de dood kunnen veroorzaken, moeten voor voormelde doeleinden met alle redelijke voorzorgen, en zonder roekeloosheid of achteloosheid gebruikt worden, en zo, dat niet meer letsel aan enig persoon aangedaan wordt dan noodzakelijk is om voormeld doel te bereiken.

6. De bepalingen van dit Hoofdstuk worden niet geacht de, aan leden van de politie of van het publiek krachtens andere wettelijke voorschriften of het gemene recht verleende rechten of opgelegde plichten voor het uiteendrijven van oproerige vergaderingen of voorkoming of onderdrukking van oproerige handelingen, of munitierij aan te tasten of daarop inbreuk te maken.

7. Wanneer iemand, waar dan ook, zo gehandeld heeft of zich zo gedragen heeft, of zodanige woorden gesproken of gepubliceerd heeft, dat redelijkerwijze verwacht kan worden dat als natuurlijk en waarschijnlijk gevolg van zijn handelwijze, gedrag, aanspraak of publikatie; onder de omstandigheden openbaar geweld door leden van het publiek in het algemeen, of door personen, in wier tegenwoordigheid de handeling of het gedrag plaats vond, of tot wie de aanspraak of publikatie gericht was, gepleegd zal worden, wordt hij geacht onder het gemene recht het misdrijf van aanzetting tot openbaar geweld te hebben gepleegd.

HOOFDSTUK II.

WIJZIGING VAN HET KRIMINELE RECHT.

8. Een ieder die, ten einde een ander persoon te dwingen met betrekking tot dienstverrichting een handeling na te laten of te verrichten, welke die andere persoon rechtens mag doen of laten of omdat die andere persoon zodanige handeling nagelaten of verricht heeft—

- (a) dreigt met, of voorstelt, het gebruik van geweld of dwang tegen die andere persoon of diens nabestaanden, of tegen iemand van hem afhankelijk, of dreigt met, of voorstelt de beschadiging van de goederen van die andere persoon of diens nabestaanden of van hem afhankelijke personen ; of
- (b) zich posteert bij of nabij het perceel of de percelen waarop die andere persoon woont of werkt of werk zoekt of toevallig zich bevindt, of bij de toegang tot, of de plaats naast dat perceel of die percelen, of hem gedurig van plek tot plek naloopt ; of
- (c) gereedschappen, kleren of ander eigendom toebehorende aan of gebruikt door, of onder het beheer van die andere persoon verbergt, of aan hem ontnemt, of hem hindert in het gebruik daarvan ; of

(d) having followed that other person or any one of his relatives or dependants along a public place, or accosted him or any of them therein, behaves towards him or any of them in a disorderly or offensive manner by jeers, jibes or other like conduct,

shall be guilty of an offence.

Prohibition of intimidation or annoyance in relation to joining a society or association. 9. Any person who, in order to compel any other person to become a member or to refrain from becoming a member of any society or association does any of the acts specified in paragraphs (a), (c), and (d) of the last preceding section shall be guilty of an offence.

Prohibition as to trespass on work premises to influence workmen. 10. Any person who, being without lawful right upon premises where work is being or is usually carried on, endeavours to induce any person employed on those premises—

(a) unlawfully to cease work or leave any particular piece of work unfinished; or

(b) unlawfully to refrain from returning to work,

shall be guilty of an offence.

Use of opprobrious epithets, blacklisting, etc.

11. Any person who—

(a) verbally, or in any written or printed document published or circulated in any manner, uses any opprobrious epithet or any jeer or jibe to or about any other person or to or about any of his relatives in connection with the fact that such other person has undertaken, continued or returned to work or absented himself from work or refused to work for any employer; or

(b) in order to prevent any other person from obtaining or retaining employment or to induce persons to refuse to work or to refrain from working with that other person, causes information to be sent to any person or body of persons within or outside the Union as to the fact that such other person has undertaken, continued, or returned to work or has absented himself or refused to work for any employer in or outside the Union,

shall be guilty of an offence.

Breach of contract by persons employed in public utility services, or involving danger or injury to persons or property.

12. (1) If an employee of a local authority or company which, or of a person who, supplies any community with light, power, water or sanitary or transportation services, wilfully and maliciously, either alone or by arrangement with other employees or other persons, breaks a condition or contract of employment with his employer knowing or having reasonable cause to believe that the probable consequence of his so breaking such contract will be to deprive the members of such community or a large section thereof wholly or to a great extent of their supply of light, power, water, or of sanitary or transportation services, he shall be guilty of an offence.

(2) Every such employer shall cause to be posted up in a conspicuous place at the premises from which any such supply or service aforesaid is carried on or in or in connection with which the condition or contract aforesaid is to be performed a printed copy of this section, and as often as such copy becomes defaced, obliterated, covered over, removed or destroyed, shall cause it immediately to be renewed and reposted in such a conspicuous place as aforesaid.

If an employer make default in complying with this sub-section he shall be guilty of an offence and liable on conviction to a fine not exceeding one pound for every day during which the default continues or, in default of payment, to imprisonment for a period not exceeding fourteen days.

(d) die andere persoon of diens nabestaanden of van hem afhankelijke personen langs een openbare plek nage- lopen hebbende, of hem of een van hen daarin aangesproken hebbende, zich tegenover hem of een van hen op wanordelijke of beledigende wijze ge- draagt door te honen, te bespotten of door dergelijk gedrag,

schuldig aan een overtreding.

9. Een ieder die, ten einde een ander persoon te dwingen om al dan niet een lid te worden van een genootschap of Verbod om iemand, door intimideren of hinderen, ening, een van de handelingen verricht uiteengezet in of hinderen, paragrafen (a), (c) en (d) van voorgaand artikel, is schuldig te dwingen aan een overtreding.

10. Een ieder die zich, zonder daartoe gerechtigd te zijn, op een perceel bevindt waar werk gedaan of gewoonlijk gedaan wordt, en iemand op dat perceel werkzaam poogt over te halen—

- (a) om onwettig op te houden met werken, of om een bijzonder stuk werk onafgedaan te laten; of
- (b) om onwettig niet naar zijn werk terug te keren,

is schuldig aan een overtreding.

11. Een ieder die—

- (a) mondeling of in een geschreven of gedrukt document, op welke wijze ook gepubliceerd of verspreid, scheld- namen, schimpwoorden of spotwoorden gebruikt tegen of aangaande een ander persoon, of tegen of aangaande diens nabestaanden, in verband met het feit dat zodanige andere persoon voor een werkgever werk heeft ondernomen of voortgezet, of teruggekeerd is naar zijn werk, of zich van zijn werk verwijderd heeft of weigerde te werken; of
- (b) ten einde een ander persoon te verhinderen om werk te krijgen of te behouden, of personen te bewegen om te weigeren werk te doen of niet langer te werken met die andere persoon, inlichtingen doet verstrekken aan enig persoon of lichaam van personen binnen of buiten de Unie betreffende het feit, dat die andere persoon werk voor een werkgever binnen of buiten de Unie heeft ondernomen, voortgezet, of weder begonnen is, of weggebleven is van zijn werk of het werk verlaten heeft of geweigerd heeft te werken,

is schuldig aan een overtreding.

12. (1) Indien een werkmán in dienst van een plaatselijke Kontrakt- autoriteit of maatschappij, of van een persoon, die een ge- meenschap van licht, kracht, water of sanitaire, of vervoer- personen in diensten voorziet, opzettelijk en kwaadwillig, hetzij alleen of werken voor diensten voorziet, opzettelijk en kwaadwillig, hetzij alleen of in overleg met andere werklieden of andere personen, een dienstvoorwaarde of dienstkontrakt met zijn werkgever of openbaar nut verbreekt, wetende of gegrond vermoeden hebbende, dat zijn gevaar voor of nadeel aan personen of eigendom van hun licht, kracht, water of sanitaire of vervoerdiensten dan is hij schuldig aan een overtreding.

(2) Iedere zodanige werkgever is gehouden op een in het oog vallende plek in het perceel vanwaar zodanige dienst geschiedt, of waarin of in verband waarmede de voorwaarde of het kontrakt voormeld uitgevoerd moet worden, een gedrukt exemplaar van dit artikel te doen aanplakken, en dat exemplaar, zodra het onleesbaar, uitgewist, bedekt, weggenomen of vernietigd wordt, dadelik door een ander te doen vervangen en weder op zulk een in het oog vallende plek als voormeld aan te plakken.

De werkgever die niet aan dit sub-artikel voldoet, is schuldig aan een overtreding, en wordt bij veroordeling gestraft met een boete van ten hoogste één pond voor elke dag, gedurende welke zijn verzuim voortduurt, of bij wanbetaling met gevangenisstraf van ten hoogste veertien dagen.

Any person who defaces, obliterates, covers over, removes or destroys any such copy without the permission of the employer concerned shall be guilty of an offence and liable on conviction to a fine not exceeding five pounds or, in default of payment, to imprisonment for a period not exceeding fourteen days

(3) If any employee of any employer whatever, wilfully and maliciously, either alone or by arrangement with other employees or any other persons whatever, breaks any contract of employment whatever, knowing or having reasonable cause to believe that the probable consequence of his so breaking such contract will be to endanger human life or to cause serious bodily injury to, or serious injury to the health of, any person or to expose valuable property, whether movable or immovable, to destruction or serious injury, he shall be guilty of an offence.

Penalties or offences under preceding sections of this Chapter.

13. Any person guilty under section *eight, nine, ten, eleven or twelve* of an offence for which a penalty is not expressly provided, shall be liable on conviction to a fine not exceeding fifty pounds or, in default of payment, to imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine or to both such fine and imprisonment.

Special precautions in the interest of public safety as regards explosives.

14. (1) Whenever it is necessary to take special precautions to maintain public order or to protect life and property the Governor-General may, by proclamation in the *Gazette*, prohibit for such period as he may think fit the transportation of explosives from any one place to any other place in the Union, except under such safeguards and conditions as are prescribed by regulation, and may make special regulations, to be in force for such limited period as he may think fit, as to the transportation of explosives to and from particular areas, or as to the storage, removal, possession or use of explosives within any particular area by all persons or by persons of specified occupations or callings, and may limit or vary the conditions of any licences or permits held or to be issued under the Explosives Act, 1911, or the regulations made thereunder.

(2) Any person who contravenes or fails to comply with the provisions of any proclamation or special regulation issued under sub-section (1) shall be guilty of an offence and liable on conviction to the penalties mentioned in section *thirteen*.

Attempts, inoffences, etc., to commit offences.

15. (1) Any person who attempts to commit any offence against a statute or a statutory regulation shall, if no punishment is expressly provided thereby for such an attempt, be liable on conviction to the punishment to which a person convicted of actually committing that offence would be liable.

(2) Any person who—

(a) conspires with any other person to aid or procure the commission of or to commit; or

(b) incites, instigates, commands, or procures any other person to commit,

any crime or offence, whether at common law or against a statute or statutory regulation, shall be liable on conviction to the punishment to which the principal offender would be liable.

CHAPTER III.

SUPPLEMENTARY PROVISIONS.

Liability to punishment in case of offences against this Act by corporate bodies, partnerships, and trade unions.

16. (1) In any criminal proceedings under this Act against a company, the secretary and every director or manager or the chairman thereof in the Union may be charged with the offence and shall be liable to be punished therefor, unless he proves that he was in no way a party thereto.

(2) In any such proceedings against a local authority, the mayor, chairman, town clerk, secretary, or other similar officer shall be liable to be so charged with, and in like circumstances, punished for the offence.

Een ieder die zodanig eksemplaar onleesbaar maakt, uitwist, bedekt, wegneemt of vernietigt zonder toestemming van de betrokken werkgever is schuldig aan een overtreding, en wordt bij veroordeling gestraft met boete van ten hoogste vijf pond, of bij wanbetaling met gevangenisstraf van ten hoogste veertien dagen.

(3) De werkman van welke werkgever ook die met opzet en kwaadwillig, hetzij alleen of in overleg met andere werklieden of andere personen wie dan ook, enig dienstkontraakt verbreekt, wetende of gegrond vermoeden hebbende, dat door zijn kontraktbreuk waarschijnlijk menselvens in gevaar zullen worden gebracht, of ernstig lichamelik letsel of ernstige benadeling van de gezondheid van enig persoon zal worden berokkend, of waardevol eigendom, hetzij roerend of onroerend, zal worden blootgesteld aan vernietiging of ernstige beschadiging, is schuldig aan een overtreding.

13. Een ieder die een overtreding van artikel acht, negen, Straffen voor tien, elf of twaalf begaat waarvoor geen uitdrukkelijke straf is bepaald, wordt bij veroordeling gestraft met boete van ten hoogste vijftig pond of, bij wanbetaling, met gevangenisstraf van ten hoogste zes maanden of met zodanige gevangenisstraf zonder de keuze van een boete, of met beide die boete en gevangenisstraf.

14. (1) Zodra het noodzakelik is biezondere voorzorgen te nemen om de openbare orde te bewaren, of lijf en goed te beschermen, kan de Gouverneur-generaal, bij proklamatie in de *Staatskoerant*, voor zolang het hem goeoddukt het vervoer van ontplofbare stoffen van de ene naar de andere plaats binnen de Unie verbieden, behalve onder voorzorgen en voorwaarden bij regulatie voorgeschreven, en kan biezondere regulaties vaststellen, van kracht voor een beperkte tijd door hem te worden bepaald, betreffende het vervoer van ontplofbare stoffen naar en vanaf bepaalde distrikten, of betreffende de berging, het vervoer, het bezit of het gebruik van ontplofbare stoffen binnen een bepaald distrikt door wie dan ook of door personen van bepaald beroep of ambacht, en kan de voorwaarden van licenties of permitten, uit kracht van de Ontplofbare Stoffen Wet 1911, of van de regulaties daarbij vastgesteld, beperken of veranderen.

(2) Een ieder die de bepalingen van een proklamatie of van biezondere regulaties krachtens sub-artikel (1) uitgevaardigd, overtreedt of in gebreke blijft dezelve na te komen is schuldig aan een overtreding en wordt bij veroordeling gestraft met de in artikel dertien bepaalde straffen.

15. (1) Een ieder, die poogt een wettelik voorschrift Pogingen, of wettelike regulatie te overtreden, kan, indien daarin geen straf uitdrukkelik voor zodanige poging bepaald is, bij veroordeling gestraft worden met de straf gesteld op de werkelike overtreding van dat voorschrift of die regulatie.

(2) Een ieder die tot het plegen van een misdad of overtreding, hetzij tegen het gemene recht of tegen een wettelik voorschrift of een wettelike regulatie—

(a) met een ander persoon samenspant om daarin behulpzaam te zijn of die te bewerkstelligen of te plegen; of

(b) daartoe een ander persoon aanzet, gelast, of overhaalt,

wordt bij veroordeling gestraft met de straffen waaraan de hoofddader onderhevig is.

HOOFDSTUK III.

AANVULLENDE BEPALINGEN.

16. (1) In kriminele vervolgingen ingevolge deze Wet Straftaarten tegen een maatschappij kunnen de sekretaris en elke direktieur of bestuurder of de voorzitter daarvan in de Unie wegens zodanige overtreding worden aangeklaagd en gestraft, tenzij zij bewijzen dat zij daarbij in genen dele betrokken waren.

(2) Wordt zulk een vervolging tegen een plaatselik bestuur ingesteld, dan kunnen de burgemeester, de voorzitter, stads-klerk, sekretaris of andere soortgelijke beambten also worden aangeklaagd en in gelijke omstandigheden wegens de overtreding worden gestraft.

(3) In any such proceedings against a partnership every member of such partnership who is in the Union shall be liable to be so charged, and in like circumstances punished for the offence.

(4) In any such proceedings against any other society or association, the president, secretary, and every executive officer thereof in the Union shall be liable to be so charged and in like circumstances to be punished for the offence.

(5) Provided that nothing in this section contained shall be deemed to exempt from liability any other person guilty of such offence.

Special
jurisdiction
of magis-
trate's court.

17. A magistrate's court shall, unless a less severe punishment is expressly provided, have special jurisdiction to impose on summary trial upon a person convicted of an offence against Chapter I or Chapter II a fine not exceeding fifty pounds or a sentence of imprisonment for a period not exceeding six months, whether in default of payment or without the option of a fine.

Special
criminal
court for trial
of certain
offences
mentioned in
this Act.

18. (1) Whenever an Attorney-General or the Solicitor-General of the Eastern districts shall have determined, after an accused person has been committed for trial, to indict him upon a charge of—

(a) an offence against any provision of Chapter I or Chapter II; or

(b) the crime of high treason, sedition, or public violence, or of an attempt, conspiracy or incitement to commit such an offence or crime, and is of opinion that, if the accused person were tried by a jury, the ends of justice are likely to be defeated, he shall state in writing to the Minister such his opinion together with the offence or crime for which he proposes to indict the accused.

(2) The Governor-General may thereupon constitute a special criminal court to sit at any place in the Union at which the accused might otherwise have been tried before a provincial or local division for such offence or crime. Such special criminal court shall have jurisdiction to try without a jury any charge which may be made in the indictment to be filed by the Attorney-General or the Solicitor-General aforesaid in respect of the accused, being a charge of an offence or crime referred to in sub-section (1), and to sentence the accused, if convicted of such an offence or crime, to any punishment that may by law be imposed therefor.

(3) Such special criminal court shall consist of at least two and not more than three judges of the Supreme Court. The decision of the majority of the court shall be the decision of the court if it consist of three members, or if it consist of two members only, the decision of those two members when unanimous shall be the decision of the court. The Minister shall designate an officer in the public service or a judge's clerk to act as registrar of such court.

(4) The constitution of such special criminal court shall be notified in the *Gazette* together with the names of the members thereof, the name and official address of the registrar thereof, and the date on which and the place at which it will commence its sittings. At any time after the constitution of the court is so notified the Attorney-General or Solicitor-General aforesaid (as the case may be) may file with the registrar thereof any such indictment aforesaid.

(5) Save as herein expressly provided, the law, rules, and practice in force in the Province in which such special criminal court is appointed to sit, relating to the trial of accused persons on indictment, shall apply *mutatis mutandis* in respect of trials of accused persons by such special criminal court and in respect also of applications to arrest judgment, or to direct a special entry to be made upon the record on the ground of

(3) Wordt zulk een vervolging tegen een vennootschap ingesteld, dan kan ieder lid van de vennootschap, die zich in de Unie bevindt, also worden aangeklaagd en in gelijke omstandigheden wegens de overtreding worden gestraft.

(4) Wordt zulk een vervolging tegen een ander genootschap of vereniging ingesteld, dan kan de voorzitter, sekretaris en ieder uitvoerende beambte daarvan, in de Unie also worden aangeklaagd en in gelijke omstandigheden wegens de overtreding worden gestraft.

(5) Het bepaalde in dit artikel wordt niet geacht enig ander persoon, die schuldig is aan zodanige overtreding, van aansprakelijkheid te ontslaan.

17. Magistraatshoven hebben bijzondere rechtsmacht ^{Bijzondere} tenzij uitdrukkelijk voorziening is gemaakt voor een minder ^{rechtsmacht} zware straf, iemand schuldig bevonden aan een overtreding ^{van Magi-} van Hoofdstuk I, of Hoofdstuk II na summiers behandeling ^{straatshoven.} een boete op te leggen van ten hoogste vijftig pond, of een gevangenisstraf van ten hoogste zes maanden, hetzij bij wanbetaling of zonder de keuze van een boete.

18. (1) Wanneer een Prokureur-generaal of de Solliciteur-generaal van de Oostelike Distrikten besluit, nadat een beschuldigde persoon naar de terechtstelling verwezen is, hem aan te klagen wegens—

- (a) een overtreding van een bepaling van Hoofdstuk I of Hoofdstuk II; of ^{Bijzondere} ^{kriminele} ^{hoven ter} ^{berechting} ^{van} ^{zekere} ^{in deze} ^{Wet vermelde} ^{misdriven.}
- (b) de misdaad van hoogverraad, oproer of openbaar geweld,

of wegens een poging, samenspanning, of aanzetting tot het plegen van zodanige overtreding of misdaad, en hij van oordeel is, dat, indien de beschuldigde voor een jury terechtstond, de loop van het recht waarschijnlijk verijdeld zou worden, deelt hij dit zijn oordeel schriftelijk aan de Minister mede, alsmede wegens welke overtreding of misdaad hij voornemens is de beschuldigde aan te klagen.

(2) De Goeverneur-generaal kan daarop een bijzonder krimineel hof samenstellen, om zitting te houden op een plek in de Unie waar de beschuldigde anders voor de provinciale of plaatselijke afdeling wegens die overtreding of misdaad had kunnen terechtgesteld worden. Zodanig bijzonder krimineel hof heeft rechtsmacht om elke klacht, die in de, door de Prokureur-generaal of Solliciteur-generaal voormeld, ingediende akte van beschuldiging ten aanzien van de beschuldigde, mocht voorkomen zonder jury te berechten, zijnde een klacht wegens een overtreding of misdaad bedoeld in sub-artikel (1), en om de beschuldigde indien schuldig bevonden wegens zulk een overtreding of misdaad te veroordelen tot een straf die daarvoor wettelijk opgelegd kan worden.

(3) Zodanig bijzonder krimineel hof zal bestaan uit pinstens twee en niet meer dan drie rechters van het Hooggerechtshof. De uitspraak van de meerderheid van het hof, is de uitspraak van het hof als het uit drie leden bestaat, of als het uit slechts twee leden bestaat, is de eenparige uitspraak van die twee leden de uitspraak van het hof. De Minister wijst een staatsambtenaar of een rechtersklerk aan om als griffier van zodanig hof op te treden.

(4) De samenstelling van zodanig bijzonder krimineel hof wordt in de *Staatskoerant* bekend gemaakt, alsmede de namen van de leden, de naam en het officiële adres van de griffier en de datum en plek waarop de zittingen zullen aanvangen. De Prokureur-generaal of Solliciteur-generaal onderscheidenlik, kan te eniger tijd, nadat de samenstelling van het hof zo bekendgemaakt is, een akte van beschuldiging als voormeld bij de griffier indienen.

(5) Behoudens het uitdrukkelijk hierin bepaalde, zijn de wet, regels en praktijk van kracht in de Provincie waarin zodanig bijzonder krimineel hof aangesteld is om zitting te houden, wat betreft de terechtstelling van beschuldigde personen op een akte van beschuldiging, *mutatis mutandis* van toepassing op de terechtstelling van beschuldigde personen door zodanige bijzondere kriminele hoven alsook wat betreft applikaties om vonnis op te schorten, of om het maken van een bijzondere aantekening op de stukken te gelasten op

illegality or irregularity, or to reserve any question of law: Provided that matters which, in connection with such applications or with the reservation of a question of law, would otherwise be heard and determined by a provincial division shall be heard and determined by the appellate division of the Supreme Court.

(6) At the termination of every session of such special criminal court, the registrar thereof shall transmit the records of the proceedings of that session to the registrar of the provincial division of the province in which the special criminal court held its sittings, and such records shall thereupon become records of that provincial division.

Persons sentenced to imprisonment for certain offences may be dealt with under Act No. 22 of 1913.

19. Sub-section (1) (f) of section *four* and paragraph (a) of section *twenty-two* of the Immigrants Regulation Act, 1913 (Act No. 22 of 1913) shall be construed as if the crimes of high treason, sedition, and public violence and any conspiracy or incitement to commit any such crime were included in the offences mentioned therein: Provided that for the purposes of this section, section *twenty-two* of the Immigrants Regulation Act, 1913, is hereby amended by the deletion of the words "(not being a person born in any part of South Africa which has been included in the Union)"; and provided further that the provisions of this section shall only apply to convictions after the commencement of this Act: Provided further that this section shall only apply to persons who have been convicted of the crimes mentioned herein before a provincial or local division or by the special criminal court constituted under section *eighteen*.

Repeal of laws.

20. (1) The laws specified in the Schedule to this Act are hereby repealed to the extent set out in the fourth column of that Schedule.

(2) So much of the common law as renders illegal, any gathering of persons in the open air without the consent of the authorities shall cease to be in operation in the Union.

(3) In the event of any conflict between the provisions of any law, or bye-law or regulation made under a law, and the provisions of this Act, the provisions of this Act shall prevail; but, save as herein provided, the provisions of any such law, bye-law, or regulation shall be of the same force and effect as if this Act had not been passed.

Minister to report to Parliament what has taken place under sections *one*, *four*, *eighteen* and *nineteen*.

21. Whenever any public gathering has been prohibited under the provisions of section *one*, and whenever a police officer has called upon the persons assembled at a public gathering to disperse under the provisions of section *four*, and whenever a special court has been constituted under the provisions of section *eighteen*, and whenever any person has been removed under the provisions of section *nineteen*, the Minister shall report the circumstances to both Houses of Parliament within fourteen days if Parliament be then sitting and otherwise within fourteen days after the commencement of its next ensuing session.

Interpretation of terms.

22. In this Act, unless inconsistent with the context—

"imprisonment" shall mean imprisonment with or without hard labour as the court which passes sentence may direct;

"Minister" shall mean the Minister of Justice or any other Minister of State to whom the Governor-General may assign the administration of this Act;

"police" shall mean any body of men established or enrolled under any law and carrying out the powers, duties and functions of a police force; and shall include any portion of the Defence Force of the Union when used for the prevention or suppression of internal disorder;

"public gathering" shall mean any gathering, concourse, or procession in, through, or along any public place, of twelve or more persons having a common purpose, whether such purpose be lawful or unlawful;

grond van onwettigheid of onregelmatigheid, of om het een of ander wetspunt voor te behouden: Met dien verstande dat zaken die, in verband met zodanige applicaties of met het voorbehoud van een wetspunt, anders door een provinciale afdeling gehoord en beslist zouden worden, door de afdeling van appel van het Hooggerechtshof gehoord en beslist moeten worden.

(6) Na het einde van iedere zitting van zodanig bijzonder krimineel hof, zendt de griffier de minuten van de verrichtingen van die zitting aan de griffier van de provinciale afdeling van de provincie waarin het bijzondere hof zitting gehouden heeft en die stukken maken daarop een deel uit van de processtukken van die provinciale afdeling.

19. Sub-artikel (1), (f) van artikel vier en paragraaf Personen (a) van artikel twee en twintig van de Immigratie Regeling veroordeeld tot gevangenisstraf voor zekere misdaden kunnen onder Wet No. 22 van 1913 behandeld worden. Wet 1913 (Wet No. 22 van 1913) worden gelezen, alsof de misdaden van hoogverraad, oproer en openbaar geweld en enige samenspanning of aanzetting om een van die misdaden te plegen in de daarin vermelde misdrijven begrepen waren. Met dien verstande dat voor de doeleinden van dit artikel, artikel twee en twintig van de Immigratie Regeling Wet, 1913, hierbij gewijzigd wordt door schrapping van de woorden " (behalve iemand geboren in enig deel van Zuid Afrika, dat in de Unie opgenomen is) "; en met dien verstande voorts dat het bepaalde bij dit artikel alleen van toepassing is op veroordelingen na de inwerkingtreding van deze Wet: Met dien verstande voorts dat dit artikel slechts van toepassing is op personen die wegens hierin vermelde overtredingen voor een provinciale of plaatselijke afdeling of door het bij artikel achttien samengestelde speciale kriminele hof veroordeeld zijn.

20. (1) De wetten vermeld in de Bijlage tot deze Wet Wetaherroe in de omvang aangewezen in de vierde kolom daarvan, worden ping. hierbij ingetrokken.

(2) Zoveel van het gewone recht als het houden van samenkomsten van personen in de open lucht zonder vergunning van de bestaande overheid onwettig maakt, zal niet langer van kracht zijn in de Unie.

(3) In geval de bepalingen van enige wet of verordening of regulatie krachtens een wet gemaakt in strijd zijn met de bepalingen van deze Wet, gelden de bepalingen van deze Wet, doch, behalve zoals hierin bepaald, blijven de bepalingen van een zodanige wet, verordening of regulatie van dezelfde kracht en werking alsof deze Wet niet ingevoerd was.

21. Waar een openbare samenkomst ingevolge artikel een Minister doet verboden werd, en waar een officier van politie ingevolge verslag aan artikel vier de op de samenkomst vergaderde personen aan 't Parlement van het gemaand heeft uiteen te gaan, en wanneer een speciaal hof gebeurde samengesteld is ingevolge de bepalingen van artikel achttien, onder artikel 5 en, en wanneer iemand verwijderd is ingevolge de bepalingen van rier, achttien en negentien. artikel 5 en, rier, achttien en negentien. doet de Minister verslag van de omstandigheden aan beide Huizen van het Parlement binnen veertien dagen zo het Parlement dan zit, en zo niet, binnen veertien dagen na het begin van zijn eerstvolgende zitting.

22. In deze Wet hebben onderstaande uitdrukkingen, Woordbezo de samenhang niet een andere zin aanwijst, de navolgende palingen betekenis—

"gevangenisstraf" betekent gevangenisstraf met of zonder harde arbeid naar gelang het vonnisvellend hof bepaalt;

"Minister" betekent de Minister van Justitie of een andere Staatsminister aan wie de Goeverneur-generaal de uitvoering van deze Wet mocht opdragen;

"politie" betekent een krachtens een wet opgerichte of aangeworven en de machten, plichten en bevoegdheden van een politiemacht uitoefenende troep mannen en sluit ook in enig gedeelte van de Verdedigingsmacht van de Unie, dat voor de verhinderings of onderdrukking van binnenlandse wanorde gebruikt wordt;

"openbare samenkomst" betekent een samenkomst, ophoop of optocht in, door of langs een openbare plek van twaalf of meer personen, die een gemeenschappelijk doel voor ogen hebben, hetzij zulk doel al dan niet wettig is;

“ public place ” shall mean any street, road, passage, square, park, recreation ground, or any open space, to which all members of the public habitually or by right have access, and shall include any place described in this definition notwithstanding that it is private property and has not been dedicated to the use of the public.

23. This Act may be cited for all purposes as the Riotous Assemblies and Criminal Law Amendment Act, 1914.

SCHEDULE.

LAWS REPEALED.

Province.	No. and Year of Law.	Short title or Subject of Law.	Extent of Repeal.
Transvaal ...	Volksraad Resolution Article <i>sixty-seven</i> January, 1851.	Against public disturbances and discussion.	The whole.
" ...	Law No. 6 of 1894.	On the right of meeting and assembling of persons.	The whole.
" ...	Ordinance No. 38 of 1902.	Indemnity and Peace Preservation Ordinance, 1902.	Part II.
" ...	Ordinance No. 26 of 1904.	The Crimes Ordinance, 1904.	Sections <i>thirty-six</i> and <i>thirty-seven</i> .
" ...	Act No. 16 of 1908.	The Criminal Law Amendment Act, 1908.	Section <i>seven</i> .
Orange Free State.	Ordinance No. 25 of 1902.	Indemnity and Peace Preservation Ordinance, 1902.	Part II.

“openbare plek” betekent een straat, weg, gang, plein, park, speelgrond of open plek waartoe alle leden van het publiek gewoonlijk of rechtens toegang hebben en daarin worden begrepen alle plekken in deze definitie omschreven alhoewel ze privaats eigendom en niet voor het gebruik van het publiek opengesteld zijn.

23. Deze Wet kan voor alle doeleinden als de Oproerige Bijeenkomsten en Krimineel Recht Wijzigingswet, 1914, worden aangehaald.

BIJLAGE.

HERROEPEN WETTEN.

Provincie.	No. en jaar van Wet.	Korte titel of Onderwerp van Wet.	Omvang van herroeping
Transvaal...	Volksraad besluit artikel <i>zeven en zestig</i> Januari 1851.	Tegen publieke rustverstoreningen en besprekingen.	Geheel.
" ...	Wet No. 6 van 1894.	Op het recht van vereniging en vergadering van personen.	Geheel.
" ...	Ordonnantie No. 38 van 1902.	Vrijwaring en Vredesbewaring Ordonnantie, 1902.	Deel II.
" ...	Ordonnantie No. 26 van 1904.	De Misdaden Ordonnantie, 1904.	Artikels <i>zeven en dertig</i> en <i>zeven en dertig</i> .
" ...	Wet No. 16 van 1908.	De Kriminele Wet Wijzigings Wet, 1908.	Artikel <i>zeven</i> .
Oranje Vrijstaat.	Ordonnantie No. 25 van 1902.	Vrijwaring en Vredesbewaring Ordonnantie, 1902.	Deel II.

UNION OF SOUTH AFRICA.

4

ACT

TO

Make further provision with reference to the prohibition of ownership of land by Asiatics and with reference to the restrictions as to the occupation of land and trading by them.

UNIE VAN ZUID-AFRIKA.

X9(D): (Z63)86Y731

WET

TOT

het maken van verdere voorziening betreffende de verbodsbepalingen van grondbezit door Aziaten en met betrekking tot beperking wat betreft het okkuperen van grond en handeldrijven door hen.

No. 37, 1919.

ACT

To make further provision with reference to the prohibition of ownership of land by Asiatics and with reference to the restrictions as to the occupation of land and trading by them.

DE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Certain prohibitions as to occupation of ground on Witwatersrand gold-fields not to apply to certain British Indians, etc.

1. Those provisions of sections *one hundred and thirty* and *one hundred and thirty-one* of Act No. 35 of 1908 (Transvaal) 5 which relate to the residence on or occupation of ground held under a stand licence on proclaimed land by coloured persons and any provisions similar thereto contained in the conditions of any deed of grant or freehold title in a Government Township (as defined in Act No. 34 of 1908, Transvaal) issued 10 under the last-mentioned Act shall not apply:—

(a) to any British Indian who on the first day of May, 1919, was, under the authority of a trading licence lawfully issued, carrying on business on proclaimed ground or on any stand or lot in such township, or 15 to the lawful successor in title of any such Indian in respect of such business; or

(b) to any person *bona fide* in the employment of such a British Indian or his successor in title,

so long as such British Indian or successor in title continues 20 so to carry on business on the same ground or stand or lot on which or on any other ground or stand or lot in the same township in which it was being carried on on the first day of May, 1919:

Provided that nothing in this section shall be construed 25 as abrogating any exceptions contained in the said sections *one hundred and thirty* and *one hundred and thirty-one* or in the conditions aforesaid.

Certain prohibitions and restrictions of Law No. 3 of 1885 (Transvaal) to apply to companies controlled by Asiatics.

2. Those provisions of Law No. 3 of 1885 (Transvaal), and any amendments thereof heretofore enacted which prohibit 30 a person belonging to any of the native races of Asia from being an owner of fixed property in the Transvaal subject to certain exceptions specified in such amendments shall, subject to the same exceptions, be construed also as prohibiting 35 any registration of a mortgage over fixed property in favour of a person belonging to any of the native races of Asia, otherwise than as security for a *bona fide* loan or investment in the ordinary course of business and also prohibiting the ownership of fixed property in the Transvaal by any company or other corporate body in which one or more persons belong- 40 ing to any of those races have a controlling interest and the registration of such a mortgage in favour of such a company or corporate body otherwise than as security as aforesaid:

The provisions of this section shall apply as from the first day of May, 1919, provided that in respect of any fixed pro- 45 perty acquired by any such company or corporate body before the first day of May, 1919, the aforesaid provisions of Law No. 3 of 1885 (Transvaal) shall be construed as if this Act had not been passed. Any such company or other corporate body which may have acquired the ownership of fixed property 50 since the first day of May, 1919, shall dispose thereof within a period of two years from the commencement of this Act, or within such further period as any superior court having jurisdiction where the property is situate on application may allow, and on the failure of such company or other corporate 55 body so to dispose of such property then and in that case such property shall on the petition of any member of the public be sold by order of such a court.

Short title. 3. This Act may be cited for all purposes as the Asiatic- 60 (Land and Trading) Amendment Act (Transvaal), 1919.

WET

Tot het maken van verdere voorziening betreffende de verbodsbepalingen van grondbezit door Aziaten en met betrekking tot beperking wat betreft het okkuperen van grond en handeldrijven door hen.

ZIJ HET BEPAALD door Zijn Majesteit de Koning, de Senaat en de Volksraad van de Unie van Zuid-Afrika, als volgt:—

1. De bepalingen van artikels *honderd dertig* en *honderd* 5 *een en dertig* van Wet No. 35 van 1908 (Transvaal), die betrekking hebben op het bewonen of okkuperen door kleurlingen van grond bezeten onder een standplaats-licentie op geproklameerde grond en alle dienovereenkomstige bepalingen vervat in de voorwaarden van een toekenningsakte of 10 eigendomstitel in een Goevernementsdorp (als omschreven in Wet No. 34 van 1908, Transvaal), verleend onder laatstgenoemde Wet zijn niet van toepassing op:—

(a) een Brits Indiër die op de eerste dag van Mei 1919 15 door bevoegdheid onder een wettig verleende handelslicentie bezigheid dreef op geproklameerde grond of op een standplaats of perceel in zulk dorp, of op de wettige opvolger in titel van zodanige Indiër ten aanzien van zodanige bezigheid; of

(b) iemand die *bona fide* in dienst is van zulk een Brits 20 Indiër of zijn opvolger in titel,

zolang zulk een Brits Indiër of opvolger in titel op dezelfde grond, standplaats of perceel bezigheid blijft drijven waarop, of op enige andere grond, standplaats of perceel in hetzelfde dorp waarin, die gedreven werd op de eerste dag van Mei 25 1919:

Met dien verstande, dat niets in dit artikel geacht wordt enige uitzondering in genoemde artikels *honderd dertig* en *honderd een en dertig* of in de voornoemde voorwaarden vervat, te niet te doen.

2. De bepalingen van Wet No. 3 van 1885 (Transvaal), 30 en alle tot wet gemaakte wijzigingen daarvan, welke, behoudens zekere uitzonderingen in zulke wijzigingen uiteengezet, iemand behorende tot een van de inboorlingrassen van Azië 35 verbieden eigenaar van vast eigendom in de Transvaal te zijn, worden, behoudens dezelfde uitzonderingen, ook geacht te verbieden de registratie van een verband op vast eigendom ten gunste van iemand, behorende tot een van de inboorlingrassen van Azië, anders dan als sekuriteit voor een *bona fide* 40 lening of belegging in de gewone loop van zaken en tevens te verbieden het eigendomsrecht van vast eigendom in Transvaal door iedere maatschappij of ander ingelijfd lichaam 45 waarin een of meer personen tot een van die rassen behorend een overheersend belang hebben, en de registratie van zulk een verband ten gunste van zulk een maatschappij of ander ingelijfd lichaam anders dan als sekuriteit als voormeld.

De bepalingen van dit artikel zijn van toepassing vanaf de eerste dag van Mei 1919, met dien verstande dat ten aanzien van vast eigendom verkregen door zulk een maatschappij of 50 ingelijfd lichaam vóór de eerste dag van Mei 1919, voormelde bepalingen van Wet No. 3 van 1885 (Transvaal) uitgelegd zullen worden alsof deze Wet niet ingevoerd was. Iedere zodanige maatschappij of ander ingelijfd lichaam dat eigendomsrecht in vast eigendom verkregen moge hebben sedert de 55 eerste dag van Mei 1919, moet dat binnen een tijdperk van twee jaren na de inwerkingtreding van deze Wet, of binnen zulk verder tijdperk als een hoger hof dat jurisdictie heeft waar het eigendom gelegen is op applicatie moge toestaan, van de hand zetten en bij verzuim van zulk een maatschappij of 60 ander ingelijfd lichaam om zodanig vast eigendom aldus van de hand te zetten, wordt het op verzoek van een lid van het publiek bij order van zulk een hof verkocht.

3. Deze Wet kan voor alle doeleinden worden aangehaald 65 als de Aziaten (Grond en Bezigheid) Wijzigings Wet (Transvaal), 1919.

UNION OF SOUTH AFRICA.

—
ACT

TO

Remove doubts as to the date of the expiry of the
period for the present constitution of the Senate.

UNIE VAN ZUID-AFRIKA.

—
WET

OM

Twijfel aangaande de datum waarop het tijdperk voor
de tegenwoordige samenstelling van de Senaat ten
einde loopt, weg te nemen.

No. 9, 1920.

5

V63, 31:2:(2)

ACT

To remove doubts as to the date of the expiry of the period for the present constitution of the Senate.

WHEREAS doubts have arisen as to the date of the expiry of the period for the present constitution of the Senate:

AND WHEREAS it is expedient to remove such doubts:

BE IT ENACTED by the King's Most Excellent Majesty the Senate and the House of Assembly of the Union of South Africa, as follows :—

Date of expiry of period of constitution of Senate. 1. The period of ten years provided for the constitution of the Senate by section *twenty-four* of the South Africa Act 1909 and referred to at the commencement of section *twenty-five* of that Act is hereby declared to expire on the thirty-first day of 10 October, 1920.

Term of office of certain Senators extended. 2. The term of office of any Senator who would but for the passing of this Act have vacated his seat owing to effluxion of time before the thirty-first day of October, 1920, is hereby 15 extended to that date.

Short title. 3. This Act may be cited for all purposes as the Constitution of the Senate Act, 1920.

WET

Om twijfel aangaande de datum, waarop het tijdperk voor de tegenwoordige samenstelling van de Senaat ten einde loopt, weg te nemen.

NADEMAAL er twijfel gerezen is aangaande de datum waarop het tijdperk voor de tegenwoordige samenstelling van de Senaat ten einde loopt:

EN NADEMAAL het wenselijk is die twijfel weg te nemen:

5 **ZIJ HET BEPAALD** door Zijn Majesteit de Koning, de Senaat en de Volkeraad van de Unie van Zuid Afrika als volgt:—

1. Het tijdperk van tien jaren, door artikel *vier en twintig* Datum van van de Zuid Afrika Wet 1909 voor de samenstelling van de *afloop van* Senaat bepaald en vermeld in het begin van artikel *vijf en* *tijdsperk van* *twintig* van die Wet, wordt hierbij verklaard ten einde te *samenstelling* *van de* *Senaat.* lopen op de een en dertigste dag van Oktober 1920.
2. De ambtstermijn van een Senator die, ware het niet voor *Ambts-* het aannemen van deze Wet, wegens tijdsverloop van zijn *termijn van* *zetel* *zekere* *Senatoren* *verlengd.* 15 *verlengd.* vóór de een en dertigste dag van Oktober 1920 vervallen zou zijn, wordt bij deze tot die datum verlengd.
3. Deze Wet kan voor alle doeleinden worden aange- *Korte titel* haald als de Wet op de Samenstelling van de Senaat, 1920.

UNION OF SOUTH AFRICA

—
ACT

TO

Amend the South Africa Act, 1909.

UNIE VAN ZUID-AFRIKA

—
WET

OM

De Zuid-Afrika Wet, 1909, te wijzigen.

No. 9, 1925.

ACT

To amend the South Africa Act, 1909.

Preamble. **W**HEREAS the people of the Union of South Africa, being a God-fearing people, have consistently acknowledged Almighty God as the Supreme Leader by Whom the destinies of the peoples of the earth are governed and determined :
AND WHEREAS the people represented by the former Colonial Parliaments and the National Convention entered upon Union in prayerful dependence on God :
AND WHEREAS the specific mention of the sovereignty and guidance of the Almighty was in no wise omitted from the South Africa Act, 1909, through any want of recognition towards Him :
AND WHEREAS it is the desire of the people that the sovereignty and guidance of God shall be specifically mentioned :

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows :—

Repeal of section one of South Africa Act and substitution of a new section. 1. Section one of the South Africa Act, 1909, is hereby repealed and the following new section substituted therefor :—

Sovereignty and guidance of Almighty God acknowledged. 1. The people of the Union acknowledge the sovereignty and guidance of Almighty God.

New section one hundred and fifty-three of the South Africa Act, 1909. 2. The South Africa Act, 1909, is hereby further amended by the insertion of the following new part after section one hundred and fifty-two :—

"PART XI.

SUPPLEMENTARY.

Short title. 153. This Act may be cited as the South Africa Act, 1909."
Short title. 3. This Act may be cited for all purposes as the South Africa Act, 1909, Amendment Act, 1925.

WET

Om de Zuid-Afrika Wet, 1909, te wijzigen.

NADEMAAL het volk van de Unie van Zuid-Afrika, een *Konsiderans.*
Godvrezend volk zijnde, steeds de Almachtige God erkend
heeft als de opperste leidsman door Wie de lotgevallen van de
volkeren der aarde bepaald en beslist worden :

5 EN NADEMAAL het volk handelend door de vorige Koloniale
Parlementen en de Nationale Konventie onder biddend opzien
tot God de Unie aanvaardde :

EN NADEMAAL in de Zuid-Afrika Wet, 1909, de uitdrukkelijke
melding van de soevereiniteit en leiding van de Allerhoogste
10 geenszins wegens enig gebrek aan erkentelijkheid jegens Hem
weggelaten werd :

EN NADEMAAL het verlangen van het volk is dat de soeve-
reiniteit en leiding van God uitdrukkelijk gemeld worden :

15 ZIJ HET DERHALVE BEPAALD door Zijn Majesteit de
Koning, de Senaat en de Volksraad van de Unie van
Zuid-Afrika, als volgt :—

1. Artikel een van de Zuid-Afrika Wet, 1909, wordt bij
deze herroepen en het volgende nieuwe artikel daarvoor in de
plaats gesteld :—

Herroeping
van artikel
een van de
Zuid-Afrika
Wet en
indeplaats-
stelling van
een nieuw
artikel
daarvoor.

20 1. Het Volk van de Unie erkent de soevereiniteit
en leiding van de Almachtige God.

Erkenning
van de
sovereini-
teit en
leiding van
Almachtige
God.

2. De Zuid-Afrika Wet, 1909, wordt bij deze verder gewijzigd
door de invoeging van het volgende nieuwe deel na artikel
honderd twee en vijftig :—

Nieuw arti-
kel *honderd
drie en
vijftig* van de
Zuid-Afrika
Wet, 1909.

25 DEEL XI.

AANVULLENDE BEPALING.

153. Deze Wet kan worden aangehaald als de Zuid- Korte titel.
Afrika Wet, 1909.

3. Deze Wet kan voor alle doeleinden aangehaald worden
30 als de Zuid-Afrika Wet, 1909, Wijzigings Wet, 1925. Korte titel.

UNION OF SOUTH AFRICA.

ACT

TO

7

Amend section *fourteen* of the South Africa Act, 1909.

V63:2:(2)

UNIE VAN ZUID-AFRIKA.

WET

OM

Artikel *veertien* van de Zuid-Afrika Wet 1909
te wijzigen.

No. 34, 1925.

ACT

To amend section *fourteen* of the South Africa Act,
1909.

BE IT ENACTED by the King's Most Excellent Majesty,
the Senate and the House of Assembly of the Union of
South Africa, as follows:—

- Amendment of section *fourteen* of the South Africa Act, 1909.
1. Section *fourteen* of the South Africa Act, 1909, is hereby amended by the deletion of the word "ten" and the substitution therefor of the word "eleven".
- Short title. 2. This Act may be cited for all purposes as the South Africa Act, 1909, Further Amendment Act, 1925.

WET

Om artikel *veertien* van de Zuid-Afrika Wet 1909 te wijzigen.

ZIJ HET BEPAALD door Zijn Majesteit de Koning, de Senaat en de Volksraad van de Unie van Zuid-Afrika, als volgt:—

1. Artikel *veertien* van de Zuid-Afrika Wet 1909 wordt bij deze gewijzigd door de schrapping van het woord "tien" en de indeplaatsstelling daarvoor van het woord "elf".
2. Deze Wet kan voor alle doeleinden aangehaald worden als de Zuid-Afrika Wet, 1909, Verdere Wijzigings Wet, 1925.

Wijziging
van artikel
veertien
van de
Zuid-Afrika
Wet 1909.

Korte titel.

UNION OF SOUTH AFRICA.

—
ACT

TO

8

Make provision for the constitution of an Executive Committee, an Advisory Council and a Legislative Assembly for the mandated territory of South-West Africa; to define the powers, authorities and functions severally of that Committee, Council and Assembly; and to make other provisions in respect of the administration of and legislation for that territory.

UNIE VAN ZUID-AFRIKA.

—
WET

OM

V642:2:(2)

Voorziening te maken voor de instelling van een uitvoerend komitee, een adviserende raad, en een wetgevende vergadering voor het mandaatgebied van Zuidwest-Afrika; om de machten, bevoegdheden en functies van dat komitee, die raad en vergadering onderscheidenlik te bepalen, en om andere bepalingen te maken ten opzichte van het bestuur van en de wetgeving voor dat gebied.

No. 42, 1925.

ACT

To make provision for the constitution of an Executive Committee, an Advisory Council and a Legislative Assembly for the mandated territory of South-West Africa; to define the powers, authorities and functions severally of that Committee, Council and Assembly; and to make other provisions in respect of the administration of and legislation for that territory.

Preamble. WHEREAS under a mandate issued by the Council of the League of Nations in pursuance of Article 22 of the Treaty of Versailles the Government of the Union of South Africa possesses full power of administration and legislation over the territory of South-West Africa (in this Act hereinafter referred to as the territory) as an integral portion of the Union but subject to the terms of the said mandate :

AND WHEREAS by the Treaty of Peace and South-West Africa Mandate Act, 1919 (Act No. 49 of 1919), of the Union Parliament, the Governor-General (being the Government of the Union) was authorized to give effect to the said mandate and in particular to make laws for the territory by proclamation and to delegate to others his authority on that behalf, subject to a provision that any such proclamation shall, as soon as may be, be laid before Parliament :

AND WHEREAS it is expedient that further authority should be conferred upon the Government of the Union in respect of giving effect to the said mandate, in that the Government of the Union is, under the said mandate, to promote to the utmost the material and moral well being and the social progress of the inhabitants of the territory :

AND WHEREAS, to that intent, it is expedient that the European inhabitants of the territory should be admitted to representation in the administration of the territory and in a legislative body to make laws therefor, subject always to the provisions of the said mandate and to the provisions, exceptions, reservations and restrictions contained in this Act :

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows :—

AUTHORITY TO PROCLAIM CONSTITUTION.

Power of Governor-General to declare constitution of Executive Committee, Advisory Council and Legislative Assembly for the territory. 1. (1) The Governor-General is hereby authorized to declare by proclamation in the *Gazette* and in the *Official Gazette* of the territory, that there shall be constituted for the territory an Executive Committee, an Advisory Council and a Legislative Assembly.

(2) The said Executive Committee (hereinafter referred to as the Executive Committee), the said Advisory Council (hereinafter referred to as the Council) and the said Legislative Assembly (hereinafter referred to as the Assembly) shall be constituted severally as in this Act provided and shall severally have such powers, authorities and functions as are in this Act defined.

EXECUTIVE COMMITTEE.

Constitution of Executive Committee 2. (1) The Executive Committee shall consist of five members, namely, the Administrator of the territory appointed by the Governor-General (hereinafter referred to as the Administrator), and four other persons chosen by the Assembly in manner hereinafter provided, from amongst its own members,

WET

Om voorziening te maken voor de instelling van een uitvoerend komitee, een adviserende raad, en een wetgevende vergadering voor het mandaatgebied van Zuidwest-Afrika; om de machten, bevoegdheden en funkties van dat komitee, die raad en vergadering onderscheidenlijk te bepalen, en om andere bepalingen te maken ten opzichte van het bestuur van en de wetgeving voor dat gebied.

NADEMAAL krachtens een mandaat uitgereikt door de Raad van de Volkenbond ingevolge artikel 22 van het Verdrag van Versailles, de Regering van de Unie van Zuid-Afrika volle macht van bestuur en wetgeving over en voor het gebied van Zuidwest-Afrika (hierna in deze Wet "het gebied" genoemd) als een integraal gedeelte van de Unie bezit, behoudens inachtneming van de termen van het gezegde mandaat:

EN NADEMAAL bij de Vredesverdrag en Zuidwest-Afrika Mandaat Wet 1919 (Wet No. 49 van 1919) van het Parlement van de Unie, de Gouverneur-generaal (zijnde de Regering van de Unie) gemachtigd werd om gevolg te geven aan het gezegde mandaat en in het bijzonder om wetten te maken voor het gebied bij proklamatie, en zijn gezag te dien aanzien aan andere personen over te dragen met inachtneming van de bepaling dat een zodanige proklamatie zo spoedig mogelijk aan het Parlement voorgelegd moet worden:

EN NADEMAAL het wenselijk is dat verder gezag verleend wordt aan de Regering van de Unie ten opzichte van de uitvoering van het gezegde mandaat, de Regering van de Unie verplicht zijnde ingevolge het gezegde mandaat, zoveel mogelijk de stoffelijke en zedelijke welvaart en de sociale ontwikkeling van de inwoners van het gebied te bevorderen:

EN NADEMAAL met dat oogmerk, het wenselijk is dat de blanke inwoners van het gebied toegelaten worden tot vertegenwoordiging op het bestuur van het gebied en op een wetgevend lichaam om daarvoor wetten te maken, behoudens inachtneming altijd van de bepalingen van het gezegde mandaat en van de bepalingen, uitzonderingen, voorbehoudingen, en beperkingen in deze Wet vervat.

ZIJ HET BEPAALD door Zijn Majesteit de Koning, de Senaat en de Volksraad van de Unie van Zuid-Afrika als volgt:—

GEZAG OM KONSTITUTIE TE PROKLAMEREN.

- 35 1. (1) De Gouverneur-generaal wordt bij deze gemachtigd om bij proklamatie in de *Staatskoerant* en in de *Officiële Koerant* van het gebied te verklaren dat er een uitvoerend komitee, een adviserende raad en een wetgevende vergadering voor het gebied zal worden ingesteld.
- 40 (2) Het gezegde uitvoerende komitee (hierna genoemd het Uitvoerend Komitee) de gezegde adviserende raad (hierna genoemd de Raad) en de gezegde wetgevende vergadering (hierna genoemd de Vergadering) worden onderscheidenlijk samengesteld zoals bij deze Wet bepaald en hebben onderscheidenlijk zulke machten, bevoegdheden en funkties als bij deze Wet bepaald wordt.

UITVOEREND KOMITEE.

- 50 2. (1) Het Uitvoerend Komitee bestaat uit vijf leden, namelijk de Administrateur van het gebied aangesteld door de Gouverneur-generaal (hierna genoemd de Administrateur) en vier andere personen door de Vergadering op de hierna bepaalde wijze uit zijn midden of anderszins gekozen op zijn

or otherwise, at its first meeting held after any general election of elective members of the Assembly.

(2) The Administrator shall be chairman of the Executive Committee, or, in his absence, any person appointed by the Governor-General to act as administrator or to be deputy-administrator. 5

(3) All the members of the Executive Committee other than the Administrator shall hold office for the duration of the Assembly and until their successors are chosen in the same manner: Provided that any casual vacancy among those 10 members shall be filled by election by the Assembly if it is then in session or, if it is not then in session, by a person appointed by the Administrator from among the members of the Assembly, to hold office temporarily, pending such an election when the Assembly is next in session. 15

(4) The qualifications and disqualifications hereinafter provided for members of the Assembly shall apply to members of the Executive Committee other than the Administrator.

Powers and functions of the Executive Committee.

3. (1) The Administrator in Executive Committee shall carry on the administration of those matters in respect of 20 which it is for the time being competent for the Assembly to make Ordinances.

(2) Subject to the provisions of this Act and especially to section six, the powers, authorities and functions (other than legislative powers) which, immediately prior to the date of the 25 constitution of the Executive Committee, were vested in or exercised by the Administrator shall, as from that date and in so far as those powers, authorities and functions relate to matters in which it is competent for the Assembly to make Ordinances, be vested in the Administrator in Executive Committee. 30

Voting and procedure in Executive Committee.

4. (1) Questions arising at a meeting of the Executive Committee shall be determined by a majority of votes of the members present, and, in the case of an equality of votes, the Administrator shall have also a casting vote.

(2) Three members of the Executive Committee (of whom 35 the Administrator or the person appointed by the Governor-General to act as administrator or to be deputy-administrator shall be one) shall be a quorum at any meeting of the Committee.

(3) The Executive Committee may make rules, not inconsistent with this Act, for the conduct of its proceedings. 40

(4) Minutes of the proceedings of every meeting of the Executive Committee shall be kept, and in those minutes shall be recorded in both the official languages of the Union all decisions taken thereat and the voting thereon. Copies of 45 such minutes shall be transmitted by the Administrator to the Governor-General.

Remuneration of elected members of Executive Committee.

5. Every member of the Executive Committee, other than the Administrator, shall receive from the Territory Revenue Fund formed as hereinafter provided, such remuneration as 50 the Governor-General may from time to time determine.

Administrator to act until Executive Committee constituted or when no quorum.

6. (1) Until the first election of members of the Executive Committee the Administrator shall carry on the administration 55 of the territory, subject to such instructions as he may receive from the Governor-General.

(2) In the event of so many casual vacancies on the Executive Committee that a quorum thereof cannot be formed for a meeting thereof the Administrator shall, subject to the instructions aforesaid, carry on the administration of the territory 60 until the vacancies can be filled in accordance with this Act.

ADVISORY COUNCIL.

Constitution of Council.

7. (1) The Council shall consist of eight members, viz.: the Administrator (who shall be chairman), the other members of the Executive Committee and three members 65 appointed by the Administrator, subject to the approval of the Governor-General.

One member so appointed by the Administrator shall be an official who shall be selected mainly on the ground of his

eerste bijeenkomst gehouden na een algemene verkiezing van verkozen leden van de Vergadering.

(2) De Administrateur is de voorzitter van het Uitvoerend Komitee of in zijn afwezigheid een persoon aangesteld door de Gouverneur-generaal om als administrateur op te treden of om vice-administrateur te zijn.

(3) Alle leden van het Uitvoerend Komitee behalve de Administrateur bekleden hun ambt gedurende de duur van de Vergadering en totdat hun opvolgers op dezelfde wijze gekozen zijn: Met dien verstande dat een toevallige vakature onder zulke leden gevuld wordt door verkiezing door de Vergadering indien hij alsdan in sessie is, of, indien hij niet in sessie is, door een persoon aangesteld door de Administrateur uit de leden van de Vergadering om het ambt tijdelijk te bekleden, hangende zulk een verkiezing door de Vergadering in zijn eerstvolgende sessie.

(4) De kwalifikaties en diskwalifikaties hierna bepaald voor leden van de Vergadering, zijn toepasselijk op leden van het Uitvoerend Komitee behalve de Administrateur.

30 3. (1) De Administrateur in Uitvoerend Komitee voert het bestuur in de aangelegenheden ten opzichte waarvan de Vergadering op dat oogenblik bevoegd is ordonanties te maken.

(2) Met inachtneming van de bepalingen van deze Wet en in het bijzonder van artikel zes berusten de machten, bevoegdheden en funkties (niet zijnde wetgevende bevoegdheden) die onmiddellijk vóór de instelling van het Uitvoerend Komitee bij de Administrateur berusten of door hem uitgeoefend werden, vanaf die datum en voor zover zulke machten, bevoegdheden en funkties betrekking hebben op aangelegenheden waaromtrent de Vergadering bevoegd is ordonanties te maken, bij de Administrateur in Uitvoerend Komitee.

4. (1) Kwesties verrijzende op een vergadering van het Uitvoerend Komitee worden beslist door een meerderheid van stemmen van de leden tegenwoordig en in het geval van staking van stemmen, heeft de Administrateur ook een beslissende stem.

(2) Drie leden van het Uitvoerend Komitee (van wie de Administrateur of de persoon aangesteld door de Gouverneur-generaal om als administrateur op te treden of om vice-administrateur te zijn er een moet zijn) vormen een kworum op een vergadering van het Komitee.

(3) Het Uitvoerend Komitee kan regels maken niet in strijd met deze Wet voor de leiding van zijn verrichtingen.

(4) Notulen worden gehouden van de verrichtingen van alle vergaderingen van het Uitvoerend Komitee en in die notulen worden alle besluiten aldaar genomen en de stemming daaromtrent in de beide officiële talen van de Unie opgetekend. Kopieën van zulke notulen worden door de Administrateur naar de Gouverneur-generaal gezonden.

50 5. Elk lid van het Uitvoerend Komitee behalve de Administrateur, ontvangt zulke bezoldiging uit het Inkomstefonds van het gebied gesticht zoals hierna bepaald, als de Gouverneur-generaal van tijd tot tijd mocht vaststellen.

6. (1) Met inachtneming van zulke instructies als hij van de Gouverneur-generaal mocht ontvangen voert de Administrateur het bestuur in het gebied tot de eerste verkiezing van leden van het Uitvoerend Komitee.

(2) In het geval dat er zoveel toevallige vakatures op het Uitvoerend Komitee voorkomen dat geen kworum op een vergadering daarvan gevormd kan worden, voert de Administrateur, met inachtneming van de instructies als voezegd, het bestuur in het gebied totdat de vakatures overeenkomstig deze Wet gevuld kunnen worden.

ADVISERENDE RAAD.

65 7. (1) De Raad bestaat uit acht leden namelijk: de Administrateur (die de voorzitter is), de andere leden van het Uitvoerend Komitee en drie leden benoemd door de Administrateur behoudens de goedkeuring van de Gouverneur-generaal.

70 Een van de leden aldus door de Administrateur benoemd moet een beambte zijn die gekozen wordt hoofdzakelijk

thorough acquaintance, by reason of his official experience or otherwise, with the reasonable wants and wishes of the non-European races in the territory. The other two members may be selected by the Administrator from amongst members of the Assembly or otherwise: Provided that all three members appointed by the Administrator shall be persons ordinarily resident within the territory. 5

(2) Every member of the Council who is not a member of the Assembly, shall, before taking his seat, take and subscribe before the Administrator an oath or affirmation of allegiance in the form prescribed in section *twenty* for members of the Assembly.

(3) In the absence for any cause of the Administrator from any meeting of the Council, the members present shall choose a member to preside at that meeting. 15

(4) A member of the Council shall vacate his seat thereon—

- (a) if he is no longer ordinarily resident in the territory; or
- (b) if he becomes insolvent or assigns his estate for the benefit of his creditors, or makes an arrangement with his creditors; or 20
- (c) if he becomes of unsound mind, or is convicted of an offence and sentenced to imprisonment without the option of a fine; or
- (d) if he is absent from four consecutive ordinary meetings of the Council without the leave of the Administrator; or 25
- (e) if, in the case of any member other than the member appointed to represent non-European interests, he accepts an office of profit under the Administration of the territory or of the Government of the Union: 30
Provided that membership of the Executive Committee or the receipt of a pension from the Territory Revenue Fund (formed as hereinafter provided) or from the Government of the Union shall not be deemed to be the holding of such an office of profit. 35

(5) If, by reason of death, resignation, or any other cause a nominated member of the Council vacates his seat upon the Council, his place shall be filled by the Administrator, subject to the approval of the Governor-General.

(6) The Administrator's Proclamation dated the third day of February, 1921, entitled the Advisory Council Proclamation, 1921, and any amendment thereof shall be withdrawn as from the date when the Council is constituted as in this section provided.

Meetings of the Council.

8. (1) The Council shall meet at such times and places as may from time to time be determined by the Administrator. Whenever practicable, due notice of every meeting shall be given by written communication served personally or sent by telegraph or registered post to each member.

(2) Four members of the council shall be a quorum at any meeting thereof. 50

(3) Any meeting of the Council may be adjourned from time to time as may be deemed necessary by the Council.

(4) The Administrator may, subject to the approval of the Governor-General, make rules prescribing the procedure at meetings, and regulating the conduct of the business, of the Council. 55

Duties and functions of the Council.

9. The duties and functions of the Council shall be to advise the Administrator in regard to—

- (a) those matters in respect of which the Assembly is not competent to make Ordinances, including matters of general policy and administration apart from routine matters of administration; 60
- (b) his assent to an Ordinance passed by the Assembly or its reservation for the signification of the pleasure of the Governor-General; and 65
- (c) any other matter upon which its advice may be requested by the Administrator.

wegens zijn grondige bekendheid om reden van zijn ambtelijke ondervinding of anderszins, met de redelijke behoeften en wensen van de niet-blanke rassen in het gebied. De andere twee leden kunnen door de Administrateur uit de leden van de Vergadering of anderszins gekozen worden: Met dien verstande dat alle drie leden benoemd door de Administrateur personen moeten zijn die hun vaste woonplaats in het gebied hebben.

(2) Elk lid van de Raad die geen lid van de Vergadering is legt voordat hij zijn zetel inneemt, in de handen van de Administrateur een eed of belofte van getrouwheid in de vorm bij artikel *twintig* voor leden van de Vergadering voorgeschreven af en ondertekent dezelve.

(3) In de afwezigheid om een of andere reden van de Administrateur van een vergadering van de Raad kiezen de tegenwoordige leden een lid om op die vergadering voor te zitten.

(4) De zetel van een lid van de Raad valt open—

(a) indien hij niet langer zijn vaste woonplaats in het gebied heeft; of

(b) indien hij insolvent wordt of afstand doet van zijn boedel ten behoeve van zijn krediteuren, of een akkoord maakt met zijn krediteuren; of

(c) indien hij krankzinnig wordt of schuldig bevonden wordt aan een overtreding en gestraft wordt met gevangenisstraf zonder alternatief van boete; of

(d) indien hij afwezig blijft van vier achtereenvolgende gewone vergaderingen van de Raad zonder verlof van de Administrateur; of

(e) indien in het geval van een lid, niet zijnde het lid aangesteld om de belangen van niet-blanken te vertegenwoordigen hij een winstbetrekking onder het bestuur van het gebied of de Regering van de Unie aanneemt: Met dien verstande dat lidmaatschap van het Uitvoerend Komitee of de ontvangst van een pensioen uit het Inkomstefonds van het gebied (gesticht zoals hierna bepaald) of van de Regering van de Unie niet geacht wordt het houden van een winstbetrekking te zijn.

(5) Indien tengevolge van overlijden, bedanking of andere reden de zetel op de Raad van een benoemd lid van de Raad openvalt, wordt zijn zetel door de Administrateur gevuld, behoudens goedkeuring van de Gouverneur-generaal.

(6) De proklamatie van de Administrateur gedateerd de derde dag van Februari 1921 genaamd de Adviserende Raad Proklamatie 1921 en alle wijzigingen daarvan worden ingetrokken vanaf de dag waarop de Raad ingesteld wordt zoals bij dit artikel bepaald.

8. (1) De Raad vergadert op zulke tijden en plaatsen als Vergadering van tijd tot tijd bepaald mocht worden door de Administrateur van de Raad. Wanneer mogelijk wordt behoorlike kennis van elke vergadering in geschrifte gegeven aan elk lid hetzij door diening op hem persoonlijk of aan hem per telegraaf of per aangetekende brief gezonden.

(2) Vier leden van de Raad vormen een kworum op een vergadering daarvan.

(3) Een vergadering van de Raad kan van tijd tot tijd verdaagd worden zoals nodig mocht geacht worden door de Raad.

(4) De Administrateur kan, behoudens de goedkeuring van de Gouverneur-generaal, regels maken de werkwijze op vergaderingen en de leiding van de werkzaamheden van de Raad voorschrijvende.

9. De plichten en functies van de Raad bestaan in het adviseren van de Administrateur met betrekking tot— Plichten en functies van de Raad

(a) die aangelegenheden waaromtrent de Vergadering onbevoegd is ordonanties te maken, met inbegrip van aangelegenheden van algemeen beleid en bestuur apart van roetine zaken van bestuur;

(b) zijn toestemming tot een ordonantie door de Vergadering aangenomen, of zijn aanhouding daarvan voor de inwinning van het behagen van de Gouverneur-generaal; en

(c) alle andere aangelegenheden waaromtrent zijn advies verlangd wordt door de Administrateur.

Duration of office of members of Council. 10. Subject to the provisions of sub-section (4) of section *seven*, the members of the Council shall hold their seats thereon for the duration of the Assembly as provided under section *fourteen* and shall further continue to hold their seats until, after a general election of the Assembly, a new Council can be constituted in manner provided by section *seven*. 5

Remuneration of members of the Council. 11. Every member of the Council (other than the Administrator) shall out of the Territory Revenue Fund formed as hereinafter provided, receive such remuneration as the Governor-General may, in each case, from time to time determine. 10

DELIMITATION OF ELECTORAL DIVISIONS.

Delimitation of electoral divisions. 12. (1) The Administrator shall, as soon as possible after the completion of the final lists at the first registration of voters under the Schedule to this Act appoint a person of judicial experience or an advocate of seven years standing and two other persons to be Commissioners for the purpose of dividing the territory into electoral divisions for the election of elective members of the Assembly. 15

(2) The Commissioners shall divide the territory into twelve electoral divisions each electing one elective member to the Assembly, and shall divide it in such a manner that there will be, as far as possible, an equal number of voters in each such division, due consideration being given by the Commissioners to community or diversity of interests. 25

(3) The Commissioners shall, when they have completed the duties so entrusted to them, submit to the Administrator—

(a) a list of the electoral divisions into which they have divided the territory, together with the name given by them to, and a description of the boundaries of, each such division; 30

(b) a map of the territory showing those boundaries; and
(c) such further particulars in relation thereto as they consider necessary. 35

(4) The Administrator may refer to the Commissioners for their consideration any matter relating to such list of electoral divisions or arising out of the duties aforesaid of the Commissioners.

(5) The Commissioners shall have the powers and jurisdiction of the High Court of the territory in relation to the summoning of witnesses, the production of documents and the administration of oaths to witnesses and the punishment of persons who disregard any summons to appear before them. 40

(6) The Administrator shall publish in the *Official Gazette* of the territory the names and the boundaries of the electoral divisions as finally settled. 45

LEGISLATURE.

Composition of Legislative Assembly. 13. (1) The Assembly shall consist of eighteen members. 50

(2) Six of those members (hereinafter referred to as the nominated members) shall be appointed by the Administrator subject to the provisions of section *seventeen* and to the approval of the Governor-General.

(3) The remaining twelve members (hereinafter referred to as the elective members) shall be persons directly chosen by voters of the territory qualified, enrolled, and voting in manner provided by the Schedule to this Act at elections held in electoral divisions delimited in accordance with the last preceding section. 55

Duration of Assembly. 14. (1) The Assembly constituted as aforesaid shall continue for a period of three years from the date of its first meeting after each general election and no longer: 60

Provided that the Assembly may, at any time before the expiry of that period but in special circumstances only, be dissolved by the Governor-General.

10. Met inachtneming van de bepalingen van sub-artikel A (4) van artikel *zeven* behouden de leden van de Raad hun zetels gedurende de duur van de Vergadering ingevolge artikel *veertien* en blijven daarna hun zetels bekleden totdat na een algemene verkiezing van de Vergadering een nieuwe Raad samengesteld kan worden op de wijze bepaald bij artikel *zeven*.

11. Elk lid van de Raad (behalve de Administrateur) ontvangt zulke bezoldiging uit het Inkomstefonds van het gebied (gesticht zoals hierna bepaald) als de Gouverneur-generaal van tijd tot tijd in elk geval mocht vaststellen.

GRENSBEPALING VAN KIESAFDELINGEN.

12. (1) De Administrateur benoemt zo spoedig mogelijk na de voltooiing van de finale lijsten bij de eerste registratie van kiezers ingevolge de Bijlage van deze Wet een persoon met rechterlijke ondervinding of een advocaat die sedert zeven jaren toegelaten is om te praktizeren en twee andere personen om als Kommissarissen te dienen voor het doel om het gebied in kiesafdelingen te verdelen voor de verkiezing van verkozen leden van de Vergadering.

(2) De Kommissarissen verdelen het gebied in twaalf kiesafdelingen die elk een verkozen lid naar de Vergadering zenden en verdelen het op zulke wijze dat er zoveel mogelijk een gelijk aantal kiezers in elk zodanige afdeling is. De Kommissarissen moeten daarbij de gemeenschap of het verschil van belangen in het oog houden.

(3) Wanneer de Kommissarissen de aan hen aldus opgelegde plichten vervuld hebben, leggen zij aan de Administrateur voor—

(a) een lijst van de kiesafdelingen waarin zij het gebied verdeeld hebben tezamen met de naam door hen aan elk gegeven en een beschrijving van de grenzen van elk zulke afdeling;

(b) een kaart van het gebied zulke grenzen aantoonende, en

(c) zulke verdere bijzonderheden dienaangaande als zij nodig achten.

(4) De Administrateur kan enige aangelegenheid met betrekking tot zulke lijst van kiesafdelingen, of voortspruitende uit de voorzegde plichten van de Kommissarissen naar hen te hunner overweging verwijzen.

(5) De Kommissarissen hebben de bevoegdheden en jurisdictie van het Hogehof van het gebied ten opzichte van de dagvaarding van getuigen, de overlegging van dokumenten en de afneming van eden van getuigen en de bestraffing van personen die een dagvaarding om voor hen te verschijnen veronachtzamen.

(6) De Administrateur publiceert in de *Officiële Koerant* van het gebied de namen en de grenzen van de kiesafdelingen zoals finaal vastgesteld.

WETGEVENDE MACHT.

13. (1) De Vergadering bestaat uit achttien leden.

(2) Zes van die leden (hierna genoemd de benoemde leden) worden door de Administrateur met inachtneming van de bepalingen van artikel *zeventien*, en behoudens de goedkeuring van de Gouverneur-generaal benoemd.

(3) De overige twaalf leden (hierna genoemd de verkozen leden) zijn personen direct verkozen door kiezers van het gebied die de kwalifikaties hebben, op de lijst geplaatst zijn, en hun stem uitbrengen op de wijze in de Bijlage van deze Wet bepaald bij verkiezingen gehouden in kiesafdelingen waarvan de grenzen bepaald zijn overeenkomstig het onmiddellijk voorgaande artikel.

14. (1) De Vergadering samengesteld als voorzegd duurt voor een tijdperk van drie jaar vanaf de datum van zijn eerste bijeenkomst na elke algemene verkiezing en niet langer: Met dien verstande dat de Vergadering te eniger tijd vóór de afloop van dat tijdperk maar slechts onder bijzondere omstandigheden door de Gouverneur-generaal ontbonden kan worden.

(2) Whenever such period has expired or the Assembly has been so dissolved, a new Assembly of nominated and elective members shall, without delay, be constituted and summoned, in manner prescribed by this Act.

Tenure of seats of nominated members of the Assembly.

15. (1) The nominated members of the Assembly shall hold their seats therein for the full period of its duration prescribed under the last preceding section or until its dissolution thereunder, subject, however, to the following provisions :—

- (a) A nominated member of the Assembly may resign his seat therein by writing under his hand addressed to the Administrator and upon receipt of such resignation by the Administrator, the seat of such member shall become vacant.
- (b) The seat of a nominated member of the Assembly shall *ipso facto* become vacant—
 - (i) if he ceases to possess the qualifications mentioned in or becomes disqualified under section *seventeen* ; or
 - (ii) if he fails for a whole ordinary session to attend the sittings of the Assembly without special leave thereof ; or
 - (iii) if his nomination is revoked by the Administrator with the approval of the Governor-General for cause assigned which shall be communicated to the Assembly.

(2) Whenever the seat of a nominated member of the Assembly has become vacant by death or under this section, the Administrator shall appoint, subject to the approval of the Governor-General, some other person qualified, and not subject to any disqualification (as in section *seventeen* provided) to fill the seat.

Election of elective members of the Assembly.

16. (1) The elective members of the Assembly shall be chosen by the persons qualified and enrolled as voters under the Schedule to this Act for the electoral divisions as delimited under section *twelve*, but subject always to the provisions of section *seventeen*.

(2) The election of elective members of the Assembly shall take place at such times as the Administrator shall, by proclamation in the *Official Gazette* of the territory, direct, subject to the provisions of section *fourteen* as to the duration of each Assembly and the dissolution thereof.

Qualifications and disqualifications of all members of the Assembly.

17. (1) Any person who is for the time being enrolled as a voter under the Schedule to this Act shall be qualified to be appointed as a nominated member or to be chosen as an elective member of the Assembly, provided he is not subject to any of the disqualifications specified in sub-section (2) of this section.

(2) A person shall be disqualified from being appointed as a nominated member or chosen as an elective member or if so appointed or elected, of sitting as a member of the Assembly if—

- (a) he has been at any time convicted of any crime or offence for which he has been sentenced to death or to imprisonment without the option of a fine unless he has received a grant of amnesty or a free pardon or unless the imprisonment has expired at least five years before the date of such nomination or election ; or
- (b) he is an unrehabilitated insolvent ; or
- (c) he is of unsound mind and has been so declared by a competent court ; or
- (d) he holds any office of profit under the administration of the territory or of the Government of the Union : Provided that membership of the Executive Committee or of the Council or the receipt of a pension from the Territory Revenue Fund (formed as

(2) Wanneer zulk tijdperk afgelopen is, of de Vergadering aldus ontbonden is, wordt een nieuwe Vergadering van benoemde en verkozen leden, zonder verwijl samengesteld en bijeengeroepen op de wijze bij deze Wet voorgeschreven.

5 15. (1) De benoemde leden van de Vergadering bekleden hun zetels daarop gedurende het volle tijdperk van zijn duur bij het onmiddellijk voorafgaande artikel voorgeschreven, of tot de ontbinding daarvan ingevolge dat artikel met inachtneming echter van de volgende bepalingen:—

10 (a) Een benoemd lid van de Vergadering kan voor zijn zetel daarop bedanken door schriftelijke kennisgeving door hem getekend en gericht aan de Administrateur en bij ontvangst van zulke bedanking door de Administrateur, valt de zetel van zulk lid open.

15 (b) De zetel van een benoemd lid van de Vergadering valt *ipso facto* open—

(i) indien hij ophoudt de kwalifikaties vermeld in artikel *zeventien* te bezitten of gediskwalificeerd wordt ingevolge dat artikel; of

20 (ii) indien hij verzuimt gedurende een gehele gewone sessie de zittingen van de Vergadering bij te wonen zonder speciaal verlof van dezelve; of

(iii) indien zijn benoeming ingetrokken wordt door de Administrateur met de goedkeuring van de Gouverneur-generaal om aangegeven redenen welke aan de Vergadering medegedeeld worden.

(2) Wanneer de zetel van een benoemd lid van de Vergadering openvalt ten gevolge van overlijden of ingevolge dit artikel, benoemt de Administrateur behoudens de goedkeuring van de Gouverneur-generaal een andere gekwalificeerde persoon, die niet onderhevig is aan een diskwalifikatie (zoals bedoeld bij artikel *zeventien*) om de zetel te vullen.

35 16. (1) De verkozen leden van de Vergadering worden verkozen door de personen die gekwalificeerd zijn en op de lijst geplaatst zijn als kiezers ingevolge de Bijlage van deze Wet voor de kiesafdelingen waarvan de grenzen bepaald zijn krachtens artikel *twaalf*, behoudens inachtneming altijd van de bepalingen van artikel *zeventien*.

(2) De verkiezing van verkozen leden van de Vergadering vindt plaats op zulke tijden als de Administrateur bij proklamatie in de *Officiële Koerant* van het gebied voorschrijft, met inachtneming van de bepalingen van artikel *veertien* betreffende de duur van elke Vergadering en de ontbinding daarvan.

45 17. (1) Elke persoon die op dat oogenblik op de lijst geplaatst is als een kiezer ingevolge de Bijlage van deze Wet is gekwalificeerd om als een benoemd lid benoemd te worden, of om als een verkozen lid van de Vergadering verkozen te worden mits hij niet onderhevig is aan een van de diskwalifikaties vermeld in sub-artikel (2) van dit artikel.

(2) Een persoon is gediskwalificeerd om benoemd te worden als een benoemd lid of verkozen te worden als een verkozen lid, of indien hij aldus benoemd of verkozen is als een lid van de Vergadering te zitten, indien—

55 (a) hij te eniger tijd schuldig bevonden is aan een misdad of overtreding waarvoor hij ter dood veroordeeld is of gestraft met gevangenisstraf zonder alternatief van boete, tenzij hij kwijtschelding van straf of vrije begenadiging ontvangen heeft, of tenzij sedert de gevangenisstraf ten minste vijf jaren vóór de datum van zulke benoeming of verkiezing verlopen zijn; of

60 (b) hij een ongerehabiliteerde insolvent is, of

(c) hij krankzinnig is en aldus verklaard is door een bevoegd Hof; of

65 (d) hij een winstbetrekking onder het bestuur van het gebied of van de Regering van de Unie bekleedt: Met dien verstande dat lidmaatschap van het Uitvoerend Komitee of van de Raad of de ontvangst van een pensioen uit het Inkomstefonds van het

hereinafter provided) or from the Government of the Union shall not be deemed to be the holding of such an office of profit; or

(e) he ceases for any other reason to be qualified to be enrolled as a voter, notwithstanding that his name is still upon the voters' roll. 5

(3) A 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 or a magisterial district included therein, shall be disqualified from being chosen as an elective member 10 for that division as long as such list is the voters' roll or part of the voters' roll for that division.

Vacation of seat by elective members of the Assembly.

18. (1) An elective member of the Assembly shall *ipso facto* vacate his seat—

- (a) upon receipt by the Administrator of a writing under 15 the hand of such member stating that he does so resign: Provided that such a member may not resign his seat while there are pending in respect of his election any legal proceedings in which it is claimed that the election should be set aside on the ground 20 of corrupt or illegal practices; or
- (b) if he fails for a whole ordinary session to attend the sittings of the Assembly without special leave thereof; or
- (c) if he ceases to possess the qualifications, or becomes 25 subject to the disqualifications, mentioned in section *seventeen*.

(2) Whenever the seat of an elective member becomes vacant or there is a vacancy caused by his death, the invalidity or setting aside of his election or otherwise, the 30 Administrator shall cause all necessary steps to be taken, as prescribed in the Schedule to this Act, for filling the vacancy.

Sessions of Assembly.

19. (1) There shall be a session of the Assembly once at least in every financial year of the territory but so that a period of twelve months shall not elapse between the last 35 sitting of the Assembly in one session and the first sitting thereof in the next session.

(2) The first and every subsequent session of the Assembly shall be held at Windhoek and the first sitting thereof shall be on such date as the Administrator may fix by proclamation 40 in the *Official Gazette* of the territory: Provided that for the first sitting of the first session, the date shall be so fixed as to be within two months after the first general election.

(3) The Administrator may from time to time by proclamation prorogue the Assembly. 45

(4) The Assembly may, by resolution passed at any sitting thereof, adjourn that sitting to such time or date as it may fix.

Oath to be taken by members of the Assembly.

20. No nominated or elective member of the Assembly shall sit or vote therein until he has taken and subscribed before 50 the Administrator or such other person as the Administrator may appoint for the purpose the following oath or affirmation:—

do swear

"I, A.B.—, solemnly and sincerely affirm and declare 55 that I will be faithful and bear true allegiance to His Majesty King George the Fifth, his heirs and successors according to law, as holding on behalf of the Government of the Union of South Africa, the mandate for the territory of South-West Africa.

(in the case of an oath) 60
"So Help me God."

Chairman of Assembly.

21. (1) The Assembly shall at its first sitting, before proceeding to the despatch of any other business, choose one of its members to be chairman of the Assembly until the expiry or dissolution thereof. In the event of a vacancy occurring in the 65

gebied (gesticht zoals hierna bepaald) of van de Regering van de Unie niet geacht wordt het houden van een winstbetrokking te zijn; of

5 (e) hij ophoudt om een of andere reden de kwalifikaties te bezitten om op de lijst geplaatst te zijn als een kiezer, niettegenstaande dat zijn naam nog voorkomt op de kiezerslijst.

(3) Een persoon die opgetreden is als een registratieambtenaar of een revisor in verband met de opmaking of herziening van 10 een lijst van kiezers voor een kiesafdeling of een magistraats-district daarin ingesloten is gediskwalificeerd om verkozen te worden als een verkozen lid voor die afdeling zolang als zulke lijst de kiezerslijst of gedeelte van de kiezerslijst voor die afdeling is.

18. (1) De zetel van een verkozen lid van de Vergadering Openvalling van zetel van verkozen lid van Vergadering. valt *ipso facto* open—

(a) bij ontvangst door de Administrateur van een schriftelijke kennisgeving ondertekend door zulk een lid vermeldende dat hij aldus bedankt: Met dien verstande dat zulk een lid niet voor zijn zetel kan bedanken gedurende de tijd dat ten opzichte van zijn 20 verkiezing gerechtelijke processen aanhangig zijn waarin beweerd wordt dat de verkiezing ter zijde gezet moet worden op grond van kwade of onwettige praktijken; of

25 (b) indien hij verzuimt gedurende een gehele gewone sessie de zittingen van de Vergadering bij te wonen zonder speciaal verlof van dezelve; of

(c) indien hij ophoudt de kwalifikaties te bezitten, of 30 onderhevig wordt aan de diskwalifikaties vermeld in artikel zeventien.

(2) Wanneer de zetel van een verkozen lid openvalt, of een vakature veroorzaakt wordt door zijn overlijden, de ongedigheid of terzijdezetting van zijn verkiezing of anderszins doet de Administrateur alle nodige stappen nemen zoals in de 35 Bijlage van deze Wet voorgeschreven om de opengevallen zetel te vullen.

19. (1) Een sessie van de Vergadering vindt tenminste Sessies van Vergadering. één maal in elk financieel jaar van het gebied plaats maar zó dat geen tijdvak van twaalf maanden verloopt tussen de 40 laatste zitting van de Vergadering in één sessie en de eerste zitting daarvan in de volgende sessie.

(2) De eerste en elke volgende sessie van de Vergadering wordt te Windhoek gehouden en de eerste zitting daarvan vindt plaats op zulke datum als de Administrateur bij proklamatie in de *Officiële Koerant* van het gebied mocht 45 bepalen: Met dien verstande dat van de eerste zitting van de eerste sessie de datum zó bepaald wordt om binnen twee maanden te vallen na de eerste algemene verkiezing.

(3) De Administrateur kan van tijd tot tijd bij proklamatie 50 de Vergadering prorogeren.

(4) De Vergadering kan bij besluit genomen op een zitting daarvan die zitting verdagen tot zulke tijd of datum als hij mocht bepalen.

20. Geen benoemd of verkozen lid van de Vergadering Eed te worden afgelegd door de leden van de Vergadering. neemt zijn zetel in of stemt aldaar voordat hij in de handen van de Administrateur of zulke andere persoon als de Administrateur mocht aanstellen voor dat doel de volgende eed of belofte afgelegd en dezelve ondertekend heeft:—

60 “Ik, A.B., _____ zweer _____ getrouwheid en hulde
verklaar en beloof plechtig en oprecht
aan Zijn Majesteit Koning George de Vijfde, zijn erfgenamen en opvolgers volgens wet, als houdende ten behoeve van de Regering van de Unie van Zuid-Afrika het mandaat voor het gebied van Zuidwest-Afrika,

65 (in het geval van een eed)
Zo helpe mij God.”

21. (1) De Vergadering verkiest op zijn eerste zitting vóór Voorzitter van Vergadering. aan te vangen met de behandeling van enige andere aangelegenheid, een van zijn leden tot voorzitter van de Vergadering 70 tot de afloop of de ontbinding daarvan. In het geval dat een

office of a chairman of the Assembly another chairman shall be chosen in like manner.

(2) Until a chairman of the Assembly is elected as aforesaid the Administrator shall preside at its sittings.

(3) Save as is provided by sub-section (2), the chairman, or in his absence, some other member of the Assembly chosen by it for the purpose shall preside at all meetings thereof.

Procedure
of the
Assembly.

22. (1) All questions in the Assembly shall be determined by a majority of the votes of the members present, other than the chairman or other person who may, under this Act, be presiding over the Assembly; but in the event of an equality of votes, the chairman or other such person presiding shall have a casting vote which he shall use.

(2) The Administrator and every member of the Executive Committee who is not a member of the Assembly shall have the right to take part in the proceedings of the Assembly but shall not have the right to vote therein, except that when presiding at a sitting under sub-section (2) of the last preceding section and there is an equality of votes on any matter among the members, the Administrator shall have and exercise a casting vote.

(3) The presence of at least nine members of the Assembly shall be necessary to constitute a sitting thereof for the exercise of its powers.

(4) All debates and transactions in the Assembly shall be conducted in the English and Dutch languages and all journals, entries, minutes and proceedings of the said Assembly shall be made and recorded in both such languages: Provided that any member may address the Assembly in the German language.

(5) The Assembly in its first session, and from time to time thereafter as occasion may require, shall adopt standing rules and orders not inconsistent with this Act, for the regulation and orderly conduct of its proceedings and dispatch of business, for the passing, entitling and numbering of Ordinances; and for the presentation of Ordinances to the Administrator for his assent. All such rules and orders shall be presented by the Assembly to the Administrator for his approval and, when his approval has been signified by him, shall become of force and effect.

(6) Subject to the provisions of this Act and of any such standing rules and orders, there shall be freedom of speech and debate in the Assembly and no member of the Executive Committee or of the Assembly shall be liable to any legal proceedings by reason of his speech or vote in the Assembly.

Payment of
allowances
to members.

23. There shall, out of the Territory Revenue Fund formed as hereinafter provided, be paid on the last day of every session to every member of the Assembly (other than to one who is a member of the Executive Committee) an allowance to be fixed by the Governor-General based on the daily attendance of the member during the session or otherwise.

Proceedings
of Assembly
open to the
public.

24. Subject to the standing rules and orders of the Assembly the proceedings thereof shall be open to the public.

Legislative
powers of
the
Assembly
subject to
restrictions,
exceptions,
etc.

25. Subject to the provisions, restrictions, reservations and exceptions contained in this Act and subject also to the powers of disallowance reserved to the Governor-General as hereinafter provided, the Assembly shall have power to make laws, to be entitled Ordinances, for the territory.

vakature voorvalt in het ambt van een voorzitter van de Vergadering wordt een andere voorzitter op gelijke wijze verkozen.

(2) Totdat een voorzitter van de Vergadering gekozen is als voorziedzit de Administrateur bij zijn zittingen voor.

(3) Behalve zoals bepaald is bij sub-artikel (2) zit de voorzitter of in zijn afwezigheid een ander lid van de Vergadering door de Vergadering voor dat doel verkozen bij alle vergaderingen daarvan voor.

10 22. (1) Alle kwesties in de Vergadering worden beslist door een meerderheid van de stemmen van de leden tegenwoordig, behalve de voorzitter of andere persoon die krachtens deze Wet bij de vergadering mocht voorzitten; maar in het geval van een staking van stemmen heeft de voorzitter of zulke 15 andere voorzittende persoon een beslissende stem die hij niet moet brengen.

Werkwijze
van de
Vergadering

(2) De Administrateur en elk lid van het Uitvoerend Komitee die geen lid van de Vergadering is heeft het recht om deel te nemen aan de beraadslagingen van de 20 Vergadering, maar heeft niet het recht om daarin te stemmen, uitgezonderd dat, wanneer voorzittende bij een zitting ingevolge sub-artikel (2) van het onmiddellijk voorafgaande artikel er een staking van stemmen plaatsvindt omtrent een aanlegenschap onder de leden, de Administrateur een beslissende 25 stem heeft en dezelve moet uitbrengen.

(3) De tegenwoordigheid van ten minste negen leden van de Vergadering is nodig om een zitting te vormen voor de nitoeffening van zijn bevoegdheden.

(4) Alle debatten en verhandelingen van de Vergadering 30 worden in de Engelse en Hollandse talen gevoerd en alle dagboeken, optekeningen, notulen en verslagen van de gezegde Vergadering worden in beide zulke talen gehouden en te schrift gesteld: Met dien verstande dat een lid de Vergadering kan toespreken in de Duitse taal.

35 (5) De Vergadering stelt gedurende zijn eerste sessie en van tijd tot tijd daarna, wanneer de gelegenheid zulks vereist, een reglement van orde niet in strijd met deze Wet vast voor de regeling en behoorlijke leiding van zijn verrichtingen en afhandeling van werkzaamheden, voor het aannemen, titel geven aan 40 en nummeren van ordonanties; en voor de aanbidding van ordonanties aan de Administrateur voor zijn toestemming. Zulk reglement van orde wordt door de Vergadering aan de Administrateur voorgelegd voor zijn goedkeuring, en wordt 45 wanneer zijn goedkeuring door hem te kennen gegeven is van kracht en effect.

(6) Met inachtneming van de bepalingen van deze Wet en van zulk reglement van orde is er vrijheid van spreken en debat in de Vergadering en geen lid van het Uitvoerend Komitee of van de Vergadering stelt zich bloot aan ge- 50 rechtelijke processen ter zake van zijn spreken of stemmen in de Vergadering.

23. Uit het Inkomstefonds van het gebied (gesticht zoals hierna bepaald) wordt op de laatste dag van elke sessie aan elk lid (niet zijnde een lid van het Uitvoerend Komitee) 55 een toelage betaald te worden vastgesteld door de Gouverneur-generaal gebaseerd op de dagen die het lid aanwezig was gedurende de sessie of anderszins.

Betaling van
toelagen aan
leden.

24. Met inachtneming van het reglement van orde van de Vergadering zijn de verrichtingen daarvan toegankelijk voor 60 het publiek.

Verrich-
tingen van
Vergadering
toegankelijk
voor het
publiek.

25. Met inachtneming van de bepalingen, beperkingen, 65 voorbehoudingen en uitzonderingen in deze Wet vervat en met inachtneming ook van de bevoegdheden van weigering aan de Gouverneur-generaal voorbehouden zoals hierna bepaald, heeft de Vergadering de bevoegdheid wetten te maken, ordonanties te worden genoemd voor het gebied.

Wetgevende
bevoegd-
heden van de
Vergadering
onderhevig
aan be-
perkingen,
uitzonde-
ringen, enz.

Matters permanently reserved from legislation by Assembly. 26. Except with the consent of the Governor-General previously obtained on any particular occasion and communicated to the Assembly by message from the Administrator, it shall not be competent for the Assembly to make an Ordinance in relation to any subject falling within the following classes of matters, *i.e.* to say— 5

- (a) native affairs or any matters specially affecting natives, including the imposition of taxation upon the person's land, habitations or earnings of natives. Whenever any Ordinance of the Assembly imposes taxation upon persons, lands, habitations, or incomes or earnings generally, natives and their lands, habitations and earnings shall be exempt from its provisions; 10
- (b) mines, minerals, mineral oils and precious stones; or the moneys derivable therefrom or payable to the administration in respect of licences for prospecting or winning the same or as share of the produce thereof or any taxation in connection therewith; 15
- (c) the acquisition, construction, management, regulation, control and working of railways and harbours in the territory; and the organization, discipline and conditions of employment of and the payment of pensions, retiring allowances and financial benefits to persons in the employment of the railways and harbours administration; 20 25
- (d) the organization of and discipline and conditions of employment of persons in the public service who are serving in the territory and the payment of pensions, retiring allowances and financial benefits to such persons; 30
- (e) the constitution and jurisdiction of courts of justice, whether superior or inferior, and the practice or procedure to be observed therein; 35
- (f) the administration, management and working of the postal, telegraph and telephone services; 35
- (g) the establishment or control of any military organization in the territory; 35
- (h) the movements or operations of any unit of the South African Defence Forces within the territory; 40
- (i) the entry of immigrants into the territory or of other persons; 40
- (j) tariffs of customs and excise duties and the control and management of customs and excise; 45
- (k) currency and banking and the control of banking institutions. 45

Matters temporarily reserved from legislation by Assembly. 27. (1) Except with the consent of the Governor-General previously obtained on any particular occasion, and communicated to the Assembly by message from the Administrator, the Assembly shall not, until the expiration of a period of at least three years from the date of the first sitting of the first session of the Assembly, be competent to make Ordinances in relation to any of the following subject-matters— 50

- (a) the establishment or control of any police force in the territory; 55
- (b) civil aviation; 55
- (c) primary or secondary education in schools supported or aided from the revenues of the territory; 55
- (d) the establishment, management or control of any land or agricultural bank in the territory; 60
- (e) the allotment, sale, lease or disposal of Government lands in the territory. 60

(2) At any time after the expiry of the said period of three years, if power has not been so conferred by the Governor-General upon the Assembly to make Ordinances in relation to any particular subject-matter specified in sub-section (1), then the Governor-General may, on a recommendation made by the Assembly and embodied in a resolution for which it is certified by the chairman thereof that not less than two-thirds of the members thereof voted, declare by proclamation 65

26. Tenzij met de bij elke bijzondere gelegenheid vooraf Aangelegenheden voortdurend ont-
 verkregen toestemming van de Gouverneur-generaal aan de heden voortdurend ont-
 Vergadering bij boodschap van de Administrateur mede houdend ont-
 gedeeld, is de Vergadering niet bevoegd om een ordonantie wetgeving
 5 te maken betreffende een onderwerp dat onder de volgende door Ver-
 klassen van aangelegenheden valt, dat wil zeggen— gadering.

- (a) naturellezaken of aangelegenheden die in het be-
 zonder naturellen raken met inbegrip van het opleggen
 10 van belastingen op de personen, grond, woningen of
 verdiensten van naturellen. Wanneer een ordonantie
 van de Vergadering belastingen oplegt op de personen,
 gronden, woningen of inkomsten of verdiensten in het
 algemeen, zijn naturellen en hun gronden, woningen
 15 en verdiensten vrijgesteld van de bepalingen daarvan;
 (b) mijnen, mineralen, minerale olieën en edelgesteenten,
 of de gelden daarvan verkrijgbaar of betaalbaar
 aan het bestuur in verband met licenties voor het
 20 prospekteren of winnen van dezelve of als een aandeel
 van de opbrengst daarvan of enige belasting in ver-
 band daarmee;
 (c) het verkrijgen, de aanbouw, het beheer, de regeling,
 25 kontrôle en exploitatie van spoorwegen en havens
 in het gebied; en de organisatie, tucht en voor-
 waarden van dienst van, en de betaling van pen-
 sioenen, toelagen bij uitdiensttreding en geldelijke
 voordelen aan personen in de dienst van de spoor-
 wegen en havens administratie;
 (d) de organisatie van en tucht en dienstvoorwaarden
 30 van personen in de staatsdienst die in het gebied dienst
 doen en de betaling van pensioenen, toelagen bij
 uitdiensttreding en geldelijke voordelen aan zulke
 personen;
 (e) de instelling en jurisdictie van gerechtshoven zowel
 35 hogere als lagere, en de praktijk of procedure daarin
 te worden gevolgd;
 (f) het beheer, bestuur en de exploitatie van de post-, tele-
 graaf- en telefoondienst;
 (g) de oprichting van of kontrôle over een militaire
 40 organisatie in het gebied;
 (h) de bewegingen of operaties van een eenheid van de
 Zuidafrikaanse Verdedigingsmacht in het gebied;
 (i) de binnenkomst van immigranten of van andere
 personen in het gebied;
 (j) doeanetarieven en aksijnsrechten en de kontrôle en
 45 het beheer van de doeane en aksijnsen;
 (k) betaalmiddelen en banken en de kontrôle over bank-
 instellingen.

27. (1) Tenzij met de bij elke bijzondere gelegenheid vooraf Aangelegenheden
 verkregen toestemming van de Gouverneur-generaal, aan de heden tijdelijk ont-
 50 Vergadering medegedeeld bij boodschap van de Administrateur, houden aan
 is tot na het verloop van een tijdvak van ten minste drie jaar wetgeving
 vanaf de datum van de eerste zitting van de eerste sessie van door
 de Vergadering, de Vergadering niet bevoegd om ordonanties Vergadering.
 te maken betreffende een van de volgende onderwerpen—

- (a) de oprichting of kontrôle van een politiemacht in het
 55 gebied;
 (b) civiele luchtvaart;
 (c) primaire of sekondaire opvoeding in scholen in stand
 gehouden of ondersteund uit de inkomsten van het
 60 gebied;
 (d) de oprichting, het beheer of de kontrôle van of over
 een land- of landbouwbank in het gebied;
 (e) de toewijzing, verkoping, verhuring of vervreemding
 van Gouvernements-grond in het gebied.
 65 (2) Indien te eniger tijd na verloop van het gezegde
 tijdvak van drie jaar geen bevoegdheid aldus verleend is door de
 Gouverneur-generaal aan de Vergadering om ordonanties te
 maken betreffende een bijzonder onderwerp vermeld in sub-
 artikel (1) dan kan de Gouverneur-generaal op een aanbeveling
 70 gedaan door de Vergadering en bevat in een besluit waarvoor
 volgens certificaat van de voorzitter niet minder dan twee-
 derden van de leden daarvan stemden, bij proklamatie in de

in the *Gazette* and in the *Official Gazette* of the territory, the full competency of the Assembly to make Ordinances in respect of that subject-matter.

(3) Save as is specially provided in this section the provisions thereof shall remain in operation after the said period of three 5 years.

Manner in which the Territory Revenue Fund is to be appropriated.

28. It shall not be lawful for the Assembly—

(a) to originate or pass any Ordinance, vote, or resolution which has the effect of appropriating any part of the Territory Revenue Fund formed as hereinafter 10 provided; or

(b) to originate or pass any Ordinance, vote or resolution imposing any tax, duty, due or charge or burden on the people,

unless such Ordinance, vote or resolution has first been recom- 15 mended to the Assembly by written message of the Administrator during the session in which it is proposed.

Assembly may recommend to the Governor-General the enactment of laws and may advise Administrator.

29. (1) The Assembly may, by resolution, recommend to the Governor-General or to the Administrator the issue of a proclamation enacting a law, or the amending or repealing 20 of any law, relating to any matter in respect of which it is not competent to make Ordinances.

(2) In the event of any such proclamation being issued, a copy thereof shall be transmitted as soon as possible to the chairman of the Assembly who shall lay it before the Assembly 25 for its information.

(3) The Assembly may further advise the Administrator in relation to such matters as the Administrator may refer to it for an expression of its views.

Administrator may transmit Ordinances to Assembly.

30. (1) The Administrator may, subject to any instructions 30 which he may receive from the Governor-General, transmit by message to the Assembly the draft of any Ordinance on any subject in respect of which the Assembly is competent to make an Ordinance if it appears to him expedient that such a draft Ordinance be introduced, and every such draft 35 of an Ordinance shall be taken into consideration by the Assembly in such convenient manner as is provided in that behalf by the standing rules and orders.

(2) All messages by the Administrator to the Assembly shall be communicated to the Assembly by the chairman thereof. 40

Printing and presenting to Assembly of all Draft Ordinances.

31. The draft of every Ordinance shall be printed and presented to the Assembly in both the official languages of the Union.

Assent to or reservation by Administrator of Ordinances passed by Assembly.

32. Whenever an Ordinance has been passed by the Assembly it shall be presented to the Administrator for his assent thereto 45 and the Administrator shall, according to his discretion but subject to the provisions of this Act and to such instructions as he may from time to time receive from the Governor-General, declare that he assents to such Ordinance or that he reserves it for the signification of the pleasure of the 50 Governor-General:

Provided that the Administrator may, before assenting to or before so reserving any Ordinance so passed and presented to him, suggest such amendments therein as he may deem necessary or expedient and shall communicate the same by 55 message or in person to the Assembly. The amendments so suggested shall be taken into consideration by the Assembly in such convenient manner as is provided in that behalf by its standing rules and orders.

Staatskoerant en in de *Officiële Koerant* van het gebied de volle bevoegdheid van de Vergadering verklaren om Ordonanties te maken betreffende dat onderwerp.

(3) Behalve zoals speciaal bij dit artikel bepaald wordt, 5 blijven de bepalingen daarvan in werking na het gezegde tijdvak van drie jaar.

28. Het is niet aan de Vergadering veroorloofd—

- (a) om een ordonantie, begrotingspost, of besluit die of dat het effect heeft van aanwending van een deel van het Inkomstefonds van het gebied gesticht zoals hierna bepaald, aanhangig te maken of aan te nemen, of 10
- (b) een ordonantie, begrotingspost, of besluit waarbij een belasting, recht, heffing of omslag of last op de bevolking gelegd wordt, aanhangig te maken of aan te nemen, 15

tenzij zulke ordonantie, begrotingspost, of besluit eerst aan de Vergadering aanbevolen wordt bij schriftelijke boodschap van de Administrateur gedurende de sessie waarin hij voor- 20 gesteld wordt.

29. (1) De Vergadering kan, bij besluit, aan de Gouverneur- 25
generaal of aan de Administrateur de uitvaardiging van een proklamatie aanbevelen ter invoering of wijziging of herroeping van een wet betreffende een aangelegenheid ten opzichte waarvan hij niet bevoegd is ordonanties te maken.

(2) In het geval dat zulke proklamatie uitgevaardigd wordt, wordt een kopie daarvan zo spoedig mogelijk naar de voorzitter van de Vergadering gezonden, die hem voor de Vergadering legt te zijner informatie.

30 (3) De Vergadering kan voorts de Administrateur adviseren 30 betreffende zulke aangelegenheden als de Administrateur naar hem mocht verwijzen voor een uitdrukking van zijn oordeel.

30. (1) De Administrateur kan met inachtneming van de 35
instructies die hij van de Gouverneur-generaal mocht ontvangen bij boodschap het ontwerp van een ordonantie betreffende een aangelegenheid ten opzichte waarvan de Vergadering bevoegd is een ordonantie te maken naar de Vergadering zenden indien het hem wenselijk voorkomt dat zulk een ontwerp ordonantie ingediend wordt en elk zulk een 40
ontwerp ordonantie wordt door de Vergadering in overweging genomen op zulke gereede wijze als dienaangaande bij het reglement van orde bepaald is.

(2) Alle boodschappen van de Administrateur aan de Vergadering worden aan de Vergadering door de voorzitter daarvan medegedeeld. 45

31. Het ontwerp van elke ordonantie wordt gedrukt en aan de Vergadering aangeboden in de beide officiële talen van de Unie.

32. Wanneer een ordonantie door de Vergadering aangenomen is, wordt hij aan de Administrateur aangeboden en zijn toestemming daartoe en de Administrateur verklaart naar zijn goedgevoelen maar met inachtneming van de bepalingen van deze Wet en van zulke instructies als hij van tijd tot tijd mocht ontvangen van de Gouverneur-generaal dat hij toestemt tot zulke ordonantie, of dat hij hem aanhoudt ter inwinning van het behagen van de Gouverneur-generaal :

50 Met dien verstande dat de Administrateur voordat hij aan hem aangeboden geeft of voordat hij zulk een ordonantie aldus aanhoudt zulke wijzigingen daarin voorstellen kan als hij nodig of wenselijk mocht achten en dezelve bij boodschap of persoonlijk aan de Vergadering mededeelt. De aldus voorgestelde wijzigingen worden door de Vergadering op 55
zulke gereede wijze als dienaangaande bij het reglement van orde bepaald is in overweging genomen.

Wijze waarop het Inkomstefonds van het gebied aangewend wordt.

Vergadering kan aan de Gouverneur-generaal de invoering van wetten aanbevelen en kan de Administrateur adviseren.

Administrateur kan ordonanties naar Vergadering zenden.

Drukken en aanbieden van alle ontwerpen ordonanties aan Vergadering.

Toestemming of reservatie van toestemming door Administrateur tot ordonanties door Vergadering aangenomen.

Power of Governor-General to disallow or reserve for consideration Ordinances assented to or reserved by Administrator. 33. (1) Whenever an Ordinance has been reserved by the Administrator for the signification of the pleasure of the Governor-General, the Administrator shall forthwith transmit that Ordinance to the Governor-General, together with such explanatory observations thereon as may be necessary to indicate the scope, effect and reasons for the passing thereof. 5

(2) There is hereby reserved to the Governor-General full power and authority to declare within six months after the receipt by him of the Ordinance, with the explanatory observations aforesaid, that he allows the Ordinance or that he disallows the Ordinance or that he reserves it for further consideration. An ordinance so reserved by the Governor-General shall have no force or effect unless and until the Governor-General within a further period of six months from the date of his reservation, declares that he does not exercise his power of disallowance in regard thereto. Any declaration of the Governor-General under this sub-section shall be communicated to the Assembly by the Administrator and be published by proclamation in the *Official Gazette* of the territory. 10 15 20

(3) A return indicating the Ordinances which have been reserved for further consideration by the Governor-General or disallowed and the reasons for the reservation or the disallowance shall be laid upon the Tables of both Houses of Parliament as soon as possible after the reservation or disallowance. 25

(4) Copies shall also be so laid before Parliament of all Ordinances which, since the last preceding session of Parliament, have become law within the territory.

Promulgation and operation of Ordinances. 34. (1) The Administrator shall cause every Ordinance to which assent has been given by him or by the Governor-General to be published in the *Official Gazette* of the territory. 30

(2) Unless it is expressed in any Ordinance so published that its provisions shall come into operation on a specified date or on a date to be fixed by notice thereunder, the Ordinance shall commence and come into operation on the date of its first publication in the said *Official Gazette*. 35

Copies of Ordinances to be enrolled in High Court. 35. As soon as possible after an Ordinance has been assented to by the Administrator or allowed by the Governor-General, the Administrator shall cause two fair copies of the Ordinance (one being in the one official language, and the other being in the other official language of the Union) to be enrolled of record in the office of the registrar of the High Court of the territory; but the Administrator shall first sign one of such copies. Both such copies shall be conclusive evidence as to the provisions of the Ordinance but, in the case of conflict between the two copies thus enrolled, the copy signed by the Administrator shall prevail: Provided that the validity of any such Ordinance shall not be impaired or postponed by the non-enrolment thereof as aforesaid if the Ordinance has been published in the *Official Gazette* of the territory as provided in the last preceding section. 40 45 50

FINANCE.

Territory Revenue Fund. 36. (1) There shall be formed as from a date to be proclaimed by the Administrator a fund known as the Territory Revenue Fund into which shall be paid all revenues raised or received in and for the territory. 55

(2) The revenue fund of the territory existing at the date so proclaimed shall be part of and be incorporated in the Territory Revenue Fund formed under sub-section (1) of this section. 60

(3) The Territory Revenue Fund shall be appropriated for the purposes of the territory in manner prescribed by this Act.

33. (1) Wanneer een ordonantie door de Administrateur Bevoegd-
 aangehouden is voor de inwinning van het behagen van de heid van
 Gouverneur-generaal zendt de Administrateur die ordonantie Gouverneur-
 onmiddellijk naar de Gouverneur-generaal tezamen met zulke generaal om
 5 verklarende opmerkingen daaromtrent als nodig mochten zijn ordo-
 om de omvang, het gevolg en de redenen voor het aannemen nanties toe-
 daarvan aan te duiden. gestemd of
 aangehouden

(2) Bij deze wordt aan de Gouverneur-generaal volle be-
 voegdheid en macht voorbehouden om binnen zes maanden door Ad-
 10 na de ontvangst door hem van de ordonantie met de toestem-
 verklarende opmerkingen als voorzeggd te verklaren dat hij de ming te
 ordonantie goedkeurt of dat hij zijn toestemming aan de ontzeggen
 ordonantie ontzegt, of dat hij hem aanhoudt voor verdere overweging.
 Een aldus door de Gouverneur-generaal
 15 aangehouden ordonantie heeft geen kracht of effect tenzij en
 totdat de Gouverneur-generaal binnen een verder tijdvak
 van zes maanden vanaf de datum van zijn aanhouding ver-
 klaart dat hij zijn bevoegdheid van ontzegging dienaangaande
 niet uitoefent. Een verklaring van de Gouverneur-generaal
 20 ingevolge dit sub-artikel wordt aan de Vergadering mede-
 gedeeld door de Administrateur en bij proklamatie in de
Officiële Koerant van het gebied gepubliceerd.

(3) Een lijst van de ordonanties die aangehouden zijn voor
 verdere overweging door de Gouverneur-generaal of ontzegd
 25 zijn en de redenen van de aanhouding of ontzegging worden in de
 beide Huizen van het Parlement ter Tafel gelegd zo spoedig
 mogelijk na de aanhouding of ontzegging.

(4) Kopieën worden eveneens aldus aan het Parlement
 30 voorgelegd van alle ordonanties, die sedert de laatstvooraf-
 gaande sessie van het Parlement wet geworden zijn in het
 gebied.

34. (1) De Administrateur doet elke ordonantie waartoe Atkondiging
 toestemming verleend is door hem of door de Gouverneur- en inwerking
 generaal in de *Officiële Koerant* van het gebied publiceren. treding van
 ordonan-

35 (2) Tenzij in een ordonantie aldus gepubliceerd uitgedrukt ties.
 wordt dat de bepalingen daarvan op een bepaalde datum of
 op een datum te worden bepaald bij kennisgeving ingevolge
 dezelve in werking treden, vangt de ordonantie aan en treedt
 in werking op de datum van de eerste publikatie in de gezegde
 40 *Officiële Koerant*.

35. Zo spoedig mogelijk nadat de toestemming verleend is Kopieën van
 aan een ordonantie door de Administrateur, of toestemming Ordonantie
 verleend is daaraan door de Gouverneur-generaal doet de Ad- te worden
 ministrateur twee kopieën in het net van de ordonantie (zijnde geregi-
 45 de een in de ene officiële taal en de andere in de andere officiële streed in het
 taal van de Unie) ter bewaring deponeren in het kantoor van de Hogehof.
 de griffier van het Hogehof van het gebied: Maar de Admini-
 strateur tekent eerst een van zulke kopieën. Beide kopieën
 zijn afdoend bewijs met betrekking tot de bepalingen van de
 50 ordonantie maar in het geval van verschil tussen de twee
 aldus gedeponeerde kopieën heeft de kopie door de Admini-
 strateur getekend de voorkeur: Met dien verstande dat de
 geldigheid van een zodanige ordonantie, niet verzwakt of
 uitgesteld wordt door het niet plaats vinden van het deponeren
 55 daarvan zoals voorzeggd indien de ordonantie gepubliceerd is
 in de *Officiële Koerant* van het gebied zoals bepaald in het
 onmiddellijk voorafgaande artikel.

FINANCIËN.

36. (1) Er wordt vanaf een datum te worden geproklameerd Inkomste
 60 door de Administrateur een fonds gesticht, te worden genoemd fonds van
 het Inkomstefonds van het gebied waarin alle inkomsten het gebied.
 gegeven of ontvangen in en voor het gebied gestort worden.

(2) Het inkomstefonds van het gebied bestaande op de
 aldus geproklameerde dag maakt deel uit en wordt opgenomen
 65 in het Inkomstefonds van het gebied gesticht ingevolge sub-
 artikel (1) van dit artikel.

(3) Het Inkomstefonds van het gebied wordt aangewend
 voor de doeleinden van het gebied op de wijze voorgeschreven
 bij deze Wet.

(4) Subject to the provisions hereinafter contained as to the certification by the Administrator of amounts necessary to carry on public administration, no money shall be withdrawn from the Territory Revenue Fund except under appropriation made by law: Provided that until such appropriation has been made and for a period not exceeding two months after the end of a financial year but no longer, the Administrator may withdraw from that Fund moneys without such appropriation in order to meet expenditure on services in respect of which there has been an appropriation up to the end of that financial year: Provided further that until after the expiration of two months after the first sitting of the first session of the Assembly as hereinbefore provided, the Administrator may, unless such appropriation has been made earlier, draw from that Fund and expend such money, as may be necessary to carry on the public administration of the territory.

(5) No issue shall be made out of Territory Revenue Fund except in pursuance of a warrant under the hand of the Administrator directed to an officer of the public service serving under the administration of the territory.

Estimates of Expenditure. 37. The annual estimates of expenditure for the territory shall be prepared by the Administrator in consultation with the Council, and shall thereafter be submitted by him to the Assembly.

Provision if Assembly refuses or makes inadequate supply or rejects or fails to impose adequate taxation. 38. If the Assembly rejects or fails to pass—

(a) an Ordinance appropriating in any financial year moneys from the Territory Revenue Fund sufficient in the opinion of the Administrator to pay during that year the salaries and allowances of the Administrator, of the Judge of the High Court and of officers serving under the administration and to carry on the public administration of the territory and any other services which the Administrator certifies to be necessary in the interests of the territory or to meet any liabilities which have been incurred in or in respect of the territory or of any railway or harbour works therein; or

(b) an Ordinance imposing any tax to raise in any year revenue which the Administrator certifies to be, with other revenues, necessary for the purposes described in paragraph (a).

or though passing the Ordinance, passes it with amendments to which the Administrator personally is unable to agree, regard being had by him to the purposes aforesaid, the Administrator may transmit a full report in relation to the whole matter to the Governor-General and the Governor-General may, after consideration of that report and of any further report or recommendation on the matter, passed and transmitted by the Assembly by message, make a law, by proclamation under the powers reserved to the Governor-General under this Act, providing for such appropriation or such tax (as the case may be) as may in the opinion of the Governor-General be sufficient for the purposes mentioned in paragraph (a) or paragraph (b) of this section, (as the case may be).

GENERAL.

Validity of Ordinances. 39. (1) The High Court of the territory shall have jurisdiction in all matters in which the validity of an Ordinance shall come into question.

(2) No magistrate's court shall be competent to pronounce upon the validity of an Ordinance and every such court shall assume that every Ordinance is valid.

Language of publications in Gazette, etc. 40. (1) All proclamations, Ordinances, regulations and notices for general information published in the *Official Gazette* of the territory, shall be in both official languages of the Union.

(4) Met inachtneming van de bepalingen hierinlater vervat met betrekking tot de certificatie door de Administrateur van bedragen nodig voor de voering van het openbare bestuur, wordt geen geld uit het Inkomstefonds van het gebied getrokken 5 tenzij ingevolge aanwending bij de wet bepaald: Met dien verstande dat totdat zulke aanwending plaats gevonden heeft en voor een tijdvak van ten hoogste twee maanden na het einde van een financieel jaar, maar niet langer, de Administrateur gelden kan trekken uit dat fonds zonder zulke aanwending, ten einde 10 uitgaven te dekken van diensten ten opzichte waarvan een aanwending plaats gevonden heeft tot het einde van dat financiële jaar: Met dien verstande voorts dat tot na het verloop van twee maanden na de eerste zitting van de eerste sessie van de Vergadering, zoals hierintevoren bepaald, de Administra- 15 teur uit dat fonds gelden kan trekken en uitgeven als nodig mochten zijn ter voering van het openbare bestuur van het gebied, tenzij zulke aanwending vroeger plaats gevonden heeft.

(5) Geen uitgaven worden gedaan uit het Inkomstefonds van het gebied tenzij uit kracht van een volmacht onder- 20 tekend door de Administrateur en gericht aan een beambte van de Staatsdienst, dienst doende onder het bestuur van het gebied.

37. De jaarlijkse begroting van uitgaven voor het gebied Begroting wordt door de Administrateur in overleg met de Raad voor- van uit- bereid en wordt daarna door hem aan de Vergadering voor- gaven. gelegd.

38. Indien de Vergadering weigert of verzuimt aan te Bepaling nemen— ingeval de
Vergadering
 (a) een ordonantie voor de aanwending gedurende een voorziening financieel jaar van gelden uit het Inkomstefonds weigert of 30 van het gebied naar het oordeel van de Administra- onvoldoende teur voldoende om gedurende dat jaar de salarissen voorziening maakt, of weigert of en toelagen van de Administrateur, van de Rechter verzuimt van het Hogehof en van beambten dienst doende om voldoen- 35 onder het bestuur te betalen en om het openbare be- de belasting stuur van het gebied en andere diensten die door de op te leggen. Administrateur gecertificeerd worden noodzakelijk en in het belang van het gebied te zijn uit te voeren of om schulden te dekken die gemaakt zijn in of ten 40 aanzien van het gebied of van spoorweg- of haven- werken daarin; of
 (b) een ordonantie waarbij een belasting opgelegd wordt 45 ten einde in een jaar inkomsten te heffen welke de Administrateur tezamen met andere inkomsten cer- tificeert nodig te zijn voor de doeleinden beschreven in paragraaf (a);
 of ofschoon de ordonantie aannemende, hem aanneemt met wijzigingen waarmee de Administrateur persoonlijk niet kan instemmen met het oog op de voorzegde doeleinden, kan de 50 Administrateur een vol rapport betreffende de gehele zaak naar de Gouverneur-generaal zenden en de Gouverneur-generaal kan na overweging van dat rapport en van enig verder rapport of aanbeveling dienaangaande aangenomen en bij boodschap gezonden door de Vergadering, een wet maken bij proklamatie, 55 ingevolge de bevoegdheden krachtens deze Wet aan de Gouverneur-generaal voorbehouden, voorziening makende voor zulke aanwending of zulke belasting (naar het geval mocht zijn) als naar het oordeel van de Gouverneur-generaal voldoende is voor de doeleinden vermeld in paragraaf (a) of paragraaf (b) 60 van dit artikel, naar het geval mocht zijn.

ALGEMENE BEPALINGEN.

39. (1) Het Hogehof van het gebied heeft rechtsmacht over Geldigheid alle zaken waarin de geldigheid van een ordonantie betwijfeld van wordt. ordonanties.

65 (2) Geen magistraatshof is bevoegd uitspraak te doen over de geldigheid van een ordonantie en elk zodanig hof neemt aan dat iedere ordonantie geldig is.

40. (1) Alle proklamaties, ordonanties, regulaties en ken- Talen van nisgevingen ter algemene informatie in de *Officiële Koerant* van publicaties 70 het gebied gepubliceerd, geschieden in de beide officiële talen in Officiële van de Unie. Koerant.

(2) Subject to the provisions of any rule of the High Court of the territory, the German language may, in addition to either of the official languages of the Union, be used in addressing that Court by any party to any proceeding therein, or by his legal representative. 5

Representation on Railway Board. 41. In considering any matter relating to the acquisition, construction, management, regulation, control and working of the railways and harbours in the territory, the Railways and Harbours Board of the Union shall consult, in such manner as in the circumstances it may deem most expedient, the Administrator or any other person designated by him in any particular case. 10

Method of voting for members of Executive Committee. 42. (1) The election of members of the Executive Committee shall, whenever such an election is contested, be according to the principle of proportional representation, each 15 voter having one transferable vote.

(2) The Governor-General shall make regulations prescribing the method of voting and of transferring and counting votes and the duty of the returning officer in connection with any such election and such regulations or any amendments thereof 20 shall have the same force and effect as if they were in this Act set forth.

Provision as to Walvis Bay. 43. Notwithstanding anything to the contrary contained in any law—

- (a) the port and settlement of Walvis Bay shall be deemed 25 to form part of the territory for the purposes of this Act, and
- (b) that part of the territory east of the twenty-first degree of east longitude and known as Caprivi Zipfel shall be deemed not to form part of the territory for 30 the purposes of this Act.

Saving as to right of Union Government to administer and legislate for the territory. 44. (1) Nothing in this Act contained shall be construed as in any manner abolishing, diminishing or derogating from those full powers of administration and legislation over the territory as an integral portion of the Union which are conferred 35 by the mandate hereinbefore recited and have been confirmed by the Treaty of Peace and South-West Africa Mandate Act, 1919 (Act No. 49 of 1919), or as modifying any provision of that Act. Those full powers of administration and legislation are hereby expressly reserved to the Governor-General and may 40 be exercised or delegated by him in accordance with that Act to the intent that by proclamation new laws may be made for the territory, existing proclamations may be repealed, amended or modified, or any Ordinance made by the Assembly and in force under this Act may be repealed, amended or 45 modified. Every such proclamation of the Governor-General or of the Administrator shall, before it has the force of law in the territory, be published in the *Official Gazette* thereof.

(2) A proclamation of the Administrator or an Ordinance made by the Assembly shall, though promulgated, have effect 50 in and for the territory so long and as far only as it is not repugnant to or inconsistent with a proclamation of the Governor-General, or an Act of the Union Parliament, applicable to the territory. .

Amendment of Act 45. After the expiration of a period of three years from 55 the date of the first sitting of the first session of the Assembly, the Governor-General may, on a recommendation made by the Assembly and embodied in a resolution for which it is certified by the chairman thereof that not less than two-thirds of ~~the~~ members thereof voted, repeal or alter 60 any provision of this Act except sections *twenty-six* and *forty-four* and this section: Provided that the Governor-General shall not act upon such a recommendation unless the proposals contained therein have lain upon the Tables of both Houses of Parliament for a period of one month and 65 during that period neither such House has expressed its disapproval of the proposals.

Short title. 46. This Act may be cited for all purposes as the South-West Africa Constitution Act, 1925.

(2) Met inachtneming van de bepalingen van de regels van het Hogehof van het gebied kan de Duitse taal zowel als de officiële talen van de Unie gebezigd worden in toespraken aan dat Hof door de partijen of door een van de partijen tot een rechtszaak of door de wettige vertegenwoordiger van een partij.

41. Bij de overweging van een aangelegenheid betreffende het verkrijgen, de bouw, het beheer, regeling, controle en exploitatie van de spoorwegen en havens in het gebied, raadt de Raad op Spoorweg en Havenraad van de Unie op zulke wijze als hij onder de omstandigheden het doelmatigst acht, de Administrateur of een ander persoon door hem in een bijzonder geval aangewezen.

42. (1) De verkiezing van leden van het Uitvoerend Komitee geschiedt, wanneer zulke verkiezing bestreden wordt, overeenkomstig het beginsel van evenredige vertegenwoordiging, elke kiezer een overdraagbare stem hebbende.

(2) De Gouverneur-generaal maakt regulaties de wijze van stemmen en van het overdragen en tellen van stemmen en de plicht van de kiesbeambte in verband met zulke verkiezing voorschrijvende, en zulke regulaties of wijzigingen daarvan hebben dezelfde kracht en effect alsof zij in deze Wet opgenomen waren.

43. Niettegenstaande tegenovergestelde bepalingen in een of andere wet vervat

25 (a) wordt de haven en nederzetting Walvis Baai geacht deel uit te maken van het gebied voor de doeleinden van deze Wet; en

30 (b) wordt dat gedeelte van het gebied ten oosten van de een en twintigste graad oosterlengte, bekend als Caprivi Zipfel, geacht geen deel uit te maken van het gebied voor de doeleinden van deze Wet.

44. (1) Geen bepaling van deze Wet heeft de bedoeling om op enigerlei wijze de volle bevoegdheden van bestuur en wetgeving voor het gebied als een integraal gedeelte van de Unie, welke door het hierin te voren aangehaalde mandaat verleend werden en bekrachtigd zijn door de Vredesverdrag en Zuidwest-Afrika Mandaat Wet, 1919 (Wet No. 49 van 1919) op te heffen, te verminderen of inbreuk daarop te maken, of om een of andere bepaling van die Wet te wijzigen. Die volle bevoegdheden van bestuur en wetgeving worden bij deze uitdrukkelijk aan de Gouverneur-generaal voorbehouden en kunnen door hem overeenkomstig die Wet uitgeoefend of overgedragen worden te dien effekte dat nieuwe wetten bij proklamatie voor het gebied gemaakt kunnen worden, bestaande proklamaties herroepen, gewijzigd of veranderd kunnen worden, of een ordonantie door de Vergadering gemaakt en van kracht ingevolge deze Wet, herroepen, gewijzigd of veranderd kan worden. Elke zodanige proklamatie van de Gouverneur-generaal of van de Administrateur wordt, voordat hij kracht van wet heeft, in het gebied in de *Officiële Koerant* daarvan gepubliceerd.

(2) Een proklamatie van de Administrateur of een ordonantie gemaakt door de Vergadering heeft, ofschoon afgekondigd, effect in en voor het gebied, zolang en in zoverre slechts als hij niet in strijd is of onbestaanbaar is met een proklamatie van de Gouverneur-generaal, of een Wet van het Parlement van de Unie toepasselijk op het gebied.

45. Na het verloop van een tijdvak van drie jaar na de datum van de eerste zitting van de eerste sessie van de Vergadering, kan de Gouverneur-generaal op een aanbeveling gedaan door de Vergadering en vervat in een besluit waarvoor volgens certificaat van de Voorzitter daarvan niet minder dan twee-derden van de leden daarvan gestemd hebben, een bepaling van deze Wet herroepen of wijzigen behalve artikels zes en twintig en vier en veertig en dit artikel: Met dien verstande dat de Gouverneur-generaal niet op zulk een aanbeveling handelt tenzij de daarin vervatte voorstellen gedurende een tijdvak van één maand ter Tafel in de beide Huizen van het Parlement gelegen hebben en gedurende dat tijdvak geen 0 van de beide Huizen zijn afkeuring te kennen gegeven heeft van de voorstellen.

48. Deze Wet kan voor alle doeleinden aangehaald worden Korte titel. als de Zuidwest-Afrika Konstitutie Wet, 1925.

Schedule.

PROVISIONS AS TO THE REGISTRATION OF VOTERS FOR THE ELECTION OF ELECTIVE MEMBERS OF THE ASSEMBLY INCLUDING THE PREPARATION AND REVISION OF VOTERS' ROLLS AND ENROLMENT OF VOTERS; AND AS TO THE CONDUCT OF ELECTIONS OF ELECTIVE MEMBERS OF THE ASSEMBLY.

PART I.

QUALIFICATION AND DISQUALIFICATION OF VOTERS.

1. Every European male person who—
- (a) has been resident in the territory for twelve months immediately prior to the date fixed under paragraph 3 of this Schedule for the commencement of the provisional list; and
 - (b) is twenty-one years of age or upwards at that date; and
 - (c) is a British subject,

as well as every male person who, under section two of Act No. 30 of 1924, became a British subject naturalized under Act No. 4 of 1910, shall be entitled to be registered as a voter unless in either case he is disentitled for any reason mentioned in paragraph 2 of this Schedule. But no person shall be entitled to be registered on more than one list or, if registered on more than one list, to vote in more than one electoral division.

DISQUALIFICATION OF VOTERS.

2. No person shall be entitled to be so registered if he has been—
- (1) convicted at any time of murder unless he has obtained a free pardon therefor;
 - (2) convicted at any time of any offence and sentenced to imprisonment without the option of a fine which imprisonment has not expired at least three years before the date of the commencement of registration, unless he has obtained a free pardon for that offence.

PART II.

REGISTRATION OF VOTERS. REGISTERING OFFICERS.

3. For the purpose of compiling a general register of voters for the first election of elective members for the Assembly and to enable the electoral divisions to be delimited in accordance with section twelve of this Act, the Administrator shall, as soon as possible after the promulgation of this Act, by notice 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 magisterial district of the territory an alphabetical provisional list of all persons who are qualified to be registered as voters and who are *bona fide* residing in such district. Such notice shall fix the date of the commencement of such list and the date of the completion thereof.

Upon the issue of such notice the Secretary for South-West Africa shall cause a notice in terms of Annexure (A) to this Schedule to be inserted in English, Dutch and German in the *Gazette* and in some newspaper or newspapers circulating within such district, 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.

4. The Registering Officer shall insert in the said list the name, residence, trade, profession or occupation of every person who is known, or on reasonable grounds is believed by him, to be entitled to be inserted therein.

PROVISIONAL LIST AND NOTICES TO BE POSTED IN PUBLIC PLACE.

5. (1) At the expiration of the time fixed by the notice 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 district 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.

Any claim by any person not included in the provisional list that his name shall be inserted therein shall be made within twenty-eight days from the date when the list was so posted.

(2) If any person during such period as aforesaid wilfully tears down, covers over, defaces or obliterates either wholly or in part any such list or any such other list or notice as is hereinafter mentioned, he shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds.

(3) There shall be subjoined or annexed to every list posted under this paragraph a notice signed by the Registering Officer, which notice shall be in the English, Dutch and German languages, and shall be in substance as set forth in Annexure (B) to this Schedule.

Bijlage.

BEPALINGEN OP DE REGISTRATIE VAN KIEZERS VOOR DE VERKIEZING VAN VERKOZEN LEDEN VAN DE VERGADERING MET INBEGRIJF VAN DE OPMAKING EN DE HERZIENING VAN KIEZERSLIJSTEN EN OP DE LIJST-PLAATSEN VAN KIEZERS EN OP DE WIJZE VAN HOUDEN VAN VERKIEZINGEN VAN VERKOZEN LEDEN VAN DE VERGADERING.

DEEL I.

KWALIFIKATIES EN DISKWALIFIKATIES VAN KIEZERS

1. Elke blanke mannelijke persoon die—
- (a) gedurende twaalf maanden onmiddellijk voorafgaande aan de datum bij paragraaf 3 van deze Bijlage voor de aanvang van de voorlopige lijst bepaald, in het gebied woonachtig is geweest; en
 - (b) op die datum een-en-twintig jaar oud is of daarboven; en
 - (c) een Brits onderdaan is,
- zowel als elke mannelijke persoon die ingevolge artikel twee van Wet No. 30 van 1924, een Brits onderdaan werd genaturaliseerd ingevolge Wet No. 4 van 1910, is gerechtigd om geregistreerd te worden als een kiezer tenzij in beide gevallen hij niet daartoe gerechtigd is om een van de redenen vermeld in paragraaf 2 van deze Bijlage. Maar geen persoon is gerechtigd om op meer dan een lijst geregistreerd te worden of indien op meer dan een lijst geregistreerd om in meer dan een kiesafdeling te stemmen.

DISKWALIFIKATIES VAN KIEZERS.

2. Geen persoon is gerechtigd om aldus geregistreerd te worden indien hij—
- (1) te eniger tijd aan moord schuldig bevonden is, tenzij hij daarvoor volle gratie verkregen heeft;
 - (2) te eniger tijd aan een overtreding schuldig bevonden is en gestraft is met gevangenisstraf zonder alternatief van boete tenzij sedert zulke gevangenisstraf een tijdvak van ten minste drie jaar verlopen is vóór de datum van de aanvang van registratie of tenzij hij volle gratie verkregen heeft voor die overtreding.

DEEL II.

REGISTRATIE VAN KIEZERS. REGISTRATIEAMBTENAREN.

3. Voor het doel van het opmaken van een algemeen register van kiezers voor de eerste verkiezing van verkozen leden voor de Vergadering en voor het doel van grensbepaling van de kiesafdelingen overeenkomstig artikel twaalf van deze Wet, belast de Administrateur zo spoedig mogelijk na de afkondiging van deze Wet bij kennisgeving in de *Koerant* een behoorlijke en geschikte persoon (hierna genoemd de Registratieambtenaar) en beveelt hij hem om in en voor elk magistraatsdistrikt van het gebied een alfabetische voorlopige lijst van alle personen op te maken die gekwalificeerd zijn om als kiezers geregistreerd te worden en die *bona fide* in zulk distrikt woonachtig zijn.

Zulke kennisgeving bepaalt de datum van de aanvang van zulke lijst en de datum van de voltooiing daarvan.

Bij de uitreiking van zulke kennisgeving doet de Sekretaris voor Zuidwest-Afrika een kennisgeving in termen van aanhangsel (A) van deze Bijlage in het Engels, Hollands en Duits in de *Koerant* en in een of meer koeranten in omloop in zulk distrikt opnemen of op zulke andere wijze bekend maken als hij het geschikt mocht achten voor de doeleinden van algemene informatie.

BIZONDERHEDEN TE WORDEN OPGENOMEN IN VOORLOPIGE KIEZERSLIJST.

4. De Registratieambtenaar neemt in de gezegde lijst de naam, de woonplaats, het ambacht, de professie of het bedrijf van elke persoon op die bekend is, of op redelijke gronden door hem geloofd wordt, gerechtigd te zijn om daarin opgenomen te worden.

VOORLOPIGE LIJST EN KENNISGEVINGEN TE WORDEN AANGEPLAET IN HET OPENBAAR.

5. (1) Na afloop van de termijn door de voorzegde kennisgeving bepaald voor de voltooiing van de voorzegde lijst, is het de plicht van de Registratieambtenaar om dezelve te doen aanplakken en ophangen aan de deur van of op een in het oog vallende plaats bij zijn kantoor of woonhuis, of op een of meer andere publieke plaatsen in het distrikt waarvoor zulke lijst opgemaakt is. De gezegde lijst blijft aldus dagelijks aangeplakt of opgehangen tussen zeven uur in de morgen en vijf uur in de namiddag gedurende een tijdvak van ten minste vijf weken.

Een aanspraak door een persoon niet opgenomen in de voorlopige lijst dat zijn naam daarin opgenomen wordt, moet binnen acht en twintig dagen na de datum waarop de lijst aldus aangeplakt is gemaakt worden.

(2) Indien een persoon gedurende zulk tijdvak als voorzegd een zodanige lijst of een andere zodanige lijst of kennisgeving als hierna vermeld, opzettelijk geheel of ten dele afschurt, bedekt, uitwist of onleesbaar maakt, maakt hij zich schuldig aan een overtreding en wordt bij schuldigbevinding gestraft met een boete van ten hoogste vijftig pond.

(3) Aan elke volgens deze paragraaf opgehangen lijst wordt een door de Registratieambtenaar ondertekende kennisgeving toegevoegd of gehecht, welke kennisgeving in het Engels, Hollands en Duits moet zijn en in hoofdzaak overeenkomen moet met aanhangsel (B) van deze Bijlage.

CLAIMS AND OBJECTIONS.

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 paragraph, 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 at the time in the territory; or

(b) if the claimant is temporarily absent from the territory, 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 magisterial district 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.

(4) 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. If a claim lodged with the Registering Officer as aforesaid has been duly signed, filled in and witnessed, and if the registering officer is satisfied after due enquiry, that the claimant is qualified to be registered as a voter in the division, he shall allow the claim and include the name of the claimant in the list of allowed claims to be framed in accordance with paragraph 7. If the claim is not duly signed, filled in and witnessed, or if the Registering Officer is not satisfied that the claimant is so qualified, he shall disallow the claims and include the name of the claimant in the list of disallowed claims to be framed in accordance with the said paragraph 7.

REGISTERING OFFICER'S DUTY AFTER CLAIMS DEALT WITH.

7. As soon as possible after the latest day for the lodging of claims the Registering Officer shall frame—

(a) an alphabetical list of all claims so lodged which have been allowed by him;

(b) an alphabetical list of all claims so lodged which have been disallowed by him.

The last mentioned list shall state in each case the reason for the disallowance. The lists mentioned in (a) and (b) shall be, respectively, in the forms set forth in Annexures (D) and (E) to this Schedule.

LISTS OF ALLOWED CLAIMS AND DISALLOWED CLAIMS TO BE POSTED UP.

8. (1) The Registering Officer shall cause copies of the alphabetical lists framed under paragraph 7 to be posted or affixed in the same place or places where the provisional list framed by him was posted or affixed, and as close as possible to the said provisional list. Those three lists shall, until the close of the latest day for lodging objections, remain so posted or affixed between the hours of seven in the morning and five in the afternoon daily.

(2) Subjoined or annexed to such lists posted or affixed as aforesaid shall be a notice signed by the Registering Officer which shall be written in the English, Dutch and German languages and shall be in substance as set forth in Annexure (F) to this Schedule, and shall state the designation or name of the Revising Officer appointed, and the date, time and place on and at which the Revising Officer has notified that he will attend for the purpose of amending, revising and settling the voters' list for the magisterial district. The said date shall not be less than fourteen days after the latest day for lodging objections fixed in the notice mentioned in paragraph 5 (3). The notice shall invite persons desiring to establish claims or objections to attend personally or by agent authorized thereto in writing, at the time and place specified. The notice shall, not less than fourteen days before the date fixed for the holding of the revision court as herein provided, also be published by the Registering Officer in the *Gazette* and in some newspaper circulating in the magisterial district. Such notice shall be published as often as the Registering Officer may deem necessary.

AANSPRAKEN EN BEZWAREN.

6. (1) De vorm van aanspraak om als een kiezer geregistreerd te worden en de vorm van bezwaar tegen de naam van een persoon in de voorgedde lijst opgenomen worden gehecht aan de kennisgeving vermeld in de onmiddellijk voorgaande paragraaf en moeten in hoofdzaak overeenstemmen met aanhangsel (C) van deze Bijlage en worden ondertekend—

(i) in het geval van een aanspraak—

(a) door de aanspraakmaker zelf, indien hij te dien tijde feitelijk woonachtig is in het gebied; of

(b) indien de aanspraakmaker tijdelijk afwezig is van het gebied, door een persoon woonachtig aldaar en door zulke aanspraakmaker schriftelijk gemachtigd;

(ii) in geval van een bezwaar door de bezwaarmaker persoonlijk. Elk zulke vorm van aanspraak of bezwaar moet ondertekend worden in de tegenwoordigheid van ten minste één getuige.

(2) Elke persoon die bij de Registratieambtenaar een aanspraak indient om als een kiezer geregistreerd te worden kan zulke aanspraak in duplikaat aanbieden en de Registratieambtenaar is verplicht wanneer een aanspraak aldus aan hem aangeboden wordt om, nadat hij zich vergewist heeft dat de inhoud van het origineel en van het duplikaat gelijkloend zijn, het origineel te behouden en het duplikaat aan de persoon die het aan hem aangeboden heeft terug te geven nadat hij het eerst getekend en behoorlijk gedateerd heeft.

(3) Elke aanspraak om als een kiezer geregistreerd te worden, bij de Registratie ambtenaar ingediend ligt ter inzage van het publiek bij het kantoor of huis van de Registratieambtenaar of op zulke andere geriefelijke plaats binnen het magistratsdistrict als bekend gemaakt mocht worden door de Registratieambtenaar tussen tien uur in de morgen en vijf uur in de namiddag, behalve Zondags, gedurende het tijdvak tussen de laatste dag voor het indienen van aanspraken en de dag door de Registratieambtenaar bepaald voor het indienen van bezwaren.

(4) De Registratieambtenaar is verplicht om alle aanspraken om als kiezers geregistreerd te worden welke bij hem binnen het voorgeschreven tijdvak voor het indienen van aanspraken, hetzij zulke aanspraken per post aan hem gezonden zijn of afgeleverd of hem toegezonden zijn op enige andere wijze, te ontvangen en met hen te handelen zoals voorschreven bij deze Bijlage. Indien een aanspraak bij de registratieambtenaar als voorzaged behoorlijk ondertekend, ingevuld en door getuigen getekend ingediend is, en indien de registratieambtenaar overtuigd is na behoorlijk onderzoek, dat de aanspraakmaker bevoegd is om als kiezer in de afdeling geregistreerd te worden, laat hij de aanspraak toe en neemt de naam van de aanspraakmaker op in de lijst van toegelaten aanspraken, te worden opgemaakt overeenkomstig paragraaf zeven. Indien de aanspraak niet behoorlijk ondertekend, ingevuld en door getuigen getekend is, of indien de registratieambtenaar niet overtuigd is dat de aanspraakmaker aldus bevoegd is, dan wijst hij de aanspraak af en plaatst de naam van de aanspraakmaker op de lijst van afgewezen aanspraken, te worden opgemaakt overeenkomstig de gezegde paragraaf zeven.

PLICHT VAN REGISTRATIEAMBTENAAR NA AANSPRAKEN BEHANDELD ZIJN.

7. Zodra mogelijk na de laatste dag voor het indienen van aanspraken maakt de registratieambtenaar op:

(a) een alfabetische lijst van alle aldus ingediende aanspraken die door hem toegelaten zijn;

(b) een alfabetische lijst van alle aldus ingediende aanspraken die door hen afgewezen zijn.

De laatstvermelde lijst geeft in elk geval de reden van de afwijzing aan. De in (a) en (b) vermelde lijsten moeten in de vormen uiteengezet in aanhangsels (D) en (E) van deze Bijlage zijn.

LIJSTEN VAN TOEGELATENE AANSPRAKEN EN AFGEWEEZEN AANSPRAKEN—MOETEN OPGEHANGEN WORDEN.

8. (1) De registratieambtenaar doet kopieën van de ingevolge paragraaf zeven opgemaakte alfabetische lijsten ophangen of aanplakken op dezelfde plaats of plaatsen als de door hem opgemaakte voorlopige lijst opgehangen of aangeplakt werd, en zo dicht mogelijk bij de gezegde voorlopige lijst. Die drie lijsten blijven tot het einde van de laatste dag voor het indienen van bezwaren aldus opgehangen of aangeplakt tussen zeventien uur in de morgen en vijf uur in de namiddag van elke dag.

(2) Aan elke alzo aangeplakte of opgehangen lijst wordt een door de registratieambtenaar getekende kennisgeving toegevoegd of gehecht welke in de Engelse, Hollandse en Duitse taal geschreven moet zijn en in hoofdzaak overeenstemt met aanhangsel (F) van deze Bijlage en de aanwijzing of naam van de aangestelde revisor vermeldt en de datum, tijd en plaats wanneer en waar de revisor bekend gemaakt heeft dat hij zitten zal om de kiezerslijst voor het magistratsdistrict te wijzigen, te herzien en vast te stellen. De gezegde datum zal niet minder dan veertien dagen na de laatste dag van het indienen van bezwaren zijn vastgesteld bij de kennisgeving vermeld in paragraaf vijf (3). De kennisgeving nodigt personen die aanspraken of bezwaren wensen te doen gelden, uit om in persoon of door een daartoe schriftelijk gemachtigde ten tijde en ter plaatse vermeld te verschijnen. De kennisgeving wordt ook niet minder dan veertien dagen vóór de datum vastgesteld voor de zitting van het hof van herziening zoals hierin bepaald door de registratieambtenaar in de *Kuervant* en in een of ander nieuwsblad in omloop in het magistratsdistrict gepubliceerd. Zulke kennisgeving wordt gepubliceerd zo dikwels als de registratieambtenaar nodig mocht achten.

(3) The Registering Officer shall also give notice by letter through the post or delivered in such other manner as he may determine—

- (a) to all persons whose claims have been disallowed by him ;
- (b) to all persons who have objected in writing to the right of any person enrolled on the provisional list to be so enrolled, or to the right to be registered as a voter of any person whose name has been included in the list of claims allowed by the Registering Officer ;
- (c) to all persons who have been so objected to ;

and the Registering Officer shall, in the notice referred to in (a) state the fact of and the grounds for the disallowance, and shall in the notice referred to in (c) state the ground of objection, and shall in every notice under this sub-paragraph state the date, hour and place fixed for the holding of the revision court as hereinafter provided.

REGISTERING OFFICER'S DUTY AFTER LISTS OF ALLOWED AND DIS-ALLOWED CLAIMS POSTED UP.

9. Thereafter, the Registering Officer shall frame a complete alphabetical list, which shall be in substance in the form set forth in Annexure (C) to this Schedule, of all persons whose names have been included in the provisional list or list of allowed claims, and shall transmit to the Revising Officer appointed as in paragraph 11 is provided, such complete alphabetical list, together with a copy of the list of disallowed claims and the original claims and objections lodged with or handed in to him whether the claims have been allowed by him or not.

PRINTED FORMS OF CLAIMS AND OBJECTIONS TO BE DISTRIBUTED

10. The Secretary for South-West Africa shall, at a sufficient time before the preparation of the provisional lists as aforesaid, cause to be supplied to the Registering Officer of every magisterial district an adequate number of printed forms of claim and objection, as set forth in Annexure (C) to this Schedule ; and it shall be the duty of every Registering Officer to supply a reasonable number of such forms to any European resident of the magisterial district who applies for them.

REVISING OFFICER.

11. The Revising Officer shall be such person as the Administrator may, by notice in the *Gazette*, appoint.

DUTY OF REVISING OFFICER ON RECEIPT OF LISTS.

12. On receipt of the two lists and of the original claims and objections the Revising Officer shall post copies of the said lists and of the notice referred to in paragraph 8 (2) in some conspicuous position at or near the door of the court house of the magistrate of the district, and at such other places therein as he may deem best for purposes of general information.

PROCEEDING ON HEARING CLAIMS AND OBJECTIONS AND SETTLING LISTS.

13. 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 district for which he is appointed ; and it shall be lawful for any person whose claim has been disallowed by the Registering Officer, 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.

14. The Revising Officer may, if he thinks fit, summon before him, and examine on oath, any person whom, in the course of such inquiry, he deems 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 on any person duly summoned who, without lawful cause, refuses or neglects 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 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.

(3) De registratieambtenaar geeft ook kennis per brief door de post of bezorgt op zulke andere wijze als hij mocht bepalen—

- (a) aan alle personen wier aanspraken door hem afgewezen zijn ;
- (b) aan alle personen die schriftelijk bezwaren ingediend hebben tegen het recht van een op de voorlopige lijst geplaatste persoon om aldus daarop geplaatst te zijn of tegen het recht van een persoon wiens naam opgenomen is in de lijst van door de registratieambtenaar toegelaten aanspraken om als kiezer geregistreerd te zijn ;
- (c) aan alle personen tegen wie aldus bezwaren ingediend zijn ; en de registratieambtenaar vermeldt in de bij (a) bedoelde kennisgeving het feit van en de redenen van afwijzing en vermeldt in de bij (c) bedoelde kennisgeving de grond van het bezwaar, en vermeldt in elke kennisgeving krachtens deze paragraaf datum, uur en plaats bepaald voor het houden van het hof van herziening zoals hierin later bepaald

PLICHT VAN REGISTRATIEAMBTENAAR NA OPHANGING VAN LIJSTEN VAN TOEGELATENE EN AFGEWEEZEN AANSPRAKEN.

9. Daarna maakt de registratieambtenaar een volledige alfabetische lijst op welke lijst in hoofdzaak overeen moet komen met de vorm uiteengezet in aanhangsel (G) van deze Bijlage van alle personen wier namen opgenomen zijn in de voorlopige lijst of lijst van toegelaten aanspraken en zendt aan de revisor aangesteld zoals bij paragraaf elf bepaald is, zulke volledige alfabetische lijst tezamen met een kopie van de lijst van afgewezen aanspraken en de oorspronkelijke aanspraken en bezwaren bij hem ingediend of aan hem overhandigd hetzij de aanspraken door hem toegelaten zijn al dan niet.

GEDRUKTE VORMEN VAN AANSPRAAK EN BEZWAAR TE WORDEN VERSPREID.

10. De Sekretaris voor Zuidwest-Afrika doet een voldoende tijd vóór het opmaken van de voorlopige lijsten als voorzegg een voldoende aantal gedrukte vormen van aanspraak en bezwaar zoals voorgeschreven in Aanhangsel (C) van deze Bijlage aan de Registratieambtenaar van elk magistraatsdistrikt toekomen en iedere Registratieambtenaar is verplicht om een redelijk aantal van zulke vormen aan elke blanke inwoner van het magistraatsdistrikt die daarom aanzoek doet te verschaffen.

REVISOR.

11. De Revisor is zodanige persoon als de Administrateur bij kennisgeving in de *Koerant* mocht aanstellen.

PLICHT VAN REVISOR BIJ ONTVANGST VAN LIJSTEN.

12. Bij ontvangst van de twee lijsten en van de originele aanspraken en bezwaren hangt de Revisor exemplaren van de gezegde lijsten en de kennisgeving bedoeld bij paragraaf 8 (2) op een in het ogvallende plaats op of nabij de deur van het hofgebouw van de magistraat van het distrikt, en op zulke andere plaatsen daarin als hij het geschikt mocht achten voor de doeleinden van algemene informatie.

PROCEDURE BIJ HET VERHOREN VAN AANSPRAKEN EN BEZWAAREN EN HET VASTSTELLEN VAN LIJSTEN.

13. Op de aldus als voorzegg bekendgemaakte dag moet de Revisor aanwezig zijn op de vermelde plaats en houdt hij een hof voor de herziening van de kiezerslijst voor het distrikt waarvoor hij aangesteld is, en het is aan enige persoon wiens aanspraak door de Registratieambtenaar geweigerd is, en aan enige persoon die een schriftelijk bezwaar heeft ingediend tegen het recht van een in de lijst opgenomen persoon om aldus opgenomen te zijn, of tegen het recht van een persoon die aanspraak maakt om zijn naam als kiezer geregistreerd te hebben om aldus geregistreerd te zijn, en aan enige persoon tegen wie aldus bezwaar ingediend is veroorloofd om voor de Revisor te verschijnen die hem verhoort en, indien hij nodig acht, getuigenis onder ede afneemt.

BEVOEGDHEDEN VAN REVISOR OM GETUIGENIS AF TE NEMEN.

14. De Revisor kan indien hij zulks goed acht enige persoon, die hij in de loop van zulk onderzoek nodig acht te ondervragen, voor hem dagvaarden en onder ede ondervragen, of hij kan enige persoon die hij op redelijke grond gelooft in bezit te zijn van een dokument vereist voor het doel van zulk onderzoek dagvaarden om zulk dokument over te leggen en kan een boete opleggen van ten hoogste tien pond aan een persoon die behoorlijk gedagvaard zijnde zonder wettige redenen weigert of verzuimt te verschijnen of een zodanig dokument als voorzegg over te leggen, of op een vraag te antwoorden die van belang is bij zulk onderzoek, en hij beëlist alle zaken die voor hem gebracht worden, en herziet en wijzigt de lijst van kiezers overeenkomstig de wet. De Revisor kan zijn zitting van tijd tot tijd verdragen. De Revisor zendt al zulke boeten, als aan hem betaald worden, naar een ontvanger van inkomsten en certificeert onder zijn handtekening bijzonderheden van al zulke boeten, niet aldus betaald, aan de magistraat van het distrikt waarin het hof van herziening gehouden wordt en de magistraat verdert daarop zulke boeten in alsof zij boeten waren, opgelegd in het hof van een zodanige magistraat.

PERSON WHOSE CLAIM DISALLOWED MUST PROVE HIS QUALIFICATION.

15. Every person whose claim has been disallowed by the Registering Officer, 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.

16. If a person who has lodged a written objection with the Registering Officer 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 appears, and if the person objected to does not appear, in person, then, in case the objector or his agent (if he has appeared by an agent) makes oath that to the belief of the objector 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 enquiry on a subsequent day as appears just, giving in every case of a further enquiry notice to the person objected to of the date and place when such enquiry will be held.

COSTS.

17. 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 may tax and allow, and such costs shall be recoverable in the court of the 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 the taxed bill of costs certified under the hand of the Revising Officer.

FURTHER DUTIES AND POWERS OF REVISING OFFICER.

18. The Revising Officer shall, in revising the voters' lists in addition to the powers conferred on him by the preceding paragraphs of this Schedule, perform the duties and have the powers following:—

- (1) He shall remove the name of every person, whether objected to or not, who he is satisfied is not qualified or is disqualified under this Schedule from being registered as a voter: Provided that before removing from a list the name of any such person the Revising Officer shall cause fourteen days' notice of the proposal to remove the name and the reasons thereof to be given to him personally or left in writing at the address of such person as given on the said list.
- (2) He shall remove the name of every person, whether objected to or not, who is proved to him to be dead.
- (3) Before proceeding with an enquiry 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.

19. No person shall be registered in more than one electoral division or magisterial district. Whenever it appears to the Secretary for South-West Africa that any person is registered in more than one electoral division or magisterial district he shall cause inquiry to be made, and shall determine in which electoral division or district such person was in fact residing at the date of the commencement of the registration of voters and shall cause the name of such person to be removed from the list of voters of every electoral division or district in which it appears other than that of the electoral division or district in which he was in fact residing at the said date.

REVISING OFFICER MAY STATE CASE FOR OPINION OF A JUDGE IN CHAMBERS.

20. If the nature of any claim or objection is 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 High Court of South-West Africa to be laid before the Judge of the High Court in Chambers. The Revising Officer shall in like manner state a case for the decision of the Judge of the High Court 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.

PERSOON WIENS AANSPRAAK GEWEIGERD IS MOET ZIJN KWALIFIKATIE BEWIJZEN.

15. Elke persoon wiens aanspraak geweigerd is door de Revisor is verplicht zijn kwalifikatie te bewijzen ten genoegen van de Revisor, en indien hij niet verschijnt hetzij persoonlijk of door een speciale in geschrifte gemachtigde vertegenwoordiger dan wordt de aanspraak van zulke persoon van de hand gewezen.

WANNEER BEZWAARMAKER OF PERSOON TEGEN WIE BEZWAAR GEMAAKT IS NIET VERSCHIJNT.

16. Indien één persoon die een bezwaar in geschrifte bij de Registratieambtenaar ingediend heeft, niet persoonlijk of door een speciaal in geschrifte gemachtigde vertegenwoordiger verschijnt om zijn bezwaar te staven dan wordt zulk bezwaar zonder noodzakelijkheid van verschijning of bewijs van de kant van de persoon tegen wie bezwaar gemaakt werd, van de hand gewezen. Indien zulke bezwaarmaker verschijnt en indien de persoon tegen wie bezwaar gemaakt is niet persoonlijk verschijnt dan, ingeval de bezwaarmaker of zijn vertegenwoordiger, (indien hij door een vertegenwoordiger verschenen is), een eed aflegt dat naar het geloof van de eedaflegger zulke grond van bezwaar werkelijk bestaat kan de Revisor, na onmiddellijk onderzoek te doen naar de gronden van zulk geloof, hetzij dadelijk het bezwaar toestaan of hetzelfde van de hand wijzen of zulk verder onderzoek instellen op een latere datum als billijk mocht schijnen, in elk geval van zulk verder onderzoek kennisgevende aan de persoon tegen wie bezwaar ingediend is van de datum en plaats waar zulk onderzoek gehouden zal worden.

KOSTEN.

17. De Revisor is bevoegd, wanneer het hem goed toeschijnt zulks te doen, de bezwaarmakende persoon of de persoon tegen wie bezwaar gemaakt is, zulke redelijke kosten tegen de andere partij toe te wijzen als zulke Revisor tekoren en toestaan mocht en zulke kosten zijn invorderbaar in het hof van de Magistraat van het distrikt waarin de herziening gehouden is op dezelfde wijze als kosten in een civiele aktie in zulk hof na overlegging aan zulk hof van de getaksierde kosterekening geertifiseerd door de handtekening van de Revisor.

VERDERE PLICHTEN EN BEVOEGDHEDEN VAN REVISOR.

18. De Revisor vervult bij de herziening van de lijsten van kiezers boven en behalve de bevoegdheden aan hem verleend bij de voorafgaande paragrafen van deze Bijlage de volgende plichten en heeft de volgende bevoegdheden:—

- (1) Hij schrapt de naam van elke persoon, hetzij bezwaar is ingediend of niet, omtrent wie hij zich vergewist heeft dat hij niet gekwalificeerd is of gediskwalificeerd is ingevolge deze Bijlage, om als een kiezer geregistreerd te zijn: Met dien verstande dat voordat de Revisor de naam van zulk een persoon uit de lijst schrapt, hij veertien dagen voorafgaande kennisgeving van zijn voornemen om de naam te schrappen en de redenen daarvoor aan zulke persoon hetzij persoonlijk of in geschrifte afgeleverd bij het adres van zulke persoon zoals aangegeven in de gezegde lijst, doet toekomen.
- (2) Hij schrapt de naam van elke persoon, hetzij bezwaar is ingediend of niet, van wie aan hem bewezen wordt dat hij overleden is.
- (3) Vóór het instellen van een onderzoek naar de geldigheid van een bezwaar kan hij van de bezwaarmakende persoon verlangen om sekuriteit te stellen voor de betaling van kosten waarin hij veroordeeld mocht worden.

PERSOONEN WIESE NAMEN VOORKOMEN OP MEER DAN ÉÉN LIJST VAN KIEZERS.

19. Geen persoon wordt in meer dan één kiesafdeling of magistraatsdistrikt geregistreerd. Wanneer het aan de Sekretaris voor Zuidwest-Afrika toeschijnt dat een persoon geregistreerd is in meer dan een kiesafdeling of magistraatsdistrikt laat hij navraag doen en bepaalt in welke kiesafdeling of in welk distrikt zulke persoon werkelijk woonachtig was ten tijde van de aanvang van de registratie van kiezers, en doet hij de naam van zulke personen schrappen uit de lijst van kiezers van elke kiesafdeling of elk distrikt waarin hij voorkomt, behalve die van de kiesafdeling of het distrikt waarin hij te dien tijde werkelijk woonachtig was.

REVISOR KAN ZAAK OPSTELLEN VOOR BESLISSING VAN EEN RECHTER IN KAMERA.

20. Indien de aard van een aanspraak of bezwaar zodanig is dat de Revisor twijfelt omtrent de juiste beslissing daaromtrent te worden gegeven, is hij bevoegd een opgave van de feiten op te stellen en zulke opgave wordt ondertekend door zulke Revisor ten bewijze van de juistheid van dezelve en door hem naar de Griffier van het Hoge Hof van Zuidwest-Afrika gezonden om aan de Rechter van het Hoge Hof in Kamera voorgelegd te worden. De Revisor stelt op dezelfde wijze een zaak op voor de beslissing van de Rechter van het Hoge Hof in Kamera op het verzoek van een van de beide partijen in een aanspraak of bezwaar en zulke zaak wordt wanneer aldus opgesteld, ondertekend door de partij op wiens verzoek hij opgesteld werd alsmede door de Revisor.

PROCEDURE IN SUCH CASES.

21. Such Judge may, should the statement appear to him defective call for further information from the Revising Officer who transmitted it, and shall give such a decision as to him appears 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.

22. 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 of one of each list a certificate that the same has been revised and is correct and shall date and sign such certificate.

FINAL LISTS.

23. (1) The lists so settled, certified, dated and signed as aforesaid shall be the complete final register of voters and shall be forwarded by the Revising Officer to the Secretary for South-West Africa.

(2) As soon as the electoral divisions have been delimited under section *twelve* of this Act, the said Secretary shall cause to be made from the said final register, a roll of voters for each electoral division as so delimited. Every such roll shall be in the form set forth in Annexure (H) to this Schedule, and shall for the purposes of Part III. of this Schedule be the voters' roll for the electoral division concerned.

24. There shall be a registration of voters in every electoral division commenced not later than two years after the date of commencement of the first general registration under this Schedule, and thereafter there shall be an annual registration commenced not later than the last day of August in each year.

FRAMING OF LISTS AT SUBSEQUENT REGISTRATION OF VOTERS.

25. (1) It shall be the duty of the Registering Officer in framing the provisional list of voters at any registration of voters after the first registration made under this part of this Schedule to insert therein—

- (a) the names of all persons on the existing roll of voters for each electoral division, except the name of such persons as on the day upon which the registration of voters commences, to the best of his knowledge and belief—
- (i) are dead;
 - (ii) do not reside in the said division;
 - (iii) are subject to any disqualification;

- (b) the names of all persons not on the existing roll of voters who, to the satisfaction of the Registering Officer, are qualified to have their names inserted on the roll of voters for such electoral division.

(2) Save as in sub-paragraph (1) of this paragraph provided, all the provisions hereinbefore contained in this Schedule in relation to the preparation and revision of lists of voters, the certifying and signing of the same and the preparation of voters rolls shall *mutatis mutandis* apply in respect of every such subsequent registration of voters for the several electoral divisions as delimited under section *twelve* of this Act. The annexed forms shall be appropriately altered for the preparation and revision of voters' lists and the making of a voters' roll for an electoral division at any such subsequent registration.

POWER OF REGISTERING OFFICER TO DEMAND INFORMATION CONCERNING VOTERS FROM OFFICIALS.

26. In the performance of his duty every Registering Officer shall have the power and is hereby required to demand any information necessary 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 or enrolled as a voter. Any person who wilfully omits or refuses or unreasonably delays to give such information as he possesses and as he is asked by any Registering Officer to give shall be guilty of an offence and liable on conviction to a fine not exceeding ten pounds.

PENALTIES.

27. If any Registering or Revising Officer, or any officer employed in connection with the registration of voters is guilty of any wilful misfeasance or wilful negligence, either in commission or omission in contravention of the provisions of this Schedule, or any regulations or instructions given thereunder, he shall be guilty of an offence and liable upon conviction to a fine not exceeding fifty pounds.

PROCEDURE IN ZULKE ZAKEN.

21. Wanneer de opgave aan zulke Rechter gebrekkig toeschijnt, kan hij verdere informatie verlangen van de Revisor, die hem zond, en geeft zulk een beslissing als aan hem juist en behoorlijk voorkomt; de beslissing van zulke Rechter is finaal en afdoend en niet onderhevig aan een recht van appel of herziening en elk register van kiezers door zulk een beslissing geraakt wordt dienovereenkomstig verbeterd.

PROCEDURE DOOR REVISOR TE WORDEN GEVOLGD.

22. De Revisor geeft in alle zaken in verband met de herziening van de lijst van kiezers zijn beslissing in open hof en zet zijn paraaf nevens elke naam door hem uitgeschrapt van of door hem toegevoegd aan een lijst, en nevens elk gedeelte van een lijst waarin een fout van belang verbeterd is of een uitlating van belang ingevoegd is, en hij zet zijn handtekening op elke bladzij van de aldus vastgestelde lijst en schrijft een certificaat of doet hetzelfde schrijven aan het einde van elke lijst, dat dezelve herzien is en juist is en dateert en ondertekent zulk certificaat.

FINALE LIJSTEN.

23. (1) De aldus als voorzeggd vastgesteld, gecertificeerde, geadresseerde en ondertekende lijsten zijn het volledige finale kiezersregister en worden door de Revisor naar de Sekretaris van Zuidwest-Afrika gezonden.

(2) Zodra de grenzen van de kiesafdelingen ingevolge artikel twaalf van deze Wet bepaald zijn, doet de gezegde Sekretaris uit het gezegde finale register een kiezerslijst opmaken voor elke kiesafdeling waarvan de grenzen aldus bepaald zijn. Elke zulke lijst moet in de in Aanhangsel

(H) van deze Bijlage voorgeschreven vorm zijn en is de kiezerslijst voor de betrokken kiesafdeling voor de doeleinden van Deel III van deze Bijlage.

24. Er vindt een registratie van kiezers in elke kiesafdeling plaats niet later te worden aangevangen dan twee jaar na de datum van aanvang van de eerste algemene registratie ingevolge deze Bijlage en daarna vindt er een jaarlijkse registratie plaats niet later te worden aangevangen dan de laatste dag van Augustus in elk jaar.

HET-OPMAKEN VAN LIJSTEN BIJ VOLGENDE REGISTRATIE VAN KIEZERS.

25. (1) De Registratieambtenaar is verplicht bij het opmaken van de voorlopige lijst van kiezers bij een registratie van kiezers na de eerste registratie uitgevoerd ingevolge dit deel van deze Bijlage, daarin op te nemen—

(a) de namen van alle personen op de bestaande kiezerslijst voor elke kiesafdeling voorkomende behalve de namen van zulke personen die op de dag waarop de registratie van kiezers aanvangt naar zijn beste weten en geloof—

- (i) overleden zijn;
- (ii) niet in de gezegde afdeling woonachtig zijn;
- (iii) onderhevig zijn aan een diskwalifikatie;

(b) de namen van alle personen niet op de bestaande kiezerslijst voorkomende die ten genoegen van de Registratieambtenaar gekwalificeerd zijn om hun namen opgenomen te doen hebben in de kiezerslijst voor zulke kiesafdeling.

(2) Behalve zoals in sub-paragraaf (1) van deze paragraaf bepaald zijn alle bepalingen hierboven in deze Bijlage vervat met betrekking tot het opmaken en herzien van lijsten van kiezers, het certificeren en ondertekenen van dezelve, en het opmaken van kiezerslijsten *mutatis mutandis* van toepassing ten opzichte van elke zodanige volgende registratie van kiezers voor de onderscheidene kiesafdelingen waarvan de grenzen bepaald zijn ingevolge artikel twaalf van deze Wet. De aangehechte vormen worden dienovereenkomstig gewijzigd voor het opmaken en herzien van lijsten van kiezers en het opmaken van een kiezerslijst voor een kiesafdeling bij een zodanige volgende registratie.

BEVOEGDHEID VAN REGISTRATIEAMBTENAAR OM INFORMATIE TE VRAGEN VAN BEAMTEN BETREFFENDE KIEZERS.

26. Bij de vervulling van zijn plichten heeft elke Registratieambtenaar de bevoegdheid om, en wordt van hem bij deze verlangd, de nodige informatie te vergen om hem in staat te stellen een persoon te identificeren of om de woonplaats van een persoon uit te vinden, of of hij overleden is, of of hij gekwalificeerd of gediskwalificeerd is om geregistreerd of als een kiezer op de lijst geplaatst te worden. Hij die opzettelijk verzuimt of weigert of onredelijk vertraagt zulke informatie te geven als hij bezit en als hij door een Registratieambtenaar aangevraagd wordt te geven maakt zich schuldig aan een overtreding en wordt bij schuldigbevinding gestraft met een boete van ten hoogste tien pond.

STRAFFEN.

27. Indien een Registratieambtenaar of Revisor of een beambte dienst doende in verband met de registratie van kiezers zich schuldig maakt aan een opzettelijk vergrijp of opzettelijke nalatigheid, hetzij in het handelen of in het nalaten in strijd met de bepalingen van deze Bijlage of enige regulaties of instructies ingevolge dezelve gegeven, maakt hij zich schuldig aan een overtreding en wordt hij bij schuldigbevinding gestraft met een boete van ten hoogste vijftig pond.

OFFENCES BY OFFICERS EMPLOYED IN REGISTRATION OF VOTERS.

28. If, in the opinion of the Secretary for South-West Africa, 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 Secretary for South-West Africa 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 Administrator to declare forfeited under this paragraph the whole or any portion of the remuneration payable to such officer for services performed under the provisions of this Schedule, and the Administrator may thereupon declare the whole or part of such remuneration forfeited.

PENALTY FOR FALSE STATEMENTS IN CLAIMS.

29. Every person who makes any false statement of fact in any claim sent in by him to the Registering Officer to be registered as a voter, knowing such statement to be false, shall be guilty of an offence and liable, on conviction, to a fine not exceeding £100, or to imprisonment without the option of a fine for a period not exceeding twelve months.

OFFENCES RELATING TO PROCURING REGISTRATION.

30. Every person who by himself or any other person instigates, procures or attempts 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 magisterial district at the first registration or in or for more than one electoral division at any subsequent registration; or
 - (b) as a voter more than once in the same magisterial district at the first registration or more than once in the same electoral division at any subsequent registration; or
 - (c) knowing that he or such other person is disqualified under this Schedule 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 fraud.

VOTERS' LIST NOT INVALIDATED BY REASON OF CERTAIN OMISSIONS.

31. 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 as exempting the Registering Officer or other persons 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.

32. Anything to the contrary notwithstanding in any law relating to stamp duties, 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.

33. If, through any accident, anything required by law to be done in the preparation, transmission or revision of any voters' list or the making of a voters' roll for any electoral division is omitted to be done, the Administrator 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 provision hereinbefore contained except of paragraphs 1 and 2 or any form hereto annexed in such manner as may be necessary for the better carrying out of the provisions of this Schedule.

PART III.**ELECTION OF MEMBERS OF THE LEGISLATIVE ASSEMBLY.**

34. Part II. of this Schedule shall apply to all elections of elective members of the Legislative Assembly constituted under this Act, and any election of an elective member of such Assembly shall take place in the manner hereinafter prescribed.

NOMINATION OF CANDIDATES FOR THE LEGISLATIVE ASSEMBLY AND PROCEEDINGS THEREUPON.

35. (1) Upon a day named in a notice by the Administrator the person appointed by the Administrator in that behalf (hereinafter referred to as the Returning Officer) shall hold at a place stated in the said

OVERTREDINGEN DOOR BEAMBTEN DIENSTDOENDE BIJ DE REGISTRATIE VAN KIEZERS.

28. Indien naar het oordeel van de Sekretaris voor Zuidwest-Afrika een Registratieambtenaar of Revisor of een andere beambte dienst doende in verband met de registratie van kiezers zich schuldig gemaakt heeft aan een opzettelijke handeling of nalatigheid in strijd met de bepalingen van deze Bijlage of regulaties of instructies ingevolge deselve gegeven kan de Sekretaris voor Zuidwest-Afrika in geschrifte onder zijn handtekening nadat hij van zulke beambte verlangd heeft aan hem zulke uitlegging als hij goed mocht achten, hetzij persoonlijk of in geschrifte te verschaffen en nadat hij zulke uitlegging overwogen heeft, aan de Administrateur aanbevelen om ingevolge deze paragraaf de gehele bezoldiging of een gedeelte daarvan betaalbaar aan zulke beambte voor verrichte diensten krachtens de bepalingen van deze Bijlage verbod te verklaren en de Administrateur kan daarop de gehele bezoldiging of een gedeelte daarvan verbeurd verklaren.

STRAF VOOR VALSE OPGAVEN IN AANSPRAKEN.

29. Hij die een valse opgave van feiten doet in een aanspraak door hem bij de Registratieambtenaar ingediend om als een kiezer geregistreerd te worden welbewust dat zulke opgave vals is maakt zich schuldig aan een overtreding en wordt bij schuldig bevinding gestraft met een boete van ten hoogste honderd pond of met gevangenisstraf zonder alternatief van boete van ten hoogste twaalf maanden.

OVERTREDINGEN IN VERBAND MET DE BEWERKSTELLING VAN REGISTRATIE.

30. Hij die hetzij zelf de registratie bewerkstelligt of poogt te bewerkstelligen of deel neemt aan of een andere persoon aanzet tot de bewerkstelling van de registratie—

(i) van hemzelf of een andere persoon—

(a) als een kiezer in of voor meer dan één magistraatsdistrict bij de eerste registratie of in of voor meer dan één kiesafdeling, bij een volgende registratie, of

(b) als een kiezer meer dan eens in hetzelfde magistraatsdistrict bij de eerste registratie of meer dan eens in dezelfde kiesafdeling bij een volgende registratie, of

(c) welbewust dat hij of zulke andere persoon gediskwalificeerd is voor zulke registratie ingevolge deze Bijlage;

(ii) van een fiktieve persoon;

maakt zich schuldig aan een overtreding en wordt bij schuldigbevinding gestraft met de straffen bij de wet voorgeschreven voor bedrog.

LIJST VAN KIEZERS NIET ONGELDIG OM REDEN VAN ZEKERE VERZUIMEN.

31. Geen kiezerlijst is ongeldig omdat hij niet aangeplakt is in elke plaats en voor de volle tijd zoals hierintevoren vereist, maar geen bepaling hierin vervat heeft de bedoeling om de Registratieambtenaar of andere personen belast met de plicht van het publiceren van zulke lijst als voorzegt te vrijwaren tegen de voorgeschreven straffen voor zijn verzuim of opzettelijke nalatigheid.

SCHRIJFTELIKE VOLMACHTEN NIET ONDERHEEVIG AAN ZEGELRECHT.

32. Niettegenstaande een of andere wet op zegelrechten zijn geen zegelrechten betaalbaar op een verklaring gemaakt of een schriftelijke volmacht uitgereikt voor de doeleinden van een bepaling van deze Bijlage in verband met de registratie van kiezers of herziening van kiezerlijsten.

HERSTEL VAN VERZUIMEN.

33. Indien ten gevolge van toeval iets dat volgens de wet gedaan moest worden bij het opmaken, de overzending of herziening van kiezerlijsten of het opmaken van een kiezerlijst voor een kiesafdeling verzuimd is gedaan te worden, kan de Administrateur bevelen dat zulke stappen genomen worden als nodig mochten zijn om zulk verzuim te herstellen en hij kan van tijd tot tijd een bepaling hierin te voren vervat behalve die van paragrafen 1 en 2 of een bij deze aangehechte vorm veranderen op zulke wijze als nodig mocht zijn voor de betere uitvoering van de bepalingen van deze Bijlage.

DEEL III.

VERKIEZING VAN LEDEN VAN DE WETGEVENDE VERGADERING.

34. Deel III. van deze Bijlage vindt toepassing op alle verkiezingen van verkozen leden van de Wetgevende Vergadering ingesteld ingevolge deze Wet en een verkiezing van een verkozen lid van zulke Vergadering vindt plaats op de hierna voorgeschreven wijze.

NOMINATIE VAN KANDIDATEN VOOR DE WETGEVENDE VERGADERING EN PROCEDURE DAARBIJ.

35. (1) Op een dag bepaald bij een kennisgeving door de Administrateur houdt de door de Administrateur te dien behoeve aangestelde persoon (hierna genoemd de Kiesbeambte) op een in de gezegde kennis-

notice a public court for the nomination of persons proposed as members of the Assembly for the electoral division mentioned therein; and every such person shall be nominated by some enrolled voter for such division and such nomination shall be seconded by some other such voter.

(2) Whenever it happens that only one person is nominated as aforesaid, then the person so nominated shall be declared to be duly elected, but in case more than one person is so nominated then the Returning Officer shall announce the date fixed by the Administrator upon which a poll shall be taken for the election of a member of the electoral division concerned, 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 the close of the sitting of the nomination court the Returning Officer shall require of every person nominated as aforesaid that he deposit forthwith a sum of fifty pounds, or give such security for the said sum as the Returning Officer may deem sufficient.

(4) If a poll takes place and the total number of votes received thereat by any unsuccessful candidate is less than one-fifth of the number of votes received by the successful candidate the sum so deposited or security so given shall be forfeited or enforced (as the case may be) and the money thereby received or recovered shall be paid into the Territory Revenue Fund formed under this Act.

(5) Save as in this paragraph is provided, the sum deposited or security given as aforesaid shall be returned, or (as the case may be) not be enforced.

(6) If the sum is not deposited or security is not given as prescribed, such person shall be deemed, notwithstanding anything in this paragraph of this Schedule contained, not to be duly nominated as a candidate.

(7) At any general election of elected members of the Assembly the date of the nomination of persons proposed as members thereof shall be the same in each electoral division of the territory, and all polls shall be taken on the same day in all electoral divisions, and on a day fixed by the Administrator.

DIVISION OF ELECTORAL DIVISION INTO POLLING DISTRICTS.

36. (1) The Administrator may, by notice 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 paragraph, the Secretary for South-West Africa shall take all steps that may be necessary for the purpose of compiling from the voters' roll of the electoral division a roll of voters for each polling district, consisting of the voters of the electoral division resident in such polling district.

POLLING STATIONS.

37. For the purpose of the poll to be taken as aforesaid, there may be one polling station at a convenient place to be determined by the Administrator within each electoral division, or if an electoral division is divided into polling districts, then within each such polling district. The determination of the Administrator as to the place or the polling stations shall be notified by the Secretary for South-West Africa in the *Gazette* and in some newspaper circulating in the electoral division and in such other manner as the Administrator may prescribe.

ELECTORAL ARRANGEMENTS.

38. For all elections the Returning Officer shall provide such compartments, desks, ballot boxes, papers, stamping instruments, copies of voters' rolls, 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.

PRESIDING OFFICERS AT POLLING STATIONS.

39. 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.

CANDIDATE'S AGENTS.

40. Every candidate may, if he thinks 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.

geving vermelde plaats een publiek hof voor de nominatie van personen voorgesteld als leden van de Vergadering voor de daarin vermelde kiesafdeling en elke zodanige persoon wordt door een op de lijst geplaatste kiezer voor zulke afdeling genomineerd en zulke nominatie wordt gesecondeerd door een andere zodanige kiezer.

(2) Wanneer het gebeurt dat slechts één persoon als voorzegg genomineerd wordt dan wordt de aldus genomineerde persoon verklaard behoorlijk verkozen te zijn, maar in het geval dat meer dan één persoon genomineerd wordt dan maakt de kiesbeambte de door de Administrateur vastgestelde datum bekend waarop een stemming gehouden zal worden voor de verkiezing van een lid voor de betrokken kiesafdeling en de stemming vindt dienovereenkomstig plaats, en vangt aan om acht uur in de morgen en sluit om acht uur in de avond. De Kiesbeambte geeft dadelijk publieke kennis van zulke datum in een koerant in omloop in de kiesafdeling en op zulke in het oog vallende plaatsen in zulke afdeling als hij nodig mocht achten voor het geven van informatie omtrent zulke stemming.

(3) Vóór de sluiting van de zitting van het nominatiehof verlangt de Kiesbeambte van elke als voorzegg genomineerde persoon dat hij onmiddellijk een som van vijftig pond deponereert of zulke sekuriteit voor de gezegde som stelt als de kiesbeambte voldoende mocht achten.

(4) Indien een stemming plaats vindt en het totale aantal stemmen daarbij op een verslagen kandidaat uitgebracht minder bedraagt dan een vijfde van het aantal stemmen op de verkozen kandidaat uitgebracht wordt het aldus gedeponeerde bedrag of de aldus gestelde sekuriteit verbeurd verklaard of ingevorderd naar het geval mocht zijn en het daardoor ontvangen of ingevorderde bedrag wordt in het Inkomstfonds van het gebied krachtens deze Wet gesticht, gestort.

(5) Behalve zoals in deze paragraaf bepaald wordt het gedeponeerde bedrag of de gestelde sekuriteit als voorzegg teruggegeven of naar het geval mocht zijn niet ingevorderd.

(6) Indien het bedrag niet gedeponereerd wordt of de sekuriteit niet gesteld wordt als voorzegg wordt zulke persoon, niettegenstaande de bepalingen van deze paragraaf van deze Bijlage, gesocht niet behoorlijk als een kandidaat genomineerd te zijn.

(7) Bij een algemene verkiezing van verkozen leden van de Vergadering is de datum van de nominatie van als leden daarvan voorgestelde personen dezelfde in elke kiesafdeling van het gebied en alle stemmingen vinden in elke kiesafdeling op dezelfde dag plaats en op een dag vastgesteld door de Administrateur.

VERDELING VAN KIESAFDELING IN STEM-DISTRIKTEN.

36. (1) De Administrateur kan bij kennisgeving in de *Koerant* een kiesafdeling in zoveel stemdistrikten verdelen als hij nodig mocht achten voor de betere uitvoering van de bepalingen van dit deel van deze Bijlage en hij kan op dergelijke wijze van tijd tot tijd en met een dergelijk doel het aantal van zulke distrikten vermeerderen of verminderen of de grenzen daarvan veranderen of wijzigen.

(2) Wanneer een kiesafdeling verdeeld is in stemdistrikten of een vermeerdering, vermindering, verandering of wijziging van zulke distrikten plaats gevonden heeft ingevolge de bevoegdheden van deze paragraaf neemt de Sekretaris voor Zuidwest-Afrika alle stappen welke nodig mochten zijn voor het opmaken uit de kiezerslijst van de kiesafdeling van een kiezerslijst voor elk stemdistrikt bestaande uit de kiezers van de kiesafdeling woonachtig in zulk stemdistrikt.

STEMBUREAUX.

37. Voor het doel van het plaatsvinden van de stemming als voorzegg, kan er één stembureau zijn op een geriefelijke plaats in elke kiesafdeling te worden bepaald door de Administrateur of, indien een kiesafdeling verdeeld is in stemdistrikten dan in elk zulk stemdistrikt. De bepaling van de Administrateur ten opzichte van de plaats of de stembureaux wordt door de Sekretaris voor Zuidwest-Afrika in de *Koerant* en in een of andere koerant in omloop in de kiesafdeling en op zulke andere wijze als de Administrateur mocht voorschrijven bekend gemaakt.

VERKIEZINGS REGELINGEN.

38. Voor alle verkiezingen maakt de Kiesbeambte voorziening voor zulke kompartimenten, schrijftafels, stembussen, papier, stempels, exemplaren van de kiezerslijst en andere dingen, stelt voorzittende ambtenaars en stembeambten aan, en doet zulke andere handelingen en dingen en treft zulke regelingen als hij mocht wenselijk achten om de stemming te vergemakkelijken ten einde de verkiezing op doelmatige wijze te doen plaats vinden.

VOORZITTENDE AMBTENAAR BIJ STEM-BUREAUX.

39. De voorzittende ambtenaar en andere beambten van het stembureau bewaren de orde aldaar, regelen het aantal kiezers te gelijker tijd te worden toegelaten en sluiten alle andere personen, behalve de Kiesbeambte, de klerken, de agenten van de kandidaten en de konstabels op dienst, uit.

AGENTEN VAN KANDIDAAT.

40. Elk kandidaat kan indien hem zulks goedgeeft in geschrifte onder zijn handtekening een persoon aanstellen om hem te vertegenwoordigen bij het stembureau om toe te zien dat het stemmen behoorlijk plaatsvindt en kan ook in geschrifte een agent aanstellen om hem te vertegenwoordigen bij het tellen van de stemmen door de Kiesbeambte.

PLACE WHERE VOTE IS TO BE RECORDED.

41. No person whose name is not inserted in the voters' roll for an electoral division shall be permitted to vote in such division for any member of the 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 enrolled as a voter, save as in this paragraph provided: Provided that the voters' roll of the electoral division 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 signs a declaration in a form to be prescribed by the Administrator and notified by the Secretary for South-West Africa 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.

42. 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 either of them, and no other—

- (1) Are you the person whose name appears as A.B. on the voters' roll in this division?
- (2) Have you already voted at this election in this or any other electoral division?

No person who refuses to answer any such question or who does 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.

43. Any person who makes a false answer to any of the questions set out in the last preceding paragraph, knowing the answer to be false shall be liable, on conviction, to a fine not exceeding fifty pounds.

VOTES TO BE GIVEN BY EACH VOTER.

44. Every voter shall be entitled to give at any election only one vote for any one candidate.

MANNER OF VOTING.

45. 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 paragraph 41 of this Schedule is provided, ascertain that the person coming to vote is a person enrolled upon the voters' roll 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 roll 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 shall further indicate by a mark on the voters' roll that he has handed a ballot paper to the voter. Every ballot paper shall be in the form from time to time prescribed by the Administrator and notified by the Secretary for South-West Africa 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 recognisable, then such voting paper shall be considered blank and not taken into account.

PLAATS WAAR STEM UITGEBRACHT MOET WORDEN.

41. Aan geen persoon wiens naam niet voorkomt in de kiezerslijst voor een kiesafdeling wordt veroorloofd in zulke afdeling te stemmen voor een lid van de Vergadering noch wordt aan een persoon veroorloofd zijn stem elders uit te brengen dan bij het stembureau van zulke afdeling of indien zulke afdeling verdeeld is in stemdistrikten, elders dan bij het stembureau van zulk stemdistrikt waarvoor hij op de lijst geplaatst is als een kiezer behalve zoals in deze paragraaf bepaald: Met dien verstande dat de kiezerslijst van de kiesafdeling voor alle doeleinden geacht en genomen wordt afdoend bewijs te zijn van het recht om te stemmen in zulke kiesafdeling of stemdistrikt van elke persoon wiens naam daarin voorkomt: Met dien verstande voorts dat indien een kiesafdeling verdeeld is in stemdistrikten, het aan zulke persoon veroorloofd is om bij een stembureau in de kiesafdeling waarvoor hij geregistreerd is, niet zijnde het stembureau van het stemdistrikt waarvoor hij geregistreerd is, te stemmen, indien hij voordat hij stemt een verklaring aflegt en ondertekent in een vorm te worden voorgeschreven door de Administrateur en te worden bekend gemaakt door de Sekretaris voor Zuidwest-Afrika in de *Koerant*. Al zulke verklaringen kunnen afgenomen worden door de voorzittende ambtenaar van het stembureau waar zulke persoon wenst te stemmen en worden door hem bewaard en naar de Kiesbeambte gezonden en zijn ter inzage van het publiek op alle redelijke tijden. Geen zegelrecht is betaalbaar op zulke verklaring.

ONDERZOEK NAAR RECHT OM TE STEMMEN.

42. Geen onderzoek wordt ingesteld bij een verkiezing naar het recht van een persoon om te stemmen behalve dat de voorzittende ambtenaar zelf op het verzoek van de agent van een kandidaat, aan een kiezer de volgende vragen, of een of andere van hen, maar geen andere, kan stellen:—

- (1) Zijt gij de persoon wiens naam voorkomt als A.B. op de kiezerslijst in deze afdeling?
- (2) Hebt gij reeds bij deze verkiezing in deze of een andere kiesafdeling gestemd?

Aan geen persoon die op zulke vraag weigert te antwoorden of die de eerste van zulke vragen niet bevestigend beantwoordt en de tweede van zulke vragen niet volstrekt ontkennend beantwoordt wordt veroorloofd te stemmen.

STRAF VOOR VALSE ANTWOORDEN.

43. Hij die een vals antwoord op een van de vragen voorgeschreven in de onmiddellijk voorafgaande paragraaf geeft welbewust dat hij vals is maakt zich schuldig aan een overtreding en wordt bij schuldigbevinding gestraft met een boete van ten hoogste vijftig pond.

STEMMEN TE WORDEN UITGEBRACHT DOOR ELKE KIEZER.

44. Elke kiezer is gerechtigd om bij een verkiezing niet meer dan één stem uit te brengen op één van de kandidaten.

WIJZE VAN STEMMEN.

45. Het stemmen bij alle verkiezingen gehouden ingevolge deze Bijlage geschiedt bij stembriefje, en vindt plaats in hoofzaak en zoveel mogelijk overeenkomstig de hierna voorgeschreven wijze:—

- (i) De voorzittende ambtenaar van het stembureau vergewist zich, behalve zoals in paragraaf 41 van deze Bijlage bepaald is, dat de persoon die zijn stem uit wil brengen een persoon is die op de kiezerslijst geplaatst is voor de kiesafdeling of het stemdistrikt, waarin de stemming plaats vindt en na zich vergewist te hebben dat zulke persoon aldus op de lijst geplaatst is en van zijn nummer op zulke lijst, schrijft zijn nummer op het tegenblad in het stembriefjeboek en scheurt daarop het stembriefje passend aan zulk tegenblad uit, en na hetzelfde gestempeld te hebben met een perforerende stempel, voor dat doel verschaft, overhandigt hij het aan de kiezer en merkt voorts met een merk op de kiezerslijst aan dat hij een stembriefje aan de kiezer overhandigd heeft. Elk stembriefje moet in de vorm zijn van tijd tot tijd door de Administrateur voorgeschreven en door de Sekretaris voor Zuidwest-Afrika in de *Koerant* bekend gemaakt.
- (ii) Wanneer de kiezer zulk stembriefje, waarop in alfabetische orde de namen van al de behoorlijk genomineerde kandidaten voor zulk een verkiezing gedrukt staan, ontvangt, neemt hij hetzelfde naar het kompartiment en de schrijftafel voor dat doel verschaft en duidt de kandidaat, voor wie hij wenst te stemmen, aan door in het geheim een kruisje te plaatsen tegenover de naam van zulke kandidaat. Hij vouwt daarop het stembriefje op zodat het geperforeerde merk zichtbaar is, en na het stembriefje op zulke wijze opgehouden te hebben dat de voorzittende ambtenaar het geperforeerde merk kan herkennen steekt hij het stembriefje in de stembus die voor de voorzittende ambtenaar geplaatst is.
- (iii) Indien de kiezer hetzij zijn naam tekent op het stembriefje of een merk maakt of een woord daarop schrijft waardoor zijn stembriefje herkenbaar zou worden, dan wordt zulk stembriefje als ongevuld beschouwd en wordt niet geteld.

SPOILED BALLOT PAPERS.

46. 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.

47. 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 any 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 paragraph 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.

48. 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 "Tendered ballot paper") shall not be put in the ballot box, but shall be given to the Presiding Officer and endorsed 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, ETC.

49. 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 entrusted 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 voters' roll 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 entrusted 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.

50. 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 Assembly for the electoral division in which the poll was held. In the event of the number of votes being found to be equal and such equality affecting the result of the election the Returning Officer shall by lot immediately determine the result of the election and on such determination shall forthwith declare the successful candidate to be duly elected as aforesaid. Any such declaration made by the Returning Officer under this paragraph shall be final, subject to reversal on petition to the High Court of South-West Africa that such declaration be set aside.

WHAT BALLOT PAPERS SHALL BE REJECTED.

51. 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.

52. The Returning Officer shall endorse "rejected" on any ballot paper which he may reject as invalid, and shall add to the endorsement

BEDORVEN STEM BRIEFJES.

46. Indien een kiezer bij ongeluk een stembriefje bederft, kan hij het aan de voorzittende ambtenaar teruggeven die, indien hij overtuigd is van zulk ongeluk hem een ander briefje geeft en het bedorven briefje bewaart en het bedorven stembriefje wordt onmiddellijk gekanseleerd en het feit van zulke kanselatie aangekend op het tegenblad.

KIEZERS ONBEKWAAM TEN GEVOLGE VAN BLINDEHEID OF ANDERE LICHAAMELIKE GEBREKEN.

47. De voorzittende ambtenaar doet, op verzoek van een kiezer die niet kan lezen of die onbekwaam is ten gevolge van blindheid of ander lichamelik gebrek om op de wijze bij deze Bijlage voorgeschreven te stemmen, in de tegenwoordigheid van zulke agenten van de kandidaten, als tegenwoordig mochten zijn, de stem van zulke kiezer op een stembriefje merken op de wijze als aangeduid door zulke kiezer, en het stembriefje in de stembus plaatsen, en de naam en het nummer op het kiezersregister van elke persoon wiens stem gemerkt is ingevolge deze paragraaf en de reden waarom het aldus gemerkt is worden aangekend op een lijst hiernagenoemd "Lijst van stemmen gemerkt door de voorzittende ambtenaar".

AANGEBODEN STEM BRIEFJES.

48. Indien een persoon, voorgevende een bepaalde kiezer te zijn, om een stembriefje aan te bieden doet nadat een andere persoon in zijn naam getemd heeft, is de aanvrager gerechtigd na behoorlijk de vragen, toegestaan in deze Bijlage om aan kiezers gevraagd te worden ten tijde van de stemming, beantwoord te hebben, een stembriefje te merken op dezelfde wijze als een andere kiezer, maar het stembriefje (hiernagenoemd een Aangeboden stembriefje) wordt niet in de stembus gestoken maar wordt aan de voorzittende ambtenaar overhandigd en door hem geïndosseerd met de naam van de kiezer en zijn nummer op het kiezersregister en ter zijde gezet in een apart pakket en wordt niet geteld door de Kiesbeambte; en de naam van de kiezer en zijn nummer op het voorgedragte register worden op een lijst geplaatst hiernagenoemd de "Lijst van aangeboden stemmen."

VERZEGELING VAN STEMBUSSEN, ENZ.

49. Elke voorzittende ambtenaar maakt zo spoedig mogelijk na het sluiten van de stemming in de tegenwoordigheid van zulke van de voorgedragte agenten, als tegenwoordig mochten zijn, in aparte pakketten verzegeld met zijn eigen zegel en de zegels van zulke voorgedragte agenten als wensen hun zegels daarop te plaatsen, op—

- (1) elke stembus aan hem toevertrouwd ongeopend maar met de sleutel daaraan vast gemaakt;
- (2) de ongebruikte en bedorven stembriefjes bij elkaar geplaatst;
- (3) de aangeboden stembriefjes;
- (4) de gemerkte exemplaren van de kiezerslijst en de tegenbladen van de stembriefjes;
- (5) de "lijst van aangeboden stemmen" en "de lijst van stemmen gemerkt door de voorzittende ambtenaar" en een opgave van het aantal kiezers wier stemmen aldus door de voorzittende ambtenaar gemerkt zijn onder het hoofd "lichamelike onbekwaamheid";

en levert zulke pakketten aan de Kiesbeambte af.

De pakketten worden verzegeld door een verklaring van elke voorzittende ambtenaar aantonende het aantal stembriefjes aan hem toevertrouwd en daarvan rekenschap gevende onder de hoofden van stembriefjes in de stembus, ongebruikte, bedorven en aangeboden stembriefjes.

VERKLARING VAN STEMMING.

50. Na ontvangst van de voorgedragte pakketten van zulke voorzittende ambtenaar door de Kiesbeambte, neemt de laatstgenoemde ze onder zijn beheer en opent de stembussen in de tegenwoordigheid van zulke voorgedragte agenten, als tegenwoordig mogen zijn, en vergewist zich van het resultaat van de stemming door de stemmen te tellen op elke kandidaat uitgebracht en verklaart onmiddellijk de kandidaat, die het grootste aantal stemmen heeft, behoorlijk verkozen te zijn als een lid van de Vergadering voor de kiesafdeling waarin de stemming plaats vond. In het geval dat het aantal stemmen gelijk bevonden wordt te zijn, en zulke gelijkheid invloed heeft op de uitslag van de verkiezing bepaalt de kiesbeambte onmiddellijk door het lot wie verkozen is en na zulk bepaling verklaart hij onmiddellijk de verkozen kandidaat behoorlijk verkozen te zijn als voorgedragt. Een zodanige verklaring van de kiesbeambte krachtens deze paragraaf is final, behoudens nietigverklaring op petitie aan het Hoge Hof van Zuidwest-Afrika voor de terzijdezetting van zulke verklaring.

WELKE STEM BRIEFJES AFGEKEURD WORDEN.

51. De kiesbeambte keurt af en telt geen stembriefjes die—

- (1) niet het officiële merk dragen;
- (2) stemmen geven aan meer dan één kandidaat;
- (3) een schrijven of merk dragen waardoor een kiezer geïdentificeerd kan worden op andere wijze dan bij deze Bijlage voorgeschreven wordt;
- (4) niet gemerkt zijn of ongeldig zijn wegens onzekerheid.

HET MERKEN VAN AFGEKEURDE STEM BRIEFJES.

52. De kiesbeambte merkt op het stembriefje dat hij als ongeldig afkeurt "afgekeurd", en voegt aan de aantekening toe "bezwaar

"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.

53. 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 resal after examination each of the sealed packets received by him from the Presiding Officer. 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 Secretary for South-West Africa 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.

54. No such sealed packet as aforesaid shall be opened during the period of six months except by order of the High Court of South-West Africa or a Judge thereof; and if any person contrary to the provisions of this Schedule wilfully breaks the seal or opens any such packet, he shall be guilty of an offence and liable, on conviction, to a fine not exceeding fifty pounds.

IMMATERIAL MISTAKES NOT TO AFFECT VALIDITY OF ELECTION.

55. 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 SECRETARY FOR SOUTH-WEST AFRICA.

56. As soon as the Returning Officer has declared a candidate to be duly elected a member of the Assembly for an electoral division, he shall, without delay, transmit to the Secretary for South-West Africa the name of the person declared duly elected, and the number of votes received by the respective candidates.

NAMES OF MEMBERS TO BE PUBLISHED.

57. As soon as the Secretary for South-West Africa has received from the several Returning Officers throughout the territory the names of the persons declared duly elected for the several electoral divisions as members of the 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.

58. When, and as often as a vacancy occurs by death, resignation, or other cause in the representation of elective members in the Assembly the Administrator shall, as soon as he is duly informed of such vacancy, and the cause or causes thereof, by notice 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 filling such vacancy; and the like proceedings shall *mutatis mutandis* take place in regard to elections for filling vacancies as are hereinbefore prescribed in regard to other elections under this Schedule.

PROCEDURE UPON ANY GENERAL ELECTION BY DISSOLUTION.

59. Whenever there is a general election of the elective members of the Assembly then the like notice or notices *mutatis mutandis* shall be issued by the Administrator 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.

PROVISIONS IN CASE SAME PERSON ELECTED FOR MORE THAN ONE ELECTORAL DIVISION.

60. In case the same person has been declared duly elected for more than one electoral division, such person shall be bound, upon being thereto required by the Administrator and within a period specified by him not being less than one week, to decide which electoral division he will represent. Upon such decision the Administrator shall, by notice in the *Gazette*, command the Returning Officer of any other electoral division for which such person has been returned to proceed to the election of another person in the place 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 fails to make his decision as aforesaid when thereto required, then

tegen afkeuring" indien een bewaar inderdaad gemaakt wordt door of ten behoeve van een kandidaat tegen zijn beslissing.

VERZEGELING VAN PAPIEREN DOOR KIESBEAMTTE.

53. Onmiddellijk na de verklaring van de stemming pakt de kiesbeambte de getelde en afgekeurde stembriefjes in afzonderlijke pakketten op. Hij opent geen verzegeld pakket van aangeboden stembriefjes of gemerkt exemplaar van de kiezerslijst en tegenbladen maar herzegelt in de tegenwoordigheid van de kandidaten of zulke agenten als voorzegt als tegenwoordig mochten zijn, nadat hij ze nagezien heeft, elk van de verzegelde pakketten door hem van de voorzittende ambtenaar ontvangen. Al de voorzegde pakketten tezamen met een certificaat vermeldende de naam van het lid dat verklaard is verkozen te zijn worden tezamen in één verzegeld pakket ingepakt en aan de Sekretaris voor Zuidwest-Afrika overhandigd die zulk verzegeld pakket gedurende zes maanden bewaart en na de afloop daarvan kunnen het gezegde pakket en alle papieren daarin bevat vernietigd worden.

VERZEGELDE PAPIEREN MOSTEN ONGEHOEFD BLIJVEN.

54. Gedurende het gezegde tijdvak van zes maanden wordt geen zulk verzegeld pakket als voorzegt geopend tenzij op bevel van het Hoge Hof van Zuidwest-Afrika of een Rechter daarvan en indien een persoon in strijd met de bepalingen van deze Bijlage opzettelijk het zegel verbreekt of een zodanig pakket opent, maakt hij zich schuldig aan een overtreding en wordt bij schuldigbevinding gestraft met een boete van ten hoogste vijftig pond.

ONBELANGRIJKE FOUTEN HEBBEN GEEN INVLOED OP GELDIGHEID VAN VERKIEZING.

55. Geen verkiezing wordt ongeldig verklaard op grond van een fout of niet-nakoming van de bepalingen van deze Bijlage, indien het aan het hof dat de zaak verhoort voorkomt dat de verkiezing gehouden werd overeenkomstig de beginselen in deze Bijlage neergelegd en dat zodanige fout of niet-nakoming geen invloed had op het resultaat van de verkiezing.

KIESBEAMTTE ZENDT NAMEN VAN VERKOZEN PERSONEN NAAR DE SEKRETARIS VOOR ZUIDWEST-AFRIKA.

56. Zodra de kiesbeambte een kandidaat verklaard heeft behoorlijk verkozen te zijn als lid van de Vergadering voor een kiesafdeling zendt hij, zonder verzuim, de naam van de behoorlijk verkozen verklaarde persoon en het aantal stemmen uitgebracht op de respektieve kandidaten naar de Sekretaris voor Zuidwest-Afrika.

NAMEN VAN LEDEN TE WORDEN GEPUBLICEERD.

57. Zodra de Sekretaris voor Zuidwest-Afrika van de onderscheidene Kiesbeambten van het gehele gebied de namen van de behoorlijk verkozen verklaarde personen voor de onderscheidene kiesafdelingen als leden van de Vergadering ontvangen heeft, doet hij bij kennisgeving in de *Koerant* de namen van de verkozen leden publiceren tezamen met de kiesafdelingen die zij onderscheidenlijk vertegenwoordigen.

HOR VAKATURES GEVULD WORDEN.

58. Wanneer en zo dikwels als een vakature voorkomt ten gevolge van overlijden, bedanking of andere reden in de vertegenwoordiging van verkozen leden in de Vergadering, beveelt de Administrateur zodra hij behoorlijk in kennis gesteld is met zulke vakature en de oorzaken daarvan, bij kennisgeving in de *Koerant* op gelijke wijze *mutatis mutandis* als hierboven neergelegd is in verband met andere verkiezingen ingevolge deze Bijlage een nieuwe verkiezing ter vulling van zulke vakature; en dezelfde procedure vindt *mutatis mutandis* plaats ten opzichte van verkiezingen ter vulling van vakatures als hierboven voorgeschreven is ten opzichte van andere verkiezingen ingevolge deze Bijlage.

PROCEDURE BIJ EEN ALGEMENE VERKIEZING NA ONTBINDING.

59. Wanneer er een algemene verkiezing van de verkozen leden van de Vergadering plaats vindt dan wordt een dergelijke kennisgeving of worden dergelijke kennisgevingen *mutatis mutandis* door de Administrateur uitgereikt en wordt dezelfde procedure *mutatis mutandis* gevolgd ten opzichte van zulk een verkiezing als hierin te voren voorgeschreven is ten opzichte van andere verkiezingen ingevolge deze Bijlage.

BEPALINGEN IN GEVAL DEZELFDE PERSOON VERKOZEN WORDT VOOR MEER DAN EEN KIESAFDELING.

60. In geval dezelfde persoon verklaard wordt behoorlijk verkozen te zijn voor meer dan één kiesafdeling is zulke persoon verplicht, na daartoe door de Administrateur aangezoekt te zijn en binnen een tijdvak door hem bepaald, niet zijnde minder dan een week, te beslissen welke kiesafdeling hij vertegenwoordigen wil. Na zulke beslissing beveelt de Administrateur bij kennisgeving in de *Koerant* aan de Kiesbeambte van een andere kiesafdeling waarvoor zulke persoon verkozen is om over te gaan tot de verkiezing van een andere persoon in de plaats van de persoon oorspronkelijk aldus verkozen, en daarop vindt een dergelijke procedure plaats als hierboven voorgeschreven is ten opzichte van de oorspronkelijke verkiezing; en indien zulke persoon verzuimt zijn beslissing als voorzegt te nemen wanneer daartoe aangezoekt, dan wordt

his election for every electoral division for which he has been elected shall be deemed to be null and void; and by notice in the *Gazette* as aforesaid a new election for a member in place of such person shall be commanded in regard to every such division.

ELECTORAL EXPENSES : ILLEGAL AND CORRUPT PRACTICES : HEARING OF ELECTION PETITIONS.

61. The provisions of sections *sixty-two* to *sixty-six* inclusive and of Chapters III. to VI. inclusive of the Electoral Act, 1918 of the Union of South Africa as amended from time to time or as modified by this paragraph or by the Governor-General by proclamation in the *Government Gazette* as in this paragraph provided shall *mutatis mutandis* apply in respect of elections under this Schedule, and such provisions shall be deemed to be incorporated herein and are hereby declared to be of full force and effect within the territory: Provided that the trial of every election petition shall take place before the High Court which, for that purpose, shall consist of the Judge thereof and two magistrates, selected by him: Provided further that the Governor-General may by proclamation in the *Government Gazette* modify any provision of Chapter III. of the said Act as amended in regard to election expenses or modify or declare inapplicable any provision of any of those Chapters, if it appears to him that such a provision is unsuited to the circumstances of the territory.

POWER TO MAKE REGULATIONS AND GIVE INSTRUCTIONS.

62. The Administrator may from time to time make, alter or repeal regulations, and give instructions 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 Secretary for South-West Africa.

63. In this Schedule "*Gazette*" means the *Official Gazette* of the territory, and "electoral division" means an electoral division as delimited under section *twelve* of this Act.

ANNEXURE (A).

FORM OF NOTICE UNDER PARAGRAPH THREE.

Notice is hereby given to the inhabitants of the Magisterial District of that the Registering Officer will now commence, in accordance with the provisions of paragraph 3 of the Schedule annexed to the South-West Africa Constitution Act 1925, to make out in and for that magisterial district 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 this district are those named at the foot hereof.

Dated this day of 192..

(Signed)
Secretary for South-West Africa.

ANNEXURE (B).

NOTICES TO BE SUBJOINED OR ANNEXED TO PROVISIONAL LIST OF VOTERS AND POSTED UNDER PARAGRAPH FIVE.

NOTICE OF CLAIMS AND OBJECTIONS.

Magisterial District of

Notice is hereby given that if any person whose name is not inserted in the above list claims to have his name inserted therein, then any such claimant may, at any time before the day of 192.. 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 objects to the enrolment of any other person whose name is included in the above List or who may claim to be so included, then every such objector may lodge his objection with the undersigned at the said address on or before the day of 192.., which objection, shall be in substance in the form annexed to this Notice, in order that such objection may be considered and dealt with as the law directs.

zijn verkiezing voor elke kiesafdeling waarvoor hij verkozen werd geacht van nul en geen waarde te zijn en wordt bij kennisgeving in de *Koerant* als voorgezegt een nieuwe verkiezing voor een lid in plaats van zulke persoon bevolen ten opzichte van elke zodanige afdeling.

**VERKIEZINGSKOSTEN: ONWETTIGE EN KWADE PRATIJKEN:
VERHOOR VAN VERKIEZINGSPETITIES.**

61. De bepalingen van artikels twee en zestig tot en met zes en zeventig en van Hoofdstuk III. tot en met VI. van de Kieswet, 1918, van de Unie van Zuid-Afrika zoals van tijd tot tijd gewijzigd of zoals gewijzigd door deze paragraaf of door de Gouverneur-generaal bij proklamatie in de *Staatkoerant* als in deze paragraaf bepaald zijn *mutatis mutandis* toepasselijk ten opzichte van verkiezingen ingevolge deze Bijlage en zulke bepalingen worden geacht hierbij ingelijfd te zijn en worden bij deze verklaard in het gebied van volle kracht en effect te zijn: Met dien verstande dat de berechting van elke verkiezingspetitie geschiedt voor het Hogehof dat voor dat doel samengesteld wordt door de rechter daarvan en twee magistraten door hem gekozen: Met dien verstande voorts dat de Gouverneur-generaal bij proklamatie in de *Staatkoerant* enige bepaling van Hoofdstuk III. van genoemde Wet als gewijzigd met betrekking tot verkiezingskosten kan wijzigen of enige bepaling van een van die Hoofdstukken kan wijzigen of ontoepasselijk verklaren wanneer het hem voorkomt dat zulk een bepaling niet geschikt is voor de omstandigheden van het gebied.

BEVOEGDHEID OM REGULATIES TE MAKEN EN INSTRUKTIES TE GEVEN

62. De Administrateur kan van tijd tot tijd regulaties maken, wijzigen of herroepen en instrukties geven niet in strijd met de bepalingen van deze Bijlage voor de betere verwezenlijking van de doeleinden en oogmerken hiervan en al zulke regulaties worden bekend gemaakt in de *Koerant* door de Sekretaris voor Zuidwest-Afrika.

63. In deze Bijlage wordt onder "*Koerant*" de *Officiële Koerant* van het gebied verstaan, en onder "kiesafdeling" een kiesafdeling waarvan de grenzen ingevolge artikel twaalf van deze Wet bepaald zijn.

AANHANGSEL (A).

VORM VAN KENNISGEVING INGEVOLGE PARAGRAAF DRIE.

Bij deze wordt kennis gegeven aan de inwoners van het magistraats-district..... dat de Registratieambtenaar nu zal aanvangen overeenkomstig de bepalingen van paragraaf 3 van de Bijlage tot de Zuidwest-Afrika Konstitutie Wet, 1925 om in en voor dat magistraatsdistrict een voorlopige lijst op te maken van alle personen gerechtigd om bij verkiezingen van leden voor de Wetgevende Vergadering te stemmen.

Teneinde de lijst zo volledig mogelijk te maken en gevaar te voorkomen van uitsluiting van gekwalificeerde personen uit de lijst worden alle personen die aanspraak maken gerechtigd te zijn om hun namen op de gezegde lijst geplaatst te hebben uitgenodigd om hun aanspraken naar de respektieve Registratieambtenaren te zenden of zich te vergewissen dat hun namen op de voorlopige lijst geplaatst zijn op of vóór de datum vastgesteld voor de voltooiing van zulke lijst.

De Registratieambtenaren voor dit district zijn die wier namen aan het einde hiervan geplaatst zijn.

Gedateerd deze.....dag van.....192..

(Getekend).....

Sekretaris voor Zuidwest-Afrika.

AANHANGSEL (B).

**KENNISGEVINGEN TE WORDEN TOEGEVOEGD OF AANGEHECHT AAN
VOORLOPIGE LIJST VAN KIEZERS EN AANGEPLAKT INGEVOLGE
PARAGRAAF VIJF.**

KENNISGEVING VAN AANSPRAKEN EN BEZWAAREN.

Magistraatsdistrict.....

Bij deze wordt kennis gegeven dat indien een persoon wiens naam niet op de bovenstaande lijst voorkomt aanspraak maakt om zijn naam daarin opgenomen te hebben dan kan zulke aanspraakmaker te eniger tijd vóór de.....dag van.....192.. bij de Registratieambtenaar te.....hetzij door toezending per post of op een andere wijze zijn aanspraak om als een kiezer geregistreerd te worden (welke aanspraak in geschrifte moet wezen en in hoofdzaak in de vorm aan deze kennisgeving gehecht) indienen zodat zulke aanspraak overwogen kan worden en daarmee gehandeld kan worden zoals de wet beveelt.

En indien een persoon bezwaar maakt tegen de opdelijstplaatsing van een andere persoon wiens naam op de voormelde lijst voorkomt of die aanspraak maakt om aldus opgenomen te worden dan kan elke zodanige bezwaarmaker zijn bezwaar bij de ondergetokende bij het gezegde adres op of vóór de.....dag van.....192..indienen, welk bezwaar in hoofdzaak in de vorm aan deze kennisgeving gehecht moet zijn zodat zulk bezwaar overwogen kan worden en daarmee gehandeld kan worden zoals de wet beveelt.

Blank Forms of Claim and of Objection may be obtained upon application to the undersigned.

.....
Registering Officer.

Dated this.....day of.....192..

ANNEXURE (C).

CLAIM TO BE REGISTERED AS A VOTER.

..... Magisterial District
of.....

Name in full.	Claim to be a British subject.	Age.	Period of residence in the Territory showing dates thereof.	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 Voter.

To the Registering Officer appointed to make out the List of Voters in the Magisterial District of

Please take notice that I object to enrolment of..... whose name is or has claimed to be included in the Provisional List of Voters in the above magisterial district, 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.....192..

(Signed).....
of (here state place of residence).

As witness :

ANNEXURE (D).

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 magisterial district for the Election of Members of the Legislative Assembly whose claims have been allowed.
Dated this.....day of.....192..

(Signed).....
Registering Officer.

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

ANNEXURE (E).

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 magisterial district for the Election of

Open vormen van aanspraak- of bezwaarvormen kunnen op aanzoek bij de ondergetekende verkregen worden.

.....
Registratieambtenaar.

Gedateerd deze.....dag van.....192..

AANHANGSEL (C).

AANSPRAAK OM ALS KIEZER GEREGISTREERD TE WORDEN.

Magistraatsdistrikt.....

Volle naam.	Aanspraak Brits onderdaan te zijn.	Ouderdom	Tijdvak van woning in het gebied aantoonende de datums daarvan.	Tegenwoordige woonplaats en postadres.	Professie, ambacht, beroep of andere beschrijving.

Ik de ondergetekende verklaar bij deze dat naar mijn beste geloof en weten de bovenvermelde bijzonderheden juist zijn.

Handtekening van Aanspraakmaker.....
Postadres van Aanspraakmaker.....
Datum.....

Als Getuige:
Handtekening van Getuige.....
Postadres van Getuige.....

VORM VAN BEZWAAR TEGEN REGISTRATIE VAN KIEZER.

Aan de Registratieambtenaar aangesteld om de lijsten van kiezers in het magistraatsdistrikt.....op te maken.
Gelieve kennis te nemen dat ik bezwaar maak tegen de opdelijst-plaatsing van.....wiens naam voorkomt of die aanspraak gemaakt heeft om opgenomen te worden in de voorlopige lijst van kiezers in het bovenvermelde magistraatsdistrikt en dat ik mijn bezwaar zal staven ten tijde voor dat doel door de wet bepaald—de grond van mijn bezwaar zijnde (vermeld de grond van bezwaar).

Gedateerd de.....dag van.....192....
(Getekend).....
van (geef op woonplaats).

Als Getuige:
.....

AANHANGSEL (D).

Magistraatsdistrikt.....
Lijst van personen niet opgenomen in de voorlopige kiezerslijst alreeds opgemaakt en aangeplakt die hun aanspraken ingediend hebben om op de kiezerslijst in het bovengenoemde magistraatsdistrikt geplaatst te worden voor de verkiezing van leden van de Wetgevende Vergadering wiens aanspraken toegestaan zijn.

Gedateerd deze.....dag van.....192....
(Getekend).....
Registratieambtenaar.

Volle naam.	Ouderdom.	Woonplaats en postadres.	Beroep, Bedrijf, Professie of andere beschrijving.

AANHANGSEL (E).

Magistraatsdistrikt.....
Lijst van personen niet opgenomen in de voorlopige lijst van kiezers alreeds opgemaakt en aangeplakt die hun aanspraken ingediend hebben om op de lijst van kiezers in het bovengenoemde magistraatsdistrikt

Members of the Legislative Assembly, whose claims have been disallowed.

Dated this day of 192...

(Signed)
Registering Officer.

Name in full.	Age.	Residence and Postal Address.	Occupation, Trade, Profession or other description.	Reason for disallowance of claim.

ANNEXURE (F).

NOTICE TO BE ANNEXED TO LIST OF ALLOWED CLAIMS AND LIST OF DISSALLOWED CLAIMS.

Magisterial District of
 REGISTERING OFFICER'S NOTICE OF REVISING OFFICER'S COURT.
 Notice is hereby given that the Revising Officer.....
 will attend at..... on the..... day of.....
 192..... at..... o'clock a.m., for the purpose of amending,
 revising, and settling the Voters' List for the Magisterial District of

All persons whose claims have been disallowed by the Registering Officer, and all persons who have objected in writing to the right of any person enrolled on the said Provisional List to be so enrolled, 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 at the time and place aforesaid for the purposes of establishing their said claims or objections. All claimants and objectors must appear either personally or by an agent authorized thereto in writing.

Dated at....., the..... day of..... 192..

Registering Officer.

ANNEXURE (G).

List of persons appearing to be qualified to vote at the Election of Members of the Legislative Assembly in the Magisterial District of

Dated this..... day of..... 192...

(Signed)
Registering Officer.

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

ANNEXURE (H).

Voters' Roll of persons registered in the Electoral Division of as qualified to vote in that division for the Election of an Elective Member of the Legislative Assembly.

Dated this..... day of..... 192...

(Signed)

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

geplaatst te worden voor de verkiezing van leden van de Wetgevende Vergadering wiens aanspraken afgewezen zijn.

Gedateerd deze dag van 192..

(Getekend).....
Registratieambtenaar.

Volle Naam.	Ouderdom.	Woonplaats en Postadres.	Beroep, Bedrijf, Professie of andere beschrijving.	Redenen voor afwijzing van aanspraak.

AANHANGSEL (F).

KENNISGEVING TE WORDEN GEHECHT AAN LIJST VAN TOEGESTANE AANSPRAKEN EN LIJST VAN AFGEWEEZEN AANSPRAKEN.
Magistraatsdistrikt.....

KENNISGEVING VAN REGISTRATIEAMBTENAAR VAN HOF VAN REVISOR.
Kennis wordt bij deze gegeven dat de Revisor om uur v.m. op de dag van 19... te zal wezen met het doel de lijst van kiezers van het Magistraatsdistrikt..... te wijzigen, te herzien en vast te stellen.

Alle personen wier aanspraken door de Registratieambtenaar afgewezen zijn en alle personen die schriftelijk bezwaar gemaakt hebben tegen het recht van een persoon op de lijst geplaatst in de gezegde voorlopige lijst om aldus op de lijst geplaatst te zijn of tegen het recht van een persoon die aanspraak maakt zijn naam als een kiezer geregistreerd te hebben om aldus geregistreerd te zijn en alle personen tegen wie aldus bezwaar gemaakt is kunnen voor de Revisor op de voormelde tijd en plaats verschijnen met het doel om hun gezegde aanspraken of bezwaren te staven. Alle aanspraakmakers en bezwaarmakers moeten hetzij persoonlijk of door een daartoe in geschrifte gemachtigde vertegenwoordiger verschijnen.

Gedateerd te op de dag van 19....
Registratieambtenaar.

AANHANGSEL (G).

Lijst van personen die blijken gekwalificeerd te zijn om te stemmen bij de verkiezing van leden van de Wetgevende Vergadering in het Magistraatsdistrikt.....

Gedateerd deze dag van 192....

(Getekend).....
Registratieambtenaar.

Volle naam.	Woonplaats en postadres.	Beroep, Bedrijf, Professie, of andere beschrijving.

AANHANGSEL (H).

Kieseralijst van personen geregistreerd in de kiesafdeling..... gekwalificeerd om in die afdeling te stemmen bij de verkiezing van een verkozen lid van de Wetgevende Vergadering.

Gedateerd deze dag van 192....

(Getekend).....

Volle naam.	Woonplaats en postadres.	Beroep, Bedrijf, Professie of andere beschrijving.

UNION OF SOUTH AFRICA.

REPORT

9

OF THE

Government of the Union of South Africa

ON

SOUTH-WEST AFRICA

FOR THE

V642,8r

YEAR 1926.

*Presented to both Houses of Parliament by Command of His Excellency
the Governor-General.*

Price 5s.

CAPE TOWN:
CAPE TIMES LIMITED.
1927.

[U.G. 22-'27.]

Cost of Printing $\begin{matrix} \text{£} & \text{s.} & \text{d.} \\ 146 & 12 & 0 \end{matrix}$
(including blocks)

B.16/180317.1075.4.27.
C.T. Ltd.—B.4558

Prime Minister's Office,
Cape Town,
6th May, 1927.

Sir,—

In compliance with Article 6 of the Mandate, I have the honour, on behalf of the Government of the Union of South Africa, to present a Report to the Council of the League of Nations on the Administration of South-West Africa for the year 1926.

The Annual Report of the Resident Commissioner of the Bechuanaland Protectorate for the same period in regard to the Administration of the "Caprivi Zipfel" is contained in Annexure "B" hereto.

I have the honour to be,
Sir,
Your obedient servant,

J. B. M. HERTZOG,
Prime Minister.

The Secretary-General
of the League of Nations,
Geneva.

UNION OF SOUTH AFRICA.

Report of the Administrator of South-West Africa for the Year 1926.

Office of the Administrator,
Windhoek, 8th April, 1927.

The Right Honourable the Prime Minister
of the Union of South Africa.

Sir,—I have the honour to present a report on the Administration of South-West Africa
for the year 1926, under the following heads :—

SECTION.	PAGE.
1. Legislation	1
2. Administration	3
3. Public Finance	14
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"A." Replies to certain observations of the Permanent Mandates Commission arising out of the examination of the Annual Report for 1925 .. .	96
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I have the honour to be,
Sir,
Your obedient servant,

(Signed) A. J. WERTH,
Administrator.

I. LEGISLATION.

Para. 1. The following legislation was passed during the year :—

A. BY THE UNION PARLIAMENT.

Act No. 13, Section 3 provides for the apprehension in the Territory of fugitive offenders from any British Colony or Protectorate south of the equator and for the removal in custody back to the colony or protectorate whence they came provided that the Governor-General by Proclamation in the *Union Government Gazette* and in the *Official Gazette* of South-West Africa declares that there is reciprocal legislation in such colony or protectorate.

Tanganyika is deemed to be a British protectorate within the meaning of this section.
[U.G. 22—'27.]

Section 4 provides for the extension of extradition treaties between the British Government and the Governments of foreign states to South-West Africa.

Section 3 is in force in respect of British Bechuanaland which has introduced reciprocal legislation.

No foreign treaties were extended to the Territory under Section 4 during 1926, but the extradition treaty recently entered into between Great Britain and Czecho-Slovakia will apply.

Act No. 18 makes provision as to British nationality in the Union and as to the naturalisation of aliens and their status within the Union. For the purposes of this Act South-West Africa is deemed to be part of the Union. The whole Act will be embodied in the volume of laws of South-West Africa, 1926, which will in due course be transmitted to the League of Nations and it is therefore unnecessary to recapitulate its provisions here. The Act and the Regulations framed thereunder will also be found in the *Official Gazette* of South-West Africa, No. 219, dated 1st October, 1926, page 2886.

Act No. 22 applies the Union Mental Disorders Act of 1916, to South-West Africa as from a date to be fixed by the Governor-General by Proclamation in the *Gazette*. The date was fixed by the Governor-General's Proclamation No. 152 of 1926, as the 28th June, 1926. This measure was necessary to enable the removal of patients to mental institutions in the Union, there being none in the mandated territory.

Act No. 34 amends the customs tariff and excise duties imposed under Act No. 36 of 1925. Copies of this law have already been forwarded to the League.

B. PROCLAMATIONS BY THE GOVERNOR-GENERAL.

Proclamation No. 57 constituted the Executive Committee and Advisory Council under the South-West Africa Constitution Act No. 42 of 1925.

Proclamation No. 152 fixed the date of the coming into operation of the Union Mental Disorders Act in the Territory.

Proclamations Nos. 164, 165, 170 and 171 imposed dumping duties and sales dumping duties on rubber heels imported from the United States of America and Canada.

Proclamation No. 209 imposed additional customs duty on certain sugars.

Proclamation No. 233 imposed dumping duty on cement imported from Denmark, Italy and Canada.

Proclamation No. 261 imposed an additional duty on full cream sweetened condensed milk.

Proclamation No. 324 imposed a dumping duty and a sales dumping duty on wheelbarrows from the United States of America and Canada.

C. PROCLAMATIONS PASSED BY THE ADMINISTRATOR *Prior* TO THE CONSTITUTION OF THE ADVISORY COUNCIL UNDER SECTION 7 OF THE ACT NO. 42 OF 1925.

By Proclamation No. 1 a periodical Court was established at Ariamsvlei in the District of Warmbad and the local limits of the Court defined.

Proclamation No. 2 prolongs the existence of the Advisory Council established under the provisions of the Advisory Council Proclamation, 1921.

Proclamation No. 3 provides for the settlement of differences by arbitration.

Proclamation No. 4 provides for the formation of a Territory Revenue fund from 1st April, 1926.

Proclamation No. 5 fixes the date of the election of elective members of the Legislative Assembly.

Proclamation No. 6 declares the 15th day of June, 1926, as the day upon which the first sitting of the first session of the Legislative Assembly shall take place.

Proclamation No. 7 makes provision for the establishment of a periodical court at Witvley in the District of Gobabis and defines the local limits of the Court.

Proclamation No. 8 alters the area of jurisdiction of the Periodical Court at Steinhausen in the District of Gobabis.

Proclamation No. 9 prorogues the Legislative Assembly to the 1st October, 1926.

PROCLAMATIONS PASSED BY THE ADMINISTRATOR *After* THE CONSTITUTION OF THE ADVISORY COUNCIL UNDER SECTION 7 OF ACT NO. 42 OF 1925.

Proclamation No. 10 amends the mining laws in force in the Territory.

Proclamation No. 11 amends the interpretation of Laws Proclamation No. 37 of 1920.

Proclamation No. 12 makes provision for the fencing of areas set aside as native reserves.

Proclamation No. 13 provides for the sub-division of commonages assigned to Small Settlements established in the Territory and for the conditions of the allocation of such sub-division.

By Proclamations Nos. 14 and 15 the mining concessions of the South-West Africa Company, Limited, and the Otavi Minen und Eisenbahn Gesellschaft, respectively, are extended for a period of five years from 17th November, 1926.

Proclamation No. 16 amends and consolidates the law relating to public education.

Proclamation No. 17 further prorogues the Legislative Assembly.

Proclamation No. 18 further amends the Diamond Industry Protection Proclamation No. 26 of 1922.

Proclamation No. 19 extends the mining concession of the Koko-Land-und Minen Gesellschaft for a period of five years from the 17th November, 1926.

Proclamation No. 20 amends the law relating to the trial and punishment by Superior Courts of crimes and offences.

Proclamation No. 21 further prorogues the Legislative Assembly.

Proclamation No. 22 extends the Wheel Tax Ordinance No. 6 of 1926, subject to certain modifications, to natives.

By Proclamation No. 23 the Dairy Industry Ordinance No. 2 of 1926 was applied to the Rehoboth Gebiet.

Proclamation No. 24 empowers Magistrates' Courts to be held at any place or places within the limits of jurisdiction of such courts.

D. ORDINANCES PASSED BY THE LEGISLATIVE ASSEMBLY.

Ordinance No. 1 regulates the receipt, custody and issue of public moneys and provides for the audit of the accounts thereof.

Ordinance No. 2 provides for the registration of dairy premises and the owners and occupiers thereof, for making of dairy produce and the registration of marks thereon, and generally for the regulation of the dairy industry.

Ordinance No. 3 amends the law relating to the construction, maintenance and control of roads, and the establishment of outspans.

The most important amendments are :—

- (a) As from the 1st April, 1927, members of the Roads Boards shall be elected by registered owners of landed property situated within the area of jurisdiction of the Board. Hitherto members of Boards have been nominated by the Administrator.
- (b) Amendment of the procedure to be followed in connection with the opening, closing or deviation of roads.
- (c) The Administration now contributes 75 per cent. of the cost of constructing or maintaining main roads instead of 50 per cent. as hitherto.
- (d) The Roads Boards may reserve roads for motor or particular kinds of traffic.

Ordinance No. 4 appropriates the necessary funds for the service of the Territory during the financial year ending the 31st March, 1927.

Ordinance No. 5 introduces measures for the suppression of the circulation of and traffic in indecent or obscene publications.

Ordinance No. 6 provides for the imposition of a wheel tax on the owners of vehicles, the annual rate being 7s. 6d. per wheel. No tax is payable in respect of vehicles owned by the Government, the Railways and Harbours Administration, or any local authority, vehicles held by manufacturers or dealers bona fide for the purpose of sale or exhibition and vehicles used by the owners thereof exclusively on land of which they are the owners or occupiers, provided that such vehicles are not used on any public road.

The taxes received under this Ordinance are to be paid to the Roads Boards and local authorities for the maintenance of the roads within their jurisdiction.

Ordinance No. 7 defines the powers and privileges of the Legislative Assembly.

Ordinance No. 8 amends the Village Management Boards Proclamation No. 2 of 1925 by giving the Administrator power to authorise Village Management Boards to deal with streets, roads, etc., in their respective area of jurisdiction.

Ordinance No. 9 provides for the licensing of motor vehicles and the licensing of drivers of motor vehicles. It repeals the pre-existing tax in this connection in Proclamation No. 11 of 1919.

II. ADMINISTRATION.

Para. 2. Mr. G. R. Hofmeyr, who had held office as Administrator for five and a half years, retired on the 31st March, 1926, and was succeeded by Mr. A. J. Werth (Member of the Legislative Assembly of the Union of South Africa representing the electoral division of Kroonstad) who assumed duty on the 1st April, 1926. Mr. H. Drew, Native Commissioner, was transferred to the Union on promotion, and was succeeded by Mr. T. Edwards, an officer who had served for many years in the Union Native Affairs Department and subsequently as a Magistrate in the Union Department of Justice.

[U.G. 22—'27.]

CONSTITUTION.

Para. 3. The number of persons registered on the voters' roll was 6,093. The roll showed a slight majority in favour of the Union section of the community.

The Delimitation Commission appointed under Section 12 of the South-West Africa Constitution Act No. 42 of 1925, completed its labours in March. The delimitation presented some difficulty owing to the uneven distribution of the voters, and many of the electoral divisions embraced more than one magisterial district or portions of various magisterial districts. The elections for the Legislative Assembly were held on the 25th May, 1926, and notwithstanding their slight minority of voters, the German section succeeded in capturing seven of the twelve elective seats. This was due to the distribution of the voters of the Union and German sections, the former being preponderant in the south and the latter in the north of the territory. Both sections conducted their election campaigns on the most amicable lines and a notable feature was the entire absence of racial feeling. In most cases an understanding was arrived at with regard to the contesting of a seat, and one section left the field clear to members of the other section to contest. In only five divisions did the Union and German sections put up opposing candidates and one of these withdrew at the last moment. The divisions were Gobabis, Keetmanshoop, Okahandja, Omaruru and Swakopmund. Two seats, Kolmanskuppe and Luderitzbucht, were not contested at all. The following shows the electoral divisions, the number of voters in each and the successful candidates :—

Electoral Division.	No. of Voters.	Name of Person elected.
1. Gibeon	509	Cornelis Johannes Frederik Grobler (Union).
2. Gobabis	487	Frederik Jacobus Jooste (Un'on).
3. Grootfontein	467	Friedrich Wilhelm Kegel (German).
4. Keetmanshoop	542	Barend Jacobus Espach (Union).
5. Kolmanskuppe	454	Wilhelm Heinrich Fischer (German).
6. Luderitz	434	Hans Bruno Karl Hirsekorn (German).
7. Okahandja	509	Albert Voigts (German).
8. Omaruru	517	Carl Friedrich Theodor Westenfeld (German).
9. Swakopmund	537	Robert Richard Rudolf Blank (German).
10. Warmbad	527	Christiaan Hieronymus Oberholzer (Union).
11. Windhoek (Central)	562	Peter Muller (German).
12. Windhoek District	548	Diederik William Ferdinand Egbertus Ballot (Union).

The following gentlemen were nominated under sub-section (2) of Section 13 of the Constitution as members of the Legislative Assembly :—

- (1) Izak Jacobus Johannes Buys (Union).
- (2) George Curtis (Union).
- (3) Johannes Gerhardus de Wet (Union).
- (4) Paul Guhr (German).
- (5) August Stauch (German).
- (6) Cornelius Jacobus van Tonder (Union).

The representation of the two sections of the European community thus became equal.

The Assembly was formally opened by the Administrator on the 15th June, 1926. Lieut.-Col. Curtis was elected as Chairman of the Assembly, and the following members were elected as members of the Executive Committee :—

- (1) D. W. F. Ballot.
- (2) F. J. Jooste.
- (3) F. W. Kegel.
- (4) A. Voigts.

The Assembly then adjourned till the 6th July, 1926, and the session lasted from that date until the 30th July, 1926.

It was decided not to keep a ~~Hand~~ record, but copies of the Votes and Proceedings have been forwarded to the Librarian of the League of Nations.

Throughout the session both parties evinced a splendid spirit of co-operation, which augurs well for the future of the territory. In terms of Section 7 of the Constitution, the members of the Executive Committee are also members of the Advisory Council.

The following gentlemen were nominated as members of the latter body by the Administrator :—

- (1) Arnold Schad.
- (2) Max Otzen.
- (3) Charles Nicolson Manning, Magistrate of Rehoboth.

The lastmentioned was appointed on account of his wide experience of native affairs and also on account of his official position as Magistrate of the Rehoboth District.

The constitutional position of the Bastard community has not yet been settled; the powers of the Raad are vested in the Magistrate, and it was therefore considered desirable that there should be somebody on the Advisory Council who appreciated the views and the problems of the community.

The Executive Committee and Advisory Council meet monthly at Windhoek.

REHOBOTH BASTARDS.

Para. 4. The report of the Hon. Mr. Justice de Villiers upon the matters referred to him for inquiry (see para. 8 of the Annual Report for 1925) has been handed to the Prime Minister and is at present being printed. It will shortly be placed before the Government for consideration, and a decision will be come to upon the various recommendations therein contained.

Many of the Rehoboth community complain of hard times and of their inability to earn money by means of transport, etc., as in days gone by. They apparently cannot realise that modern transport has to a large extent replaced the older means of conveyance even in South-West Africa. They complain that they have had to part with a good deal of stock in order to live.

There is certainly a good deal of poverty amongst them and many of them depend largely on what they receive from natives in payment for grazing and squatting on their farms. The natives, however, are being moved out of the Gebiet and sent to reserves as rapidly as possible, and those members of the Rehoboth community who are dependent on them will no doubt feel the resultant pinch.

Some landowners state that the reason why they do not make better use of their farms is the absence of permanent water thereon. There is a measure of truth in this, but the fact remains that where they have been compelled to sell stock to live, the more thrifty native squatting on the same farm has thrived and has accumulated quantities of stock.

Unfortunately the majority of the men are inherently lazy and improvident, and they make a practice of getting into debt whenever possible, either because they are too lazy to work and earn the ready cash or because of a desire to gratify wants which, through habit or tradition, are supposed to be necessary to their status. They are reluctant to leave the Gebiet to seek any sort of employment elsewhere, though the country is crying out for labour. Credit will, of course, always be given as long as the debtor owns stock or other security which can be seized in case of non-payment. This, as a rule, is not forthcoming, and the inevitable day of reckoning comes in the form of civil proceedings, and the original debt is substantially increased by interest and civil costs.

In passing it may be remarked that the desirability of reviving the old German Ordinance which, while not actually prohibiting the giving of credit to natives and coloured persons, precluded recourse to the courts to recover debts so incurred, is at present under consideration.

Since the powers of the Raad were vested in the Magistrates one of the chief causes of internal strife and waste of time, viz., almost daily meetings by the leaders of the opposing parties, summoning of burghers for supposed public duties, and all the show of self-government has been removed. Except for one or two agitators, the people are settling down better, and it is hoped this will lead to economic improvement.

The chaotic state of the community's finances, which was an even worse feature from an economic point of view, has also been remedied. All collections were squandered in most irregular fashion and the communal fund showed a large deficit. There is, however, a balance now and the establishment of a proper system of dealing with the finances has gone a long way to restore the confidence of the members of the community and should ultimately improve the economic position.

Some of the better-class Bastard farmers have improved their stock, built dams, erected windmills over boreholes and constructed dipping tanks.

NEUTRAL ZONE.

Para. 5. The question was enquired into by a joint commission appointed by the Union and Portuguese Governments, and the latter Government's contention that the southern line of the Zone is the true boundary between the territory and Angola was found to be correct. The agreement in this connection was signed at Cape Town on the 22nd June, 1926.

A joint commission is to be appointed to demarcate the boundary as defined by the agreement. It is expected that the necessary survey will be commenced about June or July of the current year.

Pending demarcation of the boundary, the neutral zone is to be maintained and treated as such for all the purposes for which it was created. The Portuguese Government has agreed that all natives at present in the Zone who desire to come over to the mandated territory when the change is effected, may do so freely.

[U.G. 22—27.]

An agreement supplementary to the boundary agreement was concluded by the commission, which defined the rights of the two Governments to water from the Kunene River. The question was one of cardinal importance to the territory as the Kunene River above the Rua Cana Falls is Portuguese territory. From time immemorial portions of Ovamboland have periodically been inundated by the flood waters of the Kunene River overflowing its banks at various points in Portuguese territory, but by the silting up of the inlets of some of the natural channels of these waters into Ovamboland the volume of such overflow has greatly decreased and will cease entirely in time if the silting process continues. It is vital to the health and comfort if not to the very existence of the native tribes in Ovamboland to ensure that these natural channels shall remain open. The Portuguese Government therefore consented to the Union Government undertaking works for the purpose of restoring to the mandated territory the benefits of inundation it previously enjoyed.

A joint commission has been appointed to devise means of supplying water for the purpose of inundation and irrigation in the mandated territory and with that object in view, *inter alia*, to—

- (a) report on the feasibility of diverting the water of the Kunene River;
- (b) fix the point or points for such diversion;
- (c) design the necessary diversion works and canals;
- (d) estimate the cost of construction and maintenance of such works; and
- (e) submit proposals regarding the operation and maintenance of the works after construction.

The commission will commence its labours on the 1st June next.

The cost of construction and maintenance for any works for inundation and irrigation purposes in the mandated territory shall be borne by the Administration.

No charge is to be made for water diverted for the purpose of providing means of subsistence for the native tribes in the territory, but should it be desired to utilise a portion of the water for any other purposes being for purposes of gain, three months' written notice of such intention must be given to the Portuguese Government, which shall be entitled to payment of such compensation for the water used or may be mutually agreed upon.

The agreement also provides for the division of the water to be used for the generation of hydraulic power in the mandated territory. A dam or barrage for this purpose may be constructed by either government at a distance of not more than three kilometers above the Rua Cana Falls.

If either government wishes to construct such works it must give two years' written notice to the other government, which must within that period signify its intention to share in the construction, in which case plans and estimates must be approved and the construction technically and financially supervised by both governments and the cost of the works equally divided. If the other government does not signify its intention of participating in the scheme the government which gave the notice shall in consultation with the other government be entitled to construct the necessary works and must bear the cost thereof. The other government may, however, at any time by giving ten years' previous notice and, upon payment of half the cost of construction as agreed upon at the time of completion of the works, acquire the right to share in the scheme to the extent of one-half of the water in the river.

The government which constructs the works shall be entitled to the use of all the water in the river until such time as the other government shares in the scheme.

No hydraulic works on the Kunene or Okavango Rivers, except those at the Rua Cana Falls, may, where these rivers form the boundary between the mandated territory and Angola, be constructed by either government without the previous consent of the other government having been obtained.

ECONOMIC CONDITIONS.

Para. 6. Generally the rainfall during the usual rainy season—February and March—was considerably below normal, but a few districts, Gobabis particularly, enjoyed late rains which gave those areas good veld and plenty of water to carry them through. In the other districts there was a shortage of veld and water and stock suffered considerably, but no severe losses were sustained.

In the south the position was aggravated by the influx of farmers who temporarily brought in large quantities of stock from the drought-stricken and north-western districts of the Cape Province.

The central and northern districts, however, are well bushed and almost every bush and shrub is not only edible but is also nourishing and of high fodder value so that even when grass fails the stock have this wonderful standby to fall back on. In these districts the trouble was more a shortage of water than of food. Stock maintained its condition, but the agricultural farmers suffered, all crops failing.

Fortunately the locusts seem to have disappeared, and nowhere during the year was there any considerable infestation. The year closed with splendid rains in the Northern and Central districts, which in response immediately shed their drought-stricken appearance and were transformed into veritable flower gardens. If promise is fulfilled this season should be an excellent one. In those parts where agriculture is possible extensive sowing has taken place and good crops are looked forward to.

Para. 7. The position in the different districts as reflected in the Magistrates' reports is .

Aroab.—The rainfall was practically nil. Not a single crop of mealies or wheat was reaped. Many farmers lost numbers of stock. Few stock dealers visited the district. Price of large stock averaged from £3 to £3 10s. per head. Nevertheless the financial position of the district is sound. There were no insolvencies during the year. Twenty motor cars were purchased. There are few natives or coloured people in the district. They are mostly of mixed descent and are law-abiding and respectful. Most of the natives are employed as herds. Many own stock, which they are permitted to graze on the farms of their masters. There is a scarcity of labour.

Bethanie.—The drought was severe. Farmers were unable to dispose of their stock. Considerable numbers of stock died from disease, principally gallamsiekte. There are few natives in the district—mostly Hottentots—who are peaceful but lethargic, and 80 per cent. of the farmers are always looking for labour.

Gibeon.—Very little rain fell. Stock, however, remained in good condition and towards close of year sheep fetched 17s. 6d. each and fair-sized oxen £5 10s. to £7 10s. a piece. The revenue for the year showed a substantial increase on that for the preceding year. The supply of native labour is inadequate.

Gobabis.—Little damage was done by locusts, but the rains at the commencement of the year were inadequate and the grain crop was a complete failure. The situation was, however, relieved by rains in April, May and June. The creamery at Dordabis has greatly benefited the farmers, who can now rely on a monthly income from their cream.

Considerable agricultural development has taken place on the Verenigde Nossob. The public revenue for the year was £7,820 15s. 11d. as compared with £4,322 for the previous year. Towards the close of the year there was a big demand for slaughter stock. The supply of native labour is inadequate. The average monthly wage is from 10s. to £1 plus rations and free grazing for stock, but this seems to be insufficient to attract labourers.

Grootfontein.—As a result of the drought at the commencement of the year no crops were reaped and throughout the cattle market was disappointing. The farmers were carried through by savings from the previous year. The development of the Abenab Mine also relieved the situation as it provided employment and a market for farm produce.

The Magistrate is of opinion that the majority of the farmers in the district are backward in their methods. They still assess their stocks on the prices which obtained in 1914. They are doing little to improve the quality of the herds. Winter feeding of cattle and rearing of calves by hand seems to be unknown.

The production of cream is steadily increasing, but until the cattle are graded up and better methods are adopted the dairy industry is not likely to be an important factor in the district. Towards the close of the year good rains fell and the farmers ploughed and sowed extensively.

The property market has recovered and the prices offered for land would have seemed absurdly high a year or two ago.

The district offers possibilities for intensive agriculture and recently the South West Land and Settlement Company (a German Company) purchased eleven farms representing an aggregate area of 50,000 hectares with the intention of placing German settlers thereon. The price paid was 6s. 9d. per hectare.

Revenue collections for the year exceed those of the previous year by £3,000.

In proportion to the population the amount spent on liquor in the district is large. The amount spent during 1926 is estimated at £25,000. The European population is 1,600.

In Grootfontein as elsewhere there is a shortage of native labour though there it is not so acute.

Karibib.—Rich deposits of gold have been discovered at Chuos Berg just on the border; and the propositions are being operated from Karibib. Tin mining is progressing favourably. Extensive bat guano deposits are being investigated. A Capetown firm is negotiating for the marble quarries which have been closed for some time, so there is a prospect of these being re-opened. The drought has been severe and has

caused serious losses of stock amongst the natives, but good rains falling towards the close of the year relieved the position.

The shortage of labour on the farms is more pronounced than ever. This is due to the ever-increasing demand arising out of mining development in the district. Mine labourers are paid much higher wages than farm labourers. On the whole conditions in the district indicate a steady improvement. There was a good market for stock and produce.

Keetmanshoop.—Less than 2 inches of rain fell during the year. Nevertheless stock remained in good condition but on account of the drought gallsamsiekte was bad and caused severe losses in stock.

The stock market was good and a large number of stock was exported from the districts. The wool industry, though in its infancy, is making steady progress and about 3,000 merino sheep were imported into the district from the Union during the year.

Practically all surveyed farms in the district have been allotted.

The financial position of the farmers is sound. Drilling for oil is proceeding. The first hole bored had to be abandoned as it was crooked. The present hole, however, is now 600 feet deep and the Company's report is very optimistic.

Towards the latter part of the year gold was reported to have been discovered about 40 miles from Keetmanshoop and several claims were pegged. The assay of samples is stated to be high.

The natives are peaceful and law-abiding but there is a shortage of labour.

Luderitzbucht.—The district is almost entirely a diamond mining one, the only farming prosecuted being in the vicinity of Aus. There are no native reserves in the district.

The year was more prosperous than any previous year. The local merchants' businesses showed a turnover of £514,250 as compared with £453,659 the previous year. Apart from mining the principal local industry is crayfish canning.

Maltahöhe.—Trade was stagnant. The drought was severe and continuous and the district has not recovered from the effects of the locust invasion of the previous year. Grazing is difficult to obtain and stock is in poor condition. Considerable losses were sustained through gallsamsiekte. There are no native reserves in the district and farm labour is very scarce. The district is well suited to karakul and merino sheep and farming in these classes of stock is expanding. Horses also thrive well.

Okahandja.—The rainfall was below normal; nevertheless the economic position of the district has improved. The principal factor retarding more rapid advancement is shortage of native labour. There were, however, a number of enquiries for farms.

No insolvencies occurred in the district. Motors are replacing animal transport; good prices are realised for cattle, one consignment fetching £10 a piece. The Liebig Company is extending its meat extract works. During the year 6,028 cattle were slaughtered. This plant offers an outlet for native and scrub cattle.

Some of the natives in the Ovitoto Reserve suffered rather heavy losses of stock. This was mainly due to their own folly. On account of the drought they asked for permission to move their stock to certain farms and their request could not be granted, but two farms near the Reserve upon which there was good grazing and water were placed at their disposal. Some of them obstinately rejected the offer, their attitude being that if they could not have what they asked for they would have nothing at all. They suffered, but those natives who moved saved their flocks. Many farmers are constructing dams.

Omaruru.—Very little rain fell but pasturage and water lasted. Generally there was a marked improvement in the economic position. The creamery erected by the Imperial Cold Storage has been of great assistance to the district, and stockowners were sure of a regular income from their cream.

The quantity of butter produced was 287,849 lbs., valued at £15,453 9s. 7d.

The main pursuit is stock farming. Agricultural farming is negligible. Stock increased substantially. The mining position shows a decided improvement. There is greater activity in prospecting and claim owners are developing their propositions with good results. The most serious drawback is the labour shortage. There is competition between the mines and the farmers and the latter suffer as they cannot afford the high wages.

Public revenue came in more freely, collections amounting to £8,461 as compared with £5,366 for the preceding year.

A feature was the number of motor cars purchased—70 as compared with 38 in 1925.

Road development is proceeding satisfactorily.

Otiwarongo.—The drought was severe and farmers found it difficult to provide for their stock. There was an acute shortage of labour; of which no farmer had his full

complement. The demand for slaughter stock was unlimited. Cattle fetched from £5 to £8 10s. and sheep from 15s. to 22s. 6d. The demand for cream remained steady and the ruling price was 1s. 1½d. per lb. butter fat content.

Although a creamery was opened at Omaruru only 45 miles away, the creamery at Kalkfeld produced twice as much butter as during 1925 and 350,000 lbs. were railed to Cape Town.

Cream production is the staple industry, but farmers are now going in for pigs and karakuls more extensively. Eleven inches of rain fell in December and the prospects for 1927 are bright.

Outjo.—The economic position is vastly brighter. Farming shows great activity. The revenue was almost double that for the previous year and likewise the number of motor cars purchased. No locusts appeared during the year. Farmers derived a regular income from their cream. The sheep farming industry is developing as sheep flourish in the district. The use of bonemeal has largely solved the problem of cattle diseases in the mopane belt.

Farmers are everywhere constructing dams. Many enquiries are being made for farms in the district. The natives are orderly and law-abiding, but the cry for native labour is insistent. Some farmers are employing bushmen and find that they make satisfactory servants.

Rehoboth.—Outside the Bastard Gebiet considerable economic progress has been made, and the general position is more stable.

Swakopmund.—The dredging operations and wharf at Walvis Bay were completed. The first steamer came alongside in September last. Business fell off slightly during the year owing to the departure of a considerable number of persons employed by the Hollandse Aannemings Maatschappij, which had the contract for the dredging and wharf.

Two insolvencies occurred at Walvis Bay, but the port is developing and during the year 21 new buildings, costing £63,000, were erected.

Whaling operations were carried on as usual, the number of whales caught being 375.

Motor cars increased from 14 to 37.

Warmbad.—Practically no rain fell. Stock was in poor condition and there were practically no sales. There was little cash circulating in the district.

Copper and galena are found in payable quantities, and developments in this direction are expected. About 80 native indigents are receiving pauper relief. It is proposed to move them into the Bondels reserve as early as possible.

Windhoek.—Generally the economic position reflects an improvement and better prices for land and stock were maintained, but considerable losses were sustained through drought.

Para. 8. Immediately after assuming duty in South-West Africa I commenced to tour the Territory as I felt it was essential to acquire a thorough knowledge of the country, of the general conditions, and of its problems. By the end of the year I had visited practically every corner within the Police zone, i.e., excluding the Kaokoveld, Ovamboland and the Okavango area. I was much impressed with the potentialities of the country. On account of the limited rainfall the southern portion is not suitable for agriculture except in certain areas, such as the Auob Valley and along the Verenigde Nossob, where there is a wonderful supply of artesian water. The southern portion is, however, fine country for sheep of all classes—Persian, merino and karakul—and several districts, such as Maltahöhe, are very suitable for horse-breeding. Although German farmers before the war had excellent horses, that branch of the farming industry, unfortunately, seems to have fallen into disfavour and practically no farmers pursue it nowadays.

Practically all the southern districts, though arid in appearance, possess an abundance of karroo and other bush, which make them eminently suitable for merinos, and it is a striking fact that most of the Union applicants for farms apply for farms in the south in preference to the more attractive northern districts. As will be observed from the Magistrates' reports, the drought was severe, particularly in the south. I visited the southern districts late in the year, when the country is ordinarily at its worst. As a result of the drought it was worse than usual, nevertheless stock was in splendid condition and bore eloquent testimony to the extraordinary fodder value of the dry-looking karroo and other bush. The 'inerino industry is still in its infancy, but it is thriving and merinos are continually being imported, and I have no doubt that the southern territory will become one of the most important wool-producing areas in South-West Africa. From the trade figures (paras. 9-13) it will be observed that 444,511 lbs. of wool were exported during 1926, as compared with 184,249 lbs. during the preceding year. The karakul is also very popular, particularly with the German farmers. During 1926 27,836 skins were exported as against 25,011 in 1925. The Administration will before long have to consider importing new blood for its herd.

[U.G. 22-'27.]

The central and northern districts are, on the whole, more suitable for cattle ranching and mixed farming, but not for woolled sheep, which do not thrive so well in the more luxuriant veld, and the wool is of course damaged by the bush.

Most farmers seem to be still wedded to the idea of specialising in one or other branch of farming, either cattle ranching, sheep farming or agriculture. The disadvantages of this are so obvious as to require no comment, especially in a country such as South-West Africa, where the seasons are uncertain.

Some of the more progressive farmers, however, extended their operations to various classes of farming and are demonstrating the value of this to their more conservative brethren, and it is hoped that this and constant preaching by the Administration will, in time, bring about a change.

The dairy industry is developing, but up to the present, unfortunately, at the expense of the ranching herds. Many farmers have commenced cattle raising with little capital.

The foundation herd cannot, of course, be touched, and a return can be looked for only after four or five years when the progeny are large enough for sale. In the interim, unless he has some sideline, such as pigs, poultry or dairy stock, or otherwise capital, to carry him through the farmer must experience a hard time. A number of dairies have been established and farmers, realising the value of the regular monthly income to be derived from the sidelines indicated, have milked their ranching cows to their utmost capacity, with detrimental results to the progeny.

The Administration is doing all in its power to break this practice by increasing its own herd of pure-bred dairy cattle with a view to placing itself in a position to supply dairy bulls at low prices to farmers.

Advances may also be obtained on easy terms for the purchase of pure-bred stock.

Farmers are taking advantage of this now and advances are continually being applied for. The extent to which the dairy industry has expanded is reflected in the fact that during 1926 1,417,829 lbs. of butter and 50,291 lbs. of cheese were exported, as compared with 843,824 lbs. of butter and 33,563 lbs. of cheese in 1925.

Hitherto agriculture has been carried on to a negligible extent except in the Grootfontein district, where it is the main branch of the farming industry. This is due to the irregular or inadequate rainfall and to the fact that there is little or no open water in the country, the only permanent stream being the Orange River, which forms the southern boundary, and the Kunene and Okavango Rivers in the extreme north. Except in the artesian areas irrigation on any scale from boreholes is impossible. I, however, do not subscribe to the popular impression that the country is purely pastoral. There are large tracts of most fertile soil all over the territory, where cereals of all descriptions could profitably be grown if only the water difficulty could be solved, and I have no doubt that when the country becomes more closely settled and the opportunities for stock farming, which requires large farms, become limited, agriculture will be more extensively carried on with the assistance of dams, to the construction of which the country lends itself admirably. This, of course, applies more to the northern and central districts than to the south, where the rainfall is meagre; but at least one prominent farmer in the south is to-day proving what can be done in the way of agriculture, with a dam. The productive capacity of the soil is wonderful and the portion of the farm referred to which is under water is an oasis in the desert. Irrigation dams are, however, beyond the means of the average farmer at present, and in any case the need for intensive farming has not yet arisen. There is so much other development to be undertaken in the way of fencing, etc., that farmers are satisfied to provide sufficient water for their stock.

There are, however, many parts where agriculture could be undertaken even under existing conditions and where farmers could at least grow sufficient cereals for their own use and fodder for their stock. With the increase of dairy stock they will no doubt be compelled to do this. One of the main troubles of the farming population is ignorance of the potentialities of the farms and the best methods to adopt; of the best stock to raise; of agricultural possibilities; of the advantages of co-operation.

The Administration has acquired two splendid farms in the Auob artesian area and proposes to make an experiment with intensive agricultural farming. The soil is fertile and there is an ample supply of artesian water. The farms will be cut up into lots of from ten to twelve hectares, and settlers with a thorough knowledge of intensive farming under irrigation will be placed thereon.

In view of the backward state of the farming industry generally, a commission has been appointed to enquire into and report on the following matters:—

- (a) The condition of the agricultural industry in the territory of South-West Africa and what measures should be taken to encourage and promote the industry.
- (b) What arrangements, facilities and opportunities exist for the marketing within the territory, in the Union of South Africa and in other countries, of the produce of the industry and what measures should be taken to extend and improve such arrangements, facilities and opportunities.

- (c) How far measures referred to in paras. (a) and (b) hereof should be taken by the Administration, how far by the Land and Agricultural Bank of South-West Africa, how far by Local Authorities and how far by Co-operative Societies or other private agencies, and to what extent, if any, Local Authorities, Co-operative Societies or other private agencies should be subsidised and controlled by the Administration.
- (d) What effect railway and harbour rates and dues and railway and harbour services and cold storage facilities in the Territory and in the Union have had and are likely to have on the industry and on the marketing of the produce of the industry.
- (e) The cost of production in the industry in the Territory as compared with that in the Union and other countries.
- (f) All matters relevant or akin to the foregoing terms of reference.

The commission has practically concluded its enquiries and its report is being awaited.

The Administration is also, through its own officers, endeavouring to instruct and assist the farmer. The Agricultural Adviser is constantly travelling about the territory and several experts have been lent by the Union Government to tour the country and deliver lectures on various subjects; the good effects of these are beginning to manifest themselves.

An Agricultural School has been opened at Gammams, near Windhoek, with a view to training young men of the country to become good farmers and good settlers. This is open to youths of not less than 16 years of age who have passed the sixth standard. They will be trained in field and animal husbandry and will also receive practical instruction in such matters as masonry, wood and iron work. The students are expected to do everything on the farm and not a single farm labourer is employed. After two years' training at the school and subject to a certificate of suitability by the Principal, each student will be placed with a progressive farmer for at least one year to undergo a period of practical farming; if then entirely satisfactory he will be considered for a settlement farm should he so desire.

Co-operation is another thing which has not yet gained a footing, but the doctrine is being well preached and a decided move towards establishing co-operative societies is now apparent.

I am satisfied on the whole that the farming industry has made great strides during the past year and that the advance will be maintained. Whereas two or three years ago it was the exception to receive an application for a settlement farm from a person with considerable capital that is no longer the case. The average capital of applicants is far higher than it was and applicants with capital varying from £2,000 to £5,000 are by no means uncommon. A very refreshing feature too is the number of inquiries received from progressive and well-established farmers in the Union for private farms in the territory and inquiries which result in business. The potentialities of the country are being appreciated, and it is realised that land is relatively so cheap that it is possible to purchase and substantially develop and stock a farm in the territory for the bare price of a much smaller farm in the Union. The veld is practically virgin and the country is free from stock diseases. The number of farmers who came from the Union during the year is not available, but it is considerable.

As will be seen from the migration statistics 1,511 immigrants entered the territory at Luderitzbucht and Walvis Bay and a considerable proportion of these have taken up farming.

The improvement is reflected in land values, which have gone up considerably, and I am convinced that the future of the industry in South-West Africa will be a very bright one. Whenever I went I received complaints regarding the shortage of native labour. This complaint is universal and it will be observed that the point is emphasised by every Magistrate. It is one of the main factors against more rapid progress in the territory not only in farming but also in mining and other industries. It was hoped that the formation of the two recruiting associations referred to in para. 52 would improve the position, but these hopes have up to the present not been realised. On the contrary, owing to various causes, the number of natives recruited during the year was lower than ever before, but these were causes over which the associations had no control, and the recruiting figures, therefore, must not be regarded as a criterion of the success or otherwise of the associations. While it may be true that the maximum number of natives within the Police Zone are not in employment, I have caused very close investigation to be made and I am satisfied that the popular impression that large numbers of able-bodied natives are loafing in the reserves is unfounded. The simple fact is that the labour supply in the territory is insufficient for all requirements. I do, however, think that Ovamboland and the Okavango area should provide much more labour than at present, and this is an aspect of the question which is receiving the consideration of the Administration. Water is being opened up on the Kuring-Kuru-Diriko routes and it is hoped that this will increase the supply from the Okavango.

At present the Luderitzbucht Diamond Companies are employing thousands of natives recruited from the Union.

On account of the labour shortage farmers are fencing generally and this will to some extent alleviate their difficulties, but with new mining ventures opening up and with the steady influx of farmers, the problem is becoming more acute every day.

As will be seen from the report under the head "Mining" (para. 182) there has been considerable activity in prospecting, and several important projects involving large capital are under consideration. The country is rich in base minerals, but capital is required for development. The fact that the country is a mandated territory for a long time militated against the investment of much capital therein, but the pronouncements of the League in this connection have probably restored confidence and, provided the investments are sound enough, the capital will no doubt be forthcoming.

The Trade returns, which appear in paras. 9 to 13, and the report of the Land Bank show that the economic position generally is improving. The Magistrates' reports show that almost everywhere public revenue came in more freely, and this furnishes an excellent test of the general economic position.

TRADE RETURNS (STATISTICS).

Para. 9. The value of the imports during 1926 was £2,507,625 as compared with £2,189,851 during 1925.

Para. 10. The value of the exports in 1926 was £3,292,986 as compared with £2,828,222 in 1925. The latter were given as £2,690,021 in the report of 1925, but the figures were only provisional.

Para. 11. The following shows the total value of imports and exports under the different headings :—

Class.	Imports.		Exports.	
	1925.	1926.	1925.	1926.
	£	£	£	£
I. Animal, Agricultural and Pastoral Products and Foodstuffs.	426,410	459,247	542,740	647,220
II. Ales, Spirits, Wines and Beverages ..	65,183	68,311	151	348
III. Tobacco	72,008	79,993	56	188
IV. Fibres, Yarns, Textiles and Apparel ..	330,023	372,570	3,438	3,682
V. Metals, Metal Manufactures, Machinery and Vehicles.	637,566	771,172	775,630	661,264
VI. Minerals, Earthenware, Glassware and Cements.	82,713	72,807	1,389,536	1,868,172
VII. Oils, Waxes, Resins, Paints and Varnish	106,343	141,453	62,175	57,646
VIII. Drugs, Chemicals and Fertilisers ..	31,607	36,822	11,720	5,944
IX. Leather and Rubber and manufactures thereof.	80,866	101,383	1,362	2,070
X. Wood, Cane, Wicker and manufactures thereof.	92,805	92,611	4,172	5,120
XI. Books, Paper, Stationery	25,782	30,364	856	1,235
XII. Jewellery, Timepieces, Fancy Goods and Musical Instruments.	35,124	32,687	881	1,062
XIII. Miscellaneous	53,179	58,847	15,464	13,730

The balance of imports were for Government purposes such as stores, specie, etc.

It will be observed that as regards essentials the requirements of the territory are increasing substantially and the expansion is due to the increasing population.

The slight increase in the value of liquor imported is mainly due to the higher tariff on whisky. The value of electrical machinery imported shows an increase of £70,263. The bulk of this was required for the power station at Luderitzbucht which supplies the diamond fields as well as the town with power and light. The value of mineral oil and petroleum showed an increase of £33,130, footwear and leather £9,011, motor tyres and tubes £8,861. The number of motor cars imported was 312, valued at £72,873 as compared with 203 cars valued at £43,180 in 1925.

There was a decrease of £22,110 in mining machinery. As indicating the progress of the dairy and poultry industry it may be stated that 926,040 lbs. of poultry food were imported during 1926 as against 731,345 lbs. in 1925. Only 8,180 lbs. of butter and 3,871 lbs. of butter substitutes were imported as against 31,882 lbs. of butter and 5,078 lbs. of butter substitutes in 1925. The quantities of dripping and lard imported were 4,111 lbs. and 8,650 lbs. in 1926. and 15,116 and 10,510 lbs. respectively in 1925. This is probably due to the opening of the

Liebig Meat Extract Works at Osona. On the other hand 1,417,829 lbs. of butter and 50,291 lbs. of cheese were exported as compared with 843,824 lbs. of butter and 33,563 lbs. of cheese in 1925.

Para. 12. The following export statistics also speak for themselves:—

Article.	1925. lbs.	1926. lbs.
Mohair	3,966	22,443
Hides and Skins	630,910	836,366
Goat Skins	165,853	277,518
Sheep Skins	160,137	217,191
Horns	2,122	31,361
Wool (Merino)	184,249	444,511
Preserved Meats	50,823	167,663

Para. 13. The value of copper exported was £502,187 as against £554,951 in 1925 and the figures for vanadium during the two years were £58,333 and £123,005 respectively—a considerable drop. The export of diamonds amounted to £1,863,860 as against £1,387,209 in 1925.

Para. 14. *Meteorological.*—During the past two years the number of observation stations in the territory has been considerably augmented, with the result that a much wider range of readings is now being recorded. There are at present 235 stations as compared with 189 in the previous year, and at about 100 of these, wind directions and general weather indications are observed in addition to measuring the precipitation of rain, while records of extreme temperatures and barometric pressure are kept by 24 and 12 stations respectively.

Provision has also been made for the acquisition of additional instruments so that during the current year observations will be conducted on a more extensive scale.

In the course of the year under review, the Meteorological Office, Pretoria, was furnished with, and published, a statement in respect of 35 stations representative of the rainfall in the various parts of the territory. Information is also regularly furnished to the Weather Forecast Service, Pretoria and Salisbury.

ARMS AND AMMUNITION.

Para. 15. An analysis of the different kinds of arms and ammunition imported and exported during 1926 is furnished in the following statement:—

	Rifles.	Combina- tion and Shot Guns.	Pistols and Revolvers.	Miniature Rifles.	Ball Cartridges.	Shot Gun Cartridges.	Pistols and Revolver Cartridges.	Miniature Cartridges.
Imported ..	556	183	174	154	321,761	112,160	15,566	156,425
Exported ..	32	12	10	2	3,509	1,542	500	1,600

IMPORTATION OF LIQUOR.

Para. 16. The quantities of liquor (in gallons) imported during 1925 and 1926 are shown in the undermentioned table:—

Year.	Wine.	Brandy.	Whisky.	Liqueurs.	Rum.	Gin.	Methy- lated Spirits.	Beer.
1925	33,529	14,774	5,587	1,297	348	992	7,112	80,079
1926	32,095	14,489	6,184	1,419	430	1,566	7,451	95,702

It will be seen that the figures for the year 1925 do not agree with those contained in the report of the previous year. The discrepancy is attributed to the fact that the final Customs figures were only available up till the end of September, 1925, the calculations of the remaining period having been based on the permits issued. The above figures now represent the correct position. In view of the substantial increase in the European population during the year the increase in the imports of liquor is negligible.

Para. 17. The following quantities of liquor were manufactured in South-West Africa during 1926 :—

Beer	194,517 gallons.
Brandy	295 „
Wine	6,000 „ (approximate).

III. PUBLIC FINANCE.

Para. 18. Mining revenue has been disappointing. It was estimated that £320,000 would be derived from this source, but for various reasons the working costs of the Consolidated Diamond Mines have been so extraordinarily high that notwithstanding the favourable contract entered into with the Diamond Syndicate and the excellent market which obtained throughout the year, it is feared that mining revenue for the financial year, which will end on the 31st March, 1927, will not exceed £250,000, if indeed it reaches this amount.

This, however, is to some extent compensated for by the fact that the Administration received a windfall in the shape of £118,952 in respect of arrear Customs dues. An arrangement similar to that existing between the Union and Swaziland, Bechuanaland, Basutoland and formerly Rhodesia was entered into in 1923, under which the Territory received 1.30 per cent. of the total Customs collections of the Union. This arrangement was tentative as the Customs Tariff and Excise Duties Law provides that South-West Africa must be paid annually a sum which shall approximate to the customs and excise duties on goods consumed in the Territory, less a sum equivalent to the said duties on goods removed from the Territory for consumption in the Union. Upon a recalculation it was found that the Territory had been underpaid to the extent indicated. The Territory is developing rapidly and, incidentally, its requirements are growing. This means increasing imports, and in practice it has been found that the arrangement referred to above does not answer. In future, therefore, the amount due will be carefully calculated annually in accordance with the requirements of the law.

Para. 19. Revenue.—The following is an audited statement of the revenue collected during the financial year 1925-1926, and gives a comparison with the previous financial year :—

Head of Revenue.	Actual Receipts, 1924-25.			Actual Receipts, 1925-26.		
	£	s.	d.	£	s.	d.
Customs and Excise	121,024	12	10	130,531	13	10
Posts, Telegraphs and Telephones	56,923	0	11	65,858	18	5
Mining Revenue—Diamond Tax, Royalties, Licences and Fees	278,302	9	10	352,252	10	1
Licences—Liquor, Trading, etc.	24,815	1	6	28,015	3	7
Stamp Duties and Fees	11,518	11	2	16,984	1	1
Estates and Transfer Duty	11,782	8	11	7,512	18	10
Land Revenue—Land Tax, Lease Rents and Grazing Fees	19,721	12	8	20,131	4	9
Sales of Crown Land, including Settlement Advances (late Administration), etc.	13,684	2	4	16,542	10	4
Rents of Government Property	15,794	18	1	16,808	13	6
Fines and Forfeitures	5,144	7	1	6,757	2	10
Departmental Receipts	27,519	3	0	38,377	1	10
Miscellaneous Revenue	36,607	2	10	20,960	5	2
Interest on Loans, etc.	29,277	8	5	32,078	14	4
	£652,114	19	7	£752,810	18	7

The following is a comparative statement (unaudited) of the revenue collections during the nine months ended 31st December, 1925 and 1926, respectively, together with the original estimate of revenue for the current financial year which will end on the 31st March, 1927 :—

Head of Revenue.	1925.	1926.	Estimates, 1926-27.
	£	£	£
Customs and Excise	96,988	294,084	160,000
Posts, Telegraphs and Telephones	43,020	45,639	58,000
Mining Profits and Royalties	364,106	170,556	320,000
Licences—Liquor, Trading, Game, etc.	14,209	18,084	24,000
Stamp Duties and Fees	12,697	7,976	12,000
Estate and Transfer Duty	5,511	9,035	10,000
Land Revenue	15,326	15,177	15,000
Sales of Crown Land	20,538	14,558	15,000
Rents of Government Property	12,472	11,526	14,000
Interest on Loans	23,239	21,836	30,000
Fines and Forfeitures	5,123	5,476	5,000
Departmental Receipts	28,231	33,900	25,000
Miscellaneous Revenue	13,788	12,241	18,000
	£655,248	£660,088	£706,000

Except for diamond revenue the year has been a very satisfactory one, and it will be observed that the estimate under other heads is likely to be exceeded in many cases and realised in the rest. The revenue outlook for the ensuing year is by no means bright. Enormously rich and extensive alluvial diamond fields have been discovered in the Lichtenburg district, Transvaal, and to these diggers are flocking from all parts of the country.

The Union Parliament realising the need for the protection and regulation of the Diamond Market passed an Act in 1925, which gave the Government wide powers of control over the output and sale of diamonds, but at the time apparently the alluvial production was not regarded as a very serious factor and the alluvial diggings were therefore not included in the scope of the Act.

The present position, however, is that the alluvial production has gone up by leaps and bounds and is increasing daily. Further rich fields have just been thrown open which will aggravate the position. The alluvial fields are now producing practically as much as the big producers—De Beers, Consolidated Diamond Mines of South West Africa, Premier and Jagersfontein. The Diamond Syndicate has endeavoured to maintain the stability of the diamond market by buying up as much as possible of the alluvial production, but obviously no company in the world can continue to purchase millions of pounds worth of diamonds without any prospect of being able to dispose of them, for diamonds are essentially a luxury and the demand is limited.

Unless the Government takes very prompt action to control the alluvial production, the inevitable result will be a disastrous slump in the market and a complete shattering of public confidence, and such a slump will react severely on the alluvial diggers themselves.

Even assuming that legislation is introduced to remedy the position the Diamond Syndicate has purchased such a large quantity of alluvial diamonds, which it must dispose of, that the volume of trade for the big producers must necessarily be reduced and so affect our revenue. Even if there is not a complete collapse of the diamond market, we shall be fortunate if the diamond revenue amounts to £200,000 next financial year.

Para. 20.- In addition to the foregoing the following sums were collected in Native Reserves during the period 1st April, 1926, to 31st December, 1926, and have, in terms [U.G. 22-'27.]

of Proclamation No. 9 of 1924, and Government Notice 157 of 1924 been credited to Reserve Funds as indicated :—

Reserve.	Grazing fees.	Dog licences.	Proceeds of sale of wood.	Annual rate.	Rentals of trading sites.	Total collected during 9 months ended 31.12.26.	Total amount standing to credit of Reserve Funds as at 31.12.26.
	£	£	£	£	£	£	£
Aminuis ..	521	30	—	—	—	551	615
Berseba ..	—	34	—	—	—	34	29
Bondels ..	7	—	—	—	—	7	19
Epukiro ..	382	25	—	—	—	407	598
Franzfontein ..	63	9	—	—	—	72	82
Gibeon ..	139	7	—	—	—	146	361
Otjituo ..	589	—	—	—	—	589	1,888
Okambahe ..	381	55	—	62	—	498	793
Ovitoto ..	886	77	—	—	—	963	1,164
Otjimbingwe ..	298	41	—	—	—	339	437
Otjihorongo ..	1,702	80	13	83	3	1,881	2,314
Soromos ..	61	16	1	23	1	102	279
Vaalgras (Tses)	663	46	—	—	9	718	1,751
Waterberg East	606	56	—	14	—	676	1,389
	£6,298	£476	£14	£182	£13	£6,983	£11,719

These collections show a striking increase over those for the corresponding period of 1925 which totalled £3,522 17s. 2d.

EXPENDITURE.

Para. 21. The following is a summarised statement of ordinary expenditure from revenue during the financial year 1925-26 :—

Vote and Service.	Expenditure.
1. Administration	£46,712 17 6
2. Agriculture	47,971 13 8
3. Audit	2,102 1 2
4. Customs and Excise	3,328 13 7
5. Defence	12,214 8 2
6. Education	99,943 9 5
7. Water Boring	82,765 5 3
8. Justice	47,600 2 4
9. Lands, Deeds and Surveys	21,157 9 10
10. Mines	4,027 15 3
11. Native Affairs	17,075 16 4
12. Pensions and Gratuities	15,669 18 2
13. Posts, Telegraphs and Telephones	61,340 12 0
14. Prisons and Reformatories	16,633 11 10
15. Interest and Redemption Charges	13,792 7 6
16. Public Health	16,824 9 8
17. Public Works	73,233 12 9
18. South West Africa Police	132,242 5 9
	<hr/>
	£714,636 10 2

The amounts of the expenditure under the various heads of each vote are detailed in the report of the Controller and Auditor-General, copies of which have been sent to the Permanent Mandates Commission, and it is therefore unnecessary to recapitulate them here.

Para. 22. The financial position of the Territory from 1920-21 to 1925-26 progressively is as follows :—

	1920-21.							
Revenue	..	..	..	..	..	..	..	£1,601,000
Expenditure :								
Ordinary	..	..	..	..	..	..	..	£929,000
Extraordinary	..	..	..	..	..	..	..	103,000
								1,032,000
Surplus	..	..	..	..	..	..	..	569,000
Loan Expenditure	..	..	..	..	..	..	..	134,000
Audited Balance	..	..	..	..	..	..	..	£435,000
	1921-22.							
Balance from 1920-21	..	..	..	..	..	..	..	£435,000
Revenue 1921-22	..	..	..	..	..	..	..	871,000
								£1,306,000
Expenditure :								
Ordinary	..	..	..	..	..	..	..	£678,000
Extraordinary	..	..	..	..	..	..	..	139,000
								817,000
Surplus	..	..	..	..	..	..	..	489,000
Loan Expenditure	..	..	..	..	..	..	..	299,000
Audited Balance	..	..	..	..	..	..	..	£190,000
	1922-23.							
Balance from 1921-22	..	..	..	..	..	..	..	£190,000
Revenue	..	..	..	..	..	..	..	854,000
								£1,044,000
Expenditure :								
Ordinary	..	..	..	..	..	..	..	£627,000
Extraordinary	..	..	..	..	..	..	..	33,000
								660,000
Surplus	..	..	..	..	..	..	..	384,000
Loan Expenditure	..	..	..	..	..	..	..	175,000
Audited	..	..	..	..	..	..	..	£209,000
	1923-24.							
Balance from 1922-23	..	..	..	..	..	..	..	£209,000
Revenue 1923-24	..	..	..	..	..	..	..	849,000
								£1,058,000
Expenditure :								
Ordinary	..	..	..	..	..	..	..	£629,000
Extraordinary	..	..	..	..	..	..	..	53,000
								682,000
Surplus	378,000
Loan Expenditure	127,000
Audited Balance	£249,000

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1924-25.			
Balance from 1923-24	£249,000		
Revenue 1924-25	652,000		
			£901,000
Expenditure—Ordinary			713,000
Surplus			188,000
Loan Expenditure	119,000		
Less Recoveries	13,000		
			106,000
Audited Balance			£82,000
1925-26.			
Balance from 1924-25	£82,000		
Revenue 1925-26	753,000		
			£835,000
Expenditure, 1925-26 (including Water Boring, Telegraph and Telephone Extension)			715,000
Surplus			120,000
Loan Expenditure	138,000		
Less Receipts from Treasury (Gobabis Settlement Scheme)	£11,000		
Less Recoveries	20,000		
			31,000
Audited Balance			107,000
			£13,000

Para. 23. The following is an unaudited summary of the expenditure incurred under each head during the nine months ended 31st December, 1926, as compared with the relative period of 1925, giving merely the totals under each vote:—

Vote.	Estimated expenditure for the financial year ending 31.3.27.	Expenditure for 9 months ended 31.12.26.	Expenditure during 9 months ended 31.12.25.
1. Administration	£44,560	£34,699	£31,371
2. Legislative Assembly, etc.	9,060	5,796	—
3. Agriculture	40,215	19,119	15,595
4. Audit	2,295	1,243	1,433
5. Customs and Excise	4,270	3,005	2,141
6. Defence	10,500	36	10,306
7. Education	127,885	85,805	75,578
8. Water Boring	27,420	9,545	50,755
9. Justice	50,520	35,627	35,961
10. Lands, Deeds and Surveys	26,390	15,924	16,109
11. Mines	5,632	3,126	3,036
12. Native Affairs	17,190	11,242	12,113
13. Pensions and Gratuities	11,500	7,669	6,950
14. Posts, Telegraphs and Telephones	59,050	41,617	41,530
15. Prisons and Reformatories	17,790	12,686	12,094
16. Interest and Redemption Charges	42,000	14,363	8,387
17. Public Health	21,570	12,270	11,410
18. Public Works	76,335	39,409	44,831
19. South West Africa Police	135,520	95,174	98,886
Total Expenditure from Revenue Funds	730,302	448,355	478,486
Total Expenditure from Loan Funds	256,775	113,266	50,798
Grand Total	£987,077	£561,621	£529,284

Rigid economy has been observed and this coupled with the fact that it has not been possible to spend all the money provided on some votes, *e.g.*, building programme under Loan Vote, renders it unlikely that the Administration will have to borrow money for its own use during the current financial year, though it may have to do so on behalf of certain municipalities who are unable to raise loans themselves as investing companies for reasons best known to themselves seem to have insufficient confidence in the country or in its mandatory position notwithstanding the declaration of the League in this connection.

As was stated in last year's report and as is made clear in the statement contained in para. 21, since the inception of civil government in 1920 this country has not only been able to meet all expenditure out of its ordinary revenue, but it has accumulated a substantial surplus so that it is at present in an exceptionally happy position.

During martial law administration a deficit of £1,810,000 was incurred but this will not be claimed by the Union Government from its own Administration. This £1,810,000 was administrative expenditure.

According to the Controller and Auditor-General's Report the following is the accumulated surplus:—

Buildings	£20,819 19 8
Advances to Land Bank, less Recoveries	492,000 0 0
Advances in connection with Land Settlement, less Recoveries	250,726 14 6
Capital for Advances for Pure-bred Stock	4,000 0 0
Loans to certain Municipalities	33,325 0 0
Railway, Windhoek-Kapps Farm	£132,000 0 0
Railway, Otjiwarongo-Outjo	30,195 19 11
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	162,195 19 11
Land Settlement in terms of Section 2 (1) (d), Union Act No. 43 of 1925	16,075 1 2
	<hr/>
	£979,142 15 3

In addition to the foregoing there was the surplus of £13,000 on 31st March, 1926 (referred to in paragraph 22) so that the accumulated balance in favour of the territory then in round figures was £992,000.

To the foregoing must be added the sum of £113,266 spent on Loan Vote and met out of revenue during the 9 months ended 31st December, 1926, which brings the total to £1,105,266. This, however, does not reflect the actual position for the Controller and Auditor General's report only brings to credit items which were shown as loan or capital expenditure; but the instructions received in connection with the preparation of estimates varied from time to time and items which should have been shown as loan or capital expenditure were included in ordinary expenditure or shown as extraordinary expenditure and of these the Controller and Auditor-General has not taken cognizance.

Until the current financial year the amount spent on boring was included in the ordinary expenditure of the Water Boring Branch and not on loan vote. Most of this, is, however recoverable and should be regarded as portion of the accumulated surplus. The cost of boring done for settlers is added to the purchase price of the ground allotted to them and that for private farmers is recovered direct. The amount outstanding at present for boring and which is to be recovered in due course is £194,500.

The same applies to costs of surveys undertaken by the Administration. In the case of settlers these are added to the purchase price of the land. The amount outstanding at present is £67,000.

Other recoverable assets are:—

Landwirtschaftsbank Bonds	£130,857
Due on German Bonds for land purchased, survey fees, etc.	25,000
Value of land allotted under the Land Settlement and Crown Land Disposal Proclamations to 31.12.26	831,398
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	£987,255

Then prior to 1st April, 1925, the Administration spent out of ordinary revenue on major works, *i.e.*, buildings costing £1,000 or more 130,477

and
On telegraph and telephone construction and extension' 71,692

These are assets of the Administration and the amounts should be included in the accumulated surplus.

[U.G. 22—'27.]

The position, therefore, is :—

Accumulated surplus on 31.3.26 as detailed in para. 23	£902,000
Ordinary revenue spent on account of Loan Vote during 9 months ended 31.12.26	113,266
Water Boring	194,500
Survey Costs	67,000
Other Recoverable Assets	987,255
Buildings	130,477
Telegraphs and Telephones (Extension)	71,692
Total	£2,556,190

Of this amount £1,569,000 in round figures has been accumulated out of ordinary current revenue, and £2,150,000 is recoverable.

Against this there are no existing liabilities.

DIRECT EXPENDITURE ON NATIVES.

Para. 24. The amount directly expended in the interests of natives during the nine months ended 31st December, 1926, and for the relative period during the preceding year, and the provision for the year ending 31st March, 1927, is reflected in the following statement :—

Vote and Sub-head 1926-27 Estimates.	Service.	Provision for year ending 31.3.27.	Expenditure for 9 months ended 31.12.26.	Expenditure for 9 months ended 31.12.25.
7 E	Mission Schools (Salaries, Maintenance, Books, Equipment, etc.).. .. .	£7,550	5,066	£4,635
12	<i>Native Affairs—</i>			
A	Salaries of District Staff	12,040	8,099	7,860
B	Subsistence and Transport	2,500	1,440	1,626
C	Native Labour, Recruiting, Incidental Expenses (including Rations for Ovambos until employment is procured)	300	359	1,280
D	Subsidies and Allowances to Chiefs, Headmen, Presents and Rations (including Headmen in Settlements where no Municipalities exist)	500	355	492
E	Construction and Maintenance of Dipping Tanks in Native Areas	250	199	180
F	Water Supplies and Maintenance, etc., Native Reserves	1,500(a)	479	515
G	Telegraphs and Telephones	100	107	157
17	<i>Public Health—</i>			
A	Salaries of European and Native Hospital Attendants in Native Hospitals	2,890	1,731	1,980
D	Medical Services (including Maintenance of Native Hospitals, Purchase of Stores, Equipment, etc., Infectious and other Diseases, Public Vaccination, Refund to Local Authorities under the Provisions of the Public Health Act, etc.	5,000	2,551	2,975
Loan A	Additions and Alterations, Hospital, Windhoek	5,435(b)	5,007	674
Loan G	Fencing Native Reserves	2,000	—	—
		£40,065	£25,393	£22,374

As has been explained in previous years in addition to the direct expenditure shown above, expenditure is also incurred in the interests of natives under other Votes or Sub-heads of the Estimates. For example, under the Water Boring Vote (Loan D) a considerable

amount—approximately £3,000—is provided for boring in Native Reserves, where several drills are at present operating. An amount of £1,200 is also provided for boring on the Nurugas-Karakuwisa route to the Okawango Native Territory, which indirectly may be considered as in the interests of Natives, as it assists them when coming down in search of work and minimises the risk of losing their lives from thirst which was a very real danger before on this route.

A considerable portion of the provision for Pauper Relief (Vote IE—£1,000), and for the Maintenance of Mental and Leper Patients (Vote 17E—£1,400) is in respect of Natives, besides expenditure under other votes, such as the Administration of Justice, Prisons and Agriculture, incurred in the interests of Natives as well as Europeans.

Under Vote 17—Public Health—practically all that is spent on the suppression of venereal diseases is expended on Natives.

It will be observed from the above that nothing has as yet been spent under Loan Vote Item G—Fencing Native Reserves. In the Ovitoto Reserve the northern and southern boundaries have been fenced and it is estimated that an amount of £300 will be spent in this connection by the end of the financial year. This is the only Reserve in which fencing has been undertaken.

Attention is also invited to the statement reflecting the position of the Native Reserve Funds (see para. 20). None of this is taxation of a special character and in the ordinary course the monies referred to would have gone into the ordinary revenue of the territory. The Administration, however, surrendered all monies derived from the sources indicated to be spent in the development of the Reserve in which the same were collected.

This money must, therefore, be regarded as money spent directly on the Natives. It will be observed that during the nine months ended on the 31st December, 1926, the total amount collected in the various reserves was £6,983 19s. 8d. and that the total amount standing to the credit of the various reserves on that date was £11,519.

IV. DEMOGRAPHIC STATISTICS.

Para. 25. The quinquennial Census was taken in May, 1926, and the figures in respect of the European population are as follows :—

Nationality.	Male.	Female.
British	8,175	6,615
British (Naturalised)	4,179	3,014
German	1,081	626
Finn	23	29
Italian	21	2
Netherlander	72	27
Norwegian	56	3
Russian	19	4
Swedish	16	2
Swiss	20	9
Other	79	43
	13,741	10,374

SUMMARY.

Race.	Male.	Female.
European (Minors)	5,469	5,344
European (Adults)	8,272	5,030
Grand Total, Europeans	24,115	

Para. 26. As no Census of the native population has been taken since the date of my last report, the district officers were required to estimate as accurately as possible the number [U.G. 22—'27.]

of natives in the areas under their control and the results are shown in the following comparative statement:—

District.	Census, 1921.	Magistrates' Estimates, 1925.	Magistrates' Estimates, 1926.
Aroab	216	900	982
Bethanie	172	421	432
Gobabis	3,382	4,160	4,600
Gibeon	2,005	4,360	3,889
Grootfontein	31,576	11,000	10,701
Karibib	4,397	4,500	7,099
Keetmanshoop	2,701	6,400	6,168
Luderitz	2,155	8,975	10,639
Maltahöhe	415	1,150	1,023
Okahandja	4,560	4,170	6,900
Omaruru	5,195	5,250	5,512
Otjiwarongo	4,076	4,669	5,251
Outjo	10,938	3,000	2,875
Rehoboth	3,269	6,170	9,150
Swakopmund	929	2,942	2,527
Warmbad	269	4,008	3,753
Windhoek	11,207	10,100	10,489
	87,462	82,175	91,990

There is a good deal of variation between the new figures and those of last year. The increase in the Karibib district is due very largely to an increase in the number of labourers from elsewhere to meet the mining development which is occurring there and the same remarks apply to Luderitzbucht. The differences in the estimates for other districts are also to a great extent due to labour variations, though the movement of natives to reserves in districts, other than where they originally resided, in some degree is also responsible. The district of Gobabis, for instance, having received 800 souls who came from neighbouring districts to settle in the reserves of Aminuis and Epukiro.

Under the heading "Reserves" in Section V of the Report (see para. 35) is given a return of the births and deaths which have occurred in those reserves where the Superintendents have collected vital statistics from the beginning of the year. Great difficulty has been experienced in getting all births and deaths reported, and owing to the small native population of each reserve, one or two cases of omission to report would make the figures quite unreliable as a guide as to whether the births are in excess of the deaths or otherwise. From the observations of the Superintendents resident in the reserves, it is believed that in several areas there is a very slight increase in some tribes, but a decrease in others. Instructions have now been given to all district officers to insist on the reporting of all births, deaths and marriages amongst the Native and Coloured races, and the figures which will be furnished next year should be a more reliable guide. ☺

Para. 27. Annexure "A" reflects the tribal distribution of Natives within the various districts with the estimated number of men, women and children belonging to each. While it is realised that the figures supplied are not accurate the officers of the Administration have given the greatest care to their compilation and short of an actual census they are as reliable as it is possible to get them.

The population returns for Ovamboland and for the Okavango are dealt with in detail under the sections of this report which are devoted to those territories. The totals are, however, set out hereunder in order to show the total number of natives subject to this Administration.

Territory.	1925.	1926.
Within Police Zone	82,175	91,990
In Ovamboland	85,000	126,600
Kaokoveld	2,000	2,200
Okavango	12,000	14,000
	181,175	234,790

It is believed that these figures approximate more closely to the actual native population of the various areas than the return previously supplied, while owing to the active efforts at enumeration made by the officer in charge of Ovamboland the figures for that territory are fairly reliable.

OVAMBOLAND.

Para. 28. A rough census was carried out by the Officer-in-charge of Native Affairs in Ovamboland and this has made necessary a considerable modification of the figures which were given last year as the estimated strength of the various tribes. The following table shows the revised estimate as compared with that given in 1925 :—

Tribe.	Estimated Population, 1926.	Estimated population, 1925.
(1) Ondonga	40,000	50,000
(2) Okuanayana	25,000	50,000
(3) Ukuanihi	5,000	7,000
(4) Ongandjera	3,500	6,600
(5) Ukualuthi	4,000	6,000
(6) Ombarantui	6,000	5,000
(7) Okolonkathi		
(8) Eunda	1,500	2,200
(9) Kunene River, Ovahimba Settlement ..		
Totals	85,000	126,800

Natural increase and the addition of members of the tribes moving in from Angola to some extent account for the increase, but the difference is greatly due to previous under-estimation. Owing to there being no official means of doing so no record is kept of births deaths and marriages in Ovamboland, and it is therefore impossible to state what the natural rate of increase is—that it is high is undoubted, for all the conditions which make for a rapidly-increasing population are present. The following figures, which have been supplied by the Finnish Mission, show the births and deaths reported by the Church members, but it would not be safe to take them as a guide :—

Year.	Congregation.	Deaths Reported.	Births Reported.
1921	10,412	123	342
1922	12,853	110	553
1923	14,214	152	537
1924	15,963	215	780
1925	17,447	184	798

OKAWANGO.

Para. 29. *Population.*—The population is now estimated to be about 14,000, an increase of 2,000 on the previous estimate, made up as follows :—

Tribes.	Estimated Population,	Length approximately of River frontage occupied.
Kuangari	6,500	44
Bunja	2,500	44
Sambio	2,000	56
Diriko	3,000	53
Totals	14,000	197

Vital Statistics.

Para. 30. The following tables show (a) the preliminary unaudited figures of births, deaths and marriages registered during 1926, and (b) Vital Registrations—rates per 1,000—in respect of Europeans only during the years 1924 and 1925 :—

	European.		Native.	
	Males.	Females.	Males.	Females.
(a) Births	399	327	138	147
Deaths	104	69	194	112
Infantile Deaths	27	13	51	34
Marriages	210		346	

Vital Registrations—Rates per 1,000—Europeans. Years 1924 and 1925.

Year.	Mean Estimated Population.	Births.	Deaths.			Infantile Mortality.			Marriages.
			M.	F.	T.	M.	F.	T.	
1924 ..	22·388	28·58	7·19	5·11	6·30	72·05	27·30	51·56	9·16
1925 ..	23·325	29·75	8·95	7·58	8·36	61·22	48·43	54·76	8·87

Para. 31. The migration statistics for 1926 are reflected in the following statements :—

A. ARRIVALS : NUMBER OF PERSONS ENTERING TERRITORY BY SEA.

Reasons for entering South West Africa.	Males.	Females.	Total.
Assuming domicile	477	320	797
Resuming domicile	349	297	646
Visiting	40	28	68
Totals	866	645	1,511

The number of arrivals of adults and minors was as follows :—

Adults.	Minors.	Total.
1,122	389	1,511

The conjugal condition of persons who have entered the Territory by sea is given in the following schedule :—

Condition.	Males.	Females.	Total.
Single	540	310	850
Married	316	319	635
Widowed and Divorced	10	16	26
	866	645	1,511

B. DEPARTURES : NUMBER OF PERSONS LEAVING THE TERRITORY BY SEA.

Reasons for leaving S.W.A.	Males.	Females.	Total.
Relinquishing domicile	43	8	51
Completion of visit	40	43	83
Temporary absence	306	280	586
	389	331	720

The number of departures of adults and minors by sea was as follows :—

Adults.	Minors.	Total.
511	209	720

The conjugal condition of persons who have left the Territory by sea is indicated in the following schedule :—

Condition.	Males.	Females.	Total.
Single	219	138	357
Married	163	176	339
Widowed and Divorced ..	7	17	24
Total	389	331	720

C. NATIONALITY OF ARRIVALS BY SEA, 1926.

Nationality.	Males.	Females.	Total.
British	54	69	123
American	1	—	1
Austrian	4	1	5
Czecho Slav	1	1	2
Dane	2	2	4
Netherland	2	7	9
German	791	560	1,351
Lett	1	—	1
Lithuanian	3	—	3
Pole	3	—	3
Russian	2	—	2
Swiss	2	3	5
Italian	—	1	1
Jugo Slav	—	1	1
Total	866	645	1,511

D. NATIONALITY OF DEPARTURES BY SEA, 1926.

Nationality.	Males.	Females.	Total.
British	58	56	114
American	1	1	2
Austrian	4	3	7
Belgians	1	—	1
Czecho Slav	2	—	2
Dane	1	—	1
Dutch	42	8	50
Finn	2	2	4
German	272	259	531
Lithuanian	—	1	1
Norwegian	2	—	2
Swiss	2	1	3
Portuguese	1	—	1
Other European Races	1	—	1
Total	389	331	720

E. OCCUPATIONS OF ARRIVALS AND DEPARTURES BY SEA, 1926.

Occupation.	Assuming Domicile.			Relinquishing Domicile.		
	Males.	Fe- males.	Total.	Males.	Fe- males.	Total.
Farmers	118	1	119	—	—	—
Farmers' Sons, Daughters and other relatives ..	3	1	4	1	—	1
Nurserymen, Gardeners and Seedsmen	1	—	1	—	—	—
Farm Bailiffs and Foremen	3	—	3	—	—	—
Agricultural Labourers	15	—	15	—	—	—
Owners, Agents and Managers, Metalliferous Mines and Workings	1	—	1	—	—	—
Subordinate Superintendents, Staff (Inspectors, Contractors and Foremen)	1	—	1	—	—	—
Other Workers (below ground)	11	—	11	—	—	—
Other Workers (above ground in open workings)	1	—	1	—	—	—
Smiths and Skilled Forge Workmen	6	—	6	1	1	2
Erectors and Fitters	41	—	41	6	—	6
Lock, Latch and Key makers, Locksmiths ..	2	—	2	—	—	—
Mechanical Engineers	15	—	15	—	—	—
" " (not Engine drivers)	—	—	—	2	—	2
Mechanics (so returned)	9	—	9	2	—	2
Motor Mechanics (so returned)	2	—	2	—	—	—
Tinsmiths, Sheet Metal Workers	1	—	1	—	—	—
Other Skilled Metal Workers	1	—	1	—	—	—
Electrical Engineers	2	—	2	—	—	—
Electrical Fitters	2	—	2	—	—	—
Electricians	5	—	5	—	—	—
Watch, Clock and Chronometer Makers and Repairs	2	—	2	—	—	—
Machine Tool Workers	—	—	—	1	—	1
Saddlers and Harness Makers	1	—	1	—	—	—
Foremen and Overlookers, Weaving	1	—	1	—	—	—
Tailors, Tailors' Pressers and Machinists ..	3	—	3	—	—	—
Milliners	—	1	1	—	—	—
Boot and Shoe Makers and Repairers	2	—	2	—	—	—
Bakers and Pastry Cooks, Biscuit Makers ..	8	—	8	—	—	—
Sugar Confectionery	1	—	1	—	—	—
Makers of Foods: Other skilled workers ..	1	—	1	—	—	—
Solicitors, Notaries, Conveyancers	—	—	—	1	—	1
Cabinetmakers	5	—	5	—	—	—
Carpenters	8	—	8	1	—	1
Wood Turners and Machinists	1	—	1	—	—	—
Upholsterers and Coach Trimmers	1	—	1	—	—	—
Photographers	1	—	1	—	—	—
Printers	1	—	1	—	—	—
Bookbinders	1	—	1	—	—	—
Bricklayers	7	—	7	—	—	—
Masons	5	—	5	—	—	—
Contractors' Labourers	1	—	1	2	—	2
Painters and Decorators	4	—	4	—	—	—
Drivers and Coachmen of motors cars, omnibus, vans and lorries	2	—	2	—	—	—
Shipowners, Managers, Brokers and Agents ..	2	—	2	—	—	—
Petty Officers, Seamen and Dock Hands	1	—	1	6	—	6
Proprietors, Managing Directors, Managers of Wholesale and Retail businesses	42	—	42	1	—	1
Brokers, Agents, Factors (not elsewhere enumerated)	1	—	1	—	—	—
Salesmen and Shop Assistants	5	1	6	—	—	—
Bankers, Bank Officials (Heads of Departments, Managers and Inspectors)	1	—	1	—	—	—
Carried forward	348	4	352	24	1	25

E. OCCUPATIONS OF ARRIVALS AND DEPARTURES BY SEA, 1926—Continued.

Occupation.	Assuming Domicile.			Relinquishing Domicile.		
	Males.	Fe- males.	Total.	Males.	Fe- males.	Total.
Brought forward	348	4	352	24	1	25
Civil Servants (Officials and Clerks)	1	—	1	—	—	—
Roman Catholic Priests, Monks and Nuns	4	7	11	—	—	—
Ministers of other religions or religious bodies	1	—	1	—	—	—
Itinerant Preachers, Mission Workers, etc.	1	1	2	—	—	—
Physicians, Surgeons, Registered Medical Prac- titioners	1	—	1	1	—	1
Sick Nurses	—	10	10	—	—	—
Teachers (not music)	7	6	13	1	1	2
Consulting Civil Engineers and Surveyors	1	—	1	—	—	—
Consulting Mechanical and Electrical Engineers	1	—	1	—	—	—
Mining Engineers	1	—	1	—	—	—
Architects, Quantity Surveyors	1	—	1	—	—	—
Domestic Servants (indoor)	—	24	24	1	—	1
Matrons and Stewards of Schools and other Private Institutions	—	1	1	—	—	—
Inn and Hotelkeepers, Publicans and Beersellers	1	—	1	—	—	—
Barmen	2	—	2	—	—	—
Waiters	1	—	1	—	—	—
Hairdressers, Manicurists, Chiropodists and Beauty Specialists	3	—	3	—	1	1
Draughtsmen	1	—	1	—	—	—
Bank Clerks	1	—	1	—	—	—
Other Clerks	18	8	26	—	—	—
Storekeepers	1	—	1	—	—	—
Stationary Engine and Crane Drivers	1	—	1	3	—	3
Boiler Firemen and Stokers	1	—	1	1	—	1
Diamond Miners	4	—	4	—	—	—
Other Workers above ground and in open work- ings (Diamond Mines)	1	—	1	—	—	—
Employers & Managers not elsewhere enumerated	—	—	—	1	—	1
Locomotive Engine Drivers, Firemen, Cleaners, including Motormen	—	—	—	7	—	7
Foremen & Overlookers not elsewhere enumerated	2	—	2	—	—	—
Labourers not otherwise defined	1	—	1	—	—	—
Navigating Officers and Pilots	—	—	—	2	—	2
Occupations unknown, not stated or unspecified	2	37	39	1	—	1
Officials (not clerks of Foreign Governments)	1	—	1	—	—	—
Engineering Officers	—	—	—	1	—	1
Household Duties at home	—	145	145	—	3	3
Independent means	—	1	1	—	—	—
Persons under 15 years	69	76	145	—	2	2
Grand Total	477	320	797	43	8	51

NATIVE POPULATION, 1926.

ANNEXURE "A."

District.	Hottentots.			Bastard and Coloured.			Hereros.			Ovambos.			Damaras and Klipkaffirs.			Bushmen.			Other Tribes.			Total			Total. All Ages and Sexes.
	M.	W.	C.	M.	W.	C.	M.	W.	C.	M.	W.	C.	M.	W.	C.	M.	W.	C.	M.	W.	C.	M.	W.	C.	
Aroab	20	25	20	90	69	208	—	—	—	—	—	—	—	—	—	—	—	—	150	100	300	260	194	528	982
Bethanie	90	150	180	—	—	—	4	3	5	—	—	—	—	—	—	—	—	—	—	—	—	94	153	185	432
Gibeon	435	401	1,237	8	8	2	237	320	412	20	—	—	228	231	350	—	—	—	—	—	—	928	960	2,001	3,889
Gobabis	—	—	—	—	—	—	675	810	1,215	—	—	—	200	240	300	150	150	200	150	180	270	1,175	1,380	2,045	4,600
Grootfontein	40	30	71	82	43	89	783	614	621	2,257	341	386	735	648	816	682	824	1,013	633	1	12	5,192	2,501	3,008	10,701
Karibib	—	—	—	275	222	210	616	566	549	298	125	157	1,308	1,373	1,400	—	—	—	—	—	—	2,497	2,286	2,316	7,099
Keetmanshoop ..	1,060	1,155	1,700	160	170	210	338	390	385	20	5	10	170	180	230	—	—	—	—	—	—	1,738	1,895	2,535	6,168
Luderitz	188	208	236	32	51	26	88	46	12	3,751	48	21	78	86	41	—	—	—	5,522	94	111	9,659	533	447	10,639
Maltahöhe	117	230	307	23	11	64	10	5	5	6	—	—	37	70	138	—	—	—	—	—	—	193	316	514	1,023
Okahandja	—	—	—	26	10	14	1,733	1,416	2,361	—	—	—	298	336	566	—	—	—	88	24	38	2,145	1,786	2,969	6,900
Omaruru	—	—	—	—	—	—	962	1,168	1,064	—	—	—	570	710	788	—	—	—	181	32	37	1,713	1,910	1,889	5,512
Otjiwarongo	32	7	—	77	40	127	947	1,254	704	113	9	1	556	862	447	30	45	—	—	—	—	1,755	2,217	1,279	5,251
Outjo	71	77	131	9	7	22	152	165	235	45	51	108	293	446	612	125	125	201	—	—	—	695	871	1,309	2,875
Rehoboth	690	680	1,029	717	858	1,582	445	591	631	—	—	—	513	664	750	—	—	—	—	—	—	2,365	2,793	3,992	9,150
Swakopmund	194	119	80	—	—	—	136	72	44	523	84	110	235	130	92	—	—	—	638	32	29	1,726	437	364	2,527
Warmbad	813	861	1,406	82	107	105	11	12	25	—	—	—	—	—	—	—	—	—	69	24	88	975	1,004	1,774	3,753
Windhoek	440	406	386	—	—	—	950	1,000	660	430	68	72	2,125	2,100	1,650	—	—	—	135	41	26	4,080	3,615	2,794	10,489
Total	4,180	4,344	6,852	1,561	1,596	2,749	8,087	8,432	8,918	7,463	731	865	7,346	8,076	8,240	987	1,144	1,414	7,566	528	911	37,190	24,851	29,949	91,990
Total, All Ages and Sexes ..	15,376			5,906			25,437			9,059			23,662			3,545			9,005			91,990			

M = Men. W = Women. C = Children.
 Luderitz figures include 3,314 Union Natives employed on mines. Grootfontein figures include 305 Zambesi and 118 Portuguese Angola Natives employed on mines.

V. NATIVE AFFAIRS.

Para. 32. From an administration point of view the year under review has been an entirely satisfactory one. The native population, not only within the Police Zone but also in the purely native areas of Ovamboland and the Okavango, have been peaceful and orderly. There have been no political disturbances, no faction fights have taken place and no industrial troubles have occurred on the Mines.

The year may also be considered satisfactory from the natives' point of view. It is true that the rainfall was badly distributed and that losses of stock were sustained owing to drought conditions prevailing in some areas, but as will be shown under the appropriate heads in this report, there has been a substantial increase in the flocks and herds in the territory as a whole, while work has been plentiful and labour conditions on farms have improved appreciably with regard both to the amount of wages paid and the nature of the rations which are provided. In addition to this there have been no great epidemics, and the one outbreak of influenza, which took place in the north, was of a very mild character, except on the mines in the Grootfontein district.

As has been mentioned in previous reports, the natives of this territory, with the exception of the Ovambos, are purely pastoral people: agriculture has never been practised by them owing to the greatest part of the country being entirely unsuitable for such pursuits, and their only concern was for the care of their herds. Progress amongst such a population has always been much slower than in the case of agriculturists, and it is only to be expected that there would be little evidence of any real progress over so short a period amongst the natives of South-West Africa. Contact with Europeans, which is taking place to an ever-increasing degree, is, however, having a sure though slow effect and the natural intelligence of most of the sections of the native population, which is not below the average of that of other South African native tribes, will enable them to profit by such contact to the extent, and to that extent only, which the economic conditions make possible.

The usual type of dwelling is a rough hut covered with mud, pieces of old sacking or of tin and, in rare instances, with some type of rough thatching. In comparatively few places are square houses found, and these places are almost entirely confined to the reserves occupied by the Hottentots. The poor type of hut is due more to the difficulty of getting suitable grass for thatching than to inaptitude on the part of the builders. Suitable grass in the semi-arid parts is unobtainable; that fact and the sandy nature of the country makes home-building on the lines adopted by even more primitive tribes in better favoured countries an impossibility and is responsible for the native "werfs" or settlements being the most dreary and unsightly habitations imaginable.

As time goes on, natives from tribes other than the Hottentots will build small dwellings of sundried brick with galvanised iron roofs, but it can be expected that such buildings will be erected only in the Native Reserves, where fixity of tenure is possible, and even then it will take very long for these pastoral people, who for generations have lived under conditions where movement from one grazing ground to another has been necessitated by the lack of surface water and a most uncertain rainfall, to realise that the country is all being taken up and that the day of the nomad is over.

This is a young country, still in the stage when everything has to be imported. Cost of living to the European is very high and it is quite impossible for the native, with his low earning capacity, to depart to any extent from the native diet of milk and meat, while the purchase of commodities, other than clothing, is beyond him.

MATERIAL PROGRESS.

Para. 33. The rainfall for the season 1925-26 was a very poor one, especially in the central and southern areas. In some localities rain has not fallen for more than 12 months, and stock in these areas suffered greatly in consequence. The estimated figures given by the District Officers showing the stock owned by natives at the end of 1926 in the various districts inside [U.G. 22-'27.]

the Police Zone, are set out hereunder, where they are compared with the figures supplied for the previous year :—

RETURN OF NATIVE-OWNED STOCK, INCLUDING THAT OF NATIVE RESERVES FOR 1926.

District.	Total Large Stock.	1925. Large Stock.	Total Small Stock.	1925. Small Stock.
Aroab	1,050	1,500	5,000	5,000
Bethanie	500	298	8,300	4,462
Gibeon	3,958	1,583	48,645	18,889
Gobabis	14,979	15,000	52,732	20,000
Grootfontein	15,678	15,000	15,221	20,785
Karibib	8,283	5,890	45,204	51,728
Keetmanshoop	12,831	13,769	83,850	126,960
Luderitz	227	140	1,970	2,449
Maltahöhe	337	423	6,977	8,535
Okahandja	15,601	14,000	73,346	102,694
Omaruru	9,322	8,326	82,917	69,341
Otjiwarongo	11,847	7,313	56,041	51,738
Outjo	2,218	4,300	33,350	35,000
Rehoboth	13,117	10,021	61,128	82,696
Swakopmund	664	400	4,848	5,220
Warmbad	3,445	1,005	14,361	5,263
Windhoek	6,137	9,474	50,614	79,140
Totals	120,194	108,442	644,504	689,900

The figures for the year under review, though not strictly accurate, have been compiled, in the majority of cases, by the Police, and can be taken as a good guide to the wealth of the native population. The figures show an increase in the number of large stock of 11,000 or an increase of about 10 per cent. over last year and a decrease in the number of small stock of 35,000, or approximately 5 per cent. on the figures for 1925. While it is known that considerable losses were sustained in some parts of the country, owing to the drought, it is doubtful whether they were so high as 5 per cent. over the whole of the territory involved, and it is most likely that the figures for the previous year had in some cases been estimated too highly.

The total amount of stock owned by the natives in the mandated territory can be given as follows :—

Territory.	Large Stock.	Small Stock.
Within Police Zone	120,000	644,000
Ovamboland	150,000	180,000
Kaokoveld	12,000	22,000
Okavango	12,000	5,000
Total	294,000	851,000

TAXATION AND EXPENDITURE.

Para. 34. In 1925, except for grazing fees, which are in reality not a tax at all, but a rental paid by stock owners in respect of their flocks and herds for grazing on land belonging to the State, the only direct tax paid by natives was the dog-tax. Since then an additional tax has been laid upon them by Proclamation No. 22 of 1926, which applies to natives the provisions of Ordinance No. 6 of 1926, under which Europeans are required to pay annually a wheel-tax of 7s. 6d. per wheel per annum in respect of any wagon, cart, carriage, truck, motorcycle, motor-car, motor-lorry or any other vehicle running on wheels, excepting such as run on rails. Few natives, however, have vehicles of any description, so they will not be much affected. It may be observed that the proceeds of this tax are devoted to the improvement of public roads.

The dog-tax paid by natives in reserves during 1926 amounted to £503 15s. as set out in detail under the section of the report dealing with the reserves. The amount collected in each reserve is paid into the general fund for such reserve and is devoted to improvements in the reserve.

Details of direct expenditure on behalf of natives are given in Section III, Public Finance, para. 24.

NATIVE RESERVES.

Para. 35. General.—During the year the settlement and development of Native Reserves has gone on quietly. The largest increase in residents and in the stock has taken place in the reserves in the Gobabis district, where the Aminuis Reserve has gained approximately 800 more residents and 1,000 head of large and 4,000 head of small stock, and where the Epukiro Reserve has received an increase of approximately 100 residents, 1,000 head of large and 4,000 head of small stock. There would have been a larger influx to the Aminuis Reserve had the season been more favourable. There is a very wide stretch of country between the reserve and the Rehoboth district, where a large number of natives under orders to move were waiting with their flocks and herds. This part of the country received very little rain, and in consequence the grazing was bad and many of the places where water is obtainable, in good seasons, had dried up. Some few families pushed through, but the majority declined to take the risk. Arrangements are now in train for the balance of these natives to move during the present summer as soon as they can do so with safety.

The following table shows the numbers and classes of stock in each reserve, giving comparatively the numbers possessed in 1925 and in 1926.

NATIVE-OWNED STOCK : NATIVE RESERVES, 1926.

District.	Reserve.	1926.	1925.	1926.	1925.
		Total Large Stock.	Large Stock.	Total Small Stock.	Small Stock.
Bethanie ..	Soramas ..	420	298	4,039	4,462
Gibeon ..	Gibeon ..	763	630	6,159	3,891
Gobabis ..	Aminuis ..	8,781	7,909	15,500	11,324
" ..	Epukiro ..	4,128	3,031	8,232	4,441
Grootfontein ..	Otjituo ..	7,773	7,370	6,350	4,000
Karibib ..	Otjimbingwe ..	3,457	2,750	16,163	12,500
Keetmanshoop ..	Berseba ..	6,000	7,000	58,000	62,000
" ..	Tses ..	2,831	3,000	25,800	44,000
Okahandja ..	Ovitoto ..	6,101	6,960	18,346	34,815
Omaruru ..	Otjihorongongo ..	3,250	2,875	30,600	22,574
" ..	Okombabe ..	2,595	2,554	18,000	11,647
Otjiwarongo ..	Waterberg ..	6,610	3,400	12,100	6,500
Outjo ..	Fransfontein ..	496	490	3,682	4,200
Warmbad ..	Bondels ..	1,570	983	3,252	1,489
		54,775	49,250	226,223	227,843

The figures show that large stock have increased by 5,500 and small stock have decreased by 1,500. The largest decrease occurred in the two reserves in the Keetmanshoop district, where for two successive years the rainfall has been very scanty and considerable numbers of small stock died of poverty; and in the Ovitoto Reserve in the Okahandja district, where owing to drought many have died or have been moved out to privately-owned farms where grazing was better.

Except in the reserves mentioned, stock has increased, and in spite of the low rainfall which has been experienced the natives have, generally speaking, made some progress.

Amongst cattle within the Police Zone the chief losses during the year have been from drought. Next in order comes losses from Gallamsiekte, which is always much worse in dry seasons than in normal seasons. Few deaths from other causes have been reported. Outbreaks of scab amongst the small stock occurred in the Aminuis, Otjihorongongo and Ovitoto Reserves. The Superintendents attended at once to the dipping and the flocks were soon clean again.

There has been a substantial increase in the number of registered occupants, but this is due more to natives having moved into the reserves than to natural increase. Records were kept in some districts of the births and deaths which occurred, and the following figures show that the increase was only 3 per cent. of the total population of those reserves. It would not be correct to accept these figures as being accurate, because the natives have not yet learned the necessity of reporting such natural occurrences as births and deaths, and some, no doubt, have made default in doing so, but the figures bear out the fact, which is very well recognised, that the birth-rate is very much lower than it should be. Fuller statistics will be available when my next report comes to be written.

BIRTHS AND DEATHS REPORTED IN RESERVES.

Reserve.	Population.	Births.	Deaths.
Epukiro	637	18	5
Aminuis	1,972	23	13
Otjituo	976	None reported	9
Okombahe	1,084	11	2
Otjhorongo	1,090	9	6
Waterberg	1,194	3	11
Bondels	592	8	5
	7,545	72	51

RESERVE FUNDS.

Para. 36. In Section III, para. 20, are shown the amounts collected in the different reserves during 1926. There has been an increase of £4,500 over the amount collected in the previous year. All the revenue collected is paid into the funds of the different reserves and is to be expended in the interests of the inhabitants, e.g. in providing pure-bred bulls to improve the native stock, in fencing the reserves, and in opening up further water supplies and works of a similar nature. During 1926 about £900 was paid out of the Ovitoto Reserve Fund in connection with a large dam which is being built in that Reserve. This dam, when completed, will, it is estimated, be capable of carrying the stock to be watered there through a whole year, though no rain at all falls. The total cost will be in the neighbourhood of £1,500.

WATER SUPPLY.

Para. 37. The search for underground water in the Waterberg East Reserve was continued. Four more boreholes were put down at a cost of approximately £1,200. These holes were all failures. This brings the total number of boreholes sunk in this reserve up to six, all of which were failures, for although water was found in two of the earlier ones which were thought to be fit for stock, it has now become so salty as to be undrinkable. The cost of boring in the reserve to date totals approximately £2,000. The work is being continued, for it is essential that the surface water, which gives out in dry seasons, should be supplemented by permanent underground supplies.

In the Epukiro Reserve four boreholes were put down, two of which were successful. This brings the total number of boreholes there up to sixteen, of which number only eight yield a sufficient quantity of water to warrant pumping plants being installed at them. Six of the boreholes have been provided with windmills and reservoirs, and two with windmills only. The two without reservoirs will have their reservoirs completed before the end of 1927. Auxiliary pumping plant has been installed at four boreholes, and a portable plant to serve the balance during those periods when the wind fails, has been authorised. Providing water in this reserve to date has cost in the neighbourhood of £5,300.

In the Otjhorongo Reserve two hand pumps have been supplied. In the Tses Reserve one borehole has been put down and a hand pump authorised. In the Bondels Reserve a Bakkies pump was erected and in the Aminuis Reserve many wells have been dug and some windlasses provided.

NATIVE RESERVE BOARDS.

Para. 38. Under the provisions of Proclamation No. 9 of 1924, boards consisting of the Superintendent of the Reserve as Chairman, the duly appointed headman or headmen, and not more than six adult males domiciled or possessing substantial interests in such reserve elected by the other adult male native residents, may be appointed for each reserve for the purpose of assisting and making suggestions in regard to the administration of the reserve funds. During 1926 the boards, as under, were appointed:—

- Franzfontein Reserve Board with 4 native members.
- Otjhorongo Reserve Board with 4 native members.
- Okombahe Reserve Board with 8 native members.
- Otjituo Reserve Board with 6 native members.

This brings the number of Reserves where Boards have been appointed up to six. The balance of the reserves will in all probability have similar boards before my next report will be written.

CHURCHES.

Para. 39. Mission Societies have established churches in the reserves as follows :—

Reserve.	Rheinischer Mission.	Roman Catholic.
Otjimbingwe	1	—
Gibeon	1	1
Berseba	1	—
Okombaha	1	1
Bondels	1	1
	5	3

An effort was made to establish a mission school in the Otjituo Reserve, but the natives set themselves so definitely against it that the Rheinischer Mission decided to leave the matter over for the time being. In this connection the Magistrate of Grootfontein reported as follows :

“ This question was raised and a vote taken with the result that they were unanimous in asking the Administration not to permit a school being opened on the reserve. They explained that they have never asked for a school and they do not want one. It was known that I intended discussing this school question, and it is a curious fact that not a single native had anything to say in its favour. One native, to enlarge upon the protest, informed me that he had been to school for twenty-eight years and that he could neither read nor write, and for my information he produced his school book—a primer.”

Every assistance possible is given by the Administration to Mission Societies wishing to establish themselves, but it is feared it will be very long before all the reserves will be provided with churches.

OVAMBOLAND.

Para. 40. Political.—Ovamboland is able to add yet another year to the many in its late history which have been completely free from trouble and strife. The country has passed through a year which in every way was satisfactory. Food was plentiful, no epidemics occurred and the influence of the officials resident amongst them ensured freedom to the various tribes from raids and from molestation of any nature from their neighbours.

The staff consists of :—

- (1) Mr. C. H. Hahn, the Government representative, whose headquarters are at Ondongua ;
- (2) Mr. H. Eedes, who is stationed at Namakunde, in the Neutral Zone ;
- (3) Mr. L. D. Thompson, the Clerical Assistant at Ondongua ; and
- (4) Dr. Weindel, Medical Officer at Ondongua.

The supplementing of his transport by a subsidised motor-car has enabled Mr. Hahn to visit the various tribes far oftener than was previously possible. Since he obtained the car in October, 1925, he has, with this form of transport, travelled over 9,000 miles on official duty, and to that must be added his frequent trips by mule cart and on horseback.

Amongst public works which it has been found possible to undertake may be mentioned the constructing of a road from Namakunde to Kuring Kuru, of which a section of approximately 40 miles has been completed, the building of several sections of new roads in the western part of the country and in the Kaakoveld, a large dam and many wells made in the Ukuanyama area, and the erection of quarters for the newly established Police Post at Tshimhaka.

All these works were carried out by the natives themselves on directions given to them through their Chiefs by the resident officials.

Early in the year it was considered necessary to establish a Police Post in the Kaakoveld to stop the hunting of big game and to prevent the movement of cattle from Angola and other illicit traffic. The post was first placed at Hondoto, 16 miles from Swaartbooi's drift on the Kunene River, but it was found that the site was unsuitable, so it was moved to Tshimhaka, on the main crossing through the Kunene from Angola to the Kaakoveld. The strength of the post is one sergeant, two European Constables and three Native Constables.

The only events of political importance which occurred were the deaths of two headmen of standing in the persons of Shenute (Shituthi), of the Okolonkathi tribe, and Amaulongu of the Ondonga Tribe, and the desertion from Chief Impumbu of his fighting General, Headman and Councillor, who went over to Chief Martin, where he now is a man of standing in the Ondonga Tribe.

[U.G. 22—'27.]

Para. 41. Wealth.—The various Ovambo Tribes, in regard to their wealth, which is reckoned in stock and food supply, may be placed in the same sequence as shown in the population return (see para. 28), with the exception of the first two, whose position should be reversed. The more industrious Ukanyamas, by means of the wages they bring back from the mines have increased their stock in recent years to a much greater extent than their more indolent neighbours.

The total stock in Ovamboland is estimated at 150,000 head of cattle and 180,000 sheep and goats. The proportion of sheep is very small. The country is not suited at all to sheep, and even goats do not do well. These figures show an extraordinary increase as compared with the previous year's figures, but the Native Affairs Officer was instructed to make very close enquiries with a view to forming as accurate an estimate as possible, and he took particular care. They may, therefore, be accepted provisionally, but they will be checked. The cattle are dwarfed animals of little commercial value. This is probably due to inbreeding, for a marked improvement in size is noticeable in the progeny of some bulls which were introduced in 1918.

The experiment of grading up the Ovambo stock is being continued, and in the year under review ten bulls were sent up from the Government Experimental Farm.

Para. 42. Religion.—The Finnish Mission Society has been at work for the past fifty-six years and has now eighteen churches where services are regularly conducted, and numerous out-stations. The membership has increased from 17,447 in 1925 to over 19,000 in 1926. This mission in the Ondonga Area alone has seven stations where the ministers are settled with their families and with European assistants.

The Church of England and the Roman Catholic Church have not been at work so long. The former has one church and is doing itinerant work—preaching and teaching—in three other areas. The Roman Catholic Church has also one church, and its work is spreading.

Para. 43. Social and Material Conditions.—The influence of the missions and the contact with Europeans by those natives who go out to work are producing a marked effect on the native. The chief sign is the tendency to adopt European clothes (though the conservatism of the native women in regard to retaining the old form of tribal dress is still the despair of the missionaries), and the chief result is the loosening of the ties of their old customs.

It cannot be expected that there would be much material evidence of change amongst a people whose only money is the savings of the relatively few who go over their borders to work, and whose only trade is a little barter amongst themselves of grain and stock. The natives cannot live as the Europeans do, however much they may desire it, and their own conditions are so natural and congenial that there will be no change for many generations to come; but the teachings are being absorbed, and the mental outlook altering, while there is each year a progressive increase in the numbers who adopt Christianity and who attend the schools which are provided for them.

In 1925 (the figures are not available for 1926), in a church membership of 17,000, 343 marriages in accordance with Christian rites were celebrated, which is a very small percentage of the marriages in that year for the whole tribe. Figures are not available this year for all the missions, but a fuller record will be ready in 1927.

Para. 44. Education.—This subject is dealt with at length in paras. 129 to 147.

Para. 45. Labour.—The position in regard to labour is very unsatisfactory. Out of a total male adult population of approximately 35,000 only 3,273 went out to work in 1924, 3,269 in 1925 and 4,033 in 1926.

The country is crying out for labour, and all industries are being severely handicapped owing to the acute shortage which makes further development in mining almost impossible, and is arresting the progress of the country.

The reasons for the natives not being available for labour are given as—

- (a) they are free from taxation of any kind;
- (b) they have unlimited land and grazing, and can live on the produce of their gardens and the increase of their flocks and herds;
- (c) traders have not gained general entrance into the country with European wares, and no demand for such wares has yet arisen which could only be satisfied if cash were available; and
- (d) they miss in labour-centres their ordinary form of diet in which the national beverage made from grain, and containing only a small percentage of alcohol, plays a large part, for under the terms of the Mandate the supply of alcohol is forbidden. It is obviously impossible to prevent natives in Ovamboland and in the Okavango Reserves from making beer, but they cannot obtain it at labour centres.

It is a significant fact that the bulk of the labour which is recruited in Ovamboland is provided by the Ukuanyama Tribe, who were disarmed a few years ago, and who, in place of a native chief, look up to our representative as their direct head. This tribe provides

seven or eight times as many recruits as the well-armed Ondonga Tribe, which approximated the same population and over 60 per cent. of all the labourers which leave Ovamboland.

Para. 46. Important Events.—The chief event which occurred in 1926 was the loss of the Neutral Zone, which is dealt with in section 2, para. 5, of the report. The only other event of importance was the outbreak of anthrax on a large scale on the Angola side of the Neutral Zone. The Senior Veterinary Officer at once went to the scene and co-operated with the members of the Angola Veterinary Department. Unfortunately, the fullest advantage was not taken by the natives of the free services of these officers, and a comparatively small number of stock was inoculated. Mr. Garraway spent five weeks on this duty and then returned to headquarters.

OKAWANGO.

Para. 47. Tribal Affairs.—Towards the close of 1925 the death occurred of Kanjimi, Chief of the Kuangari Tribe. Chifute, a half-brother of the deceased, was provisionally appointed in his stead, though, because of his youth, the active power over the tribe remained in the Regent Kanuni.

The relations between one tribe and another, and between the tribes and the Government, have left nothing to be desired, and on no occasion has anyone shown any inclination to go contrary to the wish of the Administration.

The bushmen who inhabit the dry stretches between the Okavango and the Police Zone gave some trouble. They attacked parties of returning labourers, wounding several, and followed that up by an attempt to overawe and intimidate the Bunja Tribe in their own area. The movement was suppressed by Chief M'Dumi, without serious conflict with the bushmen, and later a Police Camel Patrol was successful in capturing some of the Bushmen who were concerned in attacking the returning labourers, and took them to Grootfontein for trial. Since then all has been peaceful.

Para. 48. Social and Material Conditions.—The natives remain happy and contented, living in their natural state.

The standard of wealth is cattle, and taking the population collectively they are well supplied with these. They also practise agriculture, and grow sufficient maize and millet for their own requirements. Money is scarce, and the great majority of the natives have little regard for it. Each village is practically self-supporting and independent, but there is little incentive towards individual or tribal industry. Certain individuals have acquired outstanding proficiency in such crafts as canoe building, smithy work, pottery making and basket weaving, and maintain irregular commercial relations with their own neighbours; and in times of shortage in one area there is some trade in bartering grain with natives in areas where the conditions are more fortunate.

At Kuring-Kuru, at the northern end of the area, is stationed the Officer-in-Charge of Native Affairs and a trained European medical orderly, and at the other end, at Diriko, there is a Roman Catholic Mission Station. Except for these two establishments there are no Europeans. The converts to Christianity are few, and though their number is not known accurately it is thought to be under 50. The Roman Catholic Mission obtained authority from the Administration to open another station at Kuring-Kuru. At first the Chieftainess Kanuni and her people were agreeable, but later they showed themselves as being opposed to it. A pite was, however, pointed out by them, and it is still to be seen whether the mission will go on with the scheme.

Para. 49. Livestock.—The estimated livestock is 12,000 to 13,000 head of cattle, and 5,000 to 6,000 goats. Unfortunately an outbreak of lungsickness, said to have been introduced from Angola, occurred, which occasioned some losses. A veterinary officer was despatched to the scene, and the Officer in Charge of Native Affairs is now keeping in touch with the matter.

Para. 50. Labour.—The following return shows the labourers which have taken out passes at Kuring Kuru to proceed in search of work :—

Year.	Kuangaris.	Other Okavango natives.	Portuguese natives.	Zambezi.	Total.
1922	170	38	26	—	234
1923	210	26	23	5	264
1924	314	32	26	—	372
1925	224	19	247	457	947
1926	334	21	637	90	1,082
Totals ..	1,252	136	959	552	2,899

The total for 1926 would have been much greater were it not that the waterless condition of the Kuring Kuru Tsintsabis Road made traffic along it impossible for a part of the year. As the Administration is now putting down boreholes where they are required, the position will be much easier for natives going out in future.

Para. 51. Staff.—Captain Gabillet took over on the 2nd July, 1926, from Mr. R. Carr, the medical orderly, who, when Mr. Dickman left Kuring-Kuru in August, 1925, was appointed Acting Officer-in-Charge of Native Affairs.

Para. 52. Recruiting.—In December, 1925, a conference was called by the Administration of representatives of the two large groups of mining companies, viz., the diamond mines in the south and the vanadium and copper mines in the north, to discuss the question of the recruitment of native labour.

Up to that time the recruitment of natives in Ovamboland and in the Okavango had been carried on by the Administration through the native affairs officers stationed in those territories. It was thought, however, that the time had arrived when the Administration could withdraw in favour of representatives of the employers of such labour, though there were many difficulties in the way of private enterprise being given a free hand, the two chief being (a) that competition between the rival companies or groups might have the effect of unduly increasing the cost of labour, and (b) the danger of letting into Ovamboland and the Okavango, which are purely native areas, recruiting agents who might have a disturbing effect on the native population.

After considerable discussion, the conference agreed to the following arrangements:—

- (1) Two recruiting organisations to be formed, one to be termed the Southern Recruiting Organisation, to serve principally the diamond mines in the south, and one to be termed the Northern Recruiting Organisation, to serve principally the vanadium and copper mines in the north.
- (2) The Southern Recruiting Organisation to have exclusive right to recruit natives beyond the Police Zone west of 17½ degrees longitude east of Greenwich, and the Northern Recruiting Organisation to have the exclusive right to recruit in the Okavango Area and areas north, exclusive of areas inhabited by Ovambo tribes. The Southern Recruiting Organisation to offer to the Northern Recruiting Organisation such natives recruited within its area as are found medically unfit for employment on the diamond mines, against payment of the cost of recruiting.
- (3) The Northern Recruiting Organisation to make provision in its articles of association for such other considerable employers of labour to become members as may desire to do so.
- (4) The Administration to cease recruiting as soon as the recruiting organisation starts operations.
- (5) The arrangement to be subject to review on six months' notice on the part of one organisation to the other at any time after January 1st, 1927.

The Luderitzbucht Chamber of Mines, as representing the mining groups to be served by the Southern Recruiting Organisation, applied to the Administration to give them an officer experienced in native administration and labour conditions to be placed in charge of the recruiting operations in Ovamboland. Such a very great deal depended on the supply of labour being kept up and on a suitable man being allowed to operate in Ovamboland that the Administration agreed to Mr. R. S. Cope, Officer-in-Charge of Native Affairs, Windhoek, being seconded for one year from the 26th May, 1926, in order to start the Southern Recruiting Organization working on sound lines. He actually left for Ovamboland some time later.

By the end of the year the position had improved little, if at all, but it would not be fair to accept this as a criterion of the success or otherwise of the arrangement as for various reasons the Natives usually do not come forward freely towards the end of the year and it is not till late January or February that any substantial improvement occurs.

The Northern Recruiting Organization, owing to the dry season experienced, was faced with the great difficulty of getting Natives from the Okavango across the dry intervening stretch of country, and although the preliminary work has been completed, active recruiting by its agents has not yet been started, and the only labour which it has been able to get through has been sent down by the Officer in Charge of Native Affairs at Kuring-Kuru.

Realising the necessity for there being routes which Natives can travel with safety when coming to work and returning home, the Administration undertook to sink the necessary boreholes on both the Narugas-Diriko and the Tsintsabis Kuring-Kuru routes. Four boreholes have been completed on the former, thus providing sufficient supply of water where it is necessary, and a start is now being made on the latter route.

The following return shows the number of Natives recruited during 1926, set out so as to show the Areas where they were recruited and the tribes to which they belong :—

RETURN OF NATIVES RECRUITED DURING 1926 IN SOUTH WEST AFRICA ONLY.

Month.	In Ovamboland.			In Okavango at Kuring Kuru.				Within Police Zone at Tsumeb.	
	Ovambos.	Angola natives.	Total.	Rhodesian natives.	Angola natives.	Okavango natives.	Total.	Mixed.	Grand total.
Jan. ..	250	70	320	26	42	46	114	38	472
Feb. ..	344	97	441	7	11	131	149	57	647
March	603	170	773	—	10	113	123	56	952
April	541	152	693	—	24	44	68	159	920
May ..	316	90	406	13	78	21	112	74	592
June ..	290	81	371	—	162	—	162	70	603
July ..	454	140	594	8	102	—	110	87	771
August	382	60	442	18	144	—	162	152	756
Sept.	395	109	504	18	54	—	72	78	654
October	144	44	188	—	10	—	10	59	257
Nov.	173	72	245	—	11	—	11	109	365
Dec. ...	141	49	190	—	55	3	58	78	326
	4,033	1,134	5,167	90	703	358	1,151	997	7,315

Figures are given below to show also the number of Natives recruited in Ovamboland, which is the chief source of our labour supply, during each of the years 1924, 1925 and 1926. It is a matter of great disappointment that the number of Natives which come down from that country is still so low. Out of a total population of over 125,000 souls, there should be a large number of young men fit and free to be away from home for labour at any time, particularly when crops are not being sown or reaped and it says a great deal for the happy lot of these Natives, who, owing to their isolation, are unable to obtain money by selling their crops or the progeny of their flocks and herds, but are nevertheless able to supply their needs without the necessity of having to proceed across their borders to get cash by means of labour.

It is only by close contact with the European races that in the hearts of these backward people will be bred that "divine discontent" which makes for progress and, although the efforts of the missionaries who are so nobly working amongst them will surely in time bring about an improvement, the administration is earnestly considering other means of inducing labourers to come out.

COMPARATIVE RETURN OF NATIVES RECRUITED IN OVAMBOLAND FOR THE YEARS 1924, 1925 AND 1926.

Year.	Ovambos.	South Angola natives.	Total.
1924	3,273	672	3,945
1925	3,269	1,080	4,349
1926	4,033	1,134	5,167
	10,575	2,886	13,461

NATIVE LABOUR.

Para. 53. The unsatisfactory position in regard to Native Labour referred to in my report for 1925 in no way improved in 1926. The Diamond Mines, the only concerns which import labour from the Union, are better off than other employers and they have been able to obtain labour enough for their requirements. These mines, on account of the elaborate plant which has been erected at Elizabethbucht and which has just been put into commission, are in the happy position of being able to reduce the number of Natives employed, and labour difficulties are not likely to be such a grave source of worry to them in future.

[U.G. 22-'27.]

The following statement is an analysis of the average number of Natives employed monthly on the various mines in South-West Africa during 1926, and also discloses the territory of origin of the labourers :—

Territory of Origin.	Employed on					Total.
	Diamond mines.	Copper mines.	Vanadium mines.	Tin mines.	Other mines.	
Union of South Africa ..	3,534	2	2	—	—	3,538
South-West Africa	256	212	183	258	262	1,171
Ovamboland*	3,254	985	322	44	—	4,605
East Angola	—	340	259	—	—	599
Rhodesia	—	234	181	—	—	415
Bechuanaland	1,564	—	—	—	—	1,564
Basutoland	33	—	—	—	—	33
Unclassified	17	13	—	—	—	30
Totals	8,658	1,786	947	302	262	11,955

* Includes 2 per cent. of Ovambos from Southern Angola.

The cost of Union Natives as compared with Ovambos is so very high that the policy of the management of the Consolidated Diamond Mines now is not to replace any Union Natives whose contracts expire if it can possibly be avoided. The erection of the Elizabethbucht plant makes it possible to give effect to this policy to some extent.

The position of all the mining concerns in regard to labour, with the exception of those engaged in winning diamonds whose position has already been referred to is one of acute shortage. The present Native Commissioner, immediately after assuming duty in March, 1926, paid a visit of inspection to the Diamond Mines at Luderitzbucht. The result of his inspection convinced him that everything possible was being done to provide for the health and comfort of the natives employed there. The compounds were in every case scrupulously clean, the rations were up to the generous scale laid down and were properly cooked and bathing and latrine accommodation was adequate.

The Mine Management have laid it down as an order to the Compound Manager that all instructions in regard to the Housing and treatment of Natives are to be carried out to the letter under pain of instant dismissal and that attitude is responsible for the very good relations which exist to-day between the mine officials and the officers of the Native Affairs Branch of the Administration, who are responsible for seeing that the regulations are carried out, and for the most excellent way in which the health of the Natives is provided for.

VI. ADMINISTRATION OF JUSTICE.

A. HIGH COURTS AND CIRCUIT COURTS.

Sittings of the Courts.

Para. 54. There were the usual three terms commencing in March, July and October respectively, for the despatch of civil business. The Judge also sat, as occasion required, during vacation. The total number of sittings on civil matters for the year under review was 134, as against 124 for 1925 and 132 for 1924.

The two Criminal Sessions as required by Law were held at Windhoek in February and August. There were five sittings of the Circuit Courts and the time occupied by these and the Criminal Sessions was 48 days. The daily sittings for 1925 and 1924 numbered 39 and 54 respectively.

Civil Work.

Para. 55. The following table shows the civil matters heard and finally disposed of during the last four years :—

Description of Case.	1923.	1924.	1925.	1926.
Illiquid Cases.. .. .	56	58	39	55
Cases of Provisional Sentence	12	13	5	3
Applications and Motions	216	191	195	143
Civil Appeals from Magistrates' Courts	7	9	6	9
Civil Reviews from Magistrates' Courts	3	2	—	1
	294	273	245	211

The following civil matters were withdrawn or settled out of court :—

11 Illiquid cases,
3 Applications and
4 Appeals.

At the close of the year :—

22 Illiquid cases,
7 Applications and
5 Civil appeals.

were pending.

The foregoing figures show a steady decrease in litigation during the last three years.

The following table shows the number of decrees of divorce and judicial separations granted by the High Court during the last four years :—

	1923.	1924.	1925.	1926.
Divorce on the ground of—				
(a) Adultery	2	2	1	1
(b) Malicious desertion	7	12	11	16
(c) Judicial Separation	—	—	—	1
	9	14	12	18

Para. 56. Two Advocates and three Attorneys were admitted during the year, one Attorney was removed from the rolls while another has ceased to practise in the Territory.

Para. 57. Insolvencies.—There were 22 adjudications during the year affecting 24 estates in all, 11 being voluntary surrenders and 13 being compulsory sequestrations. The corresponding figures for the previous year were 3 and 13. One estate was placed under provisional sequestration, the *rule nisi* being subsequently discharged, while 8 orders of rehabilitation were granted.

Para. 58. In 1926 there was again only one order of Civil Imprisonment.

In seven instances the Court granted leave to sue by Edictal Citation.

Appeals from Magistrates' Courts were noted in 11 civil cases of these six were upheld and two dismissed, three cases having been withdrawn.

There were five cases of Criminal Appeal of which two were upheld, two dismissed and one withdrawn.

Criminal Work.

Para. 59. The cases tried by the High Court and Circuit Courts numbered 52, as against 29 in 1925 and 31 in 1924. The following table shows the number of persons convicted during the last four years :—

	1923.	1924.	1925.	1926.
Europeans—				
(a) Males	8	13	7	10
(b) Females	1	—	1	—
Natives—				
(a) Males	27	18	20	39
(b) Females	—	—	2	—
	36	31	30	49

The crimes of which persons were convicted in 1926 were as follows :—

Offence.	Europeans.	Natives.
Murder	—	3
Culpable Homicide	—	5
Assault to do grievous bodily harm	—	1
Rape	—	3
Contravening Girls' and Mentally Defective Women's Protection Proclamation	1	1
Assault with intent to rape	1	1
Housebreaking with intent to rape	—	1
Housebreaking and Theft	—	7
Stock Theft	1	3
Theft	3	6
Fraud	1	—
Contravening Diamond Industry Protection Proclamation	1	8
	8	39

Para. 60. The following is a summary of sentences imposed by the High Court in all cases adjudicated upon during the year :—

Sentence.	Europeans.	Natives.
Death	—	3
Imprisonment with hard labour without the option of a fine.. .. .	6	14
Imprisonment with hard labour and lashes	—	10
Fine with alternative imprisonment	2	7
To be detained pending decision of Authorities	1	—
Declared Habitual Criminal	—	3
	9	37

During the year the proceedings in 640 criminal cases dealt with by the Courts of Magistrates and Special Justices of the Peace came up for review. In 31 of these cases the sentences were either set aside or reduced.

Para. 61. *Taxation of Costs.*—The bills of costs submitted to the Taxing Master numbered 177 as compared with 195 in the preceding year, the decrease being due to the fact that fewer cases came before the court. The bills taxed totalled £6,715 of which amount £639 was disallowed by the Taxing Master.

Sheriff's Work.

Para. 62. The following table shows the number of civil process received by the Sheriff for service and execution during the last four years :—

Nature of Process.	1923.	1924.	1925.	1926.
Civil Process to be served :				
Summons	121	98	67	87
Subpnas	26	13	10	4
Notices, Petitions, etc.	63	91	77	22
Pleadings	21	22	22	2
Orders of Court	51	60	55	44
Total Civil Process for Service	282	284	231	159
Civil Process to be executed :				
Insolvent Estates	26	28	19	21
Writs of attachment to found jurisdiction	17	13	6	2
Writs of execution of Judgments of High Courts :				
(a) against movable property	42	21	16	11
(b) against immovable property	22	35	19	22
Writs of execution of judgments of Union Courts	1	0	5	0
Writs of execution of Debts Settlement Boards	29	8	9	0
Writs of personal arrest	3	2	0	0
Writs of Ejectment	—	—	1	—
Total Civil Process for Execution	140	107	75	56
Total Civil Process for Service and Execution	422	391	306	215

The diminution in litigation in the High Court is again reflected in the foregoing table, which shows an appreciable decrease in process for Service.

The number of sales in execution during the year was 19 as compared with 28 for the previous year.

The following table shows the number of Criminal Process delivered to the Sheriff for execution during the last four years :—

Nature of Process.	1923.	1924.	1925.	1926.
Summons	34	14	29	52
Indictments	34	14	29	52
Notices, Petitions, etc.	51	26	56	10
Subpnas	124	95	39	100
	243	149	153	214

Para. 63. The fees collected by the Registrar amounted to £694 as against £975 during 1925, and is largely to be attributed to the decrease in litigation in the High Court.

B. INFERIOR COURTS.

Criminal Work.

Para. 64. An analysis of cases reported to the Police during the year is given below:—

Offence.	Number of Cases.
Against the State	5
Against the Administration of Justice	119
Against Public Order.. .. .	117
Against Persons	735
Against Public Peace.. .. .	22
Against Property	1,503
Statutory Offences	5,230
Offences against Revenue	419
	8,150

The manner in which the cases have been disposed of is indicated in Section XVI, para. 188 of this report.

PREPARATORY EXAMINATIONS 1926.

ANALYSIS OF CRIME.

Crime.	Charge.	European.		Native.	
		Male.	Female.	Male.	Female.
Arson	2	2	—	—	—
Assault	1	—	—	1	—
Assault with intent to commit rape	7	1	—	6	—
Assault with intent to do grievous bodily harm	7	1	—	8	1
Bestiality	1	—	—	1	—
Criminal Injuria	2	—	—	2	—
Culpable Homicide	5	—	—	6	—
Diamond Industry Protection Proclamation, 1922.. .. .	7	—	—	8	—
Election Law	1	2	—	—	—
Forgery and Uttering	2	3	—	1	—
Game Laws	4	9	—	—	—
Girls and Mentally Defective Women 28/21	6	—	—	6	—
Housebreaking with intent to steal and theft	15	2	—	13	—
Incest	1	—	—	1	—
Insolvency Laws	3	3	—	—	—
Liquor Law	2	5	—	—	—
Malicious Injury to Property	1	1	—	—	—
Murder	7	2	—	10	—
Perjury	3	2	—	1	—
Rape	7	2	—	5	—
Robbery	2	—	—	9	—
Sodomy	2	—	—	2	—
Stock Theft	15	4	—	50	—
Theft	15	6	—	9	—
Wives and Children Protection Proclamation, 28/24	1	1	—	—	—
	119	46	—	139	1

Total Europeans 46 Males 185
 Natives 140 Females 1

[U.G. 22—'27.]

Civil Work.

Para. 65. The following statement reflects the civil work disposed of by Magistrates' Courts during the year :—

Magistracy.	No. of Cases.	Amounts Claimed.	No. of Judgments.	Amounts Awarded.	No. of C.I. Orders.
		£		£	
Aroab	16	579	3	221	—
Bethanie	3	106	2	66	—
Gibeon (including Mariental)	87	2,563	40	907	2
Gobabis	36	666	28	641	—
Grootfontein	152	5,727	99	3,312	17
Karibib	158	2,969	129	2,458	24
Keetmanshoop	206	4,151	147	2,812	29
Luderitz	336	4,715	177	2,533	27
Maltahöhe	6	664	2	283	—
Okahandja	110	2,422	69	1,775	—
Omaruru	59	2,751	22	1,005	3
Otjiwarongo	33	1,269	9	299	1
Outjo	22	631	8	125	—
Rehoboth	63	1,451	25	512	2
Swakopmund (including Walvis Bay)	501	13,760	246	6,390	34
Warmbad	30	1,818	8	410	1
Windhoek	1,040	20,939	578	10,095	95
Totals for 1926	2,858	67,181	1,592	33,844	235
Totals for 1925	2,315	51,766	1,441	32,974	263

VII. MASTER OF THE HIGH COURT.

Para. 66. Deceased Branch :—	1925.	1926.
(1) New Estates opened—		
(a) Deceased Persons	97	109
(b) Mental Patients	—	1
(2) Wills registered of deceased persons	52	56
Wills of living persons	—	1
(3) Bonds of Security Registered	61	59
(4) Appointments made of—		
(a) Executors	76	89
(b) Tutors	1	2
(c) Curators	2	Nil
(5) Fees collected in Revenue Stamps, and..	£500 19 1	£445 14 4 Fees.
Commission Collected	—	10 14 8 Comm.
		£456 9 0
(6) Liquidation Accounts accepted and filed as complete	133	104
(7) Security Bonds for Minors' Portions registered	5	—
Para. 67. Insolvency Branch :—		
(1) Number of sequestrations—		
(a) Voluntary Surrenders accepted	3	11
(b) Compulsory (Final) Sequestration	13	13
(c) Assignments registered	—	1
(d) Company Liquidations registered—		
(1) Voluntary winding up (in local)	1	Nil
(2) Winding up by Court	—	2
(2) Certificates of Appointments issued to—		
(a) Trustees	16	22
(b) Assignees	—	1
(c) Curators Bonis	5	4
(d) Liquidators ("in Company" matters)	2	1
(3) Security Bonds Registered	40	27
(4) Liquidation Accounts Confirmed	45	22

(5) Fees collected in Revenue Stamps	1925.	1926.
£484 15 10	£276 6 7	
(6) Rehabilitations granted	8	11

Para. 68. Guardians Fund Branch :—

(1) Guardians Fund Intromissions—

(a) Balance as at 31st December	£20,758 4 9	£24,326 4 11
Cash at Bank—(Working balance)	646 11 0	164 8 5
(b) Interest Credited on Minors' Accounts	533 2 0	568 0 2*
(c) Sundry receipts during year	£6,950 14 8	£6,931 3 3
Sundry payments during year	£5,212 12 3	£4,413 5 10

(i.e. exclusive of advances received from and amounts repaid to the Administration in respect of Guardian's Fund Working Balance.)

VIII. AGRICULTURE.

PROGRESS OF FARMING.

Para. 69. The conditions of farming in the Territory continue to improve steadily. There are, without doubt, very plain signs of progress, materially and intrinsically. If actual production is still low in standard it is compensated by increased volume, as is evidenced by trade returns. The cattle and livestock industry is slowly improving in both quality and quantity, while losses during the year have not been so extensive as compared with previous years. Scarcity of labour is still a serious handicap to many farmers, and is doubtless one of the main deterring factors to greater prosperity and efficiency.

EXPORT OF LIVESTOCK.

Para. 70. Export of livestock to the Union and overseas was carried out as usual. The cattle were in good condition and on the whole satisfactory prices were realised.

The following is an analysis of cattle and sheep exported from South-West Africa :—

Number of cattle exported to the Union by rail	43,524
Number of cattle exported to the Union by road	4,106
Number of cattle exported to Genoa	339
Number of cattle exported to Teneriffe	100
Number of cattle exported to Belgian Congo	194
Total	48,263

The number of sheep exported from the Territory during the year was 174,102, as compared with 106,592 for 1925.

IMPORT OF LIVESTOCK.

Para. 71. The following stock was imported into South-West Africa during 1926 :—

Horses :		
Stallions	15	
Mares	46	
Geldings	91	
Foals	7	
		159
Donkeys	421	421
Mules	27	27
Cattle :		
Bulls	123	
Cows	133	
Oxen	83	
Heifers	106	
Calves	48	
		493
Pigs :		
Breeding	16	
Slaughter	17	
		33
Sheep	43,576	43,576
Total		44,709

* (These amounts the Administration has to earmark out of interest earned by it in respect of the investment of the Guardian's Fund moneys—the difference representing revenue due to the Administration. The figures represent the position as at the end of the respective financial years, as interest is calculated at the 31st March in each year.)

DAIRY INDUSTRY.

Para. 72. This branch has increased very considerably throughout the Territory. The practice of farmers milking the ranching cows is on the wane and strenuous efforts are being made to secure dairy cows. By the Dairy Industries Ordinance No. 2 of 1926, the dairy industry in the Territory, the treatment of milk, handling and transport of cream, will in future be placed on a more hygienic basis.

The manufacture of cheese, chiefly gouda, is making rapid headway, as will be evinced from the following figures:—

		Imported.	Exported.	Station to Station in South-West Africa.
1925.	{ Butter ..	—	373 tons to Union	176 tons.
	{ Cheese ..	Small quantity foreign fancy cheese.	2 „ „	13 „
1926.	{ Butter ..	—	835 „ „	226 „
	{ Cheese ..	Small quantity foreign fancy cheese.	25 „ „	73 „

RAISING CROPS.

Para. 73. Extension work was given greater attention by the Agricultural Technical Adviser than previously, for it was found that the propaganda and itinerary visits of the previous year were beginning to bear fruit.

MERINO SHEEP FARMING.

Para. 74. Merinos are being largely imported and are proving hardier to the conditions in the southern area than the Afrikander sheep.

The wool clips for 1925 amounted to 298 tons; 471 tons were exported in 1926.

POULTRY.

Para. 75. Farmers are beginning to display an active interest in poultry, which has not hitherto been given a prominent place on the farm. In the areas of Omaruru, Okahandja, Windhoek and Mariental the production of *standard* eggs exceeded 200 dozen a day. A Government expert from the Union visited the Territory during the year and delivered lectures at various centres demonstrating the potentialities of organised poultry farming and stimulating the interest of the farmers. The Technical Adviser has also devoted considerable time to organising poultry associations, and it is gratifying to report that the response received has been most encouraging. It is considered that this branch of farming will become very popular and important in South-West Africa.

The following figures are of interest:—

		Railway Consignments.	
		1925.	1926.
Poultry .. .. .	.. .. .	1½ tons.	3½ tons.
Eggs .. .. .	.. .. .	2½ tons.	10 tons.

DISTRIBUTION OF PURE-BRED BULLS AND OTHER STOCK.

Para. 76. The distribution of bulls from the herd imported from the Union was continued during the year. The number disposed of and the number of bulls obtained from the Union at the request of the farmers are shown in the following statement:—

		Pure-bred stock im-ported for sale to farmers.	Pure-bred stock supplied to farmers by the Agri-cultural Department.
Bulls:			
Afrikanders .. .. .	.. .. .	2	2
Devons—South .. .. .	.. .. .	2	2
Frieslands .. .. .	.. .. .	12	12
Red Polls .. .. .	.. .. .	1	—
Shorthorns .. .. .	.. .. .	—	54
		17	70

	Pure-bred stock Im-ported for sale to farmers.	Pure-bred stock supplied to farmers by the Agri-cultural Department.
Rams :		
Blackhead Persians	140	81
Woolled Persians	8	13
Merinos	14	10
	<hr/>	<hr/>
	162	104
Pigs :		
Large Blacks	3	3
Berkshires	8	8
	<hr/>	<hr/>
	11	11

The following statement reflects the number of stock bred at the Neudamm Experimental Farm and sold :—

Bulls (Aberdeen-Angus)	4
Bulls (Devon Rotvieh)	10
Rams (Blackhead Persians)	16
Rams (Karakuls)	67
Pigs	26
Oxen	71
Cows	100
Heifers and Calves	56
Hamels	98

SCHEDULED DISEASES.

Para. 77. Anthrax.—During 1926 the total number of outbreaks was 54, which is 31 more than the number during the previous year. The total number of doses of South African spore vaccine issued during the year was 60,085 and American serum and vaccine 10,992; this latter was mostly used as a prophylactic in cattle being exported.

Para. 78. Black Quarter.—There has, unfortunately, been a marked increase in the number of outbreaks, the number exceeding the figures of the previous year by 37. The increase may possibly be ascribed to farmers not reporting cases in many instances during 1925, and the Veterinary Officers were not able to investigate suspicious cases on the spot owing to difficulties of transport. Until such time as farmers who have infected farms inoculate their young stock regularly every year the mortality from this disease will remain high.

All Veterinary Officers now possess motor transport and more attention is given by them to occurrences of diseases and their investigation.

Para. 79. Dourine, Swine Erysipelas, Glanders.—No outbreaks of these diseases occurred during the year.

Para. 80. Swine Plague.—One outbreak of a disease showing symptoms like Swine Plague occurred in Gobabis district, but no definite diagnosis could be made.

Para. 81. Contagious Abortion.—One case of this disease was diagnosed on a farm in the Otjiwarongo district by agglutination test of the blood. The affected cow was destroyed. So far South-West Africa has been very free from this disease, and every precaution is taken in regard to cows imported from the Union to try and prevent its introduction, as in the Union it is a widespread disease and causes enormous losses to farmers and dairymen.

NON-SCHEDULED DISEASES.

Para. 82. Lamsiekte.—This disease still prevails in certain areas, but the losses sustained during the year were not so heavy as formerly.

Para. 83. Internal Parasite in Sheep.—There has been a decrease in the losses amongst sheep from these causes, probably due to the fact that the past year was a drier one than 1925, and also to the farmers dosing their flocks more systematically with worm remedies. During the year 304,800 doses of the Government wire-worm remedy were issued.

Para. 84. Blue Tongue.—Only a few outbreaks of this disease occurred amongst sheep in the south and the number of doses of blue tongue vaccine issued was 21,372.

Para. 85. Horse-sickness.—The past year was mild as far as this disease is concerned, only a few cases being reported. One hundred and twenty-six mules were immunised against Horse-sickness.

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REGISTRATION OF BRANDS.

Para. 86. The number of brands registered during the year were:—

Europeans	..	..	..	..	302
Natives	..	..	..	..	1,543
Native Reserves	..	..	..	..	1,006

VERMIN DESTRUCTION.

Para. 87. Four hundred and seventeen ounces of strychnine were issued to magistrates during the year for the purpose of vermin destruction.

LOCUSTS.

Para. 88. Locust destruction was in the hands of the Union Locust Department during the year. The infestation was negligible and it would seem that the pest has for the time being been stamped out.

ADMINISTRATION OF SCAB REGULATIONS.

Para. 89. Effective supervision has been exercised in the controlling of scab and all outbreaks received prompt attention. Great credit is due to the Police for the efficient manner in which they dealt with scab throughout the Territory. Of the 174,262 small stock exported to the Union during the year only nine were visibly infected with scab, or a percentage of .0052. The number of infected stock arriving at Union abattoirs according to Union calculations are somewhat higher, the percentage being given as .538, but even this can be regarded as extraordinarily low.

HORTICULTURE.

Para. 90. This division is expanding slowly, and a considerable number of fruit trees were imported and established during the year. Few diseases in fruit trees have been reported. One case of Crown Gall in the Omaruru district was found imported from the Union. Stem rot is frequently seen, as also common scale in citrus trees. Apple trees seem to be fairly free from infection. Vines suffer in various parts from mildew and root worm.

From the Experimental Farm at Tigerquelle 2,000 trees were sold to farmers and some 10,000 will be available next season.

AFFORESTATION.

Para. 91. While not strictly an agricultural question, afforestation is so vital to the farming industry generally that it is referred to here.

The central and northern districts of the Territory are wonderfully well wooded, but in view of the distance of the Territory from coal mines, and the high railway rates, the price of coal in the Territory is prohibitive, and wood fuel is used. Moreover, mining is developing, and it is probable that in the not very distant future large quantities of timber will be required for this purpose. To-day very valuable wood is being cut and utilised on the northern mines.

Up to the present no appreciable impression has been made on the timber resources of the country, but realising the danger of deferring action, the Union Forestry Department sent an expert at my request to enquire into and report upon the position.

The officer sent, Mr. Keet, has now submitted an exceedingly interesting and valuable report, and he recommends the demarcation of forest areas, and that afforestation be proceeded with on a small scale at once. Provision will be made on the next year's estimates.

Incidentally the problem of the shifting sand dunes at Walvis Bay will be tackled on the lines of a scheme outlined by Mr. Keet. Unless this problem is successfully dealt with, Walvis Bay can never hope to expand very much, but the situation does not appear to present any insuperable difficulties, and it is confidently expected that the dunes will be checked and fixed before very long.

AGRICULTURAL CENSUS.

Para. 92. According to the agricultural census taken during the year, the number of stock within the Police Zone is as follows:—

No. of Owners.		Sheep and Goats.	Cattle.	Horses.	Donkeys.	Mules.	Pigs.
3,378	Europeans	1,548,870	489,932	13,619	33,113	2,258	10,713
438	Bastards	64,764	14,177	903	1,301	8	19
7,786	Natives	539,044	63,689	1,638	10,949	23	56
11,602		2,152,678	567,798	16,160	45,363	2,289	10,788

STOCK IN NATIVE RESERVES.

	Small Stock.	Large Stock.
Gibeon Reserve	6,159	763
Epukiro	8,232	4,128
Otjituo	6,350	7,773
Otjimbingwe	16,163	3,457
Berseba	58,000	6,000
Tses	25,800	2,831
Ovitoto	18,319	6,080
Otjihorongo	30,600	3,250
Okombahe	18,000	2,595
Waterberg East	12,100	6,610
Kalkfontein	3,682	496
Bondelswart	3,252	1,570
Aminuis	14,500	8,013
	<u>221,157</u>	<u>53,566</u>

NEUDAM EXPERIMENTAL FARM.

Para. 93. (a) Cattle.—The cattle, grades as well as purebreds, on the Experimental Farm continue to give the same satisfactory results. It has now been decided, however, that Neudam should raise only purebred stock. It is considered that no useful purpose will be served by continuing experiments in grades. The important thing is to distribute purebred bulls to the farmers as rapidly as possible and so improve the breed of stock throughout the country. It is therefore intended to concentrate upon this. The purebred stock at present on hand at Neudam will be retained. The main breeds will be Shorthorn and Aberdeen Angus for beef, Redpoll as a dual purpose animal and Friesland for dairy purposes. A number of first-class Frieslands and Redpolls and a Shorthorn bull were recently purchased in the Union. The herd of Ayrshires at Tigerquelle is also being retained.

Most of the grade cattle were sold by Public Auction in Windhoek recently and realised satisfactory prices. The rest will be disposed of as soon as possible.

During the year a number of slaughter cattle were sent to the Johannesburg show sales as an exhibition. Farmers at the show expressed admiration at the wonderful condition of the animals and were loth to believe that they were entirely veld reared and fattened.

At the sale the Herefords fetched several pounds more than many of the stall-fed oxen exhibited from other centres. The 24 head, made up of 12 cows and 12 oxen, realised an average of 14 guineas per head. This experiment proves that if the right class of ox is bred, veld-fed cattle can command good prices in Johannesburg or elsewhere in the Union in competition with local stock notwithstanding the long railway journey. A number of Shorthorn bulls were distributed during the year to farmers all over the Territory at prices ranging from £18 to £30 each.

There was one outbreak of Anthrax amongst the cattle, as a result of which seven died.

Para. 94. (b) Sheep: Blackhead Persians.—A number of rams were imported during the year. Forty-eight of these are still on hand, the balance having been sold to farmers at a cost of £3 10s. per head. This class of sheep is doing splendidly.

Para. 95. (c) Sheep: Merino.—Fourteen rams were imported during the year, ten of which were sold to farmers at a cost of £5 8s. per head.

Para. 96. (d) Purebred Karakuls.—Great care continues to be exercised in regard to the breeding of these sheep and a steady improvement in quality and type is being maintained. During the year two sales were held at Windhoek at which 67 rams were sold, realising a total of £1,051 7s. 6d.

Para. 97. (e) Grade Karakuls.—These sheep, excluding the brown strain, are utilised for crossing with Blackhead Persians for slaughter stock. The result is a very fine slaughter sheep maturing in 18 months.

Para. 98. (f) Pigs.—These animals continue to do very well. The progeny fit for stud or breeding purposes are being sold to farmers upon application at £2 2s. each.

Para. 99. (g) Crops.—Unfortunately the weather was not suitable for the growing of crops so that there was a falling off compared with 1925, but sufficient was grown to keep the stock going. The soil at Neudam is exceptionally suitable for the growing of lucerne and splendid crops were mowed during the year.

[U.G. 22-'27.]

TIGERQUELLE AND ACKERBOU.

Para. 100. These two farms are being run on the same lines as reported previously, viz. : Tigerquelle is used for pigs, poultry and a small herd of Ayrshire cattle, production of young trees and various plant experiments. Ackerbou is used for the production of crops. All the stock did well and a number of young pigs were disposed of.

The forestry branch of Tigerquelle is making satisfactory progress and it is hoped to supply the Territory's requirements in ornamental and fruit trees in future.

IX. BORING OPERATIONS.

BORING ON UNOCCUPIED AND ALLOTTED GOVERNMENT FARMS.

Para. 101. The main activities of the Boring Branch have been confined to the boring on Government farms for settlement purposes, and the progress during 1926 has not only been maintained but shows an improvement on the work of the previous year. Boring operations were hampered somewhat by the limited rainfall which the Territory experienced and poor grazing and water scarcity affected the transport organization considerably. In one instance where private transport had to be employed, the transport animals became so poor in condition that the contract had to be terminated.

A new feature which is developing in some of the northern districts of the Territory is that subterranean water in many instances is found to be of non-permanent character and after pumping is carried on for either a short or lengthy period, the yield disappears. This is most discouraging and invariably entails fruitless expenditure. The reason of the failure of the boreholes may be ascribed to compact rock wherein the fissures and cleavages are so small that only a limited storage capacity is available and when once the water is exhausted the process of replenishment is consequently slow.

A new scientific instrument called the Schermuly Polariser for locating under-ground water was experimented with in the Wambad District but the results obtained were not as good as anticipated.

Para. 102. The following comparative statement shows the boring work under this sub-head during 1925 and 1926 :—

	1925.	1926.
Number of boreholes completed	175	192
Number of boreholes in progress	44	39
Aggregate depth drilled in feet	51,182	58,244
Aggregate yield in gallons per diem, exclusive of artesian water	2,603,400	2,114,000
Average depth of boreholes in feet	266	285
Average yield of boreholes in gallons per 24 hours	15 000	10,300
Approximate full cost per foot	19s. 9d.	19s. 9d.
Number of drills employed during the year	38½	41½

It must be noted that boring for the Union Gobabis Block was last year included in the returns under this sub-head. This is now shown separately under para. 106.

Water obtained in artesian boreholes is as previously, dealt with separately, to give a true reflection of results obtained.

BORING FOR FARMERS AND RAILWAY ADMINISTRATION.

Para. 103. Boring for farmers and the Railway Administration was continued in the usual manner. There was a marked increased demand for boring by the Railway Administration.

Appended is a comparative schedule of the work performed under this head during 1925 and 1926 :—

	1925.	1926.
Number of boreholes completed	18	18
Number of boreholes in progress	2	9
Aggregate footage drilled	4,407	4,979
Aggregate estimated yield in gallons per 24 hours	306,100	225,200
Average depth per borehole in feet	265	241
Average yield per borehole in gallons per 24 hours	16,340	12,500
Number of machines employed during year	2½	3½
Approximate cost per foot	10s. 6d.	10s. 6d.

BORING FOR GOVERNMENT DEPARTMENTS.

Para. 104. Work under this head was mainly carried out for the Native Reserves and for opening a new labour route on the Okavango-Grootfontein section. The results obtained in the Native Reserves were disappointing particularly in the Waterberg Reserve.

The following schedule affords a comparison of the work performed under this head during 1925 and 1926:—

	1925.	1926.
Number of boreholes completed	16	15
Number of boreholes in progress	3	3
Aggregate footage drilled	4,042	4,892
Estimated yield in gallons per diem	176,300	378,300
Average depth per borehole in feet	238	306
Average yield per borehole in gallons	10,370	23,600
Number of machines employed	2½	3½
Approximate cost per foot	13s. 9d	13s. 6d.

The increased depth is due to a borehole being sunk to 800 feet in the Epukiro Reserve.

BORING FOR LESSEES ON GOVERNMENT FARMS.

Para. 105. Only one borehole was completed during the year under this sub-head; the depth of the footage drilled is 330 feet and the yield 11,500 gallons per diem. Last year there were three boreholes with a total depth of 2,246 feet and a yield of 29,000 gallons per diem.

BORING ON "UNION BLOCK," GOBABIS DISTRICT.

Para. 106. Boring in this area was commenced on a limited scale during 1925, but operations have now been considerably increased and the work is progressing satisfactorily in spite of difficult geological conditions. The percentage of successful boreholes completed in this area is 57 per cent., which is an outstanding result for a country like South-West Africa.

The following figures indicate the position under this head:—

	1926.
Number of boreholes completed	16
Number of boreholes in progress	6
Aggregate footage drilled	6,602
Estimated yield in gallons per diem	358,500
Average depth per borehole in feet	347
Average yield per borehole in gallons	22,000
Number of machines employed	6½
Approximate full cost per foot	20s.

ARTESIAN BOREHOLES.

Para. 107. An outstanding feature in boring for Artesian Water has occurred on the farm "Boshof" in the lower Nossob, District Gobabis, where a supply of 250,000 gallons per day has been obtained at a depth of 600 feet. The usual yields in that area do not exceed 50,000 gallons per diem.

During the year under review 20 boreholes were sunk on Crown Lands yielding approximately 1,926,000 gallons per diem.

TOTAL COMPARATIVE SCHEDULE OF BORING 1925-26.

Para. 108. The following figures reflect the combined operations carried out during 1925 and 1926:—

	1925.	1926.
Boreholes completed	212	262
Boreholes in progress	55	57
Artesian boreholes completed	12	20
Aggregate depth drilled in feet	61,977	75,045
Aggregate yield in gallons per diem	5,767,800	5,013,500
Average depth per borehole in feet	269	286
Average yield per borehole in gallons, exclusive of artesian boreholes	13,300	17,000
Number of machines in commission	45	56
Average footage drilled per machine	1,377	1,340

While the total yield has again decreased it will be noted that there has been an appreciable increase in the output per borehole. The decrease is entirely due to a falling off in the yield from artesian sources.

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APPLICATIONS FOR DRILLING MACHINES.

Para. 109.

Applicants.	Outstanding 1.1.1926.	Completed 1926.	Received 1926.	Outstanding 31.12.1926.
Crown Lands	411	120	99	390
Farmers and Railways ..	3	14	17	6
Government Departments	3	10	11	4
Lessees	1	1	—	—
Union Gobabis Block ..	—	14	16	2
	418	159	143	402

DRILLING PLANT AND TOOLS.

Para. 110. At the close of the year 1926 sixty-three boring machines were in the field exceeding the number of the previous year by 11. Few accidents were reported during the year.

Para. 111. There are still a number of machines available for allocation which will be placed in commission immediately suitable operators are available.

Para. 112. All the machines in the field have rendered satisfactory service. The oil-driven machines are proving to be more economical to operate than the steam drills, and it is intended to gradually replace the latter by oil-driven machines.

TRANSPORT.

Para. 113. The scanty rainfall during 1926 considerably increased transport difficulties. In several areas transport animals had to be grain-fed to keep them in a sound physical condition, which naturally increased the costs of maintenance considerably. A change of policy has now been effected by the Boring Branch in the Gobabis district by the establishment of its own depot farm on which animals can be fattened and made available for immediate requirements in that area.

This arrangement is bound to have beneficial results in so far as economy and efficiency are concerned.

LABOUR.

Para. 114. The shortage of native labour continues to hamper the effective operations of the Department.

WINDMILLS.

Para. 115. The demand for pumping plants continues to be heavy, as will be seen from the number of applications received. During the year the following installations have been dealt with:—

Particulars.	1925.	1926.
Applications received	131	112
Applications cancelled	1	16
Applications outstanding	126	112
Windmills supplied	80	85
Handpumps supplied	4	1
Horsegears supplied	3	2
Petrol engines supplied	8	1

DAMS.

Para. 116. While it cannot be said that the water table has sunk appreciably, the constant drain upon subterranean water must in time have a material effect, and the policy of the Administration will be to encourage the construction of dams in future with a view to reducing dependence on boreholes.

X. DEEDS REGISTRATION.

Para. 117. The detailed statement attached hereto reflects the work performed in the Deeds Registry during the year under review. It shows the number of deeds passed and registered, the revenue collected, the value of landed property transferred and the amount of bonds passed and cancelled during the years 1925 and 1926. In addition, the statement contains figures relative to the registration of patents and trade marks, and also statistics of companies registered.

Para. 118. It will be seen from the figures that there has been a slight decrease in the number of transfers passed in 1926 as compared with the previous year, and that fewer erven and farms changed hands in 1926 than during 1925, but the values of both erven and farms transferred during 1926 were higher than those of the preceding year.

Para. 119. A larger number of bonds were passed in 1926 than in 1925. The considerable excess in value of bonds registered in 1925 over those passed during the current year is due to the fact that two bonds of exceptionally high value, amounting together to £3,977,285, were registered during 1925. These bonds are also responsible for the preponderance of stamp duty collected on bonds in 1925 over 1926.

Para. 120. The total existing registered debt at 31st December, 1925, amounted to £8,486,306 and Marks 14,008,190. Taking into account the bonds passed and cancelled during 1926 as well as the amounts written off on bonds in connection with insolvencies, the total registered debt as at 31st December, 1926, is £8,829,329 and Marks 12,843,042.

Para. 121. No co-operative societies were either registered or dissolved during 1926.

DEEDS OFFICE, WINDHOEK.

Para. 122. Comparative statement for the years 1925 and 1926.

Work Performed.

Description of Deed or Document Registered.	Number Registered.	
	1925.	1926.
Deeds of Grant	32	49
Certificates of Registered Title	22	22
Certificates of Substituted Title	33	28
Certificates of Consolidated Title	—	2
Deeds of Transfer	373	321
Special Mortgage Bonds	280	324
Notarial Bonds	27	54
Substitutions of Debtors under Bonds	22	18
Cessions of Bonds	114	85
Cancellations and Part-payments of Bonds	330	358
Antenuptial Contracts	97	98
Settlers' Leases and Amendments thereof	199	103
Cessions of Settlers' Leases	19	21
Miscellaneous Deeds and Documents	559	623
Mining Claims: Conversions	21	27
Mining Claims: Cessions	9	54
Patents	25	18
Trade Marks—Registrations	37	32
Trade Marks: Subsequent Proprietors	4	5
Companies: New Companies	15	11
Companies: Foreign Companies	3	4
Companies: Miscellaneous Registrations	124	189

Revenue.

<i>Fees collected:</i>	1925.		1926.	
	£	s. d.	£	s. d.
Registration of Deeds	900	1 9	907	5 9
Registration of Mining claims	81	10 5	30	15 2
Registration of Patents and Trade Marks	250	16 0	128	7 0
Registration of Companies	49	18 6	57	6 6
Total fees	£1,282	6 8	£1,123	14 5

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<i>Revenue—(continued).</i>		1925.		1926.	
<i>Stamp duty collected on—</i>		£	s. d.	£	s. d.
Deeds of Transfer		775	2 6	924	4 6
Bonds		5,415	16 0	1,563	14 6
Other documents		316	7 0	293	9 0
Total Stamp Duty		£6,507	5 6	£2,781	8 0
Total Revenue		£7,789	12 2	£3,905	2 5

Transfer Duty in connection with Transfers Registered :

1925	£6,695
1926	8,342

Companies Capital Duty (Section 13 of Stamp Duty and Fees Act) :

1925	£173 15 0
1926	149 5 0

Number of Erven and Farms in respect of which titles were registered.

Description of Title.	Erven.		Farms.	
	1925.	1926.	1925.	1926.
Deeds of Grant	18	41	16	29
Certificates of Registered Title	12	17	11	6
Certificates of Substituted Title	32	14	63	17
Certificates of Consolidated Title	—	1	—	1
Deeds of Transfer	345	245	198	160

<i>Value.</i>		1925.		1926.	
		£	s. d.	£	s. d.
Value of Erven transferred		168,258		188,131	0 0
Value of Farms transferred		184,534		208,685	0 0
Total		352,792		396,816	0 0
Value of Mining Claims converted		7,047		32,060	0 0
Value of Mining Claims ceded		39,082		1,407	10 0
		46,129		33,467	10 0
Value of Special Mortgage Bonds registered		2,252,438		422,864	0 0
Value of Notarial Bonds registered		2,026,248		331,079	0 0
Total		4,278,686		753,943	0 0
Value of Bonds cancelled		225,309		379,545	0 0
Amounts written off on Bonds in connection with Insolvent Estates and Land sold in execution	Marks	1,485,266		1,153,960	
		£56,646		£31,375	0 0
				Marks 11,188	

REGISTRATION OF COMPANIES.

Existing Companies (Section 2 of Companies Act (No. 31), 1909, Transvaal, as amended and applied to this Territory by Proclamation No. 35 of 1920).

	Number.	Nominal Capital.
Existing Companies Registered at 31st December, 1925	23	Mks. 4,745,000
Liquidations during 1926	—	—
Existing Companies registered at 31st December, 1926	23	Mks. 4,745,000

New Companies Registered under Chapter 1 of Companies Act.

	Number.	Nominal Capital.
Registered during 1920 to 1924	37	£967,860
Registered during 1925	15	69,500
Registered during 1926	11	59,688
Total Registered	63	£1,097,048
Liquidations during 1920 to 1924.. .. .	5	£36,700
Liquidations during 1925	1	410
Liquidations during 1926	—	—
Total Liquidations	6	£37,110
New Companies registered at 31st December, 1926	57	£1,059,938

Foreign Companies (Chapter V of Companies Act).

Year.	Registered.	Ceased to carry on business or placed in liquidation.
1920 to 1924	47	12
1925	3	1
1926	4	1
Total	54	14

Foreign Companies Registered at 31st December, 1926 40

Countries in which Foreign Companies Incorporated :

Country	Union of S.A.	Germany	England	Holland	Norway
Number	23	8	6	2	1
Nominal Capital..	£8,607,200	Mks. 65,786,000 and £800,000	£4,808,000	18,020,000 Gulden	1,200,000 Kr.

Total 40

XI. EDUCATION.

A. EUROPEAN EDUCATION.

Para. 123. Educational Policy.—One of my first cares was to review the educational system and policy.³⁾

South-West Africa presents peculiar difficulties, the principal of which are :—

- (a) The small population is scattered over a vast area. The distances between farms are too great to allow children to attend school as day scholars unless they live at a school centre.
- (b) The undeveloped state of the farms renders it difficult to find school centres where suitable accommodation is available.
- (c) The three languages spoken in the homes in South-West Africa prevent all the children who could reach a school centre from attending the same school and being taught by the same teachers.

To overcome the difficulties, centralisation became the keynote of the old educational policy, the following arguments being adduced in its favour :—

- (1) A smaller number of teachers is required. Four farm schools with 12 pupils each require 4 teachers; 48 children in one school are taught by 2 teachers.

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- (2) Better work is done because a better organization of the work is possible with a staff of two or three teachers than with only one teacher.
- (3) In a properly organised school hostel the children can be accustomed to new standards of diligence, cleanliness and order. This is necessary in order to bring people who have experienced the privations of pioneer life for a number of years back to their former standard of living.

The policy further laid down that all available resources and energy should be concentrated on bringing the many European children to school who are growing up without any education whatsoever and that, until the achievement of this object was in sight, no special attention should be devoted to higher education, vocational training, continuation classes, etc.

The Education Proclamation No. 55 of 1921 did not provide for assistance to private schools and the only provision to meet country requirements was the establishment of farm schools. To obtain a farm school the Director of Education must be satisfied :—

- (a) that the educational needs of the locality called for the establishment and recognition of such a school ;
- (b) that a minimum average attendance of 10 pupils would be maintained ; and
- (c) that the accommodation was suitable.

The proprietor of the farm on which the school was situated or some other approved person had to supply free of charge to the satisfaction of the Director, board, residence and laundry for the teacher, a suitable schoolroom and also transport for the teacher and all school equipment from and to the rail-head.

The Administration paid the teacher's salary.

All school hostels were conducted by the Administration. In the Union many of the hostels are run either by a church, a private person or by the Principal of the school under the supervision of the local school committee.

The effect of the policy adopted was to lead to undue centralisation of farm children by their being taken away at too early an age from their parents. It was not unusual to find numbers of children of 7 or 8 years of age in the hostels and there was a growing tendency on the part of many parents to shirk their obligations to support and train their children and to regard the hostels as most convenient institutions where these children could be maintained and trained at the expense of the State.

In this way a financial burden was being thrown on the State which was gradually becoming unbearable. Educational Expenditure increased from £17,993 in 1920-21 to £99,943 in 1925-26, while the annual cost of education per child to the State was nearly double that of the Union of South Africa.

It was found, too, that numbers of poor people were trekking into the Territory from the Union without any fixed employment awaiting them or without any apparent means of support. Immediately upon arrival, taking advantage of the policy outlined above, application was made for the admission of all children of compulsory school age going to the hostels.

Obviously steps had to be taken to check this.

The following changes were therefore made :—

- (1) Private Schools will be subsidised by the payment of capitation grants. These grants will be at a considerably lower rate than the average cost per pupil in government schools. In the case of children who attend private schools in centres where there are government schools the subsidy will be £5 per annum per pupil.

In the case of children who attend private schools in centres where there are no government schools and for whom the State would have to provide board and lodging if they were compelled to attend a government school the subsidy will be an amount ranging from £10 per annum per pupil, to £15 per annum per pupil according to the qualifications of the teacher. At these schools instruction is allowed only up to and including Standard IV. Thereafter the children will proceed to the Central Government Schools for their two remaining school-years, thus introducing a modified form of centralisation in the rural areas, striking a happy medium between the home and the school and making the cost of education bearable both for the parent and for the State.

- (2) The children of parents who have no fixed abode or employment in South-West Africa will (under certain conditions) be refused admission to a hostel at Government expense, unless and until they become burghers of the Territory, i.e., until their names

are placed on the Voters' Roll. Their applications will then be considered on their merits. An Ordinance is being introduced enabling the Administration to make advances to private persons or to religious bodies to enable them to build hostels and which they will have to conduct at their own risk and to the satisfaction of the Administration. There is no reason why a system which has proved highly successful in the Union should not be applied to South-West Africa and prove equally successful there.

(3) The system of separate classes for English-Afrikaans and German-speaking pupils in vogue in the primary standards will be extended to the highest class of the secondary schools, i.e., Standard X.

(4) An agricultural school will be established for pupils who have passed Standard VI. and who are desirous of taking an industrial instead of an academic course of training. Reference is made to this school and its objects in paragraph 8 of this report.

Farm schools of course still remain, but alteration (1) above will enable small private schools to be established on individual or contiguous farms where there are less than 10 children and so obviate the necessity of sending children to hostels or to board on a farm some distance away.

Para. 124. The year 1926 further saw the coming into force of a new Education Proclamation. This Proclamation provided, *inter alia*, for an enlarged Education Advisory Council, new salary scales for teachers, the subsidising of private schools and the extension of the principle of mother tongue instruction to standard X.

SCHOOLS AND HOSTELS.

Para. 125. In pursuance of the policy of centralisation the number of Government Schools and Hostels has remained practically the same during the year whilst the number of scholars has increased from 2,703 to 3,009.

Para. 126. The population of South-West Africa is still unsettled with the result that there is a constant coming and going of pupils and that the standard of work in the school suffers. The poor results obtained in the matriculation examination in 1925 are largely attributable to this cause.

Para. 127. Instruction in agriculture, school gardening and manual training continue to receive the unabated attention of the Department.

Para. 128. The progress of European education during 1926 is reflected in the following statistics:—

(a) Government Schools :

	1925.	1926.
High	1	1
Secondary	2	2
Primary	23	25
Farm	18	18
Total	44	46
Hostels	18	18

(b) Teachers :

Certificated	124	132
Uncertificated	2	2
Total	126	134

(c) Scholars :

In Primary Classes	2,601	2,900
In Secondary Classes	102	109
Total	2,703	3,009
Boarders in Government Hostels	963	1,084

(d) Private Schools :

Number of Schools	20	22
Number of Teachers	50	59
Number of Scholars	747	823

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F

B. COLOURED AND NATIVE SCHOOLS.

Para. 129. Supp'y of Teachers.—During the year under review the Rhenish Mission Schools made a big stride forward. The first batch of student teachers completed its course of training at the Okahandja Training School at the end of 1925 and was available for appointment at the beginning of 1926. All these teachers were given posts at once and the principal of the Training School spent the first six months of the year visiting the newly-appointed teachers in their respective schools and helping them to organise their work. The improvement in these schools is unmistakable and the time is being looked forward to when more of the student teachers at present in the training colleges at Okahandja and Doebra will be ready for appointment.

Para. 130. Proclamation No. 16 of 1926.—The new Education Proclamation provides, *inter alia*, for improved salary scales for teachers in the coloured and native schools, for improved conditions of service and for definite leave privileges. On the other hand, it lays down that books hitherto supplied free to pupils must, in future, just as in the case of the European population, be paid for by the parents.

Para. 131. Ovamboland.—During the latter part of the year the Director of Education paid a visit to Ovamboland with a view to enquiring into the value of the educational work done there by the various missions. He submitted the following report to the Administration on his return :—

“The period from 16th September to 1st October I spent in Ovamboland where I visited 20 of the most important Mission Stations. Eighteen of these are controlled by the Finnish Mission, one by the Church of England, and one by the Roman Catholic Church. The Finnish Mission has been active in Ovamboland since 1896; at present it has ten stations that are in charge of white missionaries, and about 125 out-stations conducted by native workers, and controlled from these ten stations. They have a Teachers' and Preachers' Seminary attended by 40 students.

“The English Church Mission and the Catholic Mission have been in the country only since 1924, and up to the present the erecting of their stations, the learning of the Native language and otherwise adapting themselves to local conditions have been their main concern.

“In the Union of South Africa, and more especially in the Eastern Province, we are beginning to reap, on an appreciable scale, the fruits of decades of Missionary effort and at the same time we are beginning to realise that we have been working on wrong lines. We have treated the raw native as if he were an empty vessel to be filled with a language, a religion and customs from Europe, to be labelled with a name from Europe, and to be draped in cloth from Europe according to European fashion. The consequence is that these natives to-day have the outlook on life and the ideals of Europeans and it has become necessary, in order to safeguard our own social system, to resort to legislation, *e.g.*, the recent Colour-Bar Bill.

“The Missionaries themselves have been amongst the first to recognise the errors of the past and many leading men amongst them are now laying it down as one of their main aims to respect Native traditions and preserve Native customs in so far as these traditions and customs are not in conflict with the great general principles on which civilisation rests.

“It is one thing, however, to conceive these ideas and quite another to change the methods of decades and translate these new ideas into action. The obstacles and difficulties encountered in trying to effect a change are considerable.

“The Missionaries in Ovamboland have committed and are committing the errors of the past. It was refreshing, however, to find a number of these missionaries hot on the trail of the most recent development of thought in mission matters, and as it is the first task of every missionary on coming to Ovamboland to learn the native language, and learn it thoroughly, these missionaries will probably experience less difficulty in adapting themselves to an order of things in which native traditions, habits and customs are to be of greater consequence than missionaries elsewhere in Africa, who have not always regarded a thorough knowledge of the native language a *sine qua non*.

“However much one may differ from the immediate aims and methods and the achievements of the Finnish Missionaries in Ovamboland, there can be no doubt as to their devotion to their work, their anxiety to promote the welfare of the natives and their genuine desire for improved methods. They have a considerable influence with the native people, and they enjoy on a large scale the confidence of the people. In this rapid growth of their work lies the cause of their main weakness. Their work has grown beyond the control of their present staff of European workers, with the result that they have to leave a large portion of the work to native helpers who, at the present stage of their development, are quite unfit for the task.

"The mission stations are all well built. They have been erected by the missionaries, who, by example, have shown the natives that handiwork is not to be regarded as degrading. At the Teachers' Training Centre I saw a building in course of erection and the work was being done by the students. At another station quarters were being erected for boarders and all the work was being done by the students for whom the quarters are intended. At a third station a large church was being erected by the missionary and although the thatching of the roof was nearing completion no money had been spent on wages as all the workers had rendered their assistance voluntarily. In every respect the mission stations are, to those who visit them, examples of cleanliness, punctuality, hospitality and progress.

"The Training School is on the whole conducted on satisfactory lines although one could wish for more accommodation or smaller classes, for a more careful selection of students, and for a revised syllabus giving greater prominence to industrial training.

"At several stations there are hostels; some of them are self-supporting. At a few stations these hostels are so large that a separate school has been arranged for the boarders. These schools are conducted by European teachers and are the most satisfactory Educational Institutions in Ovamboland.

"A new station is in the course of erection at which it is proposed to open an industrial school for the teaching of agriculture, cattle-tending, metal work and wood-work. The site selected appears to be altogether suitable.

"The day schools in charge of native teachers are in every respect poor. They are attended not only by children but largely by adults preparing for confirmation and baptism. The first step to bring about improvement in these schools is to separate children from adults. Adults have fixed ideas and it is not possible to train them successfully to new habits and new standards of cleanliness."

Para. 132. The development of coloured and native education during 1926 as compared with the previous year is shown in the following statistics:—

(GOVERNMENT-AIDED SCHOOLS ONLY.)

Number of Schools.	1925.	1926.
Rhenish Mission	27	28
Roman Catholic Mission	16	17
English Church Mission	2	2
Wesleyan Church Mission	1	1
	46	48

Number of Teachers.	1925.		1926.	
	Full time.	Part time.	Full time.	Part time.
Rhenish Mission	45	13	54	16
Roman Catholic Mission	18	—	17	2
English Church Mission	4	1	5	1
Wesleyan Church Mission	1	—	1	—
	68	14	77	19

	No. of Pupils, 1925.	No. of Pupils, 1926.			
		Nama.	Herero.	Others.	Total.
Rhenish Mission	1,950	1,898	231	81	2,210
Roman Catholic Mission	639	366	32	165	563
English Church Mission	136	7	—	176	183
Wesleyan Church Mission	23	16	—	7	23
	2,748	2,287	263	429	2,979

Para. 133. Rather an interesting light upon the attitude of some of the Natives towards education is shed by the incident referred to in paragraph 39 of this report.
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EXPENDITURE ON EDUCATION—FINANCIAL YEAR 1925-26.

Para. 134. The amount actually spent on education during the financial year 1925-26 is shown hereunder :—

	Total.	No. of Pupils.	Average per Pupil.
	£	*	
<i>Head Office :</i>			
Salaries	£1,860		
Subsistence and Transport	100		
Telegrams and Telephones	124		
Native Messenger	48		
	2,132	9,039	7s.
<i>Inspection of Schools :</i>			
Salaries	1,640		
Subsistence and Transport	1,456		
	3,096	6,039	10s. 3d.
<i>European Schools :</i>			
Salaries	46,010		
Subsistence and Transport	1,110		
Equipment and Books	4,245		
Caretakers	500		
	51,865	2,702	£19 3s. 10d.
<i>Hostels :</i>			
Salaries	2,216		
Subsistence and Transport	170		
General Expenditure	29,684		
Caretakers	100		
	32,170	963	£33 8s. 1d.†
<i>Mission Schools :</i>			
Salaries	3,580		
Subsistence and Transport	100		
General Expenditure	1,871		
	5,551	2,881	£1 18s. 6d.
<i>Private Schools</i>	4,865	456	£10 13s. 4d.
<i>Industrial and Agricultural Education ..</i>	236	236	
Total	£99,915		

* Totals in this column are for the financial year 1925-26. Totals in other parts of the report are for the calendar year 1926.

† This amount includes the cost of furnishing and equipping which, in view of the rapid growth of hostels, has been very high.

SUPPLEMENTARY STATEMENT ON COLOURED NATIVE EDUCATION.

Para. 135. All schools for Coloured and Native pupils are denominational mission schools. The law provides for the establishment of Government coloured schools but up to the present it has not been found necessary or expedient to establish such schools. The Administration subsidises a school if there is a suitable building, a suitable teacher or teachers and an enrolment of at least 20 pupils. The people themselves under the guidance of the missionaries have to provide the building which is as a rule also used for the religious gatherings of the people.

When a mission school has qualified for Government aid as above described the Administration does the rest: It supplies the necessary furniture and equipment, pays the salaries of the teachers and pays water rates and sanitary fees. It also pays up to a maximum of 50 per cent. of the cost of the books used by the pupils.

The amount provided on the estimates for native education is arrived at by the Education Department which keeps in close touch with the requirements of the denominational mission schools, in particular by acquainting itself with :—

- (1) the increase in enrolment which necessitates the appointment of additional teachers ;
- (2) the development of unaided schools that may qualify for aid ;
- (3) the improvement in the qualifications of teachers who thereby become entitled to higher salaries.

The following amounts have been specifically assigned to Native and Coloured Education during the last 5 years.

1923	..	..	..	..	..	£3,500
1924	..	..	..	..	..	5,500
1925	..	..	..	..	..	6,500
1926	..	..	..	..	..	7,550
1927	..	..	..	..	..	8,100

These amounts, however, do not represent the total sums provided for Native and Coloured education as they do not include head-office expenses and the cost of inspection. These are provided for under other sub-heads of the Education Vote. Approximately one quarter of the time of officials in head office and one third of the time of inspectors of schools is spent on Native and Coloured education.

Para. 136. The two principles that guide the education of Natives may be briefly outlined as follows :—

- (1) The aim is to develop the Native on his own lines, i.e., in his own language and in keeping with his own habits and mode of living in so far as these are not in conflict with the great general principles on which civilisation rests. Any attempt to force him to abandon his native customs and to give him instead the aspirations and outlook on life of Europeans is to be deprecated.
- (2) The method of achieving this aim is to help him to develop step by step from his present raw Native state. Any desire to show early results by making him skip a number of rungs on the ladder of progress is unsound and is bound to have disastrous results in the end.

It is difficult for the European to understand the mentality of a South-West African Native. His outlook on life is so totally different to that of a European that it is almost impossible to avoid clashing with him sometimes.

He does not know that honesty, fairness and consideration to others are virtues. He spends his life in hunting in which pursuit he regards every means as fair to get hold of his prey and an idea of cruelty never enters his mind.

He is improvident. If he has hunted down and chased all the game away from his surroundings, has dug up all the edible roots and burnt up all the fuel, he moves to another place.

He is unclean in his habits. It is far less trouble to him to burn one hut and build another than to try and keep that hut clean. The idea of improving the place where he lives never enters his mind. His thought is "Let us take as much as we can out of this place because to-morrow we move elsewhere."

This nomadic instinct is so strong with him that even when he lives under civilised conditions and the foregoing inducements no longer apply, it is found that from time to time he still insists on making a change for no apparent reason.

The "wanderlust" becomes so strong that he must move. The establishment of reserves will no doubt remedy this to some extent.

As a result of this characteristic those who work for the advancement of the native find their influence frequently interrupted, and the long intervals during which they are away from missionary centres nullify the good work that has been done. In the schools a large percentage of the children make little or no progress and because of their constant coming and going the classifications of pupils into standards becomes a very difficult matter.

There are further difficulties. The chief native languages in the country number four—Nama, Herero, Ovambo and Sechuana. In accordance with the principle of mother-tongue instruction all these languages are taught in our schools. Some schools are attended simultaneously by children who speak three different languages, and in practically all the schools there are children speaking two different languages. In each school one of the two official languages of the Union of South Africa must be taught, so that to the list of four languages must be added English and Dutch. This makes a total of six languages for which we have to provide.

All the native schools are denominational mission schools at present. They cannot do without the constant guidance of the local missionary. This fact and the fact that the missionary is the only local person who can conduct the correspondence with the Department, have made it clear that for some considerable time to come the schools will have to be carried on as denominational institutions.

In larger centres where there are two or three schools it would simplify matters if the pupils could be divided into the different schools according to their home languages. The attachment of the native to his own particular church is, however, so strong that this scheme for the present is not feasible on any appreciable scale.

[U.G. 22—'27.]

Our native teachers are very poorly qualified. The Great War interrupted all facilities for training teachers with the result that at times teachers have to be appointed whose qualifications do not extend beyond being able to read, write and speak one of the six languages mentioned.

Finally, there is a difficulty which South-West Africa has in common with the other countries of Africa and that is the tendency to keep children at home to carry water, to mind the baby and to do other domestic work and to tend the stock or to work in the fields. Further irregularity in school attendance results.

When the native comes to school he is taught to be clean in person and in habits. He is taught to have some care for the future and some consideration for others. He is taught through the medium of his own language, and is taught the elements of reading in that language. He is not presented with an elaborate school building, but he has to provide the building himself with improvements on his own style of building that he appreciates. At the training school where the native has to go into residence, he has to build his own hut. This hut is built under the guidance of the missionary and teacher, and the improvements are of such a nature that they can be incorporated into the huts built by the natives in their locations and reserves.

I must add here that it is very difficult to get away from the europeanising system of educating the natives, as this has been the dominant system for decades, and the natives themselves have begun to regard it as the only correct system.

The amounts allocated respectively to the following services are—

Government Schools	.. .. .	Nil
Non-Government Schools (1926-27)	.. .. .	£7,550
Inspection of Schools	.. .. .	£1,500

Para. 137. Official authorisation is not necessary for the opening of educational institutions, but the law provides that—

“It shall be lawful for the Administrator to prohibit and prevent the establishment of any school for the education of coloured or native pupils, or for the training of teachers for schools for coloured or native pupils, and if any such school shall already have been established, to close such school, if in his opinion the prohibition of the establishment of such school or the closing of such school is in the best interests of the inhabitants of the territory.”

Para. 138. All denominational mission schools aided by Government are subject to compulsory official inspection. The inspectors carry out an individual inspection of all pupils attending these schools once a year. In addition they pay informal visits to these schools and to the unaided schools as often as time and opportunity permit. They furnish a report to Head Office on each inspection and visit.

Para. 139. Over 80 per cent. of the schools are subsidised by the Government. There are no separate institutions for boys and girls.

Para. 140. In the syllabus of every school hand work is given a prominent place. It usually takes the form of needlework, laundry work, basket making, grass weaving or pottery for girls, and tinwork, rough woodwork, gardening or brickwork for boys.

Para. 141. There are two training institutions for native teachers, one under the Rhenish Mission at Okahandja and the other under the Catholic Mission at Döbra.

Para. 142. In addition to the subjects referred to in paragraph 140 above, the following subjects are taught :—

- (a) In lower standards : Religious instruction, the home language of the pupil (reading, recitation, writing, oral composition), one of the official languages (English or Afrikaans ; oral work only), writing, arithmetic.
- (b) In the upper classes : Religious instruction, the home language of the pupil (reading, recitation, writing, composition, grammar), one of the official languages (English or Afrikaans reading, recitation, writing, composition, grammar), writing, arithmetic, hygiene, geography. Nature study and history will be introduced at a later stage.

Para. 143. Religious instruction is given to all the pupils although it is not laid down that the subject is compulsory.

Para. 144. The home language of the pupil is the medium of instruction in the earlier stages ; later on one of the official languages (English or Afrikaans) is used as a second medium of instruction.

Para. 145. There are 96 teachers in all in aided schools; 34 of these are European and 62 are native; 77 are full-time teachers and 19 part-time. The native teachers cannot at present be classed as certificated. Even those who have passed through one of the training colleges cannot be regarded as having successfully completed a professional course of training of an appropriate standard.

Para. 146. There are two schools for non-natives, i.e. Cape Coloured persons who have settled in this country.

OVAMBOLAND.

Para. 147. The Administration is not subsidising the schools in Ovamboland. These are conducted entirely by the Missions. The statistics in regard to these schools are :—

Mission.	No. of Schools.	No. of these that have suitable buildings.	No. of Teachers.		No. of Pupils.
			Europeans.	Natives.	
Finnish	145	25	7	223	6,206
English Church ..	1	1	2	1	48
Roman Catholic ..	1	—	—	1	25

XII. LAND AND AGRICULTURAL BANK.

BOARD OF MANAGEMENT.

Para. 148. Owing to the election of Colonel George Curtis, D.S.O., to the Chairmanship of the Legislative Assembly it became necessary for him to resign from the Board, and was succeeded by Mr. Niehaus.

Another vacancy was occasioned by the demise of Mr. F. L. A. Gutsche, to which Mr. F. Kriess was appointed.

Dr. E. J. P. Jorissen, whose term of office expired on the 31st March, 1925, was re-nominated for a further period of two years.

INSPECTION OF FARMS.

Para. 149. Altogether 380 farms bonded to the Land Bank and 61 farms bonded to the late Landwirtschaftsbank were reported on; these comprise practically all the farms bonded to the Land Bank; although owing to the meagre rainfall during the year, farmers in some areas have had a hard struggle, there has been a satisfactory improvement on the whole.

Inspections will in future be carried out by the Inspectors of the Land Board, who are, in any event, obliged to visit all settlement farms at regular intervals, and the inspection of Land Bank properties will simply be incidental. This will mean considerable economy and uniformity of inspection and reporting.

OUTSTANDINGS IN RESPECT OF ARREAR INTEREST AND INSTALMENTS.

Para. 150. It will be seen from financial statements A and B that interest and instalments in arrear amount to £10,835 3s. 7d. and £4,391 18s. 2d., respectively. The amount of £3,747 3s. 7d. is, however, in respect of interest on farms which the Land Bank has been obliged to acquire in protection of its bonds. Arrear interest on active accounts shows a substantial reduction since the beginning of the year. It must also be borne in mind that £968 of the amount at present outstanding is in respect of interest raised during the last two months of the year. The Bank in accordance with its general policy has not unduly pressed farmers who, in consequence of the drought and their resultant inability to dispose of their stock, were not in a position to meet their liabilities on due date. Such farmers have been afforded an opportunity of recovering.

RETURN OF APPLICATIONS FOR MORTGAGE LOANS.

Para. 151. Particulars hereof are set out in Schedule C. Schedule D shows the nationality of applicants to whom loans were granted and the ratio to the total number of bonds passed, and Schedule E specifies the purposes to which the loans were applied.

[U.G. 22—'27.]

DIPPING TANK AND FENCING ADVANCES.

Para. 152. In 1926 no applications were received for advances to construct dipping tanks. Details of applications for fencing advances are given in Schedules F and G.

Fencing is now obligatory in the districts of Windhoek, Gobabis, Grootfontein, Rehoboth, Okahandja, Otjiwarongo, Karibib, Keetmanshoop, Aroab, Gibeon and Outjo, four new districts having been added during the year.

The bank is now prepared to advance money for the purchase of jackal-proof fencing on the following conditions:—

- (1) That the applicants must be progressive farmers of standing who are farming efficiently with woollen sheep;
- (2) That the applicant must possess at least 2,000 woolled sheep and assets to the value of £4,000;
- (3) That at least two sides of the jackal-proof fencing must be erected on boundary lines of the farm.

Obviously, advances for such fencing could not be made to farmers without capital, as they would never be able to discharge the liability.

In spite of the higher rate of interest which the bank will in future have to pay on loan funds obtained from the Administration, the rate of interest charged by that institution on fencing advances is being maintained at 5 per cent. per annum.

ADVANCES FOR ADDITIONAL WATER SUPPLY.

Para. 153. Schedule H represents a return of applications received and dealt with under Section 8 of Proclamation No. 5 of 1925, for advances to enable farmers to open up additional water supplies on their farms in order that more grazing may be rendered available.

Hitherto, advances for this purpose have been limited to £250, but in view of the vital necessity of opening up water and so expediting development of farms this amount is being raised to £500.

The amending proclamation will also contain provision enabling the bank to grant advances for internal fencing (hitherto advances have been for boundary fencing only), and up to £250 for the purchase of breeding stock. It will also authorise the transfer to the Land Bank Reserve Account of a portion of the moneys recovered in respect of Landwirtschaftsbank securities

AGRICULTURAL CO-OPERATION.

Para. 154. With regard to the amount of £12,510 granted by the Administration to Farmer Vereinigungen, under the provisions of the London Agreement, the committee which was appointed to effect the equitable distribution of the amount completed its labours last May.

LANDWIRTSCHAFTSBANK.

Para. 155. The appended comparative statement shows the book value of Landwirtschaftsbank securities which the Land Bank holds on behalf of the Administration:—

	Value at 31.12.25.		Value at 31.12.26.	
	£	s. d.	£	s. d.
(1) Mortgage bonds	86,467	7 5	81,610	3 11
(2) Past due interest	2,920	1 7	2,989	10 8
(3) Property bought in	34,812	2 2	40,486	18 4
(4) Arrear interest thereon	7,396	3 4		
(5) Bills receivable	1,768	2 6	—	—
(6) Sundry mortgages	945	2 7	574	12 6
(7) Relief under Proclamation No. 26 of 1923 ..	5,930	0 0	5,435	14 7
	£140,238	19 7	£131,097	0 0
Less credit balances	181	6 2	239	8 7
	£140,057	13 5	£130,857	11 5

During the period under review an amount of £13,716 14s. 2d. was collected, of which the sum of £12,673 4s. 3d. was allocated to Capital Account in accordance with Section 6 (2) of Proclamation No. 10 of 1922. Seventeen of the Landwirtschaftsbank farms have been sold out of hand, and when the necessary entries have been passed on completion of the transactions the amount appearing in Item (3) will be reduced to approximately £14,000. During the year the amount of £1,555 6s. 6d. was written off as irrecoverable.

SALES OF FARMS MORTGAGED TO THE BANK.

Para. 156. The bank was obliged to sell by public auction twelve farms bonded to it and to the late Landwirtschaftsbank. These represented a loan value of £16,921 15s. 7d. Ten farms had to be taken over by the bank in protection of its bonds.

Schedule "I" indicates the number of farms disposed of by the Land Bank from its inception to date, and the reasons therefor. At present the total amount of capital rendered unproductive by reason of the Bank having to take over certain farms, is as follows:—

1. Landwirtschaftsbank Bonds, £35,398 18s. 3d. Overdue interest, £7,639 19s. 0d.
2. Land and Agricultural Bank Bonds, £29,756 14s. 5d. Overdue interest, £3,731 3s. 9d.

The amount shown against No. 2 is the extent to which the capital funds of the Bank have been temporarily rendered unproductive.

The Bank has succeeded in selling out of hand several farms which it had been obliged to acquire in protection of its bonds and the profit of £1,567 10s. 1d. resulting from these sales has been carried to the Special Reserve Account created for the purpose of meeting losses. The prospect of disposing of the farms which the Bank still holds has vastly increased of late as large numbers of persons from the Union and elsewhere are visiting the Territory with the object of securing land.

ACCOUNTS.

Para. 157. The financial position of the Bank as at the 31st December, 1926, is reflected in Schedules "A" and "B."

Notwithstanding the loss of interest occasioned by bonds becoming unproductive, the Bank has made a profit of £4,191 12s. 10d. Additional provision for the writing off of irrecoverable debt has been made to the extent of £770 15s. 8d. and the Reserve to meet probable losses resulting from sales of acquired farms has been augmented by £1,567 10s. 1d.

Schedule "A."

THE LAND AND AGRICULTURAL BANK OF SOUTH-WEST AFRICA.

Statement of Liabilities and Assets for the year ended 31st December, 1926.

LIABILITIES.			ASSETS.					
	£	s. d.		£	s. d.	£	s. d.	
<i>Capital Fund</i> Account No. 1: Moneys received from Administration	406,000	0 0	<i>Advances on Mortgage:</i>					
<i>Capital Fund</i> Account No. 2: Moneys received in respect of Landwirtschaftsbank securities	65,907	7 0	Under Act 18 of 1912	447,073	0 11			
<i>Administration</i> in respect of Landwirtschaftsbank unrealised assets	130,857	11 5	Plus instalments due but unpaid	4,080	10 4	451,163	11 3	
<i>Sundry Creditors:</i>			<i>Financial Relief Loans:</i>					
Undrawn balance in re Ordinary Loans	£4,614	4 9	Under Proclamation 38 of 1923	2,854	13 11			
Undrawn balances in re Fencing Loans	12,107	2 10	Plus instalments due but unpaid	101	1 4	2,955	15 3	
Undrawn balance in re Water Supply Loans	368	9 9	<i>Advances for Dipping Tanks:</i>					
Sundries	1,085	13 5	Under Act 20 of 1911	500	1 6			
			Plus instalments due but unpaid	—	—	500	1 6	
	18,175	10 9	<i>Advances for Fencing:</i>					
<i>Administration, S.W.A.:</i> Interest accrued but not yet due	5,605	15 9	Under Act 17 of 1912	71,531	0 8			
<i>Fees and Expenses:</i> Valuators	12	17 6	Plus instalments due but unpaid	210	6 6	71,741	7 2	
<i>Officials' Superannuation and Retirement Gratuity Fund</i>	448	13 2	<i>Advances for Improved Water Supply:</i>					
<i>Reserve Fund:</i>			Under Proclamation 25 of 1925	979	12 6			
Balance at 31.12.25	3,575	9 10	Plus instalments due but unpaid	—	—	979	12 6	
Profit during 1926	4,191	12 10						
	7,767	2 8	<i>Advances in respect of Farm Properties Acquired:</i>					
			Under Section 37 of Act 18 of 1912	29,858	18 11			
			Interest in arrear	3,747	3 7			
				33,606	2 6			
			<i>Less Special Reserve to meet contingencies</i>	3,777	1 5	29,829	1 1	
			<i>Sundry Debtors:</i>					
			Past Due Interest	7,087	18 7			
			Interest accrued at 31.12.26 but not yet due on all loan accounts	8,804	12 0			
			Other Sundries	11,303	8 8			
				27,195	19 3			
			<i>Less Reserve for Bad Debts</i>	2,000	0 0	25,195	19 3	
			<i>Sundry Debtors</i> in respect of Landwirtschaftsbank bonds, etc... .. .			130,857	11 5	
			<i>Bank Premises:</i>					
			Book Value at 31.12.26	7,553	10 4			
			Less Depreciation	306	13 9	7,246	16 7	
			<i>Furniture and Fittings:</i>					
			Book Value at 31.12.26	575	3 7			
			Less Depreciation	57	10 4	517	13 3	
			Stamps on Hand			25	0 0	
			Standard Bank of South Africa, Limited			3,772	9 0	
						£724,774	18 3	
						£724,774	18 3	

We hereby certify that this statement has been compiled from the books of this Bank, and to the best of our knowledge and belief is correct.

(Signed) W. A. RENNIE,
E. JORISSEN,
FRITZ KRIESS,
J. P. NIEHAUS

(Signed) J. T. TAYLOR,
Manager.
J. G. VON BACKSTROM,
Accountant.

Members of the Board of Management.

Windhoek, 10th February, 1927.

Schedule "B."

THE LAND AND AGRICULTURAL BANK OF SOUTH-WEST AFRICA.

Profit and Loss at 31st December, 1926.

		£	s.	d.			£	s.	d.
Interest Paid		21,261	18	0	By Interest received		10,405	9	4
Administration Expenses		4,955	3	11	" Interest accrued		8,804	12	0
Depreciation		364	4	1	" Past Due Interest		10,835	2	2
Provision for Bad and Doubtful Debts		770	15	8	" Fees Collected under 4th and 5th Schedules of Act 18 of 1912		464	10	0
Balance: Gain to Reserve Fund vide Section 43 (i.b.) of Act 18 of 1913		4,191	12	10	" Commission		702	1	0
					" Rent		81	0	0
					" Farm Rents		251	0	0
		£31,543	14	6			£31,543	14	6

Reserve Fund.

		£	s.	d.			£	s.	d.
Balance on Brock's Property, Goanikontes through flooding of Swakop River		1,908	17	9	Profit for year ended 31.12.23		1,930	8	11
Balance, December 31st, 1926		7,767	2	8	Profit for year ended 31.12.24		559	9	0
					Profit for year ended 31.12.25		2,994	9	8
					Profit for year ended 31.12.26		4,191	12	10
		£9,876	0	5			£9,876	0	5

We hereby certify that these statements have been compiled from the books of this Bank, and to the best of our knowledge and belief are correct.

(Signed) W. A. RENNIE,
E. JORISSEN,
FRITZ KRIESS,
J. P. NIEHAUS,

(Signed) J. T. TAYLOR,
Manager.
J. G. von BACKSTROM,
Accountant.

Members of the Board of Management.

Windhoek, 10th February, 1927.

Schedule "C."

THE LAND AND AGRICULTURAL BANK OF SOUTH-WEST AFRICA.

Return of Applications for Ordinary Advances under Act No. 18 of 1912, as amended and applied to South-West Africa by Proclamation No. 10 of 1922, dealt with during the year ended 31st-December 1926.

	Applications received.			Applications withdrawn before consideration.			Applications granted.			Applications not entertained by the Board.			Amount lapsed and withdrawn and refused by applicants.		Bonds passed in 1926.	
	No.	Amt.	Aver.	No.	Amt.	Aver.	No.	Amt.	Aver.	No.	Amt.	No.	Amt.	No.	Amt.	
Applications brought forward from 1921	10	8,265	826	—	—	—	10	6,005	600	—	—	4	2,500	5	2,455	
Applications brought forward from 1922	3	1,625	542	—	—	—	3	1,375	458	—	—	1	250	2	1,125	
Applications brought forward from 1923	4	5,500	1,375	—	—	—	4	5,200	1,300	—	—	—	—	2	1,700	
Applications brought forward from 1924	5	7,300	1,460	—	—	—	5	7,300	1,460	—	—	1	2,260	3	3,050	
Applications brought forward from 1925	37	42,600	1,151	—	—	—	36	38,005	1,111	1	2,000	2	650	28	32,005	
Applications received during 1926	78	91,350	1,165	2	2,600	63	68,710	1,091	0	6,375	9	11,200	27	28,555		
	137	157,140	1,147	2	2,600	121	126,595	1,046	10	8,375	17	16,850	67	68,890		

Analysis of Advances made under Act No. 18 of 1912 during the year ended 31st December, 1926.

Amount of Advance.	Number.	Total Amount.
		£
Over £2,500	5	14,675
Over £2,000 but not exceeding £2 500	4	9,200
Over £1,500 but not exceeding £2,000	2	4,000
Over £1,000 but not exceeding £1,500	15	19,800
Over £500 but not exceeding £1,000	22	14,875
Not exceeding £500	19	6,340
	67	£68,890

Schedule "D."

THE LAND AND AGRICULTURAL BANK OF SOUTH-WEST AFRICA.

*Statement showing the Distribution of Loans according to Nationality
(issued during the year ended 31st December, 1926).*

Nationality of Mortgagors.	Number of Mortgagors.	Total Amount of Bonds Passed.	Ratio to Total Number of Bonds Passed.	Average Amount per Bond.
		£		£
German	40	48,345	70·18	1,209
Dutch	16	13,230	19·21	827
English	10	7,165	10·40	716
Others	1	150	0·21	150
Totals	67	£68,890	100·00	£1,028

Schedule "E."

THE LAND AND AGRICULTURAL BANK OF SOUTH-WEST AFRICA.

Purposes for which Advances were made during the year ended 31st December, 1926.

Improve-ments.	To purchase Stock.	To redeem.			Other Debts.	Purchase Land.	Total.
		Landwirt-schaftsbank Bonds.	Land Bank Bonds.	Other Bonds.			
£	£	£	£	£	£	£	£
5,125	6,614	Nil	12,105	24,554	5,338	15,154	68,890

Schedule "F."

THE LAND AND AGRICULTURAL BANK OF SOUTH-WEST AFRICA.

Return of Applications for Fencing Advances under Act No. 18 of 1912, as amended and applied to South-West Africa by Proclamation No. 10 of 1922 and No. 31 of 1923, dealt with during the year ended 31st December, 1926.

	Applications received.			Applications withdrawn before consideration.			Applications granted.			Applications not entertained by Board.		Applications lapsed, withdrawn and refused by applicants.		Charge registered during 1926.	
	No.	Amt.	Aver.	No.	Amt.	No.	Amt.	Aver.	No.	Amt.	No.	Amt.	No.	Amt.	
Applications brought forward from 1922	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Applications brought forward from 1923	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Applications brought forward from 1924	3	300	100	—	—	3	300	100	—	—	1	250	2	50	
Applications brought forward from 1925	80	16,105	201	4	850	72	13,170	183	4	180	4	1,485	64	11,255	
Applications received during 1926	226	47,605	211	2	200	195	39,150	201	1	20	13	4,000	126	22,885	
	309	64,010	207	6	1,050	270	52,620	195	5	200	18	5,735	192	34,190	

Schedule "G."

THE LAND AND AGRICULTURAL BANK OF SOUTH-WEST AFRICA.

Statement indicating Total Amount of Advances for Fencing purposes granted up to 31st December, 1926, showing aggregate length of Fencing in kilometres and miles, and also average cost per kilometre and mile.

Period.	No. and amount applications received.		No. and amount granted.		Length of Fencing (in respect of loans granted).		Average advances	
					In kilometres.	In miles.	per kilometre.	per mile.
		£	£	£			£	£
Brought forward from 1924	3	300	3	300	55	34	5	9
Brought forward from 1925	80	16,105	72	13,170	864	540	15	24
Received, 1926	226	47,605	195	39,150	2,460	1,538	16	25
	309	64,010	270	52,620	3,379	2,112	16	25

Schedule "H."

THE LAND AND AGRICULTURAL BANK OF SOUTH-WEST AFRICA.

Statement indicating Amount of Advances for Additional Water Supplies granted up to 31st December, 1926.

Number.	Amount applied for.	Amount granted.	Amount of charges registered.
	£	£	£
15	2,860	2,860	1,035

Schedule "I."

THE LAND AND AGRICULTURAL BANK OF SOUTH-WEST AFRICA.

Statements of Farm Properties Sold under Section 37 of Land Bank Act.

	Number.
In respect of Landwirtschaftsbank bonds	42
In respect of Land and Agricultural Bank Bonds	48
Total	90
(1) Instances in which insolvencies and assignments occurred	32
(2) Instances in which debtors requested the bank to attach and sell	9
(3) Instances in which debtors were being sold up by other creditors	7
(4) Instances in which debtors' farms were sold because they were abandoned	38
(5) Instances in which debtors were incorrigibly in arrear with interest and other payments	4
Total	90

XIII. LAND SETTLEMENT

Para. 158. For the purpose of illustrating the progressive movement of land settlement in South-West Africa, a comparative table is given hereunder showing the allotments made during consecutive years since a commencement was made with settling farmers on the land in the year 1920:—

LAND SETTLEMENT PROCLAMATION.

Year.	No. of Holdings.	No. of Settlers.	Area in Hectares.	Valuation.	
				£	s. d.
1920	169	203	1,595,873	144,364	0 0
1921	245	311	2,125,154	173,139	0 0
1922	169	216	1,163,600	125,451	0 0
1923	79	101	765,461	57,916	0 0
1924	123	157	1,047,322	78,949	0 0
1925	95	118	783,961	57,040	0 0
1926	127	140	1,085,295	83,200	0 0
	1,007	1,246	8,566,666	720,059	0 0

DETAILED ANALYSIS OF ALLOTMENTS UNDER THE LAND SETTLEMENT ACT DURING YEAR 1926.

District.	No. of Holdings.	Area in Hectares.	Purchase Price.	No. of Settlers.
			£	
Aroab	2	21,707	1,592	2
Bethanie	10	119,015	5,763	14
Gibeon	20	207,753	18,281	24
Gobabis	12	65,272	5,601	12
Grootfontein	1	4,082	377	1
Karibib	1	4,618	1,151	1
Keetmanshoop	18	229,491	16,511	23
Maltahöhe	2	34,442	1,839	2
Okahandja	9	44,026	4,801	9
Otjiwarongo	14	86,445	6,857	16
Outjo	6	43,490	3,085	7
Rehoboth	8	61,374	6,284	9
Warmbad	3	43,689	2,778	3
Windhoek	21	119,891	8,280	17
	127	1,085,295	83,200	140

Of the 140 successful applicants 94 were from South-West Africa and 46 from the Union, 81 being Dutch-speaking, 30 English-speaking and 29 German-speaking. The total amount of capital of the allottees was £104,063 or an average of £743.

Para. 159. It will be observed that more farms were allotted during the year under review than in the previous year and the number of allotments might have been much greater had more farms been available for disposal. Land Settlement can to-day be promoted on a much larger scale provided the necessary survey into farms of unoccupied Government land and the opening up of water supplies can be expedited. The demand for farms is steadily increasing and every endeavour is being made to expedite the survey of further blocks of available land, and more especially the opening up of water on farms which have already been surveyed. The present number of boring machines operating in the Territory is not sufficient to cope with the demand and the allotment of a large number of farms is being held up on that account since experience has shown that in South-West Africa it is impossible to place settlers on farms without first providing for water. More drills are available but the difficulty is to procure suitable reliable men to operate them. The construction of dams to which the country lends itself offers some solution of the problem and the Administration is engaging a dam expert to advise farmers in this connection but obviously this is work which must be undertaken by the farmer himself after he has been placed on the land and can only be supplementary to the permanent water supply derived from boring.

Para. 160. Vast stretches of country suitable and available for allotment, when survey and water have been provided, are at the disposal of the Administration. A survey programme has been drawn up spreading over a period of approximately four years, the first survey to be carried out being that of the land situated between the Vereingde Nossob and the Elephanten Fluss. It is calculated that approximately 173 farms can be surveyed there, their extent being from 7,500 to 10,100 hectares. Water is easily found there and at no great depth, and the general indication points to the probability that artesian water will be found in that area situated as it is between the artesian area of the Auob Valley and the artesian area of the Vereingde Nossob. As a very strong demand continues for land in the Outjo and Otjiwarongo districts, it has also been decided to survey tracts of land in those areas, and approximately fifty farms will become available there.

Para. 161. A number of prospective settlers have undertaken that if farms are allotted to them in the Outjo area they will combine, purchase their own boring machine and obtain water for themselves, and the practicability of accepting this offer is under consideration. It must, however, be borne in mind that the conditions of the territory are such that each borehole takes on an average six weeks to two months to complete, and then a considerable percentage of the holes bored are unsuccessful, so that the process of obtaining water is necessarily slow.

Para. 162. Conditions in the territory during the year under review may be considered as satisfactory. Settlers on the whole have had quite a good year, and were in most cases able to meet their liabilities to the Administration. Merino sheep farming is more popular than ever, and large numbers of this type of sheep have been imported into the territory from the Union during the year. It has been established that the merino can withstand drought conditions better than the Afrikander sheep, and the breed is not so susceptible to disease as the bastard type. The price of wool remains at a satisfactory and profitable figure, and there is no question that those settlers who purchased merino sheep have found farming with that type a profitable investment.

Para. 163. The Karakul industry is forging ahead rapidly, and a firm market for the sale of fleeces has been established with market prices at a very steady and profitable figure; in fact it has proved such a paying business that karakul ewes are practically unobtainable to-day, or only at a very high price. A noteworthy sign of the return of prosperity to the territory is the remarkable rise in land values during the year in consequence of which the Administration also felt itself obliged to increase the price of land available for land settlement by 6d. per hectare. Notwithstanding the increased price of farms available for settlement, the demand for land continues unabated, and it is apparent that the effects of the financial depression which descended on the country during the years 1920-1923 have almost completely disappeared.

Para. 164. A commencement with jackal-proof fencing has been made in the southern districts, and the experiment is being watched with interest. Although the Land Bank has agreed to advance loans under certain conditions for this purpose, it is doubtful if many settlers will be able to avail themselves of the facilities granted as the expense is great owing to the large size of the holdings in the south, the average area being approximately 12,000 hectares, i.e. 13,000 morgen.

[U.G. 22—'27.]

Para. 165. Dam construction is proceeding apace, and in order to assist the settler in his object the Administration has, as stated above, decided to engage a qualified engineer to give advice to the settler and to assist him generally in the construction of dams.

CANCELLATIONS AND SURRENDERS OF ALLOTMENTS.

Para. 166. Very few surrenders and cancellations have been recorded during the year, the total number being twenty-four. This total includes surrenders caused through the lessee's decease, but none through a lessee's financial difficulties. Large numbers of leases which had expired through effluxion of time have been renewed for a further period of five years, and in no single instance has a lease contract been allowed to lapse while many lessees have been granted permission to exercise their option of purchase, though only ten such options have actually been noted by the Registrar of Deeds; this is due to the fact that settlers are generally deplorably slow in complying with instructions sent out from this branch in connection with these matters.

NUMBER OF FARMS GAZETTED UNDER THE LAND SETTLEMENT PROCLAMATION.

Para. 167. The number of farms gazetted as available for allotment during the year under review is 146, as against 115 during the preceding year.

OPERATIONS UNDER THE CROWN LAND DISPOSAL PROCLAMATION, 1920.

(1) Sales and Allotment of Farm Land.

Para. 168. Most of the sales under the provisions of this proclamation represent allotments made as additional land to such settlers whose holdings proved to be too small to afford them a decent existence. The decrease in the number of such allotments is due to the fact that most settlers have already been assisted in this manner during the past two years.

The position since the year 1921 is reflected in the following table :—

Year.	No. of Holdings.	No. of Settlers.	Area in Hectares.	Valuation.
				£
1921	32	36	209,096	19,685
1922	8	9	65,903	6,014
1923	16	18	78,723	6,944
1924	73	84	573,448	39,264
1925	57	60	286,917	22,296
1926	38	40	179,601	17,926
	224	247	1,393,688	£112,129

(2) Sales of Township Erven.

Para. 169. A total number of fifty-eight township erven, in extent 16 hectares 1 are and 81 square metres, were sold during the year, the total purchase price realised being £4,938

Most of the plots sold fall within the township of Walvis Bay, where there continues to be a steady demand for plots.

(3) Government Grants.

Para. 170. Twenty-nine Government grants were issued during the year in respect of farms involving a combined area of 148,358 hectares, at a valuation of £13,191, and twenty grants in respect of township erven, involving thirty-nine properties, valued at £3,082.

(4) Bonds.

Para. 171. The number of bonds registered against properties was twenty-two, and the amount involved £11,278.

(5) Land Board.

Para. 172. Mr. S. P. van Wyk Botha's appointment terminated on 31st October, 1926, and the vacancy created has not yet been filled.

(6) *Financial.*

Para. 173. Four hundred and forty-six applications for financial assistance were received from settlers during the year, the total amount applied for being £112,148. The total amount granted in respect of these applications was £69,167. The amount of advances paid out during the year was £73,272.

(7) *Revenue.*

Para. 174. The revenue collected during the year is set out hereunder :—

	£
Land sales	15,800
Interest	2,254
Lease rent	4,237
Advances recovered	11,800
	£34,091

The total collections therefore amount to £34,091, as against £24,446 for the year 1925. The increased attention paid to the collection of arrear interest during the preceding year account for the decreased collection of that item during the year under review, most of the arrears having been paid now. Advance recoveries show an improvement to the extent of £4,400 over the preceding year, which may be regarded as satisfactory.

CESSIONS, OPTIONS, EXTENSIONS OF LEASE, SURRENDERS AND CANCELLATIONS.

Para. 175.—

	No. of Farms.	Area in Hectares.	Purchase Price.	No. of Settlers.
			£	
Cessions registered	13	97,685	9,720	27
Options exercised	10	93,089	11,306	10
Extensions of lease granted	73	678,337	59,238	84
Surrenders and cancellations	24	196,415	12,546	29

SOUTH-WEST LAND & SETTLEMENT COMPANY.

Para. 176. Reference was made by the Magistrate, Grootfontein (see para. 7), to the purchase of land by the South-West Land & Settlement Company.

This is a German company registered in South-West Africa, and its object is to purchase land and to place German settlers thereon. It is understood that the company will first place prospective settlers with progressive farmers for a reasonable period, to enable them to acquire some knowledge of local conditions before settling them on the land—a very wise policy. These settlers will be controlled, supervised and, if necessary, financed by the company.

In addition to the land situate in the Grootfontein district, the company has acquired tracts of ground elsewhere in the territory, including the farm Kaukurus, about 117,000 hectares in extent, situate in the Gobabis district, and eight farms from the Land Bank.

The development of the scheme will be watched with great interest.

XIV.—LAND SURVEY.

DIAGRAMS FOR REGISTRATION.

Para. 177. The demand for the registration of diagrams during 1926 was less than that of the previous year, but the special nature of the work involved considerably more labour. Contrary to the hopes expressed in last year's report, the demand for diagrams or tracings for registration purposes by the Lands Branch shows a decrease.

REVENUE.

Para. 178. The revenue collected by this branch during the year was £1,055, exceeding the figures for 1925 by £22.

[U.G. 22—'27.]

The following comparative statement gives details of the revenue collected during 1926 and 1925:—

	1926.	1925.	Increase.	Decrease.
	£	£	£	£
Fees paid into revenue by Surveyor-General's Office	399	266	132	—
Maps sold by Surveyor-General's Office .. .	191	64	127	—
Collected by magistrates, other than Windhoek, on behalf of Surveyor-General's Office	81	273	—	191
Stamps for diagrams	384	430	—	46
Totals	£1,055	£1,033	£259	£237

Note.—Survey fees and office charges in connection with Government farms and erven are collected by Lands Branch.

ADMISSION OF LAND SURVEYORS.

Para. 179. Two land surveyors were admitted to practise in South-West Africa during 1926, the total number on the roll now being twenty-one.

MAPPING.

Para. 180. Twelve sheets of the South-West Africa topo-cadastral maps were completed at the end of the year, while the fair drawings of six more sheets are in hand. The farm area map has now been completed and published. During the year this branch also prepared maps showing the electoral divisions as recommended by the Delimitation Commission.

XV.—MINES.

LEGISLATION AND POLICY.

Para. 181. Under Proclamation No. 10 of 1926 certain further amendments were made in the Imperial Mining Ordinance. In Section 10, persons to and on behalf of whom prospecting licences will be issued have been more clearly defined, and the minimum age for a licence holder given. In addition to minor amendments to the existing Section 11, as regards places at which prospecting is prohibited, a new provision has been added giving the mining authority power to close any portion of the territory to pegging and prospecting for all or any of the scheduled minerals. Section 22, dealing with the export of minerals from prospecting claims has been made more explicit, whilst a number of minor alterations have been made in Section 23 in respect of the pegging of claims.

By Proclamation No. 18 of 1926, Sections 10 and 11 of the Diamond Industry Protection Proclamation, 1922 (No. 26 of 1922), were amended, the Administrator being given authority to prohibit persons convicted under the Union Diamond Laws or this ordinance from residing in either of the two diamond areas or in the magisterial districts of Bethanie, Keetmanshoop, Luderitzbucht and Swakopmund immediately adjoining them.

In accordance with the newly amended Section 11 of the Imperial Mining Ordinance above referred to, the magisterial districts of Keetmanshoop, Bethanie and Gibeon, and portions of the districts of Gobabis and Rehoboth, were closed to prospecting for coal and oil (General Notice No. 32 of 1926). In view of the drilling operations for oil at present in progress in the Keetmanshoop district, in the neighbourhood of Berseba, it was considered advisable to avoid any possibility of indiscriminate pegging in the neighbourhood of these operations for speculative purposes, and, should results prove satisfactory, to secure to the Government the benefits to be derived from the leasing of the surrounding area to those in a position to carry on exploratory work on a proper scale.

In the interest of the mineral development of the country, extensions of special prospecting and mining rights for further periods of five years in each case were granted to the Otavi Minen und Eisenbahn Ges., the South-West Africa Company, Ltd., and the Kaoko Land- und Minen Ges. In each case these extensions were granted upon conditions which included the compulsory expenditure of a very considerable sum of money on prospecting operations (geophysical, etc.) over this period, with a minimum expenditure in any one year.

In view of the amount of ground held as prospecting claims which was not being properly worked, instructions re compulsory working have been issued under Section 31 of the Mining Ordinance, as amended in 1925. Similar notices in respect of mining areas have also been issued. The consolidation of the Imperial Mining Ordinance, together with certain further

amendments necessitated by the growth of the mining industry is in hand, and will be dealt with in the early part of the year. The necessity for the introduction of a set of regulations in connection with mines, works and machinery has become apparent; these are in preparation.

The introduction of an Explosive Ordinance based on that in force in the Union, together with the necessary regulations, is in contemplation.

PROSPECTING.

Para. 182. During the year under review there has again been an increase in the number of prospecting licences issued (472-608).

Prospecting claims registered (2,078) show a very substantial increase of 1,031 over the number registered in the previous year, whilst prospecting claims cancelled remain the same at 436. The total net increase in prospecting claims held at the close of the year thus being 1,622, comprising 705 precious and 917 base metal claims.

Precious minerals, especially gold, have come in for as much attention during the past year, as have the base minerals.

In addition to an increase in activity at Ondundu-Otjiwape, where alluvial gold has been produced during the past two years, a great deal of attention has been given to the long known occurrence in the Chuos Mountains, south-west of Usakos. A large number of claims have been pegged in the last six months, but with one exception little useful work has been done up to the present. It is not improbable that systematic exploratory work may open up payable propositions.

What might be called a rush on a small scale occurred as the result of the prospecting and opening of a pyritic deposit, said to contain gold, in the neighbourhood of Keetmanshoop, and an occurrence of "banket" near Witvlei, 110 miles east of Windhoek, which had some twenty years ago received some attention, was again the centre of activity for a short while. Both have, however, died a natural death.

The interest in tin has been maintained, and several extensions of the already known area of this field have been located.

The work done on prospecting claims held in the tin area has not up to the present been what was expected, lack of capital and shortage of labour being largely responsible for this. Signs are, however, not wanting that more capital is now becoming available, and an increased amount of work is being done. The shortage of this metal and its consistently high price has led to a thorough search for possible sources to supplement the supply, and has at last led to the possibilities of these deposits being more generally considered. The necessary exploratory work on a proper scale will most certainly be undertaken in the near future.

During the year certain sections of the Omaruru, Uis and Ugab Rivers were prospected with "Banka" drills by the South-West Africa Company. No alluvial tin deposits of any value were located.

Deposits of tungsten ore were located in several places on the north of the Erongo Mountains in the earlier part of the year, but the very considerable drop in the price of this metal has led to prospecting operations being discontinued.

Lead has also come in for considerable attention. On the well-known galena deposits in the Aiais district a large area has been pegged in addition to that already held, and prospecting work has increased. Other deposits in the Rehoboth district have also been located and are being opened up.

Fluor-spar of satisfactory quality has been located in two places in the north, and those interested in semi-precious stones have been obtaining more encouraging results.

In March the Petroleum Corporation of South-West Africa started drilling operations for oil on one of their prospecting areas in the Keetmanshoop district, in the neighbourhood of Berseba. Considerable trouble was experienced at the outset, and the original hole had to be abandoned. A new hole was started, and has now reached a depth of 700 feet.

A good deal of exploratory work has been done on what is thought to be an extensive line of caves in the marble formation in the Karibib district, in which, wherever opened up, deposits of guano have been found. During the past year systematic sampling of these deposits has been done, and the analyses show them to have both a considerable phosphate and nitrate content, together with calcium derived from the lime formation. The results have been sufficiently satisfactory to warrant the flotation of a company for the purpose of working these deposits on a considerable scale.

MINING AND PRODUCTION.

Para. 183. - The subjoined figures show production and export for 1926 :—

(1) *Diamonds.*—The diamond market remained good throughout the year, and the volume of trade increased. The total production was considerably in excess of [U.G. 22—'27.]

any year since before the war, when these fields were in their infancy and only the richer portions being worked. The new plant of the C.D.M. at Elizabethbucht did not come into operation until towards the end of the year, and then only a small section was put into commission. The coming year should, given similar good conditions as regards market for the year under review, show a still further increase in production. In the latter part of the year the outside producers' production increased, and there are indications that the northern fields will in this and the coming years contribute much more largely than in the past towards their production. The question of water and transport on this inaccessible area has now been satisfactorily solved. As has been stated in para. 19, the outlook for the future as regards the diamond market is, to say the least of it, uncertain unless drastic steps are taken for a definite control of the output from the alluvial diggings in the Union.

Year.	Diamonds won. Carats.	Number of diamonds per Carat.	Diamonds sold. Carats.	Price per Carat.	Total Value.
1908-10	560,977	5.0	560,977	Sh.	£
1910-11	798,865	5.75	798,865	25.83	836,000
1911-12	816,296	6.5	816,296	25.775	1,069,000
1912-13	959,985	6.09	902,157	25.602	1,045,000
1913-14	1,570,000	4.97	1,284,727	29.36	1,324,500
1914, April to end July	438,980	—	438,980	42.01	2,698,500
1914, August to British Occupation.	—	—	57,808	40.0	1,565,322 (estimated)
	74,078	(Seitz Diamonds)	74,078	112.06	415,974
1915, Oct. to end year (Pomona only).	13,409	3.59	13,409	50.7	34,033
1916	144,020	5.02	144,020	45.3	328,224
1917	364,761	5.56	364,761	45.9	834,314
1918	372,139	6.02	372,139	57.0	1,060,087
1919	462,180	5.33	462,180	95.39	2,204,326
1920	606,424	5.173	230,751	138.66	1,599,849
1921	171,321	6.8	121,557	81.034	492,513
1922	144,156	7.56	297,600	53.17	791,211
1923	433,229	6.5	496,873	86.8	1,656,700
1924	492,696	7.1	449,848	54.43	1,224,441
1925	515,860	7.2	693,864	56.62	1,961,408
1926	683,801	6.7	728,808	56.42	2,050,688

- (2) *Copper Lead in Northern Area.*—The year under review has been a satisfactory one at Tsumeb and the other mines of the O.M.E.G. group. As will be seen, in spite of the acute labour shortage, particularly towards the end of the year, a satisfactory output has been maintained from the mine, and the production of pig lead and copper lead matte is in excess of the previous year. Development work has been pushed ahead, and the ore reserves increased.

Year.	Production.		Export.	
	Quantity. Long tons.	Value. £	Quantity. Long tons.	Value. £
1910-11	37,034	222,000	35,860	284,860
1911-12	38,119	228,700	31,506	187,685
1912-13	55,135	310,800	35,355	326,170
1913-14	75,276	451,600	51,249	396,435
1916	—	—	11,970	242,436
1917	—	—	4,877	127,844
1918	45,104	270,600	7,569	142,794
1919	26,675	120,000	6,606	125,088
1920	36,307	218,400	30,591	186,270
1921	72,643	435,800	44,255	300,254
1922	113,342	680,000	39,826	427,823
1923	114,994	690,000	43,317	446,210
1924	122,823	736,900	50,495	571,152
1925	112,600	788,200	55,788	629,000
1926	119,923	839,000	49,942	538,000*

At Walvis Bay, awaiting export:—

	January 1st, 1926. Long tons.	January 1st, 1927. Long tons.
Copper lead ore	3,824	6,113
Copper matte	646	1,004
Pig lead	90	177

* Includes —
6,657 long tons Copper Matte, value £169,000.
1,413 long tons Pig Lead, value £43,000.

- (3) *Vanadium*.—The unsatisfactory industrial conditions in Great Britain and Europe generally have been felt during the middle and later portions of the year in the vanadium market. It will be noted that sales of vanadium-concentrates are considerably below the figures for production, and in the latter part of the year production on the mines of the South-West Africa Company and O.E.S. was suspended. Considerable progress has been made with equipment of the principal mine of the South-West Africa Company (Abenab), and the new plant on which work is still proceeding will shortly be ready for use. A small plant has already been put into commission by the O.E.S. at Uris Mine. It is to be hoped that estimates of generally increased consumption of vanadium in steel products, similar to that shown of late years in America, will be realised, and that the coming year will see a greater measure of activity in this area as the result of an expanding market.

Year.	Production.		Export.	
	Quantity in Long tons.	Value. £	Quantity in Long tons.	Value. £
1920	360.4	18,000	276.6	13,880
1921	650.4	32,500	387.1	19,055
1922	1,981.1	99,000	711.03	35,551
1923	1,452.0	75,500	1,166.8	59,217
1924	2,121.8	110,300	1,604.5	83,433
1925	3,740	194,500	2,234	116,100
1926	2,321*	120,700	1,130	58,000

* Does not include 2,737 tons export ore and ore for treatment produced by O.M.E.G.

- (4) *Tin*.—As in 1925, tin mining, in spite of the continued high prices ruling for the metal, has been disappointing, and no real progress has been made, for which lack of capital is largely responsible. Several small plants are now in course of construction, and a substantial increase in output should from now onwards be recorded. There is further evidence that larger interests are beginning to realise the possibilities of lode mining at present prices, in spite of the probably somewhat erratic tin content, and the close of the ensuing year may see several larger ventures on the way to being established. Labour has, as in other classes of mining, been very scarce.

Year.	Production.		Export.	
	Quantity in Long Tons.	Value. £	Quantity in Long Tons.	Value. £
1919	111.2	19,700	113.3	20,370
1920	200.8	40,200	166.0	33,200
1921	155.8	18,700	104.4	10,950
1922	222.7	24,500	259.7	28,860
1923	236.6	35,500	233.3	34,995
1924	217.1	32,500	209.3	31,399
1925	192.7	36,600	190.8	36,250
1926	187.5	37,440	198.9	39,500

- (5) *Lead*.—A small production of galena from the Aiais (Warmbad) and Rehoboth districts is recorded. Working has so far been on a very small scale. It is hoped now that more money is being invested in the Aiais deposits that the output will be increased. It is doubtful from the evidence at present available whether this deposit will be such as to warrant the investment of any considerable capital, but it should afford an opportunity for employment of a fairly large number of persons (possibly phthisis men) who, working on tribute on a small scale, could deliver their product to a central mill. During the year 143·4 tons were produced, valued at £3,000.
- (6) *Gold*.—There is a slight decrease of 80 ozs. on the output for the year 1925. Attention is now being paid to the exploration of the large number of reefs in this area, and results being obtained from the work already done are said to be satisfactory.
- (7) *Iron*.—There has been an increase in the output of iron by the Otavi Mines & Railway Company from their mines in the Kalkveld, the quantity of long tons produced being 17,587 as against 13,937 in 1925.
- (8) *Salt*.—Fair supplies of salt continue to be extracted from the deposits near Swakopmund, though the output during 1926 was somewhat less than that of the previous year.
- (9) *Guano*.—Ninety-six long tons of guano were won by the New Era Guano Co., Ltd., from their claims near Sandfish Harbour. This was sold locally.

REVENUE FROM MINERALS, 1926.

Para. 184. Details of the amount of revenue collected from minerals during the year are shown in the following statement:—

	£
Diamonds tax (provisional)	201,995
Prospecting fees	8,430
Prospecting licences	242
Claim tax	4,933
Output royalty	11,403
Sundry deposits	224
Stamps cancelled	26
	<hr/>
	£227,253

LABOUR.

Para. 185. An analysis of the average number of natives employed monthly on the various mines in the Territory is included in the section dealing with native affairs (see para. 53).

XVI. POLICE.

Para. 186. The following particulars reflect the authorized establishment as at 31st December, 1926:—

Divisional Inspector	1
Sub-Inspectors	3
Detective Head Constables	1
Head Constables	5
Sergeants	47
Armourer	1
Constables	204
Native N.C.O.'s and Men	214
	<hr/>
	476

The personnel of the Criminal Investigation Department at the end of 1926 was as follows :—

Inspectors	2
Detective Head Constables	1
Sergeants	5
Constables	6
Recruits	7
Native N.C.O.'s and Men	15
	36
	—

	Actual	Authorized
	Strength,	Establishment.
Total Europeans	283	289
Total Natives.. .. .	229	240

EFFICIENCY.

Para. 187. Endeavours to maintain the high standard of efficiency of the Police continue unabated.

Inspections were duly held during the year and the reports submitted indicate an all-round improvement.

CRIME.

Para. 188. The following is an analysis of the disposal of charges laid during the year :—

1. Cases reported to the Police	8,150
2. Cases sent for trial	6,447
3. Cases not completed	701
4. Cases closed for want of sufficient evidence	139
5. Cases found false on enquiry	348
6. Cases withdrawn before arrest by police	332
7. Cases withdrawn by complainants	460

Persons convicted :

European males	653
European females	29
Native and coloured males	4,733
Native and coloured females	291

Year.	Cases sent for Trial.	Persons sent for Trial.	Persons Convicted.
1926	6,447	6,783	5,706
1925	5,319	6,145	4,983

The foregoing statistics show an increase of roughly 15 per cent. over the figures for the previous year.

ILLICIT LIQUOR TRAFFIC.

Para. 189. The number of cases disposed of is given below :—

Europeans selling to Natives	29
Natives selling to Natives	7
Possession of Kaffir Beer, Native Males	587
Possession of Kaffir Beer, Native Females	69
Possession of other liquors, Native Males	42
Possession of other liquors, Native Females	4

As compared with 1925 these figures disclose a further increase, which, however, consists mostly of offences of a minor nature. Organised crime has not yet found a foothold in the Territory and the position with regard to serious crime does not call for special comment. [U.G. 22-'27.]

A statement showing the number and nature of licensed premises is appended :—

Hotels	73
Bottle Stores	31
Wholesale Dealers	11
Clubs	8
Railway Refreshment Rooms	4
Distillers	4
Brewers	1
Police Canteen	1

STOCK THEFT.

Para. 190. The number of stock reported lost and subsequently recovered during the year is shown hereunder :—

	Lost.	Recovered.
Horses	131	75
Mules	29	16
Donkeys	176	134
Cattle	2,896	3,098
Sheep	2,407	546
Goats	1,421	441
Camels	17	9
Pigs	3	1

SUPPLIES.

Para. 191. An adequate check is being kept on all supplies, issues being made on the most economical lines, and a saving of £1,937 was effected under this head during the year. The position is indicated in the following figures :—

	Entitled to.	Value.	Actual Issues.	Value.
Grain	935,130 lbs.	£4,558	735,922 lbs.	£3,588
Lucerne	898,630 "	2,808	602,136 "	1,882
Grass	73,650 "	169	61,287 "	140
Salt	9,205 "	28	5,387 "	16
		£7,563		£5,626

The total value of fodder issues to other Departments during 1926 amounted to £1,468.

CLOTHING AND EQUIPMENT.

Para. 192. It was found possible to enter into a contract in respect of clothing requirements of European members in 1926, which has resulted in articles of clothing being acquired at more advantageous rates than previously.

ANIMALS.

Para. 193. The following statement shows the percentage of casualties amongst the animals of the Force for the last four years, from which it will be seen that there has been a gratifying decrease in the mortality during 1926 :—

	1923.	1924.	1925.	1926.
Horses	21·41%	26·18%	29·79%	21·4%
Mules	11·11%	7·89%	23·68%	8·6%
Camels	5·57%	5·30%	6·42%	6·2%

XVII. POSTS, TELEGRAPHS AND TELEPHONES.

Para. 194. Satisfactory progress has been made by the Department during the year and there was an all-round increase in traffic over 1925, though not as great as the increase shown in 1925 over 1924. The revenue collected during the year exceeded the expenditure of the Department by £7,280. The present European adult population, consisting of approximately less than 14,000, contributes a net revenue of, roughly, £4 5s. per head and the Department can hardly be expected to show a greater percentage of increase in traffic for revenue than that reflected in 1926 until such time as the European population has been substantially augmented.

There has been no extensive increase in expenditure, the only item calling for comment in this connection being the additional subsidy demanded by the Railway Administration to cover the conveyance of mails over the South-West Africa system. The Railway Administration desires a contract for a period of three years as from the 1st April, 1926, to be entered into at a fixed sum of £6,000 per annum. The previous amount was £5,550 per annum. This matter is still under consideration. In spite of the reduction in inland postage from 2d. to 1d. on letters as from the 1st January, 1926, and a further reduction from 1d. to ½d. on letters under one half ounce in weight intended for local delivery, the postal collections disclose an increase of £2,990 over the amount of the previous year. This clearly shows that a cheaper rate of postage does not necessarily mean a corresponding loss in revenue, but on the contrary encourages utilisation of the Post Office.

The activities of the various branches of the department for the calendar years 1924, 1925 and 1926 are reflected in the following statement :—

Heading.	1924.	1925.	1926.	Decrease.	Increase.	Per-centage.
Postal Revenue	£22,651	£28,753	£31,742	—	£2,990	10½%
Telephone Revenue	14,635	18,300	18,114	186	—	1%
Telephone Revenue	£13,272	£14,527	£16,220	—	£1,693	11½%
Miscellaneous	£8,383	£1,049	£2,642	—	£1,593	162½%
Revenue Stamp Collections	£10,589	£14,563	£11,019	£3,544	—	24½%
Customs	£3,623	£4,646	£6,753	—	£2,107	45½%
Expenditure	£48,698	£54,813	£61,438	—	£6,625	12%
Offices opened	93	96	97	—	1	1%
Posting Receptacles	12	13	14	—	1	8%
Mail Matter Posted	2,434,172	2,884,388	3,470,636	—	586,248	204½%
Mail Matter Delivered	3,438,864	4,371,640	4,505,280	—	133,640	3%
Private Bags	158	208	269	—	61	22%
Main Posts	6	6	6	—	—	—
Branch Posts	29	31	32	—	1	3½%
Cost of Inland Mails	£8,720	£8,530	£9,306	—	£776	11%
Cost of Ship Letter Mails	£57	£17	£1	£16	—	94%
Undelivered Articles	12,152	13,347	15,267	—	1,920	14½%
Money Orders Issued	23,969	36,905	47,674	—	10,769	26½%
Amount	£149,890	£253,871	£298,692	—	£44,811	17½%
Money Orders Paid	9,886	16,477	18,833	—	2,356	14½%
Amount	£85,264	£168,057	£177,690	—	£9,633	5½%
Postal Orders issued	45,631	53,046	63,211	—	10,165	19½%
Amount	£23,425	£26,178	£39,162	—	£2,984	11½%
Postal Orders paid	17,859	19,391	23,683	—	4,292	22%
Amount	£9,186	£9,711	£11,563	—	£1,852	19%
<i>Union Loan Certificates :</i>						
Issues—						
Sales	1,007	950	806	44	—	4½%
Units	8,565	7,223	7,281	—	58	¾%
Value	£6,852	£5,778	£5,825	—	£47	¾%
Repayments	74	65	85	—	20	30½%
Units	5,468	10,004	4,006	5,998	—	60%
Value	£4,594	£8,820	£3,506	£5,314	—	60½%
<i>Savings Bank.</i>						
Accounts opened	2,000	3,002	3,860	—	858	28½%
Due to Depositors	£79,178	£110,624	£136,922	—	£26,298	23½%
No. of Deposits	4,855	9,210	10,484	—	1,274	13½%
Amount	£87,278	£118,515	£135,321	—	£16,806	14½%
No. of withdrawals	2,087	3,607	5,449	—	1,842	51%
Amount	£43,810	£87,069	£109,024	—	£21,955	25½%
<i>Telegraph Offices :</i>						
Open	80	81	82	—	1	1½%
Inland Telegrams Forwarded	146,280	171,953	178,905	—	6,952	4%
Received	121,630	142,088	146,807	—	4,719	3½%
Transmitted	305,722	367,788	369,176	—	1,388	½%
<i>Radio Traffic :</i>						
Telegrams	8,191	9,555	10,649	—	1,094	11½%
Words	100,497	122,893	132,690	—	9,797	8%

Heading.	1924.	1925.	1926.	Decrease.	Increase.	Per-centage.
<i>Cables :</i>						
Number	5,545	6,703	7,704	—	1,001	15%
Value	£5,048	£6,667	£7,499	—	£832	12½%
Telegraph Capital Account	£36,018	£40,099	£42,217	—	£2,118	5½%
Telephone Capital Account	£61,433	£64,945	£71,436	—	£6,471	10%
Miles Telegraph Wire Working	1,399	1,399	1,399	—	—	—
Miles Telegraph - Telephone Wire Working	2,349	2,349	2,411	—	62	2·63%
Miles Rural Telegraph and Telephones	595	595	629	—	34	5·71%
Miles Telegraph superimposed	1,151	1,151	1,161	—	10	·86%
Miles Farm Lines	570	637	828	—	191	29·98%
Miles of Exchange System ..	704	778	856	—	78	10·02%
Miles of Exchange System Spare	332	293	260	33	—	11·26%
Public Call Offices	78	83	87	—	4	4·82%
Telephone Exchanges	32	33	37	—	4	12·12%
<i>Exchange Lines.</i>						
No. of Direct Subscribers ..	548	589	641	—	52	8·82%
No. of Extensions	146	150	175	—	25	16·66%
No. of Govt. Connections ..	179	192	189	3	—	1·56%
No. of Govt. Extensions ..	43	42	42	—	—	—
Free Services	£2,155	£2,671	£2,555	£116	—	4½%
Full-time Staff	93	96	*95	—	—	—
Leave to Staff—Days	2,330	2,664	2,697	—	33	1·23%

* 3 vacancies.

Para. 195. It will be seen that there has been a decrease of £3,544 in revenue stamps in comparison with 1925 which is attributable to the diminution of legal documents falling under the Stamp Duty Proclamation.

The revenue derived from Post Office customs shows a steady rise.

MONEY ORDERS.

Para. 196. The reduction in the commission charges on money orders referred to in the reports of previous years has resulted in a steady increase in the business of this branch.

POSTAL ORDERS.

Para. 197. The public seem to give the British Postal Orders preference because of a tacit objection to local money orders which necessitate the furnishing of the names of the payee and remitter. The introduction of a Union issue of Postal Order presents certain difficulties, but this has been suggested to the Union Post and Telegraph Department and the matter is under consideration.

UNION LOAN CERTIFICATES.

Para. 198. The sales of Union Loan Certificates in South-West Africa are small, probably because higher rates of interest on fairly good security are available in the Territory.

SAVINGS BANK.

Para. 199. The Post Office Savings Bank continues to maintain its popularity in spite of the many attractive investments offered by outside institutions.

The value of the business transacted by this branch is shown in the statement above.

CASH ON DELIVERY SERVICE.

Para. 200. The cash on delivery service continues to increase in usefulness and the reciprocity with the Union Post Office is not only appreciated but serves to show that considerable revenue has been lost by not having inaugurated this system earlier.

TELEGRAPHS.

Para. 201. The number of messages forwarded, transmitted and received all show increases over that of last year. There have been no serious interruptions to the Telegraph Service,—119 faults have occurred. Communication with all parts of the Territory is steadily being improved and extended.

TELEPHONES.

Para. 202. Telephone revenue increased by £1,693 over the amount of the previous year. New routes, measuring 94½ miles, were erected while several routes were thoroughly overhauled.

VISIT OF THE MINISTER OF POSTS AND TELEGRAPHS.

Para. 203. The Minister for Posts and Telegraphs accompanied by the Postmaster-General and Chief Engineer of the Union Department of Posts and Telegraphs visited the Territory towards the close of the year. It was agreed that in future neither the Union nor the Territory Postal Administration should effect any change in practice such as alteration of tariff, etc., without first consulting the other Administration.

It was also arranged that the Wireless Station at Slangkop shall in future receive all messages intended for the Union and that the station at Walvis Bay shall confine its activities to South West Africa. Slangkop was formerly too weak to deal with distant traffic, but more powerful apparatus was recently installed so that the Union Postal Administration desire to extend the traffic area which was defined in 1923. To cope adequately with Union traffic Walvis Bay Station was specially equipped and the Union Government will compensate the Territory for its loss as a result of the recent change.

RADIO ACTIVITY.

Para. 204. During April, 1926, the radio equipment at Walvis Bay was augmented by the installation of a 3½ kilowatt CW transmitter. This apparatus has increased the efficiency of the Station considerably.

The mean average daylight range is now 2,107 miles as against 900 miles previously, and the night range 2,780 miles as against an average of 1,800 miles.

The relative increase in efficiency on a percentage basis is 134.11 per cent. and 54.44 per cent. in the day and night ranges respectively.

Radio traffic has increased since use has been made of CW transmission by 13.35 per cent. transmitted and 11.82 per cent. received messages, and exceeded the number of the previous year by 1,094, containing 9,797 words.

XVIII. PRISONS.

ADMINISTRATION.

Para. 205. No new gaols were established during 1926, the number of institutions in South West Africa still totalling eleven. In addition there are eight lock-ups which are controlled by the Police under the supervision of the Magistrates.

PRISONERS IN CUSTODY.

Para. 206. The number of prisoners and other detained persons at the various gaols at the end of the year is reflected in the following schedule :—

Centre.	Males.		Females.		Total.	Compared with 1925.
	European.	Coloured.	European.	Coloured.		
Gibeon	—	10	—	—	10	15
Gobabis	—	16	—	—	16	19
Grootfontein	—	29	—	2	31	7
Karibib	—	10	—	—	10	8
Keetmanshoop	1	44	—	—	45	19
Luderitzbucht	—	52	—	—	52	24
Omaruru	—	15	—	1	16	2
Outjo	—	1	—	—	1	5
Swakopmund	1	21	—	—	22	14
Warmbad	—	4	—	—	4	9
Windhoek	12	141	—	3	156	98
	14	343	—	6	363	220

[U.G. 22-'27.]

Thirty persons were detained in lock-ups during 1926 as against 26 in 1925.

The following comparative statement shows the daily average number of prisoners and other persons in custody in 1926 and 1925 at the various gaols in the Territory:—

Centre.	Males.			Females.		Totals.	Compared with 1925.
	European.	Coloured.	Asiatic.	European.	Coloured.		
Gibeon .. ..	.65	14.51	—	—	.35	15.51	11.70
Gobabis	—	15.09	—	—	.29	15.38	11.34
Grootfontein ..	.06	17.56	—	—	.50	18.12	11.83
Karibib .. ..	.05	6.07	—	—	.25	6.37	7.70
Keetmanshoop ..	.16	23.32	.002	—	.82	24.302	26.94
Luderitzbucht ..	1.11	29.95	—	—	.92	31.98	34.50
Omaruru .. ..	.08	8.87	—	—	.11	9.04	7.46
Outjo .. ..	.15	4.92	—	—	—	5.07	8.08
Swakopmund ..	.68	20.61	—	.04	.37	21.70	13.27
Warmbad .. ..	.005	4.81	—	—	—	4.815	5.17
Windhoek	8.38	117.02	—	.12	3.47	128.99	97.36
Totals.	11.305	262.73	.002	.16	7.08	281.277	235.35

The total relative figures in respect of lock-ups were 30.67 as compared with 38.74 in 1925.

DEATHS AND ACCIDENTS.

Para. 207. Four native prisoners died during the year and one committed suicide. There were no serious accidents to prisoners during the year.

HEALTH OF PRISONERS.

Para. 208. The health of the prisoners generally was satisfactory during the year under review. No epidemic outbreaks occurred at any of the gaols.

ESCAPES.

Para. 209. Thirty-two prisoners escaped during 1926 of which number twenty were recaptured at the 31st December.

CORPORAL PUNISHMENT.

Para. 210. The following comparative statement reflects the number of lashes applied at the undermentioned gaols during 1925 and 1926:—

Centre.	No. of lashes applied in 1926.	No. of lashes applied in 1925.
Gibeon	205	90
Gobabis	252	126
Grootfontein ..	—	8
Karibib	22	56
Keetmanshoop ..	141	148
Luderitzbucht ..	31	30
Omaruru	105	93
Outjo	29	36
Swakopmund ..	54	41
Warmbad	32	54
Windhoek	191	180
Totals	1,062	862

EXECUTIONS.

Para. 211. During 1926 one execution took place at the Windhoek Gaol, and two sentences of death were commuted by the Governor-General.

REMISSIONS.

Para. 212. The following table gives particulars of remission reports dealt with during 1925 and 1926 in terms of the Prison Service Regulations :—

Year.	Total No. of Reports dealt with.	No. of cases in which remission was granted.	Total No. of Days' remission granted.	No. of cases in which no remission was granted.
1926	133	113	6,281	20
1925	89	87	4,291	2

BOARD OF VISITORS.

Para. 213. The Prison Board of Visitors visited the Windhoek Gaol once during the year and dealt with 17 cases.

DISCIPLINE (PRISONERS).

Para. 214. During the year uniformly satisfactory discipline was maintained in the gaols and no serious offences occurred.

CIVIL DEBTORS.

Para. 215. The number of civil debtors detained in the gaols during the year is shown in the following statement :—

Centre.	1926.
Gibeon	—
Gobabis	—
Grootfontein	—
Karibib	3
Keetmanshoop	2
Luderitzbucht	6
Omaruru	1
Outjo	—
Swakopmund	4
Warmbad	—
Windhoek	8
Totals	24

PRISON INDUSTRIES.

Para. 216. Instruction in certain industrial work continues to be given at the Gaol at Windhoek. A number of prisoners discharged each year have mastered some useful trade or other and are thus equipped to follow honest pursuits.

PRISON LABOUR.

Para. 217. The remarks contained in previous reports as regards prison labour still hold good. This branch is as yet unable to satisfy the demand for prison labour.

[U.G. 22—27.]

In the following table the amount of prison labour supplied to the various Branches of the Administration at the centres indicated, is shown :—

Centre.	Public Works.	S.W.A. Police.	Posts and Telegraphs.	Irrigation Department.	Justice.	Public Health.	Education.	Residency.	Administration.	Municipality.	Private Individuals, Clubs, etc.	South African Railways.
Gibeon	209	80	—	—	24	—	—	303	447	—	1,040	—
Gobabis	—	19	—	—	—	—	—	210	—	—	—	—
Grootfontein ..	217	106	10	—	127	74	—	299	450	—	1,709	—
Karibib	47	77	—	—	133	—	14	76	—	125	512	—
Keetmanshoop ..	40	215	—	—	174	—	—	201	—	2,545	581½	—
Luderitz	124	185	—	—	—	—	—	163	—	1,978	1,252	—
Omaruru	34	190	3	—	416	—	—	344	—	141	173	—
Outjo	—	—	—	—	2	—	25	36	3	—	—	—
Swakopmund ..	332	4	—	—	161	—	26	171	—	—	1,324	—
Warmbad	—	55	—	—	43	—	11	171	—	—	89	—
Windhoek	14,356	174	—	3,748	—	—	—	—	—	400	—	328
Totals	15,359	1,105	13	3,748	1,080	74	76	1,974	900	5,189	6,680½	328

The amount derived from prison earnings during the year totalled £925, exceeding the amount for 1925 by roughly £300.

GARDENS.

Para. 218. The Administration's endeavours to encourage gaolers to grow vegetables for the consumption by prisoners wherever the soil permits, continues unabated.

From the following table it will be seen that in comparison with 1925 satisfactory progress is being made in the production of vegetables at the various gaols :—

Centre.	Production for 1926.	Production for 1925.
Gibeon	6,264 lbs. 8 ozs.	5,353 lbs.
Gobabis	1,984 lbs.	529 lbs. 8 ozs.
Karibib	221 lbs. 4 ozs.	111 lbs. 8 ozs.
Omaruru	529 lbs. 1 oz.	1,545 lbs. 4 ozs.
Outjo	2,085 lbs. 8 ozs.	2,155 lbs. 12 ozs.
Warmbad	3,794 lbs.	2,235 lbs.
Total	14,878 lbs. 5 ozs.	11,930 lbs.

JUVENILE OFFENDERS.

Para. 219. Two Europeans and three natives were sent to reformatories in the Union during 1926.

DIVINE SERVICES.

Para. 220. Divine services continue to be conducted at the gaols by various clergymen.

XIX.—PUBLIC HEALTH.

Para. 221. Under the provisions of the South-West Africa Constitution Act 1925, Public Health is one of the subjects which fall within the scope of the legislative powers of the Assembly.

Para. 222. The personnel of the Public Health Branch of the Administration consists of one whole-time medical officer, one whole-time and twelve part-time district surgeons and five Europeans and 30 natives employed in native hospitals. Provision has also been made for the appointment of four district nurses in the more densely populated parts of the rural areas.

Para. 223. There are 27 registered practitioners in the territory, and these are distributed as follows :—

Luderitz and District	5
Keetmanshoop	1
Warmbad	1
Gibeon	1
Rehoboth	1
Windhoek	5
Gobabis	1
Karibib	1
Swakopmund	2
Walvis Bay	1
Omaruru	1
Otjiwarongo	1
Grootfontein	3
Tsumeb	1
Ovamboland	2
	27

Of the above 5 hold whole-time mine appointments, viz. :—

Luderitz Diamond Fields	3
South-West Company, Grootfontein	1
O.M.E.G. Copper Mine at Tsumeb	1
	5

Three hold part-time mine appointments, viz. —

Luderitz	1
Swakopmund	1
Grootfontein	1

One is a mission doctor in Ovamboland and 13 are district surgeons.

The district surgeons are distributed as follows :—

Luderitz.	Gobabis.	Omaruru.
Keetmanshoop.	Karibib.	Otjiwarongo.
Warmbad.	Swakopmund.	Grootfontein.
Gibeon.	Walvis Bay.	Ondongua.
Windhoek.		

The appointment of a District Surgeon at Aroab has not been possible owing to the lack of support from the public.

Para. 224. There are 8 dentists and 7 chemists in practice in South-West Africa.

Para. 225. Under the Public Health Act No. 36 of 1919 of the Union Parliament, which with certain amendments to meet local circumstances, was extended to South-West Africa by Proclamation No. 36 of 1920, local authorities are responsible for the sanitary and other measures necessary to safeguard and promote the public health in their respective areas and in certain matters receive financial assistance on a well-defined basis from the Administration. The Act provides for the co-ordination of official and private enterprise as regards sanitation and preventive and curative medicine. There are twelve (12) urban local authorities, viz., the Municipalities of—

Luderitz,	Karibib,
Keetmanshoop,	Swakopmund,
Windhoek,	Omaruru,
Okahandja,	

and the Village Management Boards of—

Aus,	Mariental,
Warmbad,	Walvis Bay.
Gibeon.	

Para. 226. The Port Health work is performed by the respective district surgeons at Luderitz and Walvis Bay. Provision has been made for the erection of a disinfecting station at Walvis Bay in the near future.

[U.G. 22—'27.]

Para. 227. The supervision of food supplies falls within the scope of local authorities. Legislation is required on the subject of the adulteration, etc., of foods and drugs, but action is being deferred until a consolidating Act has been passed in the Union.

Para. 228. The German laws regulating the sale of poisons, etc., are still in force but as was the case during the German régime, the position is most unsatisfactory. In March last at a representative meeting of medical practitioners, dentists and chemists and druggists, it was unanimously resolved to request the Union Government to provide for the extension of the provisions of the Medical, Dental and Pharmacy Bill, which is now before Parliament, to South-West Africa. This request has been acceded to by the Union Government. The Act will properly regulate the position.

Para. 229. The Administration has from the very outset devoted special attention to the investigation and remedying of the causes underlying the prevalence of and mortality from endemic diseases. The preventative measures which have been adopted by the Administration and by local authorities, etc., have resulted in a fair measure of success. Scurvy, which was very prevalent among the native population in former years has practically disappeared as a cause of death. There has also been a marked reduction in the incidence of, and mortality from, such diseases as acute gastrointestinal conditions among infants and young children and enteric fever. Malaria is still unduly prevalent in certain areas during seasons with an abnormally heavy rainfall but with the educative propaganda which is being carried on, especially among the rising generation, it is confidently anticipated that similar improvement will result. Liberal financial support is being given to anthropological and biological research by various institutions. Publication of the results of these investigations is appearing in various scientific journals.

Para. 230. During the course of the year under review a system of training in general and maternity nursing for European girls from farms in the outlying rural areas was introduced at the Windhoek Hospital, the main idea being to better equip them for their future lives under rural conditions.

Para. 231. The training of natives as medical assistants is carried out at the Windhoek Hospital (Native) but is meeting with very little success, most of the more intelligent boys preferring employment as domestic servants or in the various industrial concerns. Nearly all the maternity work among the native population is done by native midwives with the result that at the present time the ordinary hospital practice does not offer any scope for the training of women as midwives.

Para. 232. In urban areas the local authorities are giving increased attention to the housing of natives, the prevention of overcrowding, etc., and the inhabitants of locations are required to comply with the local regulations. In the Native Reserves the natives live under more or less natural circumstances and the health conditions in the Reserves are very good as a rule. In Ovamboland tribal life does not permit of the congregation of large numbers in villages or towns, but each family has its own kraal and ground for cultivation. The kraals are never of large size and are situated some distance from each other. The Officer-in-Charge of Native Affairs has been able to induce all the principal headmen of the Ukuanyama Tribe to effect various improvements in their kraals which now present a clean and well-ordered appearance. Among the other tribes, however, he has not met with the same degree of success up to the present.

Para. 233. Professional prostitution is not met with in the Territory.

HOSPITALS.

(a) State-aided Hospitals.

Para. 234. No further hospitals were opened during 1926, but provision is being made in the estimates for the ensuing financial year for the establishment of a cottage hospital at Walvis Bay.

Para. 235. Five hundred and twenty-six patients were admitted to hospitals during the year as compared with 616 in 1925 and the number of deaths in hospital was 23. The daily average number of patients was 17.43 and the average duration of treatment 12.10 days.

Para. 236. The following amounts were paid by way of subsidy during the past three years :—

1924	..	..	..	..	£2,267
1925	..	..	..	..	£3,227
1926	..	..	..	..	£2,977

(b) Mission Hospitals.

Para. 237. (1) *Roman Catholic Mission.*—During the year 869 Europeans and 370 natives were treated in the hospitals of the Catholic Mission at Windhoek, Swakopmund and Gobabis. Of these, 32 Europeans and 16 natives died in hospital. The daily average number of patients was :—Europeans 36.80, and Natives 22.32. The average duration of treatment was 15.45 days in the case of Europeans and 22.02 days for Natives.

Para. 238. (2) Finnish Mission.—During the twelve months ending 30th June, 1926, 806 patients were treated in the mission hospitals at Ondongua and Engela. The daily average number of patients was 42.02 and the average duration of treatment was 18.78 days. There were 43 deaths in hospital. The number of outpatients was 8,339 and the number of attendances, 17,195.

Para. 239. (3) St. Mary's Mission.—Odimbo, Ovamboland. Information on the medical work of the mission during 1926 is not available at present.

(c) *State-owned Native Hospitals.*

Para. 240. The total number of patients treated in these institutions during 1926 was 1,339, as compared with 1,114 during the previous year. The daily average number of patients was 121.22 and the average duration of treatment was 33.19 days as compared with 102.53 and 32.69 respectively during 1925. The number of outpatients was 2,902, and the total number of attendances 7,028.

The total expenditure on maintenance was £4,234 17s. 6d. as compared with £4,417 10s. during 1925. The daily average cost per patient was 1s. 10.11d. as against 2s. 4.33d. during 1925.

Para. 241. The new Native Hospital at Windhoek was completed in October at a cost of £6,000.

The total expenditure incurred in connection with the treatment of natives was as follows:—

(1) Maintenance of Native Hospitals	£4,234 17 6
(2) Maintenance of patients suffering from tuberculosis and venereal and other diseases in Mission Hospitals	376 18 9
(3) Maintenance of Venereal Compounds	440 14 11
(4) Expenditure in drugs for venereal disease and general purposes, including drugs distributed through Magistrates, Missions, etc. ..	1,373 2 3
(5) Maintenance of Mental Patients in institutions in the Union ..	131 5 0
	£6,556 18 5

The corresponding figure for 1925 was £6,172 3s. 8d.

HEALTH OF THE POPULATION.

Para. 242. Health conditions were very good during the year under review. There was a widespread prevalence of influenza during the winter months and again in September and October. The disease was generally of a mild type and outbreaks of considerable severity occurred only among natives employed on the mines in the Grootfontein District. There was also a local prevalence of scarlet fever of a very mild type at Windhoek. Sporadic cases of cerebrospinal meningitis, chickenpox, diphtheria, enteric fever, mumps and whooping cough were met with in various localities. The incidence of these diseases was, however, very small indeed. There was no undue prevalence of malaria. The health of the natives in the various Reserves was also very good. There was no undue prevalence of disease nor were many deaths recorded among them.

Para. 243. A summary of the infectious diseases which were notified during the year is furnished in the following table:—

	Europeans.		Natives.	
	No. of Cases.	No. of Deaths.	No. of Cases.	No. of Deaths.
Anthrax	1	—	36	7
Cerebrospinal Meningitis	2	2	59	40
Diphtheria	5	—	10	—
Enteric Fever	35	4	23	13
Leprosy	—	—	14	—
Malta Fever	—	—	84	—
Puerperal Fever	1	1	2	2
Scarlet Fever	86	1	—	—
Tuberculosis	5	2	136	77
Total	135	10	364	139

The principal diseases for which admission was sought to the state aided general hospitals and to state-owned native hospitals during 1926 and the number of deaths from these causes are shown in Schedules 1 and 2. In Schedule 3 are given the causes of death among Europeans during 1924 and 1925.

REMARKS ON THE PREVALENCE OF CERTAIN DISEASES DURING 1926.

Anthrax.—As stated in previous reports anthrax is rarely met with among Europeans. During the year under review only one case was met with, the disease having been contracted through the handling of skins. Among Natives on the other hand small localised outbreaks are of not infrequent occurrence and are generally caused by the eating of meat of animals dying from the disease. In October an outbreak of this nature was dealt with among some Ovambo kraals to the east of Ondongua during the prevalence of an epidemic among cattle : 35 persons were affected and 7 died.

Cerebrospinal Meningitis.—During 1926 there were 2 cases among Europeans, both of which terminated fatally. Of the 59 cases recorded among Natives 25 died. Of these 32 cases with 14 deaths occurred on the Luderitz Diamond Fields, 23 with 15 deaths on the Tsumeb Mine and 4 cases with 2 deaths at Windhoek.

Diphtheria is endemic but has never been very prevalent. Sporadic cases occur from time to time both in the rural and urban areas. During 1926 5 cases among Europeans and 10 among Natives were recorded. There were no deaths.

Enteric Fever was not very prevalent during the year under review. While sporadic cases were met with throughout the year, the greatest incidence of the disease was during the winter months. The total number of cases notified was 58 as compared with 161 in 1925 and 155 in 1924. 35 Europeans and 23 Natives were effected and 4 Europeans and 13 Natives died. Of the cases among Europeans 16 with 2 deaths occurred at Windhoek and 9 with 1 death during the course of a local outbreak on some outlying farms in the Maltahöhe district in November. The majority of the cases among Natives (19 cases with 10 deaths) were recorded from the Luderitz Diamond Fields.

Leprosy is not prevalent among the Native tribes of South-West Africa. Among the Hereros, Klip Kaffirs and Hottentots the disease may be said to be non-existent. Among the Ovambos 19 cases have been reported up to the present. Of these 14 have been reported since the 1st July, 1925. Eleven of the recorded cases are from Angola and were discovered among Natives who had come for treatment to the Finnish Mission. Of the 14 cases which have been recorded since July, 1925, 10 have come from Angola. One patient from Angola and two from Ovamboland have died. Lepers from Angola are repatriated through the Portuguese authorities at Namakunde while those from Ovamboland are treated at the hospital of the Finnish Mission. The question of establishing a small colony in connection with the Mission Hospital at Ondongua for the segregation and treatment of Lepers is under consideration at present. The Mission is in the meantime being supplied with the necessary drugs for treatment.

Malta Fever.—Accurate information as to the prevalence of Malta Fever is not available. In the Southern and Central portions of the Territory cases are met with from time to time among both Europeans and Natives during the dry season. The disease is said to be increasing in frequency in Ovamboland ; 79 of the 84 cases recorded in 1926 occurred in Ovamboland.

Malaria.—Owing to the small amount of rain which fell during the early part of the year malaria was not unduly prevalent. Benign tertian fever is the most common but sub-tertian infections are met with in the Gobabis, Otjiwarongo and Grootfontein Districts. There were 2 deaths among Europeans from sub-tertian malaria in Tsumeb in December. No deaths were recorded from Blackwater fever. Quinine to the value of £286 18s. 4d. was distributed free by the Administration for the treatment of malaria among Natives during the year 1926.

Plague.—Continued attention is being given to rodent destruction along the main lines of communication. A whole-time rat-catcher is employed by the South African Railways and Harbours Administration for the purpose and operations are systematically carried out at the ports and at the stations along the railway line. Local authorities are actively participating in these measures. Up to the present no evidence has been found of the existence of plague infection among the small mammals of this Territory.

A further grant towards the survey of the mammals of South-West Africa by Capt. Shortridge has been made by the Administration and it is expected that this survey will be completed during the course of the ensuing year. Accounts of the mammalia collected by him during his expedition to Damaraland and Ovamboland were published in the Proceedings of the Zoological Society 1925 and 1926. The fleas collected from rodents in the Kalahari region during 1925 were submitted to Dr. Ingram, Entomologist to the South African Institute for Medical Research for identification.

Tuberculosis.—The number of cases recorded during the year under review was as follows : Europeans, 5 ; Natives, 136. 2 Europeans and 77 Natives died from the disease. Of the above 76 cases with 41 deaths were reported from the Luderitz Diamond Fields and 22 cases with 7 deaths from Ovamboland.

Most of the cases occurring on the Luderitz Mines are transferred to the more favourable climate of Windhoek for treatment. The amount paid to the Finnish Mission for the treatment of patients in Ovamboland during the year ending 30th September, 1926, was £114 2s. 3d.

Rabies.—Further cases of suspected rabies were reported from Ovamboland during the past year. The position was investigated by the Principal Veterinary Officer in October last and from information received by him from the Portuguese authorities it would appear that the disease which exists among dogs has already been investigated by them and found not to be rabies. Mr. Garraway fortunately obtained the head of an affected animal and this has been forwarded to the Onderstepoort Laboratory for examination. In the meantime strict precautions are being taken to prevent the passage of dogs to and from Ovamboland.

Veneral Disease.—During the year under review special efforts were made by Magistrates to bring under treatment patients from the outlying portions of their districts. The results have been most satisfactory, a considerable increase in the number of patients who reported at the various treatment centres having taken place. The Natives themselves are coming forward voluntarily in increasing numbers. At Walvis Bay a room has been provided for use by the District Surgeon in the treatment of patients and at Gobabis arrangements have been concluded with the Catholic Mission for the maintenance of patients from outlying farms while undergoing treatment. A further treatment centre was recently established at Rehoboth in connection with the Rhenish Mission. The various missions operating in Ovamboland are with the assistance of the Administration also giving increased attention to the treatment of venereal disease.

The number of patients who came under treatment during the years 1925 and 1926 is as follows :—

	1925.		1926.	
	Syphilis.	Gonorrhoea.	Syphilis.	Gonorrhoea.
(1) <i>At State-owned Native Hospitals :</i>				
Number remaining from previous year ..	40	1	28	7
Number admitted	215	46	376	43
Daily average number	37·37	5·14	49·26	6·22
Average duration in treatment (in days)	47·77	39·97	44·50	45·46
Outpatients :				
Number	283	20	245	29
Number of attendances	1,981	300	1,482	462
Number of intravenous injections of salvarsan, etc.	—	3,124	—	5,835
(2) <i>By District Surgeons.</i>				
(a) <i>At Venereal Compounds :</i>				
Number treated	389	33	584	36
Daily average number	—	41·90	—	67·20
Average duration of treatment	—	26·24	—	35·81
Number of intravenous injections ..	3,330	—	—	4,845
(b) <i>Other Districts :</i>				
Number treated	192	48	559	56
Number of intravenous injections ..	—	1,208	—	2,639
(3) <i>By Missions in Ovamboland.</i>				
Number treated	434	66	485	27
Number intravenous injections	—	727	—	1,020

The total expenditure on the treatment of venereal diseases during the year under review was as follows :—

Drugs	£935 2 0
Maintenance of patients in—	
(a) State-owned native hospitals	1,932 15 11
(b) Venereal compounds	440 14 11
(c) Mission hospitals	196 12 0
Total	£3,505 4 10

The total expenditure for 1925 was £2,696 7s. 7d.

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HEALTH OF THE RECRUITED WORKERS.

Para. 244. (1) *Luderitz Diamond Fields*.—The average number of natives employed on these fields was 8,658 as compared with 6,619 during 1925. The total number of deaths was 214 as against 223 during the previous year.

The total mortality per 1,000 per annum was 24.71 compared with 33.69 in 1925 and 74.18 in 1924.

The mortality per 1,000 per annum from the principal causes of death during the year 1924 to 1926 was as follows:—

	1924.			1925.			1926.		
	C.	D.	M.	C.	D.	M.	C.	D.	M.
Pneumonia	285	54	9.166	251	43	6.497	427	76	8.778
Other respiratory diseases ..	607	8	1.358	617	2	.302	809	8	.926
Tuberculosis	100	80	13.580	37	34	5.136	76	41	4.737
Influenza	1,252	105	17.824	1,049	40	6.043	693	27	3.118
Scurvy	296	52	8.827	126	—	—	202	1	.115
Rheumatic Conds.	585	11	1.867	449	—	—	506	—	—
Gastrointestinal affections ..	569	19	3.225	572	9	1.359	323	—	—
Cerebrospinal Meningitis ..	61	31	5.262	50	25	3.777	32	23	2.656
Enteric Fever	119	51	8.657	73	40	6.043	19	10	1.155
Other Diseases	1,519	19	3.225	1,319	28	4.230	638	25	2.883
Injuries	216	7	1.188	383	2	.302	353	3	.345
Total	5,609	437	74.179	4,926	223	33.689	4,078	214	24.713

NOTE.—C—No. of Cases. D—No. of Deaths. M—Mortality per 1,000 per annum.

A gratifying decrease in the mortality is thus again shown.

Influenza was widely prevalent in January and February, May and June, and again in September and October. It was specially prevalent on the fields worked by Ovambo labour and, though generally of a mild type, was accompanied by a considerable increase in the incidence of pneumonia and other respiratory diseases and in the mortality from these cases among the Ovambo. The incidence of tuberculosis rose at the same time, most of the cases occurring in patients convalescent from influenza. The seasonal incidence of cerebrospinal meningitis and enteric fever was the same as in previous years. There was, however, a marked diminution in the number of cases and in the mortality from these causes. Scurvy also was less prevalent than in former years.

The accompanying graphs (A, B and C) show (1) the mortality from all causes among labourers employed during the years 1924, 1925 and 1926; (2) the mortality curves among the Ovambos, Bechuana and Union natives, and (3) the monthly death-rate from the principal causes of death during the year under review.

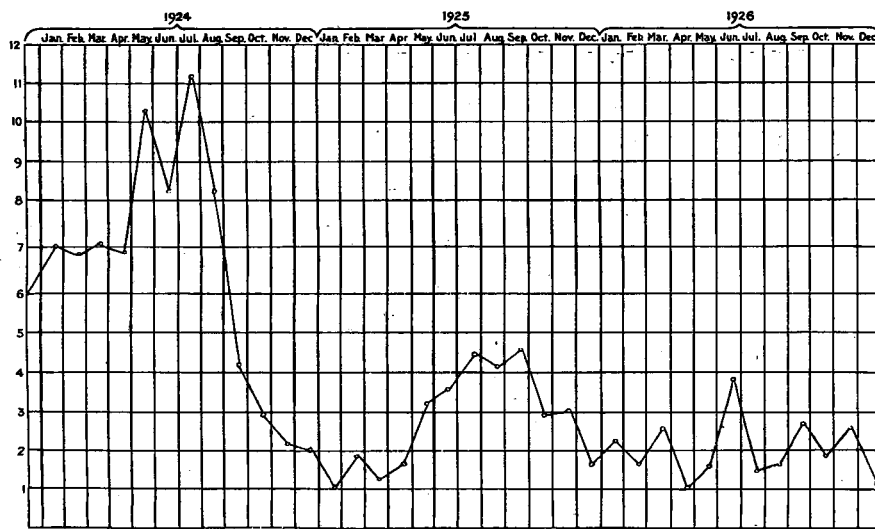
Para. 245. (2) *Copper Mines, Tsumeb (O.M.E.G.)*.—The average number of natives employed by the Otavi Mine und Eisenbahn Gesellschaft during 1926 was 2,254 as compared with 2,397 during 1925. The total number of deaths was 101 as against 59 during the previous year. The total mortality per 1,000 per annum was 44.80 as compared with 24.61 in 1925.

The mortality per 1,000 per annum from the principal causes of death during the year under review as compared with the years 1924 and 1925 was as follows:—

	1924.		1925.		1926.	
	D.	M.	D.	M.	D.	M.
Pneumonia	6	2.93	15	6.26	15	6.65
Tuberculosis	8	3.91	3	1.25	4	1.78
Enteric Fever	1	.49	—	—	2	.89
Dysentery	1	.49	—	—	—	—
Scurvy	—	—	—	—	—	—
Influenza	41	20.96	36	15.02	61	27.06
Cerebrospinal Meningitis ..	4	1.96	—	—	15	6.65
Other Diseases	10	4.89	3	1.25	3	1.33
Injuries	11	5.38	2	.83	1	.44
Total	82	41.01	59	24.61	101	44.80

**MORTALITY CURVE OF RECRUITED
NATIVE LABOUR ON THE
DIAMOND FIELDS**

January, 1924—December, 1926.



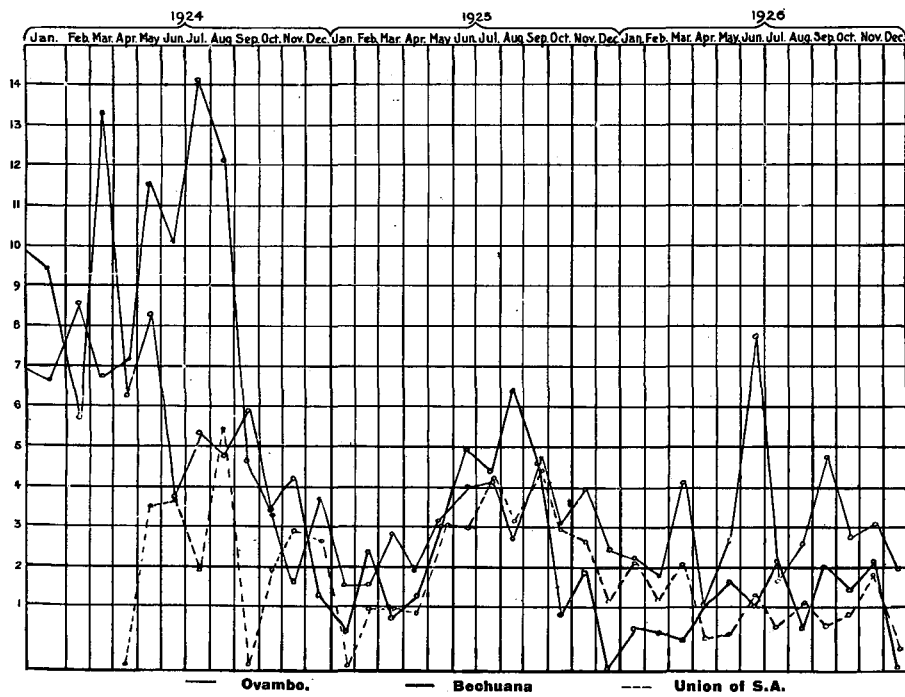
Mean Death Rate per
1 000 per Mensem
= 6·18.

Mean Death Rate per
1,000 per Mensem
= 2·807.

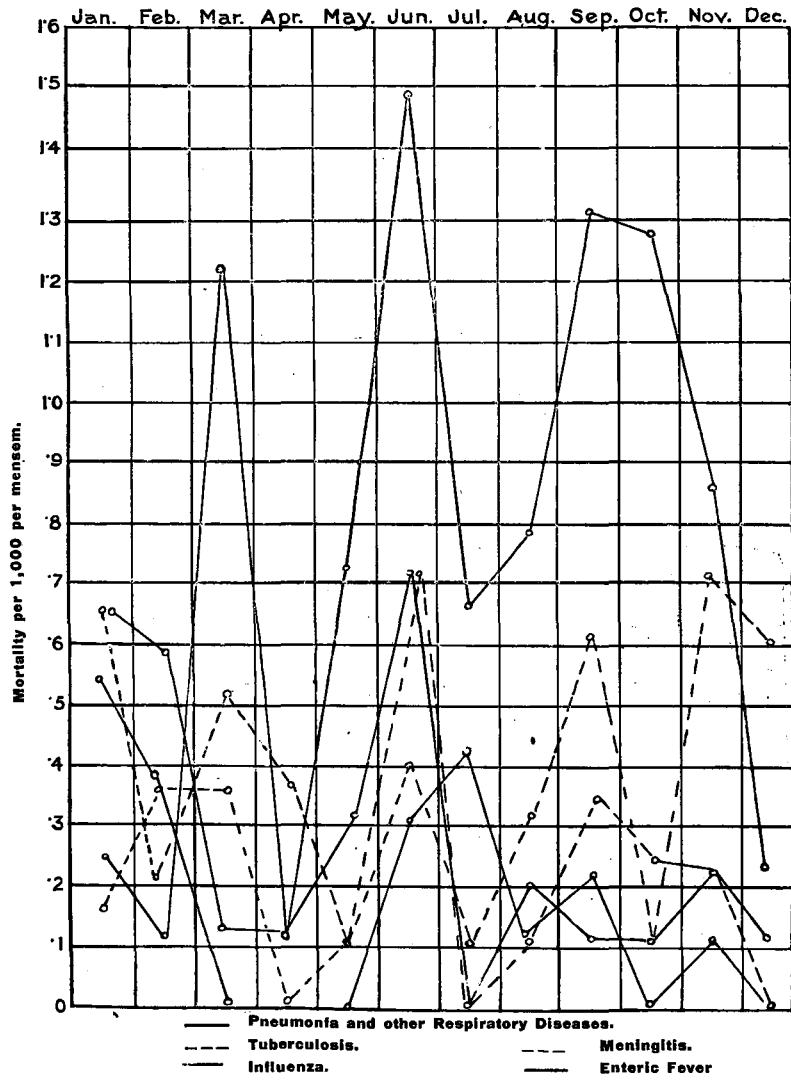
Mean Death Rate per
1,000 per Mensem
= 2·06.

**COMPARATIVE CURVES OF MORTALITY AMONG OVAMBOS,
UNION OF SOUTH AFRICA NATIVES, AND BECHUANAS
EMPLOYED ON THE DIAMOND FIELDS IN
SOUTH - WEST AFRICA**

January, 1924—December, 1926



**ANALYSIS OF MORTALITY AMONG NATIVE
LABOURERS EMPLOYED ON THE
DIAMOND MINES, 1926**



*Para. 246. (3) Vanadium Mines, Grootfontein (South West Africa Company).—*The average number of labourers employed on these mines during 1926 was 947.

The number of deaths was 38, giving a mortality of 40.12 per 1,000 per annum.

The mortality per 1,000 per annum from the principal causes of death during the year under review was as follows—

	No. of Deaths.	Mortality per 1,000 per annum.
Pneumonia	9	9.47
Tuberculosis	1	1.05
Influenza	24	25.26
Scurvy	1	1.05
Other diseases	3	3.16
Total	38	39.99

Accurate statistics of the mortality on the Vanadium Mines during previous years are not available.

The comparatively large death-rate among native labourers employed on the copper and vanadium mines during 1926 was due to several outbreaks of influenza. In January the disease was widely prevalent in the Grootfontein area, but except on the vanadium mines was not attended by any considerable mortality.

In September, however, an epidemic of great severity swept over these fields, and within a period of two months was responsible for 64 deaths, or 46 per cent. of the total mortality from all causes for the year. The main incidence of this epidemic fell on the copper mines. Sporadic cases of cerebrospinal meningitis occurred on the Tsumeb Mines from April to December. There were altogether 23 cases with 15 deaths.

The new mine location at Tsumeb was completed during the year under review. Altogether 203 huts of standard pattern, each with accommodation for six persons, have been erected.

At the Abenab Mine of the South West Africa Company a new native hospital has been erected. This Company has also appointed a full-time medical officer for the Abenab Mine and a part-time medical officer for its other mines and prospecting camps.

*Para. 247. (4) Tin Mines, Karibib and Omaruru.—*The health of the labourers employed on the tin fields continued to be exceptionally good during 1926. The average number employed was 297. There were two deaths, giving a mortality of 6.76 per 1,000 per annum.

MENTALLY DISORDERED AND DEFECTIVE PERSONS.

Para. 248. The main provisions of the Mental Disorders Act of the Union Parliament (Act No. 38 of 1916) were applied to South West Africa by Proclamation 33 of 1924.

The number of persons maintained by the Administration in institutions in the Union is as follows:—

	Males.	Females.
Europeans	8	7
Natives	3	2
	11	9

Of the above number 4 Europeans—viz. one male and three females and one native—were admitted during the year under review. Two European females were discharged and three native males died during the year under review.

The total cost of maintenance during 1926 was £950 14s. as compared with £733 2s. during the year 1925. Of the total expenditure a sum of £131 5s. was spent on the maintenance of native patients.

[U.G. 27.]

Schedule 1.

DISEASES TREATED AT STATE-AIDED HOSPITALS DURING 1926.

	No. of Cases.	No. of Dea
Anthrax	1	—
Blackwater Fever	1	—
Cerebrospinal Meningitis	3	2
Dysentery	3	—
Enteric Fever	4	2
Measles	3	—
Malaria	41	—
Mumps	4	—
Influenza	28	1
Scarlet Fever	3	—
Tuberculosis—all forms	5	3
Whooping Cough	4	—
Alcoholism	6	1
Scurvy	7	—
Arsenical Poisoning	2	—
Anæmia	6	1
Diabetes	2	—
Rheumatism—Acute	3	—
Rheumatism—Sub-acute	23	—
Syphilis	3	1
Purpura Hæmorrhagica	1	1
Eucephalitis Lethargica	1	1
Disorders of Digestive System	52	1
Appendicitis	36	—
Cancer	3	—
Disease of Gall Bladder	4	—
Pneumonia—all forms	15	2
Other Respiratory Diseases	13	2
Organic Heart Disease	2	1
Diseases of Nervous System	6	—
Nephritis	6	1
Renal Calculus	2	—
Disease of Bladder	3	—
Disorders of Uterus and Appendages	26	—
Disorders of Pregnancy	6	2
Abortion and Miscarriage	12	—
Parturition	71	—
Disease of the Eye	13	—
Disease of the Ear	2	—
Disease of the Nose	3	—
Disease of the Skin	1	—
Disease of Bones, Joints, etc.	52	—
Injuries	26	—
Other Diseases	18	1
	<u>526</u>	<u>23</u>

PRINCIPAL DISEASES TREATED IN STATE-OWNED NATIVE HOSPITALS DURING 1925 AND 1926.

	1925.		1926.	
	C.	D.	C.	D.
Anthrax	—	—	1	—
Cerebrospinal Meningitis	2	1	4	2
Diphtheria	—	—	6	—
Dysentery	4	1	7	—
Enteric Fever	2	—	1	1
Erysipelas	1	—	1	—
Malaria	16	—	61	—
Malta Fever	—	—	5	—
Influenza	114	6	76	2
Purpura Hæmorrhagica	—	—	3	2
Tetanus	3	3	1	—
Tuberculosis :				
Pulmonary	47	14	105	23
Other Forms	11	1	7	1
Snakebite	3	—	—	—
Rheumatism	23	—	24	—
Scurvy	15	—	50	2
Gasteritis, etc.	9	1	7	2
Appendicitis	—	—	1	—
Hernia	4	1	4	1
Acute Bronchitis	6	—	12	—
Pneumonia—all forms	52	7	50	11
Other Respiratory Diseases	3	—	9	1
Cancer	3	—	1	—
Organic Heart Disease	5	1	11	2
Mental Disorders	8	—	24	2
Epilepsy	4	1	5	—
Apoplexy	2	1	—	—
Nephritis—Acute	1	1	1	1
Cystitis	3	—	2	—
Stricture of Urethra	7	—	10	—
Diseases of the Eyes	29	—	13	—
Diseases of the Ear	3	—	—	—
Diseases of Bones, Joints, etc.	37	1	16	2
Injuries :				
(a) Fractures	9	1	14	—
(b) Burns and Scalds	3	1	8	1
(c) Other injuries	55	1	105	3
(d) Self inflicted	2	1	2	—
Veneral Diseases :				
(a) Syphilis	280	5	372	7
(b) Gonorrhœa	69	—	43	—
Other Diseases	134	11	177	5
	969	60	1,239	71

CAUSES OF DEATH (ABRIDGED INTERNATIONAL LIST)—EUROPEANS—YEARS 1924 AND 1925.

Cause of Death.	1924.		1925.	
	Certified.	Uncertified.	Certified.	Uncertified.
Enteric Fever	1	—	11	—
Typhus	—	—	—	—
Malaria	3	3	5	25
Smallpox	—	—	—	—
Measles	—	—	—	—
Scarlet Fever	—	—	—	1
Whooping Cough	—	—	1	—
Diphtheria	—	—	1	—
Influenza	7	2	5	3
Plague	—	—	—	—
Leprosy	—	—	—	—
Pulmonary Tuberculosis	2	—	1	1
Tuberculosis Meningitis	—	—	—	—
Tuberculosis of Bones, Joints and Glands	—	—	1	—
Other Tubercular Diseases	1	—	—	—
Syphilis (all forms)	—	—	1	—
Cancer (all forms)	3	1	7	3
Meningitis	6	1	2	—
Cerebral Hæmorrhage and Softening	1	1	1	1
Cardiac Diseases	8	—	12	2
Bronchitis	—	1	2	—
Pneumonitis (all forms)	9	11	7	8
Miners' Phthisis (Silicosis) without Tuberculosis	—	—	1	—
Miners' Phthisis (Silicosis) with Tuberculosis	—	—	—	—
Other Respiratory Diseases	3	—	2	—
Ulcer and Stomach Duodenum	1	—	—	—
Diarrhœa and Enteritis (under two years)	6	1	7	1
Appendicitis	2	—	3	—
Cirrhosis of Liver	—	—	—	—
Acute and Chronic Nephritis	2	—	7	—
Puerperal Sepsis	—	1	2	—
Other Accidents and Diseases of Pregnancy and Parturition	2	1	—	1
Congenital Debility, Malformation and Premature Birth	10	5	10	4
Suicides	5	—	8	—
Other Violent Deaths	5	—	7	2
Other Defined Diseases, and Unspecified	25	11	22	17
Total Deaths	102	39	126	69

XX. PUBLIC WORKS.

CONTRACTS.

Para. 249. Difficulty has been experienced in finding contractors for minor works and repairs to buildings. Apart from the fact that there are few of the smaller contractors with sufficient capital to finance more than one enterprise at a time, there also seems to be a sufficient demand for the services on private contracts to keep the contractors with capital occupied in the larger centres. The men who tender for the smaller jobs generally require close and constant supervision entailing much travelling on the part of the inspecting staff. These causes have militated against the carrying out of building operations with the necessary promptitude.

SERVICES.

Para. 250. The vacant ground adjoining the Government Buildings, Windhoek, has been turned into a garden in which indigenous plants and shrubs will be planted. This will much enhance the appearance of the building and prove of special interest to visitors.

Extensive additions have been made during the year to the Native Hospital at Windhoek, the accommodation and equipment now available being adequate for the treatment of Natives on the most approved modern lines.

At Walvis Bay the completion of the new Native Location, consisting of five blocks each of 10 tenements, has fulfilled an urgent requirement as is evinced by the ready response on the part of the local natives in seeking accommodation at the rental fixed. The water and sanitary services in the Location, as in the township generally, have also been greatly improved as a result of various works undertaken by the Railway authorities in this connection.

The following are the principal works completed or put in hand during the year :—

Magisterial District.	Service.	Amount.	Remarks.
		£	
Aroab	Klipdam School	1,600	Completed.
Luderitz	Aus School Hostel	1,500	do.
Omaruru	Omaruru School Hostel	4,250	In hand.
	Otjihorongo Quarters	780	Completed.
Otjiwarongo	Osere Süd Police Station	1,550	In hand.
Swakopmund	Walvis, Native Location	5,160	Completed.
Warmbad	Ariamsvlei Police Station	2,000	do.
Windhoek	High Court	2,200	do.
	German Boys' Hostel	3,600	do.
	School Street School	2,600	do.
	Native Hospital	6,100	do.
	Boys' Hostel	1,640	do.

MECHANICAL TRANSPORT.

Para. 251. The running equipment of this section was considerably reduced during the year, seven cars being sold and only two purchased.

The following comparative figures reflect the mileage run in connection with the various services of the Administration during 1925 and 1926 :—

	1925.	1926.
Administration	2,103	363
H.H. the Administrator	17,293	18,904
Agricultural	3,933	4,184
Delimitation Commission	—	652
Education	3,573	3,288
Health	1,665	738
Irrigation	—	1,346
Locust Department	1,857	—
Land Board	2,965	10,902
Legislative Assembly	—	1,650
Magistrate	1,133	2,021
Native Affairs	2,447	862
Postal	419	109
S.W.A. Police	2,218	2,873
Surveys	579	561
Repayments	2,592	404
Rehoboth Expedition	6,500	—
P.W.D. Services, Keetmanshoop	10,245	8,442
P.W.D. Services, Windhoek	1,423	4,609
Goods for all Departments	14,730	10,320
	<u>75,675</u>	<u>72,228 mil</u>

REPLIES TO CERTAIN OBSERVATIONS OF PERMANENT MANDATES COMMISSION ARISING OUT OF EXAMINATION OF ANNUAL REPORT FOR 1925.

1. GENERAL ADMINISTRATION.

(a) *German Laws.*—The following German laws are still in force in the Territory :—

Taxation of Land.

(1) Ordinance by the Governor, dated 19th March, 1909, relating to the Taxation of Landed Property, with additions dated 12th October, 1910, and 24th November, 1913. (*Note* : This Ordinance has been amended by Proclamation No. 32 of 1920 and Proclamation No. 19 of 1925.)

(2) Regulations made by the Governor, dated 9th September, 1909, under the Ordinance for the Taxation of Landed Property of the 19th March, 1909.

Mining.

(3) Mining Ordinance by the Emperor, dated 8th August, 1905. (*Note* : This Ordinance has been amended by Proclamations Nos. 24 of 1919, 12 of 1920, 59 of 1920, 29 of 1921, 11 of 1923, 15 of 1925 and 10 of 1926.)

(4) Ordinance by the Chancellor, dated 26th February, 1909, with an addition dated 12th May, 1910, relating to the Royalties payable under the Imperial Mining Ordinance dated 8th August, 1905.

(5) Decree by the Governor, dated 26th April, 1909, with an addition dated 13th February, 1912, relating to the survey and marking off of mining areas.

(6) Ordinance by the Emperor, dated 13th October, 1910, relating to the exclusive right of the Governments of the African and South Sea Protectorates to search for and win minerals on the Sea-bottom.

(7) Ordinance of the Emperor, dated 16th January, 1909, relating to the traffic in South-West African diamonds (see note to item 9 below).

(8) Ordinance of the Chancellor, dated 25th February, 1910, with amendments dated 12th January, 1913, and 27th May, 1913, relating to the carrying out of the Imperial Ordinance relating to the traffic in South-West African diamonds, dated 16th January, 1909 (see note to item 9 below).

(9) Ordinance by the Chancellor, dated 25th May, 1909, with the addition dated 19th October, 1909, and amendments dated 12th January, 1913, and 27th May, 1913, relating to the performance of the functions of the "Diamanten-Regie" of the South-West African Protectorate. (*Note* : The Ordinance referred to under items 7 and 8 and under this item, amended as shown, vested certain rights in the "Diamanten-Regie." By Proclamations Nos. 22 of 1919 and 4 of 1921 certain of these functions were vested in the Diamond Board for South-West Africa and the balance in the Administration.)

Taxation of Diamonds.

(10) Ordinance by the Emperor dated 30th December, 1912, relating to the taxation of diamonds (see note to item 12 below).

(11) Ordinance by the Chancellor, dated 12th January, 1913, for the carrying out of the Diamond Taxation Ordinance of the 30th December, 1912 (see note to item 12 below).

(12) Ordinance by the Governor, dated 25th February, 1913, for the carrying out of the Diamond Taxation Ordinance of the 30th December, 1912. (*Note* : The provisions of the Ordinances referred to under items 10 and 11 and under this item were amplified by Proclamation No. 4 of 1921.)

Registration of Mining Titles.

(13) Decree by the Chancellor, dated 30th November, 1902, for the carrying out of the Emperor's Ordinance of 21st November, 1902, relating to Land Titles in the German Protectorates. (*Note* : The Provisions of this Decree are in force only in respect of the registration of mining titles—see note to item 14 below.)

(14) Decree by the Governor, dated 30th May, 1910, relating to the establishment of a Register of Mining Titles. (*Note* : Article 2 of this Decree lays down that, subject to certain modifications, the provisions of the Decree of the Chancellor referred to under item 13 are to be observed in the registration of mining titles.)

Explosives.

(15) Ordinance by the Governor, dated 24th June, 1911, relating to the traffic in explosives.

Game Reserves.

(16) Ordinance by the Governor dated 22nd March, 1907, relating to the establishment of Game Reserves. (*Note*: The provisions for protecting the three Game Reserves established by this Ordinance are made more stringent by section two of Proclamation No. 15 of 1919.)

Sale of Drugs.

(17) Ordinance by the Governor, dated 1st January, 1901, relating to the sale of drugs.

(18) Ordinance by the Governor, dated 25th May, 1912, relating to the importation, the cultivation and the smoking of, and the traffic in, hemp.

Agricultural Pests.

(19) Ordinance by the Governor, dated 25th May, 1900, concerning the importation and keeping of rabbits.

(20) Ordinance by the Governor, dated 1st October, 1902, relating to the prevention and suppression of phylloxera.

(21) Ordinance by the Governor, dated 26th July, 1911, relating to the suppression of foul brood in bees.

Telegraphs.

(22) Ordinance by the Emperor, dated 15th June, 1906, concerning Telegraphs in the German Protectorates except Kiautschou.

In addition to these cases, in which the German Statute is still law, by virtue of its original enactment and promulgation, there are several instances in which the substance of a repealed German statute has been re-enacted in a statute issued since the occupation.

Examples are the Governor's Ordinance of the 12th June, 1912, relating to the branding of cattle, which was specifically repealed by Proclamation No. 36 of 1921, and the Governor's Ordinance of the 1st April, 1900, relating to the protection of forests, which was superseded by Proclamation No. 23 of 1925.

(b) The staff in Ovamboland is constituted as follows:—

The Native Affairs Officer and one clerical assistant, and a District Surgeon stationed at Ondongua, and one assistant at Namakunde (about 55 miles from Ondongua). The assistant at Namakunde is subordinate to the Native Affairs Officer at Ondongua. Namakunde lies within the Neutral Zone, and when the boundary line between the Territory and Angola is demarcated the assistant will be removed to Omafia which is about 12 miles south of Namakunde and is in the Territory.

The Okawango staff consists of a Native Affairs Officer and a medical orderly who performs clerical duties and examines native labourers recruited for employment in the Territory.

As has been stated in previous reports the natives in Ovamboland and on the Okawango live under tribal conditions and under their own laws and customs in so far as these do not conflict with public order and good morals.

On the whole the natives are wonderfully peaceful and lawabiding and for years nothing worthy of comment has occurred. The Native Affairs Officer of Ovamboland visits each tribe at least once a month and travelling by motor car he varies the dates of his visits so that the natives do not know when to expect him. On arrival he makes very close enquiries into all that has happened since his last visit and so keeps thoroughly in touch. The Chiefs consult him on any difficulties they have, either administrative or in connection with disputes which have come before them for decision. He also conveys to them any directions of the Administration and suggests to them any improvements which they can make in their own administration in various directions. For example, one chief some time ago was induced to give orders for the protection of game. He suggests to them various ways in which they can increase their own comfort and prosperity, e.g., by the conservation of water for their own use and for their stock; the improvement in the quality of their stock and so on.

The present officers are looked up to by the natives and treated with the utmost respect. Indeed the Native Affairs Officer is actually the Chief of the Ukuanyama tribe—in importance and wealth probably the first tribe in Ovamboland. In 1917 it became necessary to send a punitive expedition to deal with Mandume who was then their chief and in an action which ensued Mandume was killed. The tribe thereafter elected Lieut. Hahn, who was assistant to the then Native Affairs Officer, whom he has since succeeded. He exercises his authority through the Headmen of the tribe.

The Native Affairs staff do not exercise any judicial powers. The position on the Okawango is similar except that the Native Affairs officer is unable to visit all the tribes so frequently. The tribes are scattered along the river and the area under his control consists of a narrow strip about 200 miles in length, running along the river.

[U.G. 22-'27.]

(2) *Labour*.—It is hardly correct to employ the word “unrest” in relation to the desertions by Xosas from the Luderitzbucht Mines. The position simply is that the Xosas were recruited in a portion of the Cape Province of the Union which is fertile and beautiful and where they are accustomed to beer and women. They apparently found the change to the naturally bleak and inhospitable conditions of the Luderitzbucht Diamond Fields, where liquor is prohibited and where there are no women, uncongenial, and a number who were dissatisfied, deserted. The causes of the dissatisfaction were enquired into at the time and it was found that these were not attributable to the administration of the mining authorities, who have done everything possible to make the conditions congenial.

(3) *Liquor Traffic*.—Attention is invited to the explanation contained in para. 16 of this report from which it will be observed that the figures contained in the 1925 report, which were purely provisional, were incorrect. There was no undue increase in the importation of liquor during 1925. It may, however, be pointed out that the European population is rapidly increasing and a reasonable increase in the quantity of liquor imported must be expected.

(4) *Liberty of Conscience*.—Attention is invited to the explanations of points (a) and (b) of the undertaking required of missions operating in Ovamboland which appear on page 108 of the 1925 Report.

I have no further information to give and the question simply resolves itself into one of opinion as to whether the conditions fall within the Mandate or not. The three missions operating in Ovamboland have accepted these conditions without demur.

As regards point (a), the isolation of and the general conditions obtaining in Ovamboland have frequently been referred to in previous reports. The natives are very uncivilised and live under tribal conditions.

In this connection I would refer to Section 8 of the Report of the Permanent Mandates Commission on the work of its third session and particularly to the following passage:—

“The maintenance of order is the first duty of the Governor and order is a necessary condition for the full development of all freedom not excepting freedom of religion. Any regulations, therefore, arising out of the necessity for the maintenance of order will, if such order be genuinely endangered, be free from criticism, even should such regulations have the effect of restricting, in some measure, the free exercise of religion.”

The Commission did not disapprove of the suggestion made by the representative of the Mandatory Power referred to that in certain circumstances spheres of influence might be assigned to the various missionary bodies and the clear inference from the general tenour of the remarks made by the Commission is that under certain conditions the adoption of the course indicated would not be regarded as transgressing the terms of the Mandate.

Having regard to the conditions obtaining in Ovamboland the Administration divided the country into spheres of influence for mission purposes when it accorded the Damaraland and Roman Catholic missions permission to enter. This restriction was, however, subsequently removed and the three missions operating in Ovamboland (the third being the Finnish Mission) were granted freedom of action subject to the conditions set out in Annexure A to the Report for 1925 (pages 107 and 108) which it deemed necessary to impose.

If power exists to divide the country into spheres of influence in the circumstances contemplated in Section 8 of the Permanent Mandates Commission and so definitely restrict freedom of movement of missions, *a fortiori* power should exist to do something less, *i.e.*, to grant freedom of movement subject to reasonable conditions. It is considered this is a very reasonable condition and one which in no way restricts the free exercise of religion. Due obedience to and respect for the lawfully constituted authority are principles which are instilled into the people of every country in the world, civilised or uncivilised.

Whether the conditions require that special regulations for the maintenance of order should be imposed is a question which must be left to the discretion of the Mandatory Government which is *au fait* with the position. In the case of Ovamboland it is contended that condition (a) is not inconsistent with the mandate.

With regard to point (b) it is not an uncommon experience that missionary activity results in a diminution of labour. The labour shortage in the Territory is so acute and the development of the country is so absolutely dependent on labour that it does not seem unreasonable to ask the missions for an undertaking that they will do nothing which will interfere with the free flow of labour.

Quite apart from the interest of the State there is the interest of the native also to consider. Civilisation will never be developed on idleness and education of the native does not consist of teaching him the alphabet or the bible only. The main thing is to teach him various crafts so that he may become an economic asset to the country. Left to himself he will simply sit in the sun and dream about women and cattle. A good harvest results in liberal brewing of beer, heavy drinking and tribal disorders. Work brings him in contact with civilisation and therefore necessarily assists the process of civilising him.

The State is entitled to look to the missions operating in such areas as Ovamboland to assist it and to indicate reasonable ways in which that assistance can be given. It cannot for a moment be urged that the condition in question can have the effect of restricting the free exercise of religion in any way, on the contrary, one of the first steps of any mission or of any institution which attempts the civilisation and education of savages must be to inculcate in them the principles of the dignity of labour, and any institution which does not proceed on these lines cannot hope to succeed and can never be of any value to the country.

The condition therefore in the light of the explanation given to the missions embodies what should be a fundamental principle of mission work and it is not considered that it travels beyond the mandate.

(5) *Education*.—See supplementary statement on Native education (paras. 135 to 147) which outlines the Administration's policy in this connection. The amount placed on the Estimates for the current financial year in respect of direct expenditure on native education is £7,550, which the Legislative Assembly considered adequate for the carrying out of the Administration's policy. It will be observed from the statement referred to that this amount is increasing every year.

(6) *Railways and Harbours*.—A clear idea of the financial position and management of the Railways and Harbours in South West Africa is given in the Memorandum forwarded to the Secretary-General of the League of Nations, for information of the Permanent Mandates Commission, on the 27th October, 1926.

(7) *Moral and Material Welfare*.—Noted.

Annexure "B."

REPORT ON THE CAPRIVI ZIPFEL FOR THE PERIOD 1st JANUARY, 1926,
TO 31st DECEMBER, 1926.

Administration and Legislation.—The Caprivi Zipfel is part of the territory which formerly constituted the German Protectorate of South West Africa. It was therefore "included within the territory over which" the Council of the League of Nations, on 17th December, 1920, conferred a mandate "upon His Britannic Majesty for and on behalf of the Government of the Union of South Africa."

The Union Government, as mandatory power, has therefore full power of administration and legislation over the Caprivi Zipfel. It has however, delegated its powers to the High Commissioner for South Africa, and, by Governor-General's Proclamation No. 12 of 1922 and High Commissioner's Proclamation No. 23 of 1922, the Caprivi Zipfel was brought under the administration of the Bechuanaland Protectorate as from the 1st January, 1921, and the laws in force in the Bechuanaland Protectorate declared applicable to the Zipfel. The laws previously in force therein being at the same time repealed with the exception of those mentioned in the Schedule to the Bechuanaland Protectorate Proclamation No. 23 of 1922, namely :—

Indemnity and Withdrawal of Martial Law Proclamation 1920. Dated 31st December 1920, issued by the Administrator of South West Africa as ratified by Proclamation No. 1 of 1921 of the Governor-General of the Union of South Africa.

Proclamation No. 12 of 1922 and No. 13 of 1922 issued by the Governor-General of the Union of South Africa under the Treaty of Peace and South West Africa Mandate Act, 1919.

High Commissioner's Proclamation No. 9 of 1924 (Promulgated 17th April 1924), which put in force the German Imperial Mining Ordinance of 8th August 1905, together with amendments thereto as published in Proclamation No. 24 of 1919 of South West Africa.

The sale and importation of arms and ammunition in the Caprivi Zipfel are controlled by Proclamation of the 10th June, 1891, and contravention of the law in this respect is subject to severe punishment.

The slave trade is prohibited, as is also the sale of intoxicating European liquors to natives by Proclamation of the 4th April, 1892; the provisions of Articles 4 and 5 of the mandate for South West Africa have also been observed.

For administrative purposes the Caprivi Zipfel is divided by the Mashi River, into two parts, the eastern being administered by the Magistrate resident at Kasane, and the western by the Magistrate stationed at Maun. These Magistrates are assisted by a Police Staff consisting of two European Sergeants, two native mounted troopers and fifteen dismounted constables.

A Police Station has been established during the year at Andara, and, owing to an outbreak of lung-sickness north of Andara, a further Police Post has been opened at Mbambo, on the border of South West Africa, where two native constables have been stationed.

[U.G. 22—27.]

With the threatened influx of lung-sickness, it was also found necessary to establish a Buffer Zone on the Batawana Reserve Boundary South of Andara. At present four men are stationed on this Border, a post of two men being established on each side of the Okowango River. Recommendation has been made for six more native Police in this Buffer Area, and, for further safeguarding the border, it is proposed to open a Police Post at Boti as soon as these necessary Police are available.

Lung-sickness.—During the latter part of the year ten villages in the neighbourhood of Andara were found to be infected with lung-sickness, and all cattle, including incontacts, were shot. Compensation to the full extent allowable by law has been authorised.

European Traders and Licences.—Five trading sites were occupied during the year 1926, namely :—

Malinda Pan	.. .. .	Mr. J. A. Legge (transferred, July 1926, to Mr. R. F. Sutherland).
Impalela Island	.. .. .	Mr. J. A. Legge.
Kabulabula	.. .. .	Mr. M. Michelsen.
Katima-Molilo	.. .. .	Mr. A. Harrington.
Andara	.. .. .	Messrs. R. Malone and C. R. Morriss.

a rental of £12 per annum being paid as stand rent in each case.

A private site of approximately three acres at Katima-Molilo is occupied, under the approval of the High Commissioner by Mr. R. A. da Costa Blake at a rental of £30 per annum.

Crops.—In the Eastern portion of the Strip, despite the floods during March, April, May and June 1926, when the flood-water reached the highest level within the memory of the oldest inhabitants, there was a sufficiency of food—chiefly mealies, kaffir corn, peanuts and pumpkins—as these had been reaped before the floods came down, and the natives had also a fair supply of grain for sale. There is every prospect in this portion of the Strip of good crops being reaped this year as most of the gardens were covered with rich alluvial soil brought down by the floods, and this was still sufficiently damp at the end of July to allow of ploughing. As a result, it is anticipated that the crops will be exceptionally early in 1927, as, in ordinary years, the inhabitants have to wait until the end of September when the first rains are due before sowing. The improvidence of the native is, however, a factor to be reckoned with: he will always sell his surplus grain, and, a few months later, buy it back at an enhanced price.

In the Western portion of the Strip, owing to a late and scanty rainfall, crops were scarce. Kaffir corn could only be purchased in very small quantities, and mealies were unobtainable for part of the year.

Schools.—There are native schools at Katima-Molilo, Mamili's Village, Ekaba, Sundwa, Lusese and Andara, the first named being the most important with an attendance of over 60 children. A government grant of £20 per annum is made to the school at Andara, which is conducted by the Oblate Fathers of German nationality.

Taxation.—The natives of the Caprivi Strip are not subject to the payment of Hut Tax, the operation of the Bechuanaland Protectorate Hut Tax Proclamation No. 9 of 1909 having been suspended in the Caprivi Zipfel by virtue of High Commissioner's Notice No. 92 of 1922. As regards Europeans, Poll Tax and Income Tax are in force but yield a very small amount.

Finance.—A statement of receipts and expenditure for the Financial Year April 1st, 1925, to March 31st, 1926, is attached.

Crime.—The inhabitants of the Strip are peaceful and law-abiding. No serious crime was reported during the year 1926.

Missions.—Missions under the Seventh-Day Adventists and the German Oblate Fathers are conducted at Katima-Molilo and Andara, respectively. The latter have erected very good buildings and have succeeded in making the Mission self-supporting.

Public Health.—Owing to the floods alluded to above, in large tracts of the Eastern portion of the Strip, there was hardly a village which escaped being swamped, and, in some cases, the inhabitants had to build their huts with the floors raised 3 or 4 feet above the ground level in order to escape the water. Under these circumstances there were a larger number than usual of cases of pneumonia, malaria and dysentery, the last two being at their worst when the floods were subsiding as the water became foul in most of the lagoons and waterways through the rotting of large quantities of reeds and vegetation carried into them by the receding flood. The health of the inhabitants during the last three months of the year, on the other hand, has been better than usual, as nearly all of them were compelled to build new huts on fresh sites when the floods had subsided, and, as a result the cleanliness

and sanitation of the villages, was far above that of average years. The natives of these parts living as they do for the most part with an abundance of water, can, however, only be described as dirty.

In the western portion of the Strip there has been the usual prevalence of fever, but, apart from this, the health of both Europeans and Natives has been fairly good. The natives are able to get medical treatment of an elementary nature from the Missionaries at the Mission Stations; they may also consult the Medical Officer in Ngamiland.

Native Peoples.—There are two sections of natives living to the East of the Mashi River under the rulership of Chiefs Mamili and Chika-Matondo, respectively. Mamili's people comprise Bafwi, Bayeyi and a section of the Mampukush whilst those of Chika-Matondo consist of Basubia. West of the Mashi River the land is peopled by the Mampukush, under Chief Disho, who live mainly on the islands of the Okowango River, and are adepts at navigating dug-out canoes in the rapids of that river.

The Barotse of Sesheke, Northern Rhodesia, again availed themselves of the permission granted to them by the High Commissioner in July, 1923 (and renewed under stated conditions in 1924 for three years), to cultivate lands on the South bank of the Zambesi River, and there have been no complaints lodged by the local natives in this connection.

The Paris Missionary Society, Sesheke, is also permitted by the High Commissioner to cultivate gardens, approximately 4 acres in extent, near to Schuckmansberg, and to keep eight oxen and four cows in the Strip for the benefit of the students boarding at their school.

There are also a good many natives living on the river, whose Chief is Nyangana residing in South West Africa and near the border. The latter tribe are now under Chief Disho, but constant intercourse and visiting goes on between these people and those under Nyangana and the recent outbreak of Lung-sickness is, no doubt, the result of this. The disease appeared at Nyangana a considerable time before the outbreak was reported in the Strip.

Tribal Law.—Each village has its Induna or Headman who has authority to adjudicate according to Native Law and Custom amongst his followers. He is generally assisted by the older men. If they do not agree or if the plaintiff or defendant is not satisfied, then the case is taken to the Chief's Kgotla.

The Chief's Kgotla or Court is the principal one and its judgments are final except that provision is made under Proclamation No. 1 of 1919 for appeals against the judgments of Native Chiefs in the Bechuanaland Protectorate, in the first instance to a Court composed of the Assistant Commissioner or Magistrate of the District and of the Chief, and in the event of their disagreeing then the Resident Commissioner decides the matter in dispute. When members of a tribe are punished by their own Courts the penalty is usually one or more head of cattle. The fines become the sole property of the Chief although he may give some of the cattle to his Councillors.

Population.—The Native population of the Caprivi Strip as enumerated in the year 1921 was:—

Males.	Females.	Total.
2,003	2,246	4,249

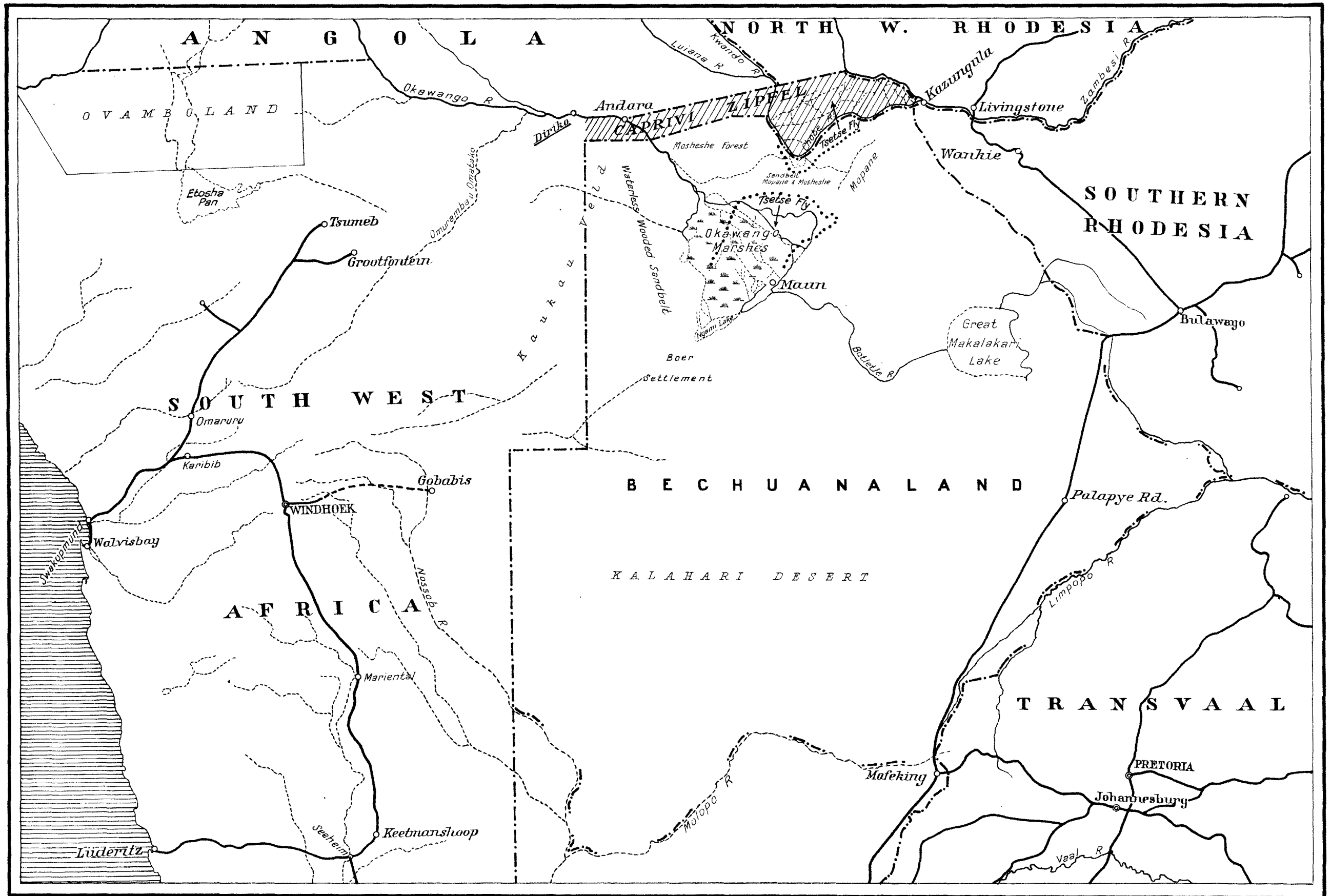
and, apart from Officials, the only Europeans in the territory are a few Missionaries and Traders.

STATEMENT OF REVENUE AND EXPENDITURE IN THE CAPRIVI STRIP FOR THE YEAR ENDED 31ST MARCH, 1926.

Revenue.	Amount.	Expenditure.	Amount.
Licences	£98 2 6	Personal Emoluments (District Administration and Police)	£1,320 15 8
Revenue Stamps	10 0	Stores, Equipment, Grain, etc.	85 15 4
Poll Tax	9 0 0	Travelling Expenses	47 4 3
Rentals and Transfer Duty	84 0 0	Cattle Diseases	402 0 0
Miscellaneous	17 11	Public Works Recurrent	12 1 8
		Public Works Extraordinary	150 0 0
		Education	20 0 0
Total Revenue	£192 10 5	Total Expenditure	£2,037 16 9

“Map of the Caprivi Zipfel” showing its position in relation to the remainder of South-West Africa, British Bechuanaland and the Union of South Africa.

„Kaart van Caprivi Zipfel” wat sy posiesie aantoon in verband met die orige deel van Suidwes-Afrika, Brits Betsjoeanaland en die Unie van Suidafrika.



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British Guiana.

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REPORT

ON THE

DEPARTMENT OF SCIENCE AND AGRICULTURE,

FOR THE YEAR

1926.

J. 79172x

Printed by the Authority of His Excellency the Governor.

GEORGETOWN, DEMERARA.

"THE ARGOSY" COMPANY, LIMITED, PRINTERS TO THE GOVERNMENT OF BRITISH GUIANA.

1928.

No. 15,241.

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**REPORT OF THE DEPARTMENT OF SCIENCE AND AGRICULTURE
FOR THE YEAR ENDED 31st DECEMBER, 1926.**

1. The following is my report on the working of the Department of Science and Agriculture for the year ended 31st December, 1926. Appended to it are detailed reports relating to the several divisions of the Department as follows:—

- (1) The work of the Chemical division appears in the report of the Government Analyst.—Appendix I.
- (2) The general work of the Botanical division is dealt with in the report of the Botanic Gardens.—Appendix II.
- (3) The report of the Assistant Botanist and Mycologist.—Appendix III.
- (4) The report on Agricultural Instruction comprises Appendix IV.
- (5) The work of the Biological division is shown in the report of the Economic Biologist.—Appendix V.
- (6) The work of the Veterinary division comprises the report of the Acting Veterinary Surgeon.—Appendix VI.

The Meteorological observations for the Calendar year 1926, taken at the Botanic Gardens, Georgetown, and at other stations in the Colony, are published as a separate report.

STAFF.

2. *Head Office.*—The Director of Science and Agriculture, Sir John B. Harrison, C.M.G., M.A., F.I.C., etc., etc., died on the 8th February, 1926, after a prolonged illness. Sir John B. Harrison served this Colony with great distinction for 36 years.

Mr. W. Francis, F.I.C., Assistant Director, acted as Director of Science and Agriculture from the 8th February to the 31st October, and again from the 17th November to the end of the year.

Mr. W. Nowell, D.I.C., F.L.S., assumed the duties of Director of Science and Agriculture on the 1st November, and left the Colony on the 16th of the same month to take up the important appointment of Director of the Amani Research Institute, Tanganyika Territory, to which he had been promoted.

Miss J. Pestano, Clerical Assistant, was granted 14 days' local leave of absence from the 21st August to the 3rd September.

Botanical and Agricultural Division.—Mr. R. Ward, M.B.E., Superintendent, Botanic Gardens and Agricultural Stations, was granted six months' leave of absence, and retired from the service on its expiration, the 31st August, after 40 years of meritorious service. Mr. A. A. Abraham, Horticultural Superintendent, was appointed to act as Superintendent of the Botanic Gardens on the 24th February.

Mr. Fitz Greeves, the Senior Agricultural Instructor, having reached the age limit, was granted six months' leave of absence, prior to retiring from the Service. Consequent on his retirement Mr. W. H. Matthews became the Senior Agricultural Instructor, and Mr. E. M. Morgan, a Senior Agricultural Instructor. Mr. C. C. Dowding, was, at the same time, appointed an Agricultural Instructor. Mr. H. A.

Cole, Agricultural Assistant, was promoted to the Fixed Establishment on the 1st June, and Mr. J. A. Read appointed an Agricultural Assistant, on the unfixed establishment, on the 3rd August.

The following transfers were made during the year :—

Mr. W. H. Matthews, Agricultural Instructor, Pomeroon District, to be Agricultural Instructor, North West District.

Mr. H. B. France, Superintendent, Model Gardens, to be Agricultural Instructor, Pomeroon District.

Mr. J. A. Read placed in charge of the Model Gardens.

Veterinary Division.—Mr. A. Seton Milne, M.R.C.V.S., Government Veterinary Surgeon, died on the 11th March. Mr. S. N. Bruce, D.V.M., acted as Government Veterinary Surgeon from the 12th March to the end of the year.

EXPENDITURE.

3. The total vote assigned to the Department by the Combined Court at its Session in November, 1925, for the year 1926 was \$93,764, exclusive of the Geological Branch. The following additions were voted on Supplementary Estimates during the year 1926 :—

- \$1,600—Travelling Inspection.
- \$ 160—House Allowance to Travelling Inspector.
- \$ 400—Veterinary Preventive Measures.
- \$ 166—Purchase of tent-boat for Issorora Station.

The total of the Estimates was therefore \$96,090. Of this amount there was at December 31st, 1926, an unexpended balance of \$9,636.43 as shown in the following :—

TABLE I.

ANNUAL ESTIMATES.

No. of Sub-vote.	Sub-vote.	Balances Unexpended.	Excess Expenditure.
1-17	Personal Emoluments—Fixed Establishment	\$ 3,497 30	\$...
18-29 b	Personal Emoluments—Exclusive of Fixed Establishment	1,802 88	...
	OTHER CHARGES.		
30	Allowances for upkeep of Bicycles	27 28	
31	Commuted Travelling	89 67	
32	Travelling Expenses (General)	...	124 37
33-40	General Expenses	189 47	
41	Chemical	9 64	
42	Gas and Electrical Heating	34 85	
43	Botanical	8 31	
44	Meteorological	107 15	
45	Biological	...	15 52
46-47	Botanic Gardens	1 80	
48	Other Government Gardens and Grounds	49	
49	Berbioc Public Gardens	11 37	
50	Purchase, Production and Distribution of Seeds and Plants	2 88	
51-52	Experimental Fields	51 39	
53-55	Department's Stations and Arable Farms	206 07	
56	Live Stock—Purchase of	...	41 97
57	Live Stock—Maintenance of	83 03	
58	D'Urban Park	78	
59	Cutting Grass for Police Horses	17 79	
60	Advertising	60 00	
61	Grants-in-aid	2,123 50	
62	Subsidies	125 93	
63	Agricultural Apprentices	769 78	
64	Veterinary Preventive Measures	196 78	
65	Plant Pests Preventive Measures	...	66 33
66	In lieu of assessments	...	
67	Contingencies	153 58	
68	Botanical Expedition to Mazaruni	321 86	
69	Purchase of apparatus	...	
70	Purchase of tent boat for Issorora station	1 00	
	TOTAL	\$ 9,884 61	\$ 248 18

4. The payments into the Treasury during the year were as follows :—

Laboratory fees	...	...	\$ 377 15
Agricultural Division	...	..	1,191 81
Botanical Division : Economic and Ornamental plants	...	...	912 40
Sale of Official Publications	...	...	27 65
			<hr/>
			\$2,509 01

A sum of \$4,552.38 was also paid into the Treasury, being fines inflicted by the Magistrates on the vendors of adulterated foodstuffs who were prosecuted on the strength of certificates issued by the Chemical Division of this Department.

5. The following are the abstracts of the Meteorological observations recorded at the Botanic Gardens, Georgetown, and at the Penal Settlement, Mazaruni, during the year 1926 :—

Meridian of longitude for calculation of time adopted			
as standard in the Colony	...	...	60° W.
Hours slow of Greenwich time	...	...	3.45

GEORGETOWN.

The meteorological station is situated in the Botanic Gardens, at a distance of 1.45 miles south of the coast-line. The hours of observations are 7 a.m., and 1 and 6 p.m. local official time which is 3 hours and 45 minutes behind Greenwich time. The height of the barometer is 6 feet 6 inches above the mean sea-level.

During the year 1926, the air temperature in the shade for the months of January and December was lower than the means recorded over the period 1846-1925. The highest temperature recorded was 90.0°F. on the 8th May, 27th July, 20th October and 14th November, while the lowest was 69.0°F. recorded on the night of 14th February. The mean shade temperature for the year was 81.3°F. or 0.9°F above the average from 1846 to 1925. The total rainfall was 80.32 inches as compared with 63.25 inches in the year 1925, and with 90.80 inches for the period 1880-1925. The drought continued from the previous year and ended in April. The total rainfall from January to April inclusive was 3.82 inches, as compared with 25.02 inches for the same period in 1925. The heavy rains commenced in May and continued in June and July, with falls of 12.94, 20.82 and 11.60 inches respectively. For the months of July to December inclusive, the total rainfall was 42.74 inches or 2.56 inches in excess of normal. The evaporation from a free water surface, a six feet square tank, at the ground level was 63.14 inches as compared with the normal evaporation 57.90 inches; the evaporation for 1925 being 78.61% of the total rainfall. The total amount of bright sunshine for the year was 2,678.6 hours as compared with 2,671.7 hours in 1925 and with 2,671.2 hours in 1924 and was 222.3 hours above the average from 1846 to 1925. The mean radiation temperature (blackened bulb in vacuo) was 7.2° higher than normal and 1.4° higher than that of the previous year, the maximum monthly record during the year being 152.9° for October, while the highest daily record, 161.0° occurred on the 6th and 7th September and 12th November. The mean minimum temperature recorded at night on grass was 2.1° higher than the average. The mean velocity of the wind was 7.06 miles per hour, the maximum velocity being 18.75 miles per hour.

MAZARUNI.

A sub-station established at the Penal Settlement, Mazaruni River, is in longitude 58° 38' 45" W. and latitude 6° 23' 35" N. at a distance of 42 miles south of the coast-line. The hours of observation are the same as at the main station in Georgetown. The height of the barometer is 55 feet above mean sea level.

During 1926 the mean air temperature in the shade was 78.4° F.; the maximum temperature recorded being 92° on several days in September and on 21st October and 7th November, while the minimum 66.5° occurred on 15th February. The total rainfall was 75.00 inches or 43.65 inches lower than that of the previous year; this was due to the abnormal drought experienced from January to April. The general distribution of the rainfall was below that of Georgetown. In the months of February, March, June, July, August, November, and December the rainfall was 0.12, 0.56, 6.27, 4.87, 0.84, 0.25 and 6.81 respectively in excess of that at Mazaruni for the same months. The total rainfall for the year was 5.32 inches below that of Georgetown. Rain fell on 167 days in the year as compared with 159 days at Georgetown. The total amount of bright sunshine recorded during the year was 2,080.1 hours as compared with 2,678.6 hours at Georgetown.

GENERAL AGRICULTURE.

6. The areas under experimental cultivation at the different stations of the Department during the year were as follows:—

TABLE II.

Products.	Acreage.
African Oil Palm ...	3
Balata ..	4
Bananas ...	5
Carludovica Palms ...	1
Coconuts ...	4
Coffee ...	2
Corn (Maize) ...	1
Cotton ...	1
Fibres ...	2
Ground Nuts ...	4
Ground Provisions (various) ...	6
Legumes ...	2
Limes ...	7
Rice ...	16
Rubber, Para ...	36
Rubber, Sapium ...	3
Rubber, other varieties ...	5
Sugar Cane ...	22
Tibicusi, Letter wood ...	1
Tonka Beans ...	1
Total ...	126

The above table does not include the acreage under experimental cultivation at His Majesty's Penal Settlement and Onderneeming Farm and School.

7. *Sugar*.—The agricultural experiments and the field trials in sugar-cane are now dealt with in the report of the British Guiana Sugar Planters' Experiment Station Committee.

8. The total area in sugar-cane cultivation in the Colony during the year 1926 was 57,500 English acres, an increase of 310 acres on the area occupied by the crops of 1925. Enquiries show that the area under cultivation for the ensuing year, 1927, will be more than the area occupied in 1926, as 58,589 acres are reported to be under sugar-cane on December 31st, 1926, of which 3,400 are returned as cultivated by cane-farmers.

12. The average yields in tons of commercial sugar per acre of the principal varieties reaped during the crop of 1926 as deduced from the returns supplied by the managers of the sugar plantations were as follows :—

TABLE VI.

Varieties of Sugar-cane.	Plantations.		Tons Sugar per acre.	
	No. reporting.	Area reported in acres.	Mean.	Maximum.
D. 419	2	68	2.50	3.00
B.H. 10 (12)	3	166	2.26	2.64
D. 118	8	1,566	2.07	2.36
Diamond 37	2	133	2.05	2.17
R.P. 8	2	247	2.00	2.17
B. 208	3	183	1.94	2.28
D. 146	11	2,346	1.84	2.26
*Mixed	13	4,832	1.73	2.70
D. 626	26	36,296	1.67	2.64
Bourbon	3	263	1.67	2.20

*D626 mixed with Bourbon and other seedlings.

13. Owing to the severe drought and to difficulties in securing a fair supply of labour, many of the smaller plantations had not been able to keep up their cultivations as they would otherwise have done, with the result that their crops were short. It is desirable to record separately the results supplied by the managers of the larger and hence more favourably situated plantations. The results were :—

TABLE VII.

Varieties of Sugar-Cane.	Plantations.		Tons sugar per acre.	
	No. reporting.	Area reported in acres.	Mean.	Maximum.
B.H. 10 (12)	3	166	2.26	2.64
D. 118	8	1,566	2.07	2.36
B. 208	3	183	1.94	2.28
D. 626	18	30,979	1.83	2.64
D. 146	11	2,346	1.84	2.26

14. The results of large scale field-trials with other varieties on the sugar plantations are shown in the following table :—

TABLE VIII.

Variety.	Acreage.	Yield.
Diamond 10	32	3.67
Diamond 661	27	3.11
D. 169	78	2.10
Ba. 603B	48	2.10
D. 167	35	2.03
D. 189	15	1.74
Green Transparent	14	1.69
P.L. 2	87	1.26

15. The production of sugar on the sugar plantations for the year 1926 was 98,152 tons from 55,728 acres as compared with 107,530 tons in 1925 from 55,676 acres, while the export amounted to 84,659 tons, the latter a decrease of 13,055 tons on that of 1925. The export of rum was 789,642 gallons as compared with 1,148,119 gallons in 1925. 2,017,862 gallons of molasses were exported during the year, the largest on record. The export of molascuit or cattle food was 1,075 tons.

16. The following Table shows the actual production of sugar and the amounts exported during the years 1911-1926 :—

TABLE IX.

	SUGAR, TONS.		
	Produced.	Exported.	Home consumption or in store.
1911	106,175	98,458	9,733
1912	86,410	77,821	8,599
1913	105,211	87,414	*19,217
1914	116,622	107,138	9,484
1915	119,091	116,324	2,867
1916	114,259	101,850	12,643
1917	108,181	114,407	
1918	107,660	93,901	13,659
1919	86,971	83,139	3,832
1920	97,186	83,765	3,421
1921	110,935	106,370	4,715
1922	101,128	90,570	10,558
1923	90,758	83,166	7,592
1924	90,875	85,896	4,979
1925	107,590	97,714	9,876
1926	96,152	84,659	11,493
Average 1911-26...	102,511	94,639	7,873

*Including sugar destroyed by the 1913 fire in Charlestown.

The local consumption of sugar has been, in round figures, during the period 1911-1926, 7,800 tons a year.

The following Table shows the annual acreage planted in sugar cane, the acreage reaped each year and the total amount of sugar produced, for the years 1919 to 1926 and the average for the period 1919 to 1926. It also shows the average production of sugar per acre under cultivation and per acre reaped :—

TABLE X.

Period.	Area under cultivation in acres. (English acres.)	Area reaped per annum. Acres. (English acres):	Average Tons of Sugar per annum.		
			Total.	Per acre under cultivation.	Per acre reaped.
1919	70,876	55,944	86,971	1.23	1.65
1920	69,532	53,222	96,210	1.38	1.95
1921	63,420	58,027	107,815	1.70	1.95
1922	60,761	56,547	101,095	1.68	1.79
1923	57,814	50,510	89,811	1.55	1.73
1924	57,200	48,836	90,875	1.60	1.86
1925	67,500	55,578	107,590	1.57	1.93
1926	61,369	51,723	96,152	1.57	1.76
1919-26	61,961	54,936	96,439	1.55	1.75

RICE.

Experimental.

17. The year 1926 proved unfavourable to the cultivation of padi at the Experimental Fields in common with the cultivation along the East Coast.

The quantity of padi which was harvested at the end of 1926 was 32,581 lbs. against 41,652 lbs. in 1925.

Owing to the drought which prevailed in 1926 the sowing of padi did not commence until during the month of June, and no doubt the reduced yield is due to the lateness of planting the seedlings, although the growth during the period of cultivation was very promising.

As in previous years the following varieties or strains which are of proven value, viz., Nos. 75, 77, 78, 99, Demerara Creole, H. 6 and Strain 7 were planted in the north field on duplicated half plots.

The following Table gives the average yield per acre of each variety for the year 1926 as compared with that of 1925 :—

TABLE XI.

Variety or Strain.	1925. Average Yield.	1926. Average Yield.	Decrease.
No. 75 ...	21.65 bags	29.82 bags	8.17 bags.
No. 77 ...	20.07 "	27.32 "	7.25 "
No. 78 ...	20.78 "	29.30 "	8.52 "
No. 79 ...	21.21 "	27.92 "	6.71 "
Demerara Creole ...	21.16 "	28.45 "	7.29 "
Variety H. 6 ...	20.65 "	27.88 "	6.73 "
Strain 7 ...	23.87 "	27.88 "	4.01 "

The weight of straw was greater in proportion to the yield of padi in 1926 as compared with that of 1925.

18. The duplicate and quadruplicate trials of Ceylon varieties and other strains in small $\frac{1}{16}$ acre plots were also continued this year. The Demerara Creole and No. 75 being employed for comparison of yield. The trials gave the following results:—

TABLE XII.

Varieties or Strains.		Bags of 140 lbs. per acre.
No. 75 ...	...	22.14
Demerara Creole ...	...	22.27
N.N. $\frac{1}{8}$ (Ceylon) ...	...	22.02
M.D. 11 " ...	...	22.74
Bibili " ...	...	20.00
H.J. 16 ...	...	14.87
Sulai ...	...	18.81
McKenzie City, Demerara River ...	...	30.48

Honderawella, H.H. 3, H.F. 14 and No. 19 Ceylon varieties which proved failures last year were discarded. Honderawella proving to be a bearded rice apart from its poor yield.

This has now been the third trial of the above 5 Ceylon varieties. Of these N.N. 2-8 M.D. 11 and Bibili continue to show promise of profitable yields.

19. Further trials with Ceylon varieties and British Guiana Hybrid No. 35 were continued on larger plots—approximately $\frac{1}{4}$ of an acre in the north-west field, No. 77 being used for comparison. British Guiana Hybrids Nos. 33 and 37 were discarded this year owing to their very poor yield. The results were as follows:—

TABLE XIII.

Varieties or Strains.		Bags of 140 lbs. per acre.
No. 77 ...	...	18.55
Hybrid 35 ...	...	24.18
M.D. 11 ...	...	20.57
Indersal ...	...	22.45
H.J. 16 ...	...	20.81
19 ...	...	19.69

20. *The North Field Extension.*—This new area of 3 acres which was laid out and planted in 1925 for the first time was also planted in 1926. In this area the following varieties were planted on duplicated plots:—H. 6, 75, 78, Nismes, Berbice Creole H.J. 16, 77, 79, Demerara Creole, H. 7 and M. D. 11. The yield from this section was also below that of 1925. The factors governing this were late planting, owing to the drought and infestation of the rice-borers.

21. The padi obtained this year from the several varieties,—notwithstanding adverse conditions,—has maintained its usual high standard of excellent quality. The whole crop has already been booked by padi-growers through the Resident and District Agricultural Instructors and has been allotted as follows :—

East Coast	...	...	90 bags.
Berbice	...	...	32 "
Essequibo	...	...	40 "
Total			162 "

This does not include the quantity of seed padi which has been reserved for further experiments at the Botanic Gardens.

It will be observed that the greatest number of bags is being supplied to the East Coast farmers owing to the very poor quality rice produced in 1926.

The total area planted in rice was 15 acres.

CULTIVATION.

22. The actual area occupied by rice cultivation in the colony was returned at 32,798 acres, of which 16,647 acres yielded both spring and autumn crops, the area cropped being 49,445 acres. Of the total area 9,841 acres were used for rice-growing on sugar plantations. Owing to the drought which continued during the first four months of the year the spring crop was a poor one, but due to the favourable weather conditions the autumn crop was a very satisfactory one, and most of the rice produced was of very good quality. The harvest resulted in a return of 49,899 tons equal to 798,394 bags of 140 lbs. of padi, and equivalent to about 29,939 tons, or to 372,583 bags of 180 lbs. of cleaned rice. The yield per acre reaped was at the rate of 16.1 bags of padi. During the year 2,914 tons of rice were exported.

23. The rates of yields per acre reported from the various country districts varied widely. The following Table shows the yields per acre per crop in the districts :—

TABLE XIV.

District.	Acreage reaped.	Bags of Padi of 140 lbs. per acre.
North West District	16	3.3
Essequibo Coast	9,316	15.4
Essequibo River	5,303	16.7
Pomeroon	19	5.4
West Demerara	3,355	15.3
West Bank, Demarara River	417	14.9
East Demerara	3,473	15.8
Mahaicony-Abary	3,675	15.9
West Coast, Berbice	11,072	13.0
New Amsterdam and Berbice River	6,155	19.3
Courantyne	6,644	21.0
The Colony (Total reaped)	49,445	Average 16.1

24. The relation of the rice-growing industry to the sugar-cane and other agricultural industries of the colony during the period 1903 to 1926 is summarised in the following Table XV. in which the areas occupied by the various industries are given in British acres :—

TABLE XV.

Period.	Sugar-cane.	Rice.	Other Products.	Total area under cultivation.
1903	78,860	17,503	21,442	117,805
1908	74,865	39,748	33,356	147,967
1913	72,698	35,582	43,832	152,072
1918	73,565	60,432	63,890	197,887
1919	70,876	61,400	53,341	190,717
1920	69,532	55,246	51,214	175,992
1921	63,420	55,911	52,820	172,151
1922	60,760	49,070	48,170	158,000
1923	57,814	34,965	43,773	136,552
1924	57,190	29,406	40,698	127,294
1925	57,500	29,333	52,710	139,543
1926	68,689	32,798	50,014	151,501

The area of land devoted in 1926 to the cultivation of rice was 23.19 per cent. of the total cultivated area of the colony, while lands occupied with sugar made up 41.43 per cent. of such area.

Very large areas of the front lands of the colony, pre-eminently suited for the cultivation of rice, are still not so occupied.

25. The gradual extension of the rice industry is illustrated in the following Table which gives at five yearly intervals to 1922, and thence in years, the areas in British acres, under rice in the counties of the colony, and the total yields of padi and of rice in long tons :—

TABLE XVI.

Period.	Mean Rainfall Coastal Stations Calendar Year	Areas under rice cultivation. British Acres reaped.				Yields of British Guiana.				
		Berbice.	Demerara.	Essequibo.		British Guiana total acreage. (reaped)	Padi tons.	Rice, tons (60% yield of cleaned Rice from Padi)	Tons per acre.	
				Mainland	Islands				Padi	Rice
1898-1902	88.2	4,874	1,592	308	...	6,778	6,374	3,884	0.94	0.56
1903-1907	99.2	8,684	4,952	3,076	1,001	17,712	17,701	10,620	0.99	0.59
1908-1912	99.1	16,893	13,882	5,042	3,941	39,746	50,010	33,006	1.25	0.73
1913-1917	89.6	16,406	24,372	4,685	3,930	49,696	60,660	36,336	1.22	0.73
1918-1922	92.9	32,151	16,073	4,983	4,799	58,046	47,514	28,508	0.82	0.49
1923	80.9	16,460	10,824	7,010	4,421	38,716	33,270	19,962	0.86	0.51
1924	83.54	17,196	10,878	7,383	4,716	40,573	42,100	25,290	1.04	0.62
1925	63.25	16,524	10,093	8,635	4,618	39,890	38,403	23,042	0.96	0.58
1926	74.96	23,871	10,920	9,351	5,308	49,445	49,699	29,939	1.00	0.60

COCONUTS.

26. The area returned as planted in coconut palms in the colony was 30,502 as compared with 29,979 in 1925. The practical abandonment of certain plantations owing to the prevalence of bud-rot disease, neglected control, and still more important unsatisfactory conditions of main and internal drainage has very greatly lessened what should have been the normal increase in planted areas. The development of the industry during five yearly periods since 1904 is shown in the following Table :—

TABLE XVII

Year.	No. of acres planted.
1904	5,140
1909	9,466
1914	15,894
1920	24,425
1924	25,201
1925	29,979
1926	30,502

27. The production of coconuts during 1926 was returned by the growers at 19,619,000 nuts. A large proportion of the crop was used for the production of oil for local use and of copra for export. The export of coconut oil was 18,778 gallons during 1926. The production of copra greatly increased, 34,111 cwt. being exported during the year under report, as compared with 17,277 cwt. in 1925. The equivalent in coconuts of nuts and products was 17,292,500 nuts.

28. The following Table gives the export of coconuts for quinquennial periods 1892 to 1916 :—

TABLE XVIII.

Periods.	...	Average Annual Exports.
1892-6	...	80,370 nuts.
1897-1901	...	21,890 "
1902-06	...	187,300 "
1907-11	...	526,900 "
1912-16	...	1,600,830 "

Since 1914 records have been available for the annual exports of coconut oil and copra. Assuming that 60 nuts yielded one gallon of coconut oil and that 450 nuts are equivalent to 1 cwt. of copra the export of coconuts and their products, in terms of coconuts, have been as follows :—

TABLE XIX.

	EXPORTS.			
	As Nuts.	As Oil.	As Copra.	Total Nuts.
1914-1921 (8 years) ...	2,452,000	1,204,000	668,000	4,324,000
1922 ...	2,131,000	1,763,600	940,500	4,835,000
1923 ...	2,650,000	1,607,000	3,780,000	8,037,000
1924 ...	1,659,800	1,308,240	7,424,600	10,296,640
1925 ...	1,383,200	1,323,640	7,774,600	10,481,570
1926 ...	816,000	1,126,680	15,349,960	17,292,630

29. The varieties raised at the Botanic Gardens from imported seed and from selected nuts yielded satisfactory crops. Some specially selected nuts were distributed for planting purposes.

PARA RUBBER.

30. The total amount of rubber exported during the year was 34,360 lbs. This rubber was well reported on, and fairly good prices realised.

At the Government Experimental Stations the following quantities of rubber were produced :—

North West Station	...	734 lbs. 4 ozs.
Onderneeming Industrial School	...	Nil.

Owing to the market price of the raw material the area occupied by Para Rubber was increased during the year to 2,000 acres. Many estates are reclaiming abandoned areas, and bleeding the trees on them.

31. The average rates of growth of trees at the various stations have been as follows :—

TABLE XX.

Age of trees in years.	Girth in inches at 3 feet from the ground.				Age of trees.
	Onderneeming.	Issorora.	Georgetown.	Marlborough.	
1	3.0	9.0	1.0	2.0	1
2	8.7	4.5	3.3	7.0	2
3	12.7	8.0	4.7	9.0	3
4	17.7	8.5	6.5	13.0	4
5	21.0	13.2	7.0	15.5	5
6	22.3	15.2	7.3	17.0	6
7	24.0	20.4	9.7	23.9	7
8	25.2	21.5	9.7	25.2	8
9	25.7	27.5	11.7	32.3	9
10	30.0	23.0	12.3	36.0	10
11	32.6	31.3	13.0	...	11
12	34.5	35.0	13.0	...	12
13	43.7	35.5	13.0	...	13
14	44.1 (3)	38.1	14.0	...	14
15	45.3 (3)	38.6	14.0	...	15
16	48.0 (3)	40.7	15.3	...	16
17	50.0 (3)	42.1	15.4	...	17
18	51.2 (3)	...	17.4	...	18
19	51.6 (2)	...	...	...	...
20	52.7 (2)	...	...	...	...
21	57.5 (1)	...	...	...	...
22	61.5 (1)	...	...	...	...

- (1) Three trees only.
(2) Seven trees only.
(3) Many of these trees were cut down in 1921.

An analysis towards the end of 1924 of the girths of the older trees planted prior to 1912 at Onderneeming and Issorora resulted as follows:—

TABLE XXI.

Girths at 36 inches from base.	TREES.			
	Onderneeming.		Issorora.	
	Number.	Per cent.	Number.	Per cent.
30 to 40 ...	3	5.2	...	...
41 to 45 ...	5	5.3	41	27.9
46 to 50 ...	14	24.6	56	38.1
51 to 55 ...	15	26.3	23	15.6
56 to 60 ...	14	24.6	11	7.5
61 and over ...	3	14.1	16	10.9

The numbers and girths of the trees which are now over 59 inches in circumference at the two stations are as follows:—

TABLE XXII.

Girth Inches.	NUMBER OF TREES.				Girth Inches.
	Onderneeming.		Issorora.		
	1923.	1924.	1923.	1924.	
60	1	4	2	1	60
61	...	2	2	3	61
62	2	...	...	3	62
63	1	...	2	1	63
64	1	2	3	2	64
65	...	2	1	2	65
66	...	...	1	2	66
67	...	...	...	1	67
69	...	1	...	1	69
70	...	1	...	...	70
74	...	1	...	...	74
79	1	...	...	...	79
87	...	...	1	...	87
88	...	...	...	1	88

BALATA.

32. Five thousand three hundred and thirty-four cwts. of balata were exported during the year under report. This shows a decrease of two thousand seven hundred and forty-five cwts. as compared with 1925. This decrease was due to the drought interfering with the work on the balata grants.

The balata trees planted experimentally at Issorora have attained the following measurements :—

TABLE XXIII.

	Circumference at 4 feet 6 inches from ground.	Height.
3 TREES 17 YEARS OLD—		
Mean	30 inches	46 feet
Maximum	31 "	47 "
Minimum	27 "	41 "
43 TREES 13 YEARS OLD—		
Mean	26 inches	39 feet
Maximum	34 "	45 "
Minimum	21 "	33 "
33 TREES 12 YEARS OLD—		
Mean	23 inches	33 feet
Maximum	27 "	39 "
Minimum	14 "	27 "
137 TREES 11 YEARS OLD—		
Mean	20 inches	29 feet
Maximum	28 "	40 "
Minimum	15 "	21 "

The mean growth of the Balata trees has been slow, the average being 1.85 inches increase in circumference per annum, the maximum rate being 2.62 inches, and the minimum 1.17 inches.

Balata trees may therefore take 30 years from planting out for the trees of a group to attain the legal tappable size—a girth of 36 inches at 4 feet 6 inches from the crown of the roots although about half of them may attain this size in 20 years while the most rapidly growing trees may do it in 14 years. Hence it will not be feasible on plantations of balata trees to commence any tapping operations at an earlier period than 15 years from planting out.

COFFEE.

33. The acreage under this product during 1926 was returned at 5,226 acres. This area is occupied almost entirely with Liberian coffee. About 100 acres are planted with coffee in the empoldered areas of sugar plantations. The areas returned as under cultivation in coffee during the two preceding years were 6,243 and 5,765 acres respectively; but many cultivators who during these years had more or less abandoned the cultivation of their coffee fields have on account of high prices again brought the coffee thereon into cultivation and have to some extent added to the area occupied by coffee. A considerable acreage was destroyed by fire during the drought. The extent of the area under cultivation with coffee during recent years is indicated by the following Table :—

TABLE XXIV.

Year.	Area stated to be under Coffee cultivation.
1905	... 1,432 acres.
1910	... 2,546 "
1915	... 4,468 "
1920	... 5,050 "
1921	... 5,030 "
1922	... 4,240 "
1923	... 4,096 "
1924	... 5,765 "
1925	... 6,243 "
1926	... 5,226 "

Most of the coffee grown in the Colony is consumed locally, but the quantity is increasing. In 1926, 6,904 cwts. were exported as compared with 5,964 cwts. in 1925.

CACAO.

34. The area reported as under cacao was 1,287 acres.

The lack of progress of the cacao-growing industry during the past 17 years is shown by the following Table :—

Year.			Areas under Cacao.
1905	...	...	... 1,994 acres.
1910	...	...	... 2,016 "
1915	...	...	... 2,020 "
1923	...	...	... 1,903 "
1924	...	...	... 1,918 "
1925	...	...	... 1,918 "
1926	...	...	... 1,287 "

All the cacao produced is used locally in the production of chocolate or of confectionery. There are extensive belts of land on the northern reaches of the rivers of British Guiana well suited in climate, in altitude and in facilities for drainage for cacao-growing, and it is to be greatly regretted that this cultivation has not largely increased.

LIMES.

35. The area returned as planted in lime trees in the Colony during 1926 was 490 acres, the reduction in area being due to the abandonment of the cultivation at Agatash where the manufacture of citrate of lime and of concentrated lime-juice failed to give remunerative results. The industry is still carried on at Plantation Providence, Berbice, and at the Onderneening Government Farm, Essequibo.

The returns from these plantations show that 4,982 gallons of concentrated lime-juice and 337 gallons of essential oil of limes were produced during 1926.

There was not any citrate of lime exported whilst the exports of lime-juice and of essential oil of limes were 4,974 gallons and 277 gallons respectively.

GROUND PROVISIONS.

36. The acreage returned as being under ground provisions was 14,509 acres as compared with the maximum area of 18,239 acres in 1915, and with an area of 11,715 acres in 1925.

BANANAS.

37. At the time of writing 1,000 plants of "Giant Fig" have been imported from Trinidad. It is very necessary that the nomenclature of the local varieties be definitely settled and steps be taken to collect suckers of all the varieties known in this Colony and grow them at the Botanic Station. In this way the confusion which appears to exist at present will be avoided.

The difficulties to be overcome before we can expect an export trade are well-known. Apart altogether from the question of the variety to be grown, immunity from disease, the question of transport would have to be faced—the 4,200 acres required to permit of a minimum shipment of 30,000 bunches of fruit every fortnight, would have to be so situated as to afford economical handling to the shipping point. It is obvious, too, that satisfactory transport from this port must be well assured before growers can undertake to plant large areas. The utilization of rejected fruit would also have to be considered.

Fairly large areas of bananas in the aggregate are found in this Colony, but as a rule only small areas belong to any one farmer. On the West Coast of Demerara

farmers have suffered losses from a disease amongst their bananas, specimens of which were recently brought down by Captain Beckett and submitted to the Government Mycologist for examination.

At Pln. Hope, E.C. Demerara, there is a large area under bananas—these plants appeared particularly healthy.

The question of the establishment of a banana industry it will be seen, is one that cannot be undertaken "lightly or unadvisedly"—not the least of our difficulties will be the organization of our labour force.

AREA UNDER AGRICULTURAL PRODUCTS.

38. The following Table shows the number of acres under cultivation in 1926 with the more important products in the three counties. The records have been collated from the returns made to the District Commissaries or to the District Agricultural Officers by cultivators. As in former years, the figures are minimum ones, many cultivators being determined not to give reliable information regarding the acreages of their lands under cultivation and more especially accurate returns of the crops obtained therefrom, owing to their idea that the statistics are required for purposes of future taxation, instead of as guides as to the colony's Agricultural progress:—

TABLE XXVI.

Counties.	Nature of Crops and Number of Acres at 31st December, 1926.								
	Canes.	Rice.	Coconuts.	Cacao.	Coffee.	Rubber.	Limes.	Ground Provisions.	Total.
	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.	Acres.
County of Berbice	18,410	17,247	6,019	17	10	222	280	4,641	47,849
County of Demerara	36,306	5,937	13,401	1,073	3,066	1,288	47	6,068	67,176
County of Essequibo	2,873	9,614	7,062	197	2,160	480	163	3,807	26,376
Total in Acres	58,589	32,798	26,502	1,287	5,226	2,000	490	14,508	141,401

39. In Table XXVII are given the returns of the acres under various products during the years 1905, 1910, 1915, 1920, 1921, 1922, 1923, 1924, 1925 and 1926. This consolidated form probably gives a closer insight into the extension or contraction of the cultivation of varied kinds of agricultural products than did the more elaborate ones published in the earlier reports.

TABLE XXVII.

ACREAGE UNDER CULTIVATION WITH VARIOUS PRODUCTS, 1905 TO 1926.

Counties.	Year.	Nature of Crops and Number of Acres in each of the Years 1905, 1910, 1915, 1920, 1921, 1922, 1923, 1924, 1925 and 1926.								Total area under cultivation.
		Sugar.	Rice.	Coconuts	Cacao.	Coffee.	Rubber.	Limes.	Maize, Plantains, &c., and Ground Provisions.	
Berbice	1905	18,251	13,721	4,104	2	87	...	...	6,788	42,933
	1910	19,295	12,348	5,009	89	51	30	143	5,932	43,587
	1915	22,102	29,516	7,081	64	40	603	439	5,430	65,276
	1920	19,464	32,491	5,353	86	24	451	395	4,315	63,129
	1921	19,210	28,283	7,002	49	18	545	401	5,112	66,620
	1922	21,073	13,933	5,084	54	11	572	497	4,000	45,024
	1923	19,350	16,460	4,920	161	22	503	324	2,500	44,240
	1924	19,039	15,797	3,648	30	11	40	411	3,311	42,273
Demerara	1905	20,289	14,426	8,442	30	32	280	470	2,522	46,991
	1910	19,410	17,247	6,019	17	10	222	280	4,044	47,549
	1915	40,956	5,437	1,647	1,754	224	...	...	10,437	69,455
	1910	46,388	7,429	2,431	1,555	1,941	579	...	9,307	69,630
	1915	47,427	10,400	5,597	1,556	2,620	2,229	61	10,543	80,738
	1920	45,248	14,026	10,738	1,455	2,979	1,246	73	7,004	80,369
	1921	40,378	26,087	12,288	385	2,455	1,196	210	5,791	83,300
	1922	36,868	22,750	11,460	1,080	1,830	650	47	4,980	79,625
Essequibo	1923	33,080	10,824	10,180	1,497	1,678	581	80	5,290	63,190
	1924	35,155	6,335	14,300	1,630	3,056	1,039	94	6,613	68,212
	1925	34,384	6,634	14,300	1,630	3,056	1,450	60	5,064	66,578
	1926	36,306	5,937	13,401	1,073	3,056	1,298	41	6,058	67,176
	1905	6,395	4,948	789	227	621	...	...	2,276	15,256
	1910	7,634	8,355	2,123	264	451	311	413	2,230	21,781
	1915	6,933	10,172	5,178	276	1,258	1,233	473	2,266	27,789
	1920	6,818	8,819	7,801	238	1,499	437	525	3,904	30,091
1921	5,832	6,331	7,031	249	2,437	1,072	431	4,474	25,256	
1922	2,820	12,390	10,059	237	2,400	1,111	116	3,950	33,683	
1923	2,700	7,681	7,870	245	2,396	1,016	396	4,134	26,438	
1924	3,005	7,274	7,253	258	2,693	576	216	4,520	26,800	
1925	2,827	7,773	7,237	258	3,155	470	123	4,124	26,974	
1926	2,873	9,614	7,082	197	2,160	490	163	2,607	26,376	

40. The following are the usual summaries of the total acreages under cultivation during the years 1903, 1908, 1913, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925 and 1926:—

TABLE XXVIII.

ACREAGE UNDER CULTIVATION WITH VARIOUS PRODUCTS.

	Year.	Annual Summaries of the Acreages under cultivation during the years 1903, 1908, 1913, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925 and 1926.								Total area under cultivation.
		Sugar Cane.	Rice.	Coconuts.	Cacao.	Coffee.	Rubber.	Limes.	Maize, Plantains, &c., and Ground Provisions.	
British Guiana	1903	78,860	17,500	3,950	1,830	1,390	...	...	15,748	118,978
do.	1908	74,870	29,746	8,730	2,290	1,502	563	...	20,184	137,905
do.	1913	72,685	33,889	14,177	1,863	3,166	4,018	941	17,680	148,319
do.	1918	73,565	60,432	25,882	1,997	5,168	3,981	1,351	21,969	194,325
do.	1919	70,876	61,400	26,882	2,147	5,125	4,042	1,335	18,192	188,999
do.	1920	69,532	55,246	24,453	1,946	5,052	2,813	1,068	16,383	176,833
do.	1921	63,420	65,911	26,321	1,176	5,030	2,813	1,102	16,378	172,151
do.	1922	60,761	49,073	26,603	1,371	4,241	2,333	660	12,930	157,772
do.	1923	57,814	34,956	22,970	1,903	4,096	2,080	800	11,924	136,553
do.	1924	57,190	29,406	25,201	1,918	5,765	1,656	711	14,444	136,290
do.	1925	57,500	29,353	24,979	1,918	5,243	2,200	655	11,715	139,543
do.	1926	55,689	32,798	26,502	1,287	6,226	2,900	490	14,508	141,401

41. In connection with the foregoing returns of area under various cultivations the following Tables show the average annual acreage and average annual exports of products during successive quinquennial periods and in 1923, 1924, 1925 and 1926:—

TABLE XXIX.
SUGAR-CANE AND SUGAR.

PERIODS.	SUGAR-CANE.	SUGAR.
	No. of Acres (British) under cultivation.	Tons of Sugar exported.
1859-1863	No Records	59,000
1864-1868	"	75,330
1869-1873	"	81,700
1874-1878	"	99,940
1879-1883	81,270	103,860
1884-1888	80,690	113,390
1889-1893	79,650	110,900
1894-1898	70,640	101,620
1899-1903	74,170	106,360
1904-1908	75,880	110,830
1909-1913	72,640	94,390
1914-1918	76,672	106,990
1919-1923	65,090	83,728
1923	57,814	83,186
1924	57,190	85,396
1925	57,500	97,728
1926	56,589	84,659

TABLE XXX.
COCONUTS, COPRA AND COCONUT OIL.

PERIODS.	No. of Acres (British) under cultivation.	No. exported to nearest hundred.	Copra, lbs.	Coconut Oil, gallons.
1859-1863	No records	488,708	...	...
1864-1868	"	588,300	...	...
1869-1873	"	669,300	...	...
1874-1878	"	1,211,200	...	...
1879-1883	"	866,300	...	...
1884-1888	"	317,400	...	...
1889-1893	"	133,000	...	...
1894-1898	"	4,400	...	...
1899-1903	"	34,800	...	...
1904-1908	7,040	314,400	...	...
1909-1913	12,460	1,034,200	113,400	7,500
1914-1918	21,014	1,907,500	214,360	25,080
1919-1923	25,373	2,570,000	289,800	20,330
1923	22,970	2,659,000	941,000	26,621
1924	25,201	1,559,800	1,845,896	21,804
1925	29,879	1,363,280	1,935,110	30,394
1926	26,602	816,000	5,820,432	18,778

TABLE XXXI.
CACAO.

PERIODS.	No. of Acres (British) under cultivation.	Cacao exported lbs.	Raw Cacao and prepared Cacao imported lbs.
1884-1888	No records	5,000	102,200
1889-1893	"	16,000	116,000
1894-1898	"	84,800	26,000
1899-1903	"	95,900	10,470
1904-1908	1,940	73,100	20,590
1909-1913	2,140	54,500	20,970
1914-1918	2,114	34,670	54,020
1919	2,147	8,590	102,580 (1)
1920-1922	2,020	(1920) 24,152	(1920) 173,130 (2)
1923	1,903	none	189,063 (3)
1924	1,918	"	188,373 (4)
1925	1,918	"	218,306 (5)
1926	1,287	"	174,086 (6)

- (1) Including 26,336 of raw cacao.
 (2) " 75,950 " "
 (3) " 23,596 " "
 (4) " 27,840 " "
 (5) " 5,345 " "
 (6) " 10,316 " "

It will be noted that there was a considerable decrease in the importation of cacao.

TABLE XXXII.

COFFEE.

PERIODS.	No. of Acres (British) under cultivation.	Coffee exported lbs.	Coffee, raw and prepared, imported lb.
1884-1888	No records	1,840	219,000
1889-1893	"	7,030	250,000
1894-1898	"	5,600	262,700
1899-1903	"	5,880	284,100
1904-1908	1,370	17,900	181,370
1909-1913	2,660	115,200	83,200
1914-1918	4,713	342,190	39,160
1919	5,125	936,540	2,380 (1)
1920	5,032	407,900	7,850 (2)
1921	5,030	405,104	235 (3)
1922	4,240	808,540	1,779 (4)
1923	3,916	535,136	5,248 (5)
1924	3,765	513,072	14,917 (6)
1925	3,243	669,029	1,724 (7)
1926	5,228	772,248	740 (8)

- (1) Including 1,020 lbs. raw coffee.
 (2) " 6,750 lbs. "
 (3) " 24 lbs. "
 (4) " 1,439 lbs. "
 (5) All raw coffee.
 (6) Including 14,620 lbs. raw coffee.
 (7) " 1,073 " "
 (8) All raw coffee.

LIVE STOCK.

42. The returns of the Agricultural Census give the number of cattle in the Colony as 138,092. Of these 77,844 were on the coastlands and 60,248 in the hinterland.

The distribution of live-stock according to the Agricultural Census Returns in the Colony is shown in the following Table:—

TABLE XXXIII.

County or District.	1926.							
	Horses.	Mules.	Donkeys.	Cattle.	Buffaloes.	Goats.	Sheep.	Swine.
Demerara	321	1,190	2,137	16,431	118	2,499	3,923	4,055
Esequibo	55	118	638	8,594	186	2,007	1,732	1,895
Berbice	715	489	5,175	52,819	115	10,968	22,732	10,476
Hinterland	1,100	...	14	60,248	8	...	250	350
Totals	2,191	1,797	8,264	138,092	427	15,504	28,637	16,776

43. The following Table shows the increases and the decreases in the various kinds of live-stock reported as on the frontlands of the Colony since 1916:—

TABLE XXXIV.

	1916.	1918.	1920.	1922.	1923.	1924.	1925.	1926.
Horses	1,016	1,002	941	1,050	800	796	776	1,091
Mules	2,390	2,359	2,105	1,730	1,790	2,300	2,245	1,797
Donkeys	6,466	5,332	7,105	6,160	5,440	5,168	7,561	8,250
Cattle	85,264	77,104	86,933	74,350	66,670	64,315	76,629	77,844
Buffaloes	32	176	174	180	264	169	282	419
Goats	14,766	11,236	11,250	8,310	7,940	9,792	13,650	15,504
Sheep	22,805	20,611	23,202	16,770	15,130	15,985	24,169	28,377
Swine	12,450	12,532	17,401	12,500	11,134	12,689	15,210	16,426

As has been the case for several years the live-stock of the Colony was practically free from infectious diseases during 1926.

44. The number of imported male live-stock belonging to the Board of Agriculture on the 1st January and the 31st December, 1926, were :—

TABLE XXXV.

	BULLS.			RAMS.	Donkeys.	Horses.
	Shorthorn.	Guernsey.	Holstein.	Southdown.		
On hand 1st January, 1926	2	1	1	3	4	1
Imported during 1926	1	...	...	4	...	...
Died during 1926	...	1	1	...	...	...
Sold at auction	1	...	...	...	4	1
On hand 31st December, 1926	2	...	...	7	4	1

45. The following shows the places where the Board's Stallion "Waterbass" was stationed and the number of services performed by him during the year; he also served 23 mares belonging to the Police Department :—

TABLE XXXVI.

Where Stationed.	From	To	No. of services paid for.	Free services to Government Mares.
Botanic Gardens, Georgetown	1st January, 1926	4th February, 1926	...	4
Port Mourant, Barbice	4th February, 1926	26th April, 1926	7	...
Botanic Gardens, Georgetown	26th April, 1926	30th April, 1926	...	...
Essequibo	30th April, 1926	29th May, 1926	4	...
Botanic Gardens, Georgetown	29th May, 1926	31st December, 1926	2	19

46. The following shows the places where the Board's Stallion Donkeys were stationed and the number of services performed by them during the year :—

TABLE XXXVII.

Name of Donkey.	Where Stationed.	From	To	No. of Services.
Greatland Junior	Botanic Gardens	1st January, 1926	31st December, 1926	5
Red Cloud	Onderneeming	1st January, 1926	1st May, 1926	12
"	Botanic Gardens	1st May, 1926	2nd October, 1926	14
"	Pin. Leonora	2nd October, 1926	9th December, 1926	4
"	Botanic Gardens	9th December, 1926	31st December, 1926	...
Tip Top	Barbice	1st January, 1926	31st December, 1926	21
Clay King	Botanic Gardens	1st January, 1926	14th May, 1926	...
"	Pin. Hope	15th May, 1926	3rd October, 1926	5
"	Aurora, Essequibo	4th October, 1926	3rd December, 1926	12

47. *Bulls.*—The Guernsey Bull, "Roosevelt II," born on the 8th January, 1915, was destroyed as being unfit for service on the 25th January.

The Holstein Bull, "Texas Wonder," imported on the 11th June, 1924, died on the 28th August.

The young Holstein Bull, "John," born on the 13th January, 1925, is doing well and will be placed on service early in 1927.

The Shorthorn Bull, "Francis," having proved impotent, was sold at auction. He was imported on the 13th June, 1920.

The Shorthorn Bull, "Duke," was stationed at Onderneeming for the whole of the year.

BIOLOGICAL.

48. The Economic Biologist's annual report shows that several important lines of work were undertaken by this officer during the period under review. Some of the more important of these were as follows :—

(1) Investigations on insect pests on Rice, such as the Rice Bug, the Rice Water-Weevil, and the Rice Moth-Borer.

(2) Continuation of investigation of the stem-borer of coconut palms, *Castnia daedalus* Cram.

(3) Enquiries into various insect pests of Vegetables, Fruit, and Garden Plants.

(4) Investigation on the breeding habits of certain mosquitoes.

The usual routine work of maintaining the collection of insects in this Division and the compilation of data connected therewith, was also carried out. The Economic Biologist also did a considerable amount of travelling to the various agricultural districts during the year.

BOARD OF AGRICULTURE.

49. The following were some of the more important matters dealt with by the Board:—

Appointments.—Mr. G. L. B. Gall, Director of Co-operative Societies, was appointed an ordinary member; Sir Graeme Thomson, K.C.B., etc., and Mr. R. Ward, M.B.E., were appointed Honorary members of the Board.

Deaths.—During the year the Board suffered the loss by death, on the 8th February, of the Chairman, Sir J. B. Harrison, C.M.G., M.A. Sir John Harrison, had been Chairman of this Board from its inception on the 9th August, 1901, during which period he had been absent from only two meetings, one in 1921 and one in 1922, through ill-health; the Board has also lost its Government Veterinary Surgeon, Mr. A. Seton Milne, who was a very active member of the Live Stock and Veterinary Committees.

50. *Agricultural Shows.*—The Acting Director of Science and Agriculture as Acting Chairman of the Board of Agriculture, has at the time of writing this report the following balance with accrued interest in the Post Office Savings Bank, in trust for the purpose of a County Agricultural Exhibition in Georgetown:—

Capital.	Interest.	Total.
\$285.37	\$8.52	\$293.89

Owing to the severe drought experienced (1925-1926) it was found impossible to hold any Agricultural Shows during the year under review. Farmers' Competitions were held on the East Coast under the auspices of the Buxton and Friendship Farming Association and the Victoria-Belfield Agricultural Society. The Judges were pleased at the signs of improvement, especially at Nabaclis, in spite of the discouragement caused by the drought. Buxton and Friendship, although the largest of the Villages, were the most backward so far as Agriculture is concerned. There is, however, a general awakening in the planting of permanent crops.

The following Agricultural Associations were affiliated to the Board for the year 1926:—

British Guiana Farmers' Conference.
 County of Essequibo Agricultural Association.
 No. 1 Canal Farming Association.
 No. 2 Canal Farming Association.
 Buxton and Friendship Farming Association.
 Victoria-Belfield Agricultural Society.
 Beterverwagting and Triumph Farming Association.
 Plaisance and Sparendam Farming Association.
 Mahaicony Farming Association.

Importation of Stock.—During the year the Board imported :—

One Shorthorn bull.
 Four Blackfaced Shropshire rams.
 Three Blackfaced Shropshire ewes.
 Four trios Barred Plymouth Rock Fowls.
 Four trios Brown Leghorn Fowls.
 Four trios-Indian Runner Ducks.

51. *The Journal of the Board.*—Four issues of the Journal appeared during the year—Volume XIX. Nos. 1, 2, 3 and 4. The circulation of these numbers was :—

		Local.	Foreign.	Total.
January, 1926	...	1,032	194	1,226
April, 1926	...	1,075	195	1,270
July, 1926	...	1,131	202	1,333
October, 1926	...	1,127	207	1,334

The cost of publication of these four issues was \$759.42.

AGRICULTURAL APPRENTICES.

52. On January 1st., 1926, there were two second year journeymen, seven apprentices and four probationers.

One journeyman completed in August and is at present employed at the Botanic Gardens.

One journeyman was permitted to take up an appointment at the Vegetable Products Depot before he had completed his term.

One apprentice's indenture was terminated on account of unsatisfactory conduct.

The health of one apprentice broke down and he was allowed to resign.

Two probationers were admitted during the year.

Four probationers were indentured during the year.

The number of lads in training at the Botanic Gardens and Experimental Fields on 31st December was nine apprentices and two probationers.

The total expenditure on the apprenticeship scheme during the year amounted to \$3,240.22 as compared with \$2,893.56 in the previous year. Of the expenditure in 1926, \$1,631.70 and \$805.37 were recouped respectively as the value of the labour of the lads and as payment from them for their dietaries, thus reducing the cost of the scheme to \$803.15.

The work done by the apprentices showed signs of general improvement, and the duties that they were called upon to perform were carried out satisfactorily.

DISTRICT GARDENS.

53. The District Gardens were transferred to the control of the Education Department on January 1st, 1926.

DISTRICT INSTRUCTORS.

54. The Travelling Inspector, Captain Edgar Beckett, F.L.S., took over his duties in May, and since a great improvement in agricultural control has taken place. A report by this officer is attached.

The work of the Resident Instructors is supplemented by part-time District Instructors. The vote for District Instructors for 1926 was \$6,636.

Part-time District Agricultural Instructors are stationed in the following divisions of the Colony :—

West Bank, Demerara River, and Canal Polder District.
 East Bank, Demerara River District.
 Essequibo Islands District.
 Essequibo Coast District.
 Mahaica-Mahaicony District.
 Berbice River District.
 West Coast Berbice District
 Parika and Leguan District.
 Corentyne District.

THE GOVERNMENT CHEMICAL LABORATORY.

55. The work carried out in the Chemical Laboratory during the period under review has been of a most valuable nature. Five thousand nine hundred and thirty samples were received at the Government Laboratory for examination. In the previous year five thousand eight hundred and fifty-eight samples were received. This does not include the number of samples of sugar canes analysed at Sophia Experiment Station.

The reports published under the Food and Drugs Ordinance show that four thousand and fifty-six samples of food and drink other than spirituous liquors submitted for examination for non-fiscal purposes were examined. Of these two hundred and eighty-two were returned as adulterated, this being at the rate of 6.9 per cent, as compared with 7.0 per cent. in the previous year.

The fines inflicted by the Magistrates for breaches of the Ordinance amounted to four thousand five hundred and fifty-two dollars and thirty-eight cents. The greater number of convictions were for the sale of adulterated milk. The fines for adulterated samples taken on Sundays, Public Holidays, and after official hours, amounted to one thousand eight hundred and nineteen dollars and eighty-four cents.

Twenty-six manufactories of Aerated Waters were at work in the Colony during 1926. These are well equipped, and the products regularly analysed as to their purity. I have noticed a great improvement in the sanitary state of these factories, and in the quality of the various drinks made.

GEOLOGICAL AND MINERALOGICAL BRANCH.

56. The Geological Division continued the Preliminary Survey of the Gold and Diamond fields. The report on the examination of the Mazaruni and Puruni field, by Mr. H. J. C. Conolly, Economic Geologist, was published during the year, and can be purchased locally or from the Crown Agents in London. Mr. S. Bracewell, Assistant Geologist, spent seven months of the year in a survey of the Potaro-Ireng district, being assisted by Mr. W. T. Lord, Topographical Surveyor, and Mr. H. F. King. The report will be published shortly as a Sessional Paper.

The direction of the Branch has now been transferred to the Department of Lands and Mines, but accommodation is still provided in this Department's offices.

A number of mineral samples were submitted and determined during the year.

BOTANIC GARDENS.

57. Horticultural progress at the Botanic Gardens and at the various minor gardens in Georgetown was somewhat hampered by the continuance of the drought into the earlier part of the year under review. The planting, however, of annuals, etc., on the borders of the beds was pushed forward when the drought came to an end. The Gardens in general, both the Botanic and minor gardens received careful attention during the year and much work was done in regard to pruning.

Efforts were made during the year to improve the lawns of the Flower Garden section of the Botanic Gardens. A great deal of work was done in this respect. The front portions of the lawns were raised and levelled. It is hoped to continue this work during 1927 should funds allow.

There was a greater demand for economic plants this year than last year. The total number of economic plants sold during 1926 was 8,572 against 4,471 of the previous year.

The New Amsterdam Garden was well maintained during the year.

The Municipal Gardens were kept in good order and condition during the year under review.

The revenue from sales of economic plants at the Botanic Gardens including the receipts for the sale of Colony grown seed-padi and Leghorn Fowls' eggs was \$628.64. The receipts for ornamental plants, cut flowers, etc., amounted to \$528.65.

58. It is impossible to estimate the loss or damage to agriculture directly due to the drought which lasted from September, 1925, to April, 1926, inclusive. During this period of eight months, only 14.36 inches of rain were recorded on the Coastlands of the Colony.

Many of the small rice farmers lost their entire spring crop, but, fortunately, the autumn crop was a good one.

It is estimated that over four thousand cattle died during the drought.

W. FRANCIS,
Acting Director.

SCIENCE AND AGRICULTURE DEPARTMENT,
Georgetown, 17th June, 1927.

**REPORTS OF THE DEPARTMENT OF SCIENCE AND AGRICULTURE
FOR THE YEAR ENDED 31st DECEMBER, 1926.**

APPENDIX I.

REPORT OF THE GOVERNMENT ANALYST.

APPENDIX I.

REPORT OF THE GOVERNMENT ANALYST FOR THE YEAR ENDED
31st DECEMBER, 1926.

SIR,

I have the honour to report that during the year under review five thousand nine hundred and thirty samples were received at the Government Laboratory for examination. This does not include the number of samples of sugar canes analysed at Sophia Experiment Station.

2. Five thousand eight hundred and eighteen of the samples were sent officially by various departments and authorities and were received from the following :—

1. The Comptroller of Customs	1,379
2. The Inspector General of Police	2,492
3. The Chief Commissary	370
4. The Government Medical Officer of Health	857
5. The Municipal Medical Officer of Health	554
6. The Government Electrician	2
7. The Medical Officer—Infant Welfare and Maternity Clinic	1
8. The Director of Science and Agriculture	89
9. The Director of Public Works	64
10. The Surgeon General	7
11. The Stipendiary Magistrates	4
Total	5,818

3. The number of private samples analysed was one hundred and twelve.

4. The following is an abstract of the numbers of official samples submitted to the Government Laboratory since its re-establishment in 1879 :—

1880	...	...	...	70
1890	...	...	...	900
1900	...	...	...	3,486
1910	...	...	...	4,464
1920	...	...	...	3,878
1921	...	...	...	4,385
1922	...	...	...	5,066
1923	...	...	...	6,457
1924	...	...	...	6,446
1925	...	...	...	5,747
1926	...	...	...	5,818

5. The samples received during 1926 may be classified as under :—

1. Viscera (including suspected poisoning)	7
2. Food and Drink (sent for fiscal purposes)	196
3. Food and Drink (sent for non-fiscal purposes)	3,841
4. Petroleum, Petrol, etc.	140
5. Drugs, Oils, Varnishes, etc.	181
6. Tobacco (fiscal)	388
7. Sugar and Molasses	14
8. Manures	1
9. Waters	138
10. Aerated Drinks (including materials for making same)	25

11. Hydrometers, Polariscopes and Thermometers ...	207
12. Wines and Liqueurs ...	378
13. Spirits (Customs Department) ...	55
14. Coloured Rum, Colouring Matter, Sediment (Excise Department) ...	107
15. Illicitly Distilled Spirits ...	8
16. Bitters and Cordials ...	5
17. Methylated Spirits (and materials for making same)	60
18. Rocks and Minerals ...	27
19. Assay of ores for gold ...	17
20. Opium ...	9
21. Articles of clothing ...	2
22. Bay Rum (including denaturants for) ...	41
23. Medicines and Tinctures (Excise Department) ...	74
24. Miscellaneous ...	9
Total ...	5,930

6. *Substances including Viscera suspected to contain Poison*:—Eight cases of alleged poisoning entailing the examination of twenty-seven exhibits were reported during the year under review.

The following Table illustrates the position regarding such work during the years 1911-1926 :—

YEAR.	NUMBERS.				POISONS DETECTED.													
	Cases investi- gated.	Deaths.	Exhibits un- submitted.	Cases in which poisons were found.	Tartar Emetic.	Ground glass.	Styrobaine.	Arsenic.	Detra (Atropine).	Potassium Cyanide.	Cocaine Sublimata.	Opium.	Carbolic acid.	Sulphuric acid.	Nicotine.	Morphia.	Mercuric Iodide.	Mercury (in fine state of divi- sion).
1911...	4	0	6	3	1	...	1	1	...	...	...	...	...	...	...	...	...	...
1912...	1	10	1	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...
1913...	3	9	2	2	1	...	1	...	...	1	1	...	...	...	...	...	...	...
1914...	5	24	2	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...
1915...	6	13	2	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...
1916...	4	9	2	1	...	...	1	...	...	...	...	...	1	...	...	...	...	...
1917...	3	7	2	1	...	...	...	...	1	...	...	...	...	...	...	...	...	...
1918...	2	5	2	1	...	...	...	...	...	1	...	...	...	...	1	...	...	...
1919...	2	3	2	1	...	...	...	1	...	1	...	...	...	...	...	...	...	...
1920...	6	1	9	2	...	...	...	...	...	1	...	...	...	...	...	...	...	...
1921...	11	3	31	7	...	...	1	...	...	1	...	2	1	...	...	1	...	...
1922...	8	1	15	6	...	1	...	...	1	...	3	...	1	1	...	...	...	...
1923...	4	2	12	2	...	1	...	...	...	1	...	...	...	...	...	...	...	1
1924...	3	1	7	3	...	...	...	...	1	...	2	...	...	...	...	...	...	...
1925...	4	2	14	4	...	...	...	...	...	...	...	...	...	...	...	...	...	...
1926...	8	6	27	6	...	1	...	...	...	3	2	...	...	...	...	...	...	...
	84	31	211	46	2	3	4	2	4	6	11	5	3	2	1	1	1	1

7. *Articles of Food and Drink*.—Four thousand and fifty-six samples of food and drink other than spirituous liquors submitted for examination for non-fiscal purposes were examined under the Sale of Food and Drugs Ordinance. Of these two hundred and eighty-two were returned as adulterated, this being at the rate of 6.95 per cent. as compared with 7.0 per cent. in the previous year. There has been a slight increase in the rate of adulteration of milk as shown by the following Table :—

Year.	Samples submitted.	Per cent. returned as adulterated.		
		All Samples.	Milk Samples.	Samples other than Milk.
1904	308	54.5	42.1	60.6
1904	904	24.6	26.0	7.5
1914	1,189	18.4	12.8	16.6
1915 (9 months)	1,320	17.7	18.2	16.0
1915	1,917	16.9	18.2	12.5
1917	1,727	14.8	15.4	6.0
1918	1,818	14.6	15.4	6.2
1919	1,792	11.3	12.1	9.5
1920	1,898	18.1	19.7	3.1
1921	2,935	8.7	9.6	8.0
1922	3,964	8.4	8.6	5.2
1923	4,101	7.0	7.4	3.8
1924	3,680	8.3	8.8	3.4
1925	3,669	7.0	7.3	3.6
1926	4,056	6.9	7.6	2.2

The articles examined during the year under review were as follows :—

Nature of Foodstuffs examined.	No. examined.	Returned as adulterated.	
		Number.	Per cent.
Milk	3,508	270	7.6
Butter	124	5	4.0
Cheese	1	...	...
Ghi and Phalkaghi...	61	2	3.3
Vinegar	169	4	3.6
Coffee	61	...	...
Flour	12	...	...
Olive Oil	34	1	3.0
Cocunut Oil	13	...	...
Camphorated Oil	2	...	...
Ginger Beer	18	...	...
Soda Water	73	...	...
Mauby	39	...	...
Aerated Drinks	1	...	...
Totals	4,056	282	6.9

The above Table shows that the rates of freedom from adulteration found amongst the samples received including milk, were satisfactory.

During the period under review the fines inflicted by the Magistrates for breaches of the Ordinance amounted to four thousand five hundred and fifty-two dollars and thirty-eight cents. As in previous years the greater number of convictions were for the sale of adulterated milk, and the fact that the vendors of such milk pay the heavy fines inflicted and continue in their occupation shows the very profitable nature of their fraud, a fraud fraught with danger to consumers of milk, especially infants and sick persons. It is evident that only by the constant and stringent administration of the Sale of Food and Drugs Ordinance can the sale of adulterated milk be kept under satisfactory control. The profitable nature of the frauds of removing butter-fat from the milk, and by adding water to it is shown by the fact that during the year under report the vendors of sophisticated milk were able to pay four thousand four hundred and sixty-nine dollars and eighty-eight cents. The fines for adulterated samples taken on Sundays, Public Holidays and after official hours amounted to one thousand eight hundred and nineteen dollars and eighty-four cents.

8. Seventy-one samples of petroleum for illuminating purposes were analysed under the Petroleum and Inflammable Liquids Ordinance, 1916, for the Comptroller of Customs, and were all found to be above the legal standard (Abel Pensky 85 degrees Fah.).

9. *Medicinal Tinctures.*—Seventy-four samples were submitted for analysis by the Excise Department to determine the percentage of alcohol present and their correspondence to the limits of the British Pharmacopia.

10. Seventeen samples of ore were assayed for gold, and were reported on.

11. Twenty-five samples of aerated waters and mauby were examined under the Ordinance. A marked improvement in the quality of the locally manufactured aerated waters due to the conditions prescribed by the Governor-in-Council as to the working and otherwise of manufactories of aerated or artificial mineral waters. These conditions are cited as the Aerated Waters Manufactory Conditions, 1923, and are under section 12 (1) of the Sale of Food and Drugs (Consolidation) Ordinance, 1918. The factories must now have efficient means of filtering the water used in the preparation of the various drinks. A more efficient system of preventing the syrups from contamination is being put in force by the Government Medical Officer of Health. The factories have been visited regularly throughout the year.

12. Nine samples of substances suspected to contain opium or its compounds were sent for examination on account of suspected breaches of the Opium Ordinance.

13. Two hundred and one hydrometers used for Excise purposes have been compared with the standard instruments generally with satisfactory results.

14. In addition to the increased amount of toxicological work, sundry analyses were made in the research laboratory for the Geological Surveyor and others. A large number of waters taken from the Lamaha Canal, and from various rivers and creeks in the Colony were analysed in order to determine to what extent these had been affected by the drought, and as to their suitability for irrigation purposes. An investigation was also carried out in order to determine the origin of the fire at the Gaiety Theatre.

15. *The Receipts of the Laboratory.*—During the period under review the receipts of the Laboratory from the fees paid into the Treasury by private persons and firms for examinations made for them amounted to three hundred and twenty-seven dollars and fifteen cents, an increase of fifty-two dollars and eighty cents. The Treasury also received four thousand five hundred and fifty-two dollars and thirty-eight cents as fines inflicted under the Sale of Food and Drugs Ordinance, the total receipts due to the work of the Laboratory thus amounting to four thousand eight hundred and seventy-nine dollars and fifty-three cents.

I have the honour to be,

Sir,

Your obedient Servant,

W. FRANCIS,
Government Analyst.

THE ACTING DIRECTOR
OF SCIENCE AND AGRICULTURE.

**REPORTS OF THE DEPARTMENT OF SCIENCE AND AGRICULTURE
FOR THE YEAR ENDED 31st DECEMBER, 1926.**

APPENDIX II.

REPORT ON THE BOTANIC GARDENS AND THEIR WORK.

APPENDIX II

BOTANIC GARDENS,
GEORGETOWN, DEMERARA,
23rd March, 1927.

SIR,

I have the honour to submit my report on the working of the Botanic Gardens in Georgetown, and the Public Gardens, New Amsterdam, Berbice, for the year ended 31st December, 1926.

BOTANIC GARDENS, GEORGETOWN.

Ornamental Section.

2. The opening months of the year 1926 were marked by the continuance of the drought which commenced in the later months of 1925. Horticultural progress was, thereby, practically suspended, in respect to the planting of annuals. The edges of the beds on which these annuals are planted both for ornamentation and for the sale of cut flowers were bare for the earlier part of the year. Nevertheless, the sites were forked, manured, and maintained in good tilth for the reception of plants as soon as the weather permitted. The major operations during the period of drought consisted of pruning, forking and supplying new soil to the beds. Much labour was also expended in watering for which a special gang was employed.

In the month of May the drought ceased and excellent weather conditions prevailed. All efforts were then made to plant out annuals and perennials on the prepared sections of the beds, in consequence of which the unsightly bareness of the edges of the beds was relieved by the flowering effects of Zinnias, Marigolds, Vincas, Balsams, Sunflowers, Torenias, Asters, Dahlias, Browallias, and Portulacas. During the months of May and June the Lagerstrœmias came into bloom, and the showy colours of their inflorescence displayed a very charming effect to the ornamental section of the gardens. Another striking feature which followed that of the Lagerstrœmias was the effective mass of blue flowers borne on the leafless limbs of the Jacaranda trees. In October the *Tecoma spectabilis* tree with its golden-hued inflorescence was an additional charm of these gardens. During the year 647,000 annuals, 854 shrubs, 79 trees and 21 palms were planted out in the ornamental section.

3. Two consignments of flower and vegetable seeds and one consignment of rose plants were received during the year. The following list gives the names of the plants and the descriptions of the colour of the roses:

<i>Names.</i>	<i>Descriptions.</i>
Adonis	... Pale Yellow.
Ariel	... Orange flame shading, outside petals shaded scarlet.
Betty Uprichard	... Face of petals salmon pink to carmine, reverse, glowing carmine, coppery sheen suffusion of orange.
Caroline Testout	... Clear silvery salmon pink.
Christine	... Deep golden yellow.
Columbia	... Deep china pink.
Covent Garden	... Deep rich red.
Diana	... Shell pink.
General McArthur	... Bright crimson.
Gorgeous	... Deep orange, yellow, flush copper yellow, veined with reddish copper.
Golden Emblem	... Deep pure yellow.

<i>Names.</i>	<i>Descriptions.</i>
Hoosier Beauty	... Glowing crimson with darker shadings.
Independence Day	... Flame colour stains on sunflower over- laying apricot.
K. of K.	... Dazzling semi-single rose of intensest velvet scarlet.
Lady Ashton	... Silvery pink with yellow at base of petals.
Lady Hillingdon	... Deep apricot yellow.
Lieutenant Chaure	... Velvety reddish crimson
Mme. Constance Soupert	... Golden yellow
Mme. Edouard Herriot	... Coral red, shading yellow and rosy scarlet.
Ophelia	... Salmon flesh, shaded with bright rose.
Padre	... Coppery Scarlet, flushed yellow base of petals.
Sybil	... Pink.
The Queen Alexander Rose	... Vermilion, shaded old gold reverse of petals.

also one climbing La France and one Mareschal Niel.

These rose plants are being carefully nurtured in tubs preparatory to planting out in the Flower Garden for which specially prepared beds will be provided. The plants are doing excellently well in tubs.

4. The following list gives the names of the trees which flowered during the year and the months of their flowering :—

<i>Names.</i>	<i>Months.</i>
<i>Acacia arabica</i>	... January and July.
<i>Acacia septaria</i>	... February and September.
<i>Albizia Lebbek</i>	... August.
<i>Albizia stipulata</i>	... March and July.
<i>Andira inermis</i>	... September.
<i>Brownea latifolia</i>	... February.
<i>Brownea grandiceps</i>	... March and August.
<i>Bauhinia variegata</i>	... May.
<i>Barringtonia racemosa</i>	... October.
<i>Bombax pentaphyllum</i>	... November.
<i>Brexia madagascariensis</i>	... November.
<i>Caesalpinia coriara</i>	... January and December.
<i>Caesalpinia paucijuga</i>	... August and September.
<i>Carapa guianensis</i>	... January and November.
<i>Cassia grandis</i>	... March.
<i>Cassia javanica</i>	... June and August.
<i>Cananga odorata</i>	... August.
<i>Cordia alba</i>	... April.
<i>Couroupita guianensis</i>	... November.
<i>Detarium senegalense</i>	... February and September.
<i>Erythrina indica var alba</i>	... January and December.
<i>Erythrina Corallodendron</i>	... April.
<i>Erythrina glauca</i>	... October.
<i>Gliricidia maculata</i>	... January and June.
<i>Gustavia augusta</i>	... October and December.
<i>Haematoxylon campechianum</i>	... June.
<i>Jacaranda ovalifolia</i>	... January and November.
<i>Kigelia pinnata</i>	... April and December.
<i>Lagerstrœmia Flos-reginæ</i>	... February and June

Names.	Months.
<i>Leptospermum pubescens</i>	...February and May.
<i>Lonchocarpus sericeus</i>	...June.
<i>Lonchocarpus violaceus</i>	...July.
<i>Lonchocarpus latifolius</i>	...July.
<i>Monodora tenuifolia</i>	...September.
<i>Myrozyton Pereira</i>	...April and November.
<i>Melaleuca Leucadendron</i>	...March.
<i>Millingtonia hortensis</i>	...December.
<i>Mimusops globosa</i>	...June.
<i>Pachira aquatica</i>	...February and September.
<i>Peltophorum ferrugineum</i>	...January and October.
<i>Peltogyne porphyrocordia</i>	...June.
<i>Pithecolobium Saman</i>	...January.
<i>Poincia regia</i>	...April and October.
<i>Pterocarpus indicus</i>	...August.
<i>Sarcocephalus esculentus</i>	...August.
<i>Spathodea companulata</i>	...March and August.
<i>Sterculia foetida</i>	...January.
<i>Sterculia carthaginensis</i>	...April.
<i>Swietenia macrophylla</i>	...March.
<i>Tecoma spectabilis</i>	...May and November.
<i>Terminalia Arjuna</i>	...May.
<i>Thespesia populnea</i>	...March.
<i>Tristania conferta</i>	...May.
<i>Triplaris surinamensis</i>	...August.

5. The following is the list of palms which flowered during the year :—

Atteala spectabilis, *A. speciosa*, *Archontophœnix Alexandroe*, *A. Cunninghamsi*, *Acanthorhiza aculeata*, *Astrocaryum aureum*, *Arenga saccharifera*, *Borassus flabelifer*, *Bactris Plumeriana*, *Bentinckia nicobarica*, *Chrysalidocarpus lutescens*, *Cocos amara*, *C. schizophylla*, *C. flexuosa*, *C. plumosa*, *C. Romanzoffiana*, *Caryota mitis*, *C. urens*, *Copernicea cerifera*, *Corypha umbraculifera*, *Dictyosperma album*, *Diplorhynchium caudescens*, *Euterpe edulis*, *Hyophorbe Verschaffelti*, *Hydriastele Wendlandiana*, *Heterospatha elata*, *Lodoicea sechellarum*, *Livistona chinensis*, *L. Hoogendorpii*, *Licuala peltata*, *L. grandis*, *L. Rumphii*, *Mauritia flexuosa*, *Maximilliana regia*, *Nephrosperma Van-Houttsana*, *Pinanga Kuhlii*, *Phytelephas Macrocarpa*, *Phœnix humilis*, *P. rupicola*, *P. paludosa*, *Ptychosperma Macarthurii*, *Sabal mauritiiforme*, *S. mexicanum*, *Thrinax radiata*, *T. argenta*, *T. parviflora*, *Veitchii Joannis* and *Washingtonia filifera*.

6. In addition to 121 shrubs the following nine trees and nine palms died from the effects of the drought :—

Trees.—*Albizia procera*, *Cananga odorata*, *Erythrina glauca*, *Eucalyphus alba*, *Lonchocarpus latifolia*, *L. violacea*, *Peltophorum ferrugineum*, *Pithecolobium filicifolium* and *Terminalia Arjuna*.

Palms.—*Arenga saccharifera*, *Bentinckia nicobarica*, *Cyrtostachys renda*, *Cocos plumosa*, *Dictyosperma aureum*, *Euterpe edulis*, *Heterospatha elata*, *Licuala grandis* and *Thrinax parviflora*.

The *Chrysalidocarpus lutescens* palm, with other trees forming the avenue along the north and south serpentine drives, was severely affected by the drought. Several of the older stems of each clump died, and, before these could be cleared the clumps presented an unpromising appearance. During the latter part of the year the attention was given to the clumps. All dead stems were removed and, with the necessary cultural methods, the clumps of these palms are flourishing anew.

7. The following palms have been supplied in the Flower Garden to replace a few of those that died, viz., *Astrocaryum aureum*, *Chrysalidocarpus glaucescens*, *Euterpe edulis* and *Maximilliana regia*.

8. The following trees and palms have been planted out in vacant places of the upper Avenue.

Trees.—*Aleurites triloba*, *Brownea rosea*, *Couroupita guianensis*, *Cassia fistula*, *Ocotelea odorata*, *Feltophorum ferrugineum*, *Tecoma spectabilis*, and a few Hibiscus shrubs.

Palms.—*Cyrtostachys renda*, *Euterpe edulis* and *Maximilliana regia*.

9. Orchids.—A further number was rebasketed during the year. Those that flowered were:—*Aerides odoratum*, *A. crispum*, *A. Houlletianum*, *Brassia caudata*, *B. Lawrenceana*, *B. verrucosa*, *Cattleya Trianaei*, *C. Skinnerii*, *C. Jenmanii*, *C. Bowringiana*, *C. labiata* var. *Mossiae*, *C. Labiata* var. *Gaskilliana*, *C. labiata*, *Cyrtopodium Woodfordii*, *Cœlogyne Dayana*, *Catasetum macrocarpum*, *Cymbidium pendulum*, *Cyrtopodium macranthum*, *Dendrobium nobile*, *D. Gibsonii*, *D. moschatum*, *D. suavissimum*, *D. superbum*, *D. chrysotozum*, *Epidendrum ciliare*, *E. fragrans*, *E. variegatum*, *E. nocturnum*, *Gongora nigrata*, *G. maculata*, *G. atropurpurea*, *Maxillaria* sp., *Oncidium lanceanum*, *Phalaenopsis amabilis*, *P. esmeralda*, *Peristeria elata*, *Renanthera coccinea*, *Rodriguezia secunda*, and *Sobralia sessile*.

10. *Lawns*: Efforts were made during the year to improve the lawns of the Flower Garden. All cracks occurring in the front portions of the lawns were filled in and the land raised. A surface layer of ashes was also applied for encouraging the growth of Bahama grass, *Cupriola dactylon*; and a great deal of success has been achieved in forming a carpet of pure Bahama grass. The portions of the lawns which have been renewed enhance the effect of the gardens, especially along the main drive. It is proposed to continue the improvement of the lawns during 1927, should the vote for the maintenance of the Gardens allow.

11. *Militia Band Performances on Sunday*.—The following shows the number of visitors who visited the gardens on Sundays when the British Guiana Militia Band performed (i.e., every second Sunday in every second month):—

FEBRUARY, 1926.

43 Motor Cars containing...	...	70 persons.
16 Carriages	" ...	37 "
Cyclists	" ...	170 "
34 Perambulators	" ...	55 children.
Pedestrians	" ...	2,400
Total...		<u>2,732</u>

APRIL, 1926.

43 Motor Cars containing...	...	171 persons.
5 Carriages	" ...	18 "
Cyclists	" ...	199 "
13 Perambulators	" ...	13 children.
Pedestrians	" ...	1,964
Total...		<u>2,365</u>

JUNE, 1926.

35 Motor Cars containing...	...	139 persons.
3 Carriages	..	15 "
Cyclists	...	189 "
15 Perambulators	..	15 children.
Pedestrians	...	1,196
	Total...	<u>1,554</u>

AUGUST 1926.

39 Motor Cars containing...	...	152 persons.
4 Carriages	..	17 "
Cyclists	...	198 "
35 Perambulators	..	42 children.
Pedestrians	...	2,565
	Total...	<u>2,974</u>

OCTOBER, 1926.

40 Motor Cars containing...	...	164 persons.
4 Carriages	..	19 "
Cyclists	...	209 "
25 Perambulators	..	33 children.
Pedestrians	...	2,297
	Total...	<u>2,272</u>

DECEMBER, 1926.

44 Motor Cars containing...	...	172 persons.
1 Carriage	..	6 "
Cyclists	...	326 "
27 Perambulators	..	29 children.
Pedestrians	...	2,124
	Total...	<u>2,657</u>

12. *Aquatic Plants.*—The Purple and Pink Nymphaeas were threatened with extinction during the period of drought. Prompt measures were therefore at once taken to rescue the plants. Several roots were taken out of the cross canals and planted in the canals of the upper Avenue. The opportunity was then taken to clean and renew the cross canals. When weather conditions became favourable and the canals were again filled with water the Nymphaeas were replanted. At the moment of writing this report these aquatics are growing vigorously and are flowering well.

13. *Irrigation and Drainage.*—The water mains of the irrigation system of the Flower Garden section gave considerable trouble when they came into use after the drought. The majority of the pipes has become worn with age and several sections burst at intervals. These have been renewed to the extent of 110 feet at a cost of \$213.19; the work being done by the Public Works Department. The draining trenches were kept in good order during the year.

14. *The Nursery Section.*—Operations in the nursery, were not, however, seriously hampered by the drought, as full advantage was taken of the Artesian Well in the D'Urban Park, water being transported daily from there in order to

maintain the economic seedlings and save the life of the ferns, young palms and other rare plants in the glass houses.

15. The following table shows the work carried out in the Nursery during the year as compared with the five previous years :—

TABLE I.

	1921	1922	1923	1924	1925	1926
Kinds of seeds sown	9,744	16,161	56	11,384	13,555	19,758
Seedlings basketed	11,484	9,776	5,990	8,154	9,204	11,507
Do. potted	738	2,836	1,232	826	519	1,318
Plants rebasketed	3,432	4,432	5,601	4,783	2,437	3,836
Plants repotted	185	1,219	1,531	1,443	904	1,997
Plants top-dressed	...	...	290	1,707	253	695
Plants divided	349	502	463	649	373	571
Plants layered	303	752	350	495	524	1,524
Plants grafted	543	143	...	85	...	86
Cuttings basketed	59	1,016	531	182	1,052	30
Cuttings planted in beds	4,400	5,569	2,065	3,682	963	3,522
Plants tubbed	79	71	418	93	46	45

16. The following table gives the receipts for the Ornamental Section for the year as compared with the five previous years :—

TABLE II.

	1921	1922	1923	1924	1925	1926
Plants	1,257—\$ 177 24	1,460—\$ 265 76	988—\$ 147 77	5,981—\$ 309 71	1,110—\$ 100 15	1,500—\$ 228 43
Flowers (baskets)	1,065— 127 52	1,453— 174 63	1,027— 122 24	617— 149 45	746— 93 38	849— 101 89
Seeds (packets)	188— 96 80	76— 56 16	1— 80	13 42	...	30— 3 86
Grass Passes	107— 12 92	131— 15 70	284— 35 28	313— 38 88	406— 48 34	309— 37 12
Bamboo (bundles)	4 92	4 36	13 21	2 50	2 84	9 00
Delivery of plants and flowers	35— 10 68	78— 17 98	151— 24 61	101— 21 06	156— 23 18	204— 59 18
Pots	3 12	14 40	20 50	12 60	6 60	47 20
Hire of Plants	21 55	45 70	15 88	49 88	25 59	41 97
Found Fees	...	...	...	...	...	...

17. The sales of the Economic Section of the Botanic Gardens for the year under review are shown in the following table :—

TABLE III.

Months.	Coffee.	Cacao.	Grafted Mangoes.	Sweet Orange Seedlings.	Grape Fruit Seedlings.	Nutmeg Seedlings.	Other Economic.	Totals.
January	512	...	3	4	...	1	93	\$ 9 18
February	301	2	3	4	...	...	101	7 45
March	12	6	...	24	6	...	42	1 82
April	449	37	...	310	69	...	7	38
May	1,287	100	...	368	70	...	179	18 51
June	620	284	...	33	96	13	186	26 73
July	508	110	...	487	16	20	82	22 90
August	9	9	...	100	...	41	104	19 09
September	9	7	37	202	106	258	51	5 32
October	304	38	...	291	7	58	196	28 63
November	...	...	1	82	...	39	80	13 92
December	...	...	...	...	...	...	...	4 73
Totals	4,011	593	41	1,811	370	430	1,316	158 26

Rice Padi 34,567 lbs. ... \$ 383 92
 Leghorn Fowls' Eggs 522 ... 54 40
 Sale of Miscellaneous Products ... 31 96

18. The following statement shows the total amount of revenue collected at the Botanic Gardens and at the Public Gardens, New Amsterdam, Berbice, for the year 1926 as compared with the five previous years.

	1921.	1922.	1923.	1924.	1925.	1926.
Botanic Gardens, Georgetown	\$ 536 72	\$ 584 77	\$ 480 15	\$ 512 83	\$ 492 58	\$ 668 29
Public Gardens, Berbice	97 80	157 64	177 92	195 40	235 00	244 11

19. The number of fruits borne by the different varieties of grafted mango trees growing in the nursery was as follows:—

Varieties	No. of trees.	No. of fruits.	Average No. of Fruits per tree.
Ceylon No. I.	6	1,516	252.
Jamaica No. II.	6	1,460	243
E. I. Seedlings	2	659	329
Chinoise	4	434	108
Dr. Rowland	2	671	335
Mrs. Dare	3	500	166
Canal No. I	3	461	153
Julie	7	291	41
D'Or	3	591	295
Mrs. White	3	387	129
Bombay Purple	3	262	87
Bombay Yellow	1	168	168
Colonial Bank	2	315	157
Martin	3	226	75
Imperial	1	198	198
Divine	2	117	58
Josephine	1	126	126
Gordon	1	365	365
Mrs. Francis	1	73	73

20. The Berbice Public Gardens, Government House and other Government Gardens and Grounds :

THE BERBICE PUBLIC GARDENS AND GROUNDS.

Mr. E. M. Morgan, the Resident Agricultural Instructor for the County of Berbice, was in charge of these Gardens during the year 1926. The progress of these Gardens was also hampered during the period of drought. General attention, however, was paid to the borders, beds and lawns in respect to pruning, forking and the maintenance of the lawns. When favourable weather permitted the borders were supplied with young plants to replace the shrubs which died during the drought. The expenditure on these Gardens for the year was \$585.63. The revenue collected for the sale of flowers was \$248.79.

21. *The Public Buildings and the Victoria Law Courts Grounds.*—The shrubs in the borders of these grounds received careful pruning during the year. The general routine work was carried out in maintaining these grounds in good order. The following number and kinds of plants were planted out during the year, annuals 6,600 and shrubs 60.

22. *Government House Gardens.*—A great deal of improvement was done at these gardens at the instance of His Excellency the Governor during the year. The *Canna* plants which were growing in tubs were taken out, and planted in a circular manner along the edge of the front lawn. The tubs containing palms which bordered the lawn at the eastern entrance were removed and a flower bed formed on which shrubs of *Lagerstrœmias* and blue *Salvia* are planted with an edging of *Clerodendron aculeatum*. The floral effect of the *Lagerstrœmias* when in bloom presents an attractive feature at the entrance drive of Government House. During the year 800 annuals, 200 perennials and 160 shrubs were planted in these gardens.

23. The following table gives the amounts expended under the voted sub-heads for the year under review :—

Botanic Gardens Maintenance	...	...	\$4,800 00
Irrigation and Drainage	...	...	498 20
Purchase, Production and Distribution of Seeds and Plants	...	...	2,297 12
Carts, Harness, Tools and Implements	...	...	548 37
Government House Gardens and other Gardens and Grounds	...	...	1,299 51
Public Gardens, Barbice	...	..	588 63

24. *Municipal Gardens, Georgetown.*—These gardens were under the control of Mr. Peterkin for the year under review. They suffered very severely from the 1925-26 drought, numbers of plants dying out. These, however, have been replaced and the gardens are now in fair condition. The lawns still require levelling, but soil for doing so is difficult to obtain. The ferns are in excellent condition. The number of rose plants has been considerably increased; the demand for cut flowers being very great. The expenditure was \$3,797.29, while the revenue collected was \$1,366.24. The revenue was greatly affected by the scarcity of flowers due to the prolonged drought.

I have the honour to be,

Sir,

Your obedient servant,

A. A. ABRAHAM,
Acting Superintendent, Botanic Gardens,

THE DIRECTOR OF
SCIENCE AND AGRICULTURE.

**REPORTS OF THE DEPARTMENT OF SCIENCE AND AGRICULTURE
FOR THE YEAR ENDED 31st DECEMBER, 1926.**

APPENDIX III.

REPORT OF THE ASSISTANT BOTANIST AND MYCOLOGIST.

APPENDIX III.

BOTANIC GARDENS,
GEORGETOWN, BRITISH GUIANA,
30th April, 1927.

SIR,

I have the honour to submit herewith my report for the year ended the 31st of December, 1926.

I was in the interior for 2½ months, from the 18th of March to the 25th of May. On my return to Georgetown I was granted one month's leave.

PLANT DISEASE.

The number of cases of plant disease reported during the year were conspicuously few. The prolonged and severe seven months drought that continued until May, and during which the total precipitation was 76% short of normal, no doubt provided unfavourable conditions for the development of micro-organisms, and tended to mask the occurrence of vascular diseases, whose symptoms would with difficulty be distinguished from those due to the drought. That the activities of *Melanopsammopsis ulei*, the fungus causing the leaf-disease of Para rubber, were checked was apparent; and this was so even in those inland cultivations which have long been abandoned on account of the injuries caused by its normal prevalence. The comparative freedom of mangoes from anthracnose may be quoted as an additional example of this effect.

SUGAR CANE.—Root Disease.—This disease was not recorded during the period under review. It is doubtful whether cane cultivations were entirely free from it, and is conceivable that where it occurred there was a tendency to attribute the symptoms to the drought.

The Sugar Planters' Experiment Station have begun an investigation of the influence of the soil on its incidence. Some valuable information has already been secured, but further work is necessary before any definite conclusions can be reached.

Longer acquaintance with this disease, and with the conditions obtaining on sugar estates, tends to strengthen a belief that whether it be due to the operations of facultative parasites (for which there is little convincing evidence) or to the absorption of toxins from the soil, prophylactic measures must be based on an improvement of soil conditions. In recent years considerable advancement has resulted from the adoption of mechanical methods of tillage, but it would appear that there is room for improvement in other directions.

The cane lands by reason both of their peculiar topography and the nature of their soils (for the most part heavy clays) present a very difficult problem in drainage, and this, on some estates at least, has yet to be satisfactorily solved.

For many years it has been the practice to manure these lands with sulphate of ammonia, and there is evidence that these continuous applications are having a similar effect to that experienced elsewhere and are producing, or have produced, an acid environment. Applications of lime, needed not only to neutralise this prevalent acidity but more particularly to improve the physical condition of the soil, are, as a rule, made in such small quantities and at such long intervals as to be nearly valueless. In 1926, when approximately 57,000 acres were occupied by cane, the total imports of manurial lime amounted to 2,806 tons, a quantity insufficient to provide for a general application of one hundredweight per acre. It is a custom, deserving of general condemnation, to set fire to cane-fields before cutting and thus the vegetable matter which the soil needs so badly, and which would normally be supplied by the

'trash' is literally sent up in smoke. An attempt is made to replenish the organic content by a process of water-fallowing in which the fields are flooded for six to eighteen months. A growth of aquatic and semi-aquatic plants takes place, and in this way a certain amount of organic matter is incorporated when the land is again taken into cultivation. Whether this process has a beneficial effect either on the physical condition of the soil, or on the essential soil organisms is a matter for question. Neither the cultivation of green manures nor the use of farm-yard manure finds a place in general sugar estate routine.

The failure to apply lime in sufficient quantity is largely attributed to the high cost of this material, but a recent examination of the question by the Director of the Experiment Station seems to have shown that this obstacle could soon be overcome by organised co-operation.

It is thought not to be overstating the case to say that unless changes of the kind indicated take place a progressive decline in fertility is inevitable. Yields have certainly been increased on some estates in recent years as the result of improved mechanical tillage, but it seems reasonable to suppose that these increases have been made possible by a more intense inroad on capital in the shape of natural fertility, a reserve which is not inexhaustible.

Tap-Rot.—A case of top-rot, which developed during the year on a Demerara estate, in a field of six months old first-ratoons, is mainly rendered worthy of notice by reason of the interesting similarity of the conditions of its occurrence to those observed in all previous instances. The outbreak was confined to a small area in the interior of a field of particularly vigorous canes, and may well have escaped attention had it not been for the conspicuous yellow colouration assumed by the outer leaves of the affected plants. The usual symptoms were present. In the more advanced stages the young leaves were withered and dead, and their bases together with the apex of the stem involved in a fetid rot. Typical wet, discoloured cavities occurred in the internodes, being confined, as a rule, to those in the upper part of the stem. The basal joints were free from discolouration, but frequently exhibited an axial disjunction of the ground tissue, in which the margins of the narrow longitudinal cracks thus formed, were of a dull dry-white colour due, as detailed examination showed, to crushing of the parenchymatous cells in this situation, and the escape or desiccation of their contents. The appearance of these small internal lesions, and the condition of the cells in their neighbourhood, is strongly suggestive of a mechanical origin.

A noticeable feature of this disease, to which attention has previously been drawn, and further experience tends to emphasize, is the synchronism of its appearance with certain weather conditions. The long rainy season extends from the middle of April to the middle of August, the bulk of the rain falling normally in the three months, May, June and July. In 1923 and again in 1924 the outbreaks occurred towards the end of July. During 1925 the disease was not reported, and although this absence of record cannot be accepted as proof of its non-occurrence, it may be significant that the rainfall for these three months of that year was 37% below normal. The case to which reference is now made appeared early in August, that is after the three months of heavy rain which marked the termination of the drought.

There is therefore some reason to believe that the incidence of this disease is associated with a previous subjection of the plants to a long period of wet weather and that the absence of this necessary predisposing factor may explain the results obtained in 1924, when pure cultures of the organisms isolated from the stem cavities of affected plants failed, on inoculation, to reproduce the disease in healthy canes.

Chlorosis.—Certain of the seedling canes growing at the Experiment Station were reported to be under suspicion of suffering from mosaic disease. Examination showed that they were affected with a chlorosis similar in nature to that which, in 1924, was found to be present on B.H. 10 (12) in many parts of the Colony, and which, as the result of a detailed investigation, was found to be non-infectious.

The cause of this chlorosis has not yet been ascertained, but it is thought that it develops on certain varieties of cane as a response to unfavourable soil conditions. It has not been observed on the varieties more commonly cultivated in the Colony, and for this reason cannot be regarded as of major importance. Its interest lies mainly in the superficial resemblance it bears to mosaic disease.

Mosaic Disease.—A proposal was submitted that legislation should be brought into force to prohibit the growing of corn (*Zea Mays*) near cane, as had been done in Jamaica as a precaution against the spread of mosaic disease. In consideration of the fact that this disease is not known to occur here, the Board of Agriculture decided that it was unnecessary to take action.

PLANTAINS AND BANANAS.—The bacterial disease of plantains or, as it is usually called, 'plantain-disease' appears to have maintained its normal prevalence. Attention has previously been drawn to the resemblance it bears to the 'moko-disease' of Trinidad. The latter has recently been shown to be due to a bacterium (*B. solanacearum*) known in many parts of the world as the cause of wilt in other crop plants.* Unfortunately no opportunity has occurred to continue the enquiry which was broken off in 1925, and thus the relationship of these two diseases is still undetermined.

The local disease is known to affect at least one variety of banana, the Dwarf (*Musa cavendishii*). In Trinidad 'moko-disease' (or bacterial wilt) has been found not only on plantains and the Dwarf banana, but also on the Giant Fig. Should the two diseases prove to be the same, it is obvious that any project which contemplates extensive cultivation of Giant Fig bananas must take into consideration the significance of a widespread occurrence of 'plantain-disease' in this Colony.

A further point of considerable importance with regard to this disease is the close resemblance of its symptoms to those of Panama disease, a similarity which arises solely from the fact that both are vascular diseases, for their origins are quite distinct, Panama disease being caused by a fungus (*Fusarium cubense*). There is little doubt that as a result of this similarity cases of bacterial disease have at times been mistaken for Panama disease, and that this confusion has given rise to an impression that the latter disease occurs and is known in British Guiana, although there is no evidence to justify such a belief. This impression has been strengthened by the knowledge that the ravages of Panama disease were responsible for the collapse of a highly organised banana industry in the neighbouring colony of Surinam. But it must be emphasised that there is no satisfactory evidence that Panama disease existed in Surinam prior to the importation, in 1906, of large consignments of suckers for the purpose of establishing the industry, and that there is every reason to suppose that the disease was introduced with the suckers. If Panama disease exists in British Guiana its presence has yet to be proved.

CACAO.—Farmers in the Berbice river are beginning to pay more attention to the control of witch-broom disease (*Marasmius perniciosus*) and pod-rot (*Phytophthora faberi*), and are attempting, so far as it is within their power, to give effect to the advice issued by the Board of Agriculture. The cultivations in the Demerara river are still neglected.

COFFEE.—**Sclerotium disease.**—This disease, which is caused by a fungus (*Sclerotium coffeicola*), is to be recorded for the first time. An examination carried out early in the year shows that it occurs on the majority of the coffee farms

*Ashby, S.F., Tropical Agriculture, v. 3, No. 6, 1926.

in the North Western District, and evidence was secured that it has been present in this area for at least ten years. A report embodying a description of the disease, an account of its distribution, and recommendations for its control was published as Sessional Paper No. 32 of 1926.

EXAMINATION OF THE POTARO-IRENG DISTRICT.

I left Georgetown on the 18th of March with the object of carrying out a preliminary examination of the flora of the upper Potaro District and of the Ireng savannas. This was an unfavourable occasion for undertaking a journey into the interior, for the drought had then been in operation for five months, but circumstances were such that my departure could not be delayed. The lack of water in the Essequibo and Potaro rivers had completely disorganised the service which was being relied upon to transport men and stores to Potaro Landing, the delay due to this initial hindrance was increased by the collapse of the arrangements which had been made for securing additional Indian carriers at Chenapowu, and as a result, Garnott's camp on the Anandabaru (a right bank tributary of the Maicwac river, which had been chosen as a base, was not reached until the 12th of April, fifteen days late. Soon after arrival two of the Indians were taken ill. One died, and I was compelled to remain in this area until the other (the only English-speaking Patamona in the party, who was thus invaluable as an interpreter) was strong enough to march.

Early on the journey up-river it became apparent that the vegetation was suffering severely from the drought. The more susceptible moisture-loving plants had dried up, and signs of wilting were evident among the shrubs and climbers fringing the river banks, which were often high above the water-line. Many of the interesting plants growing on the sandstone flat that forms Kaietuk plateau were withered, and, in the forest traversed during the three days journey from Chenapowu to the Anandabaru numbers of the herbs and small shrubs bordering the then dry creek beds had apparently succumbed.

So few plants were in flower or in a condition suitable for collection that during the fortnight's enforced stay on the Anandabaru, when the forest was searched for many miles around, only forty species were collected. Forest fires, first encountered in this region, and which, as time went on, became more frequent and swept over increasingly large areas intensified the difficulty of securing specimens.

A means of evading these obstacles appeared to be offered by an ascent of Kowatipu, for it was to be assumed that a more favourable environment would exist near its cloud-wreathed summit.* This mountain, which rises to a height of 4,000 feet, lies about 15 miles due south of the confluence of the Potaro and Kopinang rivers. It consists of a more or less isolated gabbro massif capped by some 500 feet of sandstone, and forms part of the watershed which separates the basins of the Essequibo and the Ireng. It was approached by following a prospecting line, cut on some former occasion from a point 4 miles east of Anandabaru on the Chenapowu trail, which passed over the western shoulder at an altitude of 3,500 feet. The original intention to camp on this shoulder had to be abandoned for the reason that the only creek (and water supply) in the neighbourhood was found to have been reduced to a few stagnant pools, and the journey was therefore continued on down the southern slope until the Kowa river was met. From this point it was proposed to devote four or five days to a search for a route to the summit. Further time could not be allotted, for in less than a fortnight a junction had to be made with the Geological Survey at Chenapowu, in order to accompany them down river in the only available boat. And in these few remaining days I wished also to carry out a necessarily hurried examination of the Ireng savannas, which lay a few miles to the south.

*Subsequent experience showed that such conditions could not have obtained, but the smoke-laden atmosphere had so reduced visibility as to render a previous observation impossible. The obscurity was such that the midday sun appeared as a red glow in the sky.

The first move on to these savannas was made with the object of trading food from the inhabitants of Paramacutoi village, situated between the Yawong and Kowa rivers, and a return to the camp on the Kowa was intended. The comparative abundance of plants in flower seen on entering this region resulted in an entire change of plan. The four days were spent at Paramacutoi, and although one of these was rendered useless for collecting by a continuous downpour of rain, that heralded the end of the drought, nearly as many species were obtained as had been secured in the previous three weeks.

The return to the Anandabaru was made by an indirect route passing through the villages of Koricabaru, near the Chiung river, and Santa Maria, on the Tumong, and thus provided an opportunity for observing a representative area of savanna country. Few specimens were collected after the departure from Paramacutoi for the reason that botanical collecting became of necessity a secondary consideration, the main object being a rapid march in order to reach Chenapowu on the stipulated day.

I had refrained from making any collections on the Kaietuk plateau on the way up-country for it would have been undesirable to increase the bulk of the loads at such an early stage in a long journey, but had aimed at collecting in this most interesting area on the return. However it was found that fire, starting apparently at the foot of the escarpment near Tukeit, had swept up the slopes (obliterating the trail with fallen trees and debris) and across the plateau, with the result that few plants escaped.

I arrived back at Georgetown on the 25th of May.

Considering the duration of this expedition and the distance travelled the number of plants secured was regrettably small. Only 345 specimens representing about 98 species were obtained. Of these 43, were from the forested region between the Maicwac and Chenapowu rivers, 39 from the savannas, 12 from Kaietuk plateau, and four from the neighbourhood of Amatuk Falls.

The journey from the coast to the Ireng savannas is one of progressive ascent. The escarpment defining the north-eastern limits of the Pakaraima mountains rises up in the neighbourhood of Kaietuk to a height of 1,300 feet, and from this plateau there is a gradual increase in altitude until the Essequibo-Ireng watershed is reached. The savannas, encountered on crossing this range, lie between 2,500 feet and 3,000 feet above sea-level.

The forested region bounded broadly by the Kopinang, Arnik, and Tumong rivers is characterised by rounded laterite hills rising 200 to 300 feet above the surrounding country. Their soil (derived from the underlying gabbro) is red-brown in colour, friable, of considerable depth and has every appearance of being of agricultural value. Samples were taken from a hill near the Anandabaru, and have been submitted for analysis. Appearances in such cases as these are naturally often deceptive, but so also may be laboratory estimations of available nutrients based as they are, and must be, on arbitrary tests. The most satisfactory method of determining the agricultural possibilities of this, or any other apparently promising virgin soil is by attempting to raise crops from it. To suggest that field trials should be conducted in such an inaccessible part of the Colony, and at a time of financial stringency, may be considered unreasonable, but an important local firm has already established a store in this area, and it should be possible, with its co-operation, to carry out the necessary experiments without undue expenditure.

The valleys are occupied by a sandy loam thought to be derived from the sedimentary deposits which still cap the highest points in the Essequibo-Ireng divide, and it is from the lower beds of this alluvium that diamonds are now being won.

The forest clothing the laterite hills is marked by the predominance of a large leguminous tree called Atuba by the Patamonas*. The trunk is not buttressed, but in old trees tends to become fluted. The bark is thick, fibrous, and red-brown in colour. The leaves are paripinnate; the leaflets 5- to 6-jugate. The large yellow flowers are borne in axillary panicles. The narrow zone of sapwood is white, the heartwood reddish. An average individual was found on felling to be 90 feet high and 55 feet to the first branch, whilst an outstanding specimen measured 18 feet in girth at breast-height. A count (excluding all less than one foot in diameter) gave a rate of occurrence of 40 to the acre. It is not suggested that this figure is applicable to the whole district, although the area on which the estimate is based was chosen at random, but nevertheless it helps to emphasise the dominance of the species.

On these same hills Kakeralli (*Lecythis* sp.) and Souari (*Caryocar tomentosum*) were not infrequent. Yarri-yarri (*Anawagorea* sp.) was particularly abundant in the undergrowth. At least two scandent species of *Strychnos* were common. Haiari (*Lonchocarpus* sp.) or, as it was called by the Patamonas, A-ya, was repeatedly encountered. This fish poison may become of economic importance as an insecticide. A tall tree, known as Warapa, yielding large quantities of latex, was occasionally seen. The bark is grey-brown, slightly corrugated and thick; the wood white, soft and light, heartwood is not differentiated. An analysis, conducted by the Scientific Assistant (Mr. C. L. C. Bourne), has shown that the latex contains 66.5% of resins and only 3.4% of gutta.

On the sandy hills crossed soon after leaving the Potaro river at Chenapowu, the forest is characterised by the occurrence in almost pure stands of a tall leguminous tree known, so I was informed, as 'sand mora,' which presents a peculiar but constant feature. It appears to be subject to internal rot, and many of the older specimens are hollow. This decay stimulates the production of adventitious shoots and as a result these trees commonly occur in large groups of several stems. What (from the comparison of specimens and description of habit) is believed to be the same species was found by the Forest Survey during their examination of the Mazaruni-Kuribrong divide, when, in the absence of a native name, it was called 'clump-wallaba.' Judging by the venation of the leaf and the form of the fruit it is thought to be neither an *Eperua* nor a *Dimorphandra*. Large numbers were destroyed by the forest fires, the hollow trunk acting as a funnel and rapidly conveying the flames to all parts of the tree.

A small melastomaceous tree known as Apanyek was often dominant on the lower slopes of the hills. In the valleys, Caraba (*Carapa guianensis*) was frequently observed, species of *Heliconia*, *Ischnosiphon* and *Carludovica* were common.

The change from forest to savanna is indicated by the occurrence on the fringe of the former of thickets of a tall grass (*Panicum magnum*). The soil of the savannas consists on the whole of a thin layer of sand overlying the conglomerate and sandstone beds, and although denudation of the slopes has resulted in an accumulation of thicker deposits in the hollows, these highlands can possess little or no permanent agricultural value. It was noticeable that the Indians' provision fields were often several miles from their villages. Where observed, crops were being raised either from the depressions which had been cleared roughly of the woodland formation which covered them or from red soils (also clothed in trees) derived from intrusions of gabbro or dolerite. These laterites may be capable of permanent cultivation, but, from evidence obtained on similar soils elsewhere in the Colony, it is certain that the sands would be exhausted in a very few years. The short-lived fertility of the latter perhaps explains the distance between provision fields and villages, for it may be supposed that all the available soil in the neighbourhood of

*The botanical identity of this species has not yet been determined. It presents characters indicating a relationship to the genus *Dicymba*.

old settlements has long since been worked out. The same cause may be responsible for migrations to new districts. It is definitely on record that in 1916 Paramatoui savanna was uninhabited,⁸ yet for the last two or three years, at least, it has been the site of a large village.

Sedges and wiry grasses occurring in scattered tufts form the bulk of the vegetation of the savannas. Associated with these are, notable, herbaceous species of Compositae, Convolvulaceae and Leguminosae. The woodland groups (termed 'oases' by Richard Schomburgk) which develop on the deeper sandy deposits in hollows and on flats, and give these regions a park-like appearance, consist largely of malpighiaceae and myrtaceous trees and shrubs. In addition to these small, isolated trees (a species of *Peidium* was common) are distributed at wide intervals. The margins of the rivers and larger creeks, which are frequently sunk below the general level of the country in steep valleys, are heavily wooded, and their courses may be followed by the eye for great distances. Low-lying areas, dotted with the palms (*Mauritia flexuosa*) and watered by springs that still flowed freely in spite of the drought, were met with, and the green luxuriance of their herbage provided a pleasant contrast to long stretches of parched country.

The transition from savanna to forest appears to be determined by an interaction of the two factors, precipitation and soil, but primarily by the former. Meteorological records for the areas under discussion do not exist, but it is to be assumed that the bulk of the moisture carried over by the trade winds is released when the clouds reached the seaward face of the escarpment, and that the rainfall gradually decreases in amount from this point inland. The savannas occur, at similar altitudes on the same geological formations as on the north-eastern slopes of the Pakaraima mountains are covered with forest, indicating that the limits of the latter are defined essentially by the amount of rain. But it seems that these limits may vary with variations in the soil. What may be described as arms of forest penetrating into savanna were observed where laterites or loams replaced the sands. An effect thought to be due to a greater water-retaining capacity of the former soils.

Among the plants collected some are of particular interest by reason of the use made of them by the Indians. The scented leaves of a species of *Amomum* known as A-yetsa, found on low ground in the forest, are used in the form of infusion for pulmonary complaints. The hollow culms of Nu-e (*Olyra micrantha*), a grass frequent in the forest on the lower slopes of laterite hills, are employed in the manufacture of that primitive musical instrument known as a pan-pipe. The crushed bulb of Mariva (a species of *Calydorea*), an attractive iridaceous plant growing on the savannas, is rubbed into incisions made on the legs to act as a hunting charm; and Urali arrow-poison may, it seems, be prepared from the bark of the two species of *Strychnos* before mentioned.

Information was secured regarding a plant said to grow only in the Acawai country north of Boraima, which, apparently, has an extensive reputation among the Indians as a febrifuge. To the Patamonas it is known as A-yiyak. It is used in two ways. The crushed leaves are rubbed into incisions made on the arms or legs or (and this seems to be the usual procedure) a Sphingid caterpillar which feeds on the leaves is dried and, when required for use, a portion is pulverized and mixed with a small quantity of water, the paste thus formed being rubbed into the cuts. The direct effect of this treatment is to cause a burning sensation accompanied by local inflammation which persists for some time. The dried caterpillars are circulated by the Acawai as articles of trade, and in this way I was fortunately able to obtain a specimen.

⁸Olemani, C., "Timohri," v. 4, pp. 1-26, June, 1917.

JENMAN HERBARIUM.

A duplicate set (consisting of 213 sheets) of the specimens collected in the upper Mazaruni District in 1925 whose genera have been determined, has been forwarded to the Director, Royal Botanic Gardens, Kew, for complete identification. In the following enumeration, which excludes those whose identity is at all doubtful, the genera are grouped according to habitat and habit:—

On river banks (100-300 feet).

Trees.—*Inga*, *Eperua*, *Dimorphandra*, *Macrolobium*, *Pithecolobium*, *Tovomitia*, *Heisteria*, *Genipa*, *Amaioua*.

Shrubs.—*Tachia*, *Psychotria*, *Miconia*.

Climbing Shrubs.—*Hiraea*, *Orynostylis*, *Securidaca*, *Salacia*, *Coussapoa*, *Schlegelia*.

Herbs.—*Lisianthus*, *Panicum*, *Lagenocarpus*, *Scleria*.

Epiphytes.—*Eschatogramme*, *Asplenium*, *Hymenophyllum*, *Vittaria*, *Epidendrum*, *Marcgravia*, *Clusia*.

On the floor of the forest (100-300 feet).

Shrubs.—*Tococa*, *Amasonia*, *Tachia*, *Psychotria*.

Herbs.—*Danaea*, *Schizaea*, *Polypodium*, *Trichomanes*, *Selaginella*, *Macrocentrum*, *Geophila*, *Pariana*, *Olyra*.

Saprophytes.—*Hypolyssus*, *Voyria*, *Dictyostega*.

On rocks in the rivers (100-300 feet).

Trees.—*Pithecolobium*, *Tabebuia*, *Clusia*.

Shrubs.—*Croton*.

Herbs.—*Xyris*, *Paepalanthus*, *Eleocharis*, *Rhynchospora*, *Panicum*, *Paspalum*, *Axonopus*, *Thurnia*, *Sauvagesia*, *Utricularia*, *Spigelia*, *Macrocentrum*.

On rocks in the forest (100-300 feet).

Herbs.—*Episcia*, *Macrocentrum*, *Polypodium*.

On the face and slopes of the sandstone escarpment (300-1,500 feet).

Trees.—*Sterculia*, *Protium*.

Shrubs.—*Tachia*, *Gleichenia*.

Herbs.—*Anthurium*, *Billbergia*, *Mapania*, *Macrocentrum*, *Episcia*.

Epiphytes.—*Elleanthus*, *Dichaea*.

On summit of the escarpment (1,500 feet).

Trees.—*Protium*.

Herbs.—*Stegolepis*, *Rapatea*, *Carludovica*.

Epiphytes.—*Marcgravia*.

Saprophytes.—*Voyria*.

The identifications of seven species of Cryptogams, thirty-three species of Monocotyledons, and one hundred and eighty-two species of Dicotyledons sent from British Guiana between the years 1898 and 1911, have been received from the Director, Royal Botanic Gardens, Kew.

Dr. A. S. Hitchcock has kindly named the grasses collected in the upper Mazaruni District. One of these, a *Paspalum* from the Kurupung river, appears to be a new species.

Mr. E. P. Killip's determinations of the remainder of the *Passiflora* material have been received from the United States' National Museum.

The identification of nine species of fungi were received from the Imperial Bureau of Mycology. Twenty-three specimens of undetermined fungi, and material representative of the leaf-disease of Para rubber and of the Sclerotium-disease of coffee have been forwarded to this Bureau.

A small consignment of *Strychnos* material was forwarded to the Director, Royal Botanic Gardens, Kew. This included specimens of three collections of Urali made in the upper Potaro District, and of Quapanaru or 'Devil-doer' from the North-Western District. All are climbing species. Only sterile specimens of Urali were secured.

MISCELLANEOUS.

Fish-poisons as Insecticides.—Investigations conducted at Rothamsted Experimental Station, Harpenden, have shown that three of the plants used by the aboriginal Indians for stupefying fish (Black and White Haiari and Yarroconalli) yield powerful insecticides. At concentrations equivalent to 0.1% and 0.35% of the plant, the roots and stems of White Haiari, respectively, produced 100% mortality in the insects which were sprayed. The roots and stems of black Haiari were as toxic as the stems of White Haiari. Both plants were more effective than a sample of Derris (a constituent of some commercial insecticides) tested at the same time. The roots of Yarroconalli gave complete control at concentrations of 0.5%*. Mr. Tattersfield and his colleagues have thus clearly demonstrated that these three plants possess outstanding insecticidal value. Whether they can ever assume economic importance is now mainly a question of supply.

The Haiaris, which are lianes or 'bush-ropes,' appear to have a wide distribution in the British Guiana forests. Specimens have been obtained from such outlying points as the North Western, Berbice and upper Potaro Districts. There is good reason to believe that both are species of *Lonchocarpus*, but it is neither possible to confirm this opinion nor to determine whether they are different species or merely forms of the same species for the reason that all attempts to collect flowering specimens have so far been unsuccessful.

Yarraconalli (*Tephrosia toxicaria*) is a shrub known only from Indian cultivations.

In a memorandum submitted in July the opinion was expressed that the Haiaris might be frequent enough in certain localities to permit of their exploitation as a forest industry, and, in view of the interest likely to arise, that a quantitative estimation of their occurrence should be undertaken in some suitable area. Further, it was suggested that experiments should be initiated at some early date in order to secure information as to the possibilities of bringing the Haiaris and Yarroconalli into cultivation.

Attempts have been made to grow Black and White Haiari in these Gardens but, as was to be expected from the unsuitability of the environment, without success. A small area of Yarroconalli is at present under cultivation, but in this case also it seems evident that plants adapted to sands or laterites and a humid atmosphere will not thrive on wind-swept clays. We are therefore ignorant of the possibilities of bringing any of these plants into cultivation on a large scale, and as yet have no information regarding the frequency of the natural occurrence of the Haiaris.

Samples of Conami (*Clibadium surinamense*) were found at Rothamsted to possess little or no insecticidal value. It was suggested that the air dried flowers might retain their toxicity providing they were packed in sealed tins. To facilitate this, seed was brought from the Aruka river and sown in these Gardens. The plants grew well and in six months were flowering profusely. It has thus been possible to despatch samples prepared and packed in the manner desired.

At present only three other plants are known to be used as fish-poisons in British Guiana; Moroballi (*Cupania? laevigata*), Conaparu (*Euphorbia cotinoides*) and Dauconani (*Phyllanthus* sp.). The first is a forest tree. The others are tall shrubs which, in common with Yarroconalli and Conami occur only in semi-cultivation in

*Tattersfield, F., Gillingham, C.T., and Morris, H.M., *Annals of Applied Biology*, v. 13, no. 3, pp 424-446. August, 1926.

the neighbourhood of aboriginal settlements. It is a noteworthy fact, repeatedly confirmed by the evidence of Indians, that four of these plants are unknown in a wild state. Two explanations seem possible; either that they were introduced from some distant part of this continent or from the Caribbean islands in the course of early migrations, or that exploitation extending over thousands of years has exhausted the natural supply. That they are modified forms of indigenous species is thought to be improbable.

Antidesma Ghesaembilla.—The identification by Kew of the species of *Antidesma* which has escaped from cultivation as *A. Ghesaembilla* necessitates a revision of the views formerly held as to its history in this colony. For some reason, which still remains obscure, this plant had come to be regarded as *Antidesma venosum*, and was said to have been introduced from Natal some time early in this century. An enquiry based on a correct knowledge of its identity indicates that its seed was included in one of the four consignments of unspecified seeds which were received from India in 1880, for it is on record that it was first planted out in beds in these Gardens in December, 1881.

There has been a tendency to dismiss this revised history as a matter of mere academic interest, having no practical bearing on discussions related to prevalence and spread. It requires but little consideration to show that this attitude is incorrect. When it was thought that the escaping species had been introduced as recently as 1908 or 1912, there may have been some cause for regarding its rate of spread as rapid, but there is certainly no justification now for describing as a grave danger to agriculture, a plant which has taken forty-seven years to become sporadically distributed over an area whose extreme limits (as the location survey has shown) are not more than $1\frac{1}{2}$ to 2 miles from its original source.

The concern aroused by this plant has been due, fundamentally, to its spread in the Botanic Gardens and their immediate neighbourhood, and the difficulty there experienced in eradicating it. In view of its remarkable vitality, reflected by a vigorous production of root-suckers which may develop even from isolated fragments of its underground system, it seems hardly surprising that the methods adopted in the past for its eradication failed to meet with success. Occasional cropping has unquestionably tended to encourage its vegetative development. There are now extensive stands, of what may be termed young coppice, where there might have been but a few small trees. Forking out stumps would no doubt prove a successful method of eradication were every portion of the root-system removed, but several years' experience have served to demonstrate that it is practically impossible to achieve this object in a heavy clay soil.

Experiments were begun in August to determine whether clumps could be destroyed by the application of inorganic poisons. In the first instance the plants were sprayed with 2½%, 5%, and 10% solutions of copper sulphate. The initial spraying with the 5% and 10% solutions resulted in defoliation, which was complete in 7 to 8 days. The 2½% solution had a negligible effect. Ten to twelve days after treatment the axillary shoots began to develop, and when these had made sufficient growth, the plants were sprayed a second time. Defoliation occurred and this was again followed by axillary budding.

At this stage it had been found that a solution containing one pound of arsenious oxide and two pounds of sodium carbonate in ten gallons of water was at least as effective as 10% copper sulphate, and as the cost of the arsenical solution was less it was decided to discontinue the use of copper sulphate. There was some objection to the use of such solutions for the amount of sodium arsenite present would not be known with accuracy but, at the time, supplies of this reagent were not available and there was therefore no alternative.

The recovery of the plants after complete defoliation by axillary budding, suggested that treatment would be more effective if existing shoots were first cut to the ground, and the new suckers sprayed when they had reached a height of not more than 6 to 8 inches. A suitable area occupied by *Antidesma*, about $\frac{1}{4}$ acre in extent, was selected for the purpose of this trial. The clumps were cut back to soil level, and, when the suckers had made about 6 inches growth, were sprayed at the rate of 80 gallons per acre. All the shoots were killed, but were soon replaced by the development of fresh suckers. Second and third applications were made at an increased rate of 150 gallons per acre but were followed in each case by vigorous regeneration. Spraying was discontinued until supplies of sodium arsenite became available and then three plots carrying approximately equal stands were cut to the ground, and after an appropriate interval were sprayed with 1% 5% and 10% solutions respectively. Recovery was slow, especially on the 5% and 10% plots and the second application was not made until 28 days later. Several of the clumps on the 5% and 10% plots failed to recover from this and are dead. Attention is now being directed towards the determination of the minimum concentration of sodium arsenite which may be used without impairing the efficiency of the method.

It was thought that it might be possible to exhaust the plant by repeated cropping, and in order to investigate this point three comparative plots are being cut, respectively, once a week, once a fortnight and once a month. The weekly plot, which has now been subjected to this treatment more than twenty times, as yet shows no signs of exhaustion.

As a result of the persistence of the past efforts at eradication few trees of *Antidesma* are now to be found, but, with the object of destroying those which remain, the effect of ring-barking followed by applications of 10% sodium arsenite, and of introducing the same solution into auger holes bored in the trunk, is being examined. These experiments have not been in progress long enough to warrant any expression of opinion.

I have the honour to be,

Sir,

Your obedient Servant,

R. A. ALSTON,
Assistant Botanist and Mycologist.

THE ACTING DIRECTOR,
SCIENCE AND AGRICULTURE DEPARTMENT.

REPORTS OF THE DEPARTMENT OF SCIENCE AND AGRICULTURE
FOR THE YEAR ENDED 31st DECEMBER, 1926.

APPENDIX IV.

REPORT ON AGRICULTURAL INSTRUCTION.

APPENDIX IV.
SCIENCE AND AGRICULTURE DEPARTMENT,
GEORGETOWN, DEMERARA,
25th February, 1927.

SIR,

I have the honour to submit a report for the year 1926 on the work of the Agricultural Instructors in the Colony.

I took over the appointment of Travelling Inspector in May, 1926, and at the end of the year had visited and inspected the work of all the Instructors with the exception of the following: Messrs. Morgan, Cush, and Fingal (Berbice), Wilson and Pasea (Essequibo). I have, however, had interviews with Messrs. Morgan and Wilson with respect to their Districts. A portion of my time has also been occupied in visiting Estates and giving instruction and advice, and also in investigating a species of *Antidesma*, which, having escaped from control, is now a menace to certain areas in Demerara. Two reports on this pest have been forwarded to the Government.

Advantage has been taken during my visits to urge upon farmers the aims and claims of the Government, Fruit, Vegetable & Products Depot, and I have been instrumental as "liaison" officer in keeping farmers in touch with this institution.

THE NORTH WESTERN DISTRICT.

Mr. Matthews assumed control of the Experimental Station in the North Western District on 21st July, 1926. He reports that the principal crop at the Station continues to be rubber—*Hevea brasiliensis*. The Hevea trees on the flat lands were mostly all destroyed at the time of the severe attack of leaf disease (*Melanopsammopsis heveae*) whilst the trees on the hill lands threw off attacks and continued to make favourable growth.

The lime trees are not satisfactory. A small number of cacao plants is being experimented with. With respect to coffee there are 17 varieties growing on the pegassey soils in Section D.

As regards fruit, the grafted mangoes do not appear to be particularly promising

The hill section was replanted with the Jamaica banana, while other varieties have been planted on the hill slope beds, each variety in a separate row.

A collection of *Pine Apples* was made and planted in the hill slope beds. Only two varieties were considered worthy of trial, viz., the Sugar loaf and Montserrat.

On the instructions of His Excellency an area of corn was planted in Section D. Selected ears were obtained, each lot being planted separately.

Trials with ground-nuts seemed to show that the pegassey soils were not particularly suitable and in very rainy weather quite unsuitable. This legume, however, is reported as doing satisfactorily on the red soils.

The distance adopted was $2\frac{1}{2}$ ' x $2\frac{1}{2}$ '. The crop has not yet been reaped.

Experiments with the Soya bean proved that pegassey soils are useless for this cultivation, while on the red soils the results were very poor. Seeds sown on 6th October produced plants no higher than 9 inches and gave on an average 6 pods to the plant. They flowered on 2nd November, the pods ripening towards the end of December.

The Instructor paid regular visits to the farms and gave advice, &c., to the farmers.

The drought broke in May, and was succeeded by heavy rains, which were accompanied by a plague of caterpillars. During the drought forest fires prevailed and the Instructor reports, "that very large tracks of land have been rendered unfit for provision growing because of the numerous ponds burnt out by the fire." A trial made by planting rice in these "ponds" appears to have been promising.

The principal permanent crop of this district is coffee, the cultivation of which has been extended every year. The trees are badly grown—the Instructor has urged upon the farmers the necessity for "topping."

With respect to the fungus disease (*Sclerotium*) the Instructor reports:—"Little leaf disease has been found generally speaking. Where it is found to be very bad was on a group of trees at the Consolidated Grant, but spraying with "Bordeaux mixture is being done."

Cacao appears to be neglected. I hope in the near future to see this crop extended, not on the pegassey soils, but on the hill slopes.

With respect to *Hevea brasiliensis* the area is said to be the same as that of last year. On the Consolidated Grant 2,703 lbs. of rubber were collected.

Limes, which should do well on the hill lands, are neglected. With distilled oil of limes fetching the high prices now ruling this crop might be worthy of greater attention.

The experiment with oil palms (*Elaeis guineensis*) in the pegassey soil has proved a failure.

In connection with the experiment with Jute (*Corchorus* sp.) Mr. Matthews writes:—"A small plot of this fibre was planted in the pegassey soil of the new extension but cannot be said to have done well as they hardly attained a height of 3 feet and scarcely $\frac{1}{4}$ inch in diameter at their thickest end."

EAST COAST, DEMERARA.

On the East Coast of Demerara the principal crops under cultivation are canes, rice, coconuts, ground provisions and fruit. The drought of 1925 affected all kinds of cultivation. Great losses in live-stock were suffered "on account of the scarcity of grass in some districts and the want of water in others."

Canes.—There has been an increase in the area under cultivation at Beterverwagting and Triumph.

Rice.—Efforts have been made to improve the quality of the seed-padi sown, by selection of seed and elimination of inferior types. It is hoped to get the farmers to co-operate and plant plots with selected seed-padi obtained from the Botanic Gardens, care being taken to prevent any risk of "crossing."

Coconuts.—Attention has been given to this crop. A number of trees of the best type and correct age has been selected and set apart for seed purposes.

Vegetables.—New areas have been empoldered and a start has been made in their cultivation. Interest has been awakened and there has been a return to the soil on the part of a number of men.

Every effort has been made to increase the area in ground-nuts.

Fruit and Coffee, &c.—A fruit demonstration plot has been started by the Plaisance Village Council, and a start has been made in connection with the planting of

permanent crops. Seed beds of both Liberian and Arabian coffee have been started at Plaisance, Friendship and Victoria.

Altogether, on the East Coast of Demerara, there has been an awakening and we can hope in the future to see areas in these villages under permanent cultivation.

BERBICE.

The Instructor for Berbice, Mr. E. M. Morgan, reports that regular visits were paid to the farms and practical demonstrations were held in the field.

Corn, Plantains and Ground Provisions.—In common with other parts of the Colony, the County of Berbice suffered severely on account of the drought, but since the rains began to fall, the farmers "have done excellent work on the farms" and there has been a substantial increase in the acreage under this head."

Rice.—The importance of obtaining good seed padi is marked and most growers are alive to this necessity. It was found impossible to secure sufficient seed-padi from the Botanic Gardens to supply all the orders.

Coconuts.—Drainage and proper cultural methods are still lacking. This cultivation suffered materially during the drought.

Cacao.—The drought appears to have caused a steady dying back of the cacao trees in Berbice.

Coffee.—A start was made to form a demonstration plot so as to encourage farmers to take some interest in what was once the premier crop of the County, Berbice coffee being well-known at one time throughout the world. The drought, however, operated against the success of this experiment. Mr. Morgan hopes to be able to do something in this direction during 1927.

Fruit.—Efforts are being made to interest farmers in the planting of fruit trees.

POMEROON.

Mr. France reports that the farmers of the Pomeroon River District suffered severely from the drought. The principal crops grown are :—Coffee (Liberian and Creole), Cacao, Coconuts, Corn, Plantains, Bananas and Ground Provisions, Rubber, Rice and fruit trees.

Coffee.—The crop was late and little harvesting was done as the fruit was only ripening up during the end of 1926. The lack of pruning and topping is lamentable. The Instructor has been given orders to devote careful attention to young cultivations, so as to avoid the repetition of mistakes in the past, both as regards pruning and spacing.

Cacao.—Farmers must be impressed that the practice of cutting out cacao to make room for Liberian coffee is undesirable. "Very little cacao is cultivated."

Coconuts.—Coconuts represent an extensive acreage, but in many instances the trees have been badly planted. More attention must be paid to drainage. Efforts have been made to get farmers to remove dead and dying plants and to practise some kind of field sanitation. There is considerable amount of disease amongst coconut palms in this district. Owing to the drought serious losses occurred both with respect to palms dying out and the reduction of yields.

Plantains, Bananas and Ground Provisions.—The drought was responsible for very poor returns.

Rice.—More interest has been taken in rice growing. Several requests have been made for good, selected padi.

Fruit Trees.—The Instructor is making an effort to form a small nursery of grape fruit, shaddocks and other trees, so as to encourage farmers to grow these and other fruit trees on a larger scale and with more system and method than is at present the case.

Hog, Cattle and Poultry Keeping.—Mr. France is hoping to convince farmers, in spite of the mosquito plague, that much more can be done in this direction.

Some interest in the making of oil from Para rubber (*Hevea brasiliensis* Muell-Arg.) seed has been aroused. This oil might be utilised locally as a substitute for linseed oil.

Arrangements have been made for school children to attend at the Station to receive lessons in sowing of seeds, forming of plots, and elementary lessons in practical agriculture.

THE JOURNAL OF THE BOARD OF AGRICULTURE.

I am pleased to be able to report that there is an awakened interest in the Journal of the Board of Agriculture. There have been many more subscribers and farmers appear to appreciate this publication immensely.

GENERAL.

The farmers have confidence in the Agricultural Instructors and appear to be more interested in the establishment of permanent crops and also in such crops as ground-nuts. Special efforts have been made to interest farmers in the growing of this legume and I look forward, in the near future, to seeing ground-nuts produced on some scale throughout the three counties. On the whole, I am satisfied that there has been an awakening in matters agricultural.

I would emphasise the importance of the Instructors keeping in close personal touch with the farmers and I should also like to draw attention to the good work that is being accomplished by means of Farmers' Competitions.

I have the honour to be,

Sir,

Your obedient servant,

EDGAR BECKETT,
Travelling Inspector.

THE ACTING DIRECTOR,
SCIENCE AND AGRICULTURE DEPARTMENT.

REPORTS OF THE DEPARTMENT OF SCIENCE AND AGRICULTURE
FOR THE YEAR ENDED 31st DECEMBER, 1926.

APPENDIX V.

REPORT ON THE WORKING OF THE BIOLOGICAL DIVISION.

APPENDIX V.

BIOLOGICAL DIVISION,
25TH FEBRUARY, 1927.

SIR,

I have the honour to submit the following report on the working of the Biological Division of this Department for the year 1926.

As anticipated in my last report there were several outbreaks of pests shortly after the commencement of the rains, and almost simultaneously, reports were received from all parts of the Colony of outbreaks of insects, the plants attacked varying in importance from crops such as sugar-cane and rice to purely ornamental plants. It is gratifying to record that in many instances advice with regard to the control of such pests was promptly sought, and, what was still more encouraging, often successfully carried out. There still remains, however, much to be desired in this direction and it is necessary for agriculturists to realise that it can be only by concerted and continuous effort on their part that pests can be brought under control, and that essentials in a campaign against any pest are mutual trust and co-operation. Many difficulties now experienced in control would disappear before such united effort.

The subjects which have engaged the attention of the Division will be dealt with under the various crops concerned, followed by such miscellaneous investigations as have also been undertaken.

Sugar-Cane.—In June, shortly after the breaking of the drought, there were severe outbreaks of the Grass Looper, *Remigia punctularis* Hb. (*Mocis repanda* Fabr.). A notice was published in the "Official Gazette" of 26th June, with regard to these insects, recommending measures for their control. These insects started in their usual manner on grasses, rapidly spreading to sugar-cane, and in most districts inflicted very appreciable damage. Some of the larger estates employed arsenicals in combating the pest on this occasion with a considerable saving of time and money. There were others, however, that still clung tenaciously to the laborious and archaic method of handpicking this pest. In two instances where it has been possible to obtain figures of the cost of the application of arsenicals this worked out at from 36 cents to \$1 per acre for a single application of Paris Green or Lead Arsenate. The cost of handpicking these insects, although no accurate figures were obtainable, was found to vary from 50 cents to as much as \$8 or even \$15 per acre, according to the severity of the infestation. There can be no denying the fact that one of the principal drawbacks of spraying for these insects is their appearance at a time of the year when heavy rains occur, and often such spraying must of necessity be repeated. The difference in the cost of the two methods, however, amply allows for such eventualities, while the saving in man-power and time are decided advantages in combating a pest where delay of even hours is important.

A new, and apparently somewhat important enemy of *Remigia*, in the form of a *Carabid* beetle, not yet determined, was observed during this outbreak.

The situation with regard to Small Moth borers, *Diatraea* spp. and other pests of this crop, remains the same.

The investigations commenced during the previous year at the British Guiana Sugar Planters' Experiment Station in connection with the loss caused through *Diatraea* were concluded during the present year. Up to the present it has not been possible to analyse the data thus obtained but it is hoped to do so at an early date when, along with similar data previously obtained from other sources, the results of the investigations will be published.

Rice.—As far as this crop was concerned the year was marked by what was perhaps an unprecedented number of severe outbreaks of insects, scattered over most of the rice-growing area of the Colony.

In June, after the breaking of the drought, there was a severe and widespread attack by the Rice Caterpillar, *Laphygma frugiperda* S. & A., both on young rice plants in nursery beds, and in the fields in some districts where the broadcasting or "sieing" of paddy was practised.

A notice concerning this insect was published in the "Official Gazette" of 26th June giving methods for its control. In the nursery beds this pest is easily controlled by flooding the nursery and sweeping the caterpillars therefrom by means of long-handled brooms. The rice planters have become acquainted with this method now and recognise its efficacy. Where rice has been "broadcasted" this method of control is not possible, and I believe it was for the first time in this Colony, that arsenicals were applied to this crop in the control of a pest. Although the methods were of necessity somewhat primitive owing to the lack of spraying machines, the results obtained were satisfactory, and it is to be hoped that the farmers in those districts where this method of planting is employed will utilise this form of control on future occasions.

A little later in the year, and when the rice plants were still comparatively young, there were, in certain districts, attacks of an insect which must be regarded as a serious pest of this crop, and which I believe will be found to be more widespread in the Colony than is now generally recognised. This insect, a species of *Lissorhoptrus* probably new to science, has for want of a better name, been called the "Rice Water Weevil," which name is applied already to an insect of the same genus and with almost identical habits occurring in the Southern United States.

For the convenience of farmers the symptoms of an attack of this insect will be described here:—This insect attacks the rice plant at its roots either by eating into them or entirely severing them. Plants which have been attacked, having their root system thus injured soon show signs. The leaves become yellow ("Dye colour" as the East Indians call it), the lower ones becoming brown and falling on the water: this discolouration varying in intensity according to the severity of the attack. Plants showing such symptoms will be observed to occur in patches about the fields, and on examination, such affected areas will be found to occur in the lower parts of the fields.

On uprooting the plants the stage of the insect responsible for the injury usually can be found. Scattered about the root-mass of the affected plants a few or many milk-white grubs from one-fourth to one-half inch long are to be found, being often, and especially when many of the outer roots have already been damaged, most prevalent about the centre of the root-mass, close under the base of the plant.

The pupal stage also is found in the same position, the larva making a small oval cell of mud about $\frac{1}{8}$ inch long within which a silken cocoon is spun and in which pupation takes place. These cells are somewhat inconspicuous, but can be found about the root-mass in a similar position to the larvae.

Undoubtedly, in districts where there is a regular supply of water for irrigation, the most effective method of control is the drawing off of the water from the fields and allowing them to dry for a period of several days. Rice plants will tolerate such treatment for periods up to about two weeks, depending on the condition of the soil. Either by a continuous drying off of the fields for a period of two weeks, or by alternate drying and flooding for a week at a time, this pest may be successfully controlled. It should be pointed out, however, that when the injury performed by the insect is excessive such drying of the field may prove to be injurious through the loss of roots, the success of the method depending on its employment at an early stage in the attack!

Still later in its growth, and in this instance when the young grain had begun to form, the rice crop was attacked by the bug *Mormidea poecila* Dall. This insect, as well as another Pentatomid of a larger size which also attacks rice, not yet determined, is called "ghandi" by the East Indians (Corruption of "ghandha" meaning stink).

The attack of this pest was widespread and severe, and caused a considerable amount of alarm. Unfortunately when it was learnt that the methods of control recommended involved a certain amount of work this anxiety for the future of the crop rapidly dwindled, and the majority of the farmers either resigned themselves to their fate, or were apparently entirely indifferent as to the result, while others again frankly admitted that what they expected was some "medicine" that they could shake or burn near the field and cause the bug to leave, or some "mantar" or prayer (corruption of "mantram")* that they could repeat with the same effect. It was subsequently discovered that persons had in some instances actually engaged a religious potentate to go round their fields repeating a "mantar" to rid the fields of the bugs. This method made a great appeal to the farmers as it entailed no effort on their part; needless to say, it was entirely unsuccessful in controlling the insects.

This insect is quickly and easily brought under control by sweeping with hand nets, a method that can be employed by any farmer with sufficient energy to carry it out. Vastly better results are to be obtained, however, by co-operation amongst the growers in controlling this insect. The bug attacks the rice soon after fertilization of the flower has taken place and the grain begins to form, or when it contains "milk" as the farmers describe it. In this stage the glumes (husks) are easily punctured by the bug which then sucks the contents. The attack therefore is at its height for only a few days in any one bed or field, and the insects will often pass from one bed to an adjacent one in a more suitable condition for attack. By co-operation in sweeping for the control of this insect amongst neighbouring growers much could be done both to minimise the damage to the fields first attacked, and to prevent damage to fields maturing later. Co-operation of a similar kind takes place in some districts, I understand, in connection with planting, and I see no unsurmountable reason why the same should not occur with regard to the control of certain insect pests at least. For its success there must be mutual trust and reliance amongst farmers, and these it would appear are not easy to secure.

Although known for a number of years as a pest of rice, the Black-headed Small Moth Borer, *Diatraea saccharalis* F., until quite recently has not been looked upon in the light of a serious enemy of this crop. During the past year, however, several instances were observed where this insect was performing appreciable damage. Enquiries elicited the information in certain quarters that this particular insect was more prevalent this year than is usual or than ever previously. The fact remains that *Diatraea saccharalis* F. must be considered now, at least under certain conditions, as an important enemy of the rice crop of this Colony.

Investigations were immediately commenced on methods for the control of this insect, and also with the object of estimating the damage it is performing. Both of these are proving to be difficult problems. Certain preliminary recommendations have been prepared, however, in connection with the control of this insect and it is proposed to have these published and distributed in the rice-growing districts in time for the rice planting about the beginning of May. The control measures can be separated into two groups, namely, (1) those applicable to areas in which two crops of rice a year are grown and which possesses an adequate and dependable water supply, and (2) those applicable to districts in which only one crop of rice a year is obtained.

*See Dubois and Beauchamp. Hindu Manners, Customs & Ceremonies. 3rd Edition, 1903.

I.—Recommendations for districts in which two crops of rice are grown, and which possess an adequate and dependable water supply :—

1. Low cutting of stools when harvesting.
2. Flooding of fields immediately after harvesting so that the stubble is covered.
3. Ploughing under of straw in beds or submergence of straw in bed after first wetting it at the "mashing out" places or "carians."

II.—Recommendations for districts in which only one crop of rice is grown :—

1. Ploughing out of old stubble.
2. If fields are left fallow a second ploughing should be given at least a fortnight before planting in order to remove and bury all heavy grasses and "volunteer rice" and the fields placed under water.
3. Rotation to a suitable crop after ploughing as at 1. This is preferable to 2, and should be practised whenever possible. A suitable crop for such rotation would appear to be a pulse. For this purpose either "Green Gram" or "Mung" (*Phaseolus mungo*), "Black Eyes" (*Vigna sinensis*) "Increase Peas," or a similar pea is suggested. This matter requires, and will receive, further investigation.

The burning of rice straw after the separation of the grain is not recommended as a method of disposal of this material although it is now practised in most parts of the Colony. It may be well to draw attention here to the reduction of yields of certain rice lands in the Colony which have been under this crop for a number of years. Speculation as to the cause of such decrease in the fertility would be rash but it may be said safely that the returning of the rice straw to the fields at the end of each crop would go a long way toward maintaining the fertility of these lands. The submergence of the straw, as recommended under the above control measures, would answer the purpose in those districts where this could be done; for the other districts the possibility of producing "synthetic farm-yard manure" from this material must be considered, and investigations will be carried out on this point.

Investigations are also been conducted on the control of this insect with certain insecticides, but work has not progressed far enough to make any statement at present.

A new pupal parasite of *Diatraea saccharalis* F. was reared during the year from insects of this species attacking rice plants.

Instances were observed where both padi and rice stored in factories were damaged by two insects, namely, *Calandra oryzae* L. and *Tronbolium* sp. The loss caused to the industry as a whole by these insects must be far in excess of anything realised, and it is hoped in the near future to carry out investigations on the means of combating these pests.

Coconuts.—No serious outbreak of coconut pests were observed or reported during the year.

Investigations on the Coconut Borer, *Castnia daedalus* Cram., have been continued throughout the year and have absorbed much of the time of the Division. The life cycle of this insect is proving to be long and the larval period although not yet complete has now extended over nine months. These larvae, in spite of their large size, are very delicate, and the difficulty of maintaining a supply of fresh food for them has necessitated a great deal of arduous work, entailing attendance every day of the year and often long after official hours.

Owing to the habit of the larvae of boring into the stems of the palms upon which it lives, and the growth-habit of the Coconut and most other palms in having only one stem, the cutting of which destroys the plant, considerable difficulty was experienced in finding a plant that would not only provide the required food, and allow observations to be made regularly, but what was most important that could be obtained readily in sufficient quantities for the investigation. Indeed it was only after many months of experimenting, and the trial of several different kinds of food plants, that a satisfactory method of rearing and a suitable food-plant were found. Eventually a palm of the genus *Chrysalidocarpus* was found and after due trial adopted. This palm from its growth-habit of producing a large number of stems to a single clump, and the fact that on the removal of stems the palm readily gives rise to fresh shoots was found to be particularly suitable for the investigation. On consulting Mr. A. A. Abraham, Acting Superintendent of the Botanic Gardens, I was assured by him that ample supplies of this palm could be obtained from the Botanic Gardens for my investigations, without affecting the palms adversely, and it is from this source that the material is being obtained.

To give some idea of the amount of work involved in this investigation it may be mentioned that the investigation started with over two hundred larvae, which it was necessary to feed, examine and note any changes daily and to preserve specimens of each change. As no previous work, except that carried out by this Division, appears to have been done on this insect, and indeed very little is known about the habits of the insects of the family *Castniidae* as a whole, to which this insect belongs, the information that is being obtained will be both interesting and useful scientifically, while it is essential for the purpose of advising on the control of the pest. It has been ascertained that a female of this moth is capable of laying some 300 eggs, from which, under suitable conditions, larvae emerge in sixteen days. At the time of emergence the larvae measures only 8.5 mm, and increase to 110.0 mm. (about 4½ inches) or more before they become full-grown. It is hoped that during the coming year the investigations on the life-history will be completed and that a means for the control of the insect will be developed.

Vegetables, Fruit and Garden Plants.—In common with other crops Vegetables, Fruit and Garden Plants suffered somewhat from attacks of insects after the breaking of the drought.

Among the principal crops reported as attacked were Cassava, Corn and Sweet Potatoes, and these will now be dealt with.

Cassava.—A number of reports were received of attacks by "worms" on this plant, which on investigation proved to be the well-known Cassava Hawk-Moth *Errinnys ello* L. Most of the reports came from persons with areas ranging from less than one-quarter of an acre to as little as a few roots and the most economical control that could be advised was handpicking. One could not help being struck by the fact that it had apparently never occurred to the individuals themselves to do this, for in many instances the total number of caterpillars present hardly exceeded a couple of dozen.

An interesting report was received from the Pomeroy District of an attack on this plant by the larvae of a Dipterous insect. Although no adult of the pest was reared there is every reason to believe that the insect concerned was a Sapromyzid fly of the genus *Lonchaea*, which has not previously been recorded as attacking Cassava in this colony.

Indian Corn.—In common with Sugar-Cane and a number of grasses Indian Corn was severely attacked in some districts by the Grass Looper *Bemisia punctularis* Hb, which caused a total loss in some instances. Here again it was not economic in most cases to advise the use of arsenicals, although in a couple of instances where the area under the crop was of sufficient size this was recommended, and proved entirely satisfactory.

Sweet Potatoes.—Several reports were received during the year of insect attacks on this crop. In the earlier part of the year the reports received were principally of attacks by larvae of the Sweet Potato Hawk-Moth, *Herse cingulata* F.

A few reports were received of attacks of the well-known Sweet Potato Weevil *Cylas formicarius* F. Some of the principal predisposing factors to attacks by this insect are what may be classed under the general head of "bad agricultural practices," which unfortunately are very prevalent throughout the colony amongst all crops. In this particular crop and insect they include (1) continuous cropping with Sweet Potatoes on the same land, that is, non-rotation of crop, and (2) delayed reaping that is, not reaping the crop as soon as it has reached maturity.

The selection of planting material free from weevils is another important measure which is too often overlooked, the practice of which would do much to prevent the spread of the pest. It is practices such as these that encourage attacks of the Sweet Potato Weevil and, of course, the control of the insect is to be found in their correction.

The Pyralid moth *Megastes pusialis* Snell, was also observed attacking this crop on a few occasions, and investigations were carried out on the insect which is one of the more important pests of Sweet Potatoes in the colony.

Household Insects.—A few reports were received of household insects but none of these was other than the commonly occurring cockroaches, ants, fleas or bed-bugs.

The remedies for these creatures are easily applied, and have been recommended on previous occasions by this Division. There appears to be a large number of persons, however, who are still completely ignorant of these recommendations, and as they are too long to be set out in this report it is proposed to publish them elsewhere at some future date.

MISCELLANEOUS INVESTIGATIONS.

Mosquitos.—Investigations were continued during the year on the breeding of *Anopheles tarsimaculata* Goeldi, in saline water on the foreshore in the vicinity of Kitty Sea Wall and Village. The investigations were extended to include observations on another species of mosquito, namely *Aedes taeniorhynchus* Wied., which was breeding in the same area, and on the nearby lands in the vicinity of Kelly's Dam, and which during the year made it impossible at times for persons to remain on certain sections of the Sea Wall after dusk.

Some interesting information was brought to light by this investigation, and the results are being published in a paper entitled "Notes on the Breeding Habits of Two Mosquitos," in the Bulletin of Entomological Research, together with a plan of the area and other illustrations. It will be sufficient to say here that *Anopheles tarsimaculata* Goeldi, was observed to be capable of breeding in water with salinities varying from 11.2 grammes to 15.3 grammes sodium chloride per litre; while *Aedes taeniorhynchus* Wied. was found to tolerate water with a range of salinity from 0.76 to 16.2 grammes sodium chloride per litre.

Silk.—As the result of the correspondence started early last year with the Imperial Institute, London, the first shipment of silkworm eggs was received in the colony in May. Although it was fully realised that it was rather late in the season to import eggs from such a long distance, the opportunity was taken of doing so with the hope that the eggs would reach the colony still unhatched. Unfortunately, the eggs hatched in transit, apparently some days before reaching the colony, and all the larvae were dead on their arrival here. An order for a further supply of eggs was immediately placed through the Imperial Institute, but it was impossible to obtain this new supply until September. The second shipment was received in the colony on 15th September.

A portion of these eggs was subsequently placed in cool storage, while another part was kept in the laboratory at room temperature. Larvae from this latter group commenced to hatch toward the end of December and continued to do so in small numbers and at irregular intervals over a period of several weeks. This unevenness of hatching is not desirable when rearing these worms on a commercial scale. It is possible that those eggs in cool storage will show more regularity in hatching, and subsequent greater success in rearing. It is, however, much too soon to make any statement as to the possibilities of rearing these insects commercially in this colony.

Insect Migrations.—A few interesting observations were obtained on insect migrations during the year and included one on Dragon flies (*Tramea cophysa* Hag., the other being of Lepidoptera. Perhaps the most interesting of these was an extensive migration of butterflies occurring over a period of about a fortnight in which several species were concerned. Since the publication of my last paper on butterfly migrations sufficient observations have been accumulated to warrant publication, and it is proposed to publish another paper on this subject in the near future.

Publications.—Two publications were prepared during the year as the result of investigations carried out.

On the life-history of *Caligo illioneus illioneus* Cram. By L. D. Cleare, Jr. In Trans. Entomological Society, London, Vol. LXXIV, pp. 361-366, Pls. LXXXI-LXXXIII., 1926, the other "On the Breeding-Habits of Two Mosquitos" (*Anopheles tarsimaculata* Goeldi and *Aedes taeniorhynchus* Wied.) will appear at an early date in the Bulletin of Entomological Research.*

Tours and Trips.—Considerable travelling was done during the year under review and most of the agricultural districts were visited. Opportunity was also taken to visit the Potaro District when one occurred in September. This district proved to be highly interesting from an entomological point of view, and although the trip was necessarily hurried and collecting opportunities not of the best, the number and variety of specimens obtained was good. On the Potaro Road in the vicinity of the Minnehaha Developing Company's Headquarters at 10½ miles a good collection of butterflies of the highly interesting mimetic group Ithomiinae—Heliconinae were obtained.

Another short trip that proved of considerable interest was a period of three days spent at the Hills Estate, Mazaruni River. On this occasion, amongst other material obtained, was some of particular importance in connection with my investigation on *Castnia daedalus* Cram. At the same time an additional locality was added to the distribution records of this insect.

Birds.—Observations on Birds have been made from time to time during the year as opportunities occurred. A few new records were obtained for the Botanic Gardens, and for Georgetown.

An interesting observation of parrots attacking Citrus and other crops was made at Beterverwagting on the East Coast Demerara in November and December. The birds concerned were the species known locally as "Screechers" *Amazona amazonica* L. The birds appeared literally in hundreds in the cultivated lands of this village and inflicted much damage to crops. The principal plants attacked were Citrus, but mangoes and coffee also suffered. Only a few of the villagers resorted to shooting, but the birds became very wary after a time. It is not often that one hears of such an attack on crops by parrots, and it is probable that conditions following the long drought and consequent forest fires were to some extent responsible for the development of this rather undesirable trait. I have heard of similar attacks by parrots on limes in the County of Berbice, but it is by no means the general rule.

* Published Bull. Ent. Res. Vol. XVII., Pt. 4th June, 1927, pp. 405-408, 1 fig., Pl. XXXV., 1 Map.

Collections have also been made of Bats, Lizards, Fishes, Snails, and Starfishes, and determinations of such specimens have been obtained through the courtesy of the British Museum Authorities.

Collections of insects have been forwarded from time to time to the Imperial Bureau of Entomology and determinations received. Several specialists in different groups have made the determinations, through the Bureau, and the help rendered by them is thankfully acknowledged. These specialists include Mr. G. J. Arrow, Mr. G. E. Bryant, Mr. F. Laing, Dr. G. A. K. Marshall and Mr. B. Uvarov. The Bureau has rendered invaluable service to the Division in this and other ways.

I have the honour to be,

Sir,

Your obedient Servant,

L. D. CLEARE, Jr.,
Government Economic Biologist.

THE ACTING DIRECTOR,
SCIENCE AND AGRICULTURE.

**REPORTS OF THE DEPARTMENT OF SCIENCE AND AGRICULTURE
FOR THE YEAR ENDED 31st DECEMBER, 1926.**

APPENDIX VI.

REPORT OF THE VETERINARY DIVISION.

APPENDIX VI.

SCIENCE AND AGRICULTURE DEPARTMENT,
 VETERINARY DIVISION,
 Georgetown, Demerara,
 18th February, 1927.

SIR,

I have the honour to submit the following report for the year ended 31st December, 1926 :—

The period under review was marked by a considerable number of deaths among live-stock in various parts of the Colony, on account of the protracted drought, which caused a reduction in the water supply and pasturage. The drought was happily broken on the 29th April.

The bull "Texas Wonder" died at Plantation Hope, East Coast, from an attack of pneumonia.

2. THE STOCK AT THE GARDENS.

Pure Bred Cattle.

Animals.	Number.	Name.	Breed.
Cattle—			
Bulls	2	*Non-Stop John	Shorthorn.
Cows	2	Reagan	Holstein Friesian.
Hoifer	1	Rose Daisy	" "
Calves—			
Bull (Out of Reagan)	1	...	" "
Hoifer (Out of Rose)	1	...	" "
Sheep—(Imported)—			
Rams	4	...	Blackface Shropshire.
Ewes	3	...	" "
Fowls—			
Cocks	7	...	Brown Leghorns.
Hens	4	...	" "
Cocks	2	...	White Leghorns.
Hens	11	...	" "
Cock	1	...	Plymouth Rock.
Hen	1	...	" "
Ducks—			
Drakes	4	...	Indian Runners.
Ducks	9	...	" "

* Imported from the United States during the year.

The number of fowls' eggs was 522 as compared with 1,075 eggs of the previous year and they were sold at \$54.40. The drought was responsible for the reduction.

Eighty-one visits were paid by me to the Gardens.

3. HIS MAJESTY'S PENAL SETTLEMENT.

Animals.	Number.	Name.	Breed.
Bull	1	...	Zebu.
Cows	15	Kate	½ Bred Shorthorn.
		Eliza	" "
		Bella	" "
		Carrie	Nondescript.
		Blackie	" "
		Jeanette	" "
		Margaret	" "
		Ragree	" "
		Betty	" "
		Susan	½ Bred Shorthorn.
		Edith	" "
		Ellen	" "
		Sarah	" "
		Dorothy	" "
		Mary	" "
Calves—			
Bulls	2	...	Nondescript.
Heifers	2	...	"
Heifers	11	...	"
Bulls	9	...	"
Buffaloes—			
Bull	1	Ganga	
Cows	6	Minnie	
		Boodnie	
		Barkie	
		Chutkie	
		Etwaria	
		Martha	
Hoifers	7	...	
Bull	1	...	
Bull Calves	2	...	
Fowls—			
Cooks	5	...	Plymouth Rock.
Hens	9	...	" "
Donkeys—			
Mares	2	Jane	Nondescript.
		Dorothy	"
Horses—	3	...	"
(From Police Dept.)			
Sheep—			
Ram (Imported)	1	...	Blackface Shropshire.
Ram (Local)	1	...	Nondescript.
Ewes	9	...	"

4. STOCK AT ONDERNEEMING FARM.

Animals.	Number.	Name.	Breed.
Bull (Imported)	1	Duke	Shorthorn.
Cows	13	Dora	Nondescript.
		Mungri	"
		Ada	"
		Pearl	"
		Venture	"
		Betty	"
		Molly	"
		Elsie	"
		Nellie	"
		Grace	"
		Lottie	"
		Daisy	"
		Penelope	Half-bred Guernsey.
Calves—			
Bulls	4	...	" "
Heifers	2	...	" "
Heifers	2	...	Nondescript.
Buffaloes—			
Bull	1	...	"
Donkeys—			
Stallions	2	Jack I	"
		Jack II	"
Mares	2	...	"
Filly	1	...	"
Fowls—			
Cocks	7	...	Plymouth Rock.
Hens	7	...	" "
Chickens	13	...	" "

A sale of surplus live stock was held at Onderneeming Farm on the 13th September, 1926, and the animals, especially the buffaloes, fetched fair prices. Two visits were paid by me to Onderneeming Farm.

5. Mounted Police.—The following is a table of the year's work :—

	A. Troop.	B. Troop.
Number of visits paid	53	103
" animals on the strength	24	38
" " sick	34	41
" " purchased	—	6
" " condemned	—	3

Two Waterbass foals out of Troop mares were foaled during the year and were subsequently placed on the Government Stud Farm, D'Urban Park.

Five horses were imported from the United States of America for the use of the Department. Three of these five are unsuitable for use at Mounted Police duty, being by class heavy draught horses. As potential brood mares, however, they have possibilities. Condition experiments by feeding "Sterilised Feeding Bone Flour" indicates that this flour is a superior conditioning agent for troop horses, and cheaper also than the usual foodstuffs employed.

6. Stud Farm.—The health of all the animals comprising the Government Stud Farm during 1926 remained good. During the year a system of feeding Bone Meal Flour to the mares and foals was tried, for the purpose of combating bone and growth deficiency. Supplies were ordered in the first place from the United States

of America but proved unsuitable, being in reality a land fertilizing product. Supplies of "Sterilized Feeding Bone Flour" were eventually obtained from England and experiments commenced during October, 1926. Indications at the end of the year give clear grounds for assuming that this new system of feeding will be a success. Height, girth, bone and weight for age records will necessarily take some time to complete, but should show a considerable improvement on those obtaining in Creole horses, especially where height and bone complement are concerned.

The following mares, owned by Government and by private persons, were covered by "Waterbass" during 1926:—

Privately owned Mares	...	13
Stud Farm Brood "	...	4
Troop Horses "	...	19
		—
Total	...	36
		—

Three hundred and forty-six visits of inspection were made by the Superintendent to the Government Stud Farm during the year.

The four Donkey Stallions, Jack Greatland, Tip-Top, Red Cloud, and Clay King, were at Stud in various parts of the Colony during the year and their services were fairly well utilized.

The acquisition of artificial insemination apparatus during 1927 should make horse-breeding on the Farm for the purpose of Mounted Police requirements, selective, rotative, and a certainty, and would tend to improve the class of Remount supplied. Feeding with sterilized Bone Flour, the cost of raising should be economical in the extreme and the class of animal superior in bone and substance to that usually obtained locally, and will undoubtedly be a better class of horse than the United States importations of 1925-26.

7. *Lunatic Asylum*.—I made one visit to the Asylum in the month of October, The donkey was suffering from an attack of lymphangitis. I attended to him and he recovered.

8. *Leper Asylum*.—I made three visits to the Asylum during the month of November, and found some of the animals there, which were suspected to be suffering from Tuberculosis, to be suffering instead from lymphangitis. This was caused by the absence of any housing accommodation for the animals and it was therefore necessary for me to recommend that the sheep be penned and the other animals kept in stables in order to avoid their picking up offal, thrown away by inmates which was conducive to sickness and disease.

9. *Alms House*.—Three visits were made to this institution. One donkey was treated for lameness and is now working satisfactorily.

10. *Colonial Hospital*.—I made two visits to this institution during the month of June. A "Bay Gelding" was treated for lameness and is now sound.

11. *Public Works Department*.—Three visits were made by me to the Public Works yard. I treated a Black Mule (Gelding) for shoulder lameness and he is now at work. I was called to Vigilance Police Station at 8 p.m. on December 7th, to attend a mule from the Public Works Department. I treated the animal, which recovered sufficiently to be brought to Georgetown the next morning. At present, he is working satisfactorily.

I have the honour to be,

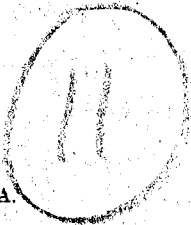
Sir,

Your obedient Servant,

SAMUEL BRUCE,

Acting Government Veterinary Surgeon.

THE ACTING DIRECTOR,
SCIENCE AND AGRICULTURE DEPARTMENT.



COLONY AND PROTECTORATE OF KENYA.

SUMMARY OF CLOSER SETTLEMENT
PROPOSALS, 1928

X723. 687. N285

THE ACTING DIRECTOR
SCIENCE AND ARTS

SUMMARY OF CLOSER SETTLEMENT PROPOSALS, 1928.

Considerable areas of Crown land available for settlement and suitable in most cases for mixed farming, and in some cases for highly intensive use, together with financial assistance promised by the Imperial Overseas Settlement Department and that to be provided by the proposed Land and Agricultural Bank constitute the resources available for the encouragement of closer settlement. These proposals aim at laying down a policy and establishing a process of settlement and contain recommendations for a comparatively small initial step in respect of some of the Crown lands available at present.

2. In respect of settlers from Great Britain the contribution expected from the Overseas Settlement Department may be summarised as follows :—

- (a) Half of an initial long term loan of £400 to each allottee and in certain cases half of a further loan of £200;
- (b) The grant of a contribution towards passage money such as will, with an equivalent grant from the Kenya Government, and a 15% rebate granted by the Conference Shipping Lines, reduce the cost of third class passages for new settlers and their families to £10 per head;
- (c) The grant of a maintenance allowance to each settler from Great Britain for the first six months of his residence in Kenya;
- (d) The grant of half of the cost of training such settlers, if required, whether in Kenya or in Great Britain; in this connection it is considered that selected applicants from overseas should be required to obtain local agricultural experience for periods at the discretion of the Selection Board before taking up their allotments;
- (e) The guarantee to the extent of 50% of bad debts to the Land Bank in respect of overseas settlers except in the case of interest losses.

The consent of the Overseas Settlement Department to make these contributions is, of course, subject to the submission of final schemes for their inspection.

3. The administration of the scheme should be in the hands of a Central Land and Selection Board, which would arrange for the consideration of applications both in Kenya and in England. It is recommended that this Board should be composed mainly of members having wide practical experience in settlement and farming and it is suggested that the total membership should be five with a power of co-option for specific purposes.

4. The proposals fall into three parts as follows :—

- Scheme A. Small holding scheme.
- Scheme B. Mixed farming scheme.
- Scheme C. Scheme for pensioners and other persons in similar circumstances.

5. Except as hereinafter stated in respect of residential areas, the accompanying folio of plans shows divisions of land determined on the ground, and requiring completion only by the placing of permanent marks.

SCHEME A.

A reservation is made on the outskirts of Kitale Township of 48 small holdings averaging approximately 200 acres which should be allotted alternately to selected local applicants and to selected applicants from Great Britain.

An average of 200 acres is considered sufficient in this area to enable the allottees to be self-supporting, while any wages earned from outside employment would assist towards a more intensive form of farming. It is estimated that not less than 100 acres of the land in any holding is arable and that the range of production in this locality is such as to make this proportion of arable land amply sufficient for the purposes of the scheme.

Alternate allotment is recommended so as to ensure that the overseas settler shall benefit as far as possible from the experience of the local allottee. In this respect importance is attached to the proposal that a small demonstration farm to serve particularly but not exclusively these holdings should be established. Continued assistance and instruction would thus be made available from the start both by the example of a model holding and by the direct advice and supervision of an experienced officer. Later it might be found possible to sell up the farm and transfer its staff and activities to another newer settlement area. The costs of this farm are estimated as follows :—

<i>Capital.</i>		£
Construction of house and office	...	700
Construction of sheds and stores	...	250
Incidentals	... ..	150
		<hr/>
		£1,100
		<hr/>
<i>Recurrent.</i>		£
1 European Officer	... ..	550
Labour costs	... ..	400
Equipment	... ..	400
		<hr/>
		£1,350
		<hr/>

Provision for 1928 expenditure under this head has been made in the 1928 Estimates.

It is hoped that half the cost of this establishment, capital and recurrent, will be met by the Overseas Settlement Department as a direct grant. In that event this Government would be responsible for the other half.

It is recommended that the capital cost of extension of the Kitale water supply to these holdings should be incurred and distributed in the land account of the holdings, *i.e.*, that the valuation of the farms should include this capital cost and the debit against the farmer should be proportionately increased. Delivery of water should be paid for direct by the allottee at the rate proposed for Kitale Township, at which rate it is estimated that an ample supply could be ensured to each farmer at a reasonable cost.

The land allotted should be valued at a specially low rate, *viz.* £3 per acre. This figure includes provision for group fencing and the erection of sheds prior to occupation but excludes provision for the water scheme.

Financial assistance towards direct farming operations should be made available in the following manner :—

- (a) No immediate payment for the land should be demanded, but an agreement to purchase should be entered into by the allottee with the Government whereby payment is deferred for three years and thereafter spread over a period of 17 years with interest at or as near 6% as possible;
- (b) Immediate advances up to £400 cash should be available for capital improvements or purchase of stock, to be made on the same basis as in (a);

- (c) Interest payments, whether on the land or the initial loan accounts, should be deferred until the expiry of three years from the date of commencement of occupation and should not commence until the fourth year;
- (d) A further sum of £200 may in approved cases be made available for each allottee on the same rate of interest and for the same period;
- (e) The Land Bank should retain discretion for making still further loans as occasion demands and permanent improvements justify;
- (f) All sums contributed by the Overseas Settlement Department should be paid over to and be entirely administered by the Land Bank;
- (g) A 15% reduction of passage rates being procurable from the Conference Shipping Lines, a grant of about £20 would be necessary to reduce a third class passage from England to £10 per head. The Overseas Settlement Department being expected to pay half this grant, the following should be the approximate allocation of contribution for each settler's passage to Kenya and for that of each member of his family :—

	£
Overseas Settlement Department	... 10
Government of Kenya	... .. 10
The Settler himself	... .. 10

These contributions from the home and local Governments should be regarded as definite grants and not as recoverable.

- (h) The Railway Council have agreed to grant a concession fare from Mombasa to the station of final destination;
- (i) A grant has been made by Government for the maintenance and handling of settlers in transit from Mombasa to their farms;
- (j) A maintenance allowance of £5 per imported settler per month for twelve months will, it is hoped, be contributed by the Overseas Settlement Department as a grant during a period of initial instruction and this should go far to ease the first year's living expenses for each allottee;
- (k) It is not recommended that a complete dwelling-house be erected in advance on each holding. Some simple form of shed should be provided for immediate housing purposes and a concrete-block apparatus installed for the settler's use at the demonstration farm. The cost of these sheds should be included as already stated in the land purchase account: the cost of the concrete-block machine has been included in the estimate for the educational farm. It is possible, however, that at Kitale bricks may be available and sufficiently cheap to justify an alternative method. In the provision for the sheds might be included simple, essential and inexpensive furniture;
- (l) A ring fence should be constructed in advance to protect the whole group and the main road of entry. It is most desirable that these new settlers should be enabled to keep cows for domestic supply even in the East Coast Fever area, and it is considered that this fencing provision, together with special facilities for dipping should afford adequate protection.

The Overseas Settlement Department has promised to assist in every practical manner possible the selection of the right type of applicant under this and other schemes. Final responsibility for choice can only rest with this Government itself or its agents in the Colony or in London. It is considered that the Land and Selection Board already referred to should

bear in mind the advantage to be obtained by including in their selection lists men trained to some skilled trade, who would be able to strengthen their position by casual labour, *e.g.*, as experts on agricultural machinery or wheelwrights, and also provide a much needed service to the district concerned.

No registered owner of an agricultural holding in Kenya will, of course, be eligible under the scheme. Generally speaking, all the advantages offered to home allottees should be enjoyed by the selected local applicants with the qualification that sea-passage and maintenance grants appear unnecessary.

Persons who have arrived in Kenya from Great Britain subsequent to January 1st, 1928, should be treated as home applicants for the purposes of the Scheme.

The general conditions of this section should be taken as applying to subsequent Schemes B and C except where specific provision otherwise is made.

SCHEME B.

30 farms in the Trans Nzoia and 45 in the Ndaragua and Thomson's Falls area varying from three hundred to twelve hundred acres are proposed for alienation under this scheme.

It is felt that it would be an advantage to place "B" settlers from Great Britain approximately in the same locality as "A" newcomers so that reference to the demonstration farm and Agricultural Officer at Kitale might be possible. It is proposed therefore to set aside the Trans Nzoia farms for home settlers and to reserve those in the Ndaragua and Thomson's Falls area for local applicants.

Trans Nzoia.—With regard to the Trans Nzoia farms, the allottees should have approximately £1,500 ready capital, which should give a sound chance of success in mixed farming operations on the land selected. With the exception of special maintenance support during the journey from Mombasa to the farm, which is considered unnecessary in this case, these allottees should receive precisely the same pecuniary assistance as those in the small holding class, including, of course, the opportunity of drawing on the Land Bank when the small initial advances and their own capital is expended.

It appears desirable to adopt, or rather adapt the Southern Rhodesian policy in respect of the ready capital held by each approved candidate; that is, to demand a deposit of 75% of it with the Land Bank free of exchange charges between Great Britain and Kenya; and on actual allotment of a specific farm to credit 25% of this deposit to the allottee's land account and to refund the balance on his signature of an agreement to purchase entered into between himself and the Government. The conversion of this agreement into an agricultural lease from the Crown is provided for in Appendix I.

It will be observed in Appendix I that some provision is made for compulsory fencing, if the Land Board requires it. Fencing prior to occupation should not, therefore, be provided by Government and it is not proposed that any buildings should be erected in advance.

The general attention, however, of applicants should be drawn to any new legislation in respect of fencing or cleansing of cattle.

Thomson's Falls and Ndaragua.—45 farms of a high quality for mixed farming with a sufficient water supply are available in this district and it is proposed to reserve these for local applicants with some means. The Gilgil-Thomson's Falls Railway will provide these farms with reasonably good communications.

Facilities and conditions should be the same as under Scheme " A " except that, whereas capital of approximately £1,500 is suggested as required of Scheme " B " applicants from home, such local or colonial experience as may be possessed by local Scheme " B " applicants should be taken into account when the financial qualifications of the candidate are considered.

Tangible proof as to the physical fitness, good character, farming experience and financial circumstances should be furnished to the Selection Board by both " A " and " B " applicants locally, as in the home allotment.

In this connection it should be mentioned with regard to the question of a special allotment for ex-soldiers who either did not apply for or who failed to be granted land in the 1919 allotments, that it does not appear desirable to limit any one of the schemes to this purpose but that the attention of the Selection Board should be directed to the qualification of war experience not as constituting an exclusive claim to land, but as carrying a weight not attaching to other candidates.

No registered owner of an agricultural holding in Kenya will be eligible under this class.

The same procedure in respect of choice of farms and balloting as was followed in the Soldier Settlement Scheme should be adopted. On actual allotment the successful applicant of either class will be required to enter into an agreement to purchase with the Government in respect of his farm and may be advanced sums as required up to £600, with such possibilities of continued assistance as are proposed in the scheme for settlers from Great Britain.

SCHEME C.

In this scheme it is proposed to provide for retired servants of the Crown (of all branches of the service—military, naval or civil) and other persons in similar circumstances of retirement from a business or profession with special reference to the requirements of retiring Civil Servants of the East African group who propose to settle permanently in the Colony, but do not desire to farm on the scale contemplated in Schemes " A " and " B."

For the purposes of this scheme, residential and small-holding allotments can and, it is recommended, should be reserved in the environs of Nairobi, Kitale and Limuru. In the area known as Kileleshwa there is opportunity of providing for purely residential plots of township size: no detailed subdivision has here yet been made. In Tigoni and on the outskirts of Kitale, subdivisional schemes are submitted as a working basis. In both of these two last-named cases it should be noted that while the small-holdings have been mapped on the ground, the residential plots have been, as in the case of Kileleshwa, given only a general allocation of area. It is felt that no rigid survey of residential plots can be made since such a survey involves the consideration of factors immediately connected with town planning or other such local schemes. Applications for residential sites should be entertained in the light of existing policy in urban or suburban areas, and it is expected that such applications will be both occasional, and will come mainly from applicants already in the Colony.

Appendix II sets forth the terms of Scheme " C " as approved by Council, with an alteration in line 7 of paragraph (g) consequential on throwing open the scheme to persons other than retired servants of the Crown.

It is proposed that the areas above-mentioned should be definitely earmarked for the future development of this scheme.

The conditions of allotment will, in general, be those applicable to the " A " scheme with certain variations in the case of retiring East African Civil Servants as indicated in the scheme of land grants for retiring Civil Servants. The proposals for providing preliminary facilities such as housing do not apply to this scheme.

Nothing in this section shall debar Civil Servants and others mentioned above from being granted land under Schemes " A " or " B " if eligible.

Special conditions attaching to Scheme " C " are contained in Appendix II. So far as is possible, taking into account the particular circumstances of applicants eligible under this scheme, conditions are in line with those of Schemes " A " and " B."

APPENDIX I.

SPECIAL CONDITIONS FOR TITLES.

Under Schemes " A " and " B."

1. In the case of " B " allottees no transfer shall be valid without the written permission of the Land Board for a period of 7 years from the date of allotment, and until all the development advances from the Land Bank have been repaid.
2. In the case of " A " allottees similarly no transfer shall be valid until 35% of the advance in respect of the money due for the farm and the whole of the development advances have been repaid.
3. Development conditions shall be in respect of permanent improvements only and at not less than the following rate :—
 £2 per acre to be spent within 3 years.
 £3 per acre to be spent within 5 years.
4. Personal occupation for seven years will be required subject to absences approved by the Land Board.
5. In the case of the class " B " Scheme, the allottee shall, if called upon, completely fence his farm within a period to be laid down by the Land Board taking into account the circumstances of each allotment, and *ad hoc* legislation in this regard which may be put into operation.
6. In the case of the class " A " Scheme, a ring and road fence should be constructed by Government in advance for each group, and the cost included in the valuation of the land ; and the title shall in the first instance include an obligation binding all members of the group to maintain this fence. Should, at a later stage, subdivisional fencing be imposed, the incidence of contribution may have to be reconsidered.
7. The attention of all applicants under these schemes should be drawn to any legislation in respect of compulsory fencing or cattle cleansing which may later be introduced.

APPENDIX II.

GENERAL CONDITIONS UNDER SCHEME "C."

- (a) The land shall be granted under the Crown Lands Ordinance, 1915, or any subsequent modifications thereof.

Term.

- (b) The term of the grant shall be, in the case of agricultural land 999 years and in the case of small plots under township title 99 years.

Rent.

- (c) Rent to be payable for agricultural land and for township plots as the principal land laws provide.

Purchase Price.

- (d) No part of the purchase price to be demanded until 3 years from the date of allotment after which the purchase price to be payable by 17 equal annual instalments on the 1st January in each year.

Development.

- (e) Development conditions to be imposed in the grant as provided in the Crown Lands Ordinance, 1915.

Occupation.

- (f) The land allotted must be personally occupied by the allottee for a period aggregating 3 years within the first 5 years from the date of retirement. Any occupation completed prior to retirement not to count for the purpose of this condition.

Transfer.

- (g) No transfer to be permitted until the occupation condition has been complied with, except in the case of death or to another retiring officer who may be equally eligible for participation in the scheme. Transfer at any subsequent time except in the case of death or to any person other than a person eligible to participate in this scheme to be permitted only on payment of the full outstanding balance of purchase price. In the case of transfer on the death of the allottee or to an official eligible to participate, the transferee shall take over all outstanding obligations.

Fees and Charges.

- (h) The allottee will be required to pay on the issue of title, the usual fees due under the Ordinance, *e.g.*, survey fees, cost of deed, registration fee and stamp duty.

Titles.

- (i) Titles must be completed within 12 months of the date of allotment.

6. It is recognised that in individual cases special circumstances may arise which would make the strict enforcement of some of the above conditions a hardship; in such cases the general authority vested in His Excellency the Governor under section 6 (2) of the Crown Lands Ordinance, 1915, to waive or vary conditions of leases may be invoked.



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COLONY AND PROTECTORATE OF KENYA.

Financial Report and Statement for the Year, 1927.

BY R. CLIFTON GRANNUM, C.M.G.

Treasurer,

Colony and Protectorate of Kenya.

X7. 687r

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THE TREASURY,
NAIROBI,
KENYA COLONY.
6th June, 1928.

SIR,

I have the honour to submit my Report on the accounts and finances of the Colony and Protectorate of Kenya for the year 1927, together with the following statements :—

- I. Annual Abstract Account, with—
 - (a) Statement of Revenue under sub-heads as compared with the Estimates.
 - (b) Statement of Expenditure under sub-heads as compared with the Estimates.
- II. Balance Sheet with a Statement of the Surplus and Deficit Account.
- III. Statement of balances at credit of Deposit Accounts at 31st December, 1927.
- IV. Statement of balances at debit of Advance Accounts at 31st December, 1927.
- V. Statement of Funded Debt.
- VI. Statement of Investments.
- VII. Loan Account.
- VIII. Savings Bank Balance Sheet and supporting statements.

The Honourable
The Colonial Secretary,
Nairobi.

COMPARISON OF REVENUE AND REVENUE EXPENDITURE.

(APPENDIX I.)

2. The Revenue for the year amounted to	£2,846,110	9	86
and the Expenditure to	£2,515,115	3	40
The Revenue therefore exceeded the Expenditure by	£330,995	6	46

REVENUE COMPARED WITH ESTIMATES.

3. The actual receipts of the year amounted to	£2,846,110	9	86
The estimated Revenue was	£2,588,255	0	00
There was therefore an excess on the Estimates of	£257,855	9	86

4. The Heads which exceeded the Estimates were :—

Customs	£49,300	1	47
Port, Harbour and Light Dues	598	1	58
Licences, Duties, Taxes, etc.	93,684	1	79
Fees, Municipal Revenue, etc.	15,607	18	71
Posts and Telegraphs	15,255	19	48
Earnings of Government Departments	10,041	16	50
Revenue from Government Property and Royalties	26,684	4	35
Sale of Government Property	14,722	2	96
Miscellaneous Receipts	9,115	14	15
Forest Department Revenue	3,249	10	82
Land Sales	28,387	10	34
	£266,647	2	15

The following fell short of the Estimates :—

Reimbursements	£4,447	5	64
Interest	4,344	6	65
		8,791	12 29
		£257,855	9 86

5. The excess in Customs receipts was due to the general expansion of trade during the year.

6. The Port Department was transferred to the Railway Administration with effect from the 1st of January, 1927, and consequently no revenue was anticipated. The actual collections represent revenue relating to 1926 collected in 1927 and paid over to Government by the Railway Administration.

7. The increase of £93,684 under "Licences, Duties, Taxes, etc.," occurred mainly in the following sub-heads :—

Game Licences	£3,052	17	00
Liquor Licences	830	12	00
Miscellaneous Licences	1,722	14	88
Registration of Documents and Titles	1,105	5	80
Licences under Motor Ordinance	7,329	2	00
Stamp Duties	7,231	5	91
Non-Native Poll Tax	8,051	17	00
Fines and Forfeitures	17,409	10	04
Traders' Licences	4,655	0	00
Petrol Tax	7,139	11	67
Wines and Spirits Consumption Tax	1,085	10	02
European Education Tax	2,444	0	00

Native Hut and Poll Tax in the following Provinces :—

Ukamba	£12,113	15	00
Kikuyu	4,819	4	00
Nyanza	5,259	13	70
Coast	3,458	5	03
Six Extra Provincial Districts	5,656	2	00

The increase in "Game Licences" is owing to increased elephant hunting, and that in "Liquor Licences" to the increasing development of the country. The increase under "Miscellaneous Licences" is due in part to the increase in cycle registration. The increases under "Licences under the Motor Ordinance" and "Petrol Tax" are owing to the large growth in the number of motor vehicles in use in the country. The increase under "Registration of Documents and Titles" is owing to the extensive subdivision of farms carried out during the year. The general increase in the country's trade is mainly responsible for the excess under "Stamp Duties," and an increased population coupled with a more thorough collection is the cause of the excess under "Non-Native Poll Tax." The increase under "Fines and Forfeitures" is due to the number of Stock and Produce cases tried during the year, and the general expansion in trade has caused the excess under "Traders' Licences." Both the "Wines and Spirits Consumption Tax" and the "European Education Tax" are new measures, the proceeds of which are used to meet the increased cost of educational services. The latter tax is subject to a 100 per cent. penalty tax if not paid within the prescribed period, and this has contributed to the excess collection over the estimate. There was a slight increase also in the Asiatic Education Tax, which is also a new item of Revenue.

The increase under "Native Hut and Poll Tax" is the result of closer collection and an increased population.

The following tables show the receipts from Native Hut and Poll Tax and from Non-Native Poll Tax respectively since the year 1916-17 :—

(1) THE NATIVE HUT AND POLL TAX REVENUE, 1916-17—1927

Year.	Seyidie.	Tana-land.	Juba-land.	Ukamba.	Kikuyu.	Nyanza.	Naivasha (including Masai Reserve).	Northern Frontier Province.	Total.
	£	£	£	£	£	£	£	£	£
1916-17	11,987	2,974	1,142	38,902	79,418	117,877	11,776	437	264,513
1917-18	13,970	2,954	573	44,708	77,707	122,935	11,736	735	275,318
1918-19	14,156	2,690	755	44,075	61,466	124,323	12,550	1,236	261,251
1919-20	16,951	3,585	1,289	44,650	71,516	122,913	18,898	21	279,823
1920-21	31,248	9,928	1,881	110,558	162,822	294,730	44,738	2,509	658,414
1921 (Apr.-Dec.)	28,360	6,945	709	104,572	89,675	224,682	39,046	939	494,928
1922	21,847	5,645	2,662	46,386	156,803	230,224	42,211	636	506,414
1923	33,883	5,211	2,187	92,208	158,247	232,029	49,398	1,926	575,089
1924	47,338	6,997	2,620	79,066	155,945	217,097	51,179	1,387	561,629

Year.	Ukamba.	Kikuyu.	Nyanza.	Masai Reserve.	Juba-land.	Northern Frontier Province.	Kerio.	Coast.	Six Extra-Provincial Districts.	Total.
1925	76,135	154,683	215,517	15,996	497	1,361	20,451	37,157	15,781	537,478
1926	82,148	149,363	225,065	16,218	Turkana 2,382	1,884	22,141	38,577	20,246	558,044
1927	85,237	154,819	229,259	16,554	...	2,125	21,975	38,458	22,356	570,783

(2) NON NATIVE POLL TAX (ORDINANCE XIX OF 1912).

Year.	Seyidie.	Tana-land.	Juba-land.	Ukamba.	Kikuyu.	Nyanza.	Naivasha (including Masai Reserve).	Northern Frontier Districts	Total.
	£	£	£	£	£	£	£	£	£
1916-17	2,898	232	311	5 169	311	1,408	735	26	11,090
1917-18	4,043	294	178	5,100	295	1,389	880	18	12,197
1918-19	2,967	213	263	5,289	283	1,132	1,512	25	11,684
1919-20	4,979	322	344	5,965	449	1,406	1,367	32	14,954
1920-21	8,688	347	354	9,876	584	2,300	3,191	202	25,542
1921 (Apr.-Dec.)	6,100	255	288	2,071	293	580	1,532	83	11,222
1922	9,188	567	484	7,594	1,333	2,263	3,740	222	25,391
1923	8,949	592	517	6,547	1,423	2,372	4,258	295	24,953
1924	8,655	596	467	5,842	1,625	2,383	4,108	326	24,004

Year.	Ukamba.	Kikuyu.	Nyanza.	Masai Reserve.	Jubaland	Northern Frontier Province.	Kerio.	Coast.	Six Extra Provincial Districts.	Total.
1925	7,861	1,947	2,973	495	253	422	346	1,728	12,523	28,548
1926	12,711	3,107	3,330	503	..	234	431	1,826	15,962	38,104
1927	13,610	3,124	3,663	606	..	416	457	1,885	16,296	40,057

Conversions from local currency into sterling have been made at the following rates:—

1915-16 to 1919-20	....	....	Rs. 15 to £
1920-21	...	...	Rs. 10 to £
1921	...	...	Fls. 10 to £
1922 onwards	...	...	Sh. 20 to £

8. The increase under " Fees, Municipal Revenue, etc.," was principally in the sub-heads:—

Fees of Court	...	...	£2,374	0	62
Registrar-General's Fees	...	...	1,127	18	49
Conveyancing Fees on Crown Titles	...	...	844	1	50
Hospital Fees	...	...	2,528	19	32
School Fees	...	...	1,443	18	40
Conservancy, Water Rates, etc., General	...	...	1,185	6	68
Mombasa Municipal Revenue	...	...	4,072	4	79
Agricultural Produce Grading, Conditioning, etc.	...	...	776	17	18
Widows' and Orphans' Pension Scheme	...	...	2,104	3	10

The increase under " Fees of Court " is owing to the increase in the Colony's population, and the new Bankruptcy Ordinance has been responsible for swelling the Registrar-General's fees. The excess under " Conveyancing Fees on Crown Titles " is owing to a number of land sales held at the end of 1926, and the increase under " Hospital Fees " is accounted for by an increase in patients and the collection of a large proportion of outstanding arrears.

Collections under " School Fees " are increased owing to the increased number of pupils and the collection of arrears, and the excess under " Conservancy, Water Rates, etc., General " is a result of the increase in population.

An increase in building activity and extended sanitary services have together caused the excess in the sub-head "Mombasa Municipal Revenue," and the increase in the export of local produce is responsible for the larger collection under "Agricultural Produce Grading, Conditioning, etc." Revenue collected under "Widows' and Orphans' Pensions Scheme" has benefitted by an increased staff.

The only serious shortage under the head "Fees, Municipal Revenue, etc., is in sub-head "Veterinary Inoculation Fees," £4,520-0-03. Drought in the Native Reserves and the impracticability of re-opening Isiolo Veterinary Station constitute the reason for this shortage.

9. The "Reimbursements" head shows a decrease of £4,447-5-64, which is mainly owing to the Uganda Government contributions on account of Customs and Postal expenditure being less than was anticipated. The reimbursement from Uganda in respect of Customs Expenditure is based on the amount of the Customs Revenue collected for that Protectorate. The additional staff provided in the Annual Estimates for the Uganda Postal Service, the cost of which would have been reimbursed to Kenya, was not required.

The contribution by Uganda in respect of the Coast Agency was considerably increased, the figures being based upon actual expenditure. Uganda's share of the Customs Audit expenditure was also increased owing to the payment of arrears outstanding.

The contribution by the Kenya and Uganda Railway for Police is based upon the cost of the services rendered.

The following reimbursements not included in the Estimates for the year were received:—

Port and Harbour Police	£1,434	3	92
Special Police, Lumbwa Kisii	1,039	17	87
Pension Contribution, Conference of East African Governors	326	0	35
Railway in respect of the cost of altering the title of the £5,000,000 Loan	35	2	62
Other Governments on account of Coast Agency	6	3	15
Governors' Conference in respect of Office Accommodation, Government House ...	151	4	18
Maintenance Charges at Kabete Reformatory ...	21	0	00

The item "Special Police, Lumbwa Kisii," represents the recovery from the tribes concerned of the cost of maintaining a special police post necessitated by disturbances during the year.

"Maintenance Charges at Kabete Reformatory" represents a payment by the Uganda Government on account of certain Uganda natives detained at Kabete at the request of the Uganda Administration.

10. The principal increases under "Posts and Telegraphs" are:—

Sale of Stamps	£12,512	13	72
Share of Parcel Post	1,046	5	87
Sundry Collections	807	18	10
Telephone Revenue	1,321	10	64
Contribution from Railway for maintenance of Railway telegraph lines	921	6	51
Kenya's Share of Common Revenue	1,067	16	49

As in 1926, the development of trade has been the principal factor in this increase. Development of the system has increased the Telephone Revenue, and the Railway contribution has been augmented by the unexpectedly heavy construction programme carried out on behalf of that Administration. The excess under "Kenya's Share of Common Revenue" is due to the increased demand for stamps by dealers, and revenue resulting from wireless activities in the country.

11. The excess under Head VII, "Earnings of Government Departments," is due principally to the following sub-heads :—

Gazette and Printing	£7,917	11	38
Sera, Vaccine and Laboratory Products ...	1,334	7	45
Mombasa Water Supply	3,876	7	06
Nakuru Water Supply	337	16	95
Kisumu Water Supply	255	16	30

The excess under "Gazette and Printing" is due to the amalgamation of the Government and Railway Printing Presses. Increasing demands from other countries have caused the revenue from "Sera, Vaccines, etc.," to exceed the estimate, and extensions of the distribution systems have resulted in large receipts from the water works.

The only shortages of note under this Head are in respect of the sub-heads "Water Boring" and "Timber Seasoning." Owing to the delay experienced in obtaining the necessary plant, the services were not inaugurated in time to earn any revenue in the year.

12. The principal excesses under Revenue Head VIII, "Revenue from Government Property and Royalties," are to be found in the following sub-heads :—

Rents of Lands	£9,243	17	93
Rents of Lands in Native Areas	6,868	17	72
Magadi Soda Royalties	6,303	1	08

The increase under "Rents of Lands" is due to the collection of arrears and increased revenue from Temporary Occupation Licences. The excess under "Rents of Lands in Native Reserves" does not affect the financial position as the whole amount collected is subsequently paid over to the Native Councils concerned, and is shown therefore on both sides of the Account.

Increased activity at Magadi has resulted in the excess revenue collections in that connection.

13. The principal excess under Head IX, "Sale of Government Property," is to be found in the sub-head "Stores." This is due to large purchases in Jubaland by the Italian Government consequent upon the handing over of that territory.

14. Under "Miscellaneous Receipts," the sub-head "Sundry" shows an excess of £4,291-10-64. The difficulty of estimating receipts under this sub-head will be appreciated.

A new sub-head, "K.A.R. Clothing Reserve Store, Profit realised, £705," will be found under this Head. This amount has been capitalised and added to the asset representing the Colony's holding in the K.A.R. Clothing Store, London.

15. Under "Interest" the sub-head "Advances pending the raising of Loans" shows a decrease of £5,922-13-68. Less money was borrowed for loan works during the year than was anticipated.

16. The increase under "Forest Department Revenue" is to be found in the following sub-heads :—

Seeds and Plant Sales	£632	10	81
Timber Sales and Royalties	789	12	93
Fuel Sales and Royalties	1,873	14	25

The first two excesses are caused by increased demands, and the third is owing to an increase in Railway requirements.

This is a new Head, provision in previous years having been included under "Earnings of Government Departments," "Revenue from Government Property and Royalties," and "Sale of Government Property."

17. The Head "Land Sales" shows an excess of £13,669-17-80. This is due to larger sales than were anticipated and to purchase payments having been made in advance of due dates.

REVENUE COMPARED WITH THE REVENUE OF 1926.

18. The following is a comparison of the Revenue of the year with the Revenue of 1926:—

HEAD.	Revenue collected during 1927.			Revenue collected during 1926.			Increase.	Decrease.	Increase % of 1927 over 1926.	EXPLANATION.			
	£	s.	d.	£	s.	d.							
I. Customs ..	830,550	1	47	741,373	10	16	89,176	11	31	12	Increased trade.		
II. Port Harbour & Light Dues.	598	1	58	21,356	14	83	..	20,758	13	25	97	20	Port Dept. transferred to Railway Administration.
III. Licences, Duties and Taxes. ..	898,166	1	79	842,586	19	51	55,579	2	28	..	6	59	Large increases under Licences under motor ordinance Poll Tax, Non-Native Poll Tax, Fines and Forfeitures, Petrol Tax, Wines & Spirits Consumption Tax and Education Tax.
IV. Fees, etc. ..	129,669	18	71	125,733	10	44	3,936	8	27	..	3	13	Increases under Registrar General's Fees, Veterinary Inoculation Fees, Hospital Fees, Agricultural Produce & Grading Fees, Mombasa Municipal Revenue and Widows and Orphans' Pension Scheme.
V. Reimbursements ..	397,389	14	36	385,558	8	12	11,831	6	24	..	3	..	Increased Contributions from Railway on account of Police and Interest and from Uganda Government on account of Coast Agency.
VI. Post and Telegraphs..	165,099	19	48	148,257	19	22	16,842	0	26	..	11	36	Increase in trade.
VII. Earnings of Government Departments	54,021	16	50	48,712	16	33	5,309	0	17	..	10	90	Increase under Gazette and Printing and more revenue received from Water Works.
VIII. Revenue from Government Property and Royalties ..	90,044	4	35	106,907	15	19	..	16,863	10	84	15	77	Transfer of Forest Dept. Revenue to new Head.
IX. Sale of Government Property ..	35,075	2	96	26,774	7	97	8,300	14	99	..	31	..	Sale of stores to Italian Government.
X. Miscellaneous Receipts ..	12,277	14	15	11,645	12	80	632	1	35	..	5	40	..
XI. Interest ..	145,630	13	35	128,952	7	37	16,678	5	98	..	12	90	Increased advances pending the raising of loans.
XII. Forest Department Revenue.	39,199	10	82	..	..	..	39,199	10	82	..	..	..	New head.
XIII. Land Sales ..	48,387	10	34	39,362	15	54	9,024	14	80	..	23	..	More land sold.
TOTAL	£ 2,846,110	9	86	2,627,222	17	48	256,509	16	47	37,622	4	09	..

Net Increase £218,887 12 38

EXPENDITURE COMPARED WITH ESTIMATES.

19. The amount appropriated for the service of the year by Ordinance No. 32 of 1926 was	£2,570,064	0	00
The amount actually expended during the year was	£2,515,115	3	40
There was therefore a saving on the Estimates of ...	£54,948	16	60

20. The following heads show excesses :—

His Excellency the Governor	£2,132	6	19
Official Gazette and Printing	9,482	13	16
Official Gazette and Printing Extraordinary ...	3,780	14	79
Treasury	1,024	8	54
Port and Marine Department	60	7	37
Judicial Department	1,100	7	69
Registrar-General's Department	692	4	96
Legal Department	652	8	30
Post Office and Telegraphs Extraordinary ...	1,785	0	72
Agricultural Department Extraordinary ...	739	2	08
Game Department	1,502	1	68
Land Department	421	7	91
Miscellaneous Services	59,656	14	83
Public Works Recurrent	9,803	18	71
Trade and Information and Publicity Bureau ...	0	0	16
	£92,833	17	09

These excesses will have to be legalised by a Supplementary Appropriation Ordinance.

His Excellency the Governor.—Excess principally caused by payment of acting allowance consequent on His Excellency's visit to England during the year. £716 of the excess is covered by Supplementary Estimates.

Official Gazette and Printing.—Excess due to amalgamation of Government and Railway Presses.

Official Gazette and Printing Extraordinary.—£3,750 covered by Supplementary Estimates.

Treasury.—Excess mainly caused by the adjustment of salaries, Provision for which was originally made under "Miscellaneous Services."

Port and Marine Department.—1926 expenditure met in 1927.

Judicial Department.—Excess mainly caused by revised rates of salaries provision for which was originally made under "Miscellaneous Services."

Registrar-General's Department.—Excess covered by Supplementary Estimates.

Legal Department.—Excess mainly caused by revised rates of salaries, provision for which was originally made under "Miscellaneous Services."

Post Office and Telegraphs Extraordinary.—Excess mainly covered by Supplementary Estimates.

Agricultural Department Extraordinary.—The excess was covered by Supplementary Estimates.

Game Department.—Excess caused by revised rates of salaries, provision for which was originally made under "Miscellaneous Services," and by increased expenditure in connection with Ivory and Confiscated Trophies.

Land Department.—Excess mainly caused by revised rates of salaries, provision for which was originally made under "Miscellaneous Services," and by the visit of Commissioner of Lands to England on duty.

Miscellaneous Services.—A large proportion of the excesses was covered by Supplementary Estimates.

Public Works Recurrent.—The greater part of the excess is covered by Supplementary Estimates.

21. The following is a comparative statement of the Revenue and Expenditure of the last ten years :—

Year	Revenue.	Expenditure.	Surplus Revenue	Expenditure in excess of Revenue.
	£	£	£	£
Net Surplus as at 1st April, 1918			456,296	—
1918-19	1,548,703	1,570,706	..	22,002
1919-20	1,726,435	2,024,861	..	298,426
Net Surplus as at 31st March, 1920			456,296	320,428
			..	135,868
			456,296	456,296
Net Surplus as at 31st March, 1920 converted at Rs. 10 to £ on 1st April, 1920			203,802	—
1920-21	2,978,786	2,976,960	1,826	—
1921 (April-Dec.)	*1,891,679	1,666,785	224,894	—
1922	1,649,032	1,972,212	..	323,180
1923	1,839,447	2,137,633	..	298,186
1924	2,111,565	1,861,511	250,054	—
1925	2,430,509	2,339,996	90,513	—
1926	2,627,223	2,414,681	212,542	—
1927	2,846,110	2,515,115	330,995	—
Net Surplus at 31st December, 1926			1,314,626	621,366
			..	693,260
			£1,314,626	1,314,626

*This includes £600,000 appropriated under item 4 of the Specific Loan Ordinance, 1921

ASSETS AND LIABILITIES.

(APPENDIX II.)

(a) Liabilities.

22. The year opened with a surplus of £362,265, and at its close there was a surplus of £693,260, the Revenue for the year having exceeded the Expenditure by £330,995.

23. At the close of the year there was an overdraft of £3,209,509-7-72, the amount having been borrowed from the following sources :—

Crown Agents	... ..	£2,395,000	0	00
£5 Million (1927) Loan	... ..	£814,509	7	72
		£3,209,509	7	72

The overdraft at the end of 1926 was £2,687,002-3-98, and there was therefore an increase of £522,507-3-74 during the year.

The overdraft has been created for the purpose of meeting expenditure on loan works prior to raising authorised loans. This expenditure at the end of 1927 amounted to £3,789,943-6-87.

24. Savings Bank Deposits at the end of 1927 amounted to £78,381-15-24 as compared with a figure of £64,974-6-37, an increase of £13,407-8-87. This increase compares favourably with the increase during 1926, which amounted to £7,479-10-12. Of the amount on deposit on 31st December, 1927, £73,515-13-00 was invested as set out in Appendix VI. The market value of these investments on the 31st of December, 1927, was £69,100-10-12. Further investments have been made early in 1928.

25. The Mombasa Water Works Renewals Fund was increased during the year by £10,674-5-65 to a total of £20,797-7-40. The whole of this liability is balanced by investments on the assets side of the Balance Sheet.

26. A new item is to be found among the liabilities, namely, "Deposits: Interest on Unexpended Balances £3½ Million Loan," £396,157-4-01. The £3½ Million Imperial Free of Interest Loan was repaid in the closing month of the year and the interest accrued from the investment of unexpended balances prior to repayment has been placed on deposit pending a decision regarding its disposal.

(b) *Assets.*

27. The figure representing the Colony's holding in the K.A.R. Clothing Reserve Store, London, has been increased during the year by £705 to a total of £3,705. This increase represents the capitalisation of profits accrued.

28. The balance of "Unallocated Stores" held by the Public Works Department was increased from £60,117-13-40 to £70,538-2-72. The authorised limit is £60,000, and there was therefore an excess of £10,538-2-72 at the end of the year. The Director of Public Works has reported that the existing limit is insufficient in view of the magnitude of the loan works at present in hand and authority for increasing the limit has been applied for.

29. The figure representing "Unallocated Trade Goods" has been reduced during the year by £611-8-00 to a figure of £3,171-9-06. The following statement explains the reduction:—

STATEMENT OF UNALLOCATED TRADE GOODS AS AT 31ST DECEMBER, 1927.

	£	s.	c.	£	s.	c.
Balance at 31/12/26, \$17,328	...	3,782	17	06		
<i>Sold during 1927:—</i>						
\$316 @ Sh. 3	...			47	8	00
<i>Adjustment:—</i>						
Provision in 1927 Estimates for writing down the value of dollars on hand	...			564	0	00
Balance at 31/12/27, \$17,012:—						
\$4,394 @ Sh. 5/82	£1,278	13	08			
\$12,616 @ Sh. 3	£1,892	8	00			
\$1 @ Sh. 4/24		3	74			
\$1 @ Sh. 4/24		4	24			
				3,171	9	06
				£3,782	17	06
				£3,782	17	06
Number of dollars on hand at 31/12/26	...					17,328
Number of dollars sold during the year	...					316
Number of dollars on hand at 31/12/27	...					17,012

UNALLOCATED RUPEES, DHOW TRAFFIC.

30. The Account "Rupees for Dhow Traffic," under "Unallocated Stores, etc.," opened with a balance of £2051-8-00, and decreased during the year by £90-15-75 to a figure of £1,960-12-25.

The following statement summarises the transactions during the year :—

Balance on 31/12/26, Rs. 27,352 at 1/50	...	...	Sh.41,028	00
Purchased during 1927, Rs. 593/8 at 1/50	...	...	Sh.890	25
		Total	Sh.41,918	25
Sold during 1927, Rs. 1,804 at 1/50	...	...	Sh.2,706	00
Balance as at 31/12/27	...	...	Sh.39,212	25
			(or £1,960	12 25)

PUBLIC DEBT.

(APPENDIX V.)

31. The Colony's Funded Public Debt on the 31st December, 1926, amounted to £8,500,000 and consisted of the Loan of £5,000,000 raised in 1921 under Ordinance No. 39 of 1921, and the £3,500,000 (1924) Free of Interest Loan from the Imperial Government authorised by Ordinance No. 29 of 1924.

In November, 1927, a further loan of £5,000,000 was raised in London under the authority of Ordinance No. 22 of 1927. At 31st December, 1927, the amount of cash received in respect of this loan was £3,245,750, representing the sums payable on first application and first call.

Upon the floating of this new loan the £3,500,000 1924 Imperial Loan was repaid at a discount of £219,533-2-00.

The total Funded Public Debt of the Colony on the 31st of December, 1927, is therefore £10,000,000, represented by the two loans of £5,000,000 each.

LOAN ACCOUNT.

(APPENDIX VII.)

32. The £5,000,000 Loan raised under Ordinance No. 39 of 1921 was fully spent at the end of 1926.

Of the Imperial £3,500,000 loan raised under Ordinance No. 29 of 1924, £700,931-16-01 was expended during the year, bringing the total expenditure at the 31st of December, 1927, to £2,465,023-14-28. Interest amounting to £75,313-14-56 was received during the year as the result of the investment of the unexpended balance, bringing the total receipts under this head at the 31st of December, 1927, to £396,157-4-01.

The new £5,000,000 loan raised under Ordinance No. 22 of 1927 was not fully paid up at the end of the year, only £3,245,750 having been received. Of this sum, £2,245,490-12-28 was utilised in assisting to pay off the Imperial 1924 £3,500,000 Loan and assets amounting to this figure are now to be found in the new £5,000,000 Loan Balance Sheet.

I have the honour to be,

Sir,

Your obedient servant,

R. CLIFTON GRANNUM,

Treasurer.

THE COLONY AND PROTECTORATE OF KENYA.

Distribution of Cash Balances as at 31st December, 1927.

	CREDITS.			DEBITS.			NET BALANCE.		
	£	s.	cts.	£	s.	cts.	£	s.	cts.
<i>District Treasury, Nairobi:—</i>									
Balance as per Bank Certificate	163,144	16	52						
Unpresented Cheques				17,734	12	44			
Cash in hand	2,024	14	07						
	165,169	10	59	17,734	12	44	147,434	18	15
<i>District Treasury, Mombasa:—</i>									
Balance as per Bank Certificate	2,446	16	97						
Unpresented Cheques				212	19	43			
Cash in hand	86	5	58						
	2,533	2	55	212	18	43	2,320	3	12
<i>Eldoret:—</i>									
Balance as per Bank Certificate	1,093	4	04						
Unpresented Cheques				8	3	50			
Cash in hand	32	9	50						
	1,125	13	54	8	3	50	1,117	10	04
<i>Nakuru:—</i>									
Balance as per Bank Certificate	1,395	6	22						
Unpresented Cheques				87	10	59			
Cash in hand									
	1,395	6	26	87	10	59	1,307	15	67
<i>Nyeri:—</i>									
Balance as per Bank Certificate	5,061	1	69						
Unpresented Cheques				20	7	10			
Receipts in Cash Book not appearing in Pass Book..	56	3	00						
Cash in hand	34	10	10						
	5,151	14	79	20	7	10	5,131	7	69
<i>Kisumu:—</i>									
Balance as per Bank Certificate	2,121	12	30						
Receipts in Cash Book not appearing in Pass Book..	1	7	05						
Receipt in Pass Book not appearing in Cash Book..	404	15	49	2	0	15			
Cash in hand									
	2,527	14	84	2	0	15	2,525	14	69
<i>Kitale:—</i>									
Balance as per Bank Certificate	5,037	15	76						
Receipt in Cash Book not appearing in Pass Book..	28	5	00						
Unpresented Cheques				103	7	89			
Cash in hand	13	15	08						
	5,079	15	84	103	7	89	4,976	7	95
<i>3rd King's African Rifles:—</i>									
Balance as per Bank Certificate	3,732	7	25						
Unpresented Cheques				518	10	88			
Cash in hand	117	4	28						
	3,849	11	53	518	10	88	3,331	00	65
<i>Kilindini Harbour Works (Resident Engineer):—</i>									
Balance as per Bank Certificate	56	3	75						
Unpresented Cheque				45	00	00			
Cash in hand	3	2	21						
	59	5	96	45	00	00	14	5	96
<i>District Registrar, Nakuru:—</i>									
Balance as per Bank Certificate	360	19	07						
Cheque Unpresented				1	8	00			
	360	19	07	1	8	00	359	11	07
<i>District Registrar Kisumu:—</i>									
Balance as per Bank Certificate	381	4	47						
							381	4	47
Carried Forward £							168,899	19	46

Distribution of Cash Balances as at 31st December, 1927.—(Contd.)

	CREDITS.			DEBITS.			NET BALANCE.		
	£	s.	cts.	£	s.	cts.	£	s.	cts.
Brought Forward ..							163,859	19	46
<i>Government Coast Agency:—</i>									
Balance as per Bank Certificate ..	208	00	63	..	..	..
Unpresented Cheques ..	..	..	..	90	14	06			
	208	00	63	90	14	06	117	6	57
<i>Post Office:—</i>									
Balance as per Bank Certificate ..	3,499	16	17	..	..	..
Receipt in Cash Book not appearing in Pass Book ..	2	00	00	..	..	..
Cash in hand ..	4,901	14	28	..	..	..
	8,403	10	45	..	..	..	8,403	10	45
<i>Public Works Department:—</i>									
Balance as per Bank Certificate ..	11,488	5	89	..	..	..
Receipt in Cash Book not appearing in Pass Book ..	30	00	00	..	..	..
Unpresented Cheques ..	..	..	..	9,345	17	55			
Cash in hand ..	738	4	57	..	..	..
	12,256	10	46	9,345	17	55	2,910	12	91
<i>Registrar General, Public Trustee and Official Receiver:—</i>									
Balance as per Bank Certificates ..	8,247	18	28	..	..	..
Unpresented Cheques ..	..	..	..	266	12	82			
Receipt in Cash Book not in Pass Book ..	180	13	39	..	..	..
Payments in Pass Book not in Cash Book ..	21	6	30	..	..	..
	8,451	17	97	266	12	82	8,185	5	15
<i>Registrar, Supreme Court of Kenya, Nairobi:—</i>									
Balance as per Bank Certificate ..	2,439	9	58	..	..	..
Unpresented Cheques ..	..	..	..	62	10	77			
	2,439	9	58	62	10	77	2,376	18	81
<i>Registrar, Supreme Court of Kenya, Mombasa:—</i>									
Balance as per Bank Certificate ..	1,106	12	28	..	..	..	1,106	12	28
<i>Bombay Agents</i>									
British Consulate Southern Abyssinia, Mega ..	..	..	..	..	..	..	1,276	15	43
Crown Agents ..	..	..	..	..	..	..	158	2	91
Eldama Ravine ..	..	..	..	..	..	..	3,301	19	50
Elgeyo (Tambach) ..	..	..	..	..	..	..	584	18	96
Embu ..	..	..	..	..	..	..	224	17	98
Forestry ..	..	..	..	..	..	..	3,681	4	70
Fort Hall ..	..	..	..	..	..	..	215	13	76
Goreah (Mandera) ..	..	..	..	..	..	..	159	1	88
Kabarnet ..	..	..	..	..	..	..	1,354	4	78
Kacheliba ..	..	..	..	..	..	..	193	17	35
Kakamega ..	..	..	..	..	..	..	187	7	04
Kapsabet ..	..	..	..	..	..	..	2,425	13	07
Kericho ..	..	..	..	..	..	..	1,326	9	38
Kisii ..	..	..	..	..	..	..	6,296	19	50
Kitui ..	..	..	..	..	..	..	2,262	15	75
Kyambu ..	..	..	..	..	..	..	3,144	4	28
Kilifi ..	..	..	..	..	..	..	82	0	42
Kwale (Vanga) ..	..	..	..	..	..	..	2,344	17	41
Kipini ..	..	..	..	..	..	..	241	12	87
Kellosia ..	..	..	..	..	..	..	990	2	35
Kajiado ..	..	..	..	..	..	..	31	16	75
Lamu ..	..	..	..	..	..	..	1,457	18	41
Lodwar ..	..	..	..	..	..	..	975	1	76
Machelos ..	..	..	..	..	..	..	9	0	92
Malindi ..	..	..	..	..	..	..	196	15	24
Marsabit ..	..	..	..	..	..	..	2,282	11	71
Meru ..	..	..	..	..	..	..	119	4	04
Moyale ..	..	..	..	..	..	..	5,755	2	45
Naivasha ..	..	..	..	..	..	..	1,213	10	96
Narok ..	..	..	..	..	..	..	735	16	95
Ngong ..	..	..	..	..	..	..	3,479	19	00
N. F. P. Meru ..	..	..	..	..	..	..	227	14	92
Rumuruti ..	..	..	..	..	..	..	34	8	36
Saisuri ..	..	..	..	..	..	..	1,993	7	34
Samburu ..	..	..	..	..	..	..	165	17	38
Thika ..	..	..	..	..	..	..	197	14	71
Voi ..	..	..	..	..	..	..	704	10	12
Wajhier ..	..	..	..	..	..	..	268	15	36
Interest on unexpended balances £3,500,000/- Loan. National Bank of India Ltd. ..	..	..	..	..	..	..	338	19	47
Kenya & Uganda Railway ..	..	..	..	..	..	..	176,313	17	06
Remittances Between Chests ..	..	..	..	..	..	..	56,373	14	01
	..	..	..	..	..	..	3,253	1	99
TOTAL £	..	..	..	..	..	..	477,578	8	86

APPENDIX Ia.

Statement of Revenue in the Year 1927 under

Heads.	Estimated Revenue.		Actual Revenue.		Over the Estimate.	
	£	s. cts.	£	s. cts.	£	s. cts.
1. Customs	781,250	0 0	830,550	1 47	49,300	1 47
2. Port, Harbour and Light Dues ...	...		598	1 58	598	1 58
3. Licences, Duties, Taxes, etc. ...	804,482	0 0	898,166	1 79	93,684	1 79
4. Fees, Municipal Revenue and Payments for Specific Services ...	114,062	0 0	129,669	18 71	15,607	18 71
5. Reimbursements	401,837	0 0	397,389	14 36	...	
6. Posts and Telegraphs	149,844	0 0	165,099	19 48	15,255	19 48
7. Earnings of Government Departments	43,980	0 0	54,021	16 50	10,041	16 50
8. Revenue from Government Property and Royalties	63,360	0 0	90,044	4 35	26,684	4 35
9. Sale of Government Property ...	20,353	0 0	35,075	2 96	14,722	2 96
10. Miscellaneous Receipts	3,162	0 0	12,277	14 15	9,115	14 15
11. Interest	149,975	0 0	145,630	13 35	...	
12. Forest Dept. Revenue	35,950	0 0	39,199	10 82	3,249	10 82
	2,568,255	0 0	2,797,722	19 52	238,259	11 81
13. Land Sales	20,000	0 0	48,387	10 34	28,387	10 34
Total Local Revenue £	2,588,255	0 0	2,846,110	9 86	266,647	2 15

APPENDIX Ia.

Expenditures as compared with the Estimates.

Under the Estimate.	Remarks explanatory of increase or decrease.
£ s. cts.	
4,447 5 64	
4,344 6 65	
8,791 12 29	
...	
8,791 12 29	

APPENDIX Ia.

Statement of Revenue in the Year 1927 under
SCHEDULE I.—

Sub-heads.	Estimated Revenue.		Actual Revenue.		Over the Estimate.
	£	s. cts.	£	s. cts.	s. cts.
1. Imports	1,240,000	0 0	1,166,843	10 37	
2. Sundries	10,000	0 0	9,233	2 77	...
3. <i>Less</i> amount transferable to Uganda in respect of import duty and sundries	1,250,000	0 0	1,176,076	13 14	...
	468,750	0 0	347,985	4 56	...
	781,250	0 0	828,091	8 58	46,841 8 58
4. Recoveries of over-payments made to Uganda in 1926 ... ..	...		2,458	12 89	2,458 12 89
Total £	781,250	0 0	830,550	1 47	
Net over the Estimate ... ..	...		...	£	49,300 1 47

SCHEDULE II.—PORT,

Sub-heads.	Estimated Revenue.		Actual Revenue.		Over the Estimate.	
	£	s. cts.	£	s. cts.	£	s. cts.
1. Light Dues		61	0 0	61	0 0
2. Pilotage		221	0 0	221	0 0
3. Port Dues		316	1 58	316	1 58
Total £	...		598	1 58	598	1 58
Over the Estimate	£	598	1 58

APPENDIX Ia .

ib-heads as compared with the Estimates.

CUSTOMS.

Under the Estimate.	Remarks explanatory of increase or decrease.
£ s. cts.	
73,156 9 63	} Contraction of Imports into Uganda
766 17 23	
73,923 6 86	
120,764 15 44	Ditto.
...	Ditto.

Expansion of Trade in Kenya

HARBOUR AND LIGHT DUES.

Under the Estimate.	Remarks explanatory of increase or decrease.
£ s. cts.	
...	1926 Revenue collected in 1927.
...	Ditto.
...	Ditto.
...	

SCHEDULE III.—LICENCES,

Sub-heads.	Estimated Revenue.		Actual Revenue.		Over the Estimate.	
	£	s. cts.	£	s. cts.	£	s. cts.
1. Native Registration	1,500	0 0	2,025	19 70	525	19 70
1a. Registration of Dhows, Boats, Crews, etc. ... ..	...	...	36	8 50	36	8 50
2. Game Licences	12,425	0 0	15,477	17 0	3,052	17 0
3. Explosives, Gun and Ammunition Licences	1,195	0 0	1,619	10 0	424	10 0
4. Liquor Licences	8,034	0 0	8,864	12 0	830	12 0
5. Miscellaneous Licences	2,533	0 0	4,255	14 88	1,722	14 88
6. Coffee Licences	831	0 0	1,083	0 0	252	0 0
7. Registration of Documents and Titles	3,185	0 0	4,290	5 80	1,105	5 80
8. Licences under Motor Ordinance ...	19,000	0 0	26,329	2 0	7,329	2 0
9. Stamp Duties, various revenue purposes	59,280	0 0	66,511	5 91	7,231	5 91
10. Cattle Traders' Licences	4,492	0 0	4,925	0 0	433	0 0
11. Hut and Poll Tax (Native)—						
Province of Ukamba	73,123	0 0	85,236	15 0	12,113	15 0
Province of Kikuyu	150,000	0 0	154,819	4 0	4,819	4 0
Province of Nyanza	224,000	0 0	229,259	13 70	5,259	13 70
Masai Reserve	16,500	0 0	16,553	16 0	53	16 0
Northern Frontier Province ...	2,182	0 0	2,124	15 0	...	...
Province of Kerio	24,000	0 0	21,974	16 0	...	...
Province of the Coast	35,000	0 0	38,458	5 03	3,458	5 03
Six Extra Provincial Districts	16,700	0 0	22,356	2 0	5,656	2 0
12. Non-Native Poll Tax	32,005	0 0	40,056	17 0	8,051	17 0
13. Fines and Forfeitures	19,598	0 0	37,007	10 04	17,409	10 04
14. Estate Duty	9,000	0 0	9,429	11 22	429	11 22
15. Traders' Licences	15,199	0 0	19,854	0 0	4,655	0 0
16. Petrol Tax	21,600	0 0	28,739	11 67	7,139	11 67
17. Cotton Tax	700	0 0	249	9 66	...	...
18. Beer Ordinance	900	0 0	1,331	16 66	431	16 66
19. Wines and Spirits Consumption Tax	32,500	0 0	33,585	10 02	1,085	10 02
20. European Education Tax	7,000	0 0	9,444	0 0	2,444	0 0
21. Asiatic Education Tax	12,000	0 0	12,188	15 0	188	15 0
22. Income Tax ... ..	...	...	76	18 0	76	18 0
Total £	804,482	0 0	898,166	1 79	96,217	1 13
Deduct under the Estimate ... ..	...	...	...	...	2,532	19 34
Net over the Estimate ... .. £	...	...	...	...	93,684	1 79

DUTIES, TAXES, ETC.

Under the Estimate.		Remarks explanatory of increase or decrease.
£	s. cts.	
...	...	Registration heavier than anticipated.
...	...	Quarter share of collections paid to Colony by Railway Administration.
...	...	Increase in Elephant hunting.
...	...	Increased population.
...	...	More Licences issued than anticipated.
...	...	More Licences than anticipated and increase in cycle registration.
...	...	Increased acreage under development.
...	...	Increased sub-division of farms £36 9s. paid to Railway Administration <i>vide</i> Expenditure Head XXVI.
...	...	Large increase in the number of motor vehicles and licensed drivers.
...	...	Increased Trade, etc.
...	...	Expansion of Trade.
...	...	Improved collection and increased population.
...	...	Prosperity and increased population.
...	...	Improved collection.
57	5 0	Commutated tax affected by quarantine regulations.
2,025	4 0	
...	...	Increased population.
...	...	Ditto.
...	...	Increased population and more thorough collection.
...	...	Stock and produce cases.
...	...	
...	...	General increase in trade.
...	...	Increased use of motor transport.
450	10 34	Fall in price, resulting in reduced acreage.
...	...	Increased output.
...	...	New Tax.
...	...	Ditto.
...	...	Ditto.
...	...	Collection of arrears.
2,532 19 34		

SCHEDULE IV.—FEES, MUNICIPAL REVENUE,

Sub-heads.	Estimated Revenue.		Actual Revenue.		Over the Estimate.	
	£	s. cts.	£	s. cts.	£	s. cts.
1. Fees of Court	14,000	0 0	16,374	0 62	2,374	0 62
2. Registrar General's, Official Receiver's and Public Trustee's Fees	1,600	0 0	2,727	18 49	1,127	18 49
3. Registration of Companies and Business Names	1,000	0 0	1,186	8 0	186	8 0
4. Registration of Inventions, Designs, Trade Marks, and Bills of Sale Fees	350	0 0	604	15 0	254	15 0
5. Survey Fees	4,815	0 0	5,542	17 64	727	17 64
6. Conveyancing Fees on Crown Titles	1,150	0 0	1,994	1 50	844	1 50
7. Market and Cattle Pound Fees ...	2,292	0 0	2,981	8 97	689	8 97
8. Veterinary Inoculation Fees ...	27,000	0 0	22,479	19 97	...	...
9. Hospital Fees	8,000	0 0	10,528	19 32	2,528	19 32
10. Bills of Health	550	0 0	612	0 0	62	0 0
11. Miscellaneous Fees (Cemetery, Marriage and Divorce; Translation and Copying; Testing Liquor; Weights & Measures; Legal Library; Fees under Ordinances for Doctors, Dentists and Druggists; Pawn-brokers, etc.	2,607	0 0	2,812	11 56	...	11 56
12. Passport Fees	900	0 0	1,078	18 20	178	18 20
13. School Fees	4,000	0 0	5,443	18 40	1,443	18 40
14. School Boarding Fees	7,000	0 0	7,648	12 38	648	12 38
15. Endowment of Ali bin Salim School	1,085	0 0	1,348	0 0	263	0 0
16. Special Police Guards	330	0 0	452	4 50	122	4 50
17. Conservancy, Water Rates and General	4,213	0 0	5,398	6 68	1,185	6 68
18. Mombasa Municipal Revenue ...	9,000	0 0	13,072	4 79	4,072	4 79
19. Eastleigh Township Fees	400	0 0	738	1 76	338	1 76
20. Laboratory Analytical Fees ...	850	0 0	930	10 15	80	10 15
21. Agricultural Produce Grading, Conditioning and Cold Storage Fees, etc.	5,800	0 0	6,576	17 18	776	17 18
22. Percentage on estimated value of Government House Furniture ...	120	0 0	33	0 50	...	...
23. Widows' and Orphans' Pensions Contributions	17,000	0 0	19,104	3 10	2,104	3 10
Total	£ 114,062	0 0	129,669	18 71	20,214	18 24
Deduct under the Estimate ... ..	...	...	...	...	4,606	19 53
Net over the Estimate ... ..	...	...	...	£	15,037	18 71

AND PAYMENTS FOR SPECIFIC SERVICES.

Under the Estimate.		Remarks explanatory of increase or decrease.
£	s. cts.	
...		Increased population and consequent increase in litigation.
...		Introduction of new Bankruptcy Ordinance.
...		
..		Increased renewals of Trade Marks.
...		Survey fees received from sales not anticipated and increased activities at Mombasa. £160 10s. represents revenue from Lands in Nairobi under Railway Control and this has been paid to the Railway Administration <i>vide</i> Expenditure Head XXVI.
...		Sales held at end of 1926.
...		Underestimated.
4,520	0 03	Drought in Native Reserves and impossibility of reopening Isiolo Station.
...		Increased number of patients and collection of arrears.
...		Increased shipping.
...		
...		Increased number of travellers.
...		Increased number of pupils and collection of arrears.
...		Ditto.
...		Part of 1926 revenue collected in 1927.
...		Additional guard provided at Kisumu.
...		Increase in population.
...		Increased building activity and extended sanitary services.
...		
...		Increased export of local produce.
86	19 50	Balance paid in 1928.
...		Increases in Staff.
4,606 19 53		

RE-IMBURSEMENTS.

Under the Estimate.		Remarks explanatory of increase or decrease.
£	s. cts.	
3,891	2 42	Reduced Customs Revenue for Uganda.
3,105	0 89	Additional staff provided for Uganda not required and reduction in Uganda's share of common expenditure.
...		Service now borne entirely on Kenya Estimates.
...		Unforeseen.
483	2 0	Contribution for 1927 reduced to £5,000. £2,516 18s. represents recovery in respect of underpayment for 1926.
...		Share of expenditure for 1925, 1926, and 1927.
...		Underestimated.
128	15 48	Reduced services.
...		
11	0 0	£393 represents balance of 1926 contribution. No audit was undertaken in 1927.
181	0 0	No services rendered in 1927.
...		
48	13 76	
212	7 31	Appointment of legal adviser to Railway Administration.
1,056	17 19	
88	2 42	
2	0 0	
...		
971	17 72	Reduced services.
...		
...		New service.
1,265	16 67	Delay in appointment of officers.
...		Increased Clerical Services.
...		Railway share, <i>see</i> Expenditure Head XXVI.
29	0 0	
...		Increased nursing staff.
...		Balanced by expenditure.
...		Contributions in respect of seconded officers.
...		
...		Unforeseen.
11,474	15 86	
7,027	10 22	
4,447	5 64	

SCHEDULE VI.—POST

Sub-heads.	Estimated Revenue.		Actual Revenue.		Over the Estimate.	
	£	s. cts.	£	s. cts.	£	s. cts.
1. Sale of Stamps	64,000	0 0	76,512	13 72	12,512	13 72
2. Money Order Commission ...	4,600	0 0	4,914	1 79	314	1 79
3. Postal Order Commission ...	650	0 0	690	14 38	40	14 38
4. Surcharge Collections	350	0 0	621	6 20	271	6 20
5. Share of Parcel Post	10,000	0 0	11,046	5 87	1,046	5 87
6. Sundry Collections	2,250	0 0	3,057	18 10	807	18 10
7. Unclaimed Money Orders ...	5	0 0	3	0 0	...	
8. Net Earnings of Post Office Savings Bank	1,050	0 0	1,215	1 98	165	1 98
9. Telegraph Revenue, Kenya Section	46,500	0 0	43,289	3 80	...	
10. Telephone Revenue, Kenya Section	14,500	0 0	15,821	10 64	1,321	10 64
11. Contribution from Railway for Maintenance of Railway Telegraph Lines	4,900	0 0	5,821	6 51	921	6 51
12. Kenya's Share of Common Revenue	1,039	0 0	2,106	16 49	1,067	16 49
Total £	149,844	0 0	165,099	19 48	18,468	15 68
Deduct under the Estimate ... ..	...		...		3,212	16 20
Net over the Estimate ... ..	...		...		15,255	19 48

SCHEDULE VII.—EARNINGS

1. Gazette and Printing	900	0 0	8,817	11 38	7,917	11 38
2. Prison Industries	7,150	0 0	6,975	10 93	...	
3. Sera Vaccine and Laboratory Products	4,000	0 0	5,334	7 45	1,334	7 45
4. Mombasa Water Supply	23,800	0 0	27,676	7 06	3,876	7 06
5. Nakuru Water Supply	2,000	0 0	2,337	16 95	337	16 95
6. Kisumu Water Supply	1,000	0 0	1,255	16 30	255	16 30
7. Kabete Reformatory Industries ...	800	0 0	1,144	10 50	344	10 50
Carried forward	39,650	0 00	53,542	0 57	14,066	9 64

OFFICE AND TELEGRAPHS.

Under the Estimate.	Remarks explanatory of increase or decrease.
£ s. cts. ...	Underestimated.
...	
...	
...	Apparent relaxation by Indian Post Office of restrictions on unpaid correspondence for abroad.
...	Increased use of parcel post service for importation of Trade Goods.
..	Increase in private letter boxes and purchase of stores by Railway heavier than anticipated.
2 0 0	
...	Deposits heavier than anticipated.
3,210 16 20	Reduction in terminal charges on cablegrams.
...	Telephone development larger than anticipated.
...	Unexpectedly heavy programme of construction on behalf of Railway.
...	Increased sale of stamps to dealers and wireless revenue underestimated.
3,212 16 20	

OF GOVERNMENT DEPARTMENTS.

...	Amalgamation of Presses.
174 9 07	Reduction in revenue from Tailoring Dept. owing to Police uniforms being no longer made by Prisons Dept.
...	Increased demand by other countries.
...	} Extension of distribution system.
...	
...	Increased earning capacity of inmates.
174 9 07	

SCHEDULE VII.—EARNINGS OF

Sub-heads.	Estimated Revenue.		Actual Revenue.		Over the Estimate.	
	£	s. cts.	£	s. cts.	£	s. cts.
Brought forward	39,650	0 0	53,542	0 57	14,066	9 64
8. Machakos Technical Schools ...	50	0 0	92	2 50	42	2 50
9. Government Supervision Charges	80	0 0	65	4 59	...	...
10. Native Newspaper "Habari" ...	200	0 0	218	18 34	18	18 34
11. Water Boring	500	0 0	...	...	...	...
12. Timber Seasoning	3,500	0 0	...	...	...	...
13. Ferries ... ..	...	...	9	1 50	9	1 50
14. Steam Tug "Ngunvu" ... ..	...	...	79	10 0	79	10 0
15. Steam Launches ... ..	...	...	6	10 0	6	10 0
16. School Earnings, Jeanes ... ..	...	...	8	9 0	8	9 0
Total	£ 43,980	0 0	54,021	16 50	14,231	0 98
Deduct under the Estimate ...	...	...	...	...	4,189	4 48
Net over the Estimate ...	...	...	...	...	10,041	16 50

SCHEDULE VIII.—REVENUE FROM

1. Rents of Lands	55,500	0 0	68,333	16 95	12,833	16 95
2. Rents of Lands in Native Areas ...	3,700	0 0	10,568	17 72	6,868	17 72
3. Magadi Soda Royalties	3,500	0 0	9,803	1 08	6,303	1 08
4. Mineral Royalties	10	0 0	224	0 48	214	0 48
5. Royalties on Beche-de-Mer	450	0 0	381	13 69	...	...
6. Sale of Trout Fry	200	0 0	459	10 0	259	10 0
7. Rent of Buildings ... ..	...	...	273	4 43	273	4 43
Total	£ 63,360	0 0	90,044	4 35	26,752	10 66
Deduct under the Estimate ...	...	...	...	...	68	6 31
Net over the Estimate ...	...	...	...	...	26,684	4 35

SCHEDULE IX.—SALE OF

1. Farm Produce and Stock	600	0 0	847	8 65	247	8 65
2. Maps	450	0 0	616	13 50	166	13 50
3. Stores	3,135	0 0	16,492	10 29	13,357	10 29
4. Sale of Posho	1,032	0 0	755	10 56	...	...
5. Ivory and Confiscated Trophies ...	15,000	0 0	15,532	8 99	532	8 99
6. Unclaimed and Confiscated Goods	136	0 0	830	10 57	694	10 57
Total	£ 20,353	0 0	35,075	2 96	14,998	12 0
Deduct under the Estimate ...	...	...	...	...	276	9 04
Net over the Estimate ...	...	...	...	...	14,722	2 96

SCHEDULE X.—

1. Sundry	362	0 0	4,653	11 37	4,291	11 37
2. Recoveries of overpayments relating to previous years	2,000	0 0	6,096	17 73	4,096	17 73
3. Unclaimed Deposits	400	0 0	297	16 92	...	...
4. Gain on Exchange	400	0 0	524	8 13	124	8 13
5. K.A.R. Clothing Account, Profit realised ... ..	...	...	705	0 0	705	0 0
Total	£ 3,162	0 0	12,277	14 15	9,217	17 23
Deduct under the Estimate ...	...	...	...	...	102	3 08
Net over the Estimate ...	...	...	...	...	9,115	14 15

GOVERNMENT DEPARTMENTS.—(Contd.).

Under the Estimate.	Remarks explanatory of increase or decrease.
£ s. cts. 174 9 07	
...	
14 15 41	
...	
500 0 0	Plant and machinery received too late to inaugurate service.
3,500 0 0	Ditto.
...	
...	1926 Revenue collected in 1927.
...	
...	
4,189 4 48	

GOVERNMENT PROPERTY AND ROYALTIES.

...	Collection of arrears and increased collection of Temporary Occupation Licences. £6,679 18s. 06c. of this figure has been paid to Railway Administration <i>vide</i> Expenditure Head XXVI.
...	Corresponding expenditure under Expenditure Head XXVI.
...	Increased output.
...	Increased activity.
68 6 31	
...	Increased demand.
...	Rents for Government buildings not required by Departments.
68 6 31	

GOVERNMENT PROPERTY.

...	Increased sales.
...	Increased demand by Public.
...	Sales of Jubaland Stores to Italian Government.
276 9 04	
...	Slight improvement in the price of ivory.
...	
276 9 04	

MISCELLANEOUS RECEIPTS.

...	
...	
102 3 08	
...	
...	Unforeseen.
102 3 08	

SCHEDULE XI.—

Sub-heads.	Actual Revenue.		Estimated Revenue.		Over the Estimate.	
	£	s. cts.	£	s. cts.	£	s. cts.
1. Suitors' Funds	725	0 0	475	4 94	..	
2. Local Bank Balances	4,000	0 0	5,759	11 0	1,759	11 0
3. Advances pending the raising of Loans	145,000	0 0	139,077	6 32	..	
4. Loans to Corporations, etc. ...	250	0 0	318	11 09	68	11 09
Total £	149,975	0 0	145,630	13 35	1,828	2 09
Deduct over the Estimate ...	..		..		..
Net under the Estimate ...	..		..	£	..

SCHEDULE XII.—FOREST

1. Seed and Plant Sales	1,400	0 0	2,032	10 81	632	10 81
2. Timber Sales and Royalties ...	23,000	0 0	23,789	12 93	789	12 93
3. Fuel Sales and Royalties	9,000	0 0	10,873	14 28	1,873	14 28
4. Miscellaneous Forest Receipts ...	1,700	0 0	1,743	9 55	43	9 55
5. Sale of Posho	850	0 0	760	3 25	..	
Total £	35,950	0 0	39,199	10 82	3,339	7 57
Deduct under the Estimate ...	..		..		89	16 75
Net over the Estimate ...	..		..		3,249	10 82

SCHEDULE XIII.—

1. Special Receipts, Stand Premia for Farms and Town Plots ...	20,000	0 0	48,387	10 34	28,387	10 34
Total £	20,000	0 0	48,387	10 34	28,387	10 34
Net over the Estimate ...	..		..		28,387	10 34

INTEREST.

Under the Estimate.	Remarks explanatory of increase or decrease.
£ s. cts. 249 15 06	
...	Underestimated.
5,922 13 68	Advances to Loans less than anticipated
...	
6,172 8 74	
1,828 2 09	
4,344 6 65	

DEPARTMENT REVENUE.

...	Increased demand.
...	Ditto.
...	Increase in Railway requirements.
...	
89 16 75	
89 16 75	

AND SALES.

...	Sales not anticipated and full payment made before due date. £14,770 6s. 54c. represents revenue paid to Railway Administration <i>vide</i> Expenditure Head XXVI.
...	

APPENDIX Ib.

Statement of Expenditure in the Year 1927

Sub-heads.	Original Estimate of Expenditure.		Actual Expenditure.		Over the Estimate.	
	£	s. cts.	£	s. cts.	£	s. cts.
1. Public Debt Funded	365,000	0 0	364,997	3 42	...	...
2. Rent and Interest to H.H. the Sultan of Zanzibar	16,000	0 0	16,000	0 0	...	...
3. Pensions and Gratuities	93,000	0 0	89,132	14 49	...	...
4. His Excellency the Governor	16,081	0 0	18,213	6 19	2,132	6 19
5. Conference of East African Governors	2,015	0 0	1,390	9 64	...	...
6. Secretariat and Legislative Council	21,328	0 0	20,204	18 58	...	...
7. Official Gazette and Printing	24,923	0 0	34,405	13 16	9,482	13 16
7a. Official Gazette and Printing, Extraordinary	5,280	0 0	9,060	14 79	3,780	14 79
8. Administration	265,984	0 0	254,791	7 47	...	...
8a. Administration, Extraordinary	300	0 0	153	14 04	...	...
9. Treasury	24,105	0 0	25,129	8 54	1,024	8 54
10. Customs Department	43,504	0 0	41,947	14 51	...	...
11. Port and Marine Department ... ..	...	...	60	7 37	60	7 37
12. Audit Department	17,059	0 0	16,771	4 80	...	...
13. Judicial Department	25,208	0 0	26,308	7 69	1,100	7 69
14. Registrar General's Department	3,736	0 0	4,428	4 96	692	4 96
15. Legal Department	9,975	0 0	10,627	8 30	652	8 30
16. Police Department	147,717	0 0	137,945	10 61	...	...
17. Prisons Department	44,391	0 0	43,194	0 17	...	...
18. Medical Department	198,265	0 0	180,206	0 13	...	...
19. Education Department	140,962	0 0	121,138	13 12	...	...
19a. Education Department Extra- ordinary	10,351	0 0	9,506	4 02	...	...
20. Military	128,465	0 0	114,578	17 08	...	...
21. Post Office and Telegraphs	145,696	0 0	144,515	3 78	...	...
21a. Post Office and Telegraphs, Extra- ordinary	5,440	0 0	7,225	0 72	1,785	0 72
22. Agricultural Department	121,532	0 0	113,354	2 21	...	...
22a. Agricultural Department, Extra- ordinary	1,650	0 0	2,389	2 08	739	2 08
23. Forest Department	34,400	0 0	32,750	2 31	...	...
24. Game Department	9,705	0 0	11,207	1 68	1,502	1 68
25. Land Department	43,029	0 0	43,450	7 91	421	7 91
26. Miscellaneous Services	72,484	0 0	132,140	14 83	59,656	14 83
27. Interest	170,000	0 0	138,540	7 84	...	...
28. Public Works Department	91,113	0 0	83,058	3 68	...	...
29. Public Works Recurrent	169,190	0 0	178,993	18 71	9,803	18 71
30. Public Works Extraordinary	97,176	0 0	82,298	14 41	...	...
31. Trade Information and Publicity Bureau	5,000	0 0	5,000	0 16	0	0 16
Total Expenditure £	2,570,064	0 0	2,515,115	3 40	92,833	17 09

APPENDIX Ib.

der Heads as compared with the Estimates.

per the Estimate.	Remarks explanatory of increase or decrease.
£ s. cts. 2 16 58	
3,867 5 51	
624 10 36	
1,123 1 42	
11,192 12 53	
146 5 96	
1,556 5 49	
287 15 20	
9,771 9 39	
1,196 19 83	
18,058 19 87	
19,823 6 88	
844 15 98	
13,886 2 92	
1,180 16 22	
8,177 17 79	
1,649 17 69	
31,459 12 16	
8,054 16 32	
14,877 5 59	
147,782 13 69	

APPENDIX Ib.

Statement of Expenditure in the Year 1927

SCHEDULE I.—

Sub-heads.	Original Estimate of Expenditure.		Actual Expenditure.		Over the Estimate.	
	£	s. cts.	£	s. cts.	£	s. cts.
Interest :—						
Ordinance No. 39 of 1921, £5,000,000 at 6 per cent. Colony £44,869						
Kenya and Uganda Railway 255,131	300,000	0 0	299,997	3 42	...	
Sinking Fund :—						
Ordinance No. 39 of 1921, £5,000,000 at 26/- per cent. Colony £9,722						
Kenya and Uganda Railway 55,278	65,000	0 0	65,000	0 0	...	
Total £	365,000	0 0	364,997	3 42	...	
Under the Estimate ... ..	...		...		...

SCHEDULE II.—RENT AND INTEREST

Rent of Coast Line	10,000	0 0	10,000	0 0	...
Interest on £200,000 at 3 per cent. ...	6,000	0 0	6,000	0 0	...
Total £	16,000	0 0	16,000	0 0	...

SCHEDULE III.—

Total Pensions and Gratutities	91,790	0 0	87,360	3 91	...
Miscellaneous Gratutities	660	0 0	1,234	16 66	574 16 66
Cost of Administering Widows' and Orphans' Pension Scheme	550	0 0	528	13 92	...
Total £	93,000	0 0	89,132	14 49	574 16 66
Deduct over the Estimate ... ..	...		...		...
Net under the Estimate ... ..	...		...		...

SCHEDULE IV.—

Personal Emoluments	11,410	0 0	12,177	1 21	767 1 21
(a) Maintenance of Government House Grounds, Nairobi and Mombasa, £350	500	0 0	644	11 47	144 11 47
(b) Water, £150	115	0 0	189	9 87	74 9 87
Contingencies					
Local Transport Travelling and upkeep of Motor Cars	2,500	0 0	3,000	5 90	500 5 90
Horse Allowance for Aide-de-Camp ...	36	0 0	18	0 0	...
Travelling Allowances	300	0 0	294	0 50	...
Passages	225	0 0	799	11 48	574 11 48
Lighting	290	0 0	278	2 05	...
Upkeep of Government House Furniture	550	0 0	492	3 87	...
Telegrams	120	0 0	98	11 84	...
Typewriter (Aide-de-Camp's Office) ...	35	0 0	24	18 0	...
Subsistence allowance to Governor's Staff whilst on duty in England	...		196	10 0	196 10 0
Total £	16,081	0 0	18,213	6 19	2,257 9 93
Deduct under the Estimate ... ..	...		...		125 3 74
Net over the Estimate ... ..	...		...	£	2,132 6 19

APPENDIX Ib.

Under Sub-heads as compared with the Estimates.

PUBLIC DEBT FUNDED.

Under the Estimate.	Remarks explanatory of increase or decrease.
£ s. cts.	
2 16 58	
...	
2 16 58	
2 16 58	

H.H. THE SULTAN OF ZANZIBAR.

...
...
...

PENSIONS AND GRATUITIES.

4,420 16 9	Fewer retirements than anticipated.
...	More Gratuities than anticipated.
21 6 8	
4,442 2 17	
574 16 66	
3,867 5 51	

H.E. THE GOVERNOR.

...	Acting Allowance owing to H.E.'s absence.
...	Renewal of water piping in the Government House grounds.
...	Purchase of records and incidental expenses connected with H.E.'s visit to England.
...	Increased travelling undertaken.
18 0 0	Absence of some of staff.
5 19 50	
...	H.E.'s visit to England.
11 17 95	
57 16 13	
21 8 16	
10 2 0	Cheaper model purchased.
...	
125 3 74	

SCHEDULE V.—CONFERENCE OF

Sub-Leads.	Original Estimate of Expenditure.	Actual Expenditure.	Over the Estimate.
	£ s. cts.	£ s. cts.	£ s. cts.
Kenya's share of Conference Secretariat	1,750 0 0	1,382 5 89	...
Local Travelling of visiting Governors, including hire of cars	265 0 0	8 3 75	...
Total	£ 2,015 0 0	1,390 9 64	...
Under the Estimate ... ..	...	...	...

SCHEDULE VI.—SECRETARIAT

Personal Emoluments, Secretariat ...	15,208 0 0	14,174 9 22	...
Legislative Council	1,860 0 0	1,862 1 36	2 1 36
Statistical Section	476 0 0	422 10 0	...
Shorthand Allowance	18 0 0	22 0 0	4 0 0
Passages	873 0 0	832 15 22	...
Local Transport and Travelling ...	300 0 0	361 2 33	61 2 33
Travelling Allowances	90 0 0	69 4 25	...
Typewriters	150 0 0	104 8 85	...
Advertisements, communiques, etc. ...	100 0 0	28 9 25	...
Telegrams	153 0 0	123 4 90	...
Telephones	80 0 0	85 19 29	5 19 29
Travelling Expenses of Unofficial Mem- bers of Legislative Council	1,500 0 0	1,488 15 0	...
Rent of Memorial Hall	200 0 0	400 0 0	200 0 0
Contingencies :—			
Library £100			
Equipment 50			
Conservancy, water, light, etc. 75	320 0 0	229 18 91	...
Uniforms 15			
Incidentals 80			
Total	£ 21,328 0 0	20,204 18 58	273 2 98
Deduct over the Estimate ... ..	...	...	...
Net under the Estimate ... ..	...	...	...

SCHEDULE VII.—OFFICIAL

Personal Emoluments	13,900 0 0	16,260 7 14	2,360 7 14
Printing Paper and Printer's Sundries	3,000 0 0	10,039 19 86	7,039 19 86
Purchase of Type	50 0 0	400 6 90	350 6 90
Upkeep of Machinery	290 0 0	186 8 57	...
Electric Power	420 0 0	388 10 77	...
Transport and Travelling	140 0 0	158 16 91	18 16 91
Passages	1,043 0 0	821 1 46	...
Contingencies	100 0 0	163 7 96	63 7 96
Telegrams	10 0 0	2 14 20	...
Parcel Post and Registered Letters ...	160 0 0	80 12 95	...
Postage on Official Gazettes	120 0 0	121 12 95	1 12 95
Stationery, Books, etc., for Depart- ments	5,500 0 0	5,275 3 49	...
Contract Printing	100 0 0	386 10 0	286 10 0
Outfit Allowance	90 0 0	120 0 0	30 0 0
Total	£ 24,923 0 0	34,405 13 16	10,151 1 72
Deduct under the Estimate ... ..	...	...	668 8 56
Net over the Estimate ... ..	...	...	9,482 13 16

AST AFRICAN GOVERNORS.

nder the Estimate.	Remarks explanatory of increase or decrease.
£ s. cts. 367 14 11	No statistical machinery was hired during the year, the offices in Government House were occupied for a shorter period than was anticipated, less travelling was carried out and economy in purchases was effected.
256 16 25	No conference held during 1927. The expenditure of £8 represents 1926 expenditure paid in 1927.
624 10 36	
624 10 36	

ND LEGISLATIVE COUNCIL.

1,033 10 78	Junior officers acting as secretaries and one officer transferred to P.W.D.
... 53 10 0	Post originally provided for not filled and provision partly used to meet cost of other staff engaged.
... 40 4 78	Increased travelling.
... 20 15 75	Periods of detention at outstations less than anticipated.
... 45 11 15	Fewer purchases and repairs.
... 71 10 75	Reduction in advertising.
... 29 15 10	
... 11 5 0	1926 charges met in 1927.
... 90 1 09	Overestimated.
1,396 4 40	
273 2 98	
1,123 1 42	

GAZETTE AND PRINTING.

...	Amalgamation of Presses.
...	Ditto.
...	Ditto.
103 11 43	
31 9 23	
...	Ditto.
221 18 54	Leave not taken as anticipated.
...	Amalgamation of Presses.
7 5 80	
79 7 5	Railway Transport utilised.
...	
224 16 51	More economical purchasing.
...	Medical Department Report.
...	New appointment not anticipated.
668 8 56	

SCHEDULE VIIA.—OFFICIAL GAZETTE

Sub-heads.	Original Estimate of Expenditure.		Actual Expenditure.		Over the Estimate.	
	£	s. cts.	£	s. cts.	£	s. cts.
Two Linotype Machines with necessary equipment	3,000	0 0	2,707	15 81	...	...
One Printing Machine	2,000	0 0	2,307	9 77	307	9 77
Linotype Metal	280	0 0	295	9 21	15	9 21
Purchase of (Railway) Plant ... ..	...	...	3,750	0 0	3,750	0 0
Total	5,280	0 0	9,060	14 79	4,072	18 98
Deduct under the Estimate ... ..	...	...	...	...	292	4 19
Net over the Estimate ... ..	...	...	...	...	3,780	14 79

SCHEDULE VIII.—

GENERAL STAFF.						
Personal Emoluments	111,302	0 0	109,974	11 42	...	...
Travelling Allowance to H.B.M.'s Consul for Southern Abyssinia ...	75	0 0	60	0 0	...	...
Expenses and Transport of H.B.M.'s Consul for Southern Abyssinia ...	1,000	0 0	1,092	15 33	92	15 33
Travelling Allowance at £60 and Horse Allowance at £50 for Frontier Agent, Maji (half payable by Sudan Government, quarter by Uganda)	28	0 0	7	13 75	...	...
Transport and Incidental Expenses of Frontier Agent, Maji, £300 (half payable by Sudan Government, quarter by Uganda)	75	0 0	109	14 58	34	14 58
Passages for General Staff	6,462	0 0	6,405	11 34	...	...
Expenses of the Liwali for the Coast ...	127	0 0	127	0 0	...	...
Ration Allowance to Clerical Staff in N.F. Province and Turkana	500	0 0	448	14 17	...	...
Local Transport	3,000	0 0	3,924	8 48	924	8 48
Typewriters	500	0 0	489	19 78	...	...
Outfit Allowances	150	0 0	210	0 0	60	0 0
Medical Examination Fees	15	0 0	24	10 50	9	10 50
GENERAL NON-NATIVE AREAS.						
Personal Emoluments	17,980	0 0	17,075	3 12	...	...
Contingencies	590	0 0	516	4 70	...	...
Local Transport and Travelling	1,710	0 0	1,674	6 47	...	...
Travelling Allowances	301	0 0	172	1 0	...	...
Tents and Camp Equipment	115	0 0	26	13 50	...	...
Carts, Harness and Livestock	286	0 0	235	9 43	...	...
Carriage of Goods	35	0 0	36	12 39	1	12 39
Conservancy	3,512	0 0	4,434	6 06	922	6 06
Forest Produce	53	0 0	23	5 52	...	...
Telegrams	25	0 0	19	4 03	...	...
Telephones	95	0 0	77	15 0	...	...
MOMBASA DISTRICT.						
Lighting Mombasa	1,200	0 0	1,185	10 80	...	...
Water Supply, Mackinnon Market ...	100	0 0	61	3 75	...	...
Mombasa Fire Brigade	138	0 0	97	16 25	...	...
NATIVE AFFAIRS DEPT.						
Personal Emoluments	20,204	0 0	20,520	6 17	316	6 17
Passages	655	0 0	678	9 32	23	9 32
Native Registration Material	900	0 0	875	17 02	...	...
Labour Camps	600	0 0	289	9 68	...	...
Repatriation	150	0 0	74	16 98	...	...
Printing and Library	20	0 0	11	7 08	...	...
Expenses of Native Deportees	150	0 0	66	10 66	...	...
Carried forward £	172,053	0 00	171,052	8 28	2,385	2 63

AND PRINTING EXTRAORDINARY.

Under the Estimate.	Remarks explanatory of increase or decrease.
£ s. cts.	
292 4 19	Overestimated.
...	Underestimated.
...	
...	Amalgamation of Presses.
292 4 19	

ADMINISTRATION.

1,327 8 58	Retirement and resignation of senior officers.
15 0 0	
...	
20 6 25	Post vacant for 9½ months.
...	
56 8 66	1926 expenditure met in 1927.
...	
51 5 83	
10 0 22	More local transfers than anticipated.
...	More new appointments than anticipated.
...	More examinations than anticipated.
904 16 88	Some posts not filled.
73 15 30	
35 13 53	
128 19 0	Less travelling than anticipated.
88 6 50	Overestimated.
50 10 57	
...	
...	Underestimated.
24 14 48	
5 15 97	
17 5 0	
14 9 20	
38 16 25	Delay in purchase of fire alarms in England.
40 3 75	
...	
...	1926 charges met in 1927.
...	Passage for one clerk invalidated.
24 2 98	
310 10 32	Certain camps not constructed.
75 3 02	
8 12 92	
83 9 34	
...	
3,405 14 7	

ADMINISTRATION—(Contd.)

Under the Estimate.	Remarks explanatory of increase or decrease.
£ s. cts.	
3,405 14 55	
4,580 19 13	Economy exercised as regards station hands, conservancy staff, etc.
130 4 71	
99 7 94	
3,173 14 89	Reduced travelling owing to sickness.
921 13 82	do.
154 11 15	
207 8 77	Economy.
15 19 43	Economy.
165 7 56	Underestimated.
...	
278 13 31	Economy.
21 11 81	
51 4 51	
137 8 19	Overestimated.
65 11 67	
42 6 65	
115 8 73	Overestimated.
133 0 25	
2 18 50	
...	Underestimated.
65 2 50	
196 5 27	
97 14 13	
146 0 0	Passages anticipated not required.
...	
24 9 47	
20 10 84	
3 15 14	
62 3 94	
2 0 60	
15 12 50	
14,336 19 96	
3,144 7 43	
11,192 12 53	

SCHEDULE VIII.A.—

Sub-heads.	Original Estimate of Expenditure.	Actual Expenditure.	Over the Estimate.
	£	£ s. cts.	£ s. cts.
Mombasa Fire Brigade	300 0 0	153 14 04	...
	300 0 0	153 14 04	...
Under the Estimate ... ..	...	...	...

SCHEDULE IX.—

Personal Emoluments	21,871 0 0	22,831 5 73	960 5 73
Passages	1,230 0 0	1,412 1 96	182 1 96
Local Transport and Travelling	400 0 0	322 15 72	...
Travelling Allowances	110 0 0	44 11 0	...
Telegrams	50 0 0	43 18 90	...
Telephones	114 0 0	111 3 84	...
Contingencies :—	£		
Uniforms	30		
Conservancy, light, etc.	80		
Specie Boxes, Bags, etc.	30		
Equipment	100		
Library	40		
Incidentals	50		
Typewriters ... ..	...	60 9 0	60 9 0
	330 0 0	303 2 39	...
	...	60 9 0	60 9 0
Total £	24,105 0 0	25,129 8 54	1,202 16 69
Deduct under the Estimate ... ..	...	...	178 8 15
Net over the Estimate ... ..	...	...	1,024 8 54

SCHEDULE X.—

Personal Emoluments	37,684 0 0	37,351 19 06	...
Upkeep of and Coal Stores for Cranes, Boats and Plant :—			
	£		
Coal	200		
Repairs and Upkeep	100		
Stores	150	338 18 42	...
Uniforms for Clerks, Watchmen, Boat- men, etc.	800 0 0	552 14 33	..
Contingencies :—			
	£		
Equipment and Stores	210		
Conservancy, water, etc.	80		
Upkeep of Furniture, etc.	50		
Upkeep of weights and scales	50		
Parcel Post and Letters Registration	40		
Subscription to various pub- lications	20		
Advertising in various pub- lications	20		
Incidentals	30		
	500 0 0	487 12 81	...
Carried forward £	39,434 0 0	38,731 4 62	...

MINISTRATION EXTRAORDINARY.

der the Estimate.	Remarks explanatory of increase or decrease.
£ s. cts. 146 5 96	Indents not completed.
146 5 96	
146 5 96	

EASURY.

...	Adjustment of salary anomalies.
77 4 28	More officers proceeding on leave than anticipated.
65 9 0	Less travelling.
6 1 10	Ditto.
2 16 16	
26 17 61	
178 8 15	Replacement of unserviceable machines.

CUSTOMS DEPARTMENT.

332 0 94	Transfer of crane staff to Railway Administration.
111 1 58	Transfer of cranes to Railway Administration.
247 5 67	Reduction in preventive staff and transfer of personnel to Railway Administration.
12 7 19	
702 15 38	

CUSTOMS.—(Contd.)

Sub-heads.	Original Estimate of Expenditure.	Actual Expenditure.	Over the Estimate.
	£	£ s. cts.	£ s. cts.
Brought forward	39,434 0 0	38,731 4 62	...
Handling of cargo	25 0 0	15 51	...
Lighting	130 0 0	102 16 24	...
Passages	1,880 0 0	1,650 9 36	...
Local Transport and Travelling	1,100 0 0	987 2 17	...
Travelling Allowances	160 0 0	104 17 75	...
Printing and Stationery	450 0 0	90 14 59	...
Refunds of Customs Revenue (other than Import Duty) collected in previous years	75 0 0	106 7 19	31 7 19
Telephones	180 0 0	141 13 13	...
Telegrams	40 0 0	31 13 95	...
Outfit Allowances	30 0 0	...	...
Total £	43,504 0 0	41,947 14 51	31 7 19

Deduct over the Estimate

Net under the Estimate

SCHEDULE XI.—PORT AND

Personal Emoluments ... ..	...	57 2 95	57 2 95
Upkeep of Launches, including Coal Stores, etc. ... ..	...	0 8 42	0 8 42
Local Transport and Travelling ... ..	...	1 6 0	1 6 0
Passages ... ..	...	1 10 0	1 10 0
Total £	...	60 7 37	60 7 37
Over the Estimate ... ..	...	...	60 7 37

SCHEDULE XII.—

Personal Emoluments	14,447 0 0	14,456 14 41	9 14 41
Passages	885 0 0	732 8 24	...
Local Transport and Travelling	675 0 0	677 10 12	2 10 12
Travelling Allowance	315 0 0	355 0 0	40 0 0
Contingencies	120 0 0	42 1 68	...
Telephones	90 0 0	46 16 0	...
Telegrams	10 0 0	7 1 35	...
Typewriter	35 0 0	24 13 0	...
Share of Home Expenditure	482 0 0	429 0 0	...
Total £	17,059 0 0	16,771 4 80	52 4 53

Deduct over the Estimate

Net under the Estimate

CUSTOMS.—(Contd.)

Under the Estimate.	Remarks explanatory of increase or decrease.
£ s. cts. 702 15 38	
24 4 49	Reduction in amount of unclaimed cargo.
27 3 76	Transfer of cranes to Railway Administration.
229 10 64	Local appointments and detention of staff.
112 17 83	
55 2 25	Fewer tours of inspection.
359 5 41	Supplies obtained from Government Printer instead of from overseas.
...	
38 6 87	
8 6 05	
30 0 0	Not required in 1927.
1,587 12 68	
31 7 19	
1,556 5 49	

MARINE DEPARTMENTS.

...	The Port and Marine Department was transferred to the Railway Administration on 1st January, 1927, and no provision was therefore made for the Department in the Colony's Estimates for 1927. These items represent 1926 expenditure met in 1927.
...	
...	
...	
...	

AUDIT DEPARTMENT.

...	
152 11 76	Leave not taken as anticipated.
...	
77 18 32	Economy.
43 4 0	Cost of Railway Audit telephone defrayed by Railway Administration.
2 18 65	
10 7 0	
53 0 0	Payment in respect of December quarter not made in 1927.
339 19 73	
52 4 53	
287 15 20	

SCHEDULE XIII.—

Sub-heads.	Original Estimate of Expenditure.		Actual Expenditure.		Over the Estimate.	
	£	s. cts.	£	s. cts.	£	s. cts.
Personal Emoluments	20,210	0 0	21,598	11 64	1,388	11 64
Legal Libraries	350	0 0	329	3 98	...	...
Contingencies	175	0 0	127	12 41	...	...
Jurors, Assessors, Witnesses, etc. ...	950	0 0	1,263	5 03	313	5 03
Fees to Counsel, etc.	200	0 0	247	10 0	47	10 0
Passages	1,178	0 0	980	8 30	...	...
Local Transport and Travelling ...	1,250	0 0	1,072	17 03	...	...
Travelling Allowance	625	0 0	450	7 21	...	...
Telephones	90	0 0	88	13 90	...	...
Telegrams	30	0 0	23	5 77	...	...
Parcel Post and Registered Letters ...	75	0 0	21	12 42	...	...
Typewriters	75	0 0	75	0 0	...	...
Outfit Allowance ... ..	...	...	30	0 0	30	0 0
Total £	25,208	0 0	26,308	7 69	1,779	6 67
Deduct under the Estimate ...	...	...	...	...	678	18 98
Net over the Estimate ...	...	...	...	...	1,100	7 69

SCHEDULE XIV.—

Personal Emoluments	3,290	0 0	4,107	4 73	817	4 73
Passages	200	0 0	150	16 75	...	...
Local Transport and Travelling ...	90	0 0	59	5 98	...	...
Travelling Allowances	40	0 0	0	16 0	...	...
Contingencies	83	0 0	82	16 50	...	...
Typewriters	33	0 0	27	5 0	...	...
Total £	3,736	0 0	4,428	4 96	817	4 73
Deduct under the Estimate ...	...	...	...	...	124	19 77
Net over the Estimate ...	...	...	...	...	692	4 96

SCHEDULE XV.—

Personal Emoluments	8,420	0 0	9,265	3 39	845	3 39
Fees to Crown Solicitors	100	0 0	...	...	...	...
Contingencies (including Water Rate and Conservancy)	90	0 0	29	0 21	...	...
Passages	460	0 0	531	14 93	71	14 93
Local Transport and Travelling ...	450	0 0	457	17 54	7	17 54
Travelling Allowance	175	0 0	177	18 87	2	18 87
Law Books	125	0 0	100	9 33	...	...
Law Expenses in Government action ...	100	0 0	...	...	...	...
Telephones	50	0 0	60	18 08	10	18 08
Telegrams	5	0 0	4	5 95	...	...
Total £	9,975	0 0	10,627	8 30	938	12 81
Deduct under the Estimate ...	...	...	...	...	286	4 51
Net over the Estimate ...	...	...	...	...	652	8 30

JUDICIAL DEPARTMENT.

Under the Estimate.	Remarks explanatory of increase or decrease.
£ s. cts.	
...	Revision of salaries.
20 16 02	
47 7 59	
...	New rules and increase-in jury trials.
...	New rules.
197 11 70	
177 2 97	Inability to undertake extensive Court sittings.
174 12 79	Ditto.
1 6 10	
6 14 23	
53 7 58	New forms not ready for distribution.
...	
...	One new appointment not anticipated.
678 13 98	

REGISTRAR-GENERAL.

...	New appointments in connection with the Bankruptcy Ordinance.
49 3 25	New post not filled as anticipated.
30 14 02	Less travelling than anticipated.
39 4 0	Ditto.
0 3 50	
5 15 0	
124 19 77	

LEGAL DEPARTMENT.

...	Revised rates of salaries.
100 0 0	No solicitors engaged during the year.
60 19 79	Economy.
...	Transfer of Solicitor General entailing new appointment.
...	
24 10 67	
100 0 0	No cases during the year the costs of which were chargeable against this vote.
...	Installation in Solicitor General's bungalow.
0 14 05	
286 4 51	

SCHEDULE XVI.—

Sub-heads.	Original Estimate of Expenditure.	Actual Expenditure.	Over the Estimate.
	£	£ s. cts.	£ s. cts.
Personal Emoluments	106,844 0 0	101,959 6 52	...
Uniforms	4,593 0 0	3,930 11 0	...
Contingencies	300 0 0	303 4 68	3 4 68
Expenses in connection with Criminal Investigation	200 0 0	122 7 0	...
Horse Allowances	250 0 0	195 12 12	...
Rations for persons in police custody ...	150 0 0	190 15 49	40 15 49
Arms and Equipment	64 0 0	12 18 22	...
Miscellaneous Stores	1,297 0 0	1,329 16 97	32 16 97
Passages	5,655 0 0	3,323 2 53	...
Local Travelling	8,830 0 0	7,830 2 52	...
Travelling Allowance	750 0 0	659 2 75	...
Carriage of Goods	1,500 0 0	872 4 93	...
Musketry Prizes, Targets and Range Repairs	300 0 0	108 16 47	...
Finger Print Bureau	100 0 0	78 2 20	...
Purchase of and Repairs to Type- writers	200 0 0	199 5 42	...
Conservancy and Water Rates	800 0 0	888 5 69	88 5 69
Electric Lighting	300 0 0	299 9 75	...
Animal Transport	700 0 0	752 14 80	52 14 80
Telephones	550 0 0	569 12 38	19 12 38
Government Grant to Police Officers' Mess ... ..	...	50 0 0	50 0 0
Telegrams	500 0 0	444 3 35	...
Outfit Allowance ... ..	...	90 0 0	90 0 0
Rations	3,000 0 0	2,468 2 74	...
Post Mortem Examination Fees— Expenses in connection with ...	200 0 0	337 11 80	137 11 80
Officers' Scotland Yard, Aldershot, Hythe and Special Courses— Expenses in connection with ...	280 0 0	259 19 08	...
<i>Immigration Dept.</i>			
Personal Emoluments	1,188 0 0	1,125 2 16	...
Contingencies	20 0 0	1 3 10	...
Transport	116 0 0	51 10 74	...
<i>Kenya and Uganda Railway Police.</i>			
Personal Emoluments	6,766 0 0	6,355 3 57	...
Uniforms	600 0 0	401 7 85	...
Contingencies	20 0 0	14 5 10	...
Arms and Equipment	400 0 0	299 6 67	...
Miscellaneous Stores	311 0 0	302 16 62	...
Passages	303 0 0	170 11 24	...
Local Travelling	270 0 0	147 7 81	...
Travelling Allowance	360 0 0	90 19 25	...
Conservancy Fees and Water Rates ...	...	37 16 0	37 16 0
Electric Lighting ... ..	...	6 8 0	6 8 0
House Allowance ... ..	...	232 0 17	232 0 17
Carried forward	147,717 0 0	136,511 6 69	791 5 98

POLICE DEPARTMENT.

Under the Estimate.	Remarks explanatory of increase or decrease.
4,884 13 48 662 9 0 ...	Establishment not up to full strength. Contractor unable to complete commitments in 1927.
77 13 0 54 7 88 ... 51 1 78 ...	Rewards to public smaller than anticipated. Establishment not up to strength. Increased cost of foodstuffs. Secondhand stores re-issued. Inauguration of weights and measures office.
2,331 17 47 999 17 48 90 17 25 627 15 07	Officers detained owing to establishment being under strength. Travelling curtailed. Shorter period of detention in outstations. Rigid economy and Northern Frontier Province expenditure shared by Administration.
191 3 53 21 17 80	Smaller number of prizes awarded and fewer repairs to range. Savings created on photos of surveillees.
0 14 58 ... 0 10 25 ...	Increase in price of fodder and purchases for the Buret-Sotik Post. The cost of the latter has been recovered and credited to revenue.
...	Increase in trunk calls and new installation.
... 55 16 65 ... 531 17 26 ...	Special provision to furnish the Officers' Mess. Increased trunk telephone calls; reduced telegram expenditure. No provision made for new appointments. Establishment reduced. Greater number of examinations than anticipated.
20 0 92	
62 17 84 18 16 90 64 9 26	Not required in 1927. Transport curtailed.
410 16 43 198 12 15 5 14 90 100 13 33 8 3 33 132 8 76 122 12 19 269 0 75	Establishment not up to strength. Reduced issues. Secondhand stores re-issued. Officers detained owing to establishment being under strength. Restricted travelling. Periods of detention at outstations less than anticipated. Provision not made. Quarters not available.
11,996 19 29	

POLICE DEPARTMENT.—(Contd.)

Sub-heads.	Original Estimate of Expenditure.	Actual Expenditure.	Over the Estimate.
Brought forward	£ 147,717 0 0	£ s. cts. 136,511 6 69	£ s. cts. 791 5 98
<i>Kilindini Harbour Police.</i>			
Personal Emoluments	1,099 12 29	1,099 12 29
Uniforms	59 19 32	59 19 32
Arms and Equipment	49 5 80	49 5 80
Miscellaneous Stores	6 14 0	6 14 0
Passages	145 7 0	145 7 0
Local Travelling	60 14 01	60 14 01
Travelling Allowances	12 11 50	12 11 50
Total £	147,717 0 0	137,945 10 61	2,225 9 90
Deduct over the Estimate
Net under the Estimate

SCHEDULE XVII.—

Personal Emoluments	20,126 0 0	20,465 6 42	339 6 42
Warders' Uniforms	1,530 0 0	1,396 3 10	...
Prisoners' Food	9,000 0 0	10,393 15 12	1,393 15 12
Prisoners' Clothing	2,500 0 0	2,447 18 62	...
Local Travelling	1,700 0 0	1,733 9 84	33 9 84
Travelling Allowances	90 0 0	67 14 0	...
Passages	412 0 0	363 7 43	...
Stores	1,580 0 0	1,654 12 76	74 12 76
Contingencies	340 0 0	271 1 58	...
Water Rates	120 0 0	151 5 82	31 5 82
Gratuities to Discharged Prisoners ...	100 0 0	10 8 50	...
Photographs	50 0 0	11 17 50	...
Raw Materials, Prison Industries ...	6,150 0 0	3,842 5 22	...
Tools and Plant, Prison Industries ...	250 0 0	169 18 27	...
Telephones	105 0 0	82 18 43	...
Telegrams	18 0 0	8 0 80	...
Electric Light	320 0 0	123 16 76	...
Total £	44,391 0 0	43,194 0 17	1,872 9 96
Deduct over the Estimate ...	...	...	...
Net under the Estimate ...	...	...	...

POLICE DEPARTMENT.—(Contd.)

Under the Estimate.	Remarks explanatory of increase or decrease.
£ s. cts. 11,996 19 29	
...	The Harbour Police was a new service inaugurated after the estimates for the year had been prepared.
...	
...	
...	
...	
...	
...	
11,996 19 29	
2,225 9 90	
9,771 9 39	

PRISONS.

...	Revised rates of European salaries and arrears of pay due to clerical staff.
133 16 90	Fewer blankets purchased than anticipated.
...	Increased prison population and poor crops on prison farms owing to drought.
52 1 38	
...	
22 6 0	Postponement of leave.
48 12 57	Unforeseen expenditure on kerosene oil owing to delay in installation of electric light at Nairobi Prison.
...	
68 18 42	Fewer executions than anticipated.
...	Alteration from flat rate to meter at Nairobi Prison.
89 11 50	Fewer gratuities than anticipated.
38 2 50	Fewer photographs taken.
2,307 14 78	Tailoring services curtailed owing to other calls on prison services.
80 1 73	
22 1 57	
9 19 20	
196 3 24	Delay in installation of light at Nairobi Prison.
3,069 9 79	
1,872 9 96	
1,196 19 83	

SCHEDULE XVIII.—

Sub-heads.	Original Estimate of Expenditure.		Actual Expenditure.		Over the Estimate.	
	£	s. cts.	£	s. cts.	£	s. cts.
<i>Personal Emoluments.</i>						
Administrative Division	17,681	0 0	15,864	0 83	...	...
Medical Division	67,675	0 0	64,685	18 28	...	...
Sanitation Division	24,092	0 0	20,526	2 72	...	...
Laboratory Division	11,347	0 0	10,649	18 24	...	...
Upkeep of Laboratory	1,000	0 0	815	7 20	...	...
Medical and Surgical Stores, etc. ...	17,500	0 0	15,768	3 77	...	...
Contingencies :—						
	£					
Crown Agents' Charges	300					
Office Equipment and Repairs of same	200					
Incidentals	100	600 0 0	378 11 95		...	...
Maintenance of Government Officials in Private Hospitals	750	0 0	736 9 70		...	...
Training of Africans	1,400	0 0	404 4 61		...	...
Medical Attendance on Government Officials by Private Practitioners	2,125	0 0	2,341 11 10		216 11 10	
Passages	8,000	0 0	6,262 18 14		...	...
Local Travelling	9,500	0 0	8,665 4 69		...	...
Motor Transport	1,000	0 0	690 1 82		...	...
Travelling Allowances	2,000	0 0	1,500 6 15		...	...
Carriage of Goods	3,000	0 0	2,850 2 06		...	...
Typewriters	200	0 0	193 17 50		...	...
Upkeep of European Hospitals	2,650	0 0	2,637 0 03		...	...
Upkeep of Native Hospitals	8,000	0 0	6,687 15 97		...	...
Upkeep of Mental Hospital	1,200	0 0	1,047 13 66		...	...
Horse Allowance to seconded members of I.M.D.	150	0 0	70 18 04		...	...
Ration Allowance to seconded members of I.M.D.	150	0 0	72 0 54		...	...
Uniforms for Medical Staff	1,110	0 0	1,026 3 93		...	...
Equipment for Hospitals, etc.	5,500	0 0	5,318 10 45		...	...
Conservancy Rates	200	0 0	226 16 0		26 16 0	
Fees and Expenses of Medical Officers attending Courses of Instruction in England	1,000	0 0	704 3 10		...	...
Electric Lighting for Hospitals, etc. ...	900	0 0	777 4 48		...	...
Water Supply for Hospitals, etc.	450	0 0	363 12 37		...	...
Epidemics	1,000	0 0	1,179 5 81		179 5 81	
Sanitary Station, Zanzibar	1,700	0 0	1,700 0 0		...	...
Maintenance of Infectious Diseases Hospitals and Leper Establish- ments	1,500	0 0	1,622 2 95		122 2 95	
Bush Clearing, Malaria and Sleep Sickness Measures	1,000	0 0	933 10 61		...	...
Upkeep of Disinfecting Apparatus	200	0 0	41 11 02		...	...
Rations for Hospital Attendants and Medical Subordinates, including Native Hospital Attendants in N.F.D. and Serenli	200	0 0	177 10 91		...	...
Contribution to Tropical Diseases Re- search Fund	150	0 0	150 0 0		...	...
Contribution to Tropical Diseases Bureau	300	0 0	300 0 0		...	...
Contribution to Advisory Medical and Sanitary Committee	50	0 0	32 0 0		...	...
Carried forward	£	195,280 0 0	177,300 18 63		214 15 86	

MEDICAL DEPARTMENT.

Under the Estimate.	Remarks explanatory of increase or decrease.
£ s. cts.	
1,816 19 17	Posts not filled and changes in holder of posts.
2,989 1 72	Posts not filled.
3,565 17 28	Ditto.
697 1 76	Ditto.
184 12 80	Overestimated.
1,731 16 23	Crown Agents indents not completed.
221 8 05	Overestimated.
13 10 30	
995 15 39	£950 transferred to Public Works votes for building Medical Training School.
...	Increase in number of patients treated by private practitioners.
1,737 1 86	Some posts not filled.
834 15 31	Shortage of staff.
309 18 18	Fewer repairs than anticipated.
499 13 85	Overestimated.
149 17 94	
6 2 50	Economy.
12 19 97	Delay in opening new hospitals.
1,312 4 03	
152 6 34	
79 1 96	Overestimated.
77 19 46	Overestimated.
83 16 07	
181 9 55	Opening of new offices.
...	
295 16 90	Fewer courses taken than anticipated.
122 15 52	
86 7 63	Special plague measures.
...	
...	Increased number of patients.
66 9 39	
158 8 98	Overestimated and fewer repairs required.
22 9 09	
...	
...	
18 0 0	
18,423 17 23	

MEDICAL DEPARTMENT.—(Contd.)

Sub-heads.	Original Estimate of Expenditure.		Actual Expenditure.		Over the Estimate.	
	£	s. cts.	£	s. cts.	£	s. cts.
Brought forward	195,280	0 0	177,400	18 63	544	15 86
Contribution to International Commission on Sleeping Sickness ...	225	0 0	175	0 0	...	...
Repairs to Dispensaries and Hospitals in Native Reserves	250	0 0	253	2 93	3	2 93
Medical Grants to Missions	1,000	0 0	987	10 0	...	...
Telephones	500	0 0	475	16 76	...	...
Telegrams	100	0 0	103	6 57	3	6 57
Assistance to Private Hospitals for maintenance of Indigent Patients	500	0 0	258	6 30	...	...
Outfit Allowance	360	0 0	450	0 0	90	0 0
Parcel Post and Registered Letters	50	0 0	51	18 94	1	18 94
Contribution to Kitale Nursing Home ...	...	...	50	0 0	50	0 0
Total £	198,265	0 0	180,206	0 13	693	4 30
Deduct over the Estimates ... ..	...	...	...	...	...	...
Net under the Estimate ... ..	...	...	...	...	...	...

SCHEDULE XIX.—

<i>Administration.</i>						
Personal Emoluments	9,360	0 0	8,817	15 45	...	...
Equipment for Office	150	0 0	137	14 82	...	...
Typewriters, Duplicators and Repairs ...	124	0 0	110	11 28	...	...
Camp Equipment	120	0 0	118	7 53	...	...
Outfits for Officers	60	0 0	90	0 0	30	0 0
Passages	909	0 0	654	9 75	...	...
Local Transport and Travelling	2,500	0 0	1,182	16 94	...	...
Travelling Allowances	450	0 0	247	13 50	...	...
Expenses of Examinations	200	0 0	58	14 89	...	...
Telephones and Telegrams	240	0 0	153	4 68	...	...
Books, Stationery and Equipment	4,000	0 0	3,785	15 45.	...	...
<i>European Education.</i>						
Personal Emoluments	25,909	0 0	24,339	3 28	...	...
Maintenance	1,750	0 0	1,593	6 41	...	...
Passages	1,932	0 0	1,146	5 16	...	...
Local Transport and Travelling	350	0 0	397	15 73	47	15 73
Travelling Allowance	50	0 0	24	4 0	...	...
Contingencies	120	0 0	121	0 11	1	0 11
Contributions to Schools	2,811	0 0	2,406	1 40	...	...
Boarding Expenses, including Medical Expenses (formerly Food Account)	5,550	0 0	5,907	1 34	357	1 34
Evening Classes, Mombasa ... ..	...	...	32	6 0	32	6 0
Expenses of Committee	250	0 0	5	10 30	...	...
Outfits ... ..	...	...	60	0 0	60	0 0
<i>Indian Education.</i>						
Personal Emoluments	15,239	0 0	12,356	6 55	...	...
Maintenance	295	0 0	237	0 98	...	...
Passages	525	0 0	255	16 80	...	...
Local Transport and Travelling	200	0 0	133	16 33	...	...
Travelling Allowance	30	0 0	3	14 0	...	...
Grants-in-Aid	5,211	0 0	3,892	0 97	...	...
Equipment	500	0 0	404	14 79	...	...
Expenses of Committee	200	0 0	34	9 30	...	...
Total	70,025	0 0	62,707	17 74	528	3 18

MEDICAL DEPARTMENT.—(Contd.)

Under the Estimate.	Remarks explanatory of increase or decrease.
£ s. cts. 18,423 17 23	
50 0 0	Cessation of contribution during the year.
...	
12 10 0	
24 3 24	
...	
241 13 70	Fewer claims than anticipated.
...	Provision not made for allowances for Medical Officers.
...	Contribution decided on after preparation of Annual Estimates.
...	
18,752 4 17	
693 4 30	
18,058 19 87	

EDUCATION DEPARTMENT.

542 4 55	Posts not filled immediately.
12 5 18	
13 8 72	
1 12 47	
...	Underestimated.
254 10 25	Posts not filled.
1,317 3 06	Inspection programmes not fully carried out.
202 6 50	Ditto.
141 5 11	Overestimated.
86 15 32	Postmaster General unable to comply with requirements.
214 4 55	
1,569 16 72	Posts vacant during part of the year.
156 13 59	
785 14 84	Posts not filled.
...	Underestimated.
25 16 0	Fewer absences from headquarters overnight.
...	
404 18 60	Claims due in December not presented in time for payment in the financial year.
...	
...	More pupils than anticipated.
244 9 70	Fewer claims than anticipated.
...	Provision omitted.
2,882 13 45	Posts not filled.
57 19 2	Economies.
269 3 20	Posts not filled.
66 3 67	Overestimated.
26 6 0	Ditto.
1,318 19 03	Grants forfeited in certain cases owing to conditions not being fulfilled.
95 5 21	Indents not complied with within the year.
165 10 70	Fewer claims than anticipated.
10,855 5 44	

EDUCATION DEPARTMENT.—(Contd.)

Sub-heads.	Original Estimate of Expenditure.		Actual Expenditure.		Over the Estimate.	
	£	s. cts.	£	s. cts.	£	s. cts.
Brought forward	79,035	0 0	68,707	17 74	528	3 18
<i>Arab and African Education.</i>						
Personal Emoluments	20,474	0 0	17,128	8 91	...	...
Maintenance and Purchase of Material	6,187	0 0	5,134	11 77	..	..
Hut and Poll Tax of Apprentices ...	430	0 0	226	16 0	...	...
Grants-in-Aid to Schools	24,026	0 0	21,541	0 32	...	...
Grant to Alliance High School	2,065	0 0	1,536	4 27	...	...
Colony's share of cost of Advisory Committee to Colonial Office	450	0 0	245	4 65	...	...
Expenses of Committee	450	0 0	48	1 61	...	...
Evening Classes	650	0 0	512	9 46	...	...
Passages	1,420	0 0	1,521	8 34	101	8 34
Local Transport and Travelling ...	800	0 0	715	1 65	...	...
Travelling Allowance	255	0 0	66	1 0	...	...
Board Expenses (Food Account) ...	3,880	0 0	3,065	0 23	...	...
Tools	550	0 0	504	10 71	...	...
Contingencies	200	0 0	65	16 46	...	...
Outfits	90	0 0	120	0 0	30	0 0
Total	£ 140,962	0 0	121,138	13 12	659	11 52

Deduct over the Estimates £

Net under the Estimate £

SCHEDULE XIXa.—EDUCATION

Special Equipment for Vocational Education	290	0 0	215	14 90	...	...
Capital Cost of European School, Mombasa	988	0 0	829	16 79	...	...
Kapsabet and Kericho Schools	800	0 0	795	2 01	...	...
Native Industrial Training Depot Equipment	1,500	0 0	790	16 04	...	...
Furniture and Equipment, Jeanes School	780	0 0	281	13 39	...	...
Masai Schools, Narok and Kajiado ...	800	0 0	803	3 68	3	3 68
Grants-in-Aid Alliance High School ...	880	0 0	1,353	16 88	473	16 88
Grants-in-Aid to Missions Buildings ...	4,313	0 0	4,436	0 33	123	0 33
Total	10,351	0 0	9,506	4 02	600	0 89

Deduct over the Estimate £

Net under the Estimate £

EDUCATION DEPARTMENT.—(Contd.)

der the Estimate.	Remarks explanatory of increase or decrease.
£ s. cts. 10,855 5 44	
3,345 11 09	Posts vacant during large part of the year.
1,052 8 23	Public Works Department unable to carry out requirements for school furniture. Accounts due in December received too late for payment.
203 4 0	Fewer apprentices than anticipated.
2,484 19 68	Grants not earned and certain mission appointments not made. Special grants sanctioned too late for payment in 1927.
528 15 73	Two posts vacant for a period.
204 15 35	Overestimated.
401 18 39	Fewer claims than anticipated.
137 10 54	
...	Underestimated.
84 18 35	
188 19 0	Overestimated.
814 19 77	Fewer indentured apprentices than anticipated.
45 9 29	Ditto.
134 3 54	Overestimated.
...	Underestimated.
20,482 18 40	
659 11 52	
19,823 6 88	

DEPARTMENT EXTRAORDINARY.

74 5 10	Overestimated.
158 3 21	Overestimated.
4 17 99	
709 3 96	Overestimated and accounts due for payment in December presented too late for inclusion.
498 6 61	Overestimated.
...	
...	Underestimated.
...	Ditto.
1,444 16 87	
600 0 89	
844 15 98	

Sub-heads.	Original Estimate of Expenditure.		Actual Expenditure.		Over the Estimate.	
	£	s. cts.	£	s. cts.	£	s. cts.
<i>Headquarters.</i>						
Inspector-General	1,379	0 0	1,582	12 20	203	12 20
Telephones	150	0 0	163	17 09	13	17 09
Telegrams	180	0 0	64	14 95	...	...
Other Charges	319	0 0	238	9 63	...	...
Intelligence	250	0 0	105	12 67	...	...
<i>Defence Force.</i>						
Personal Emoluments	1,899	0 0	1,640	1 38	...	...
Travelling Allowance	90	0 0	9	7 0	...	...
Local Transport and Travelling	450	0 0	158	13 42	...	...
Construction and Upkeep of Rifle Ranges	200	0 0	92	9 40	...	...
Training	250	0 0	50	6 50	...	...
Upkeep of Arms and Equipment	75	0 0	23	15 28	...	...
Motor Allowance	54	0 0	14	11 20	...	...
Contingencies	100	0 0	85	4 78	...	...
<i>3rd King's African Rifles.</i>						
Personal Emoluments	67,597	0 0	60,859	5 87	...	...
Musketry Prizes	120	0 0	39	10 0	...	...
Arms, Equipment, Uniforms and Ammunition	6,000	0 0	6,301	13 87	301	13 87
Rations	11,400	0 0	10,484	7 56	...	...
Local Travelling and Transport of Stores	7,300	0 0	4,856	19 14	...	...
Passages	2,310	0 0	3,289	9 67	979	9 67
Miscellaneous Stores	800	0 0	714	19 55	...	...
Office Furniture and Stationery	150	0 0	120	5 50	...	...
Upkeep of Buildings	700	0 0	699	18 13	...	...
Water Supply	100	0 0	75	6 0	...	...
Conservancy and Lighting	200	0 0	200	0 48	0	0 48
Library	8	0 0	8	0 0	...	...
Outfit Allowances, Officers and B.N.C.O.'s	350	0 0	588	13 67	238	13 67
Contingencies	350	0 0	297	12 71	...	...
Grain Rations for Animals	250	0 0	97	17 27	...	...
Annual Grant Officers' Mess	144	0 0	144	0 0	...	...
Furniture for Officers' Quarters	50	0 0	49	17 45	...	...
Bicycle, Pay and Quartermaster's Department	5	0 0	2	19 50	...	...
Riding and Pack Animals	350	0 0	330	0 0	...	...
Veterinary Drugs and Stores	25	0 0	0	8 0	...	...
Donkey and Camel Saddlery	150	0 0	142	5 92	...	...
Instruments, Music, etc. (Band)	75	0 0	73	19 87	...	...
Local Transport and Travelling (Band)	250	0 0	51	16 27	...	...
<i>K.A.R. Reserve.</i>						
Personal Emoluments	947	0 0	826	3 08	...	...
Uniforms and Ammunition	360	0 0	353	0 24	...	...
Local Travelling and Transport of Stores	270	0 0	213	19 43	...	...
Conservancy	15	0 0	14	10 0	...	...
Carried forward	£	105,672 0 0	95,066 14 68		1,737 6 98	

MILITARY.

Under the Estimate.	Remarks explanatory of increase or decrease.
£ s. cts.	
...	Additional expenditure in connection with tour of inspection.
115 5 05	Economy.
80 10 37	Less travelling.
144 7 33	Services curtailed.
258 18 62	Non-application of Defence Force Ordinance.
80 13 0	Ditto.
291 6 58	Ditto.
107 10 60	Ditto.
199 13 50	Ditto.
51 4 72	Ditto.
39 8 80	Ditto.
14 15 22	Ditto.
6,737 14 13	Establishment under strength.
80 10 0	Musketry course not completed.
...	Underestimated.
915 12 44	Decrease in original estimated cost of foodstuff.
2,443 0 86	Estimate included provision for movements of troops which have not yet taken place.
...	New appointments not anticipated.
85 0 45	
29 14 50	
0 1 87	
24 14 0	Fewer standpipes in use.
...	
...	
52 7 29	Certain appointments not anticipated.
152 2 73	Rations not supplied to outposts owing to transport difficulties.
...	
0 2 55	
2 0 50	
20 0 0	
24 12 0	No demand.
7 14 08	
1 0 13	
198 3 73	Fewer official functions than anticipated.
120 16 92	Reserve establishment under strength.
6 19 76	
56 0 57	Reserve establishment under strength.
0 10 0	
12,342 12 30	

MILITARY.—(Contd.)

Sub-heads.	Original Estimate of Expenditure.		Actual Expenditure.		Over the Estimate.	
	£	s. cts.	£	s. cts.	£	s. cts.
Brought forward	105,672	0 0	95,066	14 68	1,737	6 98
<i>Supply and Transport Services, K.A.R.</i>						
Personal Emoluments	14,270	0 0	12,602	8 10		
Rations	1,628	0 0	1,245	15 07		
Clothing	1,005	0 0	726	4 02		
Travelling Allowance	25	0 0	34	5 25	9	5 25
Local Transport and Travelling	560	0 0	513	16 29		
Passages	500	0 0	237	15 34		
Forage	250	0 0	111	17 94		
Purchase of Animals	400	0 0	192	0 0		
Upkeep of Animal Transport	600	0 0	499	9 93		
Mechanical Transport	3,000	0 0	2,999	3 76		
Upkeep of Buildings	250	0 0	143	12 0		
Sankuri Transport	50	0 0	18	18 29		
Contingencies	155	0 0	117	8 36		
Loss of Stores	100	0 0	69	8 05		
Total	£ 128,465	0 0	114,578	17 08	1,746	12 23
Deduct over the Estimates						£
Net under the Estimate						£

SCHEDULE XXI.—

Personal Emoluments	91,377	0 0				
Less, leave pay of Staff shown under Common Charges	9,200	0 0				
	82,177	0 0	79,491	13 59		
Return Commission on Money Orders	900	0 0	1,015	18 38	115	18 38
Parcel Post	1,500	0 0	1,514	6 97	14	6 97
Lighting and Conservancy Charges	490	0 0	536	11 28	46	11 28
Purchase and Upkeep of Motor-Cycles	430	0 0	257	19 36		
Maintenance of Lines	3,000	0 0	2,846	11 75		
Workshop Tools and Plant	100	0 0	96	12 98		
Office Equipment	700	0 0	663	19 32		
New Huts for Native Telegraphists	200	0 0	193	7 76		
Conveyance of Mails in Kenya	3,000	0 0	2,777	13 50		
	£					
Local Travelling:—						
Travelling Allowances ... 350						
Local Travelling and Trans- port 1,520	1,870	0 0	2,035	7 66	165	7 66
<i>Expenditure Common to Kenya and Uganda.</i>						
Personal Emoluments	25,519	0 0	27,435	2 87	1,916	2 87
Passages	4,500	0 0	5,151	12 31	651	12 31
	£					
Local Travelling:—						
Travelling Allowances ... 350						
Local Travelling and Trans- port 1,430	1,780	0 0	1,742	14 61		
Carried forward	126,166	0 0	125,759	12 34	2,909	19 47

MILITARY.—(Contd.)

Under the Estimate.	Remarks explanatory of increase or decrease.
£ s. cts. 12,342 12 30	
1,667 11 90	Establishment under strength.
362 4 93	Reduced cost of rations.
278 15 98	Less clothing purchased owing to proposed reduction in strength and change of control.
...	Underestimated.
46 3 71	Leave spent locally or postponed.
262 4 66	Fewer animals on charge than anticipated.
138 2 06	Animal transport replaced by mechanical transport.
208 0 0	Impending abolition of animal transport.
100 10 07	
0 16 24	
106 8 0	Impending vacation of Siolo Camp.
31 1 71	Less transport required than anticipated.
37 11 64	
30 11 95	
15,632 15 15	
1,746 12 23	
13,886 2 92	

POST OFFICE AND TELEGRAPHS.

2,685 6 41	Remittances abroad heavier than anticipated.
..	
...	Additional offices opened earlier than anticipated.
172 0 64	Economy.
153 8 25	
3 7 02	
36 0 68	
6 12 24	
222 6 50	
...	
...	Larger number of passages than anticipated.
27 5 39	
3,216 7 13	

POST OFFICE AND TELEGRAPHS.—(Contd.)

Sub-heads.	Original Estimate of Expenditure.		Actual Expenditure.		Over the Estimate.	
	£	s. cts.	£	s. cts.	£	s. cts.
Brought forward	126,166	0 0	125,759	12 34	2,909	19 47
Postal Material	3,500	0 0	3,142	18 33	...	...
Outfit Allowances	120	0 0	240	0 0	120	0 0
Conveyance of Mails by sea and by local Rail and Steamer Services ...	11,550	0 0	11,629	18 90	79	18 90
Cost of Printing Stamps	800	0 0	973	10 33	173	10 33
Contingencies :—	£					
Compensation	75					
Cables sent on international business	25					
Contribution to International Bureau	25					
Cost of Periodicals, Scientific Text Books, Interna- tional Postal Telegraph and Radio Telegraph Nomenclatures and An- nexes	40					
Advertisements	45					
Shorthand Allowances	40					
Incidentals	30					
Telegraph Stationery	1,600	0 0	1,286	11 51	...	...
Uniforms	850	0 0	541	3 32	...	...
Equipment and Maintenance of Telegraph Schools	50	0 0	18	10 41	...	...
Maintenance of Wireless Stations ...	350	0 0	350	14 83	0	14 83
Carriage of Miscellaneous Goods ...	400	0 0	327	2 79	...	...
Refunds of Common Revenue	30	0 0	...	...	...	...
Total	145,696	0 0	144,515	3 78	3,284	3 53
Deduct over the Estimate ... ..	...	...	...	...	...	...
Net under the Estimate ... ..	...	...	...	...	...	...

SCHEDULE XXIa.—POST OFFICE

Telephone and Telegraph Extension and Improvements	5,000	0 0	5,430	17 72	430	17 72
Aerial Telephone Cable	440	0 0	259	1 26	...	...
Replacement of Nairobi Telephone Ex- change by an underground system ... ..	...	...	1,482	11 74	1,482	11 74
Preliminary investigation of new works	...	...	52	10 0	52	10 0
Total £	5,440	0 0	7,225	0 72	1,965	19 46
Deduct under the Estimate ... ..	...	...	...	...	180	18 74
Net over the Estimate ... ..	...	...	...	...	1,785	0 72

POST OFFICE AND TELEGRAPHS.—(Contd.)

Under the Estimate.	Remarks explanatory of increase or decrease.
£ s. cts.	
3,316 7 13	
357 1 67	Economy.
...	More new appointments than anticipated.
...	
...	Unexpected demand for certain denominations.
34 18 98	
313 8 49	Economy.
308 16 68	Ditto.
31 9 59	Economy.
72 17 21	
30 0 0	No claims received during 1927.
4,464 19 75	
3,284 3 53	
1,180 16 22	

AND TELEGRAPHS, EXTRAORDINARY.

... 180 18 64	Trunk line from Thika to Makuyu authorised after framing of estimates. Work not completed.
... ...	Authorised after framing of estimates. Ditto.
180 18 64	

Sub-heads.	Original Estimate of Expenditure.		Actual Expenditure.		Over the Estimate.	
	£	s. cts.	£	s. cts.	£	s. cts.
<i>Administrative and General.</i>						
Personal Emoluments	11,806	0 0	10,923	7 84	...	...
Passages	2,345	0 0	1,957	0 32	...	...
Carriage of Goods	700	0 0	567	10 59	...	...
Travelling Expenses	450	0 0	425	11 26	...	...
Local Transport and Travelling	2,350	0 0	1,451	19 74	...	...
Seeds, etc.	200	0 0	144	10 67	...	...
Meteorological Instruments and Main- tenance	100	0 0	80	6 24	...	...
Library Books and Periodicals	100	0 0	84	10 20	...	...
Typewriters	31	0 0	26	2 50	...	...
Printing, Illustrations, etc.	350	0 0	89	13 80	...	...
Agricultural Departmental Special Services	100	0 0	53	2 25	...	...
Contribution to Imperial Bureau of Entomology	300	0 0	300	0 0	...	...
Contribution to Amani Institute	1,200	0 0	1,346	13 32	146	13 32
Contribution to Imperial Bureau of Mycology	150	0 0	150	0 0	...	...
Expenses of Marine Biologist	600	0 0	...	...	...	...
Expenses of Research Workers under Rowett Institute	100	0 0	162	2 25	62	2 25
Contingencies	180	0 0	237	2 71	57	2 71
Telephones	330	0 0	309	0 99	...	...
Telegrams	300	0 0	265	8 83	...	...
Parcel Post and Registered Letters	50	0 0	28	8 94	...	...
Outfit Allowances	120	0 0	240	0 0	120	0 0
<i>Sub-Division of Native Agriculture.</i>						
Personal Emoluments	5,991	0 0	5,230	13 02	...	...
Upkeep of Agricultural Schools and farms	950	0 0	838	7 26	...	...
Grants for Native Agricultural Shows	250	0 0	48	4 50	...	...
Expenses of Demonstration Plots	150	0 0	95	7 84	...	...
Seeds, etc., for issue	1,500	0 0	1,061	9 85	...	...
Expenses for Instruction	900	0 0	895	3 59	...	...
Travelling Allowances	450	0 0	288	16 50	...	...
Local Transport and Travelling	1,400	0 0	1,362	2 31	...	...
<i>Scott Agricultural Laboratories.</i>						
Personal Emoluments	5,201	0 0	4,741	13 17	...	...
Upkeep of Laboratories	1,500	0 0	1,297	10 71	...	...
Labour	400	0 0	371	9 35	...	...
Seeds, Manure, etc.	200	0 0	36	13 54	...	...
Plant Breeding Services	800	0 0	9	7 84	...	...
<i>Grading and Inspection (Imports and Exports), Grain Conditioning and Cool Stores Services.</i>						
Personal Emoluments	2,785	0 0	3,194	15 09	409	15 09
Grading and Conditioning Upkeep and Labour	1,200	0 0	1,953	0 86	753	0 86
Cool Stores, Upkeep and Labour	720	0 0	781	4 14	61	4 14
<i>Meteorological Service.</i>						
Personal Emoluments	246	0 0	...	...	...	...
Maintenance of Stations	250	0 0	271	13 28	21	13 28
Carried forward	46,755	0 0	41,320	5 30	1,631	11 65

AGRICULTURAL DEPARTMENT.

Under the Estimate.	Remarks explanatory of increase or decrease.
£ s. cts.	
882 12 16	One post not filled.
387 19 68	Posts not filled.
132 9 41	Requisitions not completed during the year.
24 8 74	
898 0 26	Economy.
55 9 33	Requirements curtailed.
19 13 76	
15 9 80	
4 17 50	
260 6 20	Printing executed by Government Press.
46 17 75	Economy.
...	
...	Part of 1926 contribution paid in 1927.
...	
600 0 0	Service postponed.
...	More travelling than anticipated.
...	Advertisement charges heavier than anticipated.
20 19 01	
34 11 17	Fewer telegrams than anticipated.
21 11 06	Economy.
...	Underestimated.
760 6 98	Appointments deferred.
111 12 74	
201 15 50	Fewer shows held than anticipated.
54 12 16	Economy.
438 10 15	Requirements curtailed.
4 16 41	
161 3 50	Increased use of motor transport.
37 17 69	
459 6 83	Appointment deferred.
202 9 29	Requirements curtailed.
28 10 65	
163 6 46	Orders on Crown Agents not completed.
790 12 16	Balance reallocated to detailed services. <i>See below.</i>
...	
...	Appointments not anticipated and 1926 leave pay paid in 1927.
...	Exports of local produce greater than anticipated (the excess is covered by increased revenue under Revenue Head IV, item 21).
...	Increased use of cool stores.
246 0 0	Posts not filled.
...	
7,066 6 35	

AGRICULTURAL DEPARTMENT.—(Contd.)

Sub-heads.	Original Estimate of Expenditure.		Actual Expenditure.		Over the Estimate.	
	£	s. cts.	£	s. cts.	£	s. cts.
Brought forward	46,755	0 0	41,320	5 30	1,631	11 65
<i>Veterinary Administrative and Executive Division.</i>						
Personal Emoluments	12,896	0 0	12,512	15 62	...	...
Medicines and Instruments	600	0 0	477	9 20	...	...
Maintenance of Veterinary Stations ...	2,200	0 0	1,806	3 05	...	...
Maintenance of Dips	180	0 0	153	9 96	...	...
Horse Allowance	144	0 0	30	0 0	...	...
Purchase of Animals and Equipment ...	200	0 0	199	18 50	...	...
Compensation payable under Diseases of Animals Ordinance	150	0 0	49	0 0	...	...
Incidentals	180	0 0	197	8 16	17	8 16
Purchase of Brands	250	0 0	237	0 0	...	...
Passages	2,320	0 0	1,835	8 93	...	...
Travelling Allowances	900	0 0	362	16 65	...	...
Local Transport and Travelling ...	3,600	0 0	3,497	15 08	...	...
Carriage of Goods	400	0 0	579	15 68	179	15 68
Library Books and Periodicals	150	0 0	133	6 09	...	...
<i>Sub-Division Native Reserves.</i>						
Personal Emoluments	9,055	0 0	9,299	16 19	244	16 19
Incidentals:—	£					
Uniforms	100				...	...
Equipment and Incidentals	100	200 0 0	171	0 50	...	...
Travelling Allowances ... ..	...	775 0 0	77	11 50	...	...
Upkeep of Stations ... ..	...	...	74	13 76	74	13 76
Local Transport and Travelling ...	...	1,660 0 0	1,768	15 34	108	15 34
Temporary Buildings, Crushes, etc. ...	...	...	500	0 0	500	0 0
<i>Veterinary Training Depot.</i>						
Personal Emoluments	1,846	0 0	934	10 03	...	...
Purchase of Cattle	100	0 0	94	15 0	...	...
Upkeep of Depot	450	0 0	257	19 78	...	...
<i>Rinderpest Service.</i>						
Personal Emoluments	3,726	0 0	3,501	18 10	...	...
Upkeep, Travelling Laboratory	250	0 0	150	0 0	...	...
Travelling Allowances	500	0 0	327	7 0	...	...
Local Transport and Travelling ...	1,400	0 0	1,670	0 16	270	0 16
<i>Division of Veterinary Research.</i>						
Personal Emoluments	12,845	0 0	13,726	11 56	881	11 56
Apparatus Machinery and Maintenance	2,000	0 0	1,636	13 12	...	...
Upkeep of Kabete Laboratory	3,250	0 0	2,750	6 03	...	...
Purchase of Animals	4,200	0 0	4,165	2 90	...	...
Production of Sera and Vaccines	5,400	0 0	4,588	16 26	...	...
Library Books and Periodicals	150	0 0	184	0 08	34	0 08
Passages	1,000	0 0	681	4 49	...	...
Travelling Allowances	100	0 0	69	0 50	...	...
Local Transport and Travelling ...	450	0 0	578	14 26	128	14 26
Carriage of Goods	1,200	0 0	781	0 33	...	...
Parcel Post and Registered Letters ...	50	0 0	19	7 95	...	...
Carried forward	121,532	0 0	111,401	17 06	4,071	6 84

AGRICULTURAL DEPARTMENT.—(Contd.)

Under the Estimate.	Remarks explanatory of increase or decrease.
£ s. cts. 7,066 6 35	
383 4 38	Posts not filled until late in the year.
122 10 80	Economy.
393 16 95	Certain stations closed owing to adverse conditions.
26 10 04	
114 0 0	Increased use of motor transport.
0 1 50	
101 0 0	Fewer claims than anticipated.
... 0 0	
13 0 0	
484 11 07	Officers detained beyond normal tour.
537 3 35	Increased use of motor transport.
102 4 92	Posts filled late in the year.
...	Demands for sera greater than anticipated.
16 13 91	
...	One more appointment than anticipated.
28 19 50	
697 8 50	Increased use of motor transport.
...	Expansion of services Northern Frontier Province.
...	One more appointment than anticipated.
...	Expansion of services Northern Frontier Province.
911 9 97	Posts not filled.
5 5 0	
192 0 22	Requirements curtailed.
224 1 90	Change in holder of one post.
100 0 0	Economy.
172 13 0	Increased use of motor transport.
...	Unexpected increase in field laboratory work.
...	Revised salaries and two additional appointments for East Coast Fever work.
363 6 88	Economy and orders on Crown Agents not completed.
499 13 97	Economy.
34 17 10	
811 3 74	Reduced demand for sera.
...	Increased cost of publications.
318 15 51	Officers detained beyond normal tour.
30 19 50	Increased use of motor transport.
...	Increased travelling necessitated by East Coast Fever work.
418 19 67	Drop in demand for sera.
30 12 05	Overestimated.
14,201 9 78	

AGRICULTURAL DEPARTMENT.—(Contd.)

Sub-heads.	Original Estimate of Expenditure.		Actual Expenditure.		Over the Estimate.	
	£	s. cts.	£	s. cts.	£	s. cts.
Brought forward	121,532	0 0	111,401	17 06	4,071	6 84
<i>Plant Breeding Services.</i>						
Personal Emoluments		432	6 01	432	6 01
Upkeep of Stations		324	18 75	324	18 75
Labour		246	6 43	246	6 43
Purchase of Oxen		198	0 0	198	0 0
Implements, Machinery and Equipment	...		477	13 03	477	13 03
Passages	
Travelling Allowances		50	11 29	50	11 29
Local Transport and Travelling	...		222	9 64	222	9 64
Total £	121,532	0 0	113,354	2 21	6,023	11 99
Deduct over the Estimate	
Net under the Estimate	

SCHEDULE XXIIa.—

Travelling Laboratory for Rinderpest Service	800	0 0	796	5 92	...
<i>Meteorological Service.</i>					
Purchase and Installation of Equipment	600	0 0	...		...
Equipment for three District Second Order Stations	150	0 0	...		...
Local Expenses of four Research Workers from Rowett Institute ...	100	0 0	88	6 70	...
Travelling Expenses of Maize Stalk Borer Honorary Inspectors ..	...		33	18 13	33 18 13
Two Mobile Field Stations equipped and with Trailers ... ..	...		1,168	9 84	1,168 9 84
Establishment of Plant Breeding Stations at Njoro and Mau Summit ... ..	...		302	1 49	302 1 49
Total £	1,650	0 0	2,389	2 08	1,504 9 46
Deduct under the Estimate ...	...		...		765 7 38
Net over the Estimate ...	...		...		739 2 08

AGRICULTURAL DEPARTMENT.—(Contd.)

Under the Estimate.	Remarks explanatory of increase or decrease.
£ s. cts. 14,201 9 78	
...	New service—funds provided in Supplementary Estimates.
...	Ditto.
...	Ditto.
...	Ditto.
...	Ditto.
...	Ditto.
...	Ditto.
...	Ditto.
14,201 9 78	
6,023 11 99	
8,177 17 79	

AGRICULTURAL DEPARTMENT EXTRAORDINARY.

3 14 08	
600 0 0	} Orders on Crown Agents not completed.
150 0 0	
11 13 30	
...	No provision in estimates for campaign against stalk borer.
...	Special equipment for the maize stalk borer and mealy bug campaigns. No provision made in Annual Estimates.
...	New service—funds provided in Supplementary Estimates.
765 7 38	

FOREST DEPARTMENT.

Under the Estimate.	Remarks explanatory of increase or decrease.
£ s. cts.	
...	Revised rates of salaries.
117 8 92	Planting curtailed by dry season.
82 13 32	
30 17 56	
4 4 16	
108 14 38	Economy.
0 17 89	
0 13 68	
...	
37 14 10	Economy.
0 5 0	
237 4 84	Leave not taken when due.
276 19 20	
120 9 83	
36 15 81	Economy.
...	1926 charges met in 1927.
5 3 70	
3 15 35	
0 14 25	
400 0 0	Funds transferred to P.W.D.
77 0 72	Strict Economy.
122 18 34	
62 7 16	Economy.
17 16 0	Ditto.
40 4 98	
5 0 0	
11 16 51	
1,801 15 70	
151 18 01	
1,649 17 69	

SCHEDULE XXIV.—

Sub-heads.	Original Estimate of Expenditure.		Actual Expenditure.		Over the Estimate.	
	£	s. cts.	£	s. cts.	£	s. cts.
Personal Emoluments	4,596	0 0	4,981	17 71	385	17 71
Consolidated Travelling Allowances (2 at £120; 4 at £90)	520	0 0	514	3 98	...	...
Ivory and Confiscated Trophies	2,250	0 0	3,912	10 63	1,662	10 63
Rewards	500	0 0	232	7 0	...	...
Local Transport and Travelling	1,350	0 0	1,254	13 17	...	...
Passages	166	0 0	100	10 10	...	...
Fish Hatcheries	200	0 0	139	1 77	...	...
Contingencies	60	0 0	32	3 22	...	...
Telephones	15	0 0	15	12 30	0	12 30
Telegrams	48	0 0	24	1 80	...	...
Total £	9,705	0 0	11,207	1 68	2,049	0 64
Deduct under the Estimate ... ..	...	...	...	...	546	18 96
Net over the Estimate ... ..	...	...	...	...	1,502	1 68

SCHEDULE XXV.—

Personal Emoluments	35,810	0 0	36,373	16 28	563	16 28
Contingencies	300	0 0	277	13 56	...	...
Passages	2,000	0 0	2,502	18 39	502	18 39
Travelling Allowance	360	0 0	262	16 21	...	...
Transport and Travelling	2,800	0 0	2,352	1 48	...	...
Instruments	100	0 0	121	6 18	21	6 18
Printing, Lithography, etc.	750	0 0	627	3 62	...	...
Material for Boundary Marks	150	0 0	140	18 64	...	...
Equipment and Tools	250	0 0	163	16 49	...	...
Advertising	60	0 0	27	15 50	...	...
Telephones	166	0 0	136	8 52	...	...
Telegrams	23	0 0	16	10 75	...	...
Material and Upkeep, Titles Office	250	0 0	101	1 95	...	...
Legal Library	10	0 0	5	10 50	...	...
Material and Upkeep of Over-Embossing system ... ..	...	...	112	9 84	112	9 84
Preliminary expenses in connection with Nairobi Town Planning Scheme ... ..	...	...	50	0 0	50	0 0
Payment of Fees to Licensed Surveyors ... ..	...	...	34	0 0	34	0 0
Subsistence Allowance to Commissioner of Lands whilst on duty in London ... ..	...	...	144	0 0	144	0 0
Total £	43,029	0 0	43,450	7 91	1,428	10 69
Deduct under the Estimate ... ..	...	...	...	...	1,007	2 78
Net over the Estimate ... ..	...	...	...	...	421	7 91

AME DEPARTMENT.

Under the Estimate.	Remarks explanatory of increase or decrease.
£ s. cts.	
...	Revised rates of salaries.
5 16 02	
...	More ivory collected than anticipated.
267 13 0	Rewards payable less than anticipated.
95 6 83	Strict economy and reduction in allowances.
65 9 90	One officer did not return till 1928.
60 18 23	
27 16 78	Economy.
...	
23 18 20	Overestimated.
546 18 96	

LAND DEPARTMENT.

...	Revised rates of salaries.
22 6 44	
...	Leave granted on medical grounds.
97 3 79	Less travelling than anticipated.
447 18 52	Ditto.
...	
122 16 38	Fewer demands for plans than anticipated.
9 1 36	
86 3 51	Economy.
32 4 50	Fewer land sales than anticipated.
29 11 48	
6 9 25	
148 18 05	Indents postponed and funds reserved to meet cost of over-embossing system.
4 9 50	
...	Material ordered in 1926, but not supplied until 1927.
...	Service approved after framing of Estimates.
...	Ditto.
...	Commissioner of Lands' visit to England not anticipated.
1,007 2 78	

SCHEDULE XXVI.—

Sub-heads.	Original Estimate of Expenditure.		Actual Expenditure.		Over the Estimate.	
	£	s. cts.	£	s. cts.	£	s. cts.
Purchase of Cash Safes and Boxes ...	300	0 0	346	10 49	46	10 49
Commission and Fees to Crown Agents ...	1,500	0 0	2,554	14 77	1,054	14 77
Commission and Fees to Bombay Agents ...	1,200	0 0	1,341	5 29	141	5 29
Language Bonuses ...	100	0 0	150	0 0	50	0 0
Allowance to Swahili Examiner ...	30	0 0	30	0 0	...	...
Telegrams ...	1,500	0 0	1,505	3 51	5	3 51
Postages ...	500	0 0	458	8 74	...	...
Grant to Imperial Institute ...	300	0 0	350	0 0	50	0 0
Repatriation ...	500	0 0	588	13 36	88	13 36
Working Expenses of Motor Ordinance Grant to Nairobi Municipality in lieu of Rates ...	15	0 0	...	...	...	...
African Tropical Service Course ...	2,250	0 0	2,484	8 33	234	8 33
Sundry ...	450	0 0	1,544	9 33	1,094	9 33
Contribution to the Civil Service Athletic Association ...	100	0 0	169	2 74	69	2 74
Commissions of Inquiry and Committees ...	685	0 0	637	0 96	...	...
Travelling of Distinguished Visitors ...	1,000	0 0	2,694	4 25	1,694	4 25
Maintenance of Destitute Persons ...	1,000	0 0	848	19 04	...	...
Refunds of Revenue ...	300	0 0	282	8 0	...	...
Payment to Nairobi Municipality in respect of Rents ...	25,000	0 0	19,884	1 98	...	...
Nairobi Road Grant ...	4,700	0 0	6,721	12 23	2,021	12 23
Expenses of Issue of New Currency ...	5,780	0 0	5,780	0 0	...	...
Loss on Exchange Maria Theresa Dollars ...	100	0 0	74	16 92	...	...
Remittances, Commission, etc. ...	564	0 0	564	0 0	...	...
Grant to East Africa Natural History Society ...	2,000	0 0	3,218	5 73	1,218	5 73
Working Expenses of Beer Ordinance ...	300	0 0	300	0 0	...	...
Grant to Kenya Agricultural Society ...	75	0 0	44	9 70	...	...
Insurance of Specie ...	500	0 0	500	0 0	...	...
Purchase of Cycle Discs ...	100	0 0	25	10 49	...	...
Contribution to Imperial Scheme for Agricultural Scholarship ...	100	0 0	78	5 23	...	...
Renewals Fund Mombasa Water Works ...	600	0 0	647	0 0	47	0 0
Refunds of Revenue, Rents, etc., from Lands in Native Reserves ...	10,000	0 0	10,000	0 0	...	...
Life Insurance Premium of Donation Governor, Christ's Hospital ...	3,700	0 0	11,973	9 67	8,273	9 67
Exemption from Native Hut and Poll Tax ...	20	0 0	19	16 25	...	...
Rent of Land at Mweza Creek ...	25	0 0	20	6 0	...	...
Adjustment in Salaries ...	125	0 0	125	0 0	...	...
Portraits of Kenya Governors ...	3,600	0 0	2	2 85	...	...
Printing and Publishing of "Habari" Statistical examination of Selected Native Areas ...	200	0 0	643	19 43	...	...
Contribution to Seamen's Hospital ...	800	0 0	182	17 25	...	...
Development of Local Government in Nairobi and Mombasa ...	300	0 0	20	0 0	...	...
Removal of Sudanese Colony from Juba- land ...	20	0 0	1,871	8 14	...	...
Expenses in connection with Salvaged Goods and Ambergris ...	2,000	0 0	79	3 43	...	...
Contribution to the survey of Air Route, etc. ...	145	0 0	245	8 94	245	8 94
Carried forward ...	...	...	2,523	11 16	2,523	11 16
	72,484	0 00	81,530	14 21	18,857	19 80

MISCELLANEOUS SERVICES.

Under the Estimate.	Remarks explanatory of increase or decrease.
£ s. cts.	
...	Increase in cost of safes.
...	Indents on Crown Agents heavier than anticipated.
...	Bombay Agents disbursements heavier than anticipated.
...	One more qualification than anticipated.
41 11 26	Economy.
...	1926 contribution in respect of upkeep of galleries paid in 1927.
15 0 0	Number of repatriations greater than anticipated. Not required in 1927.
...	Adjustment of 1926 payment.
...	Number of administration probationers greater than anticipated.
...	Underestimated.
47 19 04	
...	Difficulty of estimating correctly.
151 0 96	Smaller number of visitors than anticipated.
17 12 0	
5,115 18 02	Overestimated.
...	Rents on Crown Lands administered by the Railway Administration collected during 1926 paid to the Corporation in 1927.
25 3 08	
...	
...	Surplus funds remitted to London.
30 10 30	
...	Fewer renewals of beer testing appliances.
74 9 51	
21 14 77	Overestimated.
...	
...	
...	Collections in 1923, 1924 and 1925 paid over to Native Councils in 1927. Corresponding amounts have been credited to revenue.
0 3 75	
4 14 0	
...	
3,600 0 0	Expenditure met from departmental votes.
197 17 15	Not completed.
156 0 57	Published for nine months only.
117 2 75	Work not fully carried out owing to lack of staff.
...	
128 11 86	
65 16 57	Payment of subsistence allowance limited for a period to heads of families only.
...	Payment of awards in connection with salvage. The expenditure is more than covered by the revenue from sales.
...	Kenya's share of cost of air survey. Provision was made in 1926, but expenditure was not incurred until 1927.
9,811 5 59	

MISCELLANEOUS SERVICES.—(Contd.)

Sub-heads.	Original Estimate of Expenditure.		Actual Expenditure.		Over the Estimate.	
	£	s. cts.	£	s. cts.	£	s. cts.
Brought forward	72,484	0 00	81,530	14 21	18,857	19 80
Acquisition of Land for inclusion in Masai Reserve	19,241	14 0	19,241	14 0
Compensation to Mr. A. Cartwright for Shortage of Land	504	0 0	504	0 0
Payment of Compensation to Mr. A. B. Percival	40	14 42	40	14 42
Compensation to Charles Willie	90	0 0	90	0 0
Removal of Floating Island at Kisumu	154	4 0	154	4 0
Expenses of Census	45	6 75	45	6 75
Purchase of Estate of Maseno, Ltd.	4,075	6 33	4,075	6 33
Tanganyika Masai Boundary	46	0 17	46	0 17
Removal of Nairobi Race Course	1,309	10 57	1,309	10 57
Cost of Altering Title £5,000,000 Loan	41	6 50	41	6 50
Payment of Stand Premia to Nairobi Municipality	862	16 72	862	16 72
Payment of Fees to Licensed Surveyors	200	0 0	200	0 0
Expenses of Colonel Hoy in connection with Land Settlement Scheme	105	17 77	105	17 77
Payment to Nairobi Corporation in respect of Asiatic Residential Area	215	18 48	215	18 48
Payment to Kenya and Uganda Rail- way on Account of Stand Premia	52	14 0	52	14 0
Payment to Kenya and Uganda Railway on account of rents	21,594	9 60	21,594	9 60
Fishing Survey, Lake Victoria	1,027	19 54	1,027	19 54
Compensation for loss of Officials' private effects	25	16 0	25	16 0
Compensation in respect of Plot No. 360, Nairobi, acquired for Town Plan- ning purposes	320	0 0	320	0 0
Loss of Government moneys	656	5 77	656	5 77
Total £	72,484	0 0	132,140	14 83	69,468	0 42
Deduct under the Estimate	9,811	5 59
Net over the Estimate	59,656	14 83

SCHEDULE XXVII.—

Interest on Advances by Crown Agents to meet expenditure against £3,000,000 Loan and Colonial Loan	170,000	0 0	138,540	7 84	...
Total £	170,000	0 0	138,540	7 84	...
Under the Estimate	...	...	...	...	...

MISCELLANEOUS SERVICES.—(Contd.)

Under the Estimate.	Remarks explanatory of increase or decrease.
£ s. cts. 9,811 5 59	
...	To provide for the purchase of farms Nos. 369, 370, 371, and 372 in the Kedong Valley for use by the Masai in exchange for the area reserved around Kinangop.
...	Compensation in respect of a shortage of forty-two acres on farm No. L.O. 1508.
...	Compensation in connection with the boundary between Mr. Percival's farm and the Native Reserve at Machakos. A portion of the land was out of Mr. Percival's occupation for several years.
...	Compensation to a native in respect of the removal of a posho mill and dam which he had been permitted to erect on alienated Crown Land at Kericho.
...	Cost of removing floating islands of sudd at Kisumu which were constituting breeding grounds for mosquitoes. Work not finished.
...	Cost of colour maps in the Report on the Non-Native Census of Kenya, 1926. Purchase not completed in 1926.
...	Expenses relating to Masai boundary which were not anticipated at the time of preparation of the estimates.
...	Part cost of removal of buildings, erection of fence and preparation of new site. Work not completed.
...	Altered from " B.E.A. 6 per cent. inscribed stock " to " Kenya 6 per cent. inscribed stock."
...	Payment of stand premia collected since 1923.
...	Cost of survey of plots in the Bahati Township.
...	Subsistence and travelling expenses of Colonel Hoy during his visit in connection with Land Settlement Scheme.
...	Expenditure incurred in connection with removal of Maskeni village.
...	Stand premia and rents collected during the year on land controlled by the Railway Administration, an equivalent amount has been credited to revenue.
...	
...	New service.
...	
...	
...	Net loss resulting from defalcations at Eldoret Post Office.
9,811 5 59	

INTEREST.

31,459 12 16	Expenditure on Colonial Loan partly advanced from surplus.
31,459 12 16	
31,459 12 16	

SCHEDULE XXVIII.—PUBLIC

Sub-heads.	Original Estimate of Expenditure.		Actual Expenditure.		Over the Estimate.	
	£	s. cts.	£	s. cts.	£	s. cts.
Personal Emoluments	50,090	0 0	50,670	13 12	580	13 12
Passages	2,550	0 0	2,305	14 97	...	...
Travelling Allowances	900	0 0	849	7 05	...	...
Local Transport and Travelling and Camp Equipment	9,000	0 0	7,925	2 75	...	...
Stores Contingencies	200	0 0	157	12 69	...	...
Passages, Local Transfers, Sick Pay, and Repatriation of Artisans ...	75	0 0	2	10 63	...	...
Drawing Office Material and Office Equipment	400	0 0	323	7 48	...	...
Conservancy and Water Rates	416	0 0	381	0 08	...	...
Contingencies	200	0 0	120	17 83	...	...
Uniforms	50	0 0	49	12 76	...	...
Typewriters	28	0 0	27	18 16	...	...
Telephones	287	0 0	218	19 32	...	...
Telegrams	75	0 0	193	12 90	118	12 90
Outfit Allowances ... ..	...	...	90	0 0	90	0 0
Parcel Post and Registered Letters ...	52	0 0	29	17 60	...	...
<i>Mombasa Water Supply.</i>						
Personal Emoluments	3,698	0 0	3,626	6 81	...	...
Passages	28	0 0	40	8 56	12	8 56
Travelling Allowances	50	0 0	5	3 50	...	...
Local Transport and Travelling General Maintenance: Material and Casual Labour	160	0 0	119	14 98	...	...
Uniforms	3,074	0 0	2,932	7 31	...	...
Contingencies	80	0 0	79	3 52	...	...
Extension of Distribution System ...	14	0 0	13	17 51	...	...
...	...	...	424	16 60	424	16 60
<i>Nakuru Water Supply.</i>						
Personal Emoluments	525	0 0	280	14 68	...	...
General Maintenance: Material and Casual Labour	380	0 0	501	4 10	121	4 10
<i>Government Coast Agency.</i>						
Personal Emoluments	3,082	0 0	3,838	3 05	756	3 05
Passages	305	0 0	274	5 71	...	...
Travelling Allowance	25	0 0	2	4 0	...	...
Local Transport and Travelling Packing Charges	100	0 0	384	14 12	284	14 12
Transport Expenses	25	0 0	8	18 96	...	...
Uniforms	180	0 0	86	14 50	...	...
Tools and Plant, Repairs and Renewals and Contingencies	15	0 0	14	5 51	...	...
Telegrams	105	0 0	99	16 10	...	...
Telephones	50	0 0	43	7 90	...	...
Parcel Post and Registered Letters ...	33	0 0	33	4 0	0	4 0
Typewriter	6	0 0	4	18 0	...	...
...	...	...	32	10 0	32	10 0
Carried forward £	76,258	0 0	73,193	6 76	2,421	6 45

WORKS DEPARTMENT.

Under the Estimate.	Remarks explanatory of increase or decrease.
£ s. cts.	
... 244 5 03 50 13 95	Additional appointments. Postponement of leave.
1,074 17 25 42 7 31	Economy. Economy.
72 9 37	Fewer transfers.
76 12 52 34 19 92	Economy.
79 2 17 0 7 24 0 1 84 68 0 68	Economy.
... ... 22 2 40	Underestimated. Three new appointments not anticipated. Overestimated.
71 13 19 ... 44 16 50 40 5 02	Underestimated. Economy. Economy.
141 12 69 0 16 48 0 2 49 ...	Service approved after framing Estimates.
244 5 32 ...	One engagement postponed. Extension of distribution system.
... 30 14 29 22 16 0 ...	Reorganisation of Coast Agency.
16 1 04 93 5 50 0 14 49	Reorganisation of Coast Agency. Services curtailed.
5 3 90 6 12 10 ... 1 2 0 ...	Replacement of unserviceable machine.
2,485 19 69	

PUBLIC WORKS DEPARTMENT.—(Cont.)

Sub-heads.	Original Estimate of Expenditure.		Actual Expenditure.		Over the Estimate.	
	£	s. cts.	£	s. cts.	£	s. cts.
Brought forward	76,258	0 0	76,193	6 76	2,421	6 45
<i>Government Transport.</i>						
Personal Emoluments	2,352	0 0	2,298	15 18	...	...
Passages	28	0 0	24	6 96	...	...
Travelling Allowance	10	0 0	4	10 92	...	...
Local Transport and Travelling ...	640	0 0	530	10 26	...	...
Packing Charges	5	0 0	3	11 70	...	...
Purchase of Livestock, Repairs and Re- newals to existing Plant and Fodder for Oxen and Mules ...	900	0 0	775	8 29	...	...
Conservancy and Water Rates	15	0 0	14	8 0	...	...
Uniforms	23	0 0	22	12 61	...	...
Telephones	22	0 0	21	9 0	...	...
Telegrams	5	0 0	...	...	...	...
Purchase of One-ton Lorry ... ..	...	...	200	0 0	200	0 0
Parcel Post and Registered Letters ...	5	0 0	...	...	...	...
<i>Water Boring Branch.</i>						
Personal Emoluments	3,720	0 0	1,120	8 74	...	...
Passages	200	0 0	76	3 50	...	...
Outfit Allowances (5)	150	0 0	30	0 0	...	...
Travelling Allowances	150	0 0	4	18 50	...	...
Local Transport and Travelling	600	0 0	65	15 86	...	...
Transport of Machinery	500	0 0	76	2 50	...	...
Fuel and Oil	1,000	0 0	72	11 48	...	...
General Tools and Plant Consumable Stores and casing	1,630	0 0	917	19 16	...	...
Repairs	400	0 0	4	6 14	...	...
Timber Seasoning Branch ... ..	...	...	...	...	...	...
Expenses of Operating Timber Season- ing Plant	2,500	0 0	600	18 12	...	...
Total	£ 91,113	0 0	83,058	3 68	2,621	6 45
Deduct over the Estimate ... ..	...	...	...	...	...	...
Net under the Estimate ... ..	...	...	...	...	...	...
SCHEDULE XXIX.—PUBLIC						
Maintenance and Improvement of Roads and Bridges	93,100	0 0	87,335	0 79	...	...
Maintenance and Repairs of Public Buildings	25,000	0 0	24,722	4 33	...	...
Rents of Offices and Houses and House Allowances in lieu of Quarters ...	38,500	0 0	55,072	7 50	16,572	7 50
Furniture, Upkeep and Repair of, for Government Bungalows and Offices	1,900	0 0	2,303	10 42	403	10 42
Tools and Plant	8,500	0 0	8,278	4 49	...	...
Running of Workshops, Fuel, etc. ...	690	0 0	554	14 11	...	...
Expenses of Water Control	500	0 0	201	8 26	...	...
Loss and Depreciation of Stores ...	500	0 0	111	18 20	...	...
Preliminary Investigation of New Works	500	0 0	414	10 61	...	...
Total	169,190	0 0	178,993	18 71	16,975	17 92
Deduct under the Estimate ... ..	...	...	...	...	7,171	19 21
Net over the Estimate ... ..	...	...	...	...	9,803	18 71

PUBLIC WORKS DEPARTMENT.—(Cont.)

Under the Estimate.	Remarks explanatory of increase or decrease.
£ s. cts. 2,485 19 69	
53 4 82	Economy.
3 13 04	
5 9 08	
109 9 74	Economy.
1 8 30	
124 11 71	Increase in mechanical transport and savings effected on fodder.
0 12 0	
0 7 39	
0 11 0	
5 0 0	
...	Necessity for purchase not foreseen.
5 0 0	
2,599 11 26	Engagement of staff delayed.
123 16 50	Ditto.
120 0 0	Ditto.
145 1 50	Ditto.
534 4 14	Ditto.
423 17 50	Ditto.
927 8 52	Ditto.
712 0 84	Materials ordered from Crown Agents not paid for in 1927.
395 13 86	New plant.
1,899 1 88	Delay in engagement of staff and commencement of operations.
10,676 2 77	
2,621 6 45	
8,054 16 32	
WORKS RECURRENT.	
5,764 19 21	Shortage of labour and delayed investigations for improvements.
277 15 67	
...	Underestimated—new appointments during year and increase in allowances to Asian staff.
221 15 51	Provision inadequate.
135 5 89	Economy.
298 11 74	Shortage of staff and consequent restriction of investigations.
388 1 80	Stock-taking postponed awaiting increased staff.
85 9 39	Shortage of staff.
7,171 19 21	

SCHEDULE XXX.—PUBLIC

Sub-heads.	Original Estimate of Expenditure.		Actual Expenditure.		Over the Estimate.	
	£	s. cts.	£	s. cts.	£	s. cts.
Medical Buildings	1,231	0 0	1,412	16 98	181	16 98
New Press Buildings	1,493	0 0	4,184	11 03	2,691	11 03
Extension, Infectious Diseases Hospital, Nairobi	1,209	0 0	1,757	18 02	548	18 02
Buildings for Manufacture of Sera ...	53	0 0	205	10 85	152	10 85
Extensions, Medical Buildings ...	300	0 0	388	10 19	88	10 19
Postal Buildings	3,050	0 0	1,919	15 61	...	...
European School, Nanyuki	450	0 0	342	18 61	...	...
Police Stations	12,397	0 0	6,068	19 64	...	...
Supply of Electrical Energy for Kabete Laboratory	1,150	0 0	916	13 14	...	...
Summer Seasoning Plant	7,700	0 0	5,000	13 28	...	...
Water Boring Plant	8,895	0 0	8,801	10 80	...	...
Roads and Bridges	28,270	0 0	19,660	16 54	...	...
Minor Works	7,478	0 0	8,416	4 63	938	4 63
Furniture for new buildings	20,000	0 0	15,484	9 10	...	...
Emergency Reserve	3,500	0 0	3,898	11 67	398	11 67
Establishment of Plant Breeding Station at Njoro ... ..	...	...	876	1 09	876	1 09
Purchase of Stores Building at Sagana from Kenya and Uganda Railway for Northern Frontier Transport	...	...	...	...	...	...
Shed for Foresters ... ..	...	...	426	1 66	426	1 66
Bridge over Myanga River ... ..	...	...	35	15 06	35	15 06
Weights and Measures Office, Nairobi	...	...	380	17 33	380	17 33
Cheliba Lodwar Road ... ..	...	...	112	0 26	112	0 26
Embasa Water Works Distribution, Hobley Road Area ... ..	...	...	563	6 78	563	6 78
Completion of Native Hospital, Kitale ...	...	...	81	19 10	81	19 10
Additional Buildings for the Secretariat, Nairobi ... ..	...	...	199	12 48	199	12 48
Buildings and Appliances for P.W.D. African Apprentices and Artizans	...	...	1,035	9 21	1,035	9 21
Temporary Offices for Port Control, Kilindini ... ..	...	...	2	11 35	2	11 35
Total	97,176	0 0	82,298	14 41	8,838	17 69
Deduct over the Estimate ... ..	...	...	...	...	...	£
Net under the Estimate ... ..	...	...	...	...	...	£

SCHEDULE XXXI.—TRADE

Trade, Information and Publicity Bureau	5,000	0 0	5,000	0 16	0	0 16
Total	5,000	0 0	5,000	0 16	0	0 16
Net over the Estimate ... ..	...	...	...	...	0	0 16

PUBLIC WORKS, EXTRAORDINARY.

Under the Estimate.	Remarks explanatory of increase or decrease.
£ s. cts.	
...	Additional African Ward at Native Hospital, Nairobi.
...	Supplementary provision for the purchase of the Railway Press building.
...	Completion of extension to Infectious Diseases Hospital.
...	Work not finished.
...	Extension to Native Hospital, Meru.
1,130 4 39	Work not completed.
107 1 39	
6,328 0 36	Work not completed.
233 6 86	
2,699 6 72	Work not completed.
93 9 20	Ditto.
8,609 3 46	
...	Underestimated.
4,515 10 90	Purchases in England delayed.
...	Installation of electric light at new Press buildings.
...	New service—funds provided in Supplementary Estimates.
...	
...	Purchase of building more economical than erection of new one.
...	Provision of housing for new appointments.
...	Construction of bridge to connect new railway station with Malakisi trading centre—work not completed.
...	Inspector of weights and measures newly appointed.
...	Construction of a further portion of road from Kacheliba to Lodwar.
...	
...	Extension of distribution system.
...	Provision of Native Hospital for Kitale district.
...	
...	Reorganisation of Secretariat—work not completed.
...	Training of African artisans, work not completed.
...	Completion of work begun in 1926.
23,716 3 28	
8,838 17 69	
14,877 5 59	

INFORMATION AND PUBLICITY BUREAU.

...
...

APPENDIX II.

Balance Sheet as at 31st December, 1927.

Part—I. General Account.

LIABILITIES.				Amount.			ASSETS.												Amount.		
				£	s.	cts.													£	s.	cts.
DEPOSITS:—							DEPOSITS INVESTED:—														
<i>For Investment:—</i>							Savings Bank												73,515	13	00
Savings Bank	£	s.	cts.	£	s.	cts.	Mombasa Water Works Renewal Fund												20,797	7	40
Mombasa Water Works Renewals Fund	78,331	15	14				Registrar General, Public Trustee and Official Receiver												15,540	..	..
Registrar General, Public Trustee and Official Receiver	20,797	..	40	114,819	2	64	K. A. R. CLOTHING RESERVE STORE, LONDON .. .. .												..	..	..
Miscellaneous:—				227,304	4	20	ADVANCES—MISCELLANEOUS .. .. .												..	..	..
Intetest on unexpended balance £3½ million Loan				342,123	6	84	ADVANCES PENDING RAISING OF LOANS:—												..	..	..
OVERDRAFT:				396,157	4	01	<i>(a) RAILWAYS AND HARBOURS:—</i>														
Advances from Crown Agents							Nyeri, Kitale and Lake Solai Branch Railways:—														
ADVANCES FROM LOANS:—							Nyeri												531,276	13	60
5,000,000 1927 Loan				2,395,000	..	..	Kitale												188,042	10	47
				814,509	7	72	Solai												84,776	14	51
DRAFTS AND REMITTANCES				7,178	6	50	General Improvements												243,791	1	49
SURPLUS				693,260	3	71	Completion of Uasin Gishu Railway												596,101	11	43
							Locomotives and Rolling Stock												673,860	13	03
							Purchase and re-conditioning of Voi-Kahe Branch Railway												99,956	16	77
							Further Port Development												696,835	4	68
							Interest												54,039	2	58
																			3,173,680	8	56
							<i>(b) Colonial:—</i>														
							Public Buildings												277,550	..	79
							Municipal Requirement												251,512	10	04
							Communications												60,233	14	52
							Miscellaneous												26,966	12	96
																			616,262	18	31
							UNALLOCATED STORES:—														
							Public Works												70,538	2	72
							K. A. R. Rations												4,032	10	32
							Trade Goods												3,171	9	06
							Rupees for Dhow Traffic												1,960	12	25
																			79,702	14	35
							LOANS TO LOCAL BODIES:—														
							Y. M. C. A.												1,600	0	00
							A. M. Jeevanjee & Co.,												3,190	19	18
							Imprests .. .. .												..	..	..
																			4,790	19	18
							CASH:—														
							ON DEPOSIT:—														
							Interest on unexpended balances £3½ million Loan												50,000	00	00
							Registrar General, Public Trustee and Official Receiver												21,377	10	00
							Registrar, Supreme Court of Kenya, Nairobi												12,391	4	40
							Registrar, Supreme Court of Kenya, Mombasa												752	19	40
							Police Rewards and Fines Fund												425	00	00
							Donation to Nairobi Hospital												715	19	00
																			85,662	12	80
							In hand												60,284	00	28
							In transit between chests												3,253	1	99
							In Banks												414,041	6	59
																			477,578	8	86
							Total £												4,648,228	8	78

Examined.
W. H. SMITH,
Auditor
9th June, 1928.

R. CLIFTON GRANNUM,
Treasurer,
7th May, 1928.

Part II.—Loan Account

(a) £5,000,000 1921 Loan.

	£	s.	cts.		£	s.	cts.	£	s.	cts.
Bondholders (Ordinance No. 39 of 1921)	5,000,000	0	00	(1) Kilindini Harbour Works	1,094,594	0	00	£		
Sinking Fund	208,609	4	32	(2) Uasin Gishu Railway	1,400,000	0	00			
				(3) Repayment to His Majesty's Treasury of Loans already made for development purposes	1,103,912	0	26			
				(4) Repayment to Revenue of advances made from Revenue for Military Expenditure in connection with the War and purchase of Reserve Stores for Railway and Steamer Services	600,000	0	00			
				(5) Payment of Interest	377,955	0	00			
				(6) Expenses of Issue and Deduction for Discount Investments Sinking Fund	423,538	19	74	5,000,000	0	00
								208,609	4	32
Total £	5,208,609	4	32	Total £	5,208,609	4	32			

(b) £5,000,000 1927 Loan.

	£	s.	cts.		£	s.	cts.
Bondholders (Ordinance No. 22 of 1927)	3,245,750	0	00	Expenses of Issue and Deduction for Discount	151,710	13	41
Stamp Duty Reserve Fund	50,183	4	83	Advances Government of Kenya	814,509	7	72
				Investment Stamp Duty Reserve Fund	50,183	..	83
				* Extension of the Kenya and Uganda Railway and Construction of Branches in Kavirondo and Uganda	1,353,827	7	14
				* Additional Rolling Stock	543,869	16	54
				* Capital Improvements, &c.	347,793	8	60
				Cash.—Crown Agents	34,039	..	56
Total £	3,295,933	4	83	Total £	3,295,933	4	83

APPENDIX III.

**Balance at Credit of Deposit Accounts on the
31st December, 1927.**

Station or Department.	Title of Account.	Balance.	Total.	
		Shs. cts.	Shs. cts.	
ELDAMA RAVINE..	ESTATES OF DECEASED PERSONS.			
	Duria	18 50		
	Kamasia a Chebi	7 50		
	LEGAL.			
	Cr. Case No. 48/21	36 00		
	D. C. Ravine Civil Case No. 4/22 ..	526 11		
	Wasemi Cr. Case No. 50/23	108 00		
	Ruthi a Gipchetim Civil Case No. 42/23	9 00		
	Mrs. A. M. Lezar Civil Case No. 30/27	12 00		
	Kangoga a Cherutich Cr. Case No. 47/27	4 00		
	Cherop d/o Kipchobrop Cr. Case 64/27	200 00		
	MISCELLANEOUS.			
	Uchungu Isami	2 50		
	Kuskiera a Maimai	30 38		
	Arap Chumta	16 66		
	Chabiator a Chebet	30 38		
	D. C., Eldama Ravine	65 01		
	A. H. McCallum	10 00		
	M. King	10 00		
	Mganga wa Kariori	71 51		
	Luka s/o Ruanga	2 54		
	R. A. Pelham Burn	37 42		
	Seso wa Kiragu	13 00		
PRISONERS.				
Maganga wa Lurig Convict No. 71/25..	2 40			
Chuma a Kuloi, Convict No. 28/26 ..	6 00			
ELDORET ..	ESTATES OF DECEASED PERSONS.		1,218 91	
Irma Gappy	160 00			
" "	40 05			
Moosa	53 80			
Ugu 238253 Kagone	5 30			
Buta	22 87			
Iram Din	30 40			
0380417 Nokoko	3 73			
Makeka Karkomia	5 00			
Ugu 2382652 Isaaka	20 00			
Mutegenca	2 00			
Ugu 0386548 Kamisini	218 00			
Ugu 0388589 Were	60 00			
NK. 117325 Nuhoto	12 27			
Ugu 2381365 Hesha	4 86			
Ugu 2383010 Wiero	4 20			
NK. 184087 Matesia	12 67			
J. McPherson	211 00			
	<i>Carried forward</i> ..	866 15	1,218 91	

BALANCE AT CREDIT OF DEPOSIT ACCOUNTS.—(Contd.).

Station or Department.	Title of Account.	Balance.		Total.		
		Shs.	cts.	Shs.	cts.	
ELDORET— Contd. ..	<i>Brought forward</i>	866	15	1,218	91	
	NAIVASHA PRISONERS.					
	Convict No. 361/23 Mbaka	6	00			
	" No. 97/24 Masai Kinigen	10	00			
	" No. 345/25 Musanga	20	00			
	" No. 299/25 Kipto arap Kaske	280	13			
	" No. 500/25 Kipuage	330	00			
	" No. 499/25 Chptaget	280	00			
	" No. 515/26 Kimayo	167	50			
	" No. 142/26 Kimanye	53	00			
	" No. 502/26 Kiptigoi	1	00			
	" No. 48/27 Ezekia	1	00			
	" No. 356/27 Kibruti	6	90			
	LEGAL.					
	M. L. Anderson	155	00			
	F. O. Milne	700	00			
	F. G. Drake	34	00			
	Civil Case 196/25/11	865	26			
	Faiz Khan	100	00			
	K. M. Ameen	31	00			
	Mwanyani	50	00			
	Papo s/o Sabiri	155	00			
	C. R. Kamp	27	00			
	G. M. Watkins	150	00			
	Aben Abdi	30	00			
	Udira Ubullo	19	75			
	Gurdit Singh	10	00			
	Tiani arap Kibutia	25	00			
	Lavington and Martin	36	00			
	Sherkhan Purmukhan	48	00			
	Sulumani	9	20			
	Bridgman	35	00			
	Karam Din	3	26			
	" "	14	85			
	Bridgman	49	50			
	Karam Din	14	85			
	Umari	42	57			
	Anguso	35	64			
	Ardeki	35	64			
Maganlal G. Shah	4	65				
E. F. Scott	200	00				
Newton and Co	297	00				
Achar Singh	27	72				
Kirparam and Sons	68	85				
V. V. Phadke	72	27				
Newton and Co.	297	00				
" "	37	40				
MISCELLANEOUS.						
Kipkuria	5	00				
Maku	5	00				
No. 616 Nassaawe	1	24				
J. E. Cameron	12	00				
Maritim Ruto	141	00				
J. P. Lyles	35	18				
D. Filtness	88	00				
<i>Carried forward</i>	5,999	51	1,218	91		

BALANCE AT CREDIT OF DEPOSIT ACCOUNTS.—(Contd.).

Station or Department.	Title of Account.	Balance.	Total.
		Shs. cts.	Shs. cts.
	<i>Brought forward</i>	5,999 51	1,218 91
ELDORET— <i>Contd.</i>	MISCELLANEOUS.— <i>Contd.</i>		
	J. Goring	26 50	
	P. B. Van Ardt	470 60	
	Mohamedan Mosque	2,641 00	
	Resident Commissioner	150 00	
	Chalagat	103 00	
	Chipkweney	4 00	
	J. Gault	17	
	Chemrioren arap Mesingo	10 00	
	Bombay Trading Co.	29 00	
	Dharshi Madhavji	10 00	
	Babu Ram Bros.	3 00	
	D. Pearson	38 00	
	Maganlal G. Shah	31 00	
	Bernard Great rex Grave Fund	70 00	
	R. H. O. Lepdell	60 00	
	Major Slater	30 00	
	R. N. Walpy	50 00	
	R. P. McDonald	10 00	
	S. P. Colquoun	25 00	
	J. E. Emslie	61 15	
	Kipruto arap Beibe	417 77	
	Ogambe	19 00	
	R. P. McDonald	16 00	
	W. H. P. Parker	170 00	
	Capt. Shelverton	112 00	
	"	16 00	
	Watena	30 00	
	Opaka	5 50	
	Oloo Malo	50 15	
	Kipkeiro	25 00	
	R. H. Goode	7 00	
	E. P. H. Pardoe	20 00	
	Mbau	40 00	
	Kimayo Bomgeting	120 00	
	E. Harran	30 00	
	Kiblibwof	141 50	
	R. P. McDonald	280 00	
	W. J. Leslie	180 00	
	NDI. 37884 Kibiewai	20 00	
EMBU ..	MISCELLANEOUS.		11,521 85
	Miss Collyer	50 00	
	Njeru wa Njoburi	50 00	
	Ngure wa Kachigiri	80 00	
	Embu Kiama	5,427 66	
FORT HALL	ESTATES OF DECEASED PERSONS.		5,607 66
	Machihe	14 00	
	Njuguna Nguri	30 00	
	Asmani Mateku	11 00	
	Karanja Kami	20 00	
	Macharia Kamau	20 00	
	Wambuan	24 00	
	Macharia Karanja	20 00	
	Macharia Ngondi	50 00	
	<i>Carried forward</i>	189 00	18,348 42

BALANCE AT CREDIT OF DEPOSIT ACCOUNTS.—(Contd.).

Station or Department.	Title of Account.	Balance.	Total.
	<i>Brought forward ..</i>	Shs. cts. 189 00	Shs. cts. 18,348 42
FORT HALL— <i>Contd.</i>	ESTATE OF DECEASED PERSONS.— <i>Contd.</i>		
	Ali	42 00	
	Michuki	2,491 00	
	Karumi Wanyere	11 61	
	Warui Muchoki	30 00	
	Nzau Kagare	6 60	
	Tarua Kichutina	6 50	
	Waweru Muraya	1 70	
	Oguma Karende	13 00	
	Mbotho Magu	6 74	
	Gecure Kebuthe	60 00	
	Punda Melia Stores	7 00	
	Kanyago Kacha	25 00	
	Jonah	25 00	
	Nganga	10 00	
	Nguguna	10 00	
	Ngotho F. H. 613531	20 00	
	Namari	8 40	
	Oki Kamau	57 18	
	Karanja Nyogu	50 00	
	Kiboti	23 14	
	Mwera Kimani	12 00	
	Kaboche Waru	58 82	
	Minyaro Githika	13 50	
	Kanji Samji	15 00	
	Nganga Chege	14 00	
	Karuma	30 00	
	Kinanjui Kamau	12 00	
	Kingore	120 00	
	Kimui Puhongo	10 00	
	Waweru Chege	10 00	
	Munero	6 00	
	Michuki Goko	10 47	
	Kaniki Chege	40 00	
	Swift Rutherford and Co.	7 50	
	Devraj Virgpal	8 00	
	Gakura Karaine	40 00	
	Mutua	12 00	
	C. E. Morris	30 00	
	Warui	5 00	
	Fatuma	80 00	
	Karioki Kenge	10 00	
	Mwanji Gichuki	19 75	
	Maragua Conservancy	39 20	
	Mathu Kienye	22 00	
	Wimbica Gikunga	250 00	
	Muchungu	2 40	
	Wachira Karumu	2 40	
	Muchiri Ithanje	2 40	
	D.C., Fort Hall	10 05	
	Kiama Fees	975 82	
	Mugo Njeroge	9 00	
	William Karanjahi	285 00	
	Sina Onteri	5 60	
	Makuba Wabeyu	7 33	
	Kamau Karanja	9 25	
	Njeroge	2 00	
	Chege	2 40	
	Kwaychi Madura	8 00	
	Wanjoi Mukya	2 94	
	<i>Carried forward ..</i>	5,293 70	18,348 42

BALANCE AT CREDIT OF DEPOSIT ACCOUNTS.—(Contd.).

Station or Department.	Title of Account.	Balance.	Total.
	<i>Brought forward</i> ..	Shs. cts. 5,293 70	Shs. cts. 18,348 42
FORT HALL. <i>Contd.</i>	ESTATES DECEASED PERSONS,— <i>Contd.</i>		
	Wanjohi	10 00	
	Njeroge Kamau	12 00	
	Mwanji Karanga	8 00	
	Njeroge Muindi	13 70	
	PRISONERS.		
	Wainaina Njeguma	1 51	
	Onyango Omero	4 07	
	Wawero Kamau	1 01	
	Njerguna Kuria	0 78	
	Nganga	0 10	
	Ngijuna Kinanjui	0 79	
	Ngaro Ngare	0 96	
	Nabea	0 50	
	Njuki	0 65	
	Petro Njeguna	2 26	
	Manyoki Mosioge	100 00	
	Njoki Nyaga	5 80	
	Njeroge	10 00	
	Musembi Keniga	2 00	
	Onjira Sudi	1 75	
	Chege Menja	1 50	
	Njabia Githaja	106 00	
	Gakuru Kinas	17 00	
	LEGAL.		
	Kiama Case No. 12/26	40 00	
	Civil Case 25/25	52 00	
	" 2/24	50 00	
	Cr. Case 68/25	10 00	
	Civil Case 76/26	368 50	
	" 85/26	100 00	
	" 126/26	5 00	
	" 142/26	10 00	
	" 24/27	10 00	
	" 27/27	390 00	
	Cr. Case 519/27	57 00	
	" 526/27	105 00	
			6,791 58
KABARNET..	MISCELLANEOUS.		
	Lecho arap Lowaso	18 00	
	Chetalam a Kandie	7 00	
	D.C. Cogswell	50 00	
	E. B. Dalziel	60 00	
	PRISONERS.		
	No. 50217 Kodwaram wro Logowathum	100 00	235 00
	<i>Carried forward</i> ..		25,375 00

BALANCE AT CREDIT OF DEPOSIT ACCOUNTS.—(Contd.).

Station or Department.	Title of Account.	Balance	Total
	<i>Brought forward</i> ..	Shs. cts.	Shs. cts. 25,375 00
KACHELIBA	MISCELLANEOUS.		
	Magalet Limankau	6 68	
	Wainda	4 00	
	Matim Modotein	3 50	
	Kabumet Chemoikos	1 00	
	ESTATE OF DECEASED PERSONS.		
	Polat	4 50	
	PRISONERS.		
	Martini Wang'a	5 23	
	Tangir Kuriem	4 00	28 91
KAKAMEGA	MISCELLANEOUS.		
	Paulo s/o Songwa	473 00	
	Odiemo	140 00	
	Chief Mutsembi	78 00	
	Matasi	188 00	
	M. O. Kakamega	4,000 00	
	Mito s/o Auma	200 00	
	N.K.T.W. Association	52 60	
	D.C., Kakamega	4,154 54	
	LEGAL.		
	Criminal Case No. 192/26	16 00	
	" " No. 126/27	20 00	
	" " No. 103/27	50 00	
	" " No. 96/27	120 00	
	ESTATES OF DECEASED PERSONS.		
	Kagula Musinde	1 50	
	Deceased Natives, Kakamega	129 11	9,622 75
KAPSABET..	MISCELLANEOUS.		
	Kipkemboi a Kimuin	16 00	
	Arap Tiget	40 00	
	Chumwok a Butuk	5 00	
	Ksu. 25826 Ongoro Oraga	86 00	
	Kimawai a Kimnantal	2 00	
	D.C., Nandi	160 00	
	" " " "	223 00	
	Alli Noor Issa Estate	6 00	
	Kipkochen a Kipsang	12 66	
	Kisorio Tireito	5 90	
	Tabosioloi Mbaria	3 90	
	Kibruto Kimoso	5 90	
	Kiboi Chemengee	20 00	
	Mohamed Ibrahim	16 00	
	Arap Cheluget	15 00	
	Kipto Rowo	1,000 00	
	<i>Carried forward</i> ..	1,617 36	35,026 66

BALANCE AT CREDIT OF DEPOSIT ACCOUNTS.—(Contd.).

Station or Department.	Title of Account.	Balance	Total.
KAPSABET.— <i>Contd.</i>	<i>Brought forward ..</i>	Shs. cts. 1,617 36	Shs. cts. 35,026 66
	ESTATES OF DECEASED PERSONS.		
	Kipsanga a Tarer	5 00	
	Kimisoi a Serek	2 56	
	Ali Noor Issa	23 50	
			1,648 42
KERICHO ..	MISCELLANEOUS.		
	Major Dunbar	8 00	
	Chomdosi	1 23	
	Juma A. Chenkwoin	2 00	
	Abdalla Ali	50 00	
	Arap Muito	10 00	
	Arap Sambo	112 30	
	Kibiobi A. Reiiyo	120 00	
	W. G. Glencross, Esq.	400 00	
	C. W. Holman, Esq.	20 00	
	Chumak A. Sangat	213 75	
	Kipsige A. Kitigo	87 00	
	Owuor	26 00	
	Kibrono A. Koitat	30 00	
	A. Rogony	15 00	
	Roronya A. Kamsingh	14 00	
	Neanchoko s/o Ngoko	770 00	
	Kipkosko A. Danga	50 00	
	Nyambamba s/o Nyona	200 00	
	Kereja s/o Mbake	100 00	
	PRISONERS.		
	Kiptao A. Kibirir	37 06	
	Chemaril A. Kibasiguk	15 20	
	Situmi A. Chebugok	29 46	
	Chemengich A. Kimayesa	63 18	
	ESTATES OF DECEASED PERSONS.		
	Odaru	2 00	
	Mr. Corgats Porters:—		
	Obutho Otieno	20 00	
	Odero	12 00	
	Juma	25 00	
	Kurgat	5 16	
	Keral	5 16	
	Chuma Silate	5 16	
	Kipkilel	5 16	
	Urongo	8 00	
	Malaloo	10 32	
	Saiyandul	2 90	
	Byonto	2 90	
	Mweno	2 90	
	Kaino	2 90	
	Jallul	2 90	
	Sumboil	2 90	
			2,489 54
	<i>Carried forward ..</i>		39,164 62

BALANCE AT CREDIT OF DEPOSIT ACCOUNTS.—(Contd.).

Station or Department.	Title of Account.	Balance.	Total.
	<i>Brought forward</i> ..	Shs. cts.	Shs. cts. 39,164 62
KILIFI	MISCELLANEOUS.		
	Ali bin Salim	520 30	
	Zuiha Goho	3 50	
	Mkande s/o Oginyo	4 00	
	Msaga wa Tunga	40 00	
	Ngoka wa Randu	2 00	
	Masha wa Kijabu	5 00	
	Ganzi Show	244 00	
	A.D.C i/c Kilifi	75 00	
	Police School Fund	46 98	
	Nzioka wa Kithongo	500 00	
	Kiti wa Kalu	1 60	
	Kalama Mwando	2 40	
	Mwaro wa Baya	1 60	
	Ngalla wa Nyiro	3 20	
	Kwajaliwa	3 60	
	Chambe Kiti	3 60	
	Gangi Soda	3 60	
	Chilwano Rewa	15 60	
	Mwangamo	15 60	
	Karima of Chonyi	15 60	
	Mbosa of Chonyi	15 60	
	Kanga bin Masai	108 00	
	Wandera	1 50	
	ESTATES OF DECEASED PERSONS.		
	Mzee Ngasho	49 14	
	Abdulla bin Sud	142 37	
	Kheri Shaibu	55 40	
	Mohamed bin Sud	3,568 16	
	Lali bin Mwalimu	400 00	
	Juma Makumba	23 75	
	Mzee Baruti	86 50	
	Omari Bwana Mkuu	40 00	
	Mohamed bin Adi	220 70	
	Mtachoka	20 50	
	Nditto	6 40	
	Sudi bin Said	1,254 00	
	Mohamed bin Omar	147 30	
	Maani	47 76	
	Almasi	20 00	
	Kaure bin Omar	152 50	
	Said bin Salim	93 13	
	Saleh bin Abdulla	92 48	
	Mzee bin Rei	115 00	
	Nyatega Omolo	5 30	
	Omolo Obimbo	5 60	
	Juma Faraji	1 59	
	Nzioka Muradin	1 76	
	LEGAL.		
	Omar Juma	35 00	
	Mohamed Kaikungu	20 00	
	Sheik Abdulla	7 00	
	PRISONERS.		
	Mohamed Maganga	10 00	8,253 62
	<i>Carried forward</i> ..		47,418 24

BALANCE AT CREDIT OF DEPOSIT ACCOUNTS.—(Contd.).

Station or Department.	Title of Account.	Balance.	Total.
	<i>Brought forward</i> ..	Shs. cts.	Shs. cts. 47,418 24
KIPINI ..	ESTATES OF DECEASED PERSONS.		
	Christine Ezechiel	5 00	
	MISCELLANEOUS.		
	Dado Jilo.. .. .	84 00	
	Galogalo s/o Maro	50 00	
	Omari Usho	6 00	
	Mohamed Rajab	36 00	
	H. G. Oldfield	250 00	
	Ag. District Commissioner, Kipini ..	75 50	
	PRISONERS.		
	Bajila Makibu C. No. 36/27 ..	1 00	
	Mojamed Kerbi C. No. 33/27 ..	1 00	
	Gangera Dirbo C. No. 31/27 ..	2 00	
	Diribo Tuto C. No. 49/27 ..	10 00	
	Deke Sako C. No. 41/27 ..	3 42	
	Chena Karanza C. No. 40/27 ..	1 30	
	Baroba Guyo .. C. No. 37/27..	7 00	
	Malajo Korasuma C. No. 38/27 ..	11 01	
	Baroba Doke C. No. 39/27 ..	2 00	
	Shora Oda C. No. 23/27 ..	2 00	
			547 23
	MISCELLANEOUS.		
KISII.. ..	Ali Mohamed	61 00	
	0100 Olyinyo	12 00	
	Mukolo	12 00	
	Kafule	14 00	
	Mayeka Ruongori	98 00	
	Muibarie Murere	12 00	
	Abu Auma	4 80	
	Toto Sunga	1 50	
	Bakari Omari	12 10	
	Olienji Hali	14 20	
	Oigo	100 00	
	Sigawa Muita	5 00	
	S.K. 259341 Daniel Okwach	21 30	
	S.K. 28078 Wereslaus Otoigo	17 80	
	William and Semion	69 00	
	No. 6905 Mwenda Omolo	8 00	
	Mungare Bigiga	16 00	
	S.K. 279547 Onchwa Ombawa	20 00	
	S.K. 160135 Owuma Odera	17 20	
	Ogono Owunda	42 00	
	S.K. 254384 Tirim	12 00	
	S.K. 258193 Okemwa	16 00	
	S.K. 248661 Ochodo	12 00	
	Bakuru	60 00	
	D.C., Kisii.. .. .	93 00	
	" "	1,003 00	
	" "	1,227 00	
	" "	42 00	
	" "	441 00	
	<i>Carried forward</i> ..	3,463 90	47,965 47

BALANCE AT CREDIT OF DEPOSIT ACCOUNTS.—(Contd.).

Station or Department.	Title of Account.	Balance.	Total.
	<i>Brought forward</i> ..	Shs. cts. 3,463 90	Shs cts 47,965 47
KISUMU.— <i>Contd.</i>	LEGAL.		
	Paulo Omanyo Omolo, Civil Case No. 54/27	50 00	
	Omolo Oluoch, Criminal Case No. 53/27	50 00	
	Anyango Waringa, Criminal Case No. 108/27	40 00	
	Onyango Saokc, Criminal Case No. 155/27	11 00	
	PRISONERS.		
	Pino Obwaga	41 02	
	Asmani	7 00	
	Owee Ochoia	4 00	
	ESTATES OF DECEASED PERSONS.		
	S.K. 279269 Otieno Mbuori	11 64	
	S.K. 262832 Odiko Okerro	21 93	
	S.K. 267473 Obui Kibali	6 00	
	S.K. 274382 Opio	6 00	
	S.K. 273816 Ochieng Opapo	6 00	
	S.K. 260355 Orondo Nyando	6 00	
	S.K. 0247516 Werema	14 03	
	S.K. 273946 Mwita Wambura	6 00	
	S.K. 0247721 Kimuama Mangure ..	11 20	
	K.S.U. 05522 Iega Njiri	3 72	
	S.K. 247644 Nyakichan ga Nyakoria ..	7 00	
	S.K. 246363 Onchogwa	5 00	
	S.K. 0249872 Marua	3 70	
	S.K. 281884 Okayo Owaka	11 20	
	S.K. 272821 Mbere	16 00	
	S.K. 251038 Mugucha	3 60	
	S.K. 277841 Boroti	5 00	
	S.K. 282582 Ogombe	7 30	
	S.K. 9249185 Magori	10 27	
	S.K. 277122 Mwita Marua	28 00	
			3,856 51
KISUMU ..	MISCELLANEOUS.		
	Superintendent of Conservancy ..	181 00	
	C. S. Lezar	74 20	
	Hadija Masawa	14	
	Ex Warder No. 1519, Ali Abdul ..	59 40	
	Ratuecho s/o Aronya	3 07	
	S.A.S. Surmakh Singh	461 01	
	Solo s/o Obiero	3 06	
	ESTATES OF DECEASED PERSONS.		
	No. 400 Okalla	8 40	
	Mwagita s/o Muzu	71 00	
	PRISONERS.		
	Tamali s/o Doudi	69	
	Salimu s/o Oloo	2 49	
	Juma s/o Farazalla	62	
	"	0 90	
	Kayanda s/o Mwezu	26 27	
	Momahed s/o Shiek	29	
	Owuor s/o Ololo	3 00	
	Amolo s/o Onyango	88 86	
	Otieno s/o Okelo	24	
	<i>Carried forward</i> ..	984 64	51,821 98

BALANCE AT CREDIT OF DEPOSIT ACCOUNTS.—(Contd.).

Station or Department.	Title of Account.	Balance.		Total.	
		Shs.	cts.	Shs.	cts.
KISUMU—Cont	<i>Brought forward</i> ..	984	64	51,821	98
	PRISONERS. (Continued).				
	Ogat s/o Obeiro	18	00		
	Opondo s/o Omolo	4	01		
	Odongo s/o Oduai	1	00		
	Shadlock s/o Kose		10		
	Nyakisimba s/o Sancha		42		
	Ochieng s/o Lukoe		35		
	Dominiko s/o Daudi	78	50		
	Kiptergitch a Kellel		31		
	Auma s/o Ocutu	1	17		
	Kibet s/o Lal		10		
	Oyugi s/o Omol	1	00		
	Musa s/o Lwoba	6	00		
	Ali s/o Abdalla		10		
	Ochendo s/o Nyambai	10	64		
	Kudini s/o Mundu	3	20		
	Kimugai s/o Maattie	16	50		
	Mungalo s/o Owino		10		
	Ngoma s/o Odhiang		52		
	Kioki s/o Nzoki	4	04		
	Kitoshi s/o Singore	5	00		
	Omiyo s/o Honyol		24		
	Abudi s/o Ayoo		08		
	Buda s/o Mutiabia	16	00		
	Onguri s/o Nyagot		15		
	Nahao s/o Osanja		38		
	Kiptarus A. Terer	5	00		
	Hassan bin Ali	3	00		
	Muga s/o Ondugi	53	25		
	Ochieng s/o Ogola		20		
	Buda s/o Mutiabia	193	36		
	Sagwa s/o Agola	20	20		
	Ramazani s/o Hamisi	10	47		
	Kipsoi A. Koske	6	00		
	Pete d/o Nyela		04		
	Mutua s/o Ngobi	957	57		
	Kioki s/o Nzoki	10	00		
	Olwenywe s/o Mutobi	20	06		
	Johana Obwao s/o Nyamongo ..	1	02		
	Okum s/o Odola		14		
	Onyango s/o Oduogo		80		
	Deya s/o Ayenda		14		
	Gogo s/o Okoth	28	40		
	Nyangau s/o Okello	2	00		
	Ogola s/o Omolo		24		
	Chuma A. Soigom		44		
	Amesebi s/o Chebesi		20		
	Obonga s/o Iridi	3	00		
	Muranda s/o Kajigero	1	69		
	Oketch s/o Oligo		38		
	Ongoche s/o Ongoche		50		
	Toto s/o Otieno		12		
	Kibisoi A. Kamuti	1	00		
	Apio s/o Alum	6	10		
	Kipsoi s/o Soimo	20	00		
	William George s/o Njonji ..	2	11		
	Yusuf s/o Abdalla		10		
	Oliech s/o Otieno		80		
	Obakiro s/o Odinga	4	34		
	Nyendo s/o Mudenho	2	32	2,507	52
	<i>Carried forward</i> ..			54,329	50

BALANCE AT CREDIT OF DEPOSIT ACCOUNTS.—(Contd.).

Station or Department.	Title of Account.	Balance.	Total.
	<i>Brought forward ..</i>	Shs. cts.	Shs. cts. 54,329 50
KITALE ..	MISCELLANEOUS.		
	Abonga Wassabulo	4 50	
	Three children of late Mr. du Plessis ..	764 00	
	Ofuo Malugulu	180 00	
	Kipkurugat Kimeneyo	210 00	
	Kibrotich Chemubai	75 00	
	Wanabuku Wadenga	134 00	
	Trans-Nzoia District Committee ..	185 10	
	Wekeny Masaji	23 00	
	Matias Ojumbe	28 00	
	Olimbwa	10 00	
	Saba Owali	100 00	
	Dr. W. H. Gowans	614 00	
	Jaswant Singh	523 50	
	R.C., Kitale	1,048 76	
	PRISONERS.		
	Nderobo	79 50	
	Wekesa Mungao	5 00	
	Bigidi Marahasia	1 00	
	Tesio Kakai	21 60	
	Okomoto	62 00	
	Mukanyanga Wasurutia	7 50	
	Kimator Cheritbai	160 50	
	Chelokop Kesesi	8 75	
	" "	40 25	
	ESTATES OF DECEASED PERSONS.		
	Chemungesa	4 50	
	Sirikwa Kile	28 00	
	Natupa	3 00	
	Ganga Mgishu	10 00	
	Njoguna	84 75	
	Mafiabi Gameya	46 84	
	Shariff	20 50	
	Bwayo Mugiweri	6 00	
	Hasani	82 00	
	LEGAL.		
	Cr. Case 399/24	10 00	
	" 380/25	170 25	
	" 56/25	382 00	
	" 121/25	36 00	
	" 711/24, Kisumu	9 00	
	R. E. Walker Cr. Case 66/26	570 00	
	Cr. Case 176/25	187 00	
	" 164/26	20 00	
	" 14/25	25 00	
	" 312/26	300 00	
	" 51/25	76 66	
	" 39/26	50 77	
	" 175/26 II. C.C.	29 00	
	Kipkrugat Cr. Case 710/26 II. C.C. ..	160 00	
	Beyego Cr. Case 710/26 II. C.C. ..	160 00	
	C. Case 93/26 II. C.C.	73 00	
	" 1526/26 Nairobi	40 00	
	" 16/27 I. C.C.	88 25	
	" 22/27 I. C.C.	12 25	
	" 2450/27 Nairobi	163 55	7,134 28
	<i>Carried forward ..</i>		61,463 78

BALANCE AT CREDIT OF DEPOSIT ACCOUNTS.—(Contd.).

Station or Department.	Title of Account.	Balance.		Total.	
		Shs.	cts.	Shs. cts.	
	<i>Brought forward</i> ..			61,463 78	
KITUI ..	MISCELLANEOUS.				
	Wambua wa Ngau	252	50		
	Mwangi wa Mwei	59	78		
	Ndubi wa Muoki	41	60		
	Captain Silverton	13	80		
	Chondo wa Mumbo	52	00		
	Mzine	78	00		
	Mombea	140	00		
	Asman Juma	10	00		
	District Commissioner, Kitui	4,455	00		
	Fatuma Kathoni	33	67		
	ESTATES OF DECEASED PERSONS.				
	Kimani wa Masembo	10	23		
	Hassan bin Saleh.. .. .	389	74		
	LEGAL.				
	Malunga wa Ngumbulu	377	00		
	PRISONERS.				
	Mkaa wa Kithenzi	1	06		
	No. 769 D. Njaroge Raye	2	06		
	No. 271 D. Sabiki Kisojuki	3	06		
				5,919 50	
	KWALE ..	MISCELLANEOUS.			
		District Commissioner, Digo	140	10	
No. 8825 3/C. Odima Kibiba		30	00		
Kitongo wa Mololo		10	00		
Munyiogi wa Madui		10	00		
Mololo wa Myandulu		10	00		
Late Captain Lawrence's Grave		259	56		
Mohamed Abdullah		35	90		
Abdullah bin Chowe		2	60		
Mr. C. W. Webber		23	40		
Said Ahmed bin Kassim		125	00		
ESTATES OF DECEASED PERSONS.					
Zwena binti Abdullah		97	50		
Faraji Jaffari		291	50		
Mabruki (Buki) bin Mabarak		311	48		
Mwakiwada bin Rashidi		202	30		
Akida Dolo Binti Khamis		25	00		
Sendemuno bin Saidi		80	06		
Hassan (Arab)		9	08		
Biasha binti Abubakari		4,408	44		
PRISONERS.					
Tungwa Vyani		18	00		
				6,089 92	
	<i>Carried forward</i> ..			73,473 20	

BALANCE AT CREDIT OF DEPOSIT ACCOUNTS.—(Contd.).

Station or Department.	Title of Account.	Balance.	Total.
	<i>Brought forward ..</i>		73,473 20
KIAMBU ..	MISCELLANEOUS.		
	Kimani wa Ngau	24 05	
	Karanja wa Ngugi	24 00	
	Murioki Headman Philip Karanja ..	7 00	
	Kibiriri Kithinji	10 00	
	Njuguna Kamau	5 00	
	Luigi Ingari	25 00	
	Native Tribunal Court Kiambu ..	9,884 57	
	Native Tribunal Courts, Mukinyi ..	3,383 00	
	Native Tribunal Courts, Dagoretti ..	608 05	
	LEGAL.		
	Cr. Case 163/25	10 00	
LAMU ..	MISCELLANEOUS.		13,980 67
	D.C., Lamu	2 16	
	Wariyo Yayo	59 78	
	Jubaland Boundary Porters	116 00	
	ESTATES OF DECEASED PRISONERS.		
	Prob. and Admtn, Accounts	14,466 28	
	R.M's. Office Trust Accounts	13,200 00	
	LEGAL.		
	Sangara Guyu C.C. 10/25	500 00	
MACHAKOS	MISCELLANEOUS.		28,344 22
	Ibrahim bin Salim	26 00	
	Mfeume	26 50	
	Chiefs and Headmen	193 00	
	Kiele Mweri	30 00	
	Kinine Kiwagi	18 00	
	Ngeli wa Ngau	30 00	
	Mituku	216 00	
	Kyangu Mutua	20 02	
	Kigungu Mwabu	20 03	
	Fletcher Forest	20 00	
	Wambua Nzoma	706 80	
	Kilundu	36 10	
	Sir R. Coryndon Memorial	20 00	
	Sdabuki Mwabu	346 95	
	Ngue Ikati	356 00	
	Kiasa Muli	68 00	
	Ngolama Ngu	12 00	
	Ali Mohamed	150 00	
	Makoo Muisyo	60 00	
	Muindi	12 00	
	Maji Nyamasere	22 00	
	Macharia wa Kong	12 00	
	Machungulu Nzama	450 00	
	Meteke Mbusu (Mutetu)	50 00	
	Juma wa Katune	86 72	
	Mutiwa and others	29 35	
	Masuli	460 00	
	Wambua and others	417 79	
	D.C., Machakos	5,139 20	
	Family Remittances, Machakos ..	42 80	
	Maila and Magunja	48 45	
			9,125 71
	<i>Carried forward ..</i>		124,323 80

BALANCE AT CREDIT OF DEPOSIT ACCOUNTS.—(Contd.).

Station or Department	Title of Account.	Balance.		Total.	
		Shs.	cts.	Shs.	cts.
	<i>Brought forward</i> ..			124,923	80
MALINDI ..	MISCELLANEOUS.				
	District Commissioner, Malindi ..	179	38		
	Sheikh Azan bin Rashid	700	00		
	Mboko bin Mambo	40	00		
	Aziza binti Khalfan	10	20		
	Nasira Binti Mohamed	1,283	50		
	Faida wa Jaffar (ex-slave)	8	00		
	Mbaraka Fajiri	8	00		
	Abdul Khalid bin Abubakar	11	50		
	Mdogo binti Saleh (minor)	100	00		
	Mudir, Mambroi	30	00		
	Muli wa Ndia	54	00		
	Marhum alias Bake	20	00		
	Risiki wa Mwalimu wa Khalid (es-slave)	6	00		
	LEGAL				
	Camange wa Balushe	33	34		
	Randu wa Nzai	4	00		
	ESTATES OF DECEASED PERSONS.				
	Subeti bin Baruti	29	00		
	Mamboyo wa Omarbuya	8	07		
	Eshejao bin Muombwa	19	86		
	Majaliwa binti Akida	11	45		
	Salama wa Abdalla Hussein	1	46		
	Ambari Mwana Arushi	3	46		
	Hinzirani wa Mwalimu Khalid	32	25		
	Ali Kame, Mambroi	134	92		
	Hidaya wa Bwana Mku bin She Hussein	10	40		
	Mwana Hadije binti Kaya	374	66		
	Mariamwa wa Bwana Amri	86	14		
	Baraka bin Abdul Khalif	77	76		
	Athman bin Lali wa Mwalimu	352	00		
	Frajalla wa Bwana Pembe	16	39		
	Maiki binti Johari	16	25		
	Ali wa Kheri	8	96		
	Zabar Zudi	117	30		
	Aimanami	12	54		
	Mpagi wa Shariff	5	30		
	Hasima wa Abud	42	04		
	Fatuma binti Mohamed Mahaji	56	39		
	Slaima binti Omar	13	74		
	Fungulia wa Bwana Pembe	33	22		
	Amina binti Abdalla	171	41		
	Zuhura binti Zuha	65	68		
	Bake Abedi	6	66		
	Ramathani Ufunguo	16	58		
	Fereji wa Serkali	81	20		
	Zuhura wa Mbaraka	5	20		
	Bakilesi wa Faruki	12	20		
	Bakari bin Sulemani	10	94		
	Hindirani wa Mzee bin Abdalla	8	30		
	Abdalla bin Mohamed	103	09		
	Mrashi Domo	26	58		
	Amur bin Suleman wasi of binti Sherifu	399	00		
	Bakezarya wa Said	21	37		
	<i>Carried forward</i> ..	4,779	69	124,923	80

BALANCE AT CREDIT OF DEPOSIT ACCOUNTS.—(Contd.).

Station or Department.	Title of Account.	Balance.	Total.
		Shs. Cts.	Shs. Cts.
	<i>Brought forward ..</i>	4,779 69	124,923 80
MALINDI .. <i>Continued.</i>	ESTATES OF DECEASED PERSONS, ETC.— <i>Contd.</i>		
	Mzee Farezi wa Said Bargash ..	40 03	
	Mauwa wa Said Bargash ..	12 94	
	Tatu binti Athman ..	4 00	
	Bake Saidi wa Mohamed Kadi ..	10 44	
	Msuwere ..	5 42	
	Fatuma binti Mbaraka ..	45 39	
	Kheri wa Saleh Bahati ..	13 06	
	Halima binti Faragi ..	13 74	
	Muhaji wa Bwana Tula ..	4 78	
	Mohamed bin Mbana ..	10 00	
	Mariam wa binti Joha ..	26 36	
	Segeretti Nyamwezi ..	5 91	
	Mzee wa Kuu ..	3 78	
	Swedi wa Sherifu ..	5 41	
	Ali bin Abdalla ..	92 27	
	Juma wa Makayege ..	5 01	
	Hadaa bin Lali ..	95 52	
	Tuha wa Fifi ..	12 34	
	Salim bin Abed ..	58 32	
	Surya wa Salim Majambya ..	7 00	
	Zuhura binti Abdalla ..	202 84	
	Sheikh Salim Mohamed Basharahill ..	61 50	
	Fatuma binti Abdulla bin Jabel and children ..	558 50	
	Ali bin Abdalla ..	47 97	
	Salim bin Bukheti ..	428 14	
	Hassan Bakari Haji ..	8 04	
	Abud Habib bin Azan ..	61 67	
	Maryam binti Mohamed bin Ali Kombo ..	4 07	
	Juma Nyamwezi ..	1 59	
	Fatuma binti Khalid ..	198 20	
	Sheke binti Saidi ..	243 00	
	Salim bin Abed ..	22 30	
	Fundi Mabruku wa Omar bin Abed ..	117 61	
	Subira wa bin Dumile ..	13 71	
	Yusuf bin Masud ..	23 67	
	Faraji wa Bwana Obo ..	329 45	
	Rahema wa Mahobe ..	5 09	
	Mauwa Mbaraka Tondi ..	1 34	
	Shefaki bin Ahmed ..	35 00	
	Abdureheman wa binti Abdalla ..	10 63	
			7,725 73
MARSABIT ..	MISCELLANEOUS.		
	Ibrahim Dimbil ..	156 00	
	Aden Ali ..	200 00	
	Harry Thuku ..	200 00	
	Ashur Ahmed ..	730 00	
	Adan Hassan ..	128 75	
	Ali bin Hamza ..	40 00	
	Essa Aden ..	120 00	
	Lali bin Sherefu ..	300 00	
			1,874 75
	<i>Carried forward ..</i>		134,524 28

BALANCE AT CREDIT OF DEPOSIT ACCOUNTS.—(Contd.).

Station or Department.	Title of Account.	Balance.	Total.
	<i>Brought forward</i> ..	Shs. cts.	Shs. cts. 134,524 28
MERU	MISCELLANEOUS.		
	Imendi Council	3,001 92	
	Tigania Council	846 75	
	Igenbe Council	46 00	
	Tharaka Council	42 00	
	Charles Gaitskell	75 00	
	G. Pierson	30 00	
	D. McLean	38 45	
	M'Ngatunyi Muguna	27 40	
	M'Toruchuga Kiringu	80 00	
	Kamau	60 00	
	Police School Levy	32 50	
	PRISONERS.		
	M'Muruthi	3 50	
	Kigangi Wamrura	18 30	
	ESTATES OF DECEASED PERSONS.		
	Hamisi Ali	17 00	
	Muntere	5 00	
	Ndegwa Ithimbi	10 00	
	M'Ikirima	9 80	
	Iringo	12 00	
	M'Rentare M'Ithari	8 40	
	Muntoitoto	13 53	
	M'Buronio Ngati	8 00	
	LEGAL.		
	Ruvuri Mutendi	10 00	
	Mtoimuga Kanyanto	2 00	
	Ferru Ram, Nyeri Civil Case No. 23 ..	25 00	
			4,422 55
MOYALE ..	ESTATES OF DECEASED PERSONS.		
	Mohamed Said	242 00	
	MISCELLANEOUS.		
	Sheik Abdul Gade b. Abdulrehaman ..	10 00	
	Halima	1,665 34	
	Boran Compensation	639 40	
	Charles Makimuzi	135 00	
	No. 18745 Pte Mohamed Gulaid	100 00	
	No. 18715 Pte. Jama Farah	90 00	
	" " " " " " " " " " " " " " " "	40 00	
	No. 2052 Pte. Orri Marrison	5 16	
			2,926 90
	<i>Carried forward</i> ..		141,873 73

BALANCE AT CREDIT OF DEPOSIT ACCOUNTS.—(Contd.).

Station or Department	Title of Account.	Balance.	Total.
	<i>Brought forward ..</i>	Shs. cts.	Shs. cts. 141,873 73
NAKURU ..	PRISONERS.		
	B 668 Tiongeva Muguyi	5 00	
	B 664 Kimuthei Kimwugi	14 00	
	B 651 Ngula Mbolo	25 00	
	975 Oluch Onyango	2 00	
	752 Njuguna Kachengo	18 00	
	1240 Kitare Zagoe	1 00	
	A 235 Wamama Kathege	40	
	B 257 Darigas Mwangi	2 58	
	B 501 Gwaro Auko	16 00	
	B 509 Okando Onyango	16 00	
	B 499 Saldando Omari	15 48	
	B 500 Abito Omalo	16 00	
	B 502 Seta Rapura	16 00	
	B 511 Munanji Anyan	16 00	
	B 512 Pate Ngaro	16 00	
	B 510 Magwe Maina	16 00	
	B 504 Agwita Redowa	16 00	
	B 507 Akomo Ngai	19 35	
	B 505 Ngeri Nyakoyo	16 00	
	B 508 Onyango Murita	16 00	
	B 503 Obango Ataro	16 00	
	B 506 Obango Akengo	16 00	
	B 498 Mamu Osando	16 00	
	B 514 Kabore Hakari	13 00	
	B 541 Kibeti Mugori	14 00	
	B 557 Opando Oloo	39 00	
	B 595 Oketch Radigo	30 00	
	B 611 Isaac Suddenby	2 50	
	B 613 Karioki Mwati	20 00	
	B 647 Ochieng Bari	2 00	
	ESTATES OF DECEASED PERSONS.		
	Taj Din	640 28	
	"	20 00	
	Wanganja	3 34	
	Omieno Wabuti	12 00	
	Bamori Gamo	10 00	
	Kugodi	9 00	
	Kaswaga	10 00	
	Hawaga	8 00	
	Kebarre	12 00	
	Saambili	100 00	
	Kasaria	6 00	
	Kidago Amgetech	4 00	
	Inga Lima	8 00	
	Nyi. 718301 Wamathi	6 00	
	Arap Konga	27 80	
	Juma b. Mukowi	12 77	
	NKU. 04469 Saambili	9 00	
	Menge Latian	46 80	
	NBI. 0465675 Omogiri Oriro	3 50	
	Wairu Njuguna	30 00	
	Waweru Rugu	11 75	
	Muholo Onyango	10 60	
	Karindi Aullima	24 00	
	Macharia Chege	21 79	
	<i>Carried forward ..</i>	1,477 94	141,873 73

BALANCE AT CREDIT OF DEPOSIT ACCOUNTS.—(Contd.).

Station or Department.	Title of Account.	Balance.	Total.
	<i>Brought forward</i> ..	Shs. cts. 1,477 94	Shs. cts. 141,873 73
NAKURU ..	ESTATES OF DECEASED PERSONS.		
	KSU. 022816 Mehago	15 50	
	Skanda Sindo Bur	10 86	
	Kimetei a Tirop	14 00	
	Kipkura Kimgetich	5 10	
	Karioki Thige	5 00	
	Wusuli Khayiga	3 73	
	Nyaminingo	20 00	
	Nguga Njoroge	4 00	
	Tapkich a Maiwa	5 20	
	Okumu s/o Ogala	10 84	
	Suni wa Mengo	13 00	
	Owako Ojuang	3 00	
	Wangaim Sewe	22 00	
	Alex. Simson's toto's wages	4 00	
	Otendi (wages)	12 00	
	Aol	16 00	
	Brindle Jones' toto's wages	24 00	
	Mahinda Mafumbiro	2 00	
	Omoula s/o Ndago	2 00	
	Ndira NKU. 4402069	3 00	
	Seed (Mtoto)	8 00	
	F.H. 0586716 Aswere	5 00	
	NBI. 2408977 Alwoch	15 00	
	NKU. 2403445 Kisigo	5 66	
	Jawa	63 00	
	Kamau Macharia	12 00	
	Ogaka Gwaro	31 00	
	Mahamed b. Hamisi	2 10	
	Omenda Odala	7 33	
	MISCELLANEOUS.		
	Kingoli	2 00	
	Nimmo	30 00	
	Freemantle	8 00	
	Kiskoske Keren	2 00	
	Ngumi Wangai	101 85	
	Trevor Sheen	4 00	
	Kingwanzi Anumbwa	35 00	
	Jas. Daniel's toto's wages	6 00	
	Marra Kimani	9 00	
	Machuku Kairo	16 00	
	Njoroge Kamau	30 00	
	Reuben (c/o Col. Lean)	10 00	
	Karioki Wanjana	2 00	
	Ogotu	10 30	
	Manibhai D. Patel	30 00	
	U. V. Patel	5 00	
	H. O. Jones	10 00	
	M. Ganga Singh	40 00	
	Martakia Bitara	10 00	
	Mugo	2 00	
	J. W. Eames	57	
	Karioki Wanjina	2 00	
	Gochura Kagand	2 00	
	Kamasia Confiscated Cattle	8,786 65	
	L. A. Spiers	10 00	
	H. Thackrah	42 91	
	Water Rate Nakuru Location	488 39	
	Major Birbeck	40 00	
	<i>Carried forward</i> ..	11,557 93	141,873 73

BALANCE AT CREDIT OF DEPOSIT ACCOUNTS.—(Contd.).

Station or Department.	Title of Account.	Balance.	Total.
	<i>Brought forward ..</i>	Shs. cts. 11,557 93	Shs. cts. 141,873 73
NAKURU— <i>Contd.</i>	MISCELLANEOUS.— <i>Continued.</i>		
	Feroz Din	10 00	
	Normans Mountain	30 00	
	L. F. Knaggs	5 00	
	M. Lazerson	10 00	
	Dayalji Kalidas	15 00	
	Rongai Mushea	20 00	
	Gachura Gakumda	2 00	
	Rugo Gedengi	2 00	
	Kingale	2 00	
	Nguya	2 00	
	Kogi	2 00	
	Kimatungu	2 00	
	Karioki	2 00	
	Kitan	2 00	
	Ndungo	2 00	
	Kingoli	2 00	
	Myaniki	2 00	
	Renya	2 00	
	NYI. 718810 Gichaura	2 00	
	NYI. 723570 Kiroro	2 00	
	NYI. 245019 Mariki	2 00	
	Kidirgo Kichuki	2 00	
	NKU. 2409080 Wathera	2 00	
	C. B. Lloyd	50 00	
			11,731 93
NAIVASHA ..	MISCELLANEOUS.		
	A. R. C., Naivasha	314 50	
	Rajabali Kalifani	10 00	
	Njuguna Wathoti	18 00	
	A. R. C., Naivasha	28 50	
	D. Alexander	20 00	
	A. I. Biddle	25 80	
	Abdulla	3 00	
	R. C., Naivasha	457 79	
	LEGAL.		
	G. Joubert	77 33	
	Wathaka Kihara	50 00	
	Kimanderi Nguri	4 00	
	A. Cartwright	60 00	
	"	220 00	
	Gilgil Trading Co.	350 00	
	PRISONERS.		
	Echalu Decadea	32 00	
	175 Kothi Kathirwa	8 10	
	Bonya s/o Bonyi	4 00	
	Ngaba Maria	20 00	
	232 Kiarie Wamira	5 50	
	240 Kingori Malitu	28 00	
	242 Mwangi Njeroge	09	
	243 Mau Walito	20	
	Karanja Kamau	12 30	1,749 11
	<i>Carried forward ..</i>		155,354 77

BALANCE AT CREDIT OF DEPOSIT ACCOUNTS.—(Contd.).

Station or Department.	Title of Account.	Balance.	Total.
	<i>Brought forward</i> ..	Shs. cts.	Shs. cts. 155,354 77
NAROK ..	MISCELLANEOUS.		
	H. H. Heyer	40 00	
	Maykie Ole Kiborda	40 00	
	Katuiko Kereko	10 00	
	Lolgerien Syndicate	37 00	
	Mulayo Ole Legegi	30 00	
	Maloga Ole Metignigejik	30 00	
	Lababa Ole Lekarga	30 00	
	Kimusi Ole Roreto	30 00	
	Owino Omandi	4 51	
KAJLADO ..	MISCELLANEOUS.		251 51
	Tribal Retainer—Silale Ole Paryatan ..	90 00	
	Reseole Ngambua	14 00	
	Tibilet (Laitokitok)	212 00	
	LEGAL.		
	Kharhanja Soranjai (Cr. Case No. 96/22)	60 00	
	Criminal Case No. 135/24	1,477 00	
	Criminal Case No. 1/26 Narok	40 00	
	ESTATES OF DECEASED PERSPNS.		
	Ochang	200 00	
NYERI ..	ESTATES OF DECEASED PERSONS.		2,093 00
	Nyaga wa Ndama	1 90	
	Gachanga wa Ndegwa	10 73	
	LEGAL.		
	D.C., Nyeri Cr. Case No. 157/21	46 00	
	Civil Case Ni. 6/22, 2nd Class.. .. .	10 00	
	" " " 52/24	57 50	
	MISCELLANEOUS.		
	Mathanga Veta, 4th Grade Warder	48 00	
	Nderi	21 50	
	Wanjiria wa Wanjohi NBI. 0986776	11 00	
	Jamal Hirjee	1 00	
	Chief Kanyari wa Ruoro	10 00	
	District Commissioner, Nyeri	55 50	
	" " "	30 00	
	" " "	6 81	
	Keiro	3 00	
	Chief Murigo	60 00	
	Wanjau wa Kiharu	10 00	
	Kiliatai wa Kicharu	40 00	
	Njairia wa Motahi	40 00	
	Chief Kareithi	60 00	
	Karethi wa Mangaya	140 00	
	Mathira Deposit, Wachangu wa Muria- muki (Kogi)	20 00	
	<i>Carried forward</i> ..	682 94	157,699 28

BALANCE AT CREDIT OF DEPOSIT ACCOUNTS.—(Contd.).

Station or Department.	Title of Account.	Balance.	Total.
	<i>Brought forward</i> ..	Shs. cts.	Shs. cts. 159,411 36
Voi ..	ESTATES OF DECEASED PERSONS.		
	Mwandabiro Mwakai	7 50	
	Tala Mbale	4 66	
	Mohamed Ahmed	4 80	
	Ngaba Nyangi	3 62	
	Saidi Mamadi	11 68	
	Magija Genja	734 16	
	Wanyello	95 52	
	Mwamori	18 00	
	Maganga	9 68	
	PRISONERS.		
	Con. No. 74/26 Kuglu s/o Ngao ..	51	
	MISCELLANEOUS.		
	Habib Nanji & Co.	16 00	
	Nian Noor Hussein	61 73	
	B.E.A. Fibre & Indus. Co., Kibwezi ..	169 62	
	H. H. McPhee, Contractor, U. Rly. ..	146 72	
	Odongo, Pointsman, Samburu	32 89	
	Mwanjala	100 00	
	Mortiboys Nicholas & Co.	32 80	
	D. Goodwillie	1,200 00	
	Voi 891645 Salemani Ramata	13 00	
	„ 894481 Mwacharo Kideri	4 00	
	„ 896807 Nyange Mwafeta	6 00	
	„ 894520 Mwangulu Makeo	6 00	
	„ 891792 Mwacharo Soge	5 00	
	„ 891783 Kianga Voi	9 00	
	„ 891560 Mujao Mwanjage	16 00	
	„ 891554 Mele Mwatera	11 00	
	„ 897419 Mbolo Mwakilungu	17 60	
	„ 897424 Mwanyuma Kidanga	11 00	
	„ 891960 Kitatu Mkala	7 00	
	„ 891545 Ngau Billa	13 00	
	„ 891568 Kala Mwabasi	7 00	
	LEGAL.		
	Civil Case No. 26/26	16 00	
	Criminal Case No. 46/23	13 80	
	„ „ „ 32/23	67 23	
	„ „ „ 36/23	30 20	
	„ „ „ 37/23	2 15	
	„ „ „ 28/24	100 00	
	„ „ „ 116/24	258 76	
	„ „ „ 5/26	18 13	
			3,281 76
Wajir ..	MISCELLANEOUS.		
	Elmi Adad	980 00	
	Ali bin Yeslam	2,200 00	
			3,180 00
	<i>Carried forward</i> ..		165,873 12

BALANCE AT CREDIT OF DEPOSIT ACCOUNTS.—(Contd.).

Station or Department.	Title of Account.	Balance.	Total.
	<i>Brought forward</i> ..		165,873 12
KOLOSIA ..	MISCELLANEOUS.		
	Mohumud Mohamed	300 00	
	Buraleh Ahmed	175 00	
	Mweresa Wangani	140 00	
	LEGAL.		
	Umorkin s/o Mutonile Cr. Case 2/26 ..	420 00	1,035 00
LODWAR ..	PRISONERS.		
	Kongai	50 00	50 00
TAMBACH (ELGEYO)	MISCELLANEOUS.		
	Kimgeny Kisuge	10 00	
	D.C., Tambach	100 00	110 00
SAMBURU ..	MISCELLANEOUS.		
	No. 8964 2/C Kimanzi	20 00	
	Collections for Ghee Factory	936 80	956 80
MERU ..	MISCELLANEOUS.		
	S.C.N.F.P., Meru	90 00	
	Omer Hussein	380 00	
	Hersi Ali	30 00	
	Abdi Didlo	56 00	
	Mohamed Ali	200 00	
	Shilau Ahmed Elmi	200 00	
	Barow Yusuf Amin	200 00	
	Mohamed Adem Elmi	200 00	
	Haji Hussein Ahmed	200 00	1,556 00
THIKA ..	MISCELLANEOUS.		
	Thika Township Conservancy	62 45	62 45
AGRICUL- TURAL DEPT. ..	MISCELLANEOUS.		
	Agricultural Department Library ..	1,960 00	
	Analysis of Dips	858 40	
	Sera Vaccines	1,376 59	
	Gibson & Co.	300 00	4,494 99
CROWN AGENTS..	Crown Agents for the Colonies		1,038 85
CUSTOMS DEPT. ..	Customs Staff Overtime	1,521 50	
	Transit Duties	1,131 96	
	Malindi Customs	317 50	2,970 96
	<i>Carried forward</i> ..		178,148 17

BALANCE AT CREDIT OF DEPOSIT ACCOUNTS.—(Contd.).

Station or Department.	Title of Account.	Balance.	Total.
		Shs.	cts.
	<i>Brought forward..</i>		178,148 17
EDUCATION DEPT. ..	Pension Contributions, K.D., Punjani ..	95 75	
	Pension Contributions, C. J. Jaitle ..	264 99	
	Director of Education Examination Fees	1,626 40	1,987 14
FOREST DEPT	Forest Guards, Rewards and Fines Fund	1,387 18	
	Conservator of Forests	665 55	
	Elburgon Flour and Timber Mills ..	200 00	
	O. R. Arnell	7 25	
	Kishandas Dwarkadas	600 00	
	McHanghton	300 00	
	Jan Mohamed	1,000 00	
	Mulla Tayabali	1,000 00	
	Van Neuman	600 00	
	Tribhowan Raja Bros.	300 00	
	Sundu Singh	200 00	
	Atma Singh	600 00	
	Shams-ud-Deen	1,000 00	
	Mount Dremnon Estate	23 50	
	Forest Department	436 79	8,320 27
IMMIGRATION DEPT. ..	.. .. .		197,900 00
JUDICIAL DEPT. ..	Registrar, Supreme Court, Mombasa ..	37,191 68	
	" " " Nairobi ..	295,363 21	
	District Delegate, Nakuru	7,191 07	
	" " Kisumu	7,624 47	347,370 43
REGISTRAR GENERAL'S DEPT. ..	Registrar General	572,554 52	
	Depury Registrar General	18,700 63	591,255 15
K.A.R. ..	Military Fines Fund, 3rd K.A.R. ..	11,211 01	
	Native Family Remittances	112 00	
	Native Deposits and Credit Balances ..	6,450 00	
	National Health Insurance Contributions	103 86	
	635 Pte. Ali Surwe	38 60	
	Capt. C. L. Campbell	14 01	
	1677 L/c. Dama Nur	300 00	
	9434 Pte. Makeja Busaru	500 00	
	Essufali Mulla Alibhai	600 00	
	A. Ghulam Mohamed	124 00	
	K.A.R. Disallowances	1,587 24	21,040 72
LAND DEPT	Land Office	36,504 64	
	Land Titles Registry	126 69	
	Sale of War Office Maps	816 00	37,447 33
MEDICAL DEPT. ..	Donation to Hospital Nairobi,	14,682 66	
	Leave and Pension Contribution, Government of India (S.A.S.)	3,703 26	18,385 92
	<i>Carried forward ..</i>		1,401,855 13

BALANCE AT CREDIT OF DEPOSIT ACCOUNTS.—(Contd.).

Station or Department.	Title of Account.	Balance.	Total.
		Shs. cts.	Shs. cts.
	<i>Brought forward</i> ..		1,401,855 13
NATIVE AFFAIRS DEPT. ..	Chief Native Commissioner	13,278 57	
	Lumbwa-Kisii Account	6,532 13	
	Local Native Council, Digo	828 33	
	" " " Central Kavirondo	968 50	
	" " " North Kavirondo	1,324 00	
	" " " South Kavirondo	1,302 34	
	" " " Kyambu	68,467 63	
	" " " Kabarnet (Baringo No. 3)	30 00	
	" " " Machakos	884 02	
	" " " Malindi	7,193 90	
	" " " Masai	6,877 91	
	" " " Nandi	20,234 35	
	" " " Voi (Taita)	96 00	
	" " " West Suk	21,096 62	
	" " " Kericho	4,397 60	
	" " " Embu	75 00	
	" " " Meru	2,018 02	
	" " " Fort Hall	1,972 75	
	" " " Baringo	2 50	
	" " " Baringo No. 2	2,867 00	
	" " " Elgeyo	50,922 38	
	" " " Kitui	8 00	
			211,407 55
POLICE DEPT. ..	Police Rewards and Fines Fund		13,073 26
POST AND MARINE DEPT. ..	National Health Insurance Stamps	161 59	
	Unemployment Insurance Stamps	73 00	
			234 59
POST AND TELEGRAPHS DEPT. ..	Post Office		1,589,859 17
PRISONS DEPT.	Nairobi Prison Convicts	1,825 84	
	Mombasa Prison Convicts	620 48	
	Prison Rewards and Fines Fund	6,221 29	
			8,667 61
P.W.D. ..	Mombasa Water Supply	2,315 52	
	Officers' Family Passages	1,966 63	
	Public Works Department	43,216 52	
	Executive Engineer, Nairobi	5 00	
	Kisumu Water Supply	320 00	
			47,823 67
TREASURY, MOMBASA	Guides Badges	522 50	
	S. G. Hassan	246 40	
	Hassam Jamal & Co.	100 00	
	Awath bin Omar	10 00	
			878 90
	<i>Carried forward</i> ..		3,273,799 88

BALANCE AT CREDIT OF DEPOSIT ACCOUNTS.—(Contd.).

Station or Department.	Title of Account.	Balance.	Total.
		Shs. cts.	Shs. cts.
	<i>Brought forward ..</i>		3,273,799 88
TREASURY NAIROBI	L. S. B. Leakey	89 10	
	A. M. Branen	7 24	
	V. G. Cole	153 00	
	R. A. Hawkins	107 08	
	E. E. Biss	504 83	
	J. McPhail Campbell	244 75	
	J. G. E. McKay	153 00	
	R. J. Lathbury	22 17	
	E. B. Hosking	37 04	
	E. C. Crewe-Read	48 59	
	Diwani bin Ahmed	10 00	
	Mallora	8 00	
	C. V. Hogan	14 33	
	Mrs. M. B. Fothergill	27 40	
	W. F. G. Campbell	54 00	
	G. Manley	328 66	
	Bakari s/o Omari Musigonjoe	80 00	
	Miss M. S. Desai	302 30	
	Keziko Tora	200 00	
	Akwarally P. Mohamed	224 00	
	Farah Ali	40 00	
	Capt. R. A. F. Montanaro	120 90	
	Henriette Silvain	170 00	
	Mohamed Ismail C.	360 00	
	G. R. Fenton	2,000 00	
	A. T. Miles	120 00	
	G. J. L. Burton	2 20	
	H. D. McKay	19 59	
	A. V. Harris	160 00	
	A. S. Chatti	100 00	
	C. S. Brereton	9 15	
	O. Dixon	67 92	
	Okal Masilo	18 52	
	Mohan/Soni Bhatti	75 00	
	Billard Arthurhead	1 50	
	Abdul Ghani	484 00	
	Abdus Salam Batti	260 00	
	T. K. Mudaliar	310 00	
	R. Block	28 98	
	R. H. Hampson	134 50	
	A. J. McLean	78 14	
	B. C. Mohindra	15 00	
	H. E. L. Brailsford	8 54	
	T. R. Gillespie	9 97	
	R. W. Lambert	25 24	
	A. D. Le Poer Trench	280 98	
	C. F. Lance	9 60	
	R. Alton	10 00	
	A. E. Hudson	20 00	
	A. R. Esler	196 79	
	Capt. K. F. T. Caldwell	94 16	
	J. H. B. Murphy	157 83	
	Macharia	41 00	
	G. S. Leighton	3 20	
	<i>Carried forward ..</i>	8,048 20	3,273,799 88

BALANCE AT CREDIT OF DEPOSIT ACCOUNTS.—(Contd.).

Station or Department.	Title of Account.	Balance.		Total.	
		Shs.	cts.	Shs.	cts.
	<i>Brought forward ..</i>	8,048	20	3,273,799	88
TREASURY NAIROBI— <i>Contd.</i>	W. McDonald	91	75		
	G. V. Maxwell	91	75		
	E. T. Johnson	7	26		
	F. H. Fernandes	16	00		
	N. P. Jewell	33	00		
	Juma bin Bwana	142	38		
	Hazard Singh	60	00		
	M. F. R. Hockliffe	11	96		
	Dandi s/o Kabati	246	00		
	Sir Edward Grigg	227	52		
	H. M. Jones	115	83		
	K. S. Patel	300	00		
	J. G. H. Ross	150	00		
	R. C. D'Souza	288	00		
	I. C. Stuart	9	33		
	Wazir Singh	379	33		
	Sorain Singh	258	94		
	C. R. D'Souza	34	19		
	T. R. Wilson	138	25		
	W. C. Skedge	37	41		
	S. Vijayan	180	00		
	Capt. C. O'Hagan	15	68		
	M. H. Reid	150	00		
	B. J. Rand	23	25		
	Stambaul Abdi	100	00		
	L. C. Wright	1	69		
	E. O'Brien	637	50		
	M. A. M. Van de Velde	23	44		
	L. R. L. Saunders	500	00		
	M. R. R. Vidal	9	25		
	V. G. L. Van Someren	75	00		
	Abdur Salam	45	00		
	Miss P. Somen	168	33		
	Mohan Singh Soni	263	68		
	N. D. Smith	400	00		
	W. V. Wilson	59	80		
	J. White	143	98		
	J. H. Williams	12	82		
	F. T. O'Meagher	4	34		
	R. N. Noble	16	24		
	Mrs. K. Chotobhai P. Patel	167	76		
	Dr. A. G. Thomson	154	80		
	H. Thorne	610	00		
	G. E. Scattergood	180	00		
	N. Rogers	16	10		
	R. J. Stone	107	08		
	J. Scott	46	01		
	J. Sutherland	26	08		
	G. M. Scade	7	05		
	R. F. Palethrope	0	69		
	H. J. Patel	360	00		
	W. Lynn Watt	745	70		
	E. R. Shackleton	200	00		
	G. M. Castle-Smith	281	69		
	Shubakhan and Alluhditta	15	00		
				16,435	06
	<i>Carried forward ..</i>			3,290,234	94

BALANCE AT CREDIT OF DEPOSIT ACCOUNTS.—(Contd.).

Station or Department.	Title of Account.	Balance.	Total.
		Shs. cts.	Shs. cts.
	<i>Brought forward ..</i>	..	3,290,234 94
IMPERSONAL ACCOUNTS	Army Pay Office Working	6 33	
	East African Currency Board	678,668 00	
	Kabete Reformatory Prisoners	112 27	
	Maintenance of Civil Prisoners.. ..	452 08	
	Native Trust Fund	4,567 97	
	Tanganyika Railways	16 80	
	Re-imbursments, Kenya and Uganda Railway.. ..	12 73	
	Resident Commissioner, Mombasa	210 00	
	Kenya and Uganda Railway	17,928 83	
	District Commissioner, Nairobi	53 00	
	Governor's Conference	1,132 41	
	Carnegie Trust Fund	26,206 67	
	Cold Storage Installation, Kilindini	238 80	
	Admiralty Land at Mtongwe	150 00	
	Colonial Secretary, Royal Society of St. George Prize Essay	21 00	
	Tompson Memorial School Trust Account	515 66	
	British Salvage Commission	640 00	
	Deceased Native Estates	417 07	
	Accountant General of the Navy	50 50	
	Nakuru Cemetery Donations	222 79	
	Asiatic Widows and Orphans Pension Fund	162 33	
	Senior British Commissioner, Jubaland	2,191 95	
	North Sea Aerial and General Transport Ltd.	1,762 88	
			735,740 07
GOVERNMENT ACCOUNTS	Government of Mauritius	42 35	
	„ Southern Rhodesia	7 50	
	„ South West Africa	1,119 58	
	„ Zanzibar	42,823 33	
	„ Tanganyika	475,710 43	
	„ Nyasaland	406 00	
			520,109 19
	TOTAL..	Shs.	4,546,084 20
		£	227,304 4 20

APPENDIX IV.

Balances at Debit of Advance Accounts on the
31st December, 1927.

	Shs.	cts.		Shs.	cts.
C. W. G. Lane	323	64	<i>Brought forward</i> ..	106,357	04
W. M. Keatinge	518	04	A. A. Battson	846	00
E. Harrison	1,931	01	W. G. Leckie	603	00
H. Hubble	436	68	H. H. L. Higgins	770	00
E. H. Corben	830	00	W. L. Lewis	2,251	54
F. M. Lamb	441	11	F. A. Bailey	490	30
A. W. Burgess	4,875	00	H. A. Bock	791	64
S. H. Fazan	808	96	M. Dards	2,562	90
C. F. Bristow	769	00	D. G. Boucher	1,204	00
B. W. D. Cochrane	1,379	66	P. Dangerfield	1,110	00
H. N. Chignall	66	67	E. J. Honoré	1,245	00
P. W. E. Flint	4,572	00	F. M. Brick	3,625	30
Sir Edward Denham	1,486	07	A. Brand	717	70
H. N. Lee	1,250	00	C. A. Lewis	530	00
P. Booth	800	01	J. H. Clive	1,578	51
S. V. Cooke	249	12	S. C. Bennett	2,041	11
F. B. L. Butler	2,181	11	A. E. Imbert	3,640	40
J. B. Grenfell Hicks	3,105	82	A. T. Howell	2,594	00
S. H. La Fontaine	2,160	33	V. Lambert	2,291	15
R. Davis	1,608	00	P. J. M. J. Foubister	1,119	25
A. E. Forrest	900	00	H. R. H. Gilbert	623	28
N. P. Jewell	1,902	38	A. P. Ling	1,500	00
J. E. Harrison	1,007	00	D. L. Blunt	2,251	06
G. M. Bell	116	58	T. Fitzgerald	5,003	45
F. J. C. Johnstone	5,186	16	J. R. Kennedy	820	04
A. G. Doherty	7,449	00	A. J. S. Hutton	1,758	01
H. L. Bayles	31	01	H. A. Campbell	749	00
W. M. Logan	750	50	M. M. Jack	433	33
R. J. Lathbury	2,427	06	L. R. Barton	14	60
F. R. Collins	1,358	79	S. R. Hill	116	42
D. O. Brumage	894	00	E. J. Kelly	133	00
E. E. Lord	4,833	62	M. A. E. Ashby	22	00
W. F. G. Campbell	895	04	J. L. Byrne	1,300	03
G. Kearney	5,023	01	H. E. A. Durham	2,773	00
H. Lamont	911	92	H. L. Bradshaw	4,488	00
A. C. Hunter	224	00	T. Hughes	795	00
E. Brady	1,077	88	H. E. Brown	720	00
J. W. Johnson	302	00	H. C. Croysdale	600	00
H. M. Birch	116	42	F. W. Knightly	3,435	00
W. G. Emerson	800	00	J. R. Hudson	2,688	00
V. A. Beckley	4,698	45	A. O. Cosgrave	1,304	00
H. B. Hayter	3,000	78	S. E. J. Howarth	5,520	00
J. L. B. L. Llewellyn	35	63	M. R. F. Hockliffe	4,194	43
H. R. Harris	313	42	F. C. Gaffney	1,040	00
C. P. Glover	1,235	00	F. Franks	375	00
Sir J. W. Barth	753	07	W. A. Bullen	1,706	00
D. J. H. Kelly	1,080	00	Sir H. G. Elphinstone, Bart	986	01
A. N. Bailward	1,116	66	H. Brassey-Edwards	1,188	41
E. W. P. Hayman	604	17	R. C. Grannum	4,335	44
W. N. Low	206	57	W. J. Hitchinson	2,998	00
L. J. Cooke	232	50	J. J. Curran	1,727	00
T. W. Clark	618	00	P. D. Connely	2,850	00
S. O. V. Hodge	330	77	H. G. Evans	1,350	00
W. A. Andrews	637	00	C. W. J. Lambert	974	12
P. R. Filleul	1,334	08	E. Beaumont	3,210	00
G. H. Booth	727	26	K. F. T. Caldwell	5,479	58
M. H. Fox	233	00	G. Pritchard Brown	2,984	99
A. Bunker	660	00	H. R. Carver	852	20
S. Land	1,247	00	R. S. Brown	3,503	36
R. Hunter	1,035	00	W. Griffiths	2,631	00
C. P. Donnison	436	00	T. Henderson	2,062	50
S. Bloomberg	162	43	J. P. Cook	5,082	10
G. W. Knapman	263	44	E. Bird	2,950	92
W. C. Huggard	983	97	W. G. Edwards	1,725	48
J. A. Carman	1,892	00	Lt. C. J. J. F. Hopegood	106	23
A. M. Cooper	305	07	J. F. Faithfull	8	84
J. H. Hall	187	00	Miss M. Galbally	220	03
H. Hudson	1,683	00	W. Barnes	909	33
W. J. Henfrey	721	00	S. R. Boyd	3,413	62
P. G. Harding	1,471	50	H. Jordon	2,274	00
H. A. Cole	720	00	F. L. Henderson	1,200	00
J. H. H. Chataway	767	00	J. Doherty	5,701	83
P. G. Cumming	3,066	57	G. D. Holmes	125	00
V. M. Fisher	1,500	00	E. G. Gulliver	3,927	00
C. G. Howell	4,000	00	T. D. H. Bruce	5,550	58
W. W. C. Burgess	946	60	R. W. Lambert	3,183	53
R. F. D. Armstrong	1,106	50	A. R. Esler	10	00
			Major D. L. Gray	3,900	00
<i>Carried forward</i> ..	106,359	04	<i>Carried forward</i> ..	258,159	68

ADVANCES.—(Contd.)

		Shs.	cts.			Shs.	cts.
<i>Brought forward</i> ..		258,159	68	<i>Brought forward</i> ..		367,649	64
I. R. Gillespie ..		3,749	96	C. B. Symes ..		5,033	25
E. J. Davies ..		2,347	48	R. Pedraza ..		879	10
G. R. Gribble ..		780	02	E. R. S. Tailyour ..		1,150	42
D. W. Franklin ..		80	00	R. Rabson ..		1,731	34
N. R. Jolley ..		1,945	00	R. W. Robinson ..		12	00
F. Ashton ..		572	91	J. F. O'Farrell ..		163	14
G. H. E. Hopkins ..		4,315	00	A. J. MacCarthy ..		6,840	66
H. L. G. Gurney ..		1,069	99	C. I. Sempill ..		2,392	47
J. H. Herry ..		2,166	65	E. H. Mulligan ..		287	00
W. R. Elliot ..		651	00	P. Milne ..		3,622	01
Capt. S. E. Bagley ..		1,860	00	J. Miles ..		1,049	52
J. R. Bryant ..		2,476	08	H. Wilkinson ..		2,104	01
R. H. T. Drake ..		1,092	50	H. Taylor ..		108	00
G. Hassan ..		155	80	D. F. Sergeant ..		266	67
C. D. Fitzpatrick ..		1,062	44	P. Ross ..		897	00
H. H. Low ..		1,260	00	R. McFiggans ..		1,071	00
E. B. Lloyd ..		54	92	E. G. S. Tisdall ..		600	92
J. E. H. Lambert ..		1,212	76	C. P. B. Norman ..		523	23
H. O. Jones ..		3,781	95	G. E. Webb ..		375	00
T. G. Benson ..		20	18	H. J. Taylor ..		500	00
H. T. Bugden ..		540	00	A. W. Walker ..		1,284	15
J. Fleming ..		6,338	01	P. E. Wolfe ..		451	60
N. Y. Kilminster ..		440	00	T. R. J. Ridgeway ..		1,686	00
E. G. Hargreaves ..		720	00	A. W. Sutcliffe ..		4,250	00
W. G. Howe ..		80	67	H. P. Robertson ..		1,349	56
Mrs. T. A. Howe ..		80	67	A. S. Mackie ..		710	00
A. M. Champion ..		1,740	00	J. H. McQuade ..		1,013	50
G. A. Hoult ..		45	16	P. F. Nunan ..		1,550	00
R. L. Creery ..		4,812	00	J. W. E. Wightman ..		1,035	40
Lt. L. B. Francis ..		916	66	D. S. Wardle ..		3,313	17
J. C. Green ..		1,151	19	H. E. Taylor ..		525	00
A. Carriline ..		2,394	00	West and Von Otter ..		1,926	08
Abdul Ghani ..		1,606	00	J. H. Noon ..		1,355	03
Lt. C. A. Cornell ..		1,740	00	R. H. Wake-Bowell ..		60	00
Lt. L. Hogan ..		683	33	G. P. Willoughby ..		1,386	00
H. R. H. Edgecombe ..		410	00	S. G. Sharp ..		240	00
D. Storrs-Fox ..		4,368	80	N. McLean ..		958	45
G. V. Allen ..		980	00	B. F. Ratcliffe ..		376	18
J. A. Gilbertson ..		1,466	00	T. R. L. Nestor ..		1,841	30
W. M. Lynde ..		3,946	57	V. M. McKeag ..		1,473	84
G. G. Dennis ..		2,241	96	R. H. W. Wisdom ..		595	00
H. E. G. Levett ..		1,960	64	R. C. Wheeler ..		2,444	83
Lt. J. H. V. Higgon ..		833	33	H. J. Webster ..		780	00
J. A. Fernandes ..		240	00	D. McKintosh ..		600	00
E. T. Land ..		74	88	C. Phythian ..		1,167	39
W. P. Holland ..		600	00	W. E. Metcalfe ..		675	00
L. A. Feild-Jones ..		936	67	Capt. B. W. L. Nicholson ..		2,048	00
A. C. Arnold ..		1,044	80	F. Parker ..		1,557	00
M. S. Fernandes ..		150	00	R. C. M. Wood ..		1,509	75
R. Hackley ..		100	00	E. McInnes ..		1,218	52
Lt. G. Douglas ..		833	33	C. E. Ward ..		5,327	66
F. Hewitt ..		747	00	G. B. E. Norburn ..		2,160	00
J. S. S. Andrade ..		300	00	W. P. Shields ..		1,155	00
A. J. Field ..		2,747	00	J. R. Tibbles ..		200	10
R. G. Forbes-Bassett ..		1,960	00	G. A. S. Northcote ..		109	89
A. H. Gunnell ..		1,660	00	H. O. Weller ..		1,826	00
R. Acton ..		1,050	00	H. T. Martin ..		4,205	87
R. F. Gainsford ..		216	00	E. E. Mortimer ..		948	92
Capt. F. H. J. Hillier ..		48	67	N. Stuart ..		1,269	92
Akbarali Premshand ..		224	00	H. H. Trafford ..		2,059	12
Private Keziko Lora ..		200	00	D. S. Scott ..		3,362	00
A. Walter ..		2,161	41	J. C. Stronack ..		1,903	00
J. MacMunn ..		116	42	J. A. Palfreman ..		2,108	20
W. MacDonald ..		510	00	S. L. Vincent ..		600	00
J. D. McKean ..		383	33	F. P. G. De Smidt ..		3,483	00
S. B. McConnell ..		458	32	F. E. Murrell ..		2,199	92
E. D. Theunissen ..		349	72	J. F. Wolseley-Bourne ..		2,400	00
A. D. Williams ..		134	51	R. S. Moore ..		3,999	00
E. Wilkinson ..		747	90	W. J. Price ..		3,500	00
A. T. A. Ritchie ..		2,739	26	A. Walker ..		2,722	56
C. W. Stubbs ..		3,709	84	J. Walker ..		2,058	82
H. B. Sharpe ..		3,671	87	A. E. Smith ..		915	00
J. L. Worledge ..		479	91	R. D. Pearson ..		1,296	00
J. H. Niblock-Stuart ..		221	12	Miss E. A. Riordan ..		1,740	00
T. R. Wilson ..		1,138	25	W. H. Scott ..		1,236	00
G. Walsh ..		3,265	96	C. H. Whittingham ..		1,700	87
G. Reece ..		1,660	37	C. G. J. White ..		1,798	29
C. H. Walmsley ..		2,464	00	D. C. MacKeggan ..		3,421	25
R. G. B. Spicer ..		451	51	A. C. Manning ..		599	40
J. F. Walker ..		313	02	G. White ..		5	40
R. F. Rainsford ..		1,231	26	G. B. Rimington ..		2,471	00
				Miss M. A. Perkin ..		1,370	00
<i>Carried forward</i> ..		367,649	64	<i>Carried forward</i> ..		500,789	32

ADVANCES.—(Contd.)

	Shs.	cts.		Shs.	cts.
<i>Brought forward</i> ..	500,789	32	<i>Brought forward</i> 1,388,369	93	
P. A. McSporran ..	1,479	00	Local Native Council, Masai ..	264	95
James Whyte ..	1,170	00	Commissioner of Police Funds ..	4,285	22
E. J. O'Farrell ..	2,800	00	District Commissioner, Nyeri ..	52	00
W. Woods ..	4,513	39	Local Native Council, Teita ..	431	44
A. G. Southby ..	3,413	07	" Fort Hall ..	423	14
T. S. Paterson ..	2,751	30	Ministry of Agriculture and Fisheries ..	1,855	49
L. N. Reynolds ..	1,016	00	Ministry of Pensions ..	133,089	57
C. W. Peachey ..	900	00	Post Office ..	98,017	81
E. A. Trim ..	1,706	00	Director of Agriculture ..	1,767	20
R. W. F. Mettam ..	3,041	03	Principal Labour Inspector, Nairobi ..	619	79
Miss A. Somen ..	1,000	00	District Commissioner, Kajiado ..	675	00
A. De V. Wade ..	3,016	41	District Commissioner, Kakamega ..	90	72
C. B. Patel ..	165	97	Resident Commissioner, Nakuru ..	158	64
J. H. Walker ..	350	00	Public Works Department ..	16,324	13
R. A. Sutcliffe ..	2,000	00	Headmaster European School, Nairobi ..	85	00
A. H. W. Manger ..	1,336	00	Director of Education ..	140	00
A. Poskitt ..	929	35	Lady Grigg Welfare League ..	129	42
J. C. Rammell ..	5,083	18	Chief Native Commissioner ..	447	38
F. H. Sibley ..	3,646	55	Principal Labour Inspector, Kisumu ..	245	35
N. M. McLennan ..	3,850	00	Local Native Council, Kyambu ..	34	68
G. F. Newbury ..	1,125	00	Director of Agriculture, Haulage and Conditioning Account ..	1,102	55
C. R. Minns ..	500	00	Agricultural Department ..	968	51
J. S. Shaman ..	1,693	98	Local Native Council, Kapsabet ..	57	37
J. W. Nicholson ..	7,440	07	Union Castle Mail Steamship Co. ..	823	25
J. White ..	1,195	48	Local Native Council, Meru ..	67	16
C. P. Patel ..	330	00	Local Native Council, Kiama House ..	1	00
S. F. Taylor ..	573	00	Government Coast Agent ..	208	35
J. McDonald ..	3,973	32	Local Native Council, Kitui ..	132	00
R. R. Young ..	48	00	Officers Guarantee Premium, 1928 ..	447	50
L. C. Wright ..	1,300	00	Local Native Council Dispensary, Maria- kani ..	23	10
A. McNab ..	1,041	33	District Commissioner, Narok ..	5,256	41
F. R. L. Miller ..	5,435	15	East African Currency Board, London ..	36,500	00
N. D. Spranger ..	3,534	00	Admiralty ..	393	54
W. R. McGough ..	1,260	00	Aerial Flight ..	10	87
P. H. Poolman ..	5,315	00	Currency Officer ..	3,515	72
Miss G. Plaskitt ..	116	42	British Museum ..	81	02
F. R. Stacey ..	1,027	00	General Post Office, London ..	1,190	49
F. Turner ..	4,020	00	Royal Air Force ..	14,593	50
T. A. McKay ..	116	42	War Office, Chelsea ..	9,994	40
N. Simpson ..	5	10	Officer-in-Charge War Records ..	3	50
W. H. Sanday ..	2,651	25	Disallowances, Customs ..	531	97
C. E. Spencer ..	4,747	01	Paymaster General ..	73,685	95
Lt. B. F. Montgomery ..	300	00	H. B. M. Consul, Kismayu ..	1,021	77
J. B. Moir ..	2,405	00	President, Mess Committee ..	3	62
W. Munro ..	2,867	59	Game Department ..	500	00
C. Tomkinson ..	4,601	62	Ngong Wireless Station ..	83	20
A. D. Le Poer Trench ..	3,083	99	Conservator of Forests ..	7	00
F. Peacock ..	4,300	54	O. C. Workshop ..	6	00
W. H. Smith ..	24	04	Land Department ..	60	00
C. G. McArthur ..	250	00	President, Regimental Institute ..	6	12
Miss E. Matthews ..	71	75	Government of Union of South Africa ..	12,726	21
R. N. Noble ..	100	00	" Bechuanaland ..	1,072	84
A. C. Taylor ..	2,898	67	" Nigeria ..	4,176	24
E. C. Crewe-Read ..	12	65	" British Guiana ..	700	00
Ngole ..	10	00	H. M. Trade Commissioner ..	32	31
F. W. Vint ..	1,875	00	Imperial War Graves Commission ..	12,289	59
R. C. McKinlay ..	833	75	Tanganyika Territory War Gratuities Clearance Account ..	1,072	77
G. R. Thomas ..	116	42	Government of Hong Kong ..	274	08
F. V. Preston ..	80	67	" Northern Rhodesia ..	3,499	68
Miss C. M. Melhuish ..	80	67	" New Zealand ..	541	00
L. Sharp ..	266	00	" Portuguese East Africa ..	260	40
A. R. Paterson ..	54	92	" Gold Coast ..	5,860	09
J. L. Willcocks ..	85	42	" Seychelles ..	365	52
H. O. Salt ..	2,018	00	" Soudan ..	3,387	40
C. C. T. Sharp ..	400	00	" Swaziland ..	399	95
G. M. Taylor ..	560	00	" Commonwealth of Aus- tralia ..	15	00
P. Walter ..	58	00	War Office, 1925 Account ..	85,466	31
L. Walker ..	106	67	Government of Fiji ..	1,463	40
J. P. Van Lansberg ..	50		" Federated Malay States ..	1,430	00
Lt.-Col. R. Wilkinson ..	1,666	66	" Sierra Leone ..	460	00
D. C. Puri ..	89	10	Senior Commissioner, Nairobi ..	1,003	00
F. J. E. Wood ..	520	01	<i>Ex-officio</i> Agent for Public Trustee ..	312	62
C. A. J. S. Manger ..	767	00			
D. W. Simeon ..	480	90			
H. W. Stacey ..	307	50			
J. M. Silvester ..	1,439	00			
O. Stenmark ..	1,240	00			
Government of India Pensions ..	117	73			
Kenya and Uganda Railway ..	48,874	78			
Government of Somaliland ..	16,633	55			
" Uganda ..	572,862	92			
" India ..	120,991	81			
" Nyasaland ..	2,513	00			
			Total ..	1,935,595	24
				£	96,779 15 24

APPENDIX IVa.

COLONIAL LOAN.

STATEMENT OF EXPENDITURE TO 31st DECEMBER, 1927, ON WORKS AND OTHER PAYMENTS CHARGEABLE TO COLONIAL LOAN.

Item.	DESCRIPTION.	Approved Allocation.	Increase.	Decrease.	Revised Allocation.	Less Contribution to Establishment.	Available for Expenditure other than Establishment.	Expenditure to 31-12-26.	Expenditure during 1927.	Total Expenditure to 31-12-27.
		£	£	£	£	£	£	£	£	£
1.	ERECTION OF SCHOOLS:									
	(a) European	80,000			80,000	8,600	71,400	..	..	..
	(b) Indian	20,000	30,000	*	50,000	5,375	44,625	..	2,525	2,525 *
	(c) Arab	13,000			13,000	1,400	11,600	..	..	..
	(d) African	12,000	14,400		26,400	..	26,400	7,341	10,012	17,353 *
2. & 9.	QUARTERS FOR AFRICAN EMPLOYEES OF GOVERNMENT	30,000								
11 (f).	ditto.	10,000			40,000	5,300	34,700	..	7,714	7,714 †
3.	TOWN PLANNING, MOMBASA:									
	(a) Mombasa	129,000			129,000	..	129,000	7,873	13,594	21,467
	(b) New Railway Station, Mombasa; £55,000 transferred to Transportation Section of proposed loan									
4.	MOMBASA WATER SUPPLY	100,000			100,000	10,250	89,750	1,243	3,144	4,387
5.	MAIZE DRYING INSTALLATION	10,000	743		10,743	..	10,743	10,743	..	10,743
6.	COLD STORAGE INSTALLATION	15,000			15,000	3,700	11,300	10,588	722	11,310
7.	KISUMU WATER SUPPLY	27,500			27,500	1,830	25,670	16,980	7,025	24,005
8.	ELDORET WATER SUPPLY	30,000			30,000	2,000	28,000	..	21,528	21,528
10 & 15.	ADVANCES TO NAIROBI MUNICIPAL CORPORATION	105,000	185,847		290,847	..	290,847	59,594	11,936	71,530
	<i>Carried forward</i> ..	581,500	230,990		812,490	38,455	774,035	114,362	78,200	192,562

* See Explanatory Statement A.
 † See Explanatory Statement B.

COLONIAL LOAN.—(contd).

STATEMENT OF EXPENDITURE TO 31st DECEMBER, 1927, ON WORKS AND OTHER PAYMENTS CHARGEABLE TO COLONIAL LOAN.

Item.	DESCRIPTION.	Approved Allocation.	Increase.	Decrease.	Revised Allocation.	<i>Less</i> Contribution to Establishment.	Available for Expenditure other than Establishment.	Expenditure to 31-12-26.	Expenditure during 1927.	Total Expenditure to 31-12-27.
	<i>Brought forward</i> ..	£ 591,500	£ 230,950	£ ..	£ 812,490	£ 39,455	£ 774,035	£ 114,362	£ 78,200	£ 192,562
11.	PUBLIC BUILDINGS:									
	(a) Housing for European and Non-European Servants of Government	586,430	..	..	586,430	82,248	504,182	20,041	69,132	89,173 *
	(b) Medical Buildings	79,667	..	..	79,667	8,567	71,100	..	3,169	3,169 †
	(c) Other Buildings	13,813	..	..	13,813	1,513	12,300	4,594	4,071	8,665 **
	(d) New Quarters and Lines for K.A.R., Nairobi	80,000	..	..	80,000	8,600	71,400	9	188	197
	(e) Customs Office, Mombasa	40,000	..	..	40,000	16,500	23,500	23,437	188	23,625
	(g) Education Buildings	145,000	4,012	..	149,012	15,687	133,325	2,017	51,460	53,477 ††
12.	TOWN PLANNING—Improvements to Old Town, Mombasa	50,000	..	..	50,000	..	50,000	29,769	13,291	43,060
13.	ROADS AND BRIDGES:									
	(a) Road Survey of Colony	25,000	..	..	25,000	16,500	8,500	1,795	3,814	5,609
	(b) Main Roads and Bridges	50,000	..	..	50,000	6,960	43,040	180	19,544	19,724 ***
	(c) Makupa Causeway	50,000	..	..	50,000	..	50,000	..	10,033	10,033
	(d) Road Plant .. .. .	..	50,000	..	50,000	3,500	46,500	1,083	17,328	18,411
14.	NAKURU WATER SUPPLY	11,000	..	..	11,000	950	10,050	25	8,748	8,773
	PRELIMINARY EXPENSES ON UN-APPROVED WORKS .. .. .	..	..	..	..	..	..	2,149	59	2,208
	ESTABLISHMENT:									
	(a) Buildings .. .. .	..	..	..	..	..	157,490	11,704	35,687	47,391
	(b) Roads .. .. .	..	..	..	..	..	26,960	914	5,543	6,457
	(c) Water Supplies .. .. .	..	..	..	..	..	15,030	748	2,708	3,456
	MACHINERY AND PLANT .. .. .	..	..	..	..	..	..	2,490	24,477	26,967
	TOTAL ..	1,712,410	285,002	..	1,997,412	199,480	1,997,412	215,317	347,640	562,957

* See Explanatory Statement C.
†† " " " " F.

† See Explanatory Statement D.
*** " " " " G.

** See Explanatory Statement E.

COLONIAL LOAN.

EXPLANATORY SCHEDULES OF NON-SPECIFIC WORKS.

Item.	Description.	Amount Allocated.	Amount approved by Loan Works Committee including Establishment Head.	Amount available excluding Establishment Head.	Expenditure to 31-12-26.	Expenditure during 1927.	Total Expenditure to 31-12-27.	Loan Works Committee Resolution and Remarks.
		£	£	£	£	£	£	
A. 1.	ERECTION OF SCHOOLS :							
	(a) Kabete Secondary School	80,000	77,525	70,000	2-4-28 Working drawing in preparation. Future accommodation indicated on Preliminary drawings still to be considered. 20-10-27 Further work in connection with school estimated at £13,550 (excluding Establishment still to be considered. Erection well in hand.
	(b) Indian	50,000	44,800	40,000	..	2,525	2,525	
	(c) Arab	13,000	..	..	..	..	..
	(d) African Native Industrial Training Depot, Kabete	18,400	..	..	7,341	6,845	14,186
	Jeanes School, Kabete	8,000	..	..	..	3,167	3,167
	TOTAL ..	169,400	122,325	110,000	7,341	12,537	19,878	
B. 2. & 9.	QUARTERS FOR AFRICAN EMPLOYEES OF GOVERNMENT	40,000						20-7-27 Will be completed in 1928. 20-10-27 Will be started when bricks available. 20-10-27 Sites not yet fixed. 20-10-27 Drawings sent to District Committee, Mombasa for approval 22-3-28 Materials being collected. To be met from savings on this head. 19-4-28
11 (f)	Ditto.							
	1. Nairobi .. .. .	..	22,750	19,736	..	7,714	7,714
	2. Eldoret .. .. .	..	3,250	2,819	..	..	..
	3. Nakuru .. .. .	..	3,500	3,036	..	..	..
	4. Mombasa .. .. .	..	10,500	9,109	..	..	..
	TOTAL ..	40,000	40,000	34,700	..	7,174	7,174	
	5. Machakos .. .. .	..	150	130	..	..	..
	6. Nanyuki .. .. .	..	150	130	..	..	..
	TOTAL ..	40,000	40,300	34,960	..	7,174	7,174	

COLONIAL LOAN.

EXPLANATORY SCHEDULES OF NON-SPECIFIC WORKS.

Item.	Description.	Amount Allocated.	Amount approved by Loan Works Committee in- cluding Estab- lishment Head.	Amount available excluding Establishment Head.	Expenditure to 31-12-26.	Expenditure during 1927.	Total Expenditure to 31-12-27.	Loan Works Committee Resolution and Remarks.
		fr	£	£	£	£	£	
C. II.	PUBLIC BUILDINGS.							
	(a) HOUSING FOR EUROPEAN AND NON-EUROPEAN SERVANTS OF GOVERNMENT.							
	Nairobi	294,739	109,456	98,670	374	1,262	1,636	1-5-26—£550, 13-2-28—£1,595, 27-3-28—£38,525, 20-7-27—£29,000, 13-12-27—£29,000. 3 houses nearing completion, 2 houses walling commenced. Tenders to be invited for construction of 26 European and 100 Asian.
	Mombasa	100,655	70,222	63,200	..	93	93	13-5-27—£46,400, 1-3-28—£16,800. Contract given for 12 European houses. Tenders for 32 Asian quarters will be called for shortly, and 48 quarters when land allotted.
	Government House, Mombasa	19,400	19,400	19,400	10,500	9,289	19,789	14-3-27. Completed.
	Kwale	2,293	1,654	1,518	13	456	469	19-4-27—£1,600, 13-2-28—£54 Nearing completion.
	Malindi	4,701						
	Tana River	1,834						
	Voi	3,419						
	Kitui	4,305	4,435	4,043	..	2,153	2,153	14-3-27—£4,305, 13-2-28 130 nearing completion.
	Machakos	4,983	7,612	6,944	..	..	..	22-3-28—£6,493, 27-3-28—854, 13-2-28—265. Materials being collected.
	<i>Carried forward</i> ..	436,329	212,779	193,775	10,887	13,253	24,140	

EXPLANATORY SCHEDULES OF NON-SPECIFIC WORKS.

Item.	DESCRIPTION.	Amount Allocated.	Amount approved by Loan Works Committee including Establishment Head.	Amount available excluding Establishment Head.	Expenditure to 31-12-26.	Expenditure during 1927.	Total Expenditure to 31-12-27.	Loan Works Committee Resolution and Remarks.
	<i>Brought forward</i> ..	£ 436,329	£ 212,779	£ 193,775	£ 10,887	£ 13,253	£ 24,140	
11.	PUBLIC BUILDINGS. <i>(a) HOUSING—(Continued).</i>							
	Government House, Nairobi	60,600	60,600	55,090	5,083	46,491	51,574	14-3-27. Nearly completed.
	Ngong	4,500	4,500	4,500	2,071	2,951	5,022	Completed. See Note under (c) Other Buildings.
	Narok	608						
	Nakuru	3,940	8,168	6,455	..	..	..	7-12-27—£6,600, 13-2-28—£320, 27-3-28—£1,248. Preliminary work in hand.
	Kisumu	13,865	14,074	13,809	..	3,500	3,500	16-8-27—£3,708, 16-1-28—£10,211, 13-2-28—£155. 2 houses purchased. Preliminary work on 3 Class IV houses in hand.
	Kisii	3,315						
	Kericho	656						
	Nandi	1,834						
	Kakamega	12,433	14,669	13,366	..	1,982	1,982	14-3-27 £13,353 16-1-28 £ 1,100 16-1-28 Less £14,453 13-2-28 £ 134 13-2-28 £14,319 13-2-28 £350
	Kyambu	3,669						
	Fort Hall	9,393						
	Nyeri	5,900						
	Allocated to—Fort Hall .. .. .	..	3,440	3,137	..	..	..	13-2-28—£8,287 and £1,757, 22-3-28—£1,790, 19-4-28—£1,203, 27-3-28—£1,394, 13-2-28—£430. Work on these stations will be put in hand when staff available.
	Nyeri .. .. .	..	1,875	1,705	..	..	..
	Muriranjias .. .. .	..	3,238	2,954	..	..	..
	Kerugoya .. .. .	..	5,060	4,616	..	..	..
	Nanyuki .. .. .	..	1,248	1,140	..	..	..
	Meru	3,857	4,704	4,278	..	22	22	16-1-28.
	Rumuruti and Laikipia	7,892	7,155	6,520	..	933	933	20-7-27—£6,308, 27-3-28—£682, 13-2-28—£165.
	Eldoret	12,823	18,352	16,728	..	..	..	16-1-28—£16,293, 27-3-28—£1,574, 13-2-28—£485. Preliminary work in hand.
	Kitale	4,816						
	Kabete .. .. .	..	..	..	2,000	..	2,000	
		586,430	359,862	328,073	20,041	69,132	89,173	

COLONIAL LOAN.—(contd.)

EXPLANATORY SCHEDULES OF NON-SPECIFIC WORKS.

Item.	DESCRIPTION.	Amount Allocated.	Amount approved by Loan Works Committee including Establishment Head.	Amount available excluding Establishment Head.	Expenditure to 31-12-26.	Expenditure during 1927.	Total Expenditure to 31-12-27.	Loan Works Committee Resolution and Remarks.
		£	£	£	£	£	£	
D. 11.	PUBLIC BUILDINGS—(Continued).							
	(b) MEDICAL BUILDINGS.							
	Mombasa	14,350						
	Malindi	4,795						
	Tana River	2,085						
	Voi	6,870						
	Kitui	3,075	3,075	2,263	..	1,494	1,494	Complete with exception of certain additions asked for by Medical Department.
	Machakos	8,340	4,170	3,722	..	..	..	22-3-28. Materials being collected.
	Narok	2,397			..	..	..	5-10-27. Drawings in preparation.
	Nakuru	5,212	5,212	4,614	..	..	..
	Kisumu	12,875			..	..	..
	Kakamega	8,200	8,200	7,319	..	686	686	Work well in hand.
	Fort Hall	9,383	9,383	8,373	..	..	..	5-10-27. Collection of materials.
	Meru	2,085	2,085	1,861	..	19	19	16-1-28.
	Eldoret .. .. .	..	5,000	4,455	..	970	970	Completed 1928.
		79,667	37,125	32,607	..	3,169	3,169	
E.	(c) OTHER BUILDINGS.							
	1. Kwale Office .. .. .	..	600	600	..	481	481	Completed 1928.
	2. Ngong. .. .. .	..	550	550	..	..	..	Completed. Expenditure included under 11 (a) pending further information.
	3. P.W.D. Building and Yard, Nakuru..	7,298	8,500	6,495	3,707	1,744	5,451	22-6-26. Nearing completion.
	4. Meru, Office .. .. .	..	667	594	..	6	6	16-1-28.
	5. Rumuruti, Office	3,075	2,000	1,780	..	26	26	20-7-27. Drawings in hand.
	6. P.W.D. Building and Yard, Eldoret..	3,440	3,440	3,062	887	1,814	2,701	22-6-26. Nearing completion.
	7. Machakos, Offices .. .. .	..	680	606	..	..	..	22-3-28. Drawings in hand.
	8. Nanyuki, Office .. .. .	..	400	356	..	..	..	19-4-28. Drawings in hand.
		13,813	16,837	14,043	4,594	4,071	8,665	

COLONIAL LOAN.—(contd.)

EXPLANATORY SCHEDULES OF NON-SPECIFIC WORKS.

Item.	DESCRIPTION.	Amount Allocated.	Amount approved by Loan Works Committee including Establishment Head.	Amount available excluding Establishment Head.	Expenditure to 31-12-26.	Expenditure during 1927.	Total Expenditure to 31-12-27.	Loan Works Committee Resolution and Remarks.
		£	£	£	£	£	£	
F. 11.	PUBLIC BUILDINGS—(Continued). (g) EDUCATION BUILDINGS.							
	1. Nairobi European Junior School ..	41,512	41,512	37,350	1,967	28,846	30,813	Contract price £37,648, 21-3-27—£3,200 26-5-27—£664. Completed. Work well in hand and part of centre block occupied. 5-10-27. Walling well in hand. For Hostel, designs for which not yet prepared 7-12-27. Materials being collected.
	2. Nakuru European School	37,500	37,500	33,500	50	17,197	17,247	
	3. Eldoret School	40,000	40,000	35,700	..	5,363	5,363	
	4. Indian School, Nairobi	10,000	..	..	..	..	..
	5. Kitale European School	20,000	22,500	20,080	..	54	54	
		149,012	141,512	126,630	2,017	51,460	53,477	

COLONIAL LOAN.

EXPLANATORY SCHEDULES OF NON-SPECIFIC WORKS.

Item.	DESCRIPTION.	Amount Approved.	Amount available excluding Establishment Head.	Expenditure to 31-12-26.	Expenditure during 1927.	Total Expenditure to 31-12-27.	
		£	£	£	£	£	
G. 13.	ROADS AND BRIDGES.						
	(b) MAIN ROADS AND BRIDGES	50,000	43,040				
	Allocated to:—						
	Mombasa-Kilindini Road.. ..	..	21,500	58	15,135	15,193	Nearing completion.
	Muhuroni-Songhor-Chemil Road	..	18,500	122	4,409	4,531	
	Contingencies .. .. .	..	3,040				
		50,000	43,040	180	19,544	19,724	

APPENDIX V.

Statement of Colony's Funded Debt as at 31st December, 1927.

Legal Authority.	Amount authorised to be raised.	Amount raised.	Price.	Net amount raised.	Rate of Interest.	Sinking Fund.				REMARKS.
						Accumulated.	Amount of Stock.	Cost price	Market price at 31-12-1927.	
						£ s. cts.	£ s. cts.	£ s. cts.	£ s. cts.	
Ordinance No. 39 of 1921	5,000,000	5,000,000	95	4,750,000	6%	203,609 4 32	214,061 1 32	208,679 4 32	209,655 16 91	<p>The Loan was floated in London in November, 1921, at £95 per cent. Payable 5% on application, 30% on 21st November, 1921, 30% on 21st December, 1921, and 30% on 16th January, 1922.</p> <p>The currency of the Loan is 35 years with option of redemption at par on the part of the Kenya Government at any time after the 14th September, 1946, on giving six calendar months' notice. Sinking fund of not less than 1% to commence three years after the flotation of Loan.</p>
Ordinance No. 22 of 1927	5,000,000	*5,000,000	99½	*4,975,000	5%	..	..	..	..	<p>The Loan was floated in London in November, 1927, at 99½% Payable 5% on application, 24½% on 1st December, 1927, 30% on 17th January, 1928, 40% on 17th February 1928.</p> <p>The currency of the Loan is 30 years with option of redemption at par on the part of the Kenya Government at any time after the 15th January, 1948, on giving six calendar months' notice. Sinking fund of not less than 1% to commence from 15th July, 1931.</p>

* On 31st December 1927 £3,245,750 had been collected.

APPENDIX VI.

INVESTMENTS MADE BY TREASURY AS SECURITY FOR THE SAVINGS BANK DEPOSITS AND THEIR MARKET VALUE AS AT 31st DECEMBER, 1927.

Nature of stock.	Amount of stock purchased.			Amount paid for stock.			Latest known quotation.	Market value at 31st December, 1927.		
	£	s.	cts.	£	s.	cts.		£	s.	cts.
Cape 4% G. S. ..	2,947	7	00	2,712	7	75	93	2,741	0	71
Ceylon 3%	2,757	12	08	2,241	1	00	82	2,261	4	70
Conversion Loan 4½%	2,098	16	83	2,000	0	00	96½	2,030	12	58
Gold Coast 3½%	3,540	9	42	3,140	7	00	76	2,690	15	15
Gold Coast 4%	1,397	14	33	1,320	13	67	84	1,174	1	63
Hongkong 3½%	3,352	14	17	2,907	12	00	84	2,816	5	50
Jamaica 3½%	3,345	7	00	2,711	18	58	81	2,709	14	67
Mauritius 4%	587	11	50	546	7	25	93	546	8	89
Natal 3%	5,936	8	92	4,482	13	00	74	4,429	19	40
Natal 4%	1,770	19	08	1,647	13	58	93	1,646	19	74
New Zealand 3½%	2,841	12	42	2,447	10	83	87	2,472	4	20
Nigeria 4%	4,657	5	08	4,000	0	00	86	4,005	4	76
Queensland 3½%	5,200	13	67	4,951	6	00	75	3,900	10	25
Sierra Leone 3½%	3,385	14	08	2,645	1	67	77	2,606	19	84
Sierra Leone 4%	5,314	0	25	5,207	3	50	85	4,516	18	21
Southern Nigeria 3½%	8,270	15	25	7,211	0	33	79	6,533	18	04
Straits Settlements 3½%	11,058	12	17	9,555	4	00	76	8,404	10	84
Straits Settlements 4½%	1,200	0	00	1,155	3	00	95	1,140	0	00
Transvaal 3%	1,372	12	00	1,284	4	67	82	1,125	10	64
Trinidad 3%	1,000	0	00	696	7	00	74	740	0	00
Trinidad 4%	2,000	0	00	1,972	11	83	90	1,800	0	00
War Loan 5%	8,698	15	67	8,679	6	34	101½	8,807	10	37
Total	£ 82,785	0	92	£ 73,515	13	00	..	£ 69,100	10	12

INVESTMENTS MADE BY THE TRUSTEES OF THE SINKING FUND £5,000,000 LOAN AND THEIR MARKET VALUE AT 31st DECEMBER, 1927.

	£	s.	cts.	£	s.	cts.		£	s.	cts.
Conversion Loan 4½% G. S. ..	37,298	18	83	35,732	12	50	96½	36,086	14	52
Southern Nigeria 3½%	5,150	0	00	4,081	13	50	79	4,068	10	00
Canada 3½%	15,646	14	92	12,518	0	00	81	12,673	17	28
Gold Coast 6%	5,019	8	58	5,628	17	66	113	5,671	19	09
British Guiana 3%	5,935	5	16	4,504	2	75	74	4,392	16	62
New Zealand 4½%	24,889	4	92	23,521	17	25	97	24,142	11	36
Natal 3½%	4,966	0	00	4,109	12	25	84	4,171	8	80
Jamaica 3½%	3,209	15	75	2,609	7	08	81	2,599	18	55
Natal 3%	7,281	13	08	5,468	11	33	74	5,388	8	48
Nigeria 6%	50,726	15	92	57,562	12	92	113	57,321	5	57
Cape 3½%	8,530	0	00	6,946	4	00	80	6,824	0	00
Nigeria 5%	45,406	4	16	45,625	13	08	102	46,314	6	64
Total	£ 214,061	1	32	£ 208,609	4	32	..	£ 209,655	16	91

INVESTMENTS MADE BY TREASURY ON ACCOUNT OF MOMBASA WATER SUPPLY RENEWALS FUND AND THEIR MARKET VALUE AS AT 31st DECEMBER, 1927.

	£	s.	cts.	£	s.	cts.		£	s.	cts.
War Loan 5% G. S. ..	3,000	0	0	3,034	1	0	101½	3,037	10	0
Conversion Loan 4½%	110	3	0	103	13	43	96½	106	11	42
Barbados 3½% Stock	1,109	10	92	944	12	00	83	920	18	46
Straits 3½% Stock	3,183	5	57	2,411	6	67	76	2,419	5	83
Victoria 5% Stock 1945/75 ..	2,030	0	00	1,975	4	00	98	1,960	0	00
New Zealand 3½% Stock	1,000	0	00	850	2	00	87	870	0	00
New Zealand 5% Scrip 1946 ..	2,000	0	00	1,998	3	50	101	2,020	0	00
Gold Coast 3% Stock	2,000	0	00	1,43	10	00	73	1,460	0	00
Gold Coast 4% Stock	420	11	60	366	13	00	84	363	5	74
Gold Coast 4½% Stock	2,000	0	00	1,882	14	00	93	1,860	00	00
Nigeria 5% Scrip	2,146	11	75	2,175	3	57	102	2,189	10	38
Nigeria 6% Scrip	801	9	83	911	18	00	106	849	11	61
Cape 3½% Stock	2,126	9	57	1,720	15	57	80	1,701	3	67
Natal 3½% Stock 1924/39 ..	608	9	43	524	4	67	87	529	7	39
Natal 4% Stock 1937	500	0	00	461	6	00	93	465	0	00
Total	£ 23,006	11	67	£ 20,797	7	41	..	£ 20,742	4	50

APPENDIX VII.

LOAN ACCOUNT AS AT 31ST DECEMBER, 1927 (£5,000,000 AUTHORISED BY ORDINANCE No. 39 OF 1921)

Item.	Description.	Revised Allocation.	Actual Expenditure at 31-12-1927.	Estimated Expenditure during 1928.	Total Estimated Expenditure 31-12-28.	REMARKS.
		£	£	£		
1.	Kilindini Harbour Works	1,094,594	1,094,594 165,792* 116,649†	Nil Loan fully expended.	1,377,035	Works completed.
2.	Uasin Gishu Railway	1,400,000	1,400,000 212,163* 149,195†				1,761,358	Works completed.
3.	Repayment to His Majesty's Treasury of loans already made for development purposes	(a) 84,469	84,469 7,818†		1,113,791	
		(b) 1,019,443	1,019,443 94,348†			
4.	Repayment to Revenue of advances made from Revenue for Military Expenditure in connection with the War and for purchase of Reserve Stores for Railway and Steamer services	600,000	600,000 55,529†		655,529	
5.	Payment of Interest	377,955	Apportioned as above.			
6.	Expenses of issue and deduction for discount	423,539				
	Total £	£5,000,000	£5,000,000		5,000,000	

* Proportionate share of Interest.

(a) Colonial Share.

† Proportionate share of Expenses of issue.

(b) Railway & Port Share.

APPENDIX VIII.
Post Office Savings Bank.

Statement of Deposits and Withdrawals for the Year ended 31st December, 1927.

	£	s.	cts.		£	s.	cts.
(1) To Balance brought forward	64,974	6	37	By payment made to Depositors from 1st January, 1927 to 31st December, 1927	66,401	16	90
(2) To Cash received from Depositors from 1st January, 1927, to 31st December, 1927	78,201	10	45	By Balance due on 31st December, 1927 to all Depositors inclusive of Interest	78,007	3	35
(3) To Interest credited to Depositors	1,607	15	32	By Warrants issued but not cashed at 31st December, 1927	374	11	89
Total £	144,783	12	14	Total £	144,783	12	14

EXPENDITURE AND INCOME ACCOUNT FOR THE YEAR 1927.

	£	s.	cts.		£	s.	cts.
To Interest paid to Depositors and added to Principal	1,607	15	32	By Interest received on Investments made by the Treasury as security for Savings Bank Deposits	2,813	3	34
To Proportion of salaries of Staff employed on Savings Bank duties and cost of Stationery, etc.	646	13	00	By Commission on transfer of Accounts	9	4	96
To Balance Profit	568	8	98				
Total £	2,822	17	30	Total £	2,822	17	30

BALANCE SHEET AS AT 31ST DECEMBER, 1927.

<i>Liabilities.</i>				<i>Assets.</i>			
	£	s.	cts.		£	s.	cts.
Balance due to Depositors	78,007	3	85	Deposited with Treasury	78,331	15	24
Warrants issued but not cashed at 31st December, 1927	374	11	89				
Total £	78,381	15	24	Total £	78,381	15	24