

SOUTHERN RHODESIA CONSTITUTION LETTERS PATENT.

(BEING THE SOUTHERN RHODESIA CONSTITUTION LETTERS PATENT OF 1ST SEPTEMBER, 1923,* AS AMENDED BY LETTERS PATENT OF 28TH MAY, 1927,† 26TH MARCH, 1930,‡ 22ND JULY, 1931,§ AND 6TH APRIL, 1934,|| AND BY THE SOUTHERN RHODESIA CONSTITUTION LETTERS PATENT AMENDMENT ACT, 1925,¶ AND THE SOUTHERN RHODESIA MINISTERIAL TITLES ACT, 1933.**)

Date of operations :

* 1st October, 1923.

† 15th July, 1927.

‡ 26th March, 1930.

§ 22nd July, 1931.

|| 6th April, 1934.

¶ 15th June, 1925.

** 5th July, 1933.

Dated 1st
September,
1923.

George the Fifth 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, unto all to whom these presents shall come Greeting.

Recites
Southern
Rhodesia
Order in
Council 1898
and
Amending
Orders.

WHEREAS by the Southern Rhodesia Order in Council 1898, as added to altered or amended by divers further Orders in Council provision was made for the administration of the government of certain territories of Africa under Our protection and known as Southern Rhodesia :

Recites
Southern
Rhodesia
(Annexation)
Order in
Council 1923.

AND WHEREAS by an Order in Our Privy Council bearing date the 30th day of July 1923, and known as the Southern Rhodesia (Annexation) Order in Council 1923 it is provided that the territories within the limits of the Southern Rhodesia Order in Council 1898 and known as Southern Rhodesia, shall, from and after the coming into operation of the said Order, be annexed to and form part of Our Dominions, and shall be known as the Colony of Southern Rhodesia :

AND WHEREAS We are minded to provide for the establishment of Responsible Government, subject to certain limitations herein-after set forth, in Our said Colony :

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

The Legis-
lature.

THE LEGISLATURE.

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

Subject to the provisos hereinafter contained, the constitution, appointment, and powers of the Legislative Council now subsisting shall continue in force and the duration of the said Council shall

extend until the date of the nomination of Members for election to the Legislative Assembly, and no longer :

Provided however that until the said date—

(a) The persons other than the Administrator who at the commencement of these Our Letters Patent are Members of the said Legislative Council now subsisting shall continue to be Members thereof;

(b) The Governor of the Colony shall be a Member of the said Council in place of the Administrator, and shall preside at the meetings thereof, and in his absence such other Member of the said Council as may be appointed in writing by the Governor shall preside;

(c) The power of the British South Africa Company to remove or suspend nominated Members of the said Council shall be vested in the Governor, and whenever the seat of a nominated Member becomes vacant by death, resignation or removal, the Governor shall appoint a successor.

THE LEGISLATIVE COUNCIL.

2. It shall be lawful at any time after the commencement of these Our Letters Patent for the Legislative Assembly to pass a law, subject as hereinafter provided, constituting the Legislative Council, and until any such law shall have been passed and brought into operation the Legislative Assembly shall be for all purposes the Legislature within the meaning of these Our Letters Patent.

Legislative
Council.
Constitution.

THE LEGISLATIVE ASSEMBLY.

3. The Legislative Assembly shall consist of thirty Members who shall be elected by the voters in and for the several electoral districts as hereinafter defined, and for the purpose of constituting the Legislative Assembly the Governor, before the time appointed for the first meeting thereof, and thereafter from time to time as occasion shall require, and without undue delay, may in Our name issue writs under the Public Seal of the Colony for the general election of Members to serve in the Legislative Assembly.

Legislative
Assembly.
Constitution.

Election of
Members.

4. The qualifications and disqualifications of persons to be voters at any election of Members of the Legislative Assembly to be held under the provisions of these Our Letters Patent shall be those prescribed by the existing electoral laws of the Colony, as hereinafter defined, or by any laws amending or substituted for the same hereafter to be passed by the Legislature constituted by these Our Letters Patent.

Qualifica-
tions and
disqualifica-
tions of
voters.

5.—(1) For the purpose of the first election of Members of the Legislative Assembly, to be held under the provisions of these Our Letters Patent, the voters shall be the persons whose names appear on the register hereinafter mentioned.

First
elections.

(2) For the purpose of the said first election the electoral districts shall be those constituted under the High Commissioner's Proclamation No. 28 of 1923 entitled The Electoral Districts Delimitation

Proclamation 1923, as amended by Proclamation No. 35 of 1923. It shall be lawful for the Governor by Proclamation published in the Gazette to declare what number of Members shall be elected to the Legislative Assembly for each district, and when more than one Member is to be returned for any district to make any necessary arrangements in the existing electoral laws of the Colony with regard to the method of voting and the general conduct of the election.

(3) For the purpose of the said first election the Governor shall as soon as practicable after the date of the commencement of these Our Letters Patent cause lists of voters resident in each such electoral district at that date to be compiled in accordance with the existing electoral laws of the Colony, and the lists so compiled shall constitute the register of voters for the said first election.

Application of existing electoral laws for purposes of elections generally.

6. Subject to the provisions of the last preceding section the registration of voters, the preparation of lists of voters, the nomination of candidates, the conduct of elections and the hearing of election petitions shall be carried out in accordance with the existing electoral laws of the Colony, or any laws amending or substituted for the same hereafter to be passed by the Legislature constituted by these Our Letters Patent.

Biennial registration of voters.

7. There shall be a biennial registration of voters in every electoral district commencing not later than the last day of December in the year next but one after the commencement of the last preceding registration, and so on during each successive biennial period.

Redivision of Colony into electoral districts.

8. Upon the completion of the voters' lists made in pursuance of the first biennial, and thereafter of every alternate biennial, registration it shall be lawful for the Legislature by an Act to be passed for that purpose if required by the growth or distribution of the population to redivide Southern Rhodesia into electoral districts for the purpose of the election of Members of the Legislative Assembly, and by such Act to determine the number of Members to be returned for each such electoral district.

When redivision of Colony to come into operation.

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

Qualification of Members of Legislative Assembly.

10. Until otherwise provided by the Legislature constituted by these Our Letters Patent, persons qualified under the existing electoral laws of the Colony to become Members of the Legislative Council now subsisting shall be qualified to become Members of the Legislative Assembly.

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

Speaker and
Deputy
Speaker of
Legislative
Assembly.

(2) Notwithstanding the provisions of the preceding sub-section it shall be lawful for the Legislative Assembly, if they see fit, to elect any suitable person other than one of their Members to be Speaker, and any person so elected shall be entitled to exercise and perform all the powers and duties by these Our Letters Patent, including the power and duty to exercise a casting vote as provided in Section 21 thereof, or by any Standing Rules and Orders from time to time in force under the provisions of Section 23 thereof, or otherwise howsoever, vested in the Speaker of the Legislative Assembly.

12. The Speaker, or in his absence the Deputy Speaker, and in the absence of both Speaker and Deputy Speaker some Member elected by the Legislative Assembly, shall preside at the Meetings thereof.

Speaker to
preside.

13. The Legislative Assembly shall not be disqualified from the transaction of business on account of any vacancies among the Members thereof, but the said Assembly shall not be competent to proceed to the despatch of business unless ten Members be present.

Quorum.

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

Resignation
of seat in
Legislative
Assembly.

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

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

Writs for
filling
vacancies.

(2) Provided that if such vacancy occurs when the Legislative Assembly is not in session, the Speaker, or in the case of the death, incapacity, or absence from the Colony of the Speaker,

the Clerk to the Assembly, shall, on a certificate under the hands of two Members of the Assembly, stating that such vacancy has occurred and the cause thereof, inform the Governor thereof.

(3) The Governor on receiving such information shall without delay cause the necessary steps to be taken for filling such vacancy in accordance with the Law for the time being in force in the Colony under the provisions of Section 6 of these Our Letters Patent.

LEGISLATIVE COUNCIL AND LEGISLATIVE ASSEMBLY.

Sessions of
Legislature.

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

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

Place and
time of
holding
Sessions of
Legislature.

17. The first and every other Session of the Legislature shall be held in such place and at such time as may be notified by the Governor by Proclamation in the Gazette.

Prorogation
and
dissolution of
Legislative
Council and
Legislative
Assembly.

18.—(1) The Governor may from time to time prorogue the Legislature by Proclamation, which shall be published in the Gazette, and may in like manner, whenever he shall think fit, dissolve the Legislative Council and the Legislative Assembly simultaneously, or the Legislative Assembly alone.

(2) The Governor shall dissolve the Legislative Council and the Legislative Assembly at the expiration of five years from the date of the first meeting thereof.

Governor
may
transmit
Bills to
Legislature.

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

Oath to be
taken by
Members of
Legislature.

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

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

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

21. Subject to the provisions contained in Section 26 of these Our Letters Patent, all questions in the Legislative Council or Legislative Assembly shall be determined by a majority of the votes of Members present, other than the President, Speaker, or presiding Member, who shall, however, have and exercise a casting vote in case of an equality of votes.

Questions to be decided by majority of votes.

22. If any Member of the Legislative Council or Legislative Assembly—

Member's seat in Legislature, how vacated.

(1) shall be absent, except on the ground of illness, from the sittings of the Legislative Council or the Legislative Assembly, as the case may be, for a period of one month during any session without the leave of the Legislative Council or the Legislative Assembly, as the case may be; or

(2) shall have any direct or indirect pecuniary interest in any contract with the Government of the Colony for or on account of the public service otherwise than as a member and in common with the other members of an incorporated company consisting of more than twenty-five persons; or

[Deleted by The Southern Rhodesia Act No. 7 of 1925.]

(3) shall take any oath, or make any declaration or acknowledgment of allegiance, obedience, or adherence to any foreign State or Power; or

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

(5) shall become an insolvent or take advantage of any Law for the relief of insolvent debtors; or

(6) shall be attainted of treason, or be sentenced to imprisonment without the option of a fine for a term of not less than twelve months; or

(7) shall become of unsound mind; or

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

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

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

Saving of pensioners.

Standing
Rules and
Orders.

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

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

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

Officers of
Legislature.

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

Privileges,
&c., of
Members.

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

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

(2) Until the Legislature shall so define the privileges, immunities, and powers of its Members those which are now held, enjoyed, and exercised by the members of the subsisting Legislative Council shall be held, enjoyed and exercised by the Members of the Legislative Council and Legislative Assembly.

LEGISLATION.

Power to
make Laws.

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

(2) A Law passed by the Legislature may repeal or alter any of the provisions of these Our Letters Patent, save those contained in this section, and those contained in Section 28 (relating to the reservation of Bills), Sections 39-47 (relating to Native Administration), and Section 55 (relating to the Salary of the Governor),

and may likewise repeal or alter any of the provisions of any Order in Our Privy Council extending to Southern Rhodesia other than provisions affecting any matter mentioned in this sub-section :

Provided however that no proposed Law for the constitution of a Legislative Council in pursuance of Section 2 of these Our Letters Patent shall repeal or alter any of the provisions relating to the Legislative Council contained in these Our Letters Patent, and such provisions shall not be repealed or altered save by a Law passed by both Houses of the Legislature, after the constitution of a Legislative Council as aforesaid :

Provided further that no proposed Law for the repeal or alteration of any such provisions of these Our Letters Patent as may be repealed or altered by the Legislature as aforesaid shall be valid unless it shall be affirmed by not less than two-thirds of the total number of Members of each House of the Legislature, or, pending the constitution of a Legislative Council, of the Legislative Assembly.

(3) Any Law made in contravention of the limitations imposed by sub-section 2 of this section shall to the extent of such contravention but not otherwise be and remain absolutely void and inoperative.

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

Presentation of Laws for Governor's assent.

28. Unless he shall have previously obtained Our instructions upon such Law through a Secretary of State, or unless such Law shall contain a clause suspending the operation thereof until the signification in the Colony of Our pleasure thereupon, the Governor shall reserve :—

Description of Bills to be reserved.

(a) any Law, save in respect of the supply of arms, ammunition, or liquor to natives, whereby natives may be subjected or made liable to any conditions, disabilities or restrictions to which persons of European descent are not also subjected or made liable.

(b) any Law which may repeal alter or amend, or is in any way repugnant to or inconsistent with such provisions of these our Letters Patent, as may under these Our Letters Patent be repealed or altered by the Legislature.

(c) any Law constituting the Legislative Council passed in pursuance of Section 2 of these Our Letters Patent.

[Deleted by
Letters
Patent of
6th April,
1934.]

(d) any Law altering or amending the arrangements relating to the collection and allocation of mining revenues in force at the commencement of these Our Letters Patent under any existing Law of the Colony or otherwise, or any Law imposing any special rate tax or duty on minerals in or under land within the Colony.

[Deleted by
Letters
Patent of
28th May,
1927.]

(e) until legislation shall have come into force in Southern Rhodesia adopting, so far as may be applicable, the provisions of the law in force in Our United Kingdom relating to the Railway and Canal Commissioners and to the Rates Tribunal provided for by the Railways Act, 1921, any law dealing with railways within the Colony.

Return of
Bills by
Governor
to the
Legislature.

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

Assent to
Laws and
time from
which they
take effect.

30. No Law passed by the Legislature shall take effect until either the Governor shall have assented thereto in Our name and on Our behalf, and shall have signed the same in token of such assent, or until We shall have given Our assent thereto by Our Order in Our Privy Council.

Dis-
allowance
by the
King.

31. It shall be lawful for Us, Our heirs and successors, to disallow any Law within one year from the date of the Governor's assent thereto, and such disallowance, on being made known by the Governor by Speech or Message to the Legislative Council and the Legislative Assembly, or by Proclamation in the Gazette, shall annul the Law from the day when the disallowance is so made known.

Signification
of King's
pleasure on
Bills
reserved.

32. A proposed Law reserved for Our pleasure shall not have any force unless and until, within one year from the day on which it was presented to the Governor for Our assent, the Governor makes known by Speech or Message to the Legislative Council and the Legislative Assembly, or by Proclamation in the Gazette, that it has received Our assent.

Record to be
made of
King's
assent to
Bills
reserved.

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

Legislative Assembly of every such Speech, Message or Proclamation, and a duplicate thereof duly attested shall be delivered to the proper officer, to be kept amongst the records of the Colony.

34. The Governor shall cause every Law to which he shall have assented in Our name or to which We shall have given Our assent as aforesaid to be printed in the Gazette for general information.

Laws to be printed in Gazette.

35. As soon as may be after any Law shall have been assented to in Our name by the Governor or, having been reserved for the signification of Our pleasure, Our assent thereto shall, in the manner aforesaid, have been signified by the Governor, the Clerk of the Legislative Assembly shall cause a fair copy of such Law signed by the Governor to be enrolled on record in the office of the Registrar of the High Court, and such copy shall be conclusive evidence as to the provisions of every such Law : provided however, that the validity of any such Law shall not depend upon the enrolment thereof.

Copies of Laws to be enrolled.

36. Whenever any Law assented to by the Governor in Our name as aforesaid has been disallowed by Us, the Governor shall cause notice of such disallowance to be published in the Gazette and a certificate of such disallowance, certified under the Public Seal of the Colony, to be enrolled in the office of the Registrar of the High Court.

Disallowance to be notified in Gazette and certificates of disallowance to be enrolled.

THE MINISTRY.

37.—(1) The Governor may appoint such officers as he thinks fit, not exceeding six in number, to be Ministers, one of whom he shall designate as Head of the Ministry, who shall be styled the Prime Minister, and may assign to each Minister the Headship of such Department or Departments as he shall think fit.

Ministers.
[By the Southern Rhodesia Act No. 9 of 1933 the words "Prime Minister" in Section 37(1) were substituted for the word "Premier" as contained in Letters Patent of 1st September, 1923.]

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

(3) After the first general election of Members of the Legislative Assembly no Minister shall hold office for a longer period than four months unless he is or becomes a Member of either House of the Legislature.

(4) No Minister shall vacate his seat in the Legislative Council or Legislative Assembly by reason of his appointment to or retention of an office in the Ministry.

(5) Every Minister shall have the right to sit and speak both in the Legislative Council and Legislative Assembly, but shall vote only in the House of which he is a Member.

Judges' appointment, tenure and remuneration.

JUDGES.

38. The Judges of the High Court—

- (1) shall be appointed by the Governor in Council :
- (2) shall not be removed except by the Governor in Council on an Address from the Legislative Council and Legislative Assembly in the same Session praying for such removal on the ground of proved misbehaviour or incapacity ;
- (3) shall receive such remuneration as shall from time to time be prescribed by Law, but the remuneration of a Judge shall not be diminished during his tenure of office, and the remuneration of the present Judges shall not be diminished, and their commissions shall continue as heretofore.

NATIVE ADMINISTRATION.

Native Department and Appointment, &c., of officers of Department.

39.—(1) There shall be a Native Department, the permanent head of which shall be appointed by the Governor in Council with the approval of the High Commissioner, and all Chief Native Commissioners, Superintendents of Natives, Native Commissioners and Assistant Native Commissioners, or any officers appointed to exercise the functions now exercised by the aforesaid officers or any of them shall be appointed in the like manner and subject to the like approval, and the said officers shall continue to perform the duties at present assigned to them subject to any alterations or additions which the Governor in Council may from time to time with the approval of the High Commissioner, prescribe by notice in the Gazette.

(2) The salaries of the officers mentioned in the preceding subsection shall be fixed by the Governor in Council with the approval of the High Commissioner, and shall not be increased or diminished without his approval.

(3) The officers mentioned in this section may at any time be removed from office by the Governor in Council, with the approval of the High Commissioner, but not otherwise.

Suspension and removal of officers of Native Department.

40.—(1) The Governor in Council may, and if so requested by the High Commissioner shall, suspend any of the officers referred to in the last preceding section 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 Governor shall forthwith transmit a full report of the matter, and the proofs of the alleged

misconduct to the High Commissioner, 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 High Commissioner 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.

41. No conditions, disabilities, or restrictions which do not equally apply to persons of European descent shall, without the previous consent of the High Commissioner, be imposed upon natives (save in respect of the supply of arms, ammunition and liquor), by any Proclamation, Regulation or other instrument issued under the provisions of any Law, unless such conditions, disabilities, or restrictions shall have been explicitly prescribed, defined and limited in such Law.

Restrictive Regulations, &c., as regards natives.

42.—(1) The Southern Rhodesia Order in Council, 1920, whereby the lands known as the Native Reserves were vested in the High Commissioner and set apart for the sole and exclusive use of the native inhabitants of Southern Rhodesia, shall continue in full force and effect as if it formed part of these Our Letters Patent, and no portion of the land comprised within the said Reserves shall be alienated except for the purposes authorized by the said Order, and then only in exchange for other suitable land.

Native Reserves.

(2) The power reserved to the High Commissioner by the Water Ordinance, 1913, Further Amendment Ordinance, 1921, shall remain in full force and effect.

43.—(1) 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.

Acquisition of land by natives. [Sub-section (1) of Section 43 was originally Section 43. It was made a sub-section by Letters Patent of 26th March, 1930.]

[Sub-sections
(2) and (3)
added by
Letters
Patent of
26th March,
1930.]

(2)—(a) A Law passed by the Legislature in order to secure that natives may alone acquire and hold land in certain parts of the Colony, and that persons who are not natives may alone acquire and hold land in other parts of the Colony, or to make further provision in regard to the encumbrance and disposal of land acquired and held by natives, shall not, if it has received Our assent as herein-after provided, be deemed to be repugnant to the foregoing sub-section or to repeal or alter any of the provisions of these Our Letters Patent or to be made in contravention of the limitations imposed by sub-section (2) of section 26 hereof.

(b) The Governor shall reserve for the signification of Our pleasure any Law passed by the Legislature in pursuance of the foregoing paragraph, and no such Law shall have any force unless and until the Governor has made known that it has received Our assent in the manner provided in sections 32, 33 and 34 of these Our Letters Patent.

(3) The provisions of the foregoing sub-section shall apply to any Law amending, altering or repealing any such Law passed and assented to by Us as aforesaid.

Information
as to native
affairs to be
given to
High Com-
missioner.

44. The Governor shall furnish to the High Commissioner any information relating to native affairs which the High Commissioner may request.

Reference of
questions
relating to
natives to a
Judge.

45. The Governor in Council shall, if so requested by the High Commissioner, refer any question relating to natives for report to any Judge of the High Court, and the Judge shall thereupon make such enquiry as he thinks fit, and shall report to the Governor in Council the result of such enquiry. The Governor shall transmit such report to the High Commissioner with a statement of the action which the Governor in Council proposes to take in the matter.

Offences by
chiefs or
tribes.

46. In case of a revolt against the Government or other misconduct committed by a native chief or tribe, the Governor in Council may, with the approval of the High Commissioner, impose a reasonable fine upon the offender.

Native
Councils.
[Passage in
italics added
by Letters
Patent of
22nd July,
1931.]

47.—(1) It shall be lawful for the Governor in Council, subject to the approval of the High Commissioner, at any time after the commencement of these Our Letters Patent, to establish by Proclamation in any Native Reserve or Reserves, or in the Native Area as defined in section 5 of the Land Apportionment Act, 1930, of the Legislature of the Colony, or in any other area which is set apart for the use and occupation of natives and is not within the jurisdiction of any local authority, such Council or Councils of indigenous natives representative of the local chiefs and other native residents as may seem to him expedient, for the discussion from time to time of any matters upon which, as being of direct

interest or concern to the native population generally or to any portion thereof, he may desire to ascertain, or they may desire to submit, their views; and, subject to the like approval, to make regulations for the constitution of such Council or Councils, for the appointment of the places and times of meeting, for the manner of conducting the proceedings, and for all other matters incidental or properly appertaining to the establishment and periodical meetings of such Council or Councils, including, if he think fit, the occasional or regular meeting of any two or greater number of such Councils in joint session.

(2) It shall also be lawful for the Governor in Council, subject to the like approval, to make regulations conferring on any such Council such powers of management in connection with local matters affecting the indigenous natives as can in his opinion be safely and satisfactorily undertaken by them, and by such regulations or by any subsequent regulations to make all such provisions as may be necessary in order to give effect to such powers.

LANDS, LAND REVENUES AND OTHER ASSETS.

48. The Governor in Council shall pay to the Lords Commissioners of Our Treasury not later than the 1st day of January, 1924, the sum of £2,000,000 together with interest thereon at the rate of 5 per centum per annum from the 1st day of October, 1923, to the date of payment, and shall further repay to the Lords Commissioners of Our Treasury on the same date a sum representing the two amounts of £150,000 each advanced from Our Exchequer to the Administration of Southern Rhodesia in the years 1922 and 1923 in accordance with the provisions of the Southern Rhodesia Loan Ordinance No. 13 of 1922, together with the interest thereon at the rates fixed by the Lords Commissioners of Our Treasury which shall have accrued to the date of payment.

Certain payments to be made to the Imperial Treasury.

49. In consideration of the payments referred to in the preceding section of these Our Letters Patent, the following provisions shall take effect:—

Rights of the Crown in and in relation to lands alienated before commencement of Letters Patent vested in Governor.

(1) All rights reserved by the British South Africa Company in or in relation to any lands within the Colony which shall, before the commencement of these Our Letters Patent, have been alienated by the Company, whether by grant or by permit of occupation or by lease giving option of purchase or by any other instrument whatsoever, shall, save and except the Company's rights to minerals therein, vest in the Governor for the purposes of the Public Service of the Colony together with all other rights and interests in such lands to Us belonging and he shall have the right to receive in Our name and on Our behalf for such purposes all purchase money remaining unpaid, all rents of any description remaining unpaid and to become

payable, and all interest remaining unpaid and to become payable on mortgage-bonds held by the Company as security for unpaid purchase money, in respect of any such lands, and all other revenue whatsoever that may be derived therefrom, and it shall be lawful for him to exercise and perform in Our name and on Our behalf all such powers and functions with regard to such lands and the instruments relating thereto as might have been exercised and performed by the Company if these Our Letters Patent had not been made.

Unalienated
lands other
than Native
Reserves
vested in
Governor.

(2) All lands and rights or interests in any lands within the Colony other than the Native Reserves which, at the commencement of these Our Letters Patent, are unalienated and any lands and rights or interests in any lands reverting to Us under any instrument referred to in the preceding sub-section or otherwise shall, save and except the Company's rights to minerals therein, vest in the Governor together with any revenues accruing therefrom, for the purposes of the Public Service of the Colony :

Lands
appropriated
by British
South Africa
Company for
its
commercial
purposes.

Provided that the company shall be deemed to have paid to Us the full purchase price of all lands within the Colony appropriated by it for its commercial purposes and the Governor in Council shall as soon as may be practicable after the commencement of these Our Letters Patent issue title to the Company in respect of such lands in such terms and on such conditions as to payment of the usual Quit rent to the Governor in Council and otherwise as may in the event of disagreement between the Company and the Governor in Council be deemed to be proper by the Secretary of State.

Other assets
vested in
Governor.

(3) There shall also vest in the Governor for the purposes of the Public Service of the Colony—

(a) All the public works and buildings used by the Company exclusively or mainly for the administrative or public purposes of Southern Rhodesia and acquired by Us from the Company.

(b) The movable assets of the Administration of Southern Rhodesia acquired by Us from the Company.

(c) The debtor balances due to the Administration of Southern Rhodesia acquired by Us from the Company.

(d) The assets of the Company's Land Settlement Department acquired by Us from the Company.

Certain
liabilities
to be
assumed by
Colony.

Provided that the Colony shall assume all liability for the creditor balances due by the Administration of Southern Rhodesia and by the Company's Land Settlement Department, and, further, any liability arising directly or indirectly out of the administration of Southern Rhodesia prior to these Our Letters Patent or in consequence of the termination of the Company's administration, save and except Our liability in respect of the administrative deficits of the Company.

GENERAL PROVISIONS.

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

Consolidated Revenue Fund.

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

Costs of collection and management of Fund.

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

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

Appropriation and Taxation Bills to originate in the Legislative Assembly.

53. The Legislative Council may not alter any Money Bill passed by the Legislative Assembly, but may return to the Legislative Assembly any such Bill and may transmit therewith any amendments which they recommend, and the Legislative Assembly shall consider and deal with such recommendation, and thereafter the Legislative Council may either accept or reject such Bill but may not alter it.

Powers of Legislative Council thereon.

54.—(1) It shall not be lawful for the Legislative Assembly to pass any Law, vote, or resolution which shall have the effect of appropriating any part of the Consolidated Revenue Fund or of imposing, altering, or repealing any rate, tax, or duty unless such Law, vote, or resolution has been first recommended to the Assembly by Message of the Governor during the session in which it is proposed.

Manner in which the Public Revenue shall be appropriated to the Public Service.

(2) No part of the Consolidated Revenue Fund shall be issued except in pursuance of a Warrant under the hand of the Governor directed to the Minister of Finance.

[By the Southern Rhodesia Act No. 9 of 1933, the words "Minister of Finance" in Section 54(2) were substituted for the word "Treasurer" as contained in Letters Patent of 1st September, 1923.]

Salary of
Governor.

55.—(1) There shall be payable to Us, in every year, out of the Consolidated Revenue Fund, for the salary of the Governor the sum of four thousand pounds.

(2) The salary of the Governor shall not be altered during his continuance in office.

Public
officers
appointment
and removal,
&c.

56. All persons in the Public Service of Southern Rhodesia at the commencement of these Our Letters Patent shall become public officers of the Colony, and the appointment to, and removal from, all public offices under the Government of the Colony hereafter to become vacant or to be created, save those of Ministers and Officers of the Native Department mentioned in Section 39 of these Our Letters Patent, shall, subject to any Law hereafter in force in the Colony, be vested in the Governor in Council: Provided that no public officer in the Colony who shall have been appointed to his office before the date of the commencement of these Our Letters Patent shall be removed from his office or have his emoluments reduced save in accordance with the Law, regulations or conditions governing his services at the date of these Our Letters Patent.

Pensions and
Gratuities.

57.—(1) All pensions and gratuities which have been granted to persons who have retired from the Public Service of Southern Rhodesia before the date of the commencement of these Our Letters Patent shall be governed by the Law or rules under which they were granted.

(2) A public officer who shall have been appointed to his office in Southern Rhodesia before the date of the commencement of these Our Letters Patent including any public officer who shall, whether before or after that date, have been transferred to the service of any other Administration, shall be entitled to have his claim to pension or gratuity governed by the Law or rules which now regulate the grant of pensions and gratuities in Southern Rhodesia, unless he shall be entitled under any Law or rules which may hereafter be substituted for the same to exercise an option to have his said claim governed by such substituted Law or rules, and duly exercises the said option.

(3) All pensions and gratuities which have been or may be hereafter granted in accordance with the Law or rules which at the date of such grant regulated or regulate the grant of pensions and gratuities in Southern Rhodesia, to persons who have retired or shall retire from the Public Service of Southern Rhodesia, or whose offices in Southern Rhodesia have been or shall be abolished, shall be charged upon and paid out of the Consolidated Revenue Fund.

Powers of
High Com-
missioner.

58.—(1) From and after the commencement of these Our Letters Patent the High Commissioner shall exercise only such power, jurisdiction or authority within the Colony as may be granted or reserved to him by these Our Letters Patent. Provided that any power jurisdiction or authority in relation to any Police or Volunteer force which under any law of the Colony is at the commencement of these Our Letters Patent vested in the High Commissioner

shall, until other legislative provision shall have been made in that behalf, be exercised by the Governor in Council.

(2) Where under any Proclamation or Ordinance in force in the Colony any power, jurisdiction or authority is at the commencement of these Our Letters Patent vested in the High Commissioner such power, jurisdiction or authority shall if not hereby granted or reserved to the High Commissioner be deemed to be transferred to and vested in the Governor in Council so far as the continuance thereof, as a power, jurisdiction or authority so vested, is not inconsistent with the law conferring the same or repugnant to these Our Letters Patent.

59.—(1) Where, under any Law of the Colony, any power, jurisdiction or authority is at the commencement of these Our Letters Patent exercised by the Administrator, such power, jurisdiction or authority shall be exercised by the Governor in Council, and where, under any such Law, any power, jurisdiction or authority has been conferred on any Member of the existing Executive Council of Southern Rhodesia, such power, jurisdiction or authority shall be exercised by the Minister to whom it shall be assigned by the Governor in Council.

Powers of Administrator, how to be exercised.

(2) Where in any existing Law the words "Legislative Council" occur, they shall, unless the context otherwise indicates, and save in so far as the Law or any provision thereof deals with any matter mentioned in Section 26 (2) of these Our Letters Patent, be read as if they were "Legislative Council and Legislative Assembly."

Meaning of "Legislative Council" in existing Laws.

60. The Governor may, by Proclamation in the Gazette, at any time within one year from the date of the commencement of these Our Letters Patent, and provided that Our approval be previously signified to him through a Secretary of State, vary, annul, or add to any of the provisions of these Our Letters Patent in order to carry out the purposes of the same, and may provide for any other matter necessary in order to carry into effect the provisions thereof.

Power to amend by Proclamation.

61. We do hereby reserve to Ourselves, Our heirs and successors, full power and authority from time to time to revoke, alter or amend Sections 26, 28, 39-47, and 55 of these Our Letters Patent as to Us or Them shall seem meet.

Power reserved to His Majesty to revoke, alter or amend certain sections of the present Letters Patent.

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

Definitions.

"Existing Electoral Laws" means such provisions of any Proclamations issued by the High Commissioner and of any Ordinances passed by the subsisting Legislative Council as, being in force at the date of the commencement of these Our

Letters Patent, shall regulate the qualification and disqualification of persons as voters or candidates for the subsisting Legislative Council, the constitution of electoral districts, the registration of voters, the preparation of lists of voters, the nomination of candidates, corrupt and illegal practices, the conduct of elections, the hearing of election petitions and all other matters connected with the election of Members of the subsisting Legislative Council.

"Gazette" means the Official Gazette of Southern Rhodesia.

"Governor" means the Officer for the time being Administering the Government of the Colony.

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

"High Commissioner" means Our High Commissioner for the time being for South Africa.

"Month" means calendar month.

"Legislative Council" means any Legislative Council which may hereafter be constituted by any Law passed in pursuance of Section 2 of these Our Letters Patent.

"President" means the Member of such Legislative Council who shall be appointed or elected under the provisions of such Law to preside at the meetings of the said Council.

"Speaker" includes Deputy Speaker.

"Secretary of State" means one of Our Principal Secretaries of State.

Commencement of Letters Patent.

Existing Law, &c., to continue in force save as repugnant to the present Letters Patent.

Short Title.

63.—(1) These Our Letters Patent shall commence and come into operation on the First day of October, 1923, and shall be published in the Gazette and thereafter shall be proclaimed at such place or places within the Colony as the Governor shall think fit.

(2) All Charters, Orders in Council, Ordinances, Proclamations and Laws which at the date of the commencement of these Our Letters Patent are in force within the Colony shall, until duly repealed or varied, continue to be of the same force, authority and effect as if these Our Letters Patent had not been made, except in so far as the same are repugnant to these Our Letters Patent, in which case they are to that extent hereby amended and repealed.

64. These Our Letters Patent may be cited as "The Southern Rhodesia Constitution Letters Patent, 1923."

In witness whereof We have caused these Our Letters to be made Patent. Witness Ourselves at Westminster this First day of September in the Fourteenth Year of Our Reign.

By Warrant under the King's Sign Manual,

SCHUSTER.