

SOUTH AFRICA (AUTHORITY OF HIGH COMMISSIONER).

Papers on Constitutional Changes. S. Africa.

1905-9.

RETURN to an Address of the Honourable The House of Commons,
dated 15 March 1905;—for

S. I. 6

“RETURN of all INSTRUMENTS showing the NATURE and EXTENT of the
AUTHORITY for various purposes of the HIGH COMMISSIONER for SOUTH
AFRICA over and in respect of the several COLONIES, POSSESSIONS, and
PROTECTORATES included in BRITISH SOUTH AFRICA.”

Colonial Office,
April 1905. }

M. F. OMMANNEY.

(*Mr. Bryce.*)

Ordered, by The House of Commons, to be Printed,
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Return of all Instruments showing the Nature and Extent of the Authority for various purposes of the High Commissioner for South Africa over and in respect of the several Colonies, Possessions, and Protectorates included in British South Africa.

No. I.

COMMISSION APPOINTING SIR ALFRED MILNER, G.C.M.G.,
K.C.B., TO BE HIGH COMMISSIONER FOR SOUTH AFRICA.

SOUTH AFRICA.

COMMISSION passed under the Royal Sign Manual and Signet, appointing Sir ALFRED MILNER, G.C.M.G., K.C.B., to be High Commissioner for South Africa.*
6th October, 1900.

VICTORIA R.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, Empress of India: To Our Trusty and Well-beloved Sir Alfred Milner, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Knight Commander of Our Most Honourable Order of the Bath, Greeting.

Whereas by Our Commission under Our Sign Manual and Signet, bearing date at Osborne House, Isle of Wight, the Twentieth day of August 1889, We did appoint the Governor for the time being of Our Colony of the Cape of Good Hope with its territories and dependencies or the Officer for the time being administering the Government thereof to be during Our pleasure Our High Commissioner for South Africa:

Recites Commission of 20th August 1889 appointing the Governor for the time being of the Cape of Good Hope to be High Commissioner.

And whereas We did, by Our Order in Our Privy Council bearing date the Second day of February 1884, resume direct authority over Our Territory of Basutoland, and did appoint the person for the time being exercising the functions of Our High Commissioner for South Africa, to exercise in Our name and on Our behalf all legislative and executive authority in and over Our said Territory:

Recites Order in Council of 2nd February 1884 resuming direct authority over Basutoland.

And whereas by treaty, grant, usage, sufferance and other lawful means We have exercised and do exercise jurisdiction in the Bechuanaland Protectorate, Southern Rhodesia, and Barotziland-North-Western Rhodesia:

And whereas by Orders in Our Privy Council bearing date the Ninth day of May 1891 and the Thirtieth day of July 1891, and by certain other Orders in Our Privy Council known respectively as the Southern Rhodesia Order in Council, 1898, the Southern Rhodesia (Military Forces) Order in Council, 1900, and the Barotziland-North-Western Rhodesia Order in Council, 1899, We did confer upon Our said High Commissioner for the time being such jurisdiction, powers, and authorities as are in the said Orders in Our Privy Council respectively set forth:

Recites certain other Orders in Council.

And whereas We are now minded to make other provision for the due execution of the duties of Our said High Commissioner in the conduct of Our affairs in South Africa:

Now therefore We do, by this Our Commission under Our Sign Manual and Signet, appoint you, the said Sir Alfred Milner, to be during Our pleasure Our High Commissioner for South Africa, and as such High Commissioner to act in Our name and on Our behalf, and in all respects to

Appointment of Sir Alfred Milner, G.C.M.G., K.C.B., to

* The despatch forwarding this Commission is printed at page 3 of Cd. 547.

be High
Commissioner.

represent Our Crown and authority in matters occurring in South Africa beyond the limits of Our Colonies of the Cape of Good Hope and Natal, and beyond the limits of any other place or territory in South Africa in and over which We may from time to time have appointed a Governor.

Powers and
duties of
High Com-
missioner.

II. And We do hereby authorise, empower, and command you to exercise in Our name and on Our behalf all jurisdiction, power, and authority in regard to Basutoland, the Bechuanaland Protectorate, Southern Rhodesia, and Barotziland-North-Western Rhodesia, which are vested in Our said High Commissioner by Our aforesaid Orders in Our Privy Council.

High Com-
missioner
empowered
to transact
all lawful
business with
the Repre-
sentative of
any Foreign
Power in
South
Africa.

III. And We do hereby authorise, empower, and command you, as such Our High Commissioner, to transact in Our name and on our behalf all business which may lawfully be transacted by you with the Representative of any Foreign Power in South Africa, subject nevertheless to such instructions as you may from time to time receive from Us or through one of Our Principal Secretaries of State. And We do require you, by all proper means, to invite and obtain the co-operation of the Government of any Foreign Power in South Africa towards the preservation of peace and safety in South Africa, and the general welfare and advancement of its territories and peoples.

Dealings
with Native
Tribes.

IV. And We do hereby authorise, empower, and command you as such Our High Commissioner, in Our name and on Our behalf, to take all such measures, and to do all such things in relation to the Native Tribes in South Africa with which it is expedient that We should have relations, and which are not included within the territory of any Foreign Power, or within any territory for the administration of which We may from time to time have otherwise provided, as are lawful and appear to you to be advisable for maintaining Our Possessions in peace and safety, and for promoting the peace, order, and good government of the Tribes aforesaid, and for preserving friendly relations with them.

High Com-
missioner
empowered
to appoint
Deputy,
Resident, or
Assistant
Commis-
sioners.

V. And We do hereby authorise and empower you, by Instruments under your hand and seal, to appoint so many fit persons as in the interest of Our Service you shall think necessary to be your Deputy Commissioners, or to be Resident Commissioners or Assistant Commissioners, and by the same or other Instruments to define the districts within which such officers shall respectively discharge their functions: And We do hereby authorise and empower every such Deputy or Resident or Assistant Commissioner to have and exercise within his district such of the powers and authorities hereby conferred upon you, Our said High Commissioner, as you shall think fit to assign to him by the Instrument appointing him, subject nevertheless to such directions and instructions as you may from time to time think fit to give him. And We do declare that the appointment of such Deputy or Resident or Assistant Commissioners shall not abridge, alter, or affect the right of you, Our said High Commissioner, to execute and discharge all the powers, authorities, and functions of your said office.

Powers and
authorities of
such Com-
missioners.

Officers ad-
ministering
the Govern-
ments of the
various British
Colonies and
Protectorates
in South Africa
to be invited to
send represen-
tatives to con-
fer on subjects
of common
interest.

VI. And whereas it is desirable that the administrations of our various Colonies and Protectorates in South Africa should act in harmony in regard to subjects of common interest, such as the treatment of natives, the control of armed forces, the traffic in arms and ammunition, and the working of railways, posts, and telegraphs, We do direct you from time to time as may seem to you expedient to invite the Officers administering the Governments of Our said Colonies and Protectorates to send representatives to confer with you as such Our High Commissioner and with each other on the measures to be taken in regard to any or all of such subjects of common interest.

Supersedes
Commission
of the 20th
August
1889.]

VII. And further We do hereby appoint that, from and after the date of this Our Commission, Our above recited Commission of the Twentieth day of August 1889, appointing the Governor and Commander-in-Chief for the time being of Our Colony of the Cape of Good Hope, with its territories and dependencies or the Officer for the time being administering the Government thereof to be Our High Commissioner as therein mentioned, shall be hereby superseded.

VIII. And We do hereby command all and singular Our Officers and Ministers, Civil and Military, and all the inhabitants of Our Possessions, and all other Our loyal subjects in South Africa, to be aiding and assisting unto you, in execution of this Our Commission. Officers and others to aid and assist the High Commissioner.

Given at Our Court at Saint James's this Sixth day of October 1900, in the Sixty-fourth year of Our Reign.

By Her Majesty's Command,
J. CHAMBERLAIN.

No. II.
BASUTOLAND.

At the Court at Osborne House,
Isle of Wight.

The 2nd day of February 1884.

Present:

The Queen's most Excellent Majesty
Lord President
Secretary Sir William Vernon Harcourt
Mr. Gladstone.

Whereas certain territory in South Africa, inhabited by the tribe of people called Basutos, and known as Basutoland, did in the year 1868 become part of Her Majesty's Dominions, and under the direct authority of Her Majesty, exercised through Her High Commissioner:

And whereas Her Majesty, by Order in Council, dated the 3rd day of November 1871, was pleased to declare her special confirmation of an Act passed by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council and House of Assembly thereof, entitled "An Act for the annexation to the Colony of the Cape of Good Hope of the territory inhabited by the tribe of people called "Basutos":

And whereas the said Legislative Council and House of Assembly have passed a Bill repealing the said Act, and entitled "An Act to provide for the "Disannexation of Basutoland from the Colony of the Cape of Good Hope," and the said Bill has been duly reserved for the signification of Her Majesty's pleasure thereon:

And whereas it is provided by the law of the Colony that no Bill so reserved shall have any force or authority within the Colony until the Governor shall signify by speech or message to the said Council and Assembly, or by proclamation, that such Bill has been laid before Her Majesty in Council, and that Her Majesty has been pleased to assent to the same:

And whereas it is expedient that Her Majesty in Council should assent to the said Bill, and that provision be made for the future administration of Basutoland:

Now therefore, Her Majesty is pleased, by and with the advice of Her Privy Council, to declare Her assent to the said Bill.

PART II.

Her Majesty is further pleased to order, and it is hereby ordered as follows:—

So soon as Part II. of this Order takes effect, Basutoland shall again come under the direct authority of Her Majesty, and the person for the time being exercising the functions of Her Majesty's High Commissioner for South Africa (hereinafter styled the High Commissioner) shall have and may exercise, in the name and on behalf of Her Majesty, all legislative and executive authority in and over the territory of Basutoland.

The High Commissioner is hereby empowered and required, in the name and on behalf of Her Majesty, to make by proclamation such laws as may to him appear necessary for the peace, order, and good government of the said

territory, and to appoint such Resident or Deputy or Assistant Commissioners, Officers, and Magistrates, and generally to take such measure, and to do all such matters and things as he may think expedient for the like peace, order, and good government.

All laws in force in Basutoland at the time when this Order takes effect shall continue in operation until repealed or altered by proclamation of the High Commissioner, and all powers and authorities which by such laws are vested in the Governor and Officers appointed by him shall be vested in and exercisable by the High Commissioner and officers appointed by him.

The Governor of the Colony of the Cape of Good Hope shall cause this Order to be proclaimed at such place or places as he shall think fit, and upon such proclamation Part II. of this Order shall take effect and come into operation.

And the Right Honourable the Earl of Derby, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

C. L. PEEL.

No. III. (A).

BECHUANALAND PROTECTORATE.

At the Court at Windsor,
The 9th day of May, 1891.

Present :

The Queen's most Excellent Majesty

Lord President

Lord Steward

Earl of Coventry.

Whereas the territories of South Africa situate within the limits of this Order, as herein-after described, are under the protection of Her Majesty the Queen :

And whereas by treaty, grant, usage, sufferance, and other lawful means Her Majesty has power and jurisdiction in the said territories :

Now therefore Her Majesty, by virtue and in exercise of the powers by the Foreign Jurisdiction Act, 1890, or otherwise in Her Majesty vested, is pleased by and with the advice of Her Privy Council to order, and it is hereby ordered as follows :—

I. The limits of this Order are :—the parts of South Africa bounded by British Bechuanaland, the German Protectorate, the Rivers Chobe and Zambesi, the Portuguese Possessions, and the South African Republic.

II. The High Commissioner may on Her Majesty's behalf exercise all powers and jurisdiction which Her Majesty, at any time before or after the date of this Order, had or may have within the limits of this Order, and to that end may take or cause to be taken all such measures, and may do or cause to be done all such matters and things within the limits of this Order as are lawful, and as in the interest of Her Majesty's service he may think expedient, subject to such instructions as he may from time to time receive from Her Majesty or through a Secretary of State.

III. The High Commissioner may appoint so many fit persons as in the interest of Her Majesty's Service he may think necessary to be Deputy Commissioners, or Resident Commissioners, or Assistant Commissioners, or Judges, Magistrates, or other officers, and may define from time to time the districts within which such officers shall respectively discharge their functions.

Every such officer may exercise such powers and authorities as the High Commissioner may assign to him, subject nevertheless to such directions and instructions as the High Commissioner may from time to time think fit to give him. The appointment of such officers shall not abridge, alter, or affect

the right of the High Commissioner to execute and discharge all the powers and authorities hereby conferred upon him.

The High Commissioner may remove any officer so appointed.

IV. In the exercise of the powers and authorities hereby conferred upon him, the High Commissioner may, amongst other things, from time to time by Proclamation provide for the administration of justice, the raising of revenue, and generally for the peace, order, and good government of all persons within the limits of this Order, including the prohibition and punishment of acts tending to disturb the public peace.

The High Commissioner in issuing such Proclamations shall respect any native laws or customs by which the civil relations of any native Chiefs, tribes, or populations under Her Majesty's protection are now regulated, except so far as the same may be incompatible with the due exercise of Her Majesty's power and jurisdiction.

V. Every Proclamation of the High Commissioner shall be published in the Gazette, and shall, from and after the expiration of one month from the commencement of such publication, and thereafter until disallowed by Her Majesty or repealed or modified by any subsequent Proclamation, have effect as if contained in this Order.

VI. Her Majesty may disallow any such Proclamation wholly or in part, and may signify such disallowance through a Secretary of State, and upon such disallowance being publicly notified by the High Commissioner in the Gazette the provisions so disallowed shall, one month after such publication, cease to have effect, but without prejudice to anything theretofore lawfully done thereunder.

VII. The Courts of British Bechuanaland shall have in respect of matters occurring within the limits of this Order the same jurisdiction, civil and criminal, original and appellate, as they respectively possess from time to time in respect of matters occurring within British Bechuanaland, and the judgments, decrees, orders, and sentences of any such Court made or given in the exercise of the jurisdiction hereby conferred may be enforced and executed, and appeals therefrom may be had and prosecuted in the same way as if the judgment, decree, order, or sentence had been made or given under the ordinary jurisdiction of the Court.

But the jurisdiction hereby conferred shall only be exercised by such Courts, and in such manner and to such extent, as the Governor of British Bechuanaland shall by proclamation from time to time direct.

VIII. Subject to any Proclamation made under this Order any jurisdiction exercisable otherwise than under this Order, whether by virtue of any Statute or Order in Council, or of any Treaty, or otherwise, and whether exercisable by Her Majesty, or by any person on Her behalf, or by any Colonial or other Court, or under any Commission, or under any Charter granted by Her Majesty, shall remain in full force.

IX. Judicial notice shall be taken of this Order, and of the commencement thereof, and of any Proclamation made under this Order, and published in the Gazette, and of any Treaties affecting the territories within the limits of this Order, and published in the Gazette, or contained in papers presented to both Houses of Parliament by command of Her Majesty.

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

XI. The Orders in Council of the 27th day of January 1885, for the establishment of Civil and Criminal Jurisdiction in Bechuanaland, and of the 30th day of June 1890, providing for the exercise of Her Majesty's Jurisdiction in certain Territories in South Africa, shall continue in force until the commencement of this Order and be thereupon revoked, but without prejudice to anything lawfully done thereunder, and any Proclamation theretofore issued under the said Orders shall continue in operation until repealed or altered by any Proclamation of the High Commissioner under this Order.

XII. Her Majesty may from time to time revoke, alter, add to, or amend this Order.

XIII. In this order, unless the subject or context otherwise requires,—

“Her Majesty” includes Her Majesty’s heirs and successors.

“Secretary of State” means one of Her Majesty’s Principal Secretaries of State.

“High Commissioner” means Her Majesty’s High Commissioner for the time being for South Africa.

“Treaty” includes any existing or future Treaty, Convention, or Agreement between Her Majesty and any civilized Power, or any native tribe, people, Chief, or King, and any Regulation appended to any such Treaty, Convention, or Agreement.

“Gazette” means any official Gazette published by authority of the High Commissioner, and until such Gazette is instituted, means the Cape of Good Hope Government Gazette.

C. L. PEEL.

No. III. (B.)

At the Court at Osborne House, Isle of Wight.

The 30th day of July, 1891.

Present :

The Queen’s most Excellent Majesty

Archbishop of York

Lord Privy Seal

Lord President

Lord Arthur Hill.

Whereas it is expedient to amend the fifth and six sections of the Order of Her Majesty in Council of the 9th of May 1891, providing for the exercise of Her Majesty’s jurisdiction in certain territories of South Africa which are under the protection of Her Majesty :

Now, therefore, Her Majesty, by virtue and in exercise of the Powers by the Foreign Jurisdiction Act, 1890, or otherwise in Her Majesty vested, is pleased by and with the advice of Her Privy Council to order, and it is hereby ordered as follows :—

I. The fifth and sixth sections of the said Order in Council of the 9th of May 1891, are hereby revoked, but without prejudice to anything lawfully done thereunder.

II. In lieu of the sections so revoked the following two sections shall be taken to be part of the said Order, and shall be read as if they were the fifth and sixth sections thereof :—

“ V. Every Proclamation of the High Commissioner shall be published in the Gazette, and shall, from and after a date to be mentioned in such Proclamation, and thereafter until disallowed by Her Majesty or repealed or modified by any subsequent Proclamation, have effect as if contained in this Order.”

“ VI. Her Majesty may disallow any such Proclamation wholly or in part, and may signify such disallowance through a Secretary of State, and upon such disallowance being publicly notified by the High Commissioner in the Gazette the provisions so disallowed shall, from and after a date to be mentioned in such notification, cease to have effect, but without prejudice to anything theretofore lawfully done thereunder.”

III. This Order shall be published in the Cape of Good Hope Government Gazette, and shall thereupon commence and come into operation ; and the High Commissioner shall take such measures as he thinks proper for giving due publicity thereto within the limits of the said Order.

C. L. PEEL.

No. IV.

SOUTHERN RHODESIA ORDER IN COUNCIL,
20TH OCTOBER, 1898.

At the Court at Balmoral,
The 20th day of October, 1898.

Present:

The Queen's most Excellent Majesty

Duke of Fife

Earl of Kintore

Lord George Hamilton.

Whereas the territories of South Africa situated within the limits of this Order, as hereinafter described, are under the protection of Her Majesty the Queen:

And whereas by treaty, grant, usage, sufferance, and other lawful means, Her Majesty has power and jurisdiction in the said territories:

Now, therefore, Her Majesty, by virtue and in exercise of the powers by the Foreign Jurisdiction Act, 1890, or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Southern Rhodesia Order in Council, Short title. 1898.

2. This Order is divided into parts, as follows:—

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PART I.—INTERPRETATION AND APPLICATION.

3. In this Order, unless the subject or context otherwise requires:—

- “Her Majesty” includes Her Majesty's heirs and successors.
- “Secretary of State” means one of Her Majesty's Principal Secretaries of State.
- “High Commissioner” means Her Majesty's High Commissioner for the time being for South Africa.
- “The Company” means the British South Africa Company.
- “Charter” means Her Majesty's Charter of the 29th day of October 1889 incorporating the Company.
- “High Court” means the High Court of Southern Rhodesia constituted by this Order.
- “Administrator” means an Administrator appointed under this Order to administer affairs within the limits of this Order or within any parts of such limits, and includes an Acting Administrator.
- “The Administrator” means, if there be two or more Administrators, the senior of such Administrators.
- “Judge” means any Judge or Acting Judge of the High Court.
- “Magistrate” means a Magistrate or Assistant Magistrate appointed under this Order and includes an Acting Magistrate.
- “Proclamation” means a Proclamation issued by the High Commissioner under an Order in Council.

Interpre-
tation.

"Ordinance" means a legislative Ordinance made by the Administrator by and with the advice and consent of the Legislative Council under this Order.

"The Colony" means the Colony of the Cape of Good Hope.

"Supreme Court" means the Supreme Court of the Colony.

"Gazette" means any Official Gazette published within the limits of this Order by authority of an Administrator by and with the advice and consent of the Executive Council.

"Native" means any person not of European descent who is a native of South Africa, or of Central Africa.

"Person" includes Corporation.

The plural includes the singular, and the singular the plural, and the masculine the feminine.

"Document" includes minute, resolution, order, book, telegram, letter, map, code, cypher, or any other printed, typed, or written matter of any nature whatsoever, or any copy thereof.

"The Treasury" means the Lord High Treasurer for the time being or the Commissioners for the time being of Her Majesty's Treasury.

"Military police forces" includes all military, volunteer, and police forces from time to time being within the limits of this Order, but does not include any civil police forces to which the High Commissioner by Proclamation may declare that this Order shall not extend.

Limits of Order.

4. The limits of this Order are the parts of South Africa bounded by the Portuguese Possessions, by the South African Republic to a point opposite the mouth of the River Shashi, by the River Shashi* to its junction with the Tati and Ramaquaban rivers, thence by the Ramaquaban river to its source, thence by the watershed of the rivers Shashi and Ramaquaban until such watershed strikes the Hunters' Road (called the Pandamatenka Road), thence by that road to the River Zambesi, and by that river to the Portuguese boundary. The said limits include an area of ten miles radius round Fort Tuli, but exclude the area of the district known as the Tati district as defined by the Charter.

Title of territory.

The territory for the time being within the limits of this Order shall be known as Southern Rhodesia.

Extension of limits of Order.

5.—(1) A Secretary of State may from time to time, by notice published in the Gazette and in the London Gazette, declare that any parts of South Africa south of the River Zambesi, and under the protection of Her Majesty, shall be included in the limits of this Order, and from the date of the publication of the notice in the Gazette this Order shall apply to the parts named therein.

Reduction of limits of Order.

(2) A Secretary of State may from time to time by the like notice declare that any part of South Africa for the time being within the limits of this Order shall, until otherwise directed, be excepted from the application of this Order; and from the date of the publication of such notice in the Gazette, the part named therein shall be excluded from the limits of this Order.

High Commissioner's powers continued in force.

6.—(1) The powers and authorities conferred upon the High Commissioner by Her Majesty's Order in Council of the 9th of May 1891 providing for the exercise of Her Majesty's jurisdiction in certain territories of South Africa as amended by Her Majesty's Order in Council of the 30th July 1891, shall continue in force within the limits of this Order concurrently with the powers conferred upon the Company by this Order.

Augmentation of Company's powers under Charter.

(2) The powers conferred upon the Company by this Order are in augmentation of the powers conferred upon it by the Charter.

PART II.—ADMINISTRATION AND LEGISLATION.

General administration of affairs by Company.

7. The Company shall have and may exercise the general administration of affairs within the limits of this Order, in accordance with the terms of

the Charter and any Charter amending the same or Supplementary thereto and the provisions of this Order.

8.—(1) The Company may exercise such administration by one or more Administrators, and under him, or them, by such other officers as may from time to time be necessary, and may from time to time, with the approval of a Secretary of State, determine the number of Administrators. The Administrator and other officers.

(2) The Company, with the approval of a Secretary of State, may from time to time assign the local limits of the Province within which an Administrator shall act. Limits of Administrator's province.

(3) Whenever there is more than one Administrator the Company, with the approval of a Secretary of State, shall determine the precedence of the several Administrators. Precedence of Administrators.

9. The Company shall appoint the Administrator or Administrators and shall pay his or their salaries and the salaries of such officers as may be required for the administration of Southern Rhodesia: but shall obtain the approval of a Secretary of State before appointing any person to the office of Administrator. The salary of an Administrator shall be fixed by the Company, with the approval of a Secretary of State, and shall not be increased or diminished without his approval. An Administrator may be removed or suspended from office by a Secretary of State, or by the Company with the approval of a Secretary of State. Appointment and salary of Administrator.

10.—(1) An Administrator shall hold office, unless sooner removed, for three years from the date at which he enters upon the duties of his office; and with the approval of a Secretary of State may from time to time be re-appointed for a further term of three years. At the end of any such term an Administrator shall continue in office until re-appointed or until his successor is appointed. Tenure of office by Administrator.

(2) If at the end of any such term, or if on a vacancy in the office the Company does not within three months thereafter, with the approval of a Secretary of State, re-appoint an Administrator or appoint his successor, a Secretary of State may appoint some person to be Administrator. Appointment by Secretary of State.

11.—(1) The Company, with the approval of a Secretary of State, may appoint some person to act as Administrator in the event of the death, removal, resignation, absence from Southern Rhodesia, incapacity, or suspension of an Administrator. A Secretary of State, or the Company with the approval of a Secretary of State, may remove or suspend an Acting Administrator. Appointment of Acting Administrator.

(2) The precedence, powers, and duties of an Acting Administrator shall, unless otherwise determined by the Company, with the approval of a Secretary of State, be the same as that of the Administrator in whose place he is acting. Precedence of Acting Administrator.

(3) When there is no Administrator or Acting Administrator appointed by the Company to any Province capable of discharging the duties of the office the Administrator or Acting Administrator of the other Province of Southern Rhodesia, or, if there shall be more than one other Province, the senior of such Administrators or Acting Administrators, or, if there shall be no such Administrator or Acting Administrator in Southern Rhodesia capable of discharging the duties of the office, the Senior Member of the Executive Council other than the Resident Commissioner, shall act as Administrator for the Province in which there is such vacancy.

12. The Secretary of State may appoint an officer who shall reside within Southern Rhodesia, and who shall be called the Resident Commissioner. Resident Commissioner—

(1) The Resident Commissioner shall be paid out of money provided by Parliament such salary and allowances as a Secretary of State, with the concurrence of the Treasury, may determine. Salary, duties, and precedence of.

(2) The Resident Commissioner shall be ex-officio a member of the Executive and Legislative Councils, and shall be entitled to be present at any meeting of either Council, and at any meeting of any Committee thereof, and shall be entitled to speak but not to vote at any such meeting.

(3) The Resident Commissioner shall make a report to the High Commissioner upon every Ordinance submitted for his assent and upon all appointments submitted for his approval, and shall, as occasion may require, fully inform the High Commissioner upon all matters of importance arising within the limits of this Order.

(4) The Resident Commissioner shall take precedence next after the Administrator.

(5) Every Administrator shall supply or cause to be supplied to the Resident Commissioner, by such officer and such place as he may desire, all such information and all such documents of whatever nature having reference to the administration or the officers and servants of the Company as the Resident Commissioner may at any time require, and shall furnish true copies of any such documents at any time if requested by the Resident Commissioner so to do.

Executive Council—
Constitution of.

13.—(1) There shall be in Southern Rhodesia an Executive Council to assist the Administrator, consisting of the Resident Commissioner, every Administrator other than the Senior Administrator, and not less than four members appointed by the Company, with the approval of a Secretary of State. A member of the said Council shall hold office for three years, unless sooner removed by the Company, with the like approval, but shall be eligible for re-appointment.

Precedence of Members.

(2) The Company, with the approval of a Secretary of State, shall, subject to the provisions of this Order, determine the precedence of members of the Executive Council.

President of Executive Council.

14.—(1) The Administrator shall preside at the meetings of the Executive Council. In his absence, the Administrator next to him in order of precedence who is present, or, if no Administrator is present, such other member of the Executive Council as the Senior Administrator shall designate in writing shall preside at the meetings of the Council.

Meetings of Executive Council.

(2) The Executive Council shall meet whenever summoned by the Administrator at such time and place as shall be specified in the summons. The Administrator shall on the request of any other Administrator or of the Resident Commissioner immediately summon the said Council.

Quorum.

(3) Three members exclusive of the Resident Commissioner shall form a quorum.

Administrator to take advice of Executive Council, except in urgent cases.

15. An Administrator shall take the advice of the Executive Council upon all matters of importance affecting the administration of affairs within the limits of the Province to which he has been appointed, except in cases which are too urgent to admit of their advice being taken. In all such urgent cases the Executive Council shall as soon as possible be summoned and acquainted with the action taken and the reasons therefor.

Administrator may act contrary to advice of Executive Council.

16. An Administrator may act contrary to the advice of the Executive Council, but in every such case he shall report the matter forthwith to the Company, with the reasons for his action. In every such case any member of the Council who dissents may require that the reasons for his dissent be recorded and transmitted to the Company. The Company may reverse any action of an Administrator whether taken with, or without, or against, the advice of the Executive Council.

Legislative Council—
Constitution of.

17.—(1) There shall be in Southern Rhodesia a legislative body to be styled "The Legislative Council," composed of the Administrator or Administrators for the time being, the Resident Commissioner, and nine other members, of whom five, hereinafter referred to as "nominated members," shall be appointed by the Company, with the approval of a Secretary of State, and four shall be elected by the registered voters in the manner hereinafter provided. Provided that the proceedings of the Council shall not be invalid on account of any vacancies therein.

Precedence of Members.

(2) The nominated members of the Legislative Council shall take precedence of the elected members. The Company, with the approval of a Secretary of State, shall determine the precedence of the nominated members

amongst themselves. The elected members shall rank among themselves in order of the date of their election, and two or more members elected on the same day shall rank in the alphabetical order of their names.

18. It shall be lawful for the High Commissioner, by Proclamation, after consulting the Administrator,

- (1) To create electoral districts and to declare what number of members shall be elected to the Legislative Council for each district; Electoral Districts.
- (2) To fix, subject to the provisions of this Order, the qualifications of electors and elective members respectively; and Qualifications of electors and elective members.
- (3) Generally to make all such provisions and regulations for the registration of voters, the issue of writs, the manner and time of holding elections and otherwise, in respect of the election of members to the said Council as shall from time to time appear to him to be necessary for the proper conduct of such proceedings. Elections.

19. The Legislative Council may, from time to time be convoked, prorogued, and dissolved by any instrument under the hand of the Administrator. Convocation, prorogation, and dissolution of Legislative Council.

20. The Legislative Council shall be convoked within six months after the publication of this Order in the Gazette, and afterwards once at least in every year. To meet once at least in every year.

21. The place of meeting of the Legislative Council shall be fixed by the instrument convoking the meeting. Place of meeting.

22. The duration of the Legislative Council, unless sooner dissolved, shall be three years. Duration.

23. The Administrator shall preside at the meetings of the Legislative Council, and in his absence, the Administrator next to him in order of precedence who is present, or, if there be no Administrator present, such other Member of the Council as may be appointed in writing by the Administrator, shall preside at the meetings of the Legislative Council. President of Legislative Council.

24. A member of the Legislative Council may resign his seat by writing under his hand, addressed to the Administrator, but no resignation shall take effect until it be accepted in writing by the Administrator. Any member resigning shall be eligible for re-appointment, or, unless disqualified as herein-after provided, for re-election. Resignation of members.

25.—(1) The nominated members of the Legislative Council may be removed or suspended by the Company. Removal, suspension, and resignation of nominated members.

(2) The nominated members shall hold their seats until the next dissolution of the Legislative Council after their appointment, unless they previously resign their seats or are removed or suspended.

(3) Whenever the seat of a nominated member becomes vacant by death, resignation, or removal the Company shall appoint a successor; in default of such appointment by the Company within a period of three months from the occurrence of the vacancy a Secretary of State may appoint a person to fill the vacancy.

26. No person shall be qualified to be an elected member who—

- (1) Is an infant or is not a British subject by birth or naturalization; Disqualifications for election.
- (2) Has within five years before his election, or since his election, been convicted of any crime and sentenced to imprisonment with hard labour without the option of a fine, or to any greater punishment, and has not received a free pardon, or has, within or during the time aforesaid, surrendered his estate as insolvent, or made a composition or arrangement with his creditors;
- (3) Provided that where a person is disqualified by having surrendered his estate as insolvent, or made a composition or arrangement with his creditors, the disqualification shall cease, in case of insolvency, when the debtor has obtained his rehabilitation or paid his debts in full.

- Elected members accepting office of profit.** 27. Every elected member who shall accept any office of profit under the Government of Southern Rhodesia shall vacate his seat in the said Council, but shall be eligible for appointment as a nominated member.
- Election to fill vacancy.** 28. When any elected member becomes disqualified, or vacates his seat in the Legislative Council otherwise than by the dissolution thereof, the Administrator shall take steps forthwith, in accordance with the provisions for the time being in force with respect to the election of members of the Legislative Council, for the election of a successor by the electors of the district which such elected member represented.
- Standing rules.** 29. Standing rules for the orderly conduct of business shall be made by the Legislative Council at its first meeting, and thereafter from time to time as occasion shall require.
- Filling of temporary vacancies in Executive or Legislative Councils.** 30.—(1) In the event of the suspension, absence from Southern Rhodesia, or other incapacity of a member of the Executive Council or of a nominated member of the Legislative Council, the Company may, with the approval of a Secretary of State, appoint some other person to fill the temporary vacancy thus caused.
(2) Provided that in default of such appointment by the Company within a period of three months after a vacancy has arisen, a Secretary of State may appoint a person to fill the vacancy.
(3) Every member appointed to fill any such temporary vacancy shall cease to be a member on the return to Southern Rhodesia or the removal of the suspension or incapacity of the member in whose place he was appointed.
- Quorum of Legislative Council.** 31. Until otherwise determined by the Legislative Council the said Council shall not be considered as constituted for the despatch of business unless at least six members, exclusive of the Resident Commissioner, be present and assisting thereat.
- Voting.** 32. Questions arising in the Legislative Council shall be decided by a majority of votes of the members present other than the Resident Commissioner. In the event of an equality of votes the Administrator or other presiding member shall have a second or casting vote.
- Oath of allegiance.** 33. Every member of the Executive or Legislative Councils shall, before taking his seat, take and subscribe before the Administrator or some other person authorised by him the following oath of allegiance:—
“I, A.B., do swear that I will be faithful and bear true allegiance to
“ Her Majesty Queen Victoria, Her Heirs and successors
“ according to law. So help me God.”
But any person authorised by law to affirm or declare instead of taking an oath may make such affirmation or declaration in lieu of such oath.
- Minutes to be kept of proceedings of Executive and Legislative Councils.** 34.—(1) Full and exact journals or minutes shall be kept of all the proceedings of the Executive and Legislative Councils, and of the proceedings of all Committees thereof, and at each meeting of either Council or of any such Committee the minutes of the last preceding meeting shall be read over and confirmed or amended, as the case may require, before proceeding to the despatch of other business.
(2) A full and exact copy of such minutes as confirmed or amended shall be transmitted forthwith to the Resident Commissioner.
(3) Twice in each year a full and exact copy of all the said minutes for the preceding half year shall be transmitted by the Administrator to the Company, and the Company shall upon the receipt thereof forthwith transmit a true copy to a Secretary of State.
- Transmission of minutes to Resident Commissioner and to Company.**
- Power to make Ordinances.** 35. It shall be lawful for the Administrator by and with the advice and consent of the Legislative Council to make Ordinances for the peace, order, and good government of Southern Rhodesia.
- Ordinances to have assent of High Commissioner.** 36. All Ordinances shall be submitted to the High Commissioner for his assent, disallowance, or other direction thereon, together with a report thereon by the Resident Commissioner, and no Ordinance shall take effect until the High Commissioner shall have signified his assent thereto and the

Ordinance, together with a notification of such assent, shall have been published in the Gazette.

37. The High Commissioner shall sign every Ordinance assented to by him and shall, at the first convenient opportunity, transmit an authenticated copy of every such Ordinance to a Secretary of State, and every such Ordinance may be disallowed within one year from the taking effect thereof by a Secretary of State, either of his own motion or at the request of the Company, and every Ordinance so disallowed shall become null and void so soon as the disallowance thereof shall be published in the Gazette, but without prejudice to anything theretofore lawfully done thereunder.

Disallow-
ance of
Ordinances.

38. An Ordinance may amend or repeal a Proclamation.

An Ordinance
may amend or
repeal a
Proclamation.

39. If any Ordinance is in any respect repugnant to the provisions of an Order made by Her Majesty in Council, such Ordinance shall be read subject to such Order, and shall to the extent of such repugnancy be absolutely void.

Ordinances
void if re-
pugnant to any
Order in
Council.

40. No fiscal vote or resolution shall be proposed in the said Council except by the Administrator, acting on the instructions of the Company, or by his authority in writing previously obtained.

Fiscal votes.

41. The Administrator shall submit to the Legislative Council before the expiration of the month of December, in each year, such an Estimate as he may think necessary of the whole expenditure, not already fixed, which is intended to be incurred for services within Southern Rhodesia, together with an Estimate of the revenue of Southern Rhodesia for the financial year then next ensuing, and shall transmit to the High Commissioner and to the Company, at the earliest opportunity, an Ordinance providing for the service of that year.

Estimates to
be submitted
annually.

42. When the annual Estimate shall have been passed by the Legislative Council, and the Ordinance has been approved by the High Commissioner, the expenditure of the year shall be held to be definitely limited and arranged. Should, however, any further disbursements on account of the service of that year be required which have not been foreseen, the Administrator shall submit to the Legislative Council a Supplementary Estimate of the expenditure so required.

Supple-
mentary
Estimates.

43. The Administrator shall transmit with the Annual Estimates such full and sufficient information as to every expense of an unusual nature therein comprised as may be necessary to enable the High Commissioner and the Company to judge of the propriety of the proposed expenditure, together with a table exhibiting the variations from the preceding year.

Expenses of
an unusual
nature.

44. The Administrator shall, at the same time that he proposes to the Legislative Council the Estimate of the ensuing year's expenditure, submit to them the draft of any Ordinance which may be necessary to provide the ways and means by which the expenditure is to be met.

Ways and
means
Ordinance.

45. Detailed statements of the revenue and expenditure of Southern Rhodesia shall be annually published in the Gazette, immediately after the period when it is required that the accounts of each year are to be transmitted for audit.

Annual
publication
of revenue
and expendi-
ture.

46. Provision shall be made for a full and sufficient audit once in every year of the accounts of the Company relating to all sums received and moneys expended by the Company in connection with the administration of Southern Rhodesia.

Annual
audit of
accounts.

47. No Customs duties levied on any articles produced or manufactured in any part of Her Majesty's Dominions or in any British Protectorate and imported into Southern Rhodesia shall exceed in amount the duties levied on such articles according to the tariff in force in the South African Customs Union at the commencement of this Order, or the tariff contained in the Customs Union Convention concluded between the Colony, the Orange Free

Limit of
Customs
duties on
British
goods.

PART III.—POLICE.

- Military police forces.** 48.—(1) The military police forces shall be and remain under the direct control and authority of the High Commissioner, and all officers and members of the said forces shall conform to and obey such orders and instructions as they may from time to time receive from the High Commissioner, or from any person appointed by him to act on his behalf.
- Appointment of Commandant General and officers.** (2) The officer exercising the chief command of the said forces shall be styled "the Commandant General," and such Commandant General and the subordinate officers of the said forces shall be appointed by a Secretary of State. The Commandant General shall be paid out of money provided by Parliament such salary as a Secretary of State, with the concurrence of the Treasury, may determine.
- Reduction of numbers.** (3) The numbers of the military police forces shall not at any time be reduced without the previous approval of the High Commissioner, but this provision shall not apply to volunteer forces.
- Duties of Commandant General.** (4) Subject to any such orders and instructions from time to time given by or by the direction of the High Commissioner, it shall be the duty of the Commandant General to preserve peace and order, and for such purpose to employ the said forces in such manner as he may think proper, paying due regard to any requests in that behalf from time to time made to him by an Administrator or other officer of the Company. If in any case the Commandant General deems it undesirable to comply with any such request, he may apply to the High Commissioner for instructions, and shall act in accordance with the instructions given by the High Commissioner.
- Cases of urgency.** (5) Provided that in case of urgency, when it is possible to communicate more quickly with the Resident Commissioner, the Commandant General may apply to the Resident Commissioner for instructions instead of applying to the High Commissioner.
- Military operations.** (6) The Commandant General shall in no case take action of the nature of a military operation without the authority of the High Commissioner or Resident Commissioner, as the case may be.

PART IV.—JUDICIAL.

- High Court of Southern Rhodesia.** 49.—(1) There shall be a Court of Record, styled the High Court of Southern Rhodesia, with full jurisdiction, civil and criminal, over all persons and over all matters within Southern Rhodesia, subject to the provisions hereinafter contained with regard to native law or custom.
- Law to be administered.** (2) The law to be administered by the High Court and by the magistrates' courts herein-after mentioned shall, so far as not inapplicable, be the same as the law in force in the Colony on the 10th day of June 1891, except so far as that law has been modified by any Order in Council, Proclamation, Regulation or Ordinance in force at the date of the commencement of this Order.
- (3) The Courts shall give effect to such Orders in Council, Proclamations, Regulations, or Ordinances until altered or repealed, and to any Order in Council, Proclamation, or Ordinance hereafter to be made, except so far as any such Proclamation or Ordinance is repugnant to this Order, or to any other Order made by Her Majesty in Council.
- (4) Provided that no Statute of the Colony of the Cape of Good Hope promulgated after the 10th day of June 1891 shall be of any effect within the limits of this Order, unless specially applied thereto by Proclamation, Ordinance, or Regulation.
- Native law.** 50. In civil cases between natives the High Court and the magistrates' courts shall be guided by native law so far as that law is not repugnant to natural justice or morality, or to any Order made by Her Majesty in Council, or to any Proclamation or Ordinance. In any such case the court may obtain the assistance of one or two native assessors, to advise the court upon native law and customs, but the decision of the court shall be given by the Judge or Magistrate alone. In all other respects the court shall follow as

far as possible the procedure observed in similar cases in the courts of the Colony.

51. If in any civil case between natives a question arises as to the effect of a marriage contracted, according to native law or custom, by a native in the life-time of one or more other wives married to him according to native law or custom, the court may treat such marriages as valid for all civil purposes, in so far as polygamous marriages are recognised by the said native law or custom. Polygamous marriages.

52. There shall be as many Judges of the High Court, to be paid by the Company, as from time to time may be necessary. The Judges shall be appointed by a Secretary of State on the nomination of the Company, subject as provided in the next Clause, and shall hold office during good behaviour, and shall only be removed by a Secretary of State. The salaries of the Judges shall be fixed by the Company with the approval of a Secretary of State, and shall not be increased or diminished without his approval. Judges.

53. Whenever the appointment of a Judge is necessary the Company shall nominate to a Secretary of State a fit and proper person for the office. If the Secretary of State does not approve of such person he shall so inform the Company, and the Company shall thereupon nominate another person, and so on *toties quoties*, but if the Company has not within six months from the date of the occurrence of a vacancy nominated some person whom the Secretary of State approves, the Secretary of State may appoint a person who has not been so nominated. Nomination by Company.

54. The High Court shall be held at such places as may from time to time be prescribed by the Administrator in Executive Council. The jurisdiction of the High Court may, until other arrangements are made by Proclamation, be exercised by any Judge thereof sitting alone. Sittings of Court.

55. If any sentence of death is pronounced by the High Court, a copy of the evidence shall be transmitted to the High Commissioner, and the sentence shall not be carried into effect until confirmed by him; the High Commissioner may signify his confirmation by telegraph. Capital sentences.

56. The High Commissioner may remit or commute, in whole or in part, any sentence of the High Court, and may signify such remission or commutation by telegraph. Remission and commutation of sentences.

57. The High Court may make rules for regulating its procedure and practice and the admission of practitioners, and subject thereto, and so far as the same do not extend, the procedure, rules, and regulations of the High Court shall be as nearly as may be the same as the procedure, rules, and regulations of the Supreme Court. Procedure of Court.

58.—(1) In civil matters when the amount or value in dispute exceeds one hundred pounds sterling, an appeal shall lie from the High Court to the Supreme Court. Appeal.

(2) Every appeal shall be brought within such time, and in such manner, as regards the form and transmission of the appeal, as may be prescribed by any rules of procedure made by the Supreme Court.

(3) As regards matters not provided for by such rules, the procedure on appeal in the Supreme Court may be the same as the ordinary procedure of that Court on appeal, and the order of that Court on the appeal shall be certified under its seal to the High Court, which shall give effect thereto.

(4) An appeal from an order of the Supreme Court on appeal shall lie to Her Majesty in Council in the same manner and on the same conditions as an appeal from a judgment of the Supreme Court in its ordinary jurisdiction.

(5) The High Court may, before deciding any matter when the amount or value in dispute exceeds one hundred pounds, state a case in writing for the opinion of the Supreme Court. The High Court shall decide the matter in accordance with the opinion of the Supreme Court.

59.—(1) Any party to a civil cause or other civil proceeding in the High Court of Southern Rhodesia not falling within the class of matters in which Appeal by leave of High Court.

an appeal is, under this Order, allowed to the Supreme Court may apply to a Judge of the High Court for leave to appeal from any judgment or order made in such cause or proceeding. Such application shall be made within such time and with such notice as may be prescribed by rules made by the High Court.

(2) It shall be in the discretion of the Judge to whom such application is made to grant or refuse leave to appeal from the whole or any portion of such judgment or order.

(3) If the Judge shall grant leave to appeal then the provisions of Article 58 of this Order shall apply to that portion of such judgment or order against which leave to appeal has been granted as if the cause or proceeding were a matter in which the amount in dispute exceeded one hundred pounds.

(4) The jurisdiction conferred by this Article upon the Supreme Court shall not be exercised until the Legislature of the Colony shall, by resolution or otherwise, have expressed its assent thereto, and until the High Commissioner shall have communicated such assent to the High Court.

Criminal
appeals.

60. In criminal matters an appeal shall lie from the High Court to the Supreme Court in the cases herein provided for and in no others.

Provided that the jurisdiction hereby conferred in such criminal matters shall not be exercised by the Supreme Court until the Legislature of the Colony shall, by resolution or otherwise, have expressed its assent thereto, and until the High Commissioner shall have communicated such assent to the High Court.

Special entry
on record.

61.—(1) If any defendant who shall be tried upon any indictment in the High Court shall think that any of the proceedings of the Court before which the trial takes place are irregular or not according to law, it shall be lawful for him either during his trial or after his conviction to apply to such Court to direct a special entry to be made on the record shewing the nature of the proceedings alleged to be irregular or illegal.

(2) If such a special entry be directed to be made, it shall be drawn up by the Registrar of the Court, and the defendant and the prosecutor, or their counsel and attorneys, shall be permitted to see it and copy it, and if either of them shall object to its terms it shall be settled by the Judge of the Court before which the case is tried.

Appeal
where special
entry on
record.

62.—(1) If any defendant who shall be convicted of any indictable crime or offence shall obtain leave to make, and shall cause to be made, such a special entry on the record as is hereinbefore provided for, it shall be lawful for him, by leave of the Judge of the Court before which the case shall have been tried, to appeal against his conviction on the ground of the irregularity or illegality of such proceedings as aforesaid as stated in such special entry aforesaid.

(2) Provided that within fourteen days after verdict notice of such appeal shall be given to the Registrar of the Court appealed from; and such Registrar shall forthwith, after receiving such notice, give notice of such appeal to the Attorney General, and transmit to the Registrar of the Supreme Court an authenticated copy of the record, including copies of the evidence, whether oral or in writing, taken or admitted at the trial and of the special entry made on the record in manner aforesaid.

High Court
may reserve
questions
for Supreme
Court on
trial of in-
dictable
offences,

63. If any question of law shall arise on the trial of any person for any indictable crime or offence in the High Court it shall be lawful for the Court to reserve such question for the consideration of the Supreme Court. If the Court shall determine to reserve any such question, and the defendant shall be convicted, the Court shall state the question or questions reserved, and shall direct such case to be specially entered on the record, and a copy thereof to be transmitted to the Supreme Court.

and arising
on review of
judgment of
inferior
Court.

64. If any question of law shall arise upon review of the judgment or sentence of any inferior Court in any criminal action or suit by or before the High Court, it shall be lawful for the reviewing Court, if it shall see fit to do so, to reserve such question for the consideration and determination of the Supreme Court,

65. It shall be lawful for the prosecutor or defendant in any criminal suit which shall be brought on appeal or review before the High Court from any inferior Court by leave of the High Court to appeal to the Supreme Court against the judgment of the High Court.

Appeal to
Supreme
Court.

66. In case of any appeal against a conviction or judgment of the High Court, or of any question being reserved as aforesaid, it shall be lawful for the Supreme Court to—

Powers of
Supreme
Court on
appeal.

- (1) Confirm the judgment of the Court below, in which case if the defendant has been admitted to bail any Judge of the High Court may, on production to him of the order of the Supreme Court confirming such judgment, by warrant under his hand commit the said defendant to custody for the purpose of undergoing any term of imprisonment to which he may have been sentenced; or
- (2) Direct that the judgment shall be set aside notwithstanding the verdict, which order shall have for all purposes the same effect as if the defendant had been acquitted; or
- (3) Direct that the judgment of the Court shall be set aside, and that instead thereof such judgment shall be given by the Court before which the trial took place as ought to have been given at the trial; or
- (4) If such Court has not delivered judgment remit the case to it in order that it may deliver judgment; or
- (5) Give such judgment as ought to have been given at the trial; or
- (6) Make such order as justice may require:

Provided that no conviction shall be set aside by reason only of some irregularity or illegality, whereby the defendant was not prejudiced in his defence, or because evidence was improperly admitted or rejected by which no substantial wrong was, in the opinion of the Supreme Court, done to the defendant.

67. The order or direction of the Supreme Court shall in criminal cases be certified under the hand of the Presiding Judge to the Registrar of the Court before which the case was tried, and such order or direction shall be carried into effect, and shall authorise every person affected by it to do whatever is necessary to carry it into effect.

Order of
Supreme
Court to be
carried into
effect.

68. The execution of a sentence of the Court shall not be suspended by reason of any appeal against a conviction, or by reason of a question having been reserved for the consideration of the Supreme Court, unless

Cases in
which execu-
tion of
sentence is
to be sus-
pended.

- (1) The sentence shall be that the defendant suffer death or be flogged or whipped, in either of which cases the sentence shall not be executed until the appeal or question reserved for the Supreme Court shall have been heard and decided; or
- (2) The Court from which the appeal is made, or by which the question is reserved, shall think fit to order either that the defendant be admitted to bail, or if he is sentenced to any punishment other than simple imprisonment, that he be treated as an unconvicted prisoner till the appeal or question reserved for the Supreme Court shall have been heard and decided.

69. There shall be magistrates' courts with jurisdiction over all persons within the districts assigned to them. A magistrate's court shall be a court of record, and shall have jurisdiction over the same matters, and to the same extent, as a court of Resident Magistrate in the Colony has jurisdiction within the district in which it is established.

Magistrates'
courts.

70. An Administrator may from time to time determine the number of magistrates' courts required within the limits of the Province to which he has been appointed and by notice in the Gazette may assign to each such court the local limits of the district within which it is to have jurisdiction, and may alter such limits and may in like manner specify the places at which the court is to be held.

Number of
courts.

71.—(1) An Administrator may, with the approval of the High Commissioner, appoint a Magistrate to each such court, and, if occasion requires,

Appoint-
ment of
Magistrates.

an Acting Magistrate, and every person so appointed may exercise all the jurisdiction of the court.

(2) The salaries of magistrates shall be fixed by the Administrator with the approval of the High Commissioner, and shall not be increased or diminished without his approval.

(3) A Magistrate appointed to one court may act as a Magistrate of any other court.

(4) Every submission to the High Commissioner for his approval of an appointment of a Magistrate or Acting Magistrate shall be accompanied by a report from the Resident Commissioner.

Confirma-
tion of
appointment
of Magis-
tra'es.

72. A Magistrate upon appointment may forthwith enter upon the duties of his office, but the appointment is subject to confirmation by a Secretary of State; if such confirmation is refused, the High Commissioner shall give public notice thereof in the Gazette, and thereupon the powers of the Magistrate shall cease. A Magistrate may at any time be removed from office by a Secretary of State, or by an Administrator with the approval of a Secretary of State, but not otherwise.

Magistrates'
oath.

73. A Magistrate on appointment shall, before exercising any of the functions of his office, in open court take the following oath:—

I, A B., do promise and swear that I will faithfully, impartially, and diligently execute to the best of my abilities the duties of the office of Magistrate. So help me God.

Appeal from
Magistrates'
courts.

74. Appeals shall lie to the High Court from the Magistrates' courts in the same cases, in the same manner, and with the same procedure as are allowed in the Colony with respect to appeals from the courts of Resident Magistrates; and any criminal case which would be liable to review if tried by a Resident Magistrate in the Colony shall be liable to review by the High Court.

Suspension
of Judges
and Magis-
trates.

75.—(1) The High Commissioner may suspend a Judge or Magistrate from his office for misconduct; but shall first cause him to be furnished with a written statement of the acts of misconduct alleged against him, and cause him to be called on to state in writing by a given day (which shall allow a reasonable interval) any grounds upon which he relies to exculpate himself.

(2) If the suspension takes place, the High Commissioner shall forthwith transmit a full report of the matter, and the proofs of the alleged misconduct, to a Secretary of State, who may confirm or disallow the suspension.

(3) If the suspension is confirmed, the suspended officer is thereby removed from office; if it is disallowed, the suspended officer is thereby restored to office, and is entitled to any salary that has been withheld during his suspension.

(4) If the Secretary of State is of opinion that the officer deserves punishment, but not the extreme penalty of removal from office, he may, instead of disallowing the suspension, direct that the officer be restored to office, but be required to serve at a reduced salary, either permanently or for a stated period; or that a specific sum be deducted from any salary due or to become due to the officer; or that he be transferred to a lower office.

Further
provisions
for the more
efficient
working of
the Courts.

76. The High Commissioner by Proclamation, or the Administrator by and with the advice and consent of the Legislative Council by Ordinance, may make such other or further provisions as from time to time may appear desirable to secure the more efficient working of the several courts constituted by this Order.

Existing
Rules of
Court to be
binding until
altered.

77. Notwithstanding anything in this Order contained, all general rules, orders, and regulations of Court made under the provisions of the Matabeleland Order in Council, 1894, by the High Court of Matabeleland, shall to all intents and purposes, until repealed or altered, be as binding, conclusive, valid, and effectual as if this Order had not been made.

Notification
of opening
of Courts.

78.—(1) The High Commissioner shall notify by Proclamation the time when the Courts hereby established will be open, and as soon as the Judges of the High Court, and the Magistrates of the Courts hereby established, shall have assumed and entered upon the exercise of their jurisdiction, then and from thenceforth the High Court of Matabeleland and the Magistrates' Courts now established within Southern Rhodesia, and the jurisdiction of the

said Courts respectively, shall be abolished, cease, and determine, and every suit, action, complaint, matter, or thing, civil or criminal, which shall be depending in such last mentioned Courts respectively shall and may be proceeded with in the High Court constituted by this Order, or in any of the Magistrates' Courts which shall and may have jurisdiction within the district or place where such action or suit or other matter, civil or criminal respectively, was depending, and all proceedings which shall thereafter be had in such action or suit or other matter, civil or criminal respectively, shall be conducted as if such action or suit or other matter, civil or criminal, had been originally commenced in one or other of the said Courts constituted by this Order.

(2) All the records and proceedings whatsoever of, and belonging to, the High Court of Matabeleland and the Magistrates' Courts established by the Matabeleland Order in Council, 1894, shall, from and immediately after the opening of the Courts constituted by this Order, be delivered over and deposited for safe custody in such of the said Courts respectively as shall be most convenient, and all parties concerned shall, and may, have the same recourse to the said records and proceedings as to any other records or proceedings of the said Courts respectively.

Transfer of records.

PART V.—NATIVE ADMINISTRATION.

79.—(1) The Administrator shall appoint an officer to be called the Secretary for Native Affairs and officers to be called Native Commissioners, and, if occasion requires, Assistant Native Commissioners, and may from time to time with the approval of the High Commissioner subject to confirmation by a Secretary of State, prescribe by notice in the Gazette the powers, duties, salaries, and districts to be assigned to such officers.

Appointment of Secretary for Native Affairs and Native Commissioners.

(2) The provisions of this Order with respect to the appointment, salaries, suspension, and removal of Magistrates shall apply to the appointment, salaries, suspension, and removal of the Secretary for Native Affairs, Native Commissioners, and Assistant Native Commissioners, and any other persons employed in the administration of native affairs, and the High Commissioner and a Secretary of State shall have and exercise the like powers with respect to these officers as under this Order are exercisable by them in the case of Magistrates.

Salaries, suspension and removal.

(3) It shall be lawful for the High Commissioner by Proclamation to confer upon any Native Commissioner or Assistant Native Commissioner such jurisdiction, not exceeding that exercisable by Magistrates, as may from time to time appear to him to be expedient.

Jurisdiction.

80. No conditions, disabilities, or restrictions shall, without the previous consent of a Secretary of State, be imposed upon natives by Ordinance which do not equally apply to persons of European descent, save in respect of the supply of arms, ammunition, and liquor.

Disabilities of natives.

81. The Company shall from time to time assign to the natives inhabiting Southern Rhodesia land sufficient for their occupation, whether as tribes or portions of tribes, and suitable for their agricultural and pastoral requirements, including in all cases a fair and equitable proportion of springs or permanent water.

Assignment of land to natives.

82. All questions relating to the settlement of natives on the lands within Southern Rhodesia shall be dealt with and decided by the Administrator in Executive Council, but all such decisions shall be subject to review by the High Commissioner.

Questions as to settlement of natives.

83. A native may acquire, hold, encumber, and dispose of land on the same conditions as a person who is not a native, but no contract for encumbering or alienating land the property of a native shall be valid unless the contract is made in the presence of a Magistrate, is attested by him, and bears a certificate signed by him stating that the consideration for the contract is fair and reasonable, and that he has satisfied himself that the native understands the transaction.

Natives may possess individual titles to land.

84. The Company shall retain the mineral rights in all land assigned to natives. If the Company should require any such land for the purpose of mineral development or as sites of townships, or for railways or other public

Company to retain mineral rights in

- lands occupied by natives. works, the Administrator in Executive Council, by direction of the Company and upon good and sufficient cause shown, may, with the approval of the High Commissioner, order the natives to remove from such land or any portion thereof, and shall assign to them just and liberal compensation in land elsewhere, situate in as convenient a position as possible, sufficient and suitable for their agricultural and pastoral requirements, containing a fair and equitable proportion of springs or permanent water, and, as far as possible, equally suitable for their requirements in all respects as the land from which they are ordered to remove.
- Removal of natives. 85.—(1) No natives shall be removed from any kraal or from any land assigned to them for occupation, except after full inquiry by, and by order of, the Administrator in Executive Council approved by the High Commissioner.
- Penalty for removing natives. (2) If any person without such order removes or attempts to remove any native from any kraal or from any land unless in execution of the process of a competent court, he shall, in addition to any other proceedings to which he is liable, be guilty of an offence against this Order, and on conviction before the High Court shall be liable to imprisonment with or without hard labour for any period not exceeding two years, or to a fine not exceeding one hundred pounds sterling, or to both.
- Reference of cases concerning natives to Judge. 86. The High Commissioner may, if he thinks fit, refer any question relating to natives for report to any Judge of the High Court, and the Judge shall thereupon make such inquiry as he thinks fit, and shall report to the High Commissioner the result of such inquiry. The High Commissioner may act with reference to any such report as he thinks fit.
- Subordinate tribunal. 87.—(1) The Administrator in Executive Council shall, when so required by the High Commissioner, appoint in any magisterial district a subordinate tribunal, to consist of the Magistrate of the district and two assessors from time to time selected by a Judge of the High Court upon the request of the High Commissioner.
- Reports by. (2) Such tribunal shall report or make recommendations to the High Commissioner upon all questions relating to natives referred to it by or by the direction of the High Commissioner, or by any Judge to whom any question relating to natives has been referred by the High Commissioner. The High Commissioner may deal with any such reports or recommendations as he thinks fit.
- Fines for revolt or other misconduct by natives. 88. In case of a revolt against the Company, or other misconduct committed by a native chief or tribe, the Administrator in Executive Council may impose a reasonable fine upon the offender. The Administrator shall forthwith report every such case to the High Commissioner, who may remit the fine in whole or in part; the Administrator shall give effect to any such remission.
- Review of cases concerning natives by Secretary of State. 89.—(1) The High Commissioner shall transmit to a Secretary of State a report upon every case relating to natives dealt with by him under Part V. of this Order, together with copies of all reports and recommendations and all documents relating to such case, and a Secretary of State may review any case and reverse or modify any decision given or order made therein, and may give such directions in the matter as he thinks fit, and due effect shall be given to such directions by all persons.
- (2) Provided that such directions shall only be binding where a Secretary of State has within twelve months after receiving the report of the High Commissioner given notice to the High Commissioner that he intends to review any such case.

PART VI.—MISCELLANEOUS.

- Provisional appointments. 90.—(1) Where the approval of a Secretary of State is required under this Order for the appointment of any officer, such officer may, upon appointment, enter upon and perform the duties of his office before such approval has been signified, but until approved or disapproved by a Secretary of State such appointment shall be regarded as provisional only.

(2) If any such appointment is disapproved by a Secretary of State, the person so appointed shall cease to hold the office so soon as the signification of such disapproval is received by the Administrator, but without prejudice to anything lawfully done by him during his provisional appointment.

(3) The Administrator shall forthwith report to the High Commissioner, who shall report to a Secretary of State every such provisional appointment.

(4) Notice of the withholding of the approval of a Secretary of State shall be published in the Gazette.

91. The Matabeleland Order in Council, 1894, shall continue in force until the commencement of this Order and shall thereupon be revoked, but without prejudice to anything lawfully done thereunder.

Revocation
of Matabele-
land Order
in Council,
1894.

92. Judicial notice shall be taken of this Order and of the commencement thereof, and of any Ordinance made under this Order and published in the Gazette.

Judicial
notice.

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

Commence-
ment and
publication.

94. Her Majesty may from time to time revoke, alter, add to, or amend this Order.

Revocation
and altera-
tion.

A. W. FITZROY.

No. V. (A.)

BAROTZILAND-NORTH-WESTERN RHODESIA.

At the Court at Windsor,

The 28th day of November, 1899.

Present:

The Queen's Most Excellent Majesty
Lord President
Lord Chamberlain
Earl of Kintore.

Whereas the territories of Africa situated within the limits of this Order, as hereinafter described, are under the protection of Her Majesty the Queen:

And whereas by treaty, grant, usage, sufferance, and other lawful means, Her Majesty has power and jurisdiction in the said territories:

Now, therefore, Her Majesty, by virtue and in exercise of the powers by the Foreign Jurisdiction Act, 1890, or otherwise in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Barotziland-North-Western Rhodesia Order in Council, 1899.

2. In this Order, unless the subject or context otherwise requires:—

“Her Majesty” includes Her Majesty Her heirs and successors.

“Secretary of State” means one of Her Majesty's Principal Secretaries of State.

“High Commissioner” means Her Majesty's High Commissioner for the time being for South Africa.

“The Company” means the British South Africa Company.

“Charter” means Her Majesty’s Charter of the 29th day of October 1889, incorporating the Company (as amended by any supplemental Charter).

“Administrator” means an Administrator appointed under this Order to administer affairs within the limits of this Order, or within any parts of such limits, and includes an Acting Administrator.

“Gazette” means the Cape of Good Hope Government Gazette.

“The Colony” means the Colony of the Cape of Good Hope.

“Native” means any person not of European or American descent who is a native of Africa.

“Person” includes Corporation.

The plural includes the singular, and the singular the plural, and the masculine the feminine.

3. The limits of this Order are the parts of Africa bounded by the River Zambesi, the German South-West African Protectorate, the Portuguese possessions, the Congo Free State, and the Kafukwe or Loengi River. Such limits further include so much of any territory belonging to the Bashukolumbwe tribe as may lie east of the Kafukwe or Loengi River. The territory within the limits of this Order shall be known as Barotziland-North-Western Rhodesia.

4.—(1) A Secretary of State may from time to time by notice published in the Gazette, and in the London Gazette, declare that any parts of Africa north of the River Zambesi, and under the protection of Her Majesty, shall be included within the limits of this Order, and from the date of such publication in the Gazette this Order shall apply to the parts named therein.

(2) A Secretary of State may from time to time by the like notice declare that any part of Africa for the time being within the limits of this Order shall, until otherwise directed, be excepted from the application of this Order; and from the date of the publication of such notice in the Gazette, the part named therein shall be excluded from the limits of this Order.

5. The High Commissioner may on Her Majesty’s behalf exercise all powers and jurisdiction which Her Majesty, at any time before or after the date of this Order, had or may have within the limits of this Order, and to that end may take or cause to be taken all such measures, and may do or cause to be done all such matters and things within the limits of this Order as are lawful, and as in the interest of Her Majesty’s Service he may think expedient, subject to such instructions as he may from time to time receive from Her Majesty or through a Secretary of State.

6. The High Commissioner may appoint an Administrator for Barotziland-North-Western Rhodesia, and so many Judges, Magistrates, or other officers as he may from time to time think necessary for the administration of the affairs of Barotziland-North-Western Rhodesia, and may define from time to time the districts within which such officers shall respectively discharge their functions.

Every such administrator or other officer may exercise such powers and authorities as the High Commissioner may assign to him subject, nevertheless to such directions and instructions as the High Commissioner may from time to time think fit to give him. The appointment of such officer shall not abridge, alter, or affect the right of the High Commissioner to execute and discharge all the powers and authorities hereby conferred upon him.

The High Commissioner may either, of his own motion or at the request of the Company, suspend or remove any Administrator or other officer so appointed.

7. Whenever the appointment of an Administrator, Judge, Magistrate or other officer is necessary the Company shall nominate to the High Commissioner a fit and proper person for the office. If the High Commissioner does not approve of such person he shall so inform the Company, and the Company shall thereupon nominate another person and so on as often as occasion shall require, but if the Company has not within six months from the date of the

occurrence of a vacancy or in the case of a new office from the time when the High Commissioner shall have notified to the Company his intention to appoint a person to such office nominated some person whom the High Commissioner approves the High Commissioner may appoint a person who has not been so nominated.

8. In the exercise of the powers and authorities hereby conferred upon him, the High Commissioner may, amongst other things, from time to time by Proclamation provide for the Administration of Justice, the raising of Revenue by the imposition of taxes (which may include a tax in respect of the occupation of native huts) and Customs duties or otherwise, and generally for the peace, order, and good government of all persons within the limits of this Order, including the prohibition and punishment of acts tending to disturb the public peace.

Provided that the High Commissioner before issuing any such Proclamation shall, whenever possible, have regard to any suggestions or requests made to him in respect thereof by the British South Africa Company.

Provided further that no Proclamation concerning the raising or appropriation of revenue shall be made unless the assent of the Company has previously been given thereto. Such assent may be signified by telegraph.

9. The High Commissioner in issuing such proclamations shall respect any native laws or customs by which the civil relations of any native chiefs, tribes, or populations under Her Majesty's protection are now regulated, except so far as the same may be incompatible with the due exercise of Her Majesty's power and jurisdiction.

10. Every Proclamation of the High Commissioner shall be published in the Gazette, and shall, from and after a date to be mentioned in such Proclamation, and thereafter until disallowed by Her Majesty or repealed or modified by any subsequent Proclamation, have effect as if contained in this Order.

11. Her Majesty may disallow any such proclamation wholly or in part, and may signify such disallowance through a Secretary of State, and upon such disallowance being publicly notified by the High Commissioner in the Gazette the provisions so disallowed shall from and after a date to be mentioned in such notification, cease to have effect, but without prejudice to anything theretofore lawfully done thereunder.

12. Subject to any Proclamation made under this Order any jurisdiction exercisable otherwise than under this Order, whether by virtue of any Statute or Order in Council, or of any Treaty, or otherwise, and whether exercisable by Her Majesty, or by any person on Her behalf, or by any Colonial or other Court, or under any Commission, or under any Charter granted by Her Majesty, shall remain in full force.

13. Such estimates of the expenses of the administration of Barotziland-North-Western Rhodesia as may from time to time be necessary shall be submitted to the Company for approval and, after the approval of any such estimates by the Company, if in any year the revenue raised and in pursuance of the provisions of this Order shall be insufficient to provide for the payment of the expenses of the administration, the Company shall make good the deficiency, and if in any year the said revenue is more than sufficient to provide for the payment of the said expenses, the surplus remaining after the payment of such expenses shall be paid to and become the property of the Company.

14. The Administrator shall be accountable to the Company for all revenue raised in pursuance of the provisions of this Order, and for all expenditure for the purposes of the administration of Barotziland-North-Western Rhodesia, in such manner and subject to such instructions or rules as may from time to time be prescribed by the High Commissioner at the request of the Company.

15. No Customs duties levied on any articles produced or manufactured in any part of Her Majesty's dominions or in any British Protectorate, and imported into Barotziland-North-Western Rhodesia, shall exceed in amount

the duties levied on such articles according to the tariff in force in the South African Customs Union, at the date of the coming into operation of the Southern Rhodesia Order in Council, 1898, or the tariff contained in the Customs Union Convention, concluded between the Colony of the Cape of Good Hope, the Orange Free State, and the Colony of Natal, in May, 1898, whichever are the higher.

16. Subject to the provisions of this Order and of any other Order in Council for the time being in force, and to the provisions of any Proclamation made under the provisions of any such Order as aforesaid, so much of the law of England for the time being, as is applicable to local circumstances, shall apply to and be in force within Barotziland-North-Western Rhodesia, subject to such qualifications as local circumstances render necessary.

17. Judicial notice shall be taken of this Order and of the commencement thereof, and of any Proclamation made under this Order and published in the Gazette.

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

19. Her Majesty may from time to time revoke, alter, add to, or amend this Order.

A. W. FITZROY.

No. V. (B.)

At the Court at Buckingham Palace,

The 16th day of December, 1902.

Present:

The King's Most Excellent Majesty

Lord President	Sir Joseph Dimsdale
Earl of Kintore	Mr. G. H. Finch
Lord Balfour of Burleigh	Mr. H. Hobhouse
Lord Revelstoke	Sir Savile Crossley.

Whereas it is expedient to amend an Order of Her late Majesty Queen Victoria in Council known as the Barotziland-North-Western Rhodesia Order in Council 1899:

Now therefore His Majesty by virtue of the powers by the Foreign Jurisdiction Act, 1890, or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered as follows:—

1. This Order may be cited as the Barotziland-North-Western Rhodesia Order in Council 1902.

2. Article 2 of the Barotziland-North-Western Rhodesia Order in Council is hereby amended as follows:—

The definition of "Gazette" in the said Article shall henceforth be as follows:—

"Gazette" means the official Gazette of the High Commissioner for South Africa.

The words "the Colony means the Colony of the Cape of Good Hope" are repealed.

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

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

A. W. FITZROY.

No. VI. (A.)

ORANGE RIVER COLONY.

LETTERS PATENT passed under the Great Seal of the United Kingdom, constituting the Offices of Governor and Commander-in-Chief and of Lieutenant-Governor of the Orange River Colony, and providing for the Government thereof.

Letters Patent dated 2nd August 1901.*

EDWARD THE SEVENTH, by the Grace of God of the United Kindom of Great Britain and Ireland King, Defender of the Faith, Emperor of India : To all to whom these Presents shall come Greeting.

Whereas by a Commission under Her Royal Sign Manual and Signet, bearing date the 21st day of May 1900, Her late Majesty Queen Victoria did empower Our Right Trusty and Well-beloved Councillor Frederick Sleigh, Baron Roberts of Kandahar, Field Marshal of Our Forces, Knight of Our Most Illustrious Order of Saint Patrick, Knight Grand Cross of Our Most Honourable Order of the Bath, Knight Grand Commander of Our Most Exalted Order of the Star of India, Knight Grand Commander of Our Most Eminent Order of the Indian Empire, upon whom has been conferred the Decoration of the Victoria Cross, to annex the territories in South Africa theretofore known as the Orange Free State, and to declare that the said territories should thenceforth form part of Her dominions, and did thereby constitute and appoint the said Frederick Sleigh, Baron Roberts of Kandahar, to be, thereupon, Administrator of the said territories, provisionally and until Her pleasure should be more fully known, and did authorise and empower the said Frederick Sleigh, Baron Roberts of Kandahar, as such Administrator, to take all such measures, and to make and enforce such laws as he might deem necessary for the peace, order, and good Government of the said territories :

Recites Commission to Lord Roberts of Kandahar, of 21st May, 1900.

And whereas in pursuance of the powers and authorities conferred upon him by the said Commission, the said Frederick Sleigh, Baron Roberts of Kandahar did, by Proclamation dated the 24th day of May 1900, proclaim and make known that from and after the publication of such Proclamation, the territories known as the Orange Free State were annexed to and formed part of Our dominions, and that provisionally and until Our pleasure should be fully declared, the said territories would be administered by him with such powers as aforesaid, and that Her late Majesty was pleased to direct that the new territories should thenceforth be known as the Orange River Colony :

Recites Proclamation of Lord Roberts of Kandahar, dated 24th May, 1900.

And whereas the said Proclamation was duly published on the 28th day of May 1900 :

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

Now know ye that we do by these Our Letters Patent declare Our Will and Pleasure to be as follows :—

I. There shall be a Governor and Commander-in-Chief and also a Lieutenant-Governor in and over Our Orange River Colony, and appointments to the said Offices shall be made by Commission under Our Sign Manual and Signet.

Appointments of Governor and Lieutenant-Governor.

II. Our Orange River Colony (herein-after called the Colony) shall, until further provision shall be made for the delimitation of the boundaries of Our Colonies and possessions in South Africa, comprise all places, settlements and territories which formed part of the territories of the Orange Free State at the date when the said territories were annexed to and became part of Our dominions.

Limits of Colony.

III. We do hereby authorise, empower, and command Our said Governor and Commander-in-Chief (herein-after called the Governor), and Our said Lieutenant-Governor, to do and execute all things that belong to the said

Governor's and Lieutenant-Governor's

* COLONIAL OFFICE NOTE.—These Letters Patent, though dated 2nd August 1901, were not read and proclaimed until 23rd June 1902. See Nos. 13 and 56 in [Cd. 1163].

- powers and authorities. Office of Governor and Lieutenant-Governor respectively, according to the tenor of these Our Letters Patent, and of such Commissions as may be issued to them under Our Sign Manual and Signet, and according to such Instructions as may from time to time be given to them respectively under Our Sign Manual and Signet, or by Our Order in Our Privy Council, or by Us through one of Our Principal Secretaries of State, and to such laws as are now or shall hereafter be in force in the Colony.
- Publication of Governor's and Lieutenant-Governor's Commission. IV. Every person appointed to fill the Office of Governor or Lieutenant-Governor shall, with all due solemnity, before entering on any of the duties of his Office, cause the Commission appointing him to be Governor or Lieutenant-Governor to be read and published in the presence of a Judge of the Supreme Court, or, if there be no Judge of the Supreme Court, in the presence of the Senior Military Officer for the time being in command of Our Regular Forces in the Colony, or of such other Our Officers in the Colony as can conveniently attend, which being done, he shall then and there take before him or them the Oath of Allegiance in the form provided by an Act passed in the Session holden in the Thirty-first and Thirty-second years of the Reign of Her late Majesty, intituled "An Act to amend the Law relating to Promissory Oaths"; and likewise the usual Oath for the due execution of his Office, and for the due and impartial administration of justice, which oaths the said Judge or the said Senior Military Officer, or some other of Our said Officers then present, is hereby required to administer.
- Imperial Act, 31 & 32 Vict. c. 72. V. The Lieutenant-Governor shall keep and use the Public Seal of the Colony for sealing all things whatsoever that shall pass the said Seal; provided that until a Public Seal shall be provided, the Private Seal of the Lieutenant-Governor may be used as the Public Seal of the Colony.
- Executive Council. VI. There shall be an Executive Council in and for the Colony, and the said Council shall consist of such persons as We shall direct by any Instructions under Our Sign Manual and Signet, or through one of Our Principal Secretaries of State, and all such persons shall hold their places in the said Council during Our pleasure.
- Legislative Council. VII. There shall be a Legislative Council in and for the Colony, and the said Council shall consist of the Lieutenant-Governor, together with such persons, not being less than two at any time, as We shall direct by any Instructions under Our Sign Manual and Signet, or through one of Our Principal Secretaries of State, and all such persons shall hold their places in the said Council during Our pleasure.
- Powers of Legislative Council. VIII. The persons who shall from time to time compose the said Legislative Council shall have full power and authority, subject always to any conditions, provisos, and limitations prescribed by any Instructions under Our Sign Manual and Signet, to establish such Ordinances, and to constitute such Courts and Officers, and to make such provisions and regulations for the proceedings in such Courts, and for the administration of justice, as may be necessary for the peace, order, and good government of the Colony.
- Disallowance of Ordinances. IX. We do hereby reserve to Ourselves, Our heirs and successors, full power and authority, and Our and their undoubted right to disallow any such Ordinances, and to signify such disallowance through one of Our Principal Secretaries of State. Every such disallowance shall take effect from the time when the same shall be promulgated by the Governor, or in his absence by the Lieutenant-Governor, in the Colony.
- Powers of Legislation, &c., reserved to the Crown. We do also reserve to Ourselves, Our heirs and successors, Our and their undoubted right, with the advice of Our or their Privy Council, from time to time to make all such Laws or Ordinances as may appear to Us or them necessary for the peace, order, and good government of the Colony.
- South African Constabulary to be under High Commissioner. X. And We do further direct and declare that the military police force known as the South African Constabulary, or such part thereof as may at any time be within the Colony, shall be and remain under the direct control and authority of Our High Commissioner for South Africa for the time being, and that all officers and members of the said force shall conform to and obey such orders and instructions as they may from time to time receive from Our

said High Commissioner, or from any person appointed by him to act on his behalf: Provided that Our said High Commissioner shall exercise the said control and authority according to such Instructions as may from time to time be given to him by Us, through one of Our Principal Secretaries of State.

XI. In the making of any Ordinances the Lieutenant-Governor and the said Legislative Council shall conform to and observe all rules, regulations, and directions in that behalf contained in any Instructions under Our Sign Manual and Signet.

Lieutenant-Governor and Legislative Council to observe Instructions.

XII. The Lieutenant-Governor, with the consent of the Governor, may, in Our name and on Our behalf, make and execute, under the Public Seal, grants and dispositions of any lands within the Colony which may be lawfully granted or disposed of by Us: Provided that every such grant or disposition be made in conformity, either with some law now or hereafter in force in the Colony, or with some Instructions which may be addressed to the Governor or Lieutenant-Governor under Our Sign Manual and Signet, or through one of Our Principal Secretaries of State.

Lieutenant-Governor empowered to make grants of lands with consent of the Governor;

XIII. The Lieutenant-Governor, with the consent of the Governor, may constitute and appoint all such Judges, Commissioners, Justices of the Peace, and other necessary Officers as may be lawfully constituted or appointed by Us, all of whom, unless otherwise provided by law, shall hold their offices during Our pleasure.

and to appoint Judges and other officers, with like consent.

XIV. The Lieutenant-Governor with the consent of the Governor, may, upon sufficient cause to him appearing, suspend from the exercise of his office any person holding any office within the Colony, whether appointed by virtue of any Commission or Warrant from Us or in Our name or by any other mode of appointment. Every such suspension shall continue and have effect only until Our pleasure therein shall be signified through the Governor to the Lieutenant-Governor. In proceeding to any such suspension the Governor and the Lieutenant-Governor are strictly to observe the directions in that behalf given to them by any Instructions in that behalf.

Suspension of officers.

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

Grant of pardon.

Remission of fines. Proviso. Banishment prohibited. Exception. Political offences.

XVI. In the event of the death, incapacity, removal, or absence from South Africa of Our said Governor, or of his being from any cause prevented from acting in the duties of his office, all and every the powers and authorities herein granted to him shall, until Our further pleasure is signified therein, be vested in the person or persons for the time being administering the Government of Our Colony of the Transvaal; and such person or persons shall have and exercise all and every the powers and authorities herein granted until Our further pleasure shall be signified therein: Provided that no such powers or authorities shall vest in such person or persons until he or they shall have taken the oaths appointed to be taken by the Governor of Our Orange River Colony, and in the manner provided by the Instructions accompanying these Our Letters Patent.

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

XVII. Whenever the office of Lieutenant-Governor is vacant, or if the Lieutenant-Governor become incapable or be absent from the Colony, or is from any cause prevented from acting in the duties of his office, then such

Succession to Government in the

event of the death, &c., or absence of the Lieutenant-Governor from the Colony.
Powers and authorities of Administrator.

person or persons as We may appoint under Our Sign Manual and Signet, and in default of such appointment, the Senior Military Officer for the time being in command of Our Regular forces in the Colony, shall, during Our pleasure administer the Government of the Colony as Lieutenant-Governor, first taking the oaths herein-before directed to be taken by the Lieutenant-Governor and in the manner herein prescribed, which being done, We do hereby authorise, empower, and command Our Lieutenant-Governor or any other such Administrator as aforesaid, to do and execute, during Our pleasure, all things that belong to the Office of Lieutenant-Governor according to the tenor of these Our Letters Patent, and according to Our Instructions as aforesaid, and the Laws of the Colony.

Officers and others to obey the Governor and Lieutenant-Governor.

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

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

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

Proclamation of Letters Patent.

XX. And We do direct and enjoin that these Our Letters Patent shall be read and proclaimed within the Colony.

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

By Warrant under the King's Sign Manual.

MUIR MACKENZIE.

No. VI. (B.)

ORANGE RIVER COLONY.

INSTRUCTIONS passed under the Royal Sign Manual and Signet to the Governor and Commander-in-Chief and to the Lieutenant-Governor of the Orange River Colony.

Dated 2nd August 1901.

EDWARD R.

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

Given at Our Court at Saint James's, this Second day of August 1901, in the First year of Our Reign.

Preamble.
Recites Letters Patent of even date.

Whereas by certain Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing even date herewith, We have constituted, ordered, and declared that there shall be a Governor and Commander-in-Chief (therein and herein-after called the Governor) and also a Lieutenant-Governor in and over Our Orange River Colony (therein and herein-after called the Colony) :

And whereas We have thereby authorised and commanded the Governor and the Lieutenant-Governor, to do and execute all things that belong to their said offices, according to the tenor of Our said Letters Patent, and of such Commissions as may be issued to them under Our Sign Manual and Signet, and according to such Instructions as may from time to time be given to them respectively under Our Sign Manual and Signet, or by Our Order in Our Privy Council, or through one of Our Principal Secretaries of State, and to such Laws as are now or shall hereafter be in force in the Colony :

And whereas we are minded to issue these Our Instructions under Our Sign Manual and Signet for the guidance of the Governor or other officer administering the Government of the Colony as such Governor, and of the Lieutenant-Governor or other officer administering the Government thereof as Lieutenant-Governor:

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

- I. The Lieutenant-Governor may, whenever he thinks fit, require any person in the public service of the Colony to take the Oath of Allegiance in the form prescribed by the Act relating thereto mentioned in Our said Letters Patent, together with such other Oath or Oaths as may from time to time be prescribed by any Laws in force in the Colony. The Lieutenant-Governor is to administer such Oaths, or to cause them to be administered by some Public Officer of the Colony. Lieutenant-Governor to administer Oaths.
- II. The Executive Council of the Colony shall consist of the persons for the time being lawfully discharging the functions of Colonial Secretary, of Attorney-General, and of Colonial Treasurer, and such other persons as We may from time to time appoint by any Instruction or Warrant under Our Sign Manual and Signet, or through one of Our Principal Secretaries of State. Constitution of Executive Council.
- Whenever upon any special occasion the Lieutenant-Governor desires to obtain the advice of any persons within the Colony touching Our affairs therein, he may, with the consent of the Governor, by an Instrument under the Public Seal of the Colony, summon for such special occasion any such persons as Extraordinary Members of the Executive Council. Extraordinary Members.
- III. The Members of the Executive Council shall have seniority and precedence as We may specially assign, and in default thereof, the above-mentioned Officers in the order in which their offices are mentioned, and other Members according to the priority of their respective appointments, or if appointed by the same instrument, according to the order in which they are named therein. Precedence.
- IV. The Lieutenant-Governor shall forthwith communicate these Our Instructions to the Executive Council, and likewise all such others, from time to time, as We may direct, or as he shall find convenient for Our service to impart to them. Lieutenant-Governor to communicate Instructions to Executive Council.
- V. The Executive Council shall not proceed to the despatch of business unless duly summoned by authority of the Lieutenant-Governor, nor unless two Members at the least (exclusive of himself, or the Member presiding) be present and assisting throughout the whole of the meetings at which any such business shall be despatched. Executive Council not to proceed to business unless summoned by authority of the Lieutenant-Governor. Quorum.
- VI. The Lieutenant-Governor shall attend and preside at all meetings of the Executive Council, unless when prevented by illness or other grave cause, and in his absence such Member as the Lieutenant-Governor may appoint, or in the absence of such Member, the Senior Member of the Council actually present shall preside. Lieutenant-Governor to preside.
- VII. A full and exact Journal or Minute shall be kept of all the proceedings of the Executive Council; and at each meeting of the Council the Minutes of the last preceeding meeting shall be read over and confirmed or amended, as the case may require, before proceeding to the despatch of any other business. Journals or Minutes of Executive Council to be kept.
- Twice in each year the Lieutenant-Governor shall transmit to the Governor, and the Governor shall transmit to Us, through one of Our Principal Secretaries of State, a full and exact copy of the said Minutes for the preceding half-year. Minutes to be sent home twice a year.
- VIII. In the execution of the powers and authorities granted to the Lieutenant-Governor by Our said Letters Patent, he shall in all cases consult with the Executive Council, excepting only in cases which may be of such a nature that, in his judgment, Our service would sustain material prejudice by consulting the Council thereupon, or when the matters to be decided shall be too unimportant to require their advice, or too urgent to admit of their Lieutenant-Governor to consult Executive Council. Proviso. Urgent cases.

advice being given by the time within which it may be necessary for him to act in respect of any such matters. In all such urgent cases he shall, as soon as possible, communicate to the Governor and the Executive Council the measures which he may so have adopted, with the reasons thereof.

Lieutenant-Governor to propose question. No member to propose a question, but may record application for so doing.

IX. The Lieutenant-Governor alone shall be entitled to submit questions to the Executive Council for their advice or decision; but if the Lieutenant-Governor decline to submit any question to the Council when requested in writing by any Member so to do, it shall be competent to such Member to require that there be recorded upon the Minutes his written application, together with the answer returned by the Lieutenant-Governor to the same. A copy of such Minute shall, at the earliest opportunity, be transmitted by the Lieutenant Governor to the Governor.

Lieutenant-Governor may act in opposition to Executive Council. Reporting the grounds for so doing. Members may record on Minutes their adverse opinions.

X. The Lieutenant-Governor may act in opposition to the advice given to him by the Members of the Executive Council, if he shall in any case deem it right to do so, but in any such case he shall forthwith fully report the matter to the Governor, with the grounds and reasons of his action, and the Governor shall fully report the matter to Us by the first convenient opportunity. In every such case it shall be competent to any Member of the Council to require that there be recorded at length on the Minutes the grounds of any advice or opinion he may give upon the question.

Constitution of Legislative Council.

XI. The Legislative Council of the Colony shall consist of the Lieutenant-Governor, the persons from time to time lawfully discharging the functions of Colonial Secretary, of Attorney-General, and of Colonial Treasurer, and such other persons as We may from time to time appoint by any Instruction or Warrant under Our Sign Manual and Signet, or through one of Our Principal Secretaries of State.

Extraordinary member.

XII. Whenever upon any special occasion the Lieutenant-Governor wishes to obtain the advice of any person within the Colony, touching any matters about to be brought before the Legislative Council, he may, with the consent of the Governor, by an Instrument under the Public Seal appoint any such person to be, for such occasion, an Extraordinary Member of the Legislative Council.

Council may transact business notwithstanding vacancies. Quorum.

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

Precedence of Members.

XIV. The Members of the Legislative Council shall have precedence as We may specially assign, and, in default thereof, the above-mentioned Officers, in the order in which their officers are mentioned; and other Members according to the priority of their respective appointments, or if appointed by the same Instrument according to the order in which they are named therein.

Lieutenant-Governor to preside in Council, or in his absence the senior Member.

XV. The Lieutenant-Governor shall attend and preside at all meetings of the Legislative Council, unless when prevented by illness or other grave cause, and in his absence that Member shall preside who is first in precedence of those present.

Questions to be decided by a majority. Lieutenant-Governor or Member presiding to have an original and casting vote.

XVI. All questions proposed for debate in the Legislative Council shall be decided by the majority of votes, and the Lieutenant-Governor or the Member presiding shall have an original vote in common with the other Members of the Council, as also a casting vote, if upon any question the votes shall be equal.

Rules and Orders to be made for insuring punctuality of attendance.

XVII. The Lieutenant-Governor shall, with the consent of the Governor, frame and propose to the Legislative Council from time to time for their adoption such standing rules and orders as may be necessary to ensure punctuality of attendance of the Members of the Council, and to prevent meetings of the Council being holden without convenient notice to the several Members thereof, and to maintain order and method in the despatch of business, and in the conduct of debates in the Council, and to secure due deliberation in the passing of Ordinances, and to provide that before the passing of any

Ordinance intended to affect the interests of private persons due notice of the same is given to all persons concerned therein.

All such Rules and Orders, not being repugnant to Our said Letters Patent, or to these or any other Our Instructions, shall at all times be followed and observed, and shall be binding upon the said Council, unless the same or any of them shall be disallowed by Us.

XVIII. It shall be competent for any Member of the Legislative Council to propose any question for debate therein; and such question, if seconded by any other Member, shall be debated and disposed of according to the standing Rules and Orders. Provided always, that every Ordinance, vote, resolution, or question, the object or effect of which may be to dispose of or charge, or to revoke or vary any disposition of or charge upon any part of Our revenue arising within the Colony, shall be proposed by the Lieutenant-Governor, with the consent of the Governor, unless the proposal of the same shall have been expressly allowed or directed by the Lieutenant-Governor with such consent as aforesaid.

Questions,
&c., for
debate.

XIX. In the making of Ordinances, the following Rules shall, so far as practicable, be observed:—

1. All Laws shall be styled "Ordinances," and the enacting words shall be "enacted by the Lieutenant-Governor of the Orange River Colony, with the advice and consent of the Legislative Council thereof."

Rules and
Regulations
under which
Ordinances are
to be enacted.

Form of
enacting
Ordinances.

2. All Ordinances shall be distinguished by titles, and shall be divided into successive clauses or paragraphs, consecutively numbered, and to every such clause there shall be annexed in the margin a short summary of its contents. The Ordinances of each year shall be distinguished by consecutive numbers, commencing in each year with the number one.

Ordinances
to be num-
bered and
methodically
arranged.

3. Each different matter shall be provided for by a different Ordinance, without intermixing into one and the same Ordinance such things as have no proper relation to each other; and no clause is to be inserted in or annexed to any Ordinance which shall be foreign to what the title of such Ordinance imports; and no perpetual clause shall be part of any temporary Ordinance.

Different sub-
jects not to be
mixed in same
Ordinance.
No clause to be
introduced
foreign to what
title of Ordinance
imports.
Temporary
Ordinances.

XX. Before any Ordinance is introduced into the Legislative Council a fair draft thereof shall be transmitted to the Governor by the Lieutenant-Governor.

Lieutenant-
Governor to
send drafts of
Ordinances to
Governor.

XXI. No Ordinance shall take effect until assented to in Our name by the Governor, and the Governor shall not assent in Our name to any Ordinance of any of the following classes, namely:—

Description
of Ordinance
not to be
assented
to.

1. Any Ordinance for the divorce of persons joined together in holy matrimony;
2. Any Ordinance whereby any grant of land or money, or other donation or gratuity, may be made to himself;
3. Any Ordinance whereby any increase or diminution may be made in the number, salary, or allowance of the public officers;
4. Any Ordinance affecting the currency of the Colony or relating to the issue of Bank notes;
5. Any Ordinance establishing any Banking Association, or amending or altering the constitution, powers, or privileges of any Banking Association;
6. Any Ordinance imposing differential duties;
7. Any Ordinance the provisions of which shall appear inconsistent with obligations imposed upon Us by Treaty;
8. Any Ordinance interfering with the discipline or control of our Forces by land or sea;
9. Any Ordinance of an extraordinary nature and importance, whereby Our prerogative or the rights and property of Our subjects not residing in the Colony, or the trade and shipping of Our United Kingdom and its Dependencies, may be prejudiced;

10. Any Ordinance whereby persons not of European birth or descent may be subjected or made liable to any disabilities or restrictions to which persons of European birth or descent are not also subjected or made liable;

11. Any Ordinance containing provisions to which Our assent has been once refused, or which have been disallowed by Us.

Proviso in
case of
emergency
for immedi-
ate operation
of an Ordi-
nance.

Unless in the case of any such Ordinance as aforesaid he shall have previously obtained Our Instructions upon such Ordinance through one of Our Principal Secretaries of State, or unless such Ordinance shall contain a clause suspending the operation of such Ordinance until the signification of Our pleasure thereupon, or unless the Governor shall have satisfied himself that an urgent necessity exists requiring that such Ordinance be brought into immediate operation, in which case he is authorised to assent in Our name to such Ordinance, unless the same shall be repugnant to the Law of England, or inconsistent with any obligations imposed upon Us by Treaty. But he is to transmit to us, by the earliest opportunity, the Ordinance so assented to, together with his reasons for assenting thereto.

Private
Ordinances.

XXII. No private Ordinance shall be passed whereby the property of any private person may be affected in which there is not a saving of the rights of Us, Our heirs and successors, and of all bodies, politic and corporate, and of all other persons except such as are mentioned in the said Ordinance, and those claiming by, from, and under them. The Lieutenant-Governor shall in case of every such private Ordinance satisfy himself that adequate and timely notification, by public advertisement or otherwise, was made of the parties' intention to apply for such Ordinance before the same was brought into the Legislative Council; and a certificate under his hand shall be annexed to every such ordinance and transmitted therewith to the Governor signifying that such notification has been given and declaring the manner of giving the same. The Governor shall not assent in Our name to any such private ordinance, unless he has received such certificate from the Lieutenant-Governor.

Ordinances
to be sent
home duly
authenti-
cated.

XXIII. When any Ordinance shall have been passed in the Legislative Council, the Lieutenant-Governor shall transmit to the Governor for his assent, and subject thereto for transmission to Us, through one of Our Principal Secretaries of State, for Our final approval, disallowance, or other direction thereupon, six full and exact copies of the same, and of the marginal summary thereof, duly authenticated under the Public Seal of the Colony, and by his own signature. Such copies shall be accompanied by such explanatory observations as may be required to exhibit the reasons and occasion for passing such Ordinance. If the Governor assents to an Ordinance he shall record his assent on each of the six copies, and of the said copies two shall be forthwith returned by him to the Lieutenant-Governor, two shall be retained by the Governor, and two shall be transmitted to Us as aforesaid.

Collection of
Ordinances
to be pub-
lished every
year.

XXIV. At the earliest practicable period at the commencement of each year, the Lieutenant-Governor shall cause a complete collection to be published, for general information, of all Ordinances enacted during the preceding year, and shall transmit two copies thereof to the Governor, one of which shall be by him transmitted to Us, through one of Our Principal Secretaries of State.

Minutes of
proceedings
to be kept.

XXV. Minutes shall be regularly kept of all the proceedings of the Legislative Council, and at each meeting of the said Council the Minutes of the last preceding meeting shall be read over, and confirmed or amended, as the case may require, before proceeding to the despatch of any other business,

Minutes to
be sent home
twice a year.

Twice in each year the Lieutenant-Governor shall transmit to the Governor, and the Governor shall transmit to Us, through one of Our Principal Secretaries of State, a full and exact copy of the said Minutes for the preceding half-year.

Reservations
to be made
before waste
lands are
disposed of.

XXVI. Before disposing of any vacant or waste lands to Us belonging, the Lieutenant-Governor shall transmit to the Governor a report specifying the reservations to be made thereout which he may think necessary for roads or other public purposes, and the Governor shall signify his decision thereon

to the Lieutenant-Governor, who shall conform to the Governor's directions in respect thereof. Neither the Governor nor the Lieutenant-Governor shall, directly or indirectly, purchase for himself any of such lands without Our special permission given through one of our Principal Secretaries of State.

Governor and Lieutenant-Governor not to purchase lands.

XXVII. All Commissions to be granted by the Lieutenant-Governor, to any person or persons for exercising any office or employment shall require the consent of the Governor and shall, unless otherwise provided by law, be granted during pleasure only; and whenever the Lieutenant-Governor shall with such consent as aforesaid appoint to any vacant office or employment any person not by Us specially directed to be appointed thereto, he shall, at the same time, expressly apprise such person that such appointment is to be considered only as temporary and provisional until Our allowance or disallowance thereof be signified.

Appointments to be provisional and during pleasure.

XXVIII. Before suspending from the exercise of his office any public Officer who has been appointed by virtue of a Commission or Warrant from Us or in Our name, or whose emoluments exceed 200*l.* a year, the Lieutenant-Governor shall signify to such Officer by a statement in writing the grounds of the intended suspension, and shall call upon him to state in writing the grounds upon which he desires to exculpate himself. The Lieutenant-Governor shall lay both statements before the Executive Council and, having consulted them thereon, shall cause to be recorded on the Minutes whether the Council or the majority thereof does or does not assent to the suspension; and the Lieutenant-Governor may thereupon if he think fit proceed to such suspension. Provided that in any case the Lieutenant-Governor shall transmit both of the said statements, together with the Minutes of the Executive Council, to the Governor by the earliest opportunity for his consent thereto. The Governor shall in like manner transmit to Us any statements relating to the suspension of any public Officer by the Lieutenant-Governor which he may have received from the Lieutenant-Governor. But if in any case relating to the suspension of a public Officer the interests of Our service shall appear to the Lieutenant-Governor to demand that a person shall cease to exercise the powers and functions of his office instantly, or before there shall be time to take the proceedings herein-before directed, he shall then interdict such person from the exercise of the powers and functions of his office, until the decision of the Governor in the matter be signified.

Suspension of Officers.

XXIX. The Governor and the Lieutenant-Governor are, to the utmost of their power, to promote religion and education among the native inhabitants of the Colony, and they are especially to take care to protect such native inhabitants in their persons and in the free enjoyment of their possessions, and by all lawful means to prevent and restrain all violence and injustice which may in any manner be practised or attempted against them.

Governor and Lieutenant-Governor to promote religion and education amongst the Natives. Protection of their persons and property.

XXX. Whenever any offender shall have been condemned to suffer death by the sentence of any Court in the Colony, the Lieutenant-Governor shall call upon the Judge who presided at the trial to make him a written report of the case of such offender, and shall cause such report to be taken into consideration at the first meeting thereafter which may be conveniently held of the Executive Council, and he may cause the said Judge to be specially summoned to attend at such meeting and to produce his notes thereat. The Lieutenant-Governor shall not propose to the Governor to pardon or reprieve any such offender unless it shall appear to him expedient so to do upon receiving the advice of the Executive Council thereon. Provided that he shall enter on the Minutes of the Executive Council, a Minute of his reasons at length, in case he should upon any such question differ from the opinion of the majority of the Members thereof. The Lieutenant-Governor shall in every such case forthwith transmit a copy of such Minutes to the Governor for his decision thereon, which may be signified by telegraph.

Regulation of power of pardon in capital cases.

Judge's reports to be laid before Executive Council.

Lieutenant-Governor to take advice of Executive Council in such cases.

XXXI. And whereas the Lieutenant-Governor will receive from one of Our Principal Secretaries of State, through the Governor, a Book of Tables in blank (commonly called the "Blue Book") to be annually filled up with certain Returns relative to the revenue and expenditure, defence, public

Blue Book.

works, legislation, civil establishments, pensions, population, schools, course of exchange, imports and exports, agricultural produce, manufactures, and other matters in the said "Blue Book" more particularly specified with reference to the state and condition of the Colony: Now We do direct and enjoin that all such Returns be accurately prepared, and punctually transmitted by the Lieutenant-Governor to the Governor from year to year, to be by him transmitted in like manner to Us.

Lieutenant-Governor to obey directions of Governor in matters not otherwise provided for by Instructions.

XXXII. The Lieutenant-Governor shall, in all matters not otherwise provided for by these or any other Our Instructions, conform to and obey all such lawful directions as the Governor may at any time address to him, and shall refer to him from time to time on all matters of importance arising within the Colony.

Lieutenant-Governor's absence.

XXXIII. The Lieutenant-Governor shall not upon any pretence whatever quit the Colony without having first obtained leave for so doing from the Governor and from Us under Our Sign Manual and Signet, or through one of Our Principal Secretaries of State.

Terms "Governor" and "Lieutenant-Governor" explained.

XXXIV. In these Our Instructions the terms "the Governor" and "the Lieutenant-Governor" shall, unless inconsistent with the context, include every person for the time being administering the Government of the Colony as Governor and as Lieutenant-Governor respectively.

E. R.

No. VI. (C.)

ORANGE RIVER COLONY.

COMMISSION passed under the Royal Sign Manual and Signet, appointing the Right Honourable Lord MILNER, P.C., G.C.B., G.C.M.G., to be Governor and Commander-in-Chief of the Orange River Colony.

Dated 7th August 1901.

EDWARD R.

EDWARD THE SEVENTH, by the Grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, Emperor of India; To Our Right Trusty and well-beloved Councillor, Alfred, Baron Milner, Knight Grand Cross of Our Most Honourable Order of the Bath, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Greeting.

Appointment of the Right Honourable Lord Milner, P.C., G.C.B., G.C.M.G., to be Governor.

We do, by this our Commission under Our Sign Manual and Signet, appoint you, the said Alfred, Baron Milner, to be during our pleasure Our Governor and Commander-in-Chief in and over Our Orange River Colony, with all the powers, rights, privileges, and advantages to the said Office belonging or appertaining.

His duties and powers under Letters Patent, dated 2nd August 1901, constituting the Office of Governor, &c.

II. And We do hereby authorise, empower, and command you to exercise and perform all and singular the powers and directions contained in certain Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster the Second day of August 1901, constituting the said Office of Governor and Commander-in-Chief in and over Our Orange River Colony, or in any other Letters Patent adding to, amending, or substituted for the same, according to such Orders and Instructions as you may receive from Us.

Commissions of 21st May and 8th October 1900 superseded.

III. And We do hereby appoint that so soon as you shall have taken the prescribed oaths, and have entered upon the duties of your Office, this Our present Commission shall supersede the Commission under the Sign Manual and Signet of Her late Majesty Queen Victoria, bearing date the Twenty-first day of May 1900, appointing Our Right Trusty and well-beloved Councillor Frederick Sleigh, Baron Roberts of Kandahar to be provisionally, and until Her pleasure was more fully known, Administrator of the Territories theretofore known as the Orange Free State and now known as the

Orange River Colony, and shall also, in so far as the Administration of the Government of the Orange River Colony is concerned, supersede the further Commission under the Sign Manual and Signet of Her late Majesty Queen Victoria, bearing date the Eighth day of October 1900, appointing Our High Commissioner for South Africa for the time being to be Administrator of the Orange River Colony and the Transvaal in the event of the death, incapacity, removal, or absence from South Africa of the said Frederick Sleigh, Baron Roberts of Kandahar, and until other provisions should be made for such Administration.

IV. And We do hereby command all and singular Our Officers, Ministers, and loving subjects in Our said Colony, and all others whom it may concern, to take due notice hereof, and to give their ready obedience accordingly. Officers, &c.
to obey the
Governor.

Given at Our Court at Saint James's, this Seventh day of August 1901, in the First year of Our Reign.

By His Majesty's Command,
J. CHAMBERLAIN.

No. VII. (A.)
TRANSVAAL.

LETTERS PATENT passed under the Great Seal of the United Kingdom, constituting the Offices of Governor and Commander-in-Chief and of Lieutenant-Governor of the Transvaal, and providing for the Government thereof.

Letters Patent, dated 23rd September 1902.

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

Whereas by Our Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster the Second day of August 1901,* We did constitute the Office of Governor and Commander-in-Chief of Our Colony of the Transvaal, and did provide for the Government of Our said Colony: Recites
Letters
Patent of
2nd August
1901.

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

Now know ye that We do by these Our Letters Patent revoke and determine Our said Letters Patent of the Second day of August 1901, but without prejudice to anything lawfully done thereunder, and further know ye that We do declare Our Will and Pleasure to be as follows:—

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

II. Our Colony of the Transvaal (herein-after called the Colony) shall, save as herein-after provided and until further provision shall be made for the delimitation of the boundaries of Our Colonies and possessions in South Africa, comprise all places, settlements, and territories which formed part of the territories of the South African Republic at the date when the said territories were annexed to and became part of Our dominions. Limits of
Colony.

Provided that the districts known as Vryheid and Utrecht, together with such parts of the district of Wakkerstroom as may be defined and delimited by any Boundary Delimitation Commission heretofore appointed for that purpose shall, from a date to be determined as hereinafter provided, cease to form part of the Colony. The Governor shall, when the said boundaries

* The revoked Letters Patent of August 1901 with the Instructions of the same date, are printed in No. 12, in Cd. 1163.

have been so defined and delimited, declare by proclamation the boundaries of the Colony, and the boundaries so declared shall, from the date of such proclamation, be the boundaries thereof.

Governor's
and Lieuten-
ant Govern-
nor's powers
and authori-
ties.

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

Publication
of Govern-
or's and
Lieutenant-
Governor's
Commission.

IV. Every person appointed to fill the Office of Governor or Lieutenant-Governor shall, with all due solemnity, before entering on any of the duties of his Office, cause the Commission appointing him to be Governor or Lieutenant-Governor to be read and published in the presence of a Judge of the Supreme Court, or if there be no Judge of the Supreme Court, in the presence of the Senior Military Officer for the time being in command of Our Regular Forces in the Colony, or of such other Our Officers in the Colony as can conveniently attend, which being done, he shall then and there take before him or them the Oath of Allegiance in the form provided by an Act passed in the Session holden in the Thirty-first and Thirty-second years of the Reign of Her late Majesty, Queen Victoria, intituled "An Act to amend the Law relating to Promissory Oaths"; and likewise the usual Oath for the due execution of his Office, and for the due and impartial administration of justice, which oaths the said Judge or the said Senior Military Officer, or some other of Our said Officers then present, is hereby required to administer.

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

Public Seal.

V. The Lieutenant-Governor shall keep and use the Public Seal of the Colony for sealing all things whatsoever that shall pass the said Seal; provided that until a Public Seal shall be provided, the Private Seal of the Lieutenant Governor may be used as the Public Seal of the Colony.

Executive
Council.

VI. There shall be an Executive Council in and for the Colony, and the said Council shall consist of such persons as are immediately before the publication in the Colony of these Our Letters Patent members of the Executive Council and of such persons as We shall direct by any Instructions under Our Sign Manual and Signet, or through one of Our Principal Secretaries of State, and all such persons shall hold their places in the said Council during Our pleasure.

Legislative
Council.

VII. There shall be a Legislative Council in and for the Colony, and the said Council shall consist of the Lieutenant-Governor, and such persons, not being less than two at any time, as immediately before the publication in the Colony of these Our Letters Patent are members of the Legislative Council, and of such persons as We shall direct by any Instructions under Our Sign Manual and Signet, or through one of Our Principal Secretaries of State, and all such persons shall hold their places in the said Council during Our pleasure.

Powers of
Legislative
Council.

VIII. The persons who shall from time to time compose the said Legislative Council shall have full power and authority, subject always to any conditions, provisoes, and limitations prescribed by any Instructions under Our Sign Manual and Signet, to establish such Ordinances, and to constitute such Courts and Officers, and to make such provisions and regulations for the proceedings in such Courts, and for the administration of justice, as may be necessary for the peace, order, and good government of the Colony.

Disallow-
ance of Ordi-
nances.

IX. We do hereby reserve to Ourselves, Our heirs and successors, full power and authority, and Our and their undoubted right to disallow any such Ordinances, and to signify such disallowance through one of Our Principal

Secretaries of State. Every such disallowance shall take effect from the time when the same shall be promulgated by the Lieutenant-Governor, in the Colony.

We do also reserve to Ourselves, Our heirs and successors, Our and their undoubted right, with the advice of Our or their Privy Council, from time to time to make all such Laws or Ordinances as may appear to Us or them necessary for the peace, order, and good government of the Colony,

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

X. And We do further direct and declare that the military police force known as the South African Constabulary, or such part thereof as may at any time be within the Colony, shall be and remain under the direct control and authority of Our High Commissioner for South Africa for the time being, and that all officers and members of the said force shall conform to and obey such orders and instructions as they may from time to time receive from Our said High Commissioner, or from any person appointed by him to act on his behalf: Provided that Our, said High Commissioner shall exercise the said control and authority according to such Instructions as may from time to time be given to him by Us, through one of Our Principal Secretaries of State.

South African Constabulary to be under High Commissioner.

XI. In the making of any Ordinances the Lieutenant-Governor and the said Legislative Council shall conform to and observe all rules, regulations, and directions in that behalf contained in any Instructions under Our Sign Manual and Signet.

Lieutenant Governor and Legislative Council to observe Instructions.

XII. The Lieutenant-Governor, with the consent of the Governor, may in Our name and on Our behalf, make and execute, under the Public Seal, grants and dispositions of any lands within the Colony which may be lawfully granted or disposed of by Us: Provided that every such grant or disposition be made in conformity, either with some law now or hereafter in force in the Colony, or with some Instructions which may be addressed to the Governor or Lieutenant-Governor under Our Sign Manual and Signet, or through one of Our Principal Secretaries of State.

Lieutenant-Governor empowered to make grants of lands with consent of the Governor;

XIII. The Lieutenant-Governor, with the consent of the Governor, may constitute and appoint all such Judges, Commissioners, Justices of the Peace, and other necessary Officers as may be lawfully constituted or appointed by Us, all of whom unless otherwise provided by law, shall hold their offices during Our pleasure.

and to appoint Judges and other officers with like consent.

XIV. The Lieutenant-Governor, with the consent of the Governor, may, upon sufficient cause to him appearing, suspend from the exercise of his office any person holding any office within the Colony, whether appointed by virtue of any Commission or Warrant from Us or in Our name or by any other mode of appointment. Every such suspension shall continue and have effect only until Our pleasure therein shall be signified through the Governor to the Lieutenant-Governor. In proceeding to any such suspension the Governor and the Lieutenant-Governor are strictly to observe the directions given to them by any Instructions in that behalf.

Suspension of officers.

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

Grant of pardon.
Remission of fines, Penalties, Banishment prohibited. Exception. Political offences.

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

XVI. In the event of the death, incapacity, removal, or absence from South Africa of Our said Governor, or of his being from any cause prevented from acting in the duties of his office, all and every the powers and authorities herein granted to him shall, until Our further pleasure is signified therein, be vested in such person as We may appoint under Our Sign Manual and Signet, and in default of such appointment in the person holding Our Commission as Lieutenant-Governor of the Colony or if he be incapable or absent from the Colony, then in the Senior Military Officer for the time being in Command of Our Regular Forces in the Colony; and such person shall have and exercise all and every the powers and authorities herein granted until Our further pleasure shall be signified therein: Provided that no such powers or authorities shall vest in such person until he shall have taken the oaths appointed to be taken by the Governor of the Colony, and in the manner provided by the Instructions accompanying these Our Letters Patent.

Succession to Government in the event of the death, &c., or absence of the Lieutenant-Governor from the Colony.

Powers and authorities of Administrator.

XVII. Whenever the office of Lieutenant-Governor is vacant, or if the Lieutenant-Governor become incapable or be absent from the Colony, or is from any cause prevented from acting in the duties of his office, then such person or persons as We may appoint under Our Sign Manual and Signet, and in default of such appointment the Senior Member of the Executive Council shall, during Our pleasure, administer the Government of the Colony as Lieutenant-Governor, first taking the oaths herein-before directed to be taken by the Lieutenant-Governor and in the manner herein prescribed, which being done, We do hereby authorise, empower, and command Our Lieutenant-Governor or any other such Administrator as aforesaid, to do and execute, during Our pleasure, all things that belong to the Office of Lieutenant-Governor according to the tenor of these Our Letters Patent, and according to Our Instructions as aforesaid, and the Laws of the Colony.

Officers and others to obey the Governor and Lieutenant-Governor.

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

Terms "the Governor" and "Lieutenant-Governor" explained.

XIX. In the construction of these Our Letters Patent, the terms "the Governor" and "Lieutenant-Governor," unless inconsistent with the context, shall include every person for the time being administering the Government of the Colony as Governor or Lieutenant-Governor respectively.

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

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

Proclamation of Letters Patent. Time of coming into operation.

XXI. And inasmuch as it is expedient that these Our Letters Patent should come into operation without delay, now We do direct and enjoin that these our Letters Patent shall come into operation forthwith, and shall be read and proclaimed within the Colony.

In witness whereof We have caused these Our Letters to be made Patent. Witness Ourselves at Westminster, this Twenty-third day of September in the Second year of Our Reign.

By Warrant under the King's Sign Manual.

MUIR MACKENZIE.

No. VII. (B.)
TRANSVAAL.

INSTRUCTIONS passed under the Royal Sign Manual and Signet to the Governor and Commander-in-Chief and to the Lieutenant-Governor of the Transvaal.

Dated 23rd September 1902.

EDWARD R.

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

Given at Our Court at Saint James's, this Twenty-third day of September 1902, in the Second year of Our Reign.

Whereas by certain Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing even date herewith, We have constituted, ordered, and declared that there shall be a Governor and Commander-in-Chief (therein and herein-after called the Governor) and also a Lieutenant-Governor in and over Our Colony of the Transvaal (therein and herein-after called the Colony):

Preamble.
Recites
Letters
Patent of
even date.

And whereas We have thereby authorised and commanded the Governor and the Lieutenant-Governor, to do and execute all things that belong to their said offices, according to the tenor of Our said Letters Patent, and of such Commissions as may be issued to them under Our Sign Manual and Signet, and according to such Instructions as may from time to time be given to them respectively under Our Sign Manual and Signet, or by Our Order in Our Privy Council, or through one of Our Principal Secretaries of State, and to such Laws as are now or shall hereafter be in force in the Colony:

And whereas we are minded to issue these Our Instructions under Our Sign Manual and Signet for the guidance of the Governor or other officer administering the Government of the Colony as such Governor, and of the Lieutenant-Governor or other officer administering the Government thereof as Lieutenant-Governor:

Now, therefore, We do hereby revoke Our Instructions under Our Sign Manual and Signet bearing date the Second day of August 1901* and We do direct and enjoin and declare Our Will and pleasure as follows:—

I. The Lieutenant-Governor may, whenever he thinks fit, require any person in the public service of the Colony to take the Oath of Allegiance in the form prescribed by the Act relating thereto mentioned in Our said Letters Patent, together with such other Oath or Oaths as may from time to time be prescribed by any Laws in force in the Colony. The Lieutenant-Governor is to administer such Oaths, or to cause them to be administered by some Public Officer of the Colony.

Lieutenant-Governor to administer Oaths.

II. If in any emergency arising in the Colony during the absence of the Governor it is necessary that instructions should be obtained from Us without delay, the Deputy (if any) acting for the Governor may apply to Us, through one of Our Principal Secretaries of State, for instructions in the matter; but every such Deputy shall forthwith transmit to the Governor a copy of every Despatch or communication which he has so addressed to Us.

Deputies may correspond direct with Secretary of State in urgent cases.

III. The Executive Council of the Colony shall consist of the persons for the time being lawfully discharging the functions of Colonial Secretary, of Attorney-General, of Commissioner of Native Affairs, of Colonial Treasurer, and of Commissioner of Mines, and such other persons as We may from time to time appoint by any Instruction or Warrant under Our Sign Manual and Signet, or through one of Our Principal Secretaries of State.

Constitution of Executive Council.

Whenever upon any special occasion the Lieutenant-Governor desires to obtain the advice of any persons within the Colony touching Our affairs therein, he may, with the consent of the Governor, by an Instrument under the Public Seal of the Colony, summon for such special occasion any such persons as Extraordinary Members of the Executive Council.

Extraordinary Members.

* See p. 17 of Ctd. 1163.

Precedence. IV. The Members of the Executive Council shall have seniority and precedence as We may specially assign, and in default thereof, the above-mentioned Officers in the order in which their offices are mentioned, and other Members according to the priority of their respective appointments, or if appointed by the same instrument, according to the order in which they are named therein.

Lieutenant-Governor to communicate Instructions to Executive Council. V. The Lieutenant-Governor shall forthwith communicate these Our Instructions to the Executive Council, and likewise all such other Our Instructions, from time to time, as We may direct, or as he shall find convenient for Our service to impart to them.

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

Lieutenant-Governor to preside. VII. The Lieutenant-Governor shall attend and preside at all meetings of the Executive Council, unless when prevented by illness or other grave cause, and in his absence such Member as the Lieutenant-Governor may appoint, or, in the absence of such Member, the Senior Member of the Council actually present shall preside.

Journals or Minutes of Executive Council to be kept. VIII. A full and exact Journal or Minute shall be kept of all the proceedings of the Executive Council; and at each meeting of the Council the Minutes of the last preceding meeting shall be read over and confirmed or amended, as the case may require, before proceeding to the despatch of any other business.

Minutes to be sent home twice a year. Twice in each year the Lieutenant-Governor shall transmit to the Governor, and the Governor shall transmit to Us, through one of Our Principal Secretaries of State, a full and exact copy of all the said Minutes for the preceding half-year.

Lieutenant-Governor to consult Executive Council. Proviso. Urgent cases. IX. In the execution of the powers and authorities granted to the Lieutenant-Governor by Our said Letters Patent, he shall in all cases consult with the Executive Council, excepting only in cases which may be of such a nature that, in his judgment, Our service would sustain material prejudice by consulting the Council thereupon, or when the matters to be decided shall be too unimportant to require their advice, or too urgent to admit of their advice being given by the time within which it may be necessary for him to act in respect of any such matters. In all such urgent cases he shall, as soon as possible, communicate to the Governor and the Executive Council the measures which he may so have adopted, with the reasons thereof.

Lieutenant-Governor to propose questions. No Member to propose a question, but may record application for so doing. X. The Lieutenant-Governor alone shall be entitled to submit questions to the Executive Council for their advice or decision; but if the Lieutenant-Governor decline to submit any question to the Council when requested in writing by any Member so to do, it shall be competent to such Member to require that there be recorded upon the Minutes his written application, together with the answer returned by the Lieutenant-Governor to the same. A copy of such Minute shall, at the earliest opportunity, be transmitted by the Lieutenant-Governor to the Governor.

Lieutenant-Governor may act in opposition to Executive Council. Reporting the grounds for so doing. Members may record on Minutes their adverse opinions. XI. The Lieutenant-Governor may act in opposition to the advice given to him by the Members of the Executive Council, if he shall in any case deem it right to do so, but in any such case he shall forthwith fully report the matter to the Governor, with the grounds and reasons of his action, and the Governor shall fully report the matter to Us at the first convenient opportunity. In every such case it shall be competent to any Member of the Council to require that there be recorded at length on the Minutes the grounds of any advice or opinion he may give upon the question.

Constitution of Legislative Council. XII. The Legislative Council of the Colony shall consist of the Lieutenant-Governor, the persons from time to time lawfully discharging the functions of Colonial Secretary, of Attorney-General, of Commissioner for Native Affairs, of Colonial Treasurer, and of Commissioner of Mines, and such other persons as We may from time to time appoint by any

Instruction or Warrant under Our Sign Manual and Signet, or through one of our Principal Secretaries of State.

XIII. Whenever upon any special occasion the Lieutenant-Governor wishes to obtain the advice of any person within the Colony, touching any matters about to be brought before the Legislative Council, he may, with the consent of the Governor, by an Instrument under the Public Seal appoint any such person to be, for such occasion, an Extraordinary Member of the Legislative Council.

Extraordinary Member.

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

Council may transact business notwithstanding vacancies.
Quorum.

XV. The Members of the Legislative Council shall have precedence as We may specially assign, and, in default thereof, the above-mentioned Officers, in the order in which their offices are mentioned; and other Members according to the priority of their respective appointments, or if appointed by the same Instrument according to the order in which they are named therein.

Precedence of Members.

XVI. The Lieutenant-Governor shall attend and preside at all meetings of the Legislative Council, unless when prevented by illness or other grave cause, and in his absence that Member shall preside who is first in precedence of those present.

Lieutenant-Governor to preside in Council, or in his absence the Senior Member.

XVII. All questions proposed for debate in the Legislative Council shall be decided by the majority of votes, and the Lieutenant-Governor or the Member presiding shall have an original vote in common with the other Members of the Council, as also a casting vote, if upon any question the votes shall be equal.

Questions to be decided by a majority.
Lieutenant-Governor or Member presiding to have an original and casting vote.

XVIII. The Lieutenant-Governor shall, with the consent of the Governor, frame and propose to the Legislative Council from time to time for their adoption such standing rules and orders as may be necessary to ensure punctuality of attendance of the Members of the Council, and to prevent meetings of the Council being held without convenient notice to the several Members thereof, and to maintain order and method in the despatch of business, and in the conduct of debates in the Council, and to secure due deliberation in the passing of Ordinances, and to provide that before the passing of any Ordinance intended to affect the interests of private persons due notice of the same is given to all persons concerned therein.

Rules and Orders to be made for insuring punctuality of attendance.

All such Rules and Orders, not being repugnant to Our said Letters Patent, or to these or any other Our Instructions, shall at all times be followed and observed, and shall be binding upon the said Council, unless the same or any of them shall be disallowed by Us.

XIX. It shall be competent for any Member of the Legislative Council to propose any question for debate therein; and such question, if seconded by any other Member, shall be debated and disposed of according to the standing Rules and Orders. Provided always, that every Ordinance, vote, resolution, or question, the object or effect of which may be to dispose of or charge, or to revoke or vary any disposition of or charge upon any part of Our revenue arising within the Colony, shall be proposed by the Lieutenant-Governor, with the consent of the Governor, unless the proposal of the same shall have been expressly allowed or directed by the Lieutenant-Governor with such consent as aforesaid.

Questions, &c., for debate.

XX. In the making of Ordinances the following Rules shall, so far as practicable, be observed:—

1. All Laws shall be styled "Ordinances," and the enacting words shall be "enacted by the Lieutenant-Governor of the Transvaal, with the advice and consent of the Legislative Council thereof."
2. All Ordinances shall be distinguished by titles, and shall be divided into successive clauses or paragraphs, consecutively numbered, and to every such clause there shall be annexed in the margin a short

Rules and Regulations under which Ordinances are to be enacted.
Form of enacting Ordinances.

Ordinances to be numbered and

methodically arranged.

Different subjects not to be mixed in same Ordinance.
No clause to be introduced foreign to what title of Ordinance imports.
Temporary Ordinances.

Lieutenant-Governor to send drafts of Ordinances to Governor.

Description of Ordinances not to be assented to.

Proviso in case of emergency for immediate operation of an Ordinance.

Private Ordinances.

summary of its contents. The Ordinances of each year shall be distinguished by consecutive numbers, commencing in each year with the number one.

3. Each different matter shall be provided for by a different Ordinance, without intermixing into one and the same Ordinance such things as have no proper relation to each other; and no clause is to be inserted in or annexed to any Ordinance which shall be foreign to what the title of such Ordinance imports; and no perpetual clause shall be part of any temporary Ordinance.

XXI. Before any Ordinance is introduced into the Legislative Council a fair draft thereof shall be transmitted to the Governor by the Lieutenant-Governor.

XXII. No Ordinance shall take effect until assented to in Our name by the Governor, and the Governor shall not assent in Our name to any Ordinance of any of the following classes, namely:—

1. Any Ordinance for the divorce of persons joined together in holy matrimony;
2. Any Ordinance whereby any grant of land or money, or other donation or gratuity, may be made to himself or to the Lieutenant-Governor;
3. Any Ordinance whereby any increase or diminution may be made in the number, salary, or allowance of the public officers;
4. Any Ordinance affecting the currency of the Colony or relating to the issue of Bank notes;
5. Any Ordinance establishing any Banking Association, or amending or altering the constitution, powers, or privileges of any Banking Association;
6. Any Ordinance imposing differential duties;
7. Any Ordinance the provisions of which shall appear inconsistent with obligations imposed upon Us by Treaty;
8. Any Ordinance interfering with the discipline or control of Our Forces by land or sea;
9. Any Ordinance of an extraordinary nature and importance, whereby Our prerogative or the rights and property of Our subjects not residing in the Colony, or the trade and shipping of Our United Kingdom and its Dependencies, may be prejudiced;
10. Any Ordinance whereby persons not of European birth or descent may be subjected or made liable to any disabilities or restrictions to which persons of European birth or descent are not also subjected or made liable;
11. Any Ordinance containing provisions to which Our assent has been once refused, or which have been disallowed by Us;

Unless in the case of any such Ordinance as aforesaid he shall have previously obtained Our Instructions upon such Ordinance through one of Our Principal Secretaries of State, or unless such Ordinance shall contain a clause suspending the operation of such Ordinance until the signification of Our pleasure thereupon, or unless the Governor shall have satisfied himself that an urgent necessity exists requiring that such Ordinance be brought into immediate operation, in which case he is authorised to assent in Our name to such Ordinance, unless the same shall be repugnant to the Law of England or inconsistent with any obligations imposed upon Us by Treaty. But he is to transmit to Us, by the earliest opportunity, the Ordinance so assented to, together with his reasons for assenting thereto.

XXIII. No private Ordinance shall be passed whereby the property of any private person may be affected in which there is not a saving of the rights of Us, Our heirs and successors, and of all bodies, politic and corporate, and of all other persons except such as are mentioned in the said Ordinance, and those claiming by, from, and under them. The Lieutenant-Governor shall in the case of every such private Ordinance satisfy himself that adequate and timely notification, by public advertisement or otherwise, was made of

the parties' intention to apply for such Ordinance before the same was brought into the Legislative Council; and a certificate under his hand shall be annexed to every such Ordinance and transmitted therewith to the Governor signifying that such notification has been given and declaring the manner of giving the same. The Governor shall not assent in Our name to any such private Ordinance, unless he has received such certificate from the Lieutenant-Governor.

XXIV. When any Ordinance shall have been passed in the Legislative Council, the Lieutenant-Governor shall transmit to the Governor for his assent, and subject thereto for transmission to Us, through one of Our Principal Secretaries of State, for Our final approval, disallowance, or other direction thereupon, six full and exact copies of the same, and of the marginal summary thereof, duly authenticated under the Public Seal of the Colony, and by his own signature. Such copies shall be accompanied by such explanatory observations as may be required to exhibit the reasons and occasion for passing such Ordinance. If the Governor assents to an Ordinance he shall record his assent on each of the six copies, and of the said copies two shall be forthwith returned by him to the Lieutenant-Governor, two shall be retained by the Governor, and two shall be transmitted to Us as aforesaid.

Ordinances to be sent home duly authenticated.

XXV. At the earliest practicable period at the commencement of each year, the Lieutenant-Governor shall cause a complete collection to be published, for general information, of all Ordinances enacted during the preceding year, and shall transmit two copies thereof to the Governor, one of which shall be by him transmitted to Us, through one of Our Principal Secretaries of State.

Collection of Ordinances to be published every year.

XXVI. Minutes shall be regularly kept of all the Proceedings of the Legislative Council, and at each meeting of the said Council the Minutes of the last preceding meeting shall be read over, and confirmed or amended, as the case may require, before proceeding to the despatch of any other business.

Minutes of proceedings to be kept.

Twice in each year the Lieutenant-Governor shall transmit to the Governor, and the Governor shall transmit to Us, through one of Our Principal Secretaries of State, a full and exact copy of all the said Minutes for the preceding half-year.

Minutes to be sent home twice a year.

XXVII. Before disposing of any vacant or waste lands to Us belonging, the Lieutenant-Governor shall transmit to the Governor a report specifying the reservations to be made thereout which he may think necessary for roads or other public purposes, and the Governor shall signify his decision thereon to the Lieutenant-Governor, who shall conform to the Governor's directions in respect thereof. Neither the Governor nor the Lieutenant-Governor shall, directly or indirectly, purchase for himself any of such lands without Our special permission given through one of Our Principal Secretaries of State.

Reservations to be made before waste lands are disposed of. Governor and Lieutenant-Governor not to purchase lands.

XXVIII. All Commissions to be granted by the Lieutenant-Governor, to any person or persons for exercising any office or employment shall require the consent of the Governor and shall, unless otherwise provided by law, be granted during pleasure only; and whenever the Lieutenant-Governor shall with such consent as aforesaid appoint to any vacant office or employment any person not by Us specially directed to be appointed thereto, he shall, at the same time, expressly apprise such person that such appointment is to be considered only as temporary and provisional until our allowance or disallowance thereof be signified.

Appointments to be provisional and during pleasure.

XXIX. Before suspending from the exercise of his office any public Officer who has been appointed by virtue of a Commission or Warrant from Us or in Our name, or whose emoluments exceed 500*l.* a year, the Lieutenant-Governor shall signify to such Officer by a statement in writing the grounds of the intended suspension, and shall call upon him to state in writing the grounds upon which he desires to exculpate himself. The Lieutenant-Governor shall lay both statements before the Executive Council and, having consulted them thereon, shall cause to be recorded on the Minutes whether the Council or the majority thereof does or does not assent to the suspension; and the Lieutenant-Governor may thereupon if he think fit proceed to such

Suspension of officers.

suspension. Provided that in any case the Lieutenant-Governor shall transmit both of the said statements, together with the Minutes of the Executive Council, to the Governor at the earliest opportunity for his consent thereto. The Governor shall in like manner transmit to Us any statements relating to the suspension of any public Officer by the Lieutenant-Governor which he may have received from the Lieutenant-Governor. But if in any case relating to the suspension of a public officer the interests of Our service shall appear to the Lieutenant-Governor to demand that a person shall cease to exercise the powers and functions of his office instantly, or before there shall be time to take the proceedings herein-before directed, he shall then interdict such person from the exercise of the powers and functions of his office, until the decision of the Governor in the matter be signified.

Governor and Lieutenant-Governor to promote religion and education amongst the natives. Protection of their persons and property.

XXX. The Governor and the Lieutenant-Governor are, to the utmost of their power, to promote religion and education among the native inhabitants of the Colony, and they are especially to take care to protect such native inhabitants in their persons and in the free enjoyment of their possessions, and by all lawful means to prevent and restrain all violence and injustice which may in any manner be practised or attempted against them.

Regulation of power of pardon in capital cases.

XXXI. Whenever any offender shall have been condemned to suffer death by the sentence of any Court in the Colony, the Lieutenant-Governor shall call upon the Judge who presided at the trial to make to him a written report of the case of such offender, and shall cause such report to be taken into consideration at the first meeting thereafter which may be conveniently held of the Executive Council, and he may cause the said Judge to be specially summoned to attend at such meeting and to produce his notes thereat. The Lieutenant-Governor shall not propose to the Governor to pardon or reprieve any such offender unless it shall appear to him expedient so to do upon receiving the advice of the Executive Council thereon. Provided that he shall enter on the Minutes of the Executive Council, a Minute of his reasons at length, in case he should upon any such question differ from the opinion of the majority of the Members thereof. The Lieutenant-Governor shall in every such case forthwith transmit a copy of such Minutes to the Governor for his decision thereon, which may be signified by telegraph.

Judge's reports to be laid before Executive Council.

Lieutenant-Governor to take advice of Executive Council in such cases.

Blue Book.

XXXII. And whereas the Lieutenant-Governor will receive from one of Our Principal Secretaries of State, through the Governor, a Book of Tables in blank (commonly called the "Blue Book") to be annually filled up with certain Returns relative to the revenue and expenditure, defence, public works, legislation, civil establishments, pensions, population, schools, course of exchange, imports and exports, agricultural produce, manufactures, and other matters in the said "Blue Book" more particularly specified with reference to the state and condition of the Colony: Now We do direct and enjoin that all such Returns be accurately prepared, and punctually transmitted by the Lieutenant-Governor to the Governor from year to year, to be by him transmitted in like manner to Us.

Lieutenant-Governor to obey directions of Governor in matters not otherwise provided for by Instructions.

XXXIII. Subject to the provisions of Our said Letters Patent and of these Our instructions the Lieutenant-Governor shall, in all matters not otherwise provided for by these or any other Our Instructions, conform to and obey all such lawful directions as the Governor may at any time address to him, and shall refer to him from time to time on all matters of importance arising within the Colony.

Governor's absence.

XXXIV. The Governor shall not upon any pretence whatever quit the Colony, except in discharge of his duties as Governor of any Colony or Territory adjacent to Our said Colony, or for the purposes contemplated in any Commission granted by Us to him as High Commissioner, without having first obtained leave from Us for so doing under Our Sign Manual and Signet, or through one of Our Principal Secretaries of State.

The Governor, when in discharge of any such duties he quits the Colony, shall not be considered absent from the Colony within the meaning of Our said Letters Patent.

XXXV. The Lieutenant-Governor shall not upon any pretence whatever quit the Colony without having first obtained leave for so doing from the Governor and from Us under Our Sign Manual and Signet, or through one of Our Principal Secretaries of State.

Lieutenant-Governor's absence.

XXXVI. In these Our Instructions the terms "the Governor" and "the Lieutenant-Governor" shall, unless inconsistent with the context, include every person for the time being administering the Government of the Colony as Governor and as Lieutenant-Governor respectively.

Terms "Governor" and "Lieutenant-Governor" explained.

E. R.

No. VII. (C.)

TRANSVAAL.

Commission passed under the Royal Sign Manual and Signet, appointing the Right Honourable Lord Milner, P.C., G.C.B., G.C.M.G., to be Governor and Commander-in-Chief of the Transvaal.

Dated 7th August 1901.

EDWARD R.

EDWARD THE SEVENTH, by the Grace of God of the United Kingdom of Great Britain and Ireland King, Defender of the Faith, Emperor of India: To our Right Trusty and Well-beloved Councillor, Alfred, Baron Milner, Knight Grand Cross of Our Most Honourable Order of the Bath, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, Greeting.

We do, by this Our Commission under Our Sign Manual and Signet, appoint you, the said Alfred, Baron Milner, to be during Our pleasure Our Governor and Commander-in-Chief in and over Our Colony of the Transvaal, with all the powers, rights, privileges, and advantages to the said Office belonging or appertaining.

Appointment of the Right Hon. Lord Milner, P.C., G.C.B., G.C.M.G., to be Governor.

II. And We do hereby authorise, empower, and command you to exercise and perform all and singular the powers and directions contained in certain Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster the Second day of August 1901,* constituting the said Office of Governor and Commander-in-Chief in and over the Transvaal, or in any other Letters Patent adding to, amending, or substituted for the same, according to such Orders and Instructions as you may receive from Us.

His duties and powers under Letters Patent, dated 2nd August 1901, constituting the Office of Governor, &c.

III. And We do hereby appoint that so soon as you shall have taken the prescribed oaths, and have entered upon the duties of your Office, this Our present Commission shall supersede the Commission under the Sign Manual and Signet of Her late Majesty Queen Victoria, bearing date the Fourth day of July 1900, appointing Our Right Trusty and Well-beloved Councillor Frederick Sleigh, Baron Roberts of Kandahar to be provisionally and until Her pleasure was more fully known, Administrator of the Territories theretofore known as the South African Republic and now known as the Transvaal; and shall also, so far as the Administration of the Government of the Transvaal is concerned, supersede the further Commission under the Sign Manual and Signet of Her late Majesty Queen Victoria, bearing date the Eighth day of October 1900,† appointing Our High Commissioner for South Africa for the time being to be Administrator of the Orange River Colony and of the Transvaal in the event of the death, incapacity, removal, or absence from South Africa of the said Frederick Sleigh, Baron Roberts of Kandahar, and until other provision should be made for such administration.

Commissions of 4th July 1900 and 8th October 1900 superseded.

* See No. VII. (A.), and Note.

† See No. 3 in Cd. 547,

Officers, &c.,
to obey the
Governor.

IV. And We do hereby command all and singular Our Officers, Ministers, and loving subjects in our said Colony, and all others whom it may concern, to take due notice hereof, and to give their ready obedience accordingly.

Given at Our Court at St. James's this Seventh day of August 1901, in the First year of Our Reign.

By His Majesty's Command,
J. CHAMBERLAIN.

No. VIII.

CENTRAL SOUTH AFRICAN RAILWAYS AND INTER-COLONIAL COUNCIL.

(A.)

At the Court at Balmoral,

The 15th day of September, 1902.

Present :

The King's most Excellent Majesty

His Royal Highness the Prince of Wales

Duke of Fife

Mr. Secretary Akers-Douglas.

Sir Dighton Probyn

Whereas His Majesty the King is empowered by and with the advice of His Privy Council from time to time to make all such laws or ordinances as may appear to Him necessary for the peace, order and good government of the Transvaal and of the Orange River Colony.

And whereas certain Railways situated in the Orange River Colony which were formerly the property of the Government of the late Orange Free State have become vested in His Majesty by right of conquest.

And whereas it is expedient that the aforesaid Railways and the railway known as the Netherlands South African Railway situated in the Transvaal should be vested in the Governor of the Orange River Colony and the Governor of the Transvaal respectively on behalf of His Majesty in the manner and for the purposes hereinafter set forth and that provision should be made for the regulation and control of all the aforesaid Railways and of any railway which may hereafter be acquired or constructed by or on behalf of the Governments of the Transvaal or the Orange River Colony.

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

1. In this Order unless the context otherwise implies—

- (1) The expression "Railway" includes all lines of railway and all lands, stations, buildings, locomotive engines, rolling stock, machinery, and plant, and all other property of whatsoever description or nature appertaining to or used in connection with a railway.
- (2) The expression "Secretary of State" means one of his Majesty's Principal Secretaries of State.

2. The Railways in the Orange River Colony which were formerly the property of the Government of the late Orange Free State and all property in and all rights in and over the same shall be and shall be deemed to have been as and from the 24th day of May 1900 transferred to and vested in the Governor of the Orange River Colony on behalf of His Majesty.

3. The railway known as the Netherlands South African Railway and all property in and all rights in and over the same shall be and shall be deemed

to have been as and from the first day of September 1900 transferred to and vested in the Governor of the Transvaal on behalf of His Majesty.

4. The railways in the Orange River Colony the Netherlands South African Railway and any other railway which may hereafter be acquired or constructed by or on behalf of the Government of the Transvaal or of the Orange River Colony respectively shall be administered and worked as one railway system which shall be known as the Central South African Railways.

5. The Central South African Railways shall be and remain under the direct control and authority of the High Commissioner for South Africa for the time being and all officers and employes of the said Central South African Railway shall conform to and obey such orders and instructions as they may from time to time receive from the said High Commissioner or from any person appointed by him to act on his behalf provided that the said High Commissioner shall exercise the said control and authority according to such instructions as may from time to time be given to him by His Majesty through a Secretary of State.

6. For the purposes of the financial administration of the Central South African Railways there shall be established a Financial Board of Control and the said Board shall have such powers, authorities and duties as the High Commissioner for South Africa may from time to time with the approval of a Secretary of State by regulation determine and prescribe, provided as follows :—

- (1) The said Board shall consist of not less than three members who shall be appointed by the High Commissioner with the approval of a Secretary of State.
- (2) One member of the said Board shall be the chief administrative officer of the Central South African Railways, who shall be known as the Commissioner of Railways.
- (3) Of the other members of the Board one member at least shall be appointed by the High Commissioner upon the nomination of the Lieutenant-Governor of the Transvaal, and one member at least shall be appointed by the said High Commissioner on the nomination of the Lieutenant-Governor of the Orange River Colony.

7. The net profits of the Central South African Railways which shall remain after providing for the expenses of working, administration, maintenance and for other necessary expenditure, in connection with the said Railways, shall be paid over to the Treasurers of the Transvaal and of the Orange River Colony to be applied by them in aid of the revenues of the said Colonies in such proportions and in such manner as the High Commissioner on the recommendation of the Financial Board shall, subject to the approval of a Secretary of State, determine provided that the High Commissioner may on the recommendation of the Financial Board, and with like approval, direct that any part of the aforesaid profits shall be retained and set aside to meet the expenses of the extension of any of the existing lines of railway within the said Colonies or of the construction or extension of any other railway lines hereafter constructed within the said Colonies.

8. The High Commissioner may, subject to the approval of a Secretary of State, make regulations for the better carrying out the provisions of this Order and such regulations not being inconsistent with the provisions herein contained shall have effect as though they formed part of this Order.

9. His Majesty may at any time alter add to or amend the provisions of this Order.

10. This Order shall come into operation on the day to be notified by the High Commissioner by Proclamation published in the High Commissioner's Gazette.

A. W. FITZROY.

(B.)

At the Court at Buckingham Palace,

The 20th day of May, 1903.

Present :

The King's most Excellent Majesty

Lord President
Marquess of LondonderryLord Steward
Earl of Onslow.

Whereas by Letters Patent dated the 2nd day of August, 1901, creating the offices of Governor and Lieutenant-Governor of the Orange River Colony, and by Letters Patent dated the 23rd day of September, 1902, creating the offices of Governor and Lieutenant-Governor of the Transvaal, power was reserved to His Majesty the King, with the advice of His Privy Council, to make Laws or Ordinances for the peace, order, and good government of the Orange River Colony, and of the Transvaal; and whereas by the said Letters Patent, the police force known as the South African Constabulary was placed under the direct administration and control of the High Commissioner for South Africa :

And whereas by an Order in Council dated the 15th day of September, 1902, certain railways in the Transvaal and Orange River Colony thenceforward to be known as the Central South African Railways, were ordered to be administered and worked as one railway system under the direct control and authority of the High Commissioner for South Africa; and a Financial Board of Control was by the said Order in Council established for the purpose of the financial administration of the said railways :

And whereas it is desirable to make further provision for the financial administration of the said railways and the employment of the net revenue thereof, and also for the supervision of the expenditure on the South African Constabulary, and other expenditure common to the Transvaal and Orange River Colony :

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

I. This Order may be cited as the Inter-Colonial Council South Africa Order in Council, 1903.

II. In this Order the expression "Secretary of State" means one of His Majesty's Principal Secretaries of State. The expression "High Commissioner" means the High Commissioner for South Africa.

III. The officer for the time being discharging the duties of Governor of the Transvaal and Governor of the Orange River Colony shall, so long as the duties of the said offices continue to be discharged by one and the same person, be High Commissioner for South Africa, and the said officer for the purposes of this Order shall be styled "the High Commissioner and Governor."

IV. An Inter-Colonial Council, hereinafter called "the Council," shall be established to advise the High Commissioner and Governor on the following matters :—

- (a) The financial administration of the Central South African Railways and the employment of their revenue.
- (b) The expenditure on the South African Constabulary.
- (c) The following expenditure common to the Transvaal and Orange River Colony which is hereby placed under the authority of the Council :—
 - i. The expenses of the Governor's Establishment in the Transvaal and Orange River Colony respectively;
 - ii. The expenses of Geodetic Survey;
 - iii. The expenses of the Permit Office;

- iv. The expenses of the Transvaal and Orange River Colony Enquiry Offices at the South African ports;
- v. Such expenses as the Council may think necessary for the proper conduct of its business.
- (d) Such other expenditure common to the Transvaal and Orange River Colony as may from time to time be placed under the authority of the Council by the Legislative Councils of the Transvaal and Orange River Colony with the consent of a Secretary of State.
- (e) Any matter connected with the administration of the Central South African Railways and the South African Constabulary, or any other branch of the public service common to the Transvaal and the Orange River Colony, the expenditure on which may be placed under the authority of the Council in accordance with the provisions of this Order.
- (f) The proper carrying out of the provisions of this Order.

V. The said Council shall be constituted as follows :—

- The High Commissioner and Governor.
- The Lieutenant-Governor of the Transvaal.
- The Lieutenant-Governor of the Orange River Colony.
- The Inspector-General of the South African Constabulary.
- The Commissioner of Railways.
- Two members of the Executive Council of the Transvaal to be nominated by the Lieutenant-Governor of the Transvaal.
- Two members of the Executive Council of the Orange River Colony to be nominated by the Lieutenant-Governor of the Orange River Colony.
- Two members of the Legislative Council of the Transvaal to be elected from amongst themselves by the unofficial members of the said Legislative Council.
- Two members of the Legislative Council of the Orange River Colony to be elected from amongst themselves by the unofficial members of the said Legislative Council.
- Two other members to be nominated by a Secretary of State, who may or may not be members of the Legislative Council of the Transvaal or of the Legislative Council of the Orange River Colony.

The members to be nominated as above provided by the Lieutenant-Governors or by a Secretary of State shall hold office for 12 months from the date of such nomination, and the members to be elected as above provided shall hold office for 12 months from the date of such election.

VI.—(1.) The High Commissioner and Governor shall be the President of the said Council, and shall, if present, preside at its meetings. If at any meeting of the Council the High Commissioner and Governor shall be absent, the Lieutenant-Governor of the Transvaal shall preside, and in his absence the Lieutenant-Governor of the Orange River Colony.

(2.) The Council shall not proceed to business unless there shall be present at least seven members, including three from the Transvaal and three from the Orange River Colony.

(3.) The Council may make Standing Orders for the conduct of its business.

(4.) Any question submitted to the Council shall be decided by a majority of votes, and in case of an equality of votes the President shall have a casting vote as well as an original vote.

VII.—(1.) Subject to the provisions of this Order, the Council shall be summoned to meet at such time and place as the High Commissioner and Governor may determine.

(2.) There shall be one Ordinary Meeting in each year, to be summoned in the month of April or May, of which 14 days' notice shall be given to each member of Council: Provided always, that in the present year such Ordinary Meeting may be held at a later date, but as soon as practicable after the publication of this Order. The High Commissioner and Governor may

at any other time, with such notice as aforesaid, summon the Council to an Extraordinary meeting. The object for which an Extraordinary meeting is summoned shall be stated in the notice summoning it.

VIII. The Council shall keep or cause to be kept an account of the revenues accruing to it under the next following section of this Order and of the expenditure thereof, and may appoint an officer or agent to receive such revenues. No payment shall be made out of such revenues except upon a warrant signed by two members of Council, one of whom shall be the High Commissioner and Governor.

IX. The following revenues shall be paid to the Council by the officers responsible for the collection thereof:—

- (a) The net profits of the Central South African Railways which shall remain after providing for the expenses of working, administration, and maintenance, and for other necessary expenditure in connection with the said railways.
- (b) Any other net profits from railways which may become payable to the Government of the Transvaal or the Government of the Orange River Colony.
- (c) Any other revenues which the Legislative Council of the Transvaal or the Legislative Council of the Orange River Colony may, with the consent of the Secretary of State from time to time, devote to meeting expenditure common to these two Colonies.
- (d) Such portions of the loan authorised by the Transvaal Guaranteed Loan Ordinance, 1903, as the Lieutenant-Governor of the Transvaal may hand over to the Council for the purposes specified in the Schedule to the said Ordinance.

X. Anything in this Order or in the Order in Council of 15th September 1902, notwithstanding, the assets of the Central South African Railways shall be deemed to be a part of the assets of the Transvaal for the purpose of securing the principal, interest, and sinking fund of the loan authorised by the Transvaal Guaranteed Loan Ordinance of 1903. The annual charges for interest and sinking fund on the aforesaid loan shall be a first charge on the net profits of the Central South African Railways, and the Council, before dealing in any way with the said net profits, shall, so far as such net profits suffice, pay to the Lieutenant-Governor of the Transvaal in each half year a sum equal to the half year's interest and sinking fund on the said loan in time to enable him to remit the said half year's interest and sinking fund respectively to the Bank of England and the Crown Agents for the Colonies as provided in the said Ordinance.

XI.—(1) At the aforesaid Ordinary Annual Meeting of the Council it shall be the duty of the Council to draw up and approve a Budget for the ensuing financial year, comprising:—

On the Revenue side—

The revenue accruing to the Council under section IX. of this Order.

On the Expenditure side—

- (a) The payments on account of interest and sinking fund on the Transvaal Guaranteed Loan of 1903, as provided in the last preceding section of this Order.
- (b) The estimated expenditure of the South African Constabulary.
- (c) Any sums which the Council may, with the approval of a Secretary of State, see fit to devote to the extension of any of the existing lines of railway within the Transvaal or Orange River Colony, or to the construction of any other railway lines within the said Colonies, or the extension thereof.
- (d) The estimated expenditure on any other public services common to the Transvaal and Orange River Colony as to which authority is or may be given to the Council in accordance with the provisions of this Order.

(2) In order to enable the Council to frame the Budget, draft Estimates of the various items of Revenue and Expenditure above enumerated shall be

laid before it by the several Administrations concerned at the Ordinary Annual Meeting.

(3) The Expenditure side of the said Budget, when finally approved by the Council and by a Secretary of State, shall have the same force and effect as an Appropriation Ordinance, that is to say, it shall be Authority to the several Administrations concerned to expend the sums provided in the said Budget for the purposes for which they are severally granted, during the ensuing financial year; and the Council shall by warrant, as provided in section VIII. of this Order, issue to the several Administrations concerned the sums which they may from time to time require for this purpose.

(4) If the provision made in the said Budget appears in the course of the financial year to be insufficient, the High Commissioner and Governor shall summon an Extraordinary Meeting of the Council in order to make further provision for the expenditure on the services enumerated in this section.

XII.—(1) If in any financial year the revenue at the disposal of the Council, after payment of the annual charge for interest and sinking fund of the Transvaal Guaranteed Loan of 1903 shall appear to be insufficient to meet the Expenditure provided for in the Budget, exclusive of the interest and sinking fund of the Transvaal Guaranteed Loan, or in any Supplementary Budgets approved by the Council, the deficiency shall be made good by contributions from the Treasuries of the Transvaal and Orange River Colony, which contributions shall be in such proportion as a Secretary of State may direct, or, failing such directions, in proportion to the respective revenues from Customs Duties of the said Colonies during the financial year previous to that for which the contributions are required.

(2) In order to enable the Governments of the Transvaal and the Orange River Colony to make provision for any contribution which may be required from them under the last preceding section of this Order, the High Commissioner and Governor shall, as soon as the Budget for the ensuing financial year shall have been fixed by the Council, inform the Governments of the said Colonies of any anticipated deficiency on the said Budget, and of the amount of the contribution which it is estimated by the Council will be required from either of the said Colonies to make good such deficiency. The amount of any contribution from either of the said Colonies, so estimated, shall be included in the Estimates or Supplementary Estimates of the said Colony for the financial year, in respect of which the contribution is required, and in any Appropriation Ordinance confirming such Estimate.

XIII. If in any financial year the revenue at the disposal of the Council exceeds the expenditure to be provided for, as specified in section XI. hereof, the balance shall be paid over to the Treasuries of the Transvaal and Orange River Colony in such proportions as a Secretary of State may direct, or, failing such directions, in the proportion of two-thirds of the Transvaal and one-third to the Orange River Colony.

XIV.—(1) The Council shall every year, at its Ordinary Meeting, appoint from among its members a Standing Committee, to be called the "Railway Committee," consisting of not less than three or more than five members, of which Committee the Commissioner of Railways shall be Chairman.

(2) The Railway Committee shall, subject to the provisions of this Order and to the powers herein given to the Council, take the place of and discharge the duties hitherto discharged by the "Financial Board of Control," established under Section 6 of the Order in Council of the 15th day of September 1902.

(3) The Railway Committee shall prepare and submit to the Council at its Ordinary Annual Meeting Estimates of the gross receipts of the Central South African Railways for the ensuing year, and of the cost of working, administration, and other services necessary to the maintenance of the said railways, and such Estimates when approved by the Council, with or without amendment, shall be authority to the Commissioner of Railways to expend the sums provided in the said Estimates for the purposes for which they are granted.

XV. The Council, with the consent of a Secretary of State, shall have power to authorise the construction of any railway in the Transvaal or Orange River Colony, either out of public funds lawfully available for such purpose, or by private enterprise, and to enter into an agreement for the construction or management of any railway so authorised with a private individual or company: Provided always, that every such agreement shall reserve the power to expropriate such railway. The Government of the Transvaal and Orange River Colony shall take all necessary steps, by legislation or otherwise, to carry out and give effect to any arrangements made by the Council, with regard to the construction, management, control, or expropriation of any railways within the two Colonies.

XVI. In addition to the matters specially dealt with in this Order, the High Commissioner and Governor may at any time submit to the Council for their advice any matter connected with the administration of the South African Constabulary, the Central South African Railways, or any other branch of the public service common to the Transvaal and Orange River Colony, the expenditure on which is or may be placed under the authority of the Council, in accordance with the provisions of this Order. The High Commissioner and Governor shall not be bound to act upon the advice of the Council, but if he does not do so he must record in writing the reasons for which he differs from such advice, and submit the whole matter at the earliest opportunity to a Secretary of State.

XVII. The Council may appoint such officer or officers as it may think necessary for the proper conduct of its business, and may pay to any such officer or officers such salary or remuneration as the Council may, with the approval of a Secretary of State, prescribe. The salary or remuneration of such officer or officers shall be paid out of the funds at the disposal of the Council.

XVIII. Sections 6 and 7, and any other provision of the Order in Council of 15th September 1902, which may conflict with the provisions of this Order, shall be and are hereby repealed.

XIX. His Majesty may at any time alter, add to, or amend the provisions of this Order.

XX. This Order shall come into operation on a day to be notified by the High Commissioner, by Proclamation published in the High Commissioner's Gazette and in the Official Gazettes of the two Colonies.

XXI. Judicial notice shall be taken of this Order and of the commencement thereof.

A. W. FITZROY.

No. VIII. (C.)

At the Court at Buckingham Palace,

The 21st day of April 1904.

Present:

The King's most Excellent Majesty
 Lord President
 Earl of Kintore
 Sir Savile Crossley.

Whereas by an Order in Council bearing date the 20th day of May 1903, and known as the Inter-Colonial Council South Africa Order in Council, 1903, provision was made for the establishment of a Council to advise the High Commissioner for South Africa upon certain matters as in the said Order in Council is more fully set forth:

And whereas it is expedient to amend certain sections of the said Order in Council:

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

I. Section V. and Section XIV., Subsection (1), of the said Order in Council are hereby revoked, without prejudice to anything lawfully done thereunder, and in place thereof the following provisions shall be substituted and take effect :—

“ V. The said Council shall be constituted as follows :—

“ The High Commissioner and Governor.

“ The Lieutenant-Governor of the Transvaal.

“ The Lieutenant-Governor of the Orange River Colony.

“ The Inspector-General of the South African Constabulary.

“ The Commissioner of Railways.

“ Four members to be nominated by the Lieutenant-Governor of the Transvaal, being persons holding office under the Government of the Transvaal.

“ Four members to be nominated by the Lieutenant-Governor of the Orange River Colony being persons holding office under the Government of the Orange River Colony.

“ Six members of the Legislative Council of the Transvaal to be elected from amongst themselves by the unofficial members of the said Legislative Council.

“ Four members of the Legislative Council of the Orange River Colony to be elected from amongst themselves by the unofficial members of the said Legislative Council.

“ Two other members to be nominated by a Secretary of State who may or may not be members of the Legislative Council of the Transvaal or of the Legislative Council of the Orange River Colony.

“ One member to be nominated by the High Commissioner and Governor, being a person holding office in any branch of the Public Service common to the Transvaal and Orange River Colony in regard to which the Council may for the time being have power to advise the High Commissioner.

“ The members to be nominated as above provided by the Lieutenant-Governors, or by a Secretary of State, or by the High Commissioner and Governor, shall hold office for twelve months from the date of such nomination, and the members to be elected as above provided shall hold office for twelve months from the date of such election.

“ In the event of any vacancy among the elected members a fresh election shall, as soon as possible, be held to fill such vacancy, and the member therefore elected shall hold office until the expiration of 12 months from the date of the election of the member in whose place he has been elected.

“ If any member of the Council other than the High Commissioner and Governor or an elected member be absent from the Colony, or be temporarily incapable owing to illness or any other cause, of acting as a member of the Council, the authority by whom such member was nominated (or in the case of a member nominated by a Secretary of State or of any other member of the Council, the High Commissioner and Governor) may appoint some other person to act in place of such member during such absence or temporary incapacity.”

“ XIV.—(1) The Council shall every year at its ordinary meeting appoint from among its members a standing committee to be called the ‘ Railway Committee,’ consisting of not less than three or more than nine members, of which Committee the Commissioner of Railways shall be Chairman.”

II. His Majesty may at any time add to or amend the provisions of this Order.

III. This Order shall come into operation on publication in the “ London Gazette,” and shall be published in the High Commissioner’s Gazette and in the Official Gazettes of the two Colonies,

IV. Judicial notice shall be taken of this Order and of the commencement thereof.

V. This order may be cited as the Inter-Colonial Council South Africa Order in Council, 1904.

A. W. FITZROY.

No. VIII. (D.)

At the Court at Buckingham Palace,

The 12th day of January 1905.

Present :

The King's most Excellent Majesty
Archbishop of Canterbury
Mr. Secretary Akers-Douglas
Mr. E. R. Wodehouse.

Whereas by an Order of His Majesty in Council bearing date the 20th day of May, 1903, entitled "The Inter-Colonial Council South Africa Order in Council, 1903," provision was made for the establishment of an Inter-Colonial Council to advise the High Commissioner for South Africa and Governor of the Transvaal and of the Orange River Colony in the manner and concerning the matters in the said Order described and set forth :

And whereas by a further Order of His Majesty in Council bearing date the 21st day of April, 1904, entitled "The Inter-Colonial Council South Africa Order in Council, 1904," sections V. and XIV. of the said Order were amended and other provision was made as therein set forth :

And whereas it is expedient that section XV. of the said first-recited Order should be revoked and other provisions substituted for the same as herein-after provided :

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

I. This Order may be cited as "The Inter-Colonial Council South Africa Order in Council, 1905," and shall be read and construed as one with "The Inter-Colonial Council South Africa Order in Council, 1903," and "The Inter-Colonial Council South Africa Order in Council, 1904."

II. Section XV. of "The Inter-Colonial Council South Africa Order in Council, 1903," is, as from the commencement of this Order, hereby revoked without prejudice to anything lawfully done thereunder, and in place thereof the following provisions shall be substituted and take effect :—

"XV.—(1.) The Council shall have power to authorise the construction of any railway in the Transvaal or Orange River Colony either out of public funds lawfully available for such purpose, or by private enterprise, and to enter into an agreement or permit the entering into an agreement by any person previously authorised in that behalf by the Council for the construction or management of any railway so authorised with the Government of the Cape Colony, or Natal, or with any private individual, corporation, or company.

"(2) Every such agreement shall reserve the power to expropriate the railway.

"(3) The Governments of the Transvaal and Orange River Colony shall respectively take all necessary steps by legislation or otherwise to carry out and give effect to any arrangements made by the Council in accordance with the provisions of this Order in Council, with regard to the construction, management, control, or expropriation of any railways within the two colonies.

"(4.) For the purposes of this section construction of a railway by the Government of the Cape Colony or by the Government of Natal or

by a corporation or company shall be deemed to be construction by private enterprise.

"Provided always that no such agreement made by or on behalf of the Council as in this section provided shall take effect until the same has been approved by a Secretary of State."

III. His Majesty may at any time alter, add to, or amend the provisions of this Order.

IV. This Order shall commence and come into operation on publication in the "London Gazette" and shall be published in the High Commissioner's Gazette and in the Official Gazettes of the Transvaal and Orange River Colony.

V. Judicial notice shall be taken of this Order and of the commencement thereof.

A. W. FITZROY.

No. IX.
SWAZILAND.

At the Court at Buckingham Palace,

The 25th day of June, 1903.

Present :

The King's most Excellent Majesty in Council.

Whereas the Government of the late South African Republic exercised rights and powers of protection, legislation, jurisdiction and administration in and over the territory known as Swaziland :

And whereas the late South African Republic was conquered by His Majesty's Forces and was annexed to and now forms part of His Majesty's Dominions and provision has been made for the government thereof as one of His Majesty's Colonies under the name of the Transvaal :

And whereas all the rights and powers of the late South African Republic with respect to Swaziland have, by virtue of the conquest and annexation of the said South African Republic passed to His Majesty, and His Majesty has by treaty, capitulation, grant, usage, sufferance and other lawful means, power and jurisdiction in Swaziland :

Now, therefore, His Majesty, by virtue of the powers by the Foreign Jurisdiction Act, 1890, or otherwise in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered as follows:—

I. This Order may be cited as the Swaziland Order in Council, 1903.

II. In this Order unless the contrary appears "Swaziland" means the territory known by that name bounded on the North, the West and the South by the Transvaal, and on the East by the Colony of Natal and the Portuguese territories. "His Majesty" includes His Majesty's heirs and successors, "Secretary of State" means one of His Majesty's Principal Secretaries of State. "Governor" means the person for the time being administering the Government of the Transvaal as Governor thereof. "Gazette" means the Transvaal Government Gazette.

III. The Governor of the Transvaal may, on His Majesty's behalf, exercise all powers and jurisdiction which His Majesty, at any time before or after the date of this Order, had, or may have, within Swaziland, and to that end may take or cause to be taken all such measures, and may do or cause to be done all such matters and things therein as are lawful and as in the interest of His Majesty's service he may think expedient, subject to such instructions

as he may from time to time receive from His Majesty, or through a Secretary of State.

IV. The Governor may appoint a Resident Commissioner and so many fit persons as, in the interest of His Majesty's service, he may think necessary to be Assistant Commissioners, Judges, Magistrates, or other Officers, and may define from time to time the districts within which such Officers shall respectively discharge their functions.

Every such Officer may exercise such powers and authorities as the Governor may assign to him, subject nevertheless to such directions and instructions as the Governor may from time to time think fit to give him. The appointment of such Officers shall not abridge, alter, or affect the right of the Governor to execute and discharge all the powers and authorities hereby conferred upon him.

The Governor may remove any Officer so appointed.

V. In the exercise of the powers and authorities hereby conferred upon him, the Governor may, amongst other things, from time to time by Proclamation, provide for the administration of justice, the raising of revenue, and generally for the peace, order, and good government of Swaziland, and of all persons therein, including the prohibition and punishment of acts tending to disturb the public peace.

The Governor, in issuing such Proclamations, shall respect any native laws by which the civil relations of any native chiefs, tribes, or populations under His Majesty's protection are now regulated, except so far as the same may be incompatible with the due exercise of His Majesty's power and jurisdiction, or clearly injurious to the welfare of the said natives.

VI. Every Proclamation of the Governor shall be published in the Gazette, and shall from and after a date to be mentioned in such Proclamation, and thereafter until disallowed by His Majesty or repealed or modified by any subsequent Proclamation, have effect as if contained in this Order, and the Governor shall take such measures as he thinks proper for giving due publicity thereto within Swaziland.

VII. His Majesty may disallow any such Proclamation wholly or in part, and may signify such disallowance by Order in Council or through a Secretary of State, and upon such disallowance being notified in the Gazette, the provisions so disallowed shall from and after a date to be mentioned in such notification, cease to have effect, but without prejudice to anything theretofore lawfully done thereunder. Due notification shall be publicly made by the Governor within Swaziland of the disallowance of any such Proclamation.

VIII. The Governor shall use the Public Seal of the Transvaal for sealing all things whatsoever relating to Swaziland that are required to be under Public Seal.

IX. The Governor may as he shall see occasion, when any crime has been committed within Swaziland, or for which the offender may be tried therein, grant a pardon, in His Majesty's name to any accomplice, not being the actual perpetrator of such crime, who shall give such information and evidence as shall lead to the apprehension and conviction of the principal offender; and further, may grant to any offender convicted of any crime in any court, or before any Judge, Justice, Magistrate, or other Officer within Swaziland a pardon, either free or subject to lawful conditions, or any respite of the execution of the sentence of any such offender, for such period as to the Governor may seem fit, and may remit any fines, penalties, or forfeitures which may become due and payable.

X. Any revenues which may be collected in or in respect of Swaziland shall be paid into the Treasury of the Transvaal, and all expenditure incurred under and in accordance with the provisions of this order shall be paid out of the revenues of the Transvaal.

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

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

And the Right Honourable Joseph Chamberlain, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

A. W. FITZROY.

No. X.

SOUTH AFRICA.

COMMISSION passed under the Royal Sign Manual and Signet, appointing the Right Honourable the Earl of Selborne, P.C., to be High Commissioner for South Africa.

Dated 15th March 1905.

EDWARD R. & I.

EDWARD THE SEVENTH, by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India: To Our Right Trusty and Right Well-beloved Cousin and Councillor William Waldegrave, Earl of Selborne, Greeting.

We do, by this Our Commission under Our Sign Manual and Signet, appoint you, the said William Waldegrave, Earl of Selborne, to be, during Our pleasure, Our High Commissioner for South Africa, and as such High Commissioner to act in Our name and on Our behalf, and in all respects to represent Our Crown and authority in matters occurring in South Africa beyond the limits of Our Colonies of the Cape of Good Hope and Natal, and beyond the limits of any other place or territory in South Africa, in and over which We may from time to time have appointed a Governor.

Appointment of the Earl of Selborne to be High Commissioner.

II. And We do hereby authorise, empower, and command you to exercise in Our name and on Our behalf all jurisdiction, power, and authority in regard to Basutoland, the Bechuanaland Protectorate, Southern Rhodesia, and Barotsiland, North-Western Rhodesia, or elsewhere, which are now or shall hereafter be vested in Our said High Commissioner.

Powers and duties of High Commissioner.

III. And We do hereby authorise, empower, and command you, as such Our High Commissioner, to transact in Our name and on Our behalf all business which may lawfully be transacted by you with the Representative of any Foreign Power in South Africa, subject nevertheless to such instructions as you may from time to time receive from Us or through one of Our Principal Secretaries of State. And We do require you, by all proper means, to invite and obtain the co-operation of the Government of any Foreign Power in South Africa towards the preservation of peace and safety in South Africa, and the general welfare and advancement of its territories and peoples.

High Commissioner empowered to transact all lawful business with the Representative of any Foreign Power in South Africa.

IV. And We do hereby authorise, empower, and command you as such Our High Commissioner, in Our name and on Our behalf, to take all such measures, and to do all such things in relation to the Native Tribes in South Africa with which it is expedient that We should have relations, and which are not included within the territory of any Foreign Power, or within any territory for the administration of which We may from time to time have otherwise provided, as are lawful and appear to you to be advisable for maintaining Our Possessions in peace and safety, and for promoting the peace, order, and good government of the Tribes aforesaid, and for preserving friendly relations with them.

Dealings with Native Tribes.

V. And We do hereby authorise and empower you, by Instruments under your hand and seal, to appoint so many fit persons as in the interest of Our Service you shall think necessary to be your Deputy Commissioners, or to be Resident Commissioners or Assistant Commissioners, and by the same or other Instruments to define the districts within which such officers shall respectively discharge their functions: And We do hereby authorise and

High Commissioner empowered to appoint Deputy, Resident, or

Assistant
Commis-
sioners.
Powers and
authorities of
such Com-
missioners.

empower every such Deputy or Resident or Assistant Commissioner to have and exercise within his district such of the powers and authorities hereby conferred upon you, Our said High Commissioner, as you shall think fit to assign to him by the Instrument appointing him, subject nevertheless to such directions and instructions as you may from time to time think fit to give him. And We do declare that the appointment of such Deputy or Resident or Assistant Commissioners shall not abridge, alter, or affect the right of you, Our said High Commissioner, to execute and discharge all the powers, authorities, and functions of your said office.

Officers admin-
istering the
Governments
of the various
British
Colonies and
Protectorates
in South Africa
to be invited to
send represen-
tatives to con-
fer on subjects
of common
interest.

VI. And whereas it is desirable that the administrations of our various Colonies and Protectorates in South Africa should act in harmony in regard to subjects of common interest, such as the treatment of natives, the control of armed forces, the traffic in arms and ammunition, and the working of railways, posts, and telegraphs, We do direct you from time to time, as may seem to you expedient, to invite the Officers administering the Governments of Our said Colonies and Protectorates to send representatives to confer with you as such Our High Commissioner and with each other on the measures to be taken in regard to any or all of such subjects of common interest.

Supersedes
Commission
of the 6th
October
1900.

VII. And further We do hereby appoint that, so soon as you shall have entered upon the duties of the office of High Commissioner, this Our present Commission shall supersede the Commission under the Sign Manual and Signet of Her late Majesty Queen Victoria, bearing date the sixth day of October 1900, appointing Sir Alfred Milner (now Our Right Trusty and Well-beloved Cousin and Councillor, Viscount Milner, Knight Grand Cross of Our Most Honourable Order of the Bath, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George), to be High Commissioner.

Officers and
others to aid
and assist
the High
Commis-
sioner.

VIII. And We do hereby command all and singular Our Officers and Ministers, Civil and Military, and all the inhabitants of Our Possessions, and all other Our loyal subjects in South Africa, to be aiding and assisting unto you, in execution of this Our Commission.

Given at Our Court at Saint James's, this Fifteenth day of March 1905, in the Fifth year of Our Reign.

By His Majesty's Command,
ALFRED LYTTTELTON.

**SOUTH AFRICA (AUTHORITY OF HIGH
COMMISSIONER).**

**RETURN of all INSTRUMENTS showing the NATURE and
EXTENT of the authority for various purposes of the
HIGH COMMISSIONER FOR SOUTH AFRICA over and
in respect of the several COLONIES, POSSESSIONS, and
PROTECTORATES included in BRITISH SOUTH AFRICA.**

(Mr. Bryce.)

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