

EXTRAORDINARY



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VAN DIE UNIE VAN SUID-AFRIKA

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House of Assembly,
26th March, 1934.

The following Bill, having been introduced into the House of Assembly, is published in accordance with Standing Order No. 160.

DANL. H. VISSER,
Clerk of the House of Assembly.

Volksraad,
26 Maart 1934.

Die volgende Wetsontwerp, ingedien in die Volksraad, word gepubliseer ingevolge Art. 160 van die Reglement van Orde.

DANL. H. VISSER,
Klerk van die Volksraad.

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BLADSY

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BILL

To adopt and enact the South Africa Act, 1909, (9.Edw.7.c.9.) as amended from time to time and an Afrikaans text thereof as a law of the Parliament of the Union of South Africa.

(Introduced by the MINISTER OF RAILWAYS AND HARBOURS.)

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Adoption and enactment of the South Africa Act, 1909.

1. Subject to the provisions of the Status of the Union Act, 1934, the provisions of the South Africa Act, 1909 (9.Edw. 7.c.9) as amended from time to time and as in force immediately prior to the commencement of this Act, and the Afrikaans text thereof, as set forth in the Schedule to this Act, are hereby adopted and enacted as an Act of the Parliament of the Union. 5 10

English text to prevail when conflict.

2. In case of conflict between the English and Afrikaans texts of the Schedule the English text shall prevail.

Short Title.

3. This Act shall be known as the Union Constitution Act, 1934.

Schedule.

SOUTH AFRICA ACT, 1909.

9 EDWARD VII.

CHAPTER 9.

AN ACT TO CONSTITUTE THE UNION OF SOUTH AFRICA.

[20th September, 1909.]

WHEREAS it is desirable for the welfare and future progress of South Africa that the several British Colonies therein should be united under one Government in a legislative union under the Crown of Great Britain and Ireland:

AND WHEREAS it is expedient to make provision for the union of the Colonies of the Cape of Good Hope, Natal, the Transvaal, and the Orange River Colony on terms and conditions to which they have agreed by resolution of their respective Parliaments, and to define the executive, legislative, and judicial powers to be exercised in the government of the Union:

AND WHEREAS it is expedient to make provision for the establishment of provinces with powers of legislation and administration in local matters and in such other matters as may be specially reserved for provincial legislation and administration:

BE IT THEREFORE ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

PRELIMINARY.

Sovereignty and Guidance of Almighty God acknowledged. Definitions.

1. The people of the Union acknowledge the sovereignty and guidance of Almighty God.

2. In this Act, unless it is otherwise expressed or implied, the words "the Union" shall be taken to mean the Union of South Africa as constituted under this Act, and the words "Houses of Parliament", "House of Parliament", or "Parliament", shall be taken to mean the Parliament of the Union.

Application of Act to King's Successors.

3. The provisions of this Act referring to the King shall extend to His Majesty's heirs and successors in the sovereignty of the United Kingdom of Great Britain and Ireland.

PART II.

THE UNION.

Proclamation of Union.

4. It shall be lawful for the King, with the advice of the Privy Council, to declare by proclamation that, on and after a date therein appointed, not being later than one year after [A.B. 49—'34.]

WETSONTWERP

Om die Suid-Afrika-Wet, 1909 (9.Edw.7.c.9.), soos van tyd tot tyd gewysig, en 'n Afrikaanse teks daarvan aan te neem as, en te maak tot, 'n Wet van die Parlement van die Unie van Suid-Afrika.

(Ingedien deur die MINISTER VAN SPOORWEE EN HAWENS.)

DIT WORD BEPAAL deur Sy Majesteit die Koning, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. Onderhewig aan die Wet op die Status van die Unie, 1934, word die bepalings van die Suid-Afrika-Wet, 1909 (9.Edw. 7.c.9), soos van tyd tot tyd gewysig en van krag onmiddellik voor die aanvang van hierdie Wet, en die Afrikaanse teks daarvan, soos vervat in die Bylae van hierdie Wet, hierby aangeneem as en gemaak tot 'n Wet van die Parlement van die Unie. Suid-Afrika-Wet tot Unie-wet verklaar.
2. By verskil tussen die Engelse en Afrikaanse teks van die Bylae gee die Engelse teks die deurslag. Engelse teks gee deurslag by verskil.
3. Hierdie Wet word die Unie-Grondwet, 1934, genoem. Korte titel.

Bylae.

SUID-AFRIKA-WET, 1909.

9 EDWARD VII.

HOOFSTUK 9.

'N WET TOT DAARSTELLING VAN DIE UNIE VAN SUID-AFRIKA.

[20 September 1909.]

NADEMAAL dit wenslik is vir die welvaart en toekomstige vooruitgang van Suid-Afrika om die verskillende Britse kolonies daarin onder één regering tot 'n wetgewende unie onder die Kroon van Groot-Brittanje en Ierland te verenig:

EN NADEMAAL dit dienstig is om voorsiening te maak vir die vereniging van die kolonies Kaap die Goeie Hoop, Natal, Transvaal en die Oranje-Rivier-Kolonie, op terme en voorwaardes waartoe hulle ooreengekom het by besluit van hul onderskeie Parlemente, en om die uitvoerende, wetgewende en regterlike magte wat in die regering van die Unie uitgeoefen sal word te bepaal:

EN NADEMAAL dit dienstig is om voorsiening te maak vir die daarstelling van provinsies met wetgewende en administratiewe magte in plaaslike sake en in sodanige ander sake as wat spesiaal vir provinsiale wetgewing en administrasie voorbehou mag word:

SO WORD DIT DERHALWE deur Sy Majesteit die Koning op advies en met toestemming van die Geestelike en Wêreldlike Pairs en van die Gemeentes tans in hierdie Parlement byeengekom, en op gesag daarvan, as volg bepaal:—

DEEL I.

INLEIDING.

1. Die volk van die Unie erken die soewereiniteit en leiding van die Almagtige God. Erkenning van die soewereiniteit en leiding van die Almagtige God.
2. In hierdie Wet beteken die woorde „die Unie” tensy uitdruklik of stilswygend anders bepaal word, die Unie van Suid-Afrika soos in hierdie Wet saamgestel, en beteken die woorde „Huisse van Parlement”, „Huis van Parlement” of „Parlement” die Parlement van die Unie. Woordbepalings.
3. Die bepalings van hierdie Wet betreffende die Koning geld vir Sy Majesteit se erfename en opvolgers in die soewereiniteit van die Verenigde Koninkryk van Groot-Brittanje en Ierland. Toepassing van Wet op opvolgers van Koning.

DEEL II.

DIE UNIE.

4. Die Koning is geregtig om op advies van die Geheime Raad by proklamasie af te kondig dat op en na 'n dag daarby bepaal nie later dan 'n jaar na die aanneming van hierdie Wet

[A.B. 49—'34.]

Proklamasie van Unie.

the passing of this Act, the Colonies of the Cape of Good Hope, Natal, the Transvaal, and the Orange River Colony, hereinafter called the Colonies, shall be united in a legislative union under one Government under the name of the Union of South Africa. On and after the day appointed by such proclamation the Government and Parliament of the Union shall have full power and authority within the limits of the Colonies, but the King may at any time after the proclamation appoint a Governor-General for the Union.

Commencement of Act.

5. The provisions of this Act shall, unless it is otherwise expressed or implied, take effect on and after the day so appointed.

Incorporation of Colonies into the Union.

6. The Colonies mentioned in section *four* shall become original provinces of the Union under the names of Cape of Good Hope, Natal, Transvaal, and Orange Free State, as the case may be. The original provinces shall have the same limits as the respective Colonies at the establishment of the Union.

Application of 58 and 59 Vict., c. 34, etc.

7. Upon any Colony entering the Union, the Colonial Boundaries Act, 1895, and every other Act applying to any of the Colonies as being self-governing Colonies or Colonies with responsible government, shall cease to apply to that Colony, but as from the date when this Act takes effect every such Act of Parliament shall apply to the Union.

PART III.

EXECUTIVE GOVERNMENT.

Executive Power.

8. The Executive Government of the Union is vested in the King, and shall be administered by His Majesty in person or by a Governor-General as his representative.

Governor-General.

9. The Governor-General shall be appointed by the King, and shall have and may exercise in the Union during the King's pleasure, but subject to this Act, such powers and functions of the King as His Majesty may be pleased to assign to him.

Salary of Governor-General.

10. There shall be payable to the King out of the Consolidated Revenue Fund of the Union for the salary of the Governor-General an annual sum of ten thousand pounds. The salary of the Governor-General shall not be altered during his continuance in office.

Application of Act to Governor-General.

11. The provisions of this Act relating to the Governor-General extend and apply to the Governor-General for the time being or such person as the King may appoint to administer the government of the Union. The King may authorize the Governor-General to appoint any person to be his deputy within the Union during his temporary absence, and in that capacity to exercise for and on behalf of the Governor-General during such absence all such powers and authorities vested in the Governor-General as the Governor-General may assign to him, subject to any limitations expressed or directions given by the King; but the appointment of such deputy shall not affect the exercise by the Governor-General himself of any power or function.

Executive Council.

12. There shall be an Executive Council to advise the Governor-General in the government of the Union, and the members of the council shall be chosen and summoned by the Governor-General and sworn as executive councillors, and shall hold office during his pleasure.

Meaning of Governor-General-in-Council.

13. The provisions of this Act referring to the Governor-General-in-Council shall be construed as referring to the Governor-General acting with the advice of the Executive Council.

Appointment of Ministers.

14. (1) The Governor-General may appoint officers not exceeding *eleven* in number to administer such departments of State of the Union as the Governor-General-in-Council may establish; such officers shall hold office during the pleasure of the Governor-General. They shall be members of the Executive Council and shall be the King's Ministers of State for the Union. After the first general election of members of the House of Assembly, as hereinafter provided, no minister shall hold office for a longer period than three months unless he is or becomes a member of either House of Parliament.

(2) Whenever any Minister of State is from any cause whatever unable to perform any of the functions of his office, the Governor-General-in-Council may appoint any member of the Executive Council (whether he has or has not been appointed as a Minister of State, under sub-section (1) to act in the said Minister's stead, either generally or in the performance of any particular function.

Appointment and Removal of Officers.

15. The appointment and removal of all officers of the public service of the Union shall be vested in the Governor-General-in-Council, unless the appointment is delegated by the Governor-General-in-Council or by this Act or by a law of Parliament to some other authority.

Transfer of Executive Powers to Governor-General-in-Council.

16. All powers, authorities, and functions which at the establishment of the Union are in any of the Colonies vested in the Governor or in the Governor-in-Council, or in any authority of the Colony, shall, as far as the same continue in existence and are capable of being exercised after the establishment of the Union, be vested in the Governor-General or in the Governor-

nie, die kolonies Kaap die Goeie Hoop, Natal, Transvaal en Oranje-Rivier-Kolonie, hierna genoem die kolonies, tot een wetgewende unie onder een regering met die naam van die Unie van Suid-Afrika verenig sal word. Op en na die dag deur die proklamasie vasgestel, sal die Regering en die Parlement van die Unie binne die grense van die kolonies volle mag en gesag uitoefen, behoudens egter die bevoegdheid van die Koning om te eniger tyd na die proklamasie 'n Goewerneur-generaal vir die Unie aan te stel.

5. Tensy uitdruklik of stilswygend anders bepaal word kom Aanvang van Wet. die bepalings van hierdie Wet op en na die aldus vasgestelde dag in werking.

6. Die kolonies in artikel vier vermeld word oorspronklike Inlywing van provinsies van die Unie onderskeidelik met die naam Kaap die kolonies by die Goeie Hoop, Natal, Transvaal en Oranje-Vrystaat. Die oorspronklike provinsies sal dieselfde grense hê as die onderskeie kolonies by die totstandkoming van die Unie.

7. By die toetreding van 'n kolonie tot die Unie, sal die Toepassing van 58 „Colonial Boundaries Act”, 1895, en elke andere wet wat van en 59 Vict. toepassing is op een van die kolonies met selfbestuur of met Hoofdst. 34 ens. verantwoordelike bestuur, nie langer op so 'n kolonie van toepassing wees nie, maar sal elkeen van sulke parlements wette van die datum af waarop hierdie Wet van krag word, op die Unie van toepassing wees.

DEEL III.

UITVOERENDE GESAG.

8. Die uitvoerende gesag van die Unie berus by die Koning Uitvoerende gesag. en word uitgeoefen deur Sy Majesteit persoonlik of deur 'n Goewerneur-generaal as sy verteenwoordiger.

9. Die Goewerneur-generaal word deur die Koning aangestel, Goewerneur- en sal gedurende die welbehoe van die Koning, maar met generaal. inagneming van hierdie Wet, in die Unie die magte en bevoegdhede van die Koning besit en kan uitoefen wat Sy Majesteit aan hom gelief oor te dra.

10. Aan die Koning is betaalbaar uit die Gekonsolideerde Besoldiging van Inkomstefonds van die Unie as besoldiging van die Goewerneur- Goewerneur-generaal 'n jaargeld van tien duisend pond. Die begeldiging van generaal. die Goewerneur-generaal word tydens sy ampsbekleding nie verander nie.

11. Die bepalings van hierdie Wet omtrent die Goewerneur- Toepassing van generaal is van toepassing op die Goewerneur-generaal in funksie wet op of op iemand wat deur die Koning aangestel word om die bewind Goewerneur- oor die Unie te voer. Die Koning kan die Goewerneur-generaal generaal. magtig om 'n persoon aan te stel wat, gedurende sy tydelike afwesigheid, as sy plaasvervanger binne die Unie optree en in daardie hoedanigheid, met inagneming van die beperkings opgelê of bevele gegee deur die Koning, vir en namens die Goewerneur-generaal gedurende sy afwesigheid alle magte en ampspligte wat by die Goewerneur-generaal berus en wat die Goewerneur-generaal aan hom mag oordra, uitoefen; maar die aanstelling van so 'n plaasvervanger verhinder die Goewerneur-generaal nie om self enige mag of bevoegdheid uit te oefen nie.

12. Daar sal 'n Uitvoerende Raad wees om die Goewerneur- Uitvoerende Raad. generaal in die regering van die Unie met advies te dien. Die lede van die raad word gekies en opgeroep deur die Goewerneur-generaal en as lede van die Uitvoerende Raad beëdig en bekleed hul amp gedurende sy welbehoe.

13. Die bepalings van hierdie Wet oor die Goewerneur-generaal- Betekenis van in-rade bedoel die Goewerneur-generaal handelende op advies Goewerneur-generaal-in-rade. van die Uitvoerende Raad.

14. (1) Die Goewerneur-generaal kan hoogstens elf ampsdraers Aanstelling van aanstel om sodanige staatsdepartemente van die Unie te beheer Ministers. as wat die Goewerneur-generaal-in-rade mag instel; hierdie ampsdraers beklee hul amp solank dit die Goewerneur-generaal behaag. Hulle is lede van die Uitvoerende Raad en die Koning se Ministers van Staat vir die Unie. Na afloop van die eerste algemene verkiesing van lede van die Volksraad soos hierna bepaal, beklee geen Minister sy amp vir langer as drie maande nie, tensy hy 'n lid van een van die Huise van Parlement is of word.

(2) Wanneer 'n Minister van Staat, om welke rede ook, nie in staat is om sy ampspligte te verrig nie, kan die Goewerneur-generaal-in-rade 'n lid van die Uitvoerende Raad (hetsy hy al dan nie kragtens sub-artikel (1) as Minister van Staat aangestel is) aanstel om in die plek van die bedoelde Minister op te tree, hetsy in die algemeen, hetsy om bepaalde werksaamhede te verrig.

15. Die aanstelling en ontslag van alle amptenare in die Aanstelling en staatsdiens van die Unie berus by die Goewerneur-generaal-in- ontslag van rade, tensy die aanstelling deur die Goewerneur-generaal-in-rade amptenare. of deur hierdie Wet of 'n parlements wet aan 'n ander gesag opgedra is.

16. Alle magte, bevoegdhede en ampspligte wat in 'n kolonie Oordrag van uit- by die Goewerneur, die Goewerneur-in-rade of enige ander voerende magte gesag in die kolonie ten tyde van die totstandkoming van die van Goewerneur- Unie berus sal, vir sover as wat hulle bly voortbestaan en na die generaal-in-rade. totstandkoming van die Unie uitgeoefen kan word, al na gelang van sake, op die Goewerneur-generaal, die Goewerneur-generaal-

General-in-Council, or in the authority exercising similar powers under the Union, as the case may be, except such powers and functions as are by this Act or may by a law of Parliament be vested in some other authority.

Command of Naval and Military Forces.

17. The command-in-chief of the naval and military forces within the Union is vested in the King or in the Governor-General as his representative.

Seat of Government.

18. Save as in section *twenty-three* excepted, Pretoria shall be the seat of Government of the Union.

PART IV.

PARLIAMENT.

Legislative Power.

19. The legislative power of the Union shall be vested in the Parliament of the Union, herein called Parliament, which shall consist of the King, a Senate, and a House of Assembly.

Sessions of Parliament.

20. The Governor-General may appoint such times for holding the sessions of Parliament as he thinks fit, and may also from time to time, by proclamation or otherwise, prorogue Parliament, and may in like manner dissolve the Senate and the House of Assembly simultaneously, or the House of Assembly alone provided that the Senate shall not be dissolved within a period of ten years after the establishment of the Union, and provided further that the dissolution of the Senate shall not affect any senators nominated by the Governor-General-in-Council.

Summoning of First Parliament.

21. Parliament shall be summoned to meet not later than six months after the establishment of the Union.

Annual Session of Parliament.

22. There shall be a session of Parliament once at least in every year, so that a period of twelve months shall not intervene between the last sitting of Parliament in one session and its first sitting in the next session.

Seat of Legislature.

23. Capetown shall be the seat of the Legislature of the Union.

SENATE.

Original Constitution of Senate.

24. For ten years after the establishment of the Union the constitution of the Senate shall, in respect of the original provinces, be as follows:

(i) Eight senators shall be nominated by the Governor-General-in-Council, and for each original province eight senators shall be elected in the manner hereinafter provided:

(ii) The senators to be nominated by the Governor-General-in-Council shall hold their seats for ten years. One-half of their number shall be selected on the ground mainly of their thorough acquaintance, by reason of their official experience, or otherwise, with the reasonable wants and wishes of the coloured races in South Africa. If the seat of a senator so nominated shall become vacant, the Governor-General-in-Council shall nominate another person to be a senator, who shall hold his seat for ten years.

(iii) After the passing of this Act, and before the day appointed for the establishment of the Union, the Governor of each of the Colonies shall summon a special sitting of both Houses of the Legislature, and the two Houses sitting together as one body and presided over by the Speaker of the Legislative Assembly shall elect eight persons to be senators for the province. Such senators shall hold their seats for ten years. If the seat of a senator so elected shall become vacant, the provincial council of the province for which such senator has been elected shall choose a person to hold the seat until the completion of the period for which the person in whose stead he is elected would have held his seat.

Subsequent Constitution of Senate.

25. Parliament may provide for the manner in which the Senate shall be constituted after the expiration of ten years, and unless and until such provision shall have been made—

(i) the provisions of the last preceding section with regard to nominated senators shall continue to have effect;

(ii) eight senators for each province shall be elected by the members of the provincial council of such province together with the members of the House of Assembly elected for such province. Such senators shall hold their seats for ten years unless the Senate be sooner dissolved. If the seat of an elected senator shall become vacant, the members of the provincial council of the province, together with the members of the House of Assembly elected for such province, shall choose a person to hold the seat until the completion of the period for which the person in whose stead he is elected would have held his seat. The Governor-General-in-Council shall make regulations for the joint election of senators prescribed in this section.

Qualifications of Senators.

26. The qualifications of a senator shall be as follows:—

He must—

(a) be not less than thirty years of age;

(b) be qualified to be registered as a voter for the election of members of the House of Assembly in one of the provinces;

(c) have resided for five years within the limits of the Union as existing at the time when he is elected or nominated, as the case may be;

(d) be a British subject of European descent;

in-rade of op die gesag wat soortgelyke magte in die Unie uitoefen oorgaan, met uitsondering van die magte en ampspligte wat by hierdie Wet of 'n parlements-wet aan 'n ander gesag opgedra is of mag word.

17. Die oppergesag oor die see- en landmag in die Unie berus by die Koning of die Goewerneur-generaal as sy verteenwoordiger. Bevel van see- en landmag.

18. Behoudens die uitsondering in artikel drie-en-twintig vermeld is Pretoria die regeringsetel van die Unie. Setel van die Regering.

DEEL IV.

PARLEMENT.

19. Die wetgewende gesag van die Unie berus by die Parlement van die Unie, hierin genoem die Parlement, wat bestaan uit die Koning, 'n Senaat en 'n Volksraad. Wetgewende gesag

20. Die Goewerneur-generaal kan na goëddunke die tyd vir die hou van die sessies van die Parlement bepaal, en ook van tyd tot tyd, by proklamasie of andersins, die Parlement prorogeer, asmede op dieselfde wyse die Senaat en die Volksraad gelyktydig, of die Volksraad alleen, ontbind: Met die verstande dat die Senaat binne 'n tydperk van tien jaar na die totstandkoming van die Unie nie ontbind word nie en voorts dat die ontbinding van die Senaat die senatore, wat deur die Goewerneur-generaal-in-rade benoem is, nie raak nie. Sessies van die Parlement.

21. Die Parlement word nie later as ses maande na die totstandkoming van die Unie byeengeroep nie. Byeenroeping van eerste Parlement.

22. Daar is minstens eenmaal in elke jaar 'n sessie van die Parlement, sodat tussen die laaste vergadering van die Parlement in een sessie en sy eerste vergadering in die eersvolgende sessie geen tydperk van twaalf maande verloop nie. Jaarlikse sessie.

23. Kaapstad sal die setel van die wetgewende gesag van die Unie wees. Setel van wetgewende gesag.

DIE SENAAAT.

24. Vir tien jaar na die totstandkoming van die Unie is die samestelling van die Senaat wat betref die oorspronklike provinsies as volg: Oorspronklike samestelling van Senaat.

(i) Ag senatore word deur die Goewerneur-generaal-in-rade benoem en vir elke oorspronklike provinsie word ag senatore verkies soos hierna bepaal word.

(ii) Die senatore wat deur die Goewerneur-generaal-in-rade benoem is, behou hul setels vir tien jaar. Die helfte van hulle word gekies veral op grond van hul grondige kennis, uit hoofde van hul amptelike ondervinding of andersins, van die redelike behoeftes en begeertes van die gekleurde rasse in Suid-Afrika. As die setel van 'n aldus benoemde senator vakant word, benoem die Goewerneur-generaal-in-rade 'n ander persoon as senator wat sy setel vir tien jaar behou.

(iii) Na aanneming van hierdie Wet, en voor die dag bepaal vir die totstandkoming van die Unie, roep die Goewerneur van elke kolonie 'n buitengewone sitting van albei Huise van wetgewing byeën, en die twee huise in gesamentlike sitting as een liggaam en onder voorsitterskap van die Speaker van die Wetgewende Vergadering, kies ag persone as senatore vir die provinsie. Die senatore behou hul setels vir tien jaar. As die setel van 'n aldus verkose senator vakant word, kies die Provinsiale Raad van die provinsie waarvoor hy gekies is, 'n ander persoon om die setel op te vul tot die einde van die tydperk waarvoor die persoon in wie se plek hy verkies is, sy setel sou behou het.

25. Die Parlement kan die wyse reël waarop die Senaat na afloop van tien jaar saamgestel word, en tensy en totdat so 'n reëling gemaak is— Latere samestelling van Senaat.

(i) bly die bepaling van die onmiddellik voorafgaande artikel omtrent benoemde senatore van krag;

(ii) word ag senatore vir elke provinsie gekies deur die Provinsiale Raadslede van die provinsie en die Volksraadslede wat vir die provinsie gekies is. Die senatore behou hul setels vir tien jaar, tensy die Senaat eerder ontbind word. As die setel van 'n gekose senator vakant word kies die Provinsiale Raadslede van die provinsie en die Volksraadslede wat vir die provinsie gekies is, 'n persoon om die setel op te vul tot die einde van die tydperk waarin die persoon in wie se plek hy verkies is, sy setel sou behou het. Die Goewerneur-generaal-in-rade maak regulasies vir die gesamentlike verkiesing van senatore wat in hierdie artikel voorgeskrywe word.

26. Die kwalifikasies van 'n senator is die volgende: Kwalifikasies van senatore.

Hy moet—

(a) minstens dertig jaar oud wees;

(b) bevoeg wees om as stemgeregtigde vir die verkiesing van lede van die Volksraad in een van die provinsies geregistreer te word;

(c) vyf jare binne die grense van die Unie, soos dit bestaan op die tydstip van sy verkiesing of benoeming, al na die geval mag wees, woonagtig gewees het;

(d) 'n Britse onderdaan wees van Europese afstamming;

(e) in the case of an elected senator, be the registered owner of immovable property within the Union of the value of not less than five hundred pounds over and above any special mortgages thereon.

For the purposes of this section, residence in, and property situated within, a Colony before its incorporation in the Union shall be treated as residence in and property situated within the Union.

Appointment and
Tenure of Office
of President.

27. The Senate shall, before proceeding to the dispatch of any other business, choose a senator to be the President of the Senate, and as often as the office of President becomes vacant the Senate shall again choose a senator to be the President. The President shall cease to hold office if he ceases to be a senator. He may be removed from office by a vote of the Senate, or he may resign his office by writing under his hand addressed to the Governor-General.

Deputy-President.

28. Prior to or during any absence of the President the Senate may choose a senator to perform his duties in his absence.

Resignation of
Senators.

29. A senator may, by writing under his hand addressed to the Governor-General, resign his seat, which thereupon shall become vacant. The Governor-General shall as soon as practicable cause steps to be taken to have the vacancy filled.

Quorum.

30. The presence of at least twelve senators shall be necessary to constitute a meeting of the Senate for the exercise of its powers.

Voting in the
Senate.

31. All questions in the Senate shall be determined by a majority of votes of senators present other than the President or the presiding senator, who shall, however, have and exercise a casting vote in the case of an equality of votes.

HOUSE OF ASSEMBLY.

Constitution of
House of
Assembly.

32. The House of Assembly shall be composed of members directly chosen by the voters of the Union in electoral divisions delimited as hereinafter provided.

Original Number
of Members.

33. The number of members to be elected in the original provinces at the first election and until the number is altered in accordance with the provisions of this Act shall be as follows:

Cape of Good Hope	..	..	Fifty-one.
Natal	..	..	Seventeen.
Transvaal	..	..	Thirty-six.
Orange Free State	..	..	Seventeen.

These numbers may be increased as provided in the next succeeding section, but shall not, in the case of any original province, be diminished until the total number of members of the House of Assembly in respect of the provinces herein provided for reaches one hundred and fifty, or until a period of ten years has elapsed after the establishment of the Union, whichever is the longer period.

Increase of Number
of Members.

34. The number of members to be elected in each province, as provided in section *thirty-three*, shall be increased from time to time as may be necessary in accordance with the following provisions:—

(i) The quota of the Union shall be obtained by dividing the total number of European male adults in the Union, as ascertained at the census of nineteen hundred and four, by the total number of members of the House of Assembly as constituted at the establishment of the Union.

(ii) In nineteen hundred and eleven, and every five years thereafter, a census of the European population of the Union shall be taken for the purposes of this Act:

(iii) After any such census the number of European male adults in each province shall be compared with the number of European male adults as ascertained at the census of nineteen hundred and four, and, in the case of any province where an increase is shown, as compared with the census of nineteen hundred and four, equal to the quota of the Union or any multiple thereof, the number of members allotted to such province in the last preceding section shall be increased by an additional member or an additional number of members equal to such multiple, as the case may be:

(iv) Notwithstanding anything herein contained, no additional member shall be allotted to any province until the total number of European male adults in such province exceeds the quota of the Union multiplied by the number of members allotted to such province for the time being, and thereupon additional members shall be allotted to such province in respect only of such excess:

(v) As soon as the number of members of the House of Assembly to be elected in the original provinces in accordance with the preceding sub-sections reaches the total of one hundred and fifty, such total shall not be further increased unless and until Parliament otherwise provides; and subject to the provisions of the last preceding section the distribution of members among the provinces shall be such that the proportion between the number of members to be elected at any time in each province and the number of European male adults in such province as ascertained at the last preceding census, shall as far as possible be identical throughout the Union:

27. Die Senaat kies, alvorens oor te gaan tot die behandeling van ander werksaamhede, 'n senator as President van die Senaat, en so dikwels as die amp van President oopval, kies die

Aanstelling van
ampstyd van
President.

28. Voor, of gedurende, die afwesigheid van die President Vice-President.
kan die Senaat 'n senator kies om sy pligte in sy afwesigheid
waar te neem.

30. Die aanwezigheid van minstens twaalf senatore word Kworum. vereis, wil 'n vergadering van die Senaat bevoeg wees om sy magte uit te oefen.

VOLKSRAAD.

33. Die aantal lede wat in die oorspronklike provinsies by Oorspronklike die eerste verkiesing gekies moet word, totdat die getal aantal lede. ooreenkomstig die bepalings van hierdie Wet verander word, is die volgende:

Hierdie getalle kan ooreenkomstig die eersvolgende artikel vermeerder word, maar word in die geval van 'n oorspronklike provinsie nie verminder nie alvorens die gesamentlike aantal lede van die Volksraad vir die provinsies hierin vermeld honderd-en-vyftig bereik of alvorens tien jaar verloop het na die totstandkoming van die Unie, na gelang van watter tydperk die langste is.

(1) Die kwota van die Unie word verkry deur die totale aantal Europese volwasse manspersone in die Unie, soos aangestel by die volkstelling van neëntien-honderd-en-vier, te deel deur die totale aantal lede van die Volksraad soos aangestel by die totstandkoming van die Unie.

(ii) In neentien-honderd-en-elf, en elke vyf jaar daarna, word 'n volkstelling van die Europese bevolking van die Unie gehou vir die doeleindes van hierdie Wet.

(iii) Na elke sodanige volkstelling word die aantal Europese volwasse manspersone in elke provinsie vergelyk met die aantal Europese volwasse manspersone wat vasgestel is by die volkstelling van neëntien-honderd-en-vier, en indien, in vergelyking met die volkstelling van neëntien-honderd-en-vier, 'n provinsie 'n aanwas aantoon, wat gelykstaan met die kwota van die Unie of 'n veelvoud daarvan, word die aantal lede wat in die laasvoorafgaande artikel aan so 'n provinsie toegewys is, vermeerder met 'n verdere lid of 'n verdere aantal lede gelyk aan so 'n veelvoud, soos die geval mag wees.

(iv) Nieteenstaande iets hierin vervat, word geen verdere lid aan 'n provinsie toegewys nie alvorens die aantal Europese volwasse mensepione in so 'n provinsie die kwota van die Unie vermenigvuldig met die aantal lede wat aan so 'n provinsie dan toegewys is, te bowe gaan, en daarna word verdere lede aan die provinsie alleen met betrekking tot so 'n oorskot toegewys.

(v) Sodra die aantal Volksraadslede wat in die oorspronklike provinsies volgens die voorgaande sub-artikels gekies word, 'n totaal van honderd-en-vyftig bereik, word die getal nie vermeerder nie tensy en totdat die Parlement anders bepaal; en behoudens die bepaling van die laasvoorgaande artikel, word die lede so onder die provinsies verdeel dat die verhouding tussen die aantal lede wat te eniger tyd in 'n provinsie gekies moet word en die aantal Europese volwasse manspersone in die provinsie soos by die laaste volkstelling vasgestel, sover moontlik in die hele Unie dieselfde is.

(vi) "Male adults" in this Act shall be taken to mean males of twenty-one years of age or upwards not being members of His Majesty's regular forces on full pay:

(vii) For the purposes of this Act the number of European male adults, as ascertained at the census of nineteen hundred and four, shall be taken to be—

For the Cape of Good Hope		167,546
For Natal		34,784
For the Transvaal		106,493
For the Orange Free State		41,014

Qualifications of Voters.

35. (1) Parliament may by law prescribe the qualifications which shall be necessary to entitle persons to vote at the election of members of the House of Assembly, but no such law shall disqualify any person in the province of the Cape of Good Hope who, under the laws existing in the Colony of the Cape of Good Hope at the establishment of the Union, is or may become capable of being registered as a voter from being so registered in the province of the Cape of Good Hope by reason of his race or colour only, unless the Bill be passed by both Houses of Parliament sitting together, and at the third reading be agreed to by not less than two-thirds of the total number of members of both Houses. A Bill so passed at such joint sitting shall be taken to have been duly passed by both Houses of Parliament.

(2) No person who at the passing of any such law is registered as a voter in any province shall be removed from the register by reason only of any disqualification based on race or colour.

Application of Existing Qualifications.

36. Subject to the provisions of the last preceding section, the qualifications of parliamentary voters, as existing in the several Colonies at the establishment of the Union, shall be the qualifications necessary to entitle persons in the corresponding provinces to vote for the election of members of the House of Assembly: Provided that no member of His Majesty's regular forces on full pay shall be entitled to be registered as a voter.

Elections.

37. (1) Subject to the provisions of this Act, the laws in force in the Colonies at the establishment of the Union relating to elections for the more numerous Houses of Parliament in such Colonies respectively, the registration of voters, the oaths or declarations to be taken by voters, returning officers, the powers and duties of such officers, the proceedings in connection with elections, election expenses, corrupt and illegal practices, the hearing of election petitions and the proceedings incident thereto, the vacating of seats of members, and the proceedings necessary for filling such vacancies, shall, *mutatis mutandis*, apply to the elections in the respective provinces of members of the House of Assembly.

(2) Notwithstanding anything to the contrary in any of the said laws contained, at any general election of members of the House of Assembly, all polls shall be taken on one and the same day in all the electoral divisions throughout the Union, such day to be appointed by the Governor-General-in-Council.

Commission for Delimitation of Electoral Divisions.

38. Between the date of the passing of this Act and the date fixed for the establishment of the Union, the Governor-in-Council of each of the Colonies shall nominate a judge of any of the Supreme or High Courts of the Colonies, and the judges so nominated shall, upon acceptance by them respectively of such nomination, form a joint commission, without any further appointment, for the purpose of the first division of the provinces into electoral divisions. The High Commissioner for South Africa shall forthwith convene a meeting of such commission at such time and place in one of the Colonies as he shall fix and determine. At such meeting the Commissioners shall elect one of their number as chairman of such commission. They shall thereupon proceed with the discharge of their duties under this Act, and may appoint persons in any province to assist them or to act as assessors to the commission or with individual members thereof for the purpose of inquiring into matters connected with the duties of the commission. The commission may regulate their own procedure and may act by a majority of their number. All moneys required for the payment of the expenses of such commission before the establishment of the Union in any of the Colonies shall be provided by the Governor-in-Council of such Colony. In case of the death, resignation, or other disability of any of the Commissioners before the establishment of the Union, the Governor-in-Council of the Colony in respect of which he was nominated shall forthwith nominate another judge to fill the vacancy. After the establishment of the Union the expenses of the commission shall be defrayed by the Governor-General-in-Council, and any vacancies shall be filled by him.

Electoral Divisions.

39. The commission shall divide each province into electoral divisions, each returning one member.

Method of Dividing Provinces into Electoral Divisions.

40. (1) For the purpose of such division as is in the last preceding section mentioned, the quota of each province shall be obtained by dividing the total number of voters in the province as ascertained at the last registration of voters, by the number of members of the House of Assembly to be elected therein.

(vi) In hierdie Wet beteken „volwasse manspersone” manspersone van een-en-twintig jaar en daarbove, wat nie lede van Sy Majesteit se staande krygsmag op volle soldy is nie.

(vii) Vir die doeleindes van hierdie Wet word aangeneem dat die aantal Europese volwasse manspersone, soos by die volkstelling van neëntien-honderd-en-vier vasgestel, die volgende is :

Vir Kaap die Goeie Koop	167,546
Vir Natal	34,784
Vir Transvaal	106,493
Vir die Oranje-Vrystaat	41,014

35. (1) Die Parlement kan by wet die kwalifikasies vir stemge-regtigheid by die verkiesing van Volksraadslede voorskrywe, maar geen wet ontnem aan 'n persoon in die provinsie Kaap die Goeie Hoop, wat onder die wette bestaande by die totstand-koming van die Unie in die kolonie Kaap die Goeie Hoop, bevoeg is of mag word om as 'n kieser geregistreer te word, op grond van sy ras of kleur alleen, die reg om aldus in die provinsie Kaap die Goeie Hoop geregistreer te word nie, tensy die wetsontwerp deur albei Huise van die Parlement in gesamentlike sitting aangeneem is, en by die derde lesing deur minstens twee-derdes van die totale aantal lede van albei Huise gesteun word. Dit word aangeneem dat 'n wetsontwerp wat aldus in 'n gesamentlike sitting aangeneem is, behoorlik deur albei Huise van die Parlement aangeneem is.

Kwalifikasies van kiesers.

(2) Niemand wat tydens die aanneming van so 'n wet as kieser in 'n provinsie geregistreer is, word alleen uit hoofde van 'n diskwalifikasie wat berus op ras of kleur van die register verwyder nie.

36. Behoudens die bepalinge van die laasvooraangaande artikel, is die kwalifikasies van parlementêre kiesers, soos bestaande in die kolonies by die totstandkoming van die Unie, die kwalifikasies vir stemgeregtigheid by die verkiesing van Volksraadslede in die ooreenstemmende provinsies; mits geen lid van Sy Majesteit se staande krygsmag op vol soldy as kieser geregistreer mag word nie.

Toepassing van bestaande kwalifikasies.

37. (1) Behoudens die bepalinge van hierdie Wet, is die wette wat in die kolonies by die totstandkoming van die Unie bestaan in verband met verkiesings vir die meer talryke Huise van Parlement in die kolonies respektiewelik, die registrasie van kiesers, die ede of verklarings wat kiesers moet aflê, verslagge-wende kiesbeampstes, en hulle magte en pligte, die prosedure by verkiesings, verkiesingsonkoste, korrupte en onwettige praktyke, die verhoor van verkiesingspetisies en die verrigtings in verband daarmee, die vakantwording van setels van lede en die stappe wat nodig is in verband met die opvulling van sulke vakatures, *mutatis mutandis* van toepassing op die verkiesings in die onderskeie provinsies van Volksraadslede.

Verkiesings.

(2) Nieteenstaande 'n teenstrydige bepaling in die voormelde wette, vind by 'n algemene verkiesing van Volksraadslede die stemming in alle kiesafdelings in die hele Unie plaas op een en dieselfde dag, wat deur die Goewerneur-generaal-in-rade vasgestel word.

38. Tussen die datum van aanneming van hierdie Wet en die datum bepaal vir die totstandkoming van die Unie, benoem die Goewerneur-in-rade van elke kolonie 'n regter van een van die Hooggeregshowe of Hoë Howe van die kolonies, en die aldus benoemde regters vorm na hul die benoeming aanvaar het, sonder verdere aanstelling 'n gesamentlike kommissie ten einde die eerste verdeling van die provinsies in kiesafdelings te bewerkstellig.

Kommissie vir affakening van kiesafdelings.

Die Hoë Kommissaris van Suid-Afrika belê onverwyld 'n vergadering van die kommissie op die tyd en plek in een van die kolonies wat deur hom bepaal word. Op hierdie vergadering kies die kommissarisse een uit hulle midde tot voorsitter van die kommissie. Vervolgens gaan hulle oor tot die vervulling van hulle taak onder hierdie Wet en mag hulle in 'n provinsie persone aanstel om hulle te help of om as assessore van die kommissie, of met afsonderlike lede daarvan, ondersoek in te stel in sake betreffende die pligte van die kommissie. Die kommissie reël self sy prosedure en handel by meerderheid van sy ledetal. Alle gelde benodig vir die bestryding van die onkoste van so 'n kommissie voor die totstandkoming van die Unie in 'n kolonie word deur die Goewerneur-in-rade van die kolonie verstrekk. In geval van die dood, bedanking of ander onvermoë van 'n kommissaris vóór die totstandkoming van die Unie benoem die Goewerneur-in-rade van die kolonie waarvoor hy benoem is, onverwyld 'n ander regter om die vakature op te vul. Na die totstandkoming van die Unie word die onkoste van die kommissie gedek deur die Goewerneur-generaal-in-rade wat tewens voorkomende vakatures opvul.

39. Die kommissie verdeel elke provinsie in kiesafdelings waarvan elkeen een lid kies.

Kiesafdelings.

40. (1) Vir die verdeling vermeld in die laasvooraangaande artikel, word die kwota van elke provinsie verkry deur die totale aantal kiesers in die provinsie, soos vasgestel by die laaste registrasie van kiesers, te deel deur die aantal Volksraadslede wat daarin gekies moet word.

Metode van verde-ling van provinsies in kiesafdelings.

(2) Each province shall be divided into electoral divisions in such a manner that each such division shall, subject to the provisions of sub-section (3) of this section, contain a number of voters, as nearly as may be, equal to the quota of the province.

(3) the Commissioners shall give due consideration to—

- (a) community or diversity of interests;
- (b) means of communication;
- (c) physical features;
- (d) existing electoral boundaries;
- (e) sparsity or density of population;

in such manner that, while taking the quota of voters as the basis of division, the Commissioners may, whenever they deem it necessary, depart therefrom, but in no case to any greater extent than fifteen per centum more or fifteen per centum less than the quota.

**Alteration of
Electoral Divisions.**

41. As soon as may be after every quinquennial census, the Governor-General-in-Council shall appoint a commission consisting of three judges of the Supreme Court of South Africa to carry out any re-division which may have become necessary as between the different electoral divisions in each province, and to provide for the allocation of the number of members to which such province may have become entitled under the provisions of this Act. In carrying out such re-division and allocation the commission shall have the same powers and proceed upon the same principles as are by this Act provided in regard to the original division.

**Powers and Duties
of Commission for
Delimiting
Electoral Divisions.**

42. (1) The joint commission constituted under section *thirty-eight*, and any subsequent commission appointed under the provisions of the last preceding section, shall submit to the Governor-General-in-Council—

- (a) a list of electoral divisions, with the names given to them by the commission and a description of the boundaries of every such division;
- (b) a map or maps showing the electoral divisions into which the provinces have been divided;
- (c) such further particulars as they consider necessary.

(2) The Governor-General-in-Council may refer to the commission for its consideration any matter relating to such list or arising out of the powers or duties of the commission.

(3) The Governor-General-in-Council shall proclaim the names and boundaries of the electoral divisions as finally settled and certified by the commission, or a majority thereof, and thereafter, until there shall be a re-division, the electoral divisions as named and defined shall be the electoral divisions of the Union in the provinces.

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

**Date from which
alteration of
Electoral Divisions
to take effect.**

43. Any alteration in the number of members of the House of Assembly to be elected in the several provinces, and any re-division of the provinces into electoral divisions, shall, in respect of the election of members of the House of Assembly, come into operation at the next general election held after the completion of the re-division or of any allocation consequent upon such alteration, and not earlier.

**Qualifications of
Members of House
of Assembly.**

44. The qualifications of a member of the House of Assembly shall be as follows:

He must—

- (a) be qualified to be registered as a voter for the election of members of the House of Assembly in one of the provinces;
- (b) have resided for five years within the limits of the Union as existing at the time when he is elected;
- (c) be a British subject of European descent.

For the purposes of this section, residence in a Colony before its incorporation in the Union shall be treated as residence in the Union.

Duration.

45. Every House of Assembly shall continue for five years from the first meeting thereof, and no longer, but may be sooner dissolved by the Governor-General.

**Appointment and
Tenure of Office of
Speaker.**

46. The House of Assembly shall, before proceeding to the dispatch of any other business, choose a member to be the Speaker of the House, and, as often as the office of Speaker becomes vacant, the House shall again choose a member to be the Speaker. The Speaker shall cease to hold his office if he ceases to be a member. He may be removed from office by a vote of the House, or he may resign his office or his seat by writing under his hand addressed to the Governor-General.

Deputy-Speaker.

47. Prior to or during the absence of the Speaker, the House of Assembly may choose a member to perform his duties in his absence.

48. *Repealed by section forty-nine (1), Act No. 11 of 1926. See sub-section (2) thereof.*

Quorum.

49. The presence of at least thirty members of the House of Assembly shall be necessary to constitute a meeting of the House for the exercise of its powers.

**Voting in House of
Assembly.**

50. All questions in the House of Assembly shall be determined by a majority of votes of members present other than the Speaker or the presiding member, who shall, however, have and exercise a casting vote in the case of an equality of votes.

(2) Elke provinsie word verdeel in kiesafdelings op so 'n wyse dat die aantal kiesers in elke afdeling behoudens die bepalings van sub-artikel (3) van hierdie artikel, so na moontlik gelykstaan met die kwota van die provinsie.

(3) Die kommissaris neem behoorlik in aanmerking—

- (a) gemeenskap of verskil van belange;
- (b) verkeersmiddele;
- (c) fisiese kenmerke;
- (d) bestaande kiesgrense;
- (e) dunheid of digtheid van bevolking;

op so 'n wyse dat, hoewel die kwota van kiesers die grondslag van verdeling vorm, die kommissaris nogtans, as hulle dit nodig ag, daarvan mag afwyk, maar in geen geval met meer as vyftien persent bo of onder die kwota nie.

41. So spoedig moontlik na elke vyfjaarlikse volkstelling stel die Goewerneur-generaal-in-rade 'n kommissie aan bestaande uit drie regters van die Hooggeregshof van Suid-Afrika, om enige herverdeling tussen die verskillende kiesafdelings in elke provinsie wat nodig mag geword het, uit te voer en om die aantal lede waarop so 'n provinsie onder hierdie Wet geregtig geword het, toe te wys. By die herverdeling en toewysing het die kommissie dieselfde bevoegdhede en gaan hy op dieselfde beginsels te werk as wat deur hierdie Wet in verband met die oorspronklike verdeling voorgeskrywe word.

42. (1) Die gesamentlike kommissie ingestel kragtens artikel 40 ag-en-dertig en elke volgende kommissie wat aangestel word onder die laasvooraangaande artikel lê aan die Goewerneur-generaal-in-rade voor—

- (a) 'n lys van kiesafdelings met die name wat aan hulle deur die kommissie gegee is en 'n beskrywing van die grense van elke kiesafdeling;
- (b) 'n kaart of kaarte wat die kiesafdelings aantoon waarin die provinsies verdeel is;
- (c) sulke verdere besonderhede as wat hulle nodig ag.

(2) Die Goewerneur-generaal-in-rade kan alle sake in verband met so 'n lys of wat ontstaan uit die magte en pligte van die kommissie aan hom ter oorweging voorlê.

(3) Die Goewerneur-generaal-in-rade kondig die name en grense af van die kiesafdelings soos hulle deur die kommissie of 'n meerderheid daarvan finaal vasgestel en goedgekeur is en daarna is die kiesafdelings aldus benaam en afgebaken, die kiesafdelings van die Unie tot tyd en wyl 'n herverdeling plaasvind.

(4) Ingeval van verskil tussen die beskrywing van die afdelings en die kaart of kaarte voormeld, het die beskrywing die voorkeur.

43. Elke verandering in die aantal Volksraadslede wat in die verskillende provinsies gekies moet word en elke herverdeling van die provinsies in kiesafdelings kom, wat die verkiesing van Volksraadslede betref, by die eersvolgende verkiesing wat gehou word na voltooiing van die herverdeling of 'n toewysing ingevolge so 'n verandering, en nie eerder nie, in werking.

44. Die kwalifikasies van 'n lid van die Volksraad is as volg: Hy moet—

- (a) as 'n kieser vir die verkiesing van Volksraadslede in een van die provinsies geregistreer kan word;
- (b) vyf jaar binne die grense van die Unie, soos dit bestaan op die tydstip van sy verkiesing, gewoon het;
- (c) 'n Britse onderdaan van Europese afkoms wees.

Vir die doeleindes van hierdie artikel word woonagtigheid in 'n kolonie voor sy inlywing in die Unie as woonagtigheid in die Unie behandel.

45. Elke Volksraad duur vyf jaar van sy eerste vergadering af en nie langer nie, maar kan eerder deur die Goewerneur-generaal ontbind word.

46. Alvorens oor te gaan tot die behandeling van ander sake kies die Volksraad 'n lid as Speaker van die Huis, en, so dikwels as die amp van Speaker oopval kies die Huis opnuut 'n lid as Speaker. Die Speaker verval van sy amp as hy ophou om 'n lid te wees. Hy kan uit sy amp ontset word deur besluit van die Huis, of hy kan sy amp of setel neerlê by geskifte deur hom onderteken en gerig aan die Goewerneur-generaal.

47. Voor of gedurende die afwesigheid van 'n Speaker, kan Adjunk-Speaker die Huis 'n lid kies om sy pligte in sy afwesigheid waar te neem.

48. (Herroep deur artikel neën-en-veertig (i) van Wet 11 van 1926, sien sub-artikel (2) daarvan.)

49. Die aanwesigheid van minstens dertig lede word vereis, Kworum. wil 'n vergadering van die Volksraad bevoeg wees om sy magte uit te oefen.

50. Alle vrae word in die Volksraad beslis by meerderheid van stemme van die aanwesige lede, met uitsondering van die Speaker of die voorsittende lid, wat egter by staking van stemme 'n beslissende stem het en uitbring.

BOTH HOUSES OF PARLIAMENT.

Oath or Affirmation
of Allegiance.

51. Every senator and every member of the House of Assembly shall, before taking his seat, make and subscribe before the Governor-General, or some person authorized by him, an oath or affirmation of allegiance in the following form :

Oath.

I, A.B., do swear that I will be faithful and bear true allegiance to His Majesty [*here insert the name of the King or Queen of the United Kingdom of Great Britain and Ireland for the time being*] His [*or Her*] heirs and successors according to law. So help me God.

Affirmation.

I, A.B., do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to His Majesty [*Here insert the name of the King or Queen of the United Kingdom of Great Britain and Ireland for the time being*] His [*or Her*] heirs and successors according to law.

Members of either
House disqualified
for being Member
of the other House.

52. A member of either House of Parliament shall be incapable of being chosen or if sitting as a member of the other House : Provided that every Minister of State who is a member of either House of Parliament shall have the right to sit and speak in the Senate and the House of Assembly, but shall vote only in the House of which he is a member.

Disqualifications
for being a Member
of either House.

53. No person shall be capable of being chosen or of sitting as a senator or as a member of the House of Assembly who—

(a) has been at any time convicted of any crime or offence for which he shall have been sentenced to imprisonment without the option of a fine for a term of not less than twelve months, unless he shall have received a grant of amnesty or a free pardon, or unless such imprisonment shall have expired at least five years before the date of his election ; or

(b) is an unrehabilitated insolvent ; or

(c) is of unsound mind, and has been so declared by a competent court ; or

(d) holds any office of profit under the Crown within the Union : Provided that the following persons shall not be deemed to hold an office of profit under the Crown for the purposes of this sub-section :

(1) a Minister of State for the Union ;

(2) a person in receipt of a pension from the Crown ;

(3) an officer or member of His Majesty's naval or military forces on retired or half-pay, or an officer or member of the naval or military forces of the Union whose services are not wholly employed by the Union ;

(4) any person who has been appointed or became a justice of the peace under section two of the Justices of the Peace and Oaths Act, 1914 (Act No. 16 of 1914), and any justice of the peace appointed before the commencement of the said Act, who performs his functions as such by virtue of section five of that Act.

Vacation of Seats.

54. If a senator or member of the House of Assembly—

(a) becomes subject to any of the disabilities mentioned in the last preceding section ; or

(b) ceases to be qualified as required by law ; or

(c) fails for a whole ordinary session to attend without the special leave of the Senate or the House of Assembly, as the case may be ;

his seat shall thereupon become vacant.

Penalty for Sitting
or Voting when
Disqualified.

55. If any person who is by law incapable of sitting as a senator or member of the House of Assembly shall, while so disqualified and knowing or having reasonable grounds for knowing that he is so disqualified, sit or vote as a member of the Senate or the House of Assembly, he shall be liable to a penalty of one hundred pounds for each day on which he shall so sit or vote, to be recovered on behalf of the Treasury of the Union by action in any Superior Court of the Union.

Allowances
of Members.

56. (1) Subject to the provisions of this section, every member of the Senate and the House of Assembly (excluding Ministers receiving a salary under the Crown, the President of the Senate and the Speaker of the House of Assembly) shall receive an allowance of seven hundred pounds per annum.

(2) For every day during which any such member fails to attend a meeting of the House of which he is a member there shall be deducted the sum of two pounds : Provided that such member shall be exempted from deductions on account of such failure—

(a) for any day on which he attends a meeting of any Committee of the House of which he is a member ; and

(b) when his absence is due to his illness or to the summons or subpoena of a competent Court (except a summons to answer a criminal charge upon which he is convicted) ; and

(c) when his absence is due to the death or serious illness of his wife and such absence is condoned by the Sessional Committee on Standing Orders of the Senate or the Committee on Standing Rules and Orders of the House of Assembly (as the case may be) ; and

ALBET HUISE VAN PARLEMENT.

51. Elke senator en elke lid van die Volksraad lê en onderteken, voordat hy sy sitplek inneem, voor die Goewerneur-generaal of 'n persoon deur hom gemagtig, 'n eed of belofte van getrouheid in die volgende vorm af:

Albet Huise van
Parlement. Eed of
belofte van
getrouheid.

Eed.

Ek, A.B. sweer trou en hulde aan Sy Majesteit (*vul hierin die naam van die regerende Koning of Koningin van die Verenigde Koninkryk van Groot-Brittanje en Ierland*), Sy erfgename en opvolgers, volgens wet. So helpe my God.

Belofte.

Ek, A.B., belowe plegtig en opreg trou en hulde aan Sy Majesteit (*vul hier in die naam van die regerende Koning of Koningin van die Verenigde Koninkryk van Groot-Brittanje en Ierland*), Sy erfgename en opvolgers, volgens wet.

52. 'n Lid van een Huis van Parlement mag nie as lid van 'n ander Huis verkies word of daarin sitting neem nie: Met die verstande dat elke Minister van staat wat lid is van een van die Huise van Parlement die reg het om in die Senaat en Volksraad te sit en te praat, met reg van stem egter alleen in die Huis waarvan hy 'n lid is.

Lid van een Huis
mag nie lid van
ander Huis wees
nie.

53. Geen persoon mag gekies word of sit as senator of as lid van die Volksraad wat—

Diskwalifikasies vir
lede van 'n Huis.

(a) te eniger tyd veroordeel is weens 'n misdad of misdryf, waarvoor hy sonder keuse van 'n boete gestraf is met gevangenisstraf van minstens twaalf maande, tensy hy kwytskelding of vrye pardon ontvang het, of die tyd van sy gevangenisstraf minstens vyf jaar voor die datum van sy verkiesing verstryk het; of

(b) 'n ongerehabiliteerde insolvent is; of

(c) kranksinnig is en verklaar is deur 'n bevoegde hof; of

(d) 'n besoldigde amp onder die Kroon in die Unie beklee: Met die verstande dat aangeneem word dat die volgende persone nie in die sin van hierdie sub-artikel 'n besoldigde amp onder die Kroon beklee nie:

(1) 'n Minister van Staat vir die Unie;

(2) iemand wat 'n pensioen van die Kroon trek;

(3) 'n offisier of lid van Sy Majesteit se see- of landmag op waggeld of halwe soldy, of 'n offisier of lid van die see- of landmag van die Unie, wie se dienste nie geheel deur die Unie in beslag geneem word nie;

(4) iemand wat kragtens artikel twee van die Wet op Vrederegters en Ede, 1914 (Wet No. 16 van 1914) as vrederegter aangestel of sulks geword het en 'n vrederegter, aangestel voor die aanvang van gemelde wet, wat sy pligte as sulks kragtens artikel vyf van die wet uitoefen.

54. As 'n senator of lid van die Volksraad—

Opvul van setels.

(a) onderhewig word aan een van die onbevoegdhede vermeld in die laasvooraangaande sub-artikel;

(b) ophou om wettelik bevoeg te wees; of

(c) gedurende 'n hele gewone sessie wegbly sonder uitdruklike vergunning van die Senaat of die Volksraad, soos die geval mag wees, val sy setel oop.

55. 'n Ieder wat wettelik onbevoeg is om as senator of lid van die Volksraad sitting te neem, en terwyl hy so onbevoeg is en weet of redelike gronde het om te weet, dat hy onbevoeg is as lid van die Senaat of die Volksraad sitting neem of stem, is skatbaar met 'n boete van honderd pond vir elke dag waarop hy so sitting neem of stem. Die boete word namens die skatkis van die Unie by wyse van 'n aksie in 'n hoë hof van die Unie ingevorder.

Straf op stem deur
ongekwalifiseerdes.

56. (1) Met inagneming van die bepalings van hierdie artikel ontvang elke lid van die Volksraad en van die Senaat (met uitsondering van Ministers wat 'n salaris onder die Kroon trek, die President van die Senaat en die Speaker van die Volksraad) 'n toelae van sewehonderd pond per jaar.

Toelae van lede.

(2) Vir elke dag waarop so 'n lid versuim om 'n vergadering by te woon van die Huis, waarvan hy lid is, word die som van twee pond afgetrek: Met die verstande dat bedoelde lid van aftrek weens so 'n versuim vrygestel word—

(a) vir elke dag waarop hy 'n vergadering van 'n komitee van die Huis waarvan hy lid is bywoon; en

(b) indien sy afwesigheid veroorsaak word deur sy siekte of deur 'n dagvaarding as party of getuie van 'n bevoegde hof (behalwe 'n dagvaarding op 'n kriminele aanklag waarop hy veroordeel word); en

(c) indien sy afwesigheid veroorsaak word deur die dood of ernstige siekte van sy vrou en sodanige afwesigheid verskoon word deur die Sessie-komitee op die Reglement van Orde van die Senaat of die Komitee op die Reglement van Orde van die Volksraad (na die geval mag wees); en

(d) in respect of any further period of absence not exceeding fifteen days on which he so fails to attend during a session at which the estimates of expenditure for the ordinary administrative services of a financial year are considered.

(3) Subject to the deductions incurred, if any, the Clerk of the House concerned shall pay to every such member of the House of which he is Clerk the allowance aforesaid in monthly instalments, the first month to be reckoned from the date notified in the Gazette as the date on which the member concerned was nominated or elected (as the case may be).

(4) The amount of the allowances paid under this section shall be charged annually to the Consolidated Revenue Fund and the provision of this sub-section shall be deemed to be an appropriation of every such amount.

Privileges of
Houses of
Parliament.

57. The powers, privileges, and immunities of the Senate and of the House of Assembly and of the members and committees of each House shall, subject to the provisions of this Act, be such as are declared by Parliament, and until declared shall be those of the House of Assembly of the Cape of Good Hope and of its members and committees at the establishment of the Union.

Rules of Procedure.

58. Each House of Parliament may make rules and orders with respect to the order and conduct of its business and proceedings. Until such rules and orders shall have been made the rules and orders of the Legislative Council and House of Assembly of the Cape of Good Hope at the establishment of the Union shall *mutatis mutandis* apply to the Senate and House of Assembly respectively. If a joint sitting of both Houses of Parliament is required under the provisions of this Act, it shall be convened by the Governor-General by message to both Houses. At any such joint sitting the Speaker of the House of Assembly shall preside and the rules of the House of Assembly shall, as far as practicable, apply.

POWERS OF PARLIAMENT.

Powers of
Parliament.

59. Parliament shall have full power to make laws for the peace, order, and good government of the Union.

Money Bills.

60. (1) Bills appropriating revenue or moneys or imposing taxation shall originate only in the House of Assembly. But a Bill shall not be taken to appropriate revenue or moneys or to impose taxation by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties.

(2) The Senate may not amend any Bills so far as they impose taxation or appropriate revenue or moneys for the services of the Government.

(3) The Senate may not amend any Bills so as to increase any proposed charges or burden on the people.

Appropriation
Bills.

61. Any Bill which appropriates revenue or moneys for the ordinary annual services of the Government shall deal only with such appropriation.

Recommendation
of Money Votes.

62. The House of Assembly shall not originate or pass any vote, resolution, address, or Bill for the appropriation of any part of the public revenue or of any tax or impose to any purpose unless such appropriation has been recommended by message from the Governor-General during the session in which such vote, resolution, address, or Bill is proposed.

Disagreements
between the Two
Houses.

63. If the House of Assembly passes any Bill and the Senate rejects or fails to pass it or passes it with amendments to which the House of Assembly will not agree, and if the House of Assembly in the next session again passes the Bill with or without any amendments which have been made or agreed to by the Senate and the Senate rejects or fails to pass it or passes it with amendments to which the House of Assembly will not agree, the Governor-General may during that session convene a joint sitting of the members of the Senate and House of Assembly. The members present at any such joint sitting may deliberate and shall vote together upon the Bill as last proposed by the House of Assembly and upon amendments, if any, which have been made therein by one House of Parliament and not agreed to by the other; and any such amendments which are affirmed by a majority of the total number of members of the Senate and House of Assembly present at such sitting shall be taken to have been carried, and if the Bill with the amendments, if any, is affirmed by a majority of the members of the Senate and House of Assembly present at such sitting, it shall be taken to have been duly passed by both Houses of Parliament: Provided that, if the Senate shall reject or fail to pass any Bill dealing with the appropriation of revenue or moneys for the public service, such joint sitting may be convened during the same session in which the Senate so rejects or fails to pass such Bill.

Royal Assent to
Bills.

64. When a Bill is presented to the Governor-General for the King's Assent, he shall declare according to his discretion, but subject to the provisions of this Act, and to such instructions as may from time to time be given in that behalf by the King, that he assents in the King's name, or that he withholds assent, or that he reserves the Bill for the signification of the King's pleasure. All Bills repealing or amending this section or any

(d) ten opsigte van 'n verdere tydperk van ten hoogste vyftien dae waarop hy versuim om aldus 'n vergadering by te woon gedurende 'n sessie waarop die begroting van uitgawes van die gewone administratiewe diens van 'n finansiële jaar oorweeg word.

(3) Met aftrek van ewentueel verbeurde bedrae betaal die Klerk van die betrokke Huis aan elke lid van die Huis waarvan hy Klerk is, voormelde toelae in maandelikse paaiemente, waarby die eerste maand gereken word vanaf die dag wat in die Staatskoerant aangegee word as die dag waarop die betrokke lid, na gelang van die saak, benoem of gekies was.

(4) Die bedrag wat kragtens hierdie artikel aan toelaes betaal word, word jaarliks teen die Gekonsolideerde Inkomstefonds in rekening gebring en die bepaling van hierdie sub-artikel geld as bewilliging van elke sodanige bedrag.

57. Die magte, voorregte en immuniteite van die Senaat en die Volksraad en van die lede en komitees van elke Huis word, onderworpe aan die bepaling van hierdie Wet, verklaar deur die Parlement, en hangende die verklaring bestaan hulle uit die van die Wetgewende Vergadering van Kaap die Goeie Hoop en van sy lede en komitees, by die totstandkoming van die Unie.

58. Elke Huis van die Parlement kan die orde en loop van sy werk en verrigtings by voorskrifte en orders reël. Hangende vasstelling van die reglement is die reglement van die Wetgewende Raad en die Wetgewende Vergadering van Kaap die Goeie Hoop by die totstandkoming van die Unie, *mutatis mutandis* van toepassing op die Senaat en Volksraad. Word 'n gesamentlike sitting van albei Huisse van die Parlement uit kragte van hierdie Wet vereis, dan word dit byeengeroep deur die Goewerneur-generaal by boodskap aan albei Huisse. By so 'n gesamentlike sitting sit die Speaker van die Volksraad voor en geld die reëls van die Volksraad vir sover toepaslik.

MAGTE VAN DIE PARLEMENT.

59. Die Parlement het volle mag om wette te maak om die vrede, orde en goeie regering van die Unie te verseker. Magte van die Parlement.

60. (1) Wetsontwerpe wat inkomste of geld beskikbaar stel of belasting opleë ontstaan alleen in die Volksraad. Maar 'n wetsontwerp word nie alleen omdat dit bepaling omtrent die opheffing van boetes of andere geldstrawwe bevat as 'n wetsontwerp wat inkomste of geld beskikbaar stel, beskou nie. Geldelike wetsontwerp.

(2) Die Senaat mag geen wetsontwerp, in so verre dit belastings opleë of inkomste of gelde vir regeringsdiens beskikbaar stel, wysig nie.

(3) Die Senaat mag geen wetsontwerpe so wysig nie dat dit 'n voorgestelde heffing of belasting op die volk verhoog.

61. 'n Wetsontwerp wat inkomste of gelde vir die gewone jaarlikse regeringsdienste bewillig behandel uitsluitend sulke bewilliging. Middele-wetsontwerpe

62. Geen voorstel, besluit, adres of wetsontwerp wat bewilliging van enige gedeelte van die openbare inkomste of van enige belasting of heffing vir enige doel beoog sal in die Volksraad ingedien of aangeneem word nie tensy die Goewerneur-generaal die bewilliging gedurende die sessie waarin so 'n voorstel, besluit, adres of wetsontwerp voorgestel is by boodskap aanbeveel. Aanbeveling van bewilliging van gelde.

63. Word 'n wetsontwerp deur die Volksraad aangeneem en deur die Senaat verwerp of nie aangeneem nie, of aangeneem met wysigings waarin die Volksraad nie wil toestem nie, en word die wetsontwerp in die volgende sessie weer deur die Volksraad aangeneem, met of sonder wysigings wat deur die Senaat gemaak of aangeneem is, en word dit deur die Senaat verwerp of nie aangeneem nie of aangeneem met wysigings waarin die Volksraad nie wil toestem nie, kan die Goewerneur-generaal gedurende daardie sessie 'n gesamentlike vergadering van die lede van die Senaat en Volksraad belê. Die lede wat teenwoordig is by so 'n gesamentlike sitting mag saam beraadslaag en stem oor die wetsontwerp in die jongste vorm deur die Volksraad voorgestel en oor moontlike wysigings wat daarin deur een Huis van Parlement gemaak en nie deur die ander goedgekeur is nie; en al sulke wysigings wat deur 'n meerderheid van al die ter sitting aanwesige lede van die Senaat en die Volksraad goedgekeur is, word as aangeneem beskou, en as die wetsontwerp met ewentuele wysigings bekragtig is deur 'n meerderheid van die lede van die Senaat en Volksraad wat teenwoordig is by so 'n sitting, word aangeneem dat dit deur albei Huisse van Parlement behoorlik goedgekeur is; mits indien die Senaat 'n wetsontwerp tot bewilliging van inkomste of geld ten behoeve van regeringsdienste afkeur of nie aanneem nie, so 'n gesamentlike sitting belê kan word gedurende dieselfde sessie waarin die Senaat so 'n wetsontwerp verwerp of nie aanneem nie. Geskille tussen twee Huisse.

64. Wanneer 'n wetsontwerp aan die Goewerneur-generaal vir die Koning se toestemming voorgelê word verklaar hy na sy goeddunke maar onderworpe aan die bepaling van hierdie Wet en volgens die voorskrifte wat van tyd tot tyd in daardie verband deur die Koning gegee word, dat hy namens die Koning toestem of dat hy toestemming onthou, of dat hy die wetsontwerp aanhou ter inwinning van die Koning se behae. Alle wetsont- Koninklike goedkeuring van wetsontwerpe.

of the provisions of Chapter IV under the heading "House of Assembly", and all Bills abolishing provincial councils or abridging the powers conferred on provincial councils under section eighty-five, otherwise than in accordance with the provisions of that section, shall be so reserved. The Governor-General may return to the House in which it originated any Bill so presented to him, and may transmit therewith any amendments which he may recommend, and the House may deal with the recommendation.

Disallowance of Bills.

65. The King may disallow any law within one year after it has been assented to by the Governor-General, and such disallowance on being made known by the Governor-General by speech or message to each of the Houses of Parliament or by proclamation shall annul the law from the day when the disallowance is so made known.

Reservation of Bills.

66. A Bill reserved for the King's pleasure shall not have any force unless and until, within one year from the day on which it was presented to the Governor-General for the King's Assent, the Governor-General makes known by speech or message to each of the Houses of Parliament or by proclamation that it has received the King's Assent.

Signature and Enrolment of Acts.

67. As soon as may be after any law shall have been assented to in the King's name by the Governor-General, or having been reserved for the King's pleasure shall have received his assent, the Clerk of the House of Assembly shall cause two fair copies of such law, one being in the English and the other in the Dutch language (one of which copies shall be signed by the Governor-General), to be enrolled of record in the office of the Registrar of the Appellate Division of the Supreme Court of South Africa; and such copies shall be conclusive evidence as to the provisions of every such law, and in case of conflict between the two copies thus deposited that signed by the Governor-General shall prevail.

PART V.

THE PROVINCES.

Administrators.

Appointment and Tenure of Office of Provincial Administrators.

68. (1) In each province there shall be a chief executive officer appointed by the Governor-General-in-Council, who shall be styled the administrator of the province, and in whose name all executive acts relating to provincial affairs therein shall be done.

(2) In the appointment of the administrator of any province, the Governor-General-in-Council shall, as far as practicable, give preference to persons resident in such province.

(3) Such administrator shall hold office for a term of five years and shall not be removed before the expiration thereof except by the Governor-General-in-Council for cause assigned, which shall be communicated by message to both Houses of Parliament within one week after the removal, if Parliament be then sitting, or, if Parliament be not sitting, then within one week after the commencement of the next ensuing session.

(4) The Governor-General-in-Council may from time to time appoint a deputy-administrator to execute the office and functions of the administrator during his absence, illness, or other inability.

Salaries of Administrators.

69. The salaries of the administrators shall be fixed and provided by Parliament, and shall not be reduced during their respective terms of office.

Provincial Councils.

Constitution of Provincial Councils.

70. (1) There shall be a provincial council in each province consisting of the same number of members as are elected in the province for the House of Assembly: Provided that, in any province whose representatives in the House of Assembly shall be less than twenty-five in number, the provincial council shall consist of twenty-five members.

(2) Any person qualified to vote for the election of members of the provincial council shall be qualified to be a member of such council.

Qualification of Provincial Councillors.

71. (1) The members of the provincial council shall be elected by the persons qualified to vote for the election of members of the House of Assembly in the province voting in the same electoral divisions as are delimited for the election of members of the House of Assembly: Provided that, in any province in which less than twenty-five members are elected to the House of Assembly, the delimitation of the electoral divisions, and any necessary re-allocation of members or adjustment of electoral divisions, shall be effected by the same commission and on the same principles as are prescribed in regard to the electoral divisions for the House of Assembly.

(2) Any alteration in the number of members of the provincial council, and any re-division of the province into electoral divisions, shall come into operation at the next general election for such council held after the completion of such re-division, or of any allocation consequent upon such alteration, and not earlier.

werpe wat hierdie artikel of een van die bepalings van Deel IV onder die titel „Volksraad” herroep of wysig en alle wetsontwerpe wat Provinsiale Rade afskaf of die magte wat aan Provinsiale Rade onder artikel vyf-en-tagtig verleen is anders as ooreenkomstig die bepalings van daardie artikel inkort, word aldus aangehou. Die Goewerneur-generaal kan 'n wetsontwerp wat so aan hom voorgelê is terugstuur na die Huis waarin dit aanhangig gemaak is, saam met wysigings wat hy mag aanbeveel en die Huis kan die aanbeveling in behandeling neem.

65. Die Koning kan aan enige wet binne een jaar nadat dit die toestemming van die Goewerneur-generaal ontvang het krag ontsê, en sodanige ontseeging sal, as dit deur die Goewerneur-generaal by wyse van toespraak of boodskap aan albei Huisse van Parlement of by proklamasie bekend gemaak is, die wet van onwaarde maak van die dag af waarop die kragontseeging bekend gemaak is. Kragontseeging aan wette.

66. 'n Wetsontwerp wat vir die Koning se behae aangehou is, is kragteloos tensy en totdat binne 'n jaar van die dag waarop dit aan die Goewerneur-generaal vir die Koning se toestemming voorgelê is, die Goewerneur-generaal by toespraak of boodskap aan albei Huisse van Parlement of by proklamasie bekend maak dat die Koning daarin toegestem het. Aanhouding van wetsontwerpe.

67. So spoedig moontlik nadat die Goewerneur-generaal namens die Koning toestemming tot 'n wet verleen het, of as dit aangehou is vir die Koning se behae, dit sy toestemming ontvang het, laat die Klerk van die Volksraad twee nette kopieë van so 'n wet, die een in Engels en die ander in Hollands (een waarvan deur die Goewerneur-generaal geteken is) registreer in die kantoor van die Registrateur van die appèlafdeling van die Hooggeregshof van Suid-Afrika en hierdie kopieë dien as afdoende bewys van die bepalings van so 'n wet en ingeval van verskil tussen twee aldus gedeponeerde kopieë gee die kopie deur die Goewerneur-generaal geteken die deurslag. Tekening en registrasie van wette.

DEEL V.

DIE PROVINSIES.

Administrateurs.

68. (1) In elke provinsie staan 'n amptenaar aan die hoof van die uitvoering deur die Goewerneur-generaal-in-rade aangesel met die titel van Administrateur van die provinsie en in sy naam word alle dade van uitvoering in provinsiale sake verrig. Aanstelling en ampstyd van provinsiale Administrateurs.

(2) By die aanstelling van die Administrateur van 'n provinsie gee die Goewerneur-generaal-in-rade vir sover doenlik voorkeur aan persone wat in die provinsie woonagtig is.

(3) Die Administrateur beklee sy amp vir 'n tydperk van vyf jaar en word voor afloop daarvan nie daaruit ontsê nie dan alleen deur die Goewerneur-generaal-in-rade, met opgaaf van redes wat by boodskap aan albei Huisse van Parlement binne een week na sy ontslag moet meegedeel word, indien die Parlement dan sit of as die Parlement nie sit nie, dan binne een week na die aanvang van die eersvolgende sessie.

(4) Die Goewerneur-generaal-in-rade kan van tyd tot tyd 'n waarnemende Administrateur aanstel om die ampspligte en magte van die Administrateur tydens sy afwesigheid, siekte of ander onvermoë uit te oefen.

69. Die salarisse van die Administrateurs word vasgestel en verskaf deur die Parlement en word gedurende hul ampstyd nie verminder nie. Salarisse van Administrateurs.

Provinsiale Rade.

70. (1) In elke provinsie is 'n Provinsiale Raad bestaande uit dieselfde aantal lede as wat in die provinsie vir die Volksraad gekies word: mits in 'n provinsie waarin die aantal verteenwoordigers in die Volksraad minder as vyf-en-twintig is, die Provinsiale Raad uit vyf-en-twintig lede bestaan. Provinsiale Rade.

(2) Elke persoon wat stemgeregtig is by die verkiesing van provinsiale raadslede mag lid van so 'n raad wees.

71. (1) Stemgeregtigdes by die verkiesing van lede van die Volksraad in die provinsie, kies die lede van die Provinsiale Raad en stem in dieselfde kiesafdelings wat vir die verkiesing van lede van die Volksraad afgebaken is: Met die verstande dat in 'n provinsie waarin minder as vyf-en-twintig lede vir die Volksraad gekies word, die afbakening van kiesafdelings en, indien nodig, die hertoewysing van lede of herreëling van kiesafdelings sal geskied deur dieselfde kommissie, en volgens dieselfde beginsels wat omtrent kiesafdelings vir die Volksraad voorgeskryf is. Vereistes vir lede van Provinsiale Raad.

(2) 'n Verandering in die getal lede van die Provinsiale Raad en 'n herverdeling van die provinsie in kiesafdelings kom by die eersvolgende verkiesing van die Raad, wat gehou word na voltooiing van die herverdeling of van 'n toewysing ten gevolge van so 'n verandering, en nie eerder nie, in werking.

Application of
Sections fifty-
three to fifty-five
to Provincial
Councillors.

Tenure of Office
by Provincial
Councillors.

Sessions of
Provincial
Councils.

Chairman of
Provincial
Councils.

Allowances of
Provincial
Councillors.

Freedom of Speech
in Provincial
Councils.

Provincial
Executive
Committees.

Right of Adminis-
trator, etc., to take
part in Proceedings
of Provincial
Council.

Powers of
Provincial Execu-
tive Committees.

Transfer of Powers
to Provincial
Executive Com-
mittees.

Voting in Execu-
tive Committees.

Tenure of Office of
Members of Execu-
tive Committees.

(3) The election shall take place at such times as the administrator shall by proclamation direct, and the provisions of section thirty-seven applicable to the election of members of the House of Assembly shall, *mutatis mutandis*, apply to such elections.

72. The provisions of sections fifty-three, fifty-four and fifty-five, relative to members of the House of Assembly shall, *mutatis mutandis*, apply to members of the provincial councils: Provided that any member of a provincial council who shall become a member of either House of Parliament shall thereupon cease to be a member of such provincial council.

73. Each provincial council shall continue for three years from the date of its first meeting, and shall not be subject to dissolution save by effluxion of time.

74. The administrator of each province shall by proclamation fix such times for holding the sessions of the provincial council as he may think fit, and may from time to time prorogue such council: Provided that there shall be a session of every provincial council once at least in every year, so that a period of twelve months shall not intervene between the last sitting of the council in one session and its first sitting in the next session.

75. The provincial council shall elect from among its members a chairman, and may make rules for the conduct of its proceedings. Such rules shall be transmitted by the administrator to the Governor-General and shall have full force and effect unless and until the Governor-General-in-Council shall express his disapproval thereof in writing addressed to the administrator.

76. The members of the provincial council shall receive such allowances as shall be determined by the Governor-General-in-Council.

77. There shall be freedom of speech in the provincial council, and no member shall be liable to any action or proceeding in any court by reason of his speech or vote in such council.

Executive Committees.

78. (1) Each provincial council shall at its first meeting after any general election elect from among its members, or otherwise, four persons to form with the administrator, who shall be chairman, an executive committee for the province. The members of the executive committee other than the administrator shall hold office until the election of their successors in the same manner.

(2) Such members shall receive such remuneration as the provincial council, with the approval of the Governor-General-in-Council, shall determine.

(3) A member of the provincial council shall not be disqualified from sitting as a member by reason of his having been elected as a member of the executive committee.

(4) Any casual vacancy arising in the executive committee shall be filled by election by the provincial council if then in session, or, if the council is not in session, by a person appointed by the executive committee to hold office temporarily pending an election by the council.

79. The administrator and any other member of the executive committee of a province, not being a member of the provincial council, shall have the right to take part in the proceedings of the council, but shall not have the right to vote.

80. The executive committee shall on behalf of the provincial council carry on the administration of provincial affairs. Until the first election of members to serve on the executive committee, such administration shall be carried on by the administrator. Whenever there are not sufficient members of the executive committee to form a quorum according to the rules of the committee, the administrator shall, as soon as practicable, convene a meeting of the provincial council for the purpose of electing members to fill the vacancies, and until such election the administrator shall carry on the administration of provincial affairs.

81. Subject to the provisions of this Act, all powers, authorities, and functions which at the establishment of the Union are in any of the Colonies vested in or exercised by the Governor or the Governor-in-Council, or any Minister of the Colony, shall after such establishment be vested in the executive committee of the province so far as such powers, authorities, and functions relate to matters in respect of which the provincial council is competent to make ordinances.

82. Questions arising in the executive committee shall be determined by a majority of votes of the members present, and, in case of an equality of votes, the administrator shall have also a casting vote. Subject to the approval of the Governor-General-in-Council, the executive committee may make rules for the conduct of its proceedings.

83. Subject to the provisions of any law passed by Parliament regulating the conditions of appointment, tenure of office, retirement and superannuation of public officers, the executive committee shall have power to appoint such officers as may be necessary, in addition to officers assigned to the province by the Governor-General-in-Council under the provisions of this Act, to carry out the services entrusted to them and to make and enforce regulations for the organization and discipline of such officers.

(3) Die verkiesing vind plaas op tye wat die Administrateur by proklamasie bepaal en die bepalings van artikel *sewen-entertig* wat geld vir die verkiesing van lede van die Volksraad is *mutatis mutandis* op sulke verkiesings van toepassing.

72. Artikels *drie-en-vyftig*, *vier-en-vyftig* en *vyf-en-vyftig* omtrent lede van die Volksraad is *mutatis mutandis* van toepassing op lede van die Provinsiale Rade: Met die verstande dat 'n lid van 'n Provinsiale Raad wat lid word van 'n Huis van Parlement nie langer lid van die Provinsiale Raad is nie.

Toepassing van artikels 53 tot 55 op Provinsiale Raadslede.

73. Elke Provinsiale Raad duur drie jaar van die datum van sy eerste vergadering af en word alleen deur tydsverloop ontbind.

Ampstyd van Provinsiale Raadslede.

74. Die Administrateur van elke provinsie stel by proklamasie, na goeëdunke, die tye vir die sessies van die Provinsiale Raad vas en kan die Raad van tyd tot tyd prorogeer; mits daar minstens een maal in 'n jaar 'n sessie van elke Provinsiale Raad sal wees, sodat geen tydperk van twaalf maande tussen die laaste vergadering van die Raad in een sessie en sy eerste vergadering in die eersvolgende sessie verloop nie.

Sessie van Provinsiale Rade.

75. Die Provinsiale Raad kies uit sy lede 'n voorsitter en kan self die verloop van sy verrigtings reël. Die reëls word deur die Administrateur aan die Goewerneur-generaal gestuur en het bindende krag tensy en totdat die Goewerneur-generaal-in-rade in geskrif gerig aan die Administrateur hulle afkeur.

Voorsitter van Provinsiale Rade.

76. Die lede van die Provinsiale Raad geniet die toelaes wat die Goewerneur-generaal-in-rade vasstel.

Toelaes van provinsiale raadslede.

77. Daar is vryheid van meningsuitdrukking in die Provinsiale Raad. Geen lid mag in verband met 'n toespraak of stem wat hy in die Raad gehou of uitgebring het in regte aangesprek of betrek word nie.

Vryheid van spreek in Provinsiale Raad.

Uitvoerende Komitees.

78. (1) Elke Provinsiale Raad kies by sy eerste vergadering na afloop van 'n algemene verkiesing uit sy lede of andersins vier persone om met en onder voorsitterskap van die Administrateur 'n Uitvoerende Komitee vir die provinsie te vorm. Die lede van die Uitvoerende Komitee, behalwe die Administrateur, beklee hul amp totdat hul opvolgers op dieselfde manier gekies is.

Provinsiale Uitvoerende Komitees.

(2) Die lede geniet die besoldiging wat die Provinsiale Raad met goedkeuring van die Goewerneur-generaal-in-rade vasstel.

(3) 'n Lid van die Provinsiale Raad sal nie omdat hy as lid van die Uitvoerende Komitee gekies is sy setel verbeur nie.

(4) Tussentydse vakatures in die Uitvoerende Komitee word opgevolg deur die Provinsiale Raad by verkiesing as die Raad dan sit of, as die Raad nie sit nie, deur 'n persoon wat deur die Uitvoerende Komitee aangestel word om hangende 'n verkiesing deur die Raad tydelik diens te doen.

79. Die Administrateur en elke ander lid van die Uitvoerende Komitee van 'n provinsie wat nie lid is van 'n Provinsiale Raad nie, mag, maar sonder reg om te stem, aan die verrigtings van die Raad deelneem.

Reg van Administrateur ens., om deel te neem aan verrigtings van Raad.

80. Die Uitvoerende Komitee voer in naam van die Provinsiale Raad die beheer van provinsiale sake. Hangende die eerste verkiesing van lede van die Uitvoerende Komitee neem die Administrateur die bewind waar. So dikwels as die aantal lede onvoldoende is om ooreenkomstig die reëls van die Komitee 'n kworum te vorm, belê die Administrateur sodra doenlik 'n vergadering van die Provinsiale Raad om lede ter aanvulling van die vakatures te kies, en intussen neem die Administrateur die bewind van provinsiale sake waar.

Magte van Provinsiale Uitvoerende Komitees.

81. Behoudens die bepalings van hierdie Wet berus alle magte, bevoegdhede en ampspligte wat ten tyde van die totstandkoming van die Unie in een van die kolonies berus by of uitgeoefen word deur die Goewerneur-generaal-in-rade of 'n Minister van 'n kolonie, by die Uitvoerende Komitee van die provinsie vir sover sodanige magte, bevoegdhede en ampspligte sake betref ten aansien waarvan 'n Provinsiale Raad bevoeg is om ordonansies te maak.

Oordrag van magte van Provinsiale Uitvoerende Komitees.

82. Alle vrae wat in die Uitvoerende Komitee ontstaan word in beslis by meerderheid van stemme van die aanwesige lede, en by staking van stemme het die Administrateur bowendien 'n beslissende stem. Die Uitvoerende Komitee kan, onderhewig aan die goedkeuring van die Goewerneur-generaal-in-rade, self die verloop van sy verrigtings reël.

Stemme in Provinsiale Uitvoerende Komitees.

83. Behoudens die bepalings van 'n wet van die Parlement op die voorwaardes van aanstelling, diens, aftreding en oorjarigheid van staatsbeamptes, mag die Uitvoerende Komitee, by die amptenare deur die Goewerneur-generaal-in-rade kragtens die bepalings van hierdie Wet aan 'n provinsie toegewys, sulke ander amptenare aanstel as wat ter behartiging van die dienste wat aan hulle toevertrou is nodig mag wees en die organisasie en tug van sulke amptenare reël en handhaaf.

Ampstyd van lede van Provinsiale Uitvoerende Komitee.

Power of Administrator to act on behalf of Governor-General-in-Council.

84. In regard to all matters in respect of which no powers are reserved or delegated to the provincial council, the administrator shall act on behalf of the Governor-General-in-Council when required to do so, and in such matters the administrator may act without reference to the other members of the executive committee.

Powers of Provincial Councils.

Powers of Provincial Councils.

85. Subject to the provisions of this Act and the assent of the Governor-General-in-Council as hereinafter provided, the provincial council may make ordinances in relation to matters coming within the following classes of subjects (that is to say):

(i) Direct taxation within the province in order to raise a revenue for provincial purposes:

(ii) The borrowing of money on the sole credit of the province with the consent of the Governor-General-in-Council and in accordance with regulations to be framed by Parliament:

(iii) Education, other than higher education, for a period of five years and thereafter until Parliament otherwise provides:

(iv) Agriculture to the extent and subject to the conditions to be defined by Parliament:

(v) The establishment, maintenance, and management of hospitals and charitable institutions:

(vi) Municipal institutions, divisional councils, and other local institutions *having authority and functions in any area in respect of the local government of, or the preservation of public health in, that area, including any such body as is referred to in section seven of the Public Health Act, 1919 (Act No. 36 of 1919).*

(vii) Local works and undertakings within the province other than railways and harbours and other than such works as extend beyond the borders of the province, and subject to the power of Parliament to declare any work a national work and to provide for its construction by arrangement with the provincial council or otherwise:

(viii) Roads, outspans, ponds, and bridges, other than bridges connecting two provinces:

(ix) Markets and pounds:

(x) Fish and game preservation:

(xi) The imposition of punishment by fine, penalty, or imprisonment for enforcing any law or any ordinance of the province made in relation to any matter coming within any of the classes of subjects enumerated in this section:

(xii) Generally all matters which, in the opinion of the Governor-General-in-Council, are of a merely local or private nature in the province:

(xiii) All other subjects in respect of which Parliament shall by any law delegate the power of making ordinances to the provincial council.

Effect of Provincial Ordinances.

86. Any ordinance made by a provincial council shall have effect in and for the province as long and as far only as it is not repugnant to any Act of Parliament.

Recommendations to Parliament.

87. A provincial council may recommend to Parliament the passing of any law relating to any matter in respect of which such council is not competent to make ordinances.

Power to deal with matters proper to be dealt with by Private Bill Legislation.

88. In regard to any matter which requires to be dealt with by means of a private Act of Parliament, the provincial council of the province to which the matter relates may, subject to such procedure as shall be laid down by Parliament, take evidence by means of a Select Committee or otherwise for and against the passing of such law, and, upon receipt of a report from such council, together with the evidence upon which it is founded, Parliament may pass such Act without further evidence being taken in support thereof.

Constitution of Provincial Revenue Fund.

89. A provincial revenue fund shall be formed in every province into which shall be paid all revenues raised by or accruing to the provincial council and all moneys paid over by the Governor-General-in-Council to the provincial council. Such fund shall be appropriated by the provincial council by ordinance for the purposes of the provincial administration generally, or, in the case of moneys paid over by the Governor-General-in-Council for particular purposes, then for such purposes but no such ordinance shall be passed by the provincial council unless the administrator shall have first recommended to the council to make provision for the specific service for which the appropriation is to be made. No money shall be issued from the provincial revenue fund except in accordance with such appropriation and under warrant signed by the administrator: Provided that, until the expiration of one month after the first meeting of the provincial council, the administrator may expend such moneys as may be necessary for the services of the province.

Assent to Provincial Ordinances.

90. When a proposed ordinance has been passed by a provincial council it shall be presented by the administrator to the Governor-General-in-Council for his assent. The Governor-General-in-Council shall declare within one month from the presentation to him of the proposed ordinance that he assents

84. In alle sake wat nie aan die Provinsiale Raad voorbehou Magte van of opgedra is nie handel die Administrateur desvereis namens Administrateur die Goewerneur-generaal-in-rade en in sulke sake mag die om namens die Administrateur sonder oorleg met die ander lede van die Goewerneur-generaal-in-rade te handel. Uitvoerende Komitee optree.

Mag van Provinsiale Rade.

85. Onderworpe aan hierdie Wet en die goedkeuring van die Magte van Goewerneur-generaal-in-rade soos hierna bepaal, kan 'n Pro- Provinsiale Rade. vinsiale Raad ordonnansies maak omtrent sake rakende die volgende klasse van onderwerpe (dit wil sê):

- (i) Direkte belastinge in die provinsie ter verkryging van inkomste vir provinsiale doeleindes;
- (ii) Geldlenings op die krediet van die provinsie alleen, met die toestemming van die Goewerneur-generaal-in-rade en ooreenkomstig reëls deur Parlement vas te stel;
- (iii) Onderwys, behalwe hoëre, vir 'n tydperk van vyf jaar en daarna tot Parlement anders bepaal;
- (iv) Landbou in die omvang en onder voorwaardes deur Parlement vas te stel;
- (v) Die oprigting, onderhoud en beheer van hospitale en liefdadige instellings;
- (vi) Munisipale instellings, afdelingsrade, en ander plaaslike instellings wat magte en bevoëdhede in enige gebied het in verband met die plaaslike bestuur oor, of die behoud van publieke gesondheid in, daardie gebied, met inbegrip van so 'n liggaam as vermeld word in artikel *sewe* van die Volksgezondheidswet, 1919 (Wet No. 36 van 1919);
- (vii) Plaaslike werke en ondernemings in die provinsie, behalwe spoorweë en hawens en werke wat oor die grense van die provinsie reik, en behoudens die mag van Parlement om 'n werk tot 'n nasionale werk te verklaar en in oorleg met die Provinsiale Raad of andersins in die aanleg daarvan te voorsien;
- (viii) Weë, uitspannings, ponte, en brêe, behalwe brêe wat twee provinsies verbind;
- (ix) Markte en skutte;
- (x) Beskerming van vis en wild;
- (xi) Oplegging van boete, straf, of gevangenisstraf ter handhawing van 'n wet of ordonnansie van die provinsie oor 'n saak wat binne een van die klasse van onderwerpe opgesom in hierdie artikel val;
- (xii) In die algemeen alle sake wat die Goewerneur-generaal-in-rade van 'n bloot plaaslike of private aard in die provinsie ag;
- (xiii) Alle ander sake ter reëling waarvan die Parlement aan die Provinsiale Raad die reg om ordonnansies te maak opdra.

86. 'n Ordonnansie van 'n Provinsiale Raad het bindende Krag in en vir die provinsie alleen solank en in soverre as dit nie strydig is met 'n parlements-wet nie. Gesag van Provinsiale Ordonnansies.

87. 'n Provinsiale Raad kan die Parlement versoek om 'n Aanbevelings van die Parlement. wet te maak oor onderwerpe wat die Raad nie by ordonnansie mag reël nie.

88. Oor 'n saak wat by 'n private wet van Parlement gereël moet word kan die Provinsiale Raad van die provinsie wat daarby betrokke is, met inagneming van die prosedure wat deur die Parlement vasgestel is, deur 'n gekose komitee of andersins getuienis laat afneem voor of teen die aanname van so 'n wet en op ontvangs van 'n verslag van so 'n Raad, met die getuienis waarop dit gegrond is, kan die Parlement die wet, sonder verdere getuienis ter ondersteuning daarvan, aanneem. Mag ten aansien van sake wat by private Wetsontwerp dien gereël te word.

89. 'n Provinsiale inkomstefonds word in iedere provinsie gestig waarin alle inkomste, gehef deur of opkomende aan die Provinsiale Raad en alle gelde deur die Goewerneur-generaal-in-rade aan die Provinsiale Raad uitbetaal, gestort word. Die fonds word deur die Provinsiale Raad by ordonnansie bewillig vir die beheer van die provinsie oor die algemeen, of waar dit gelde betref wat deur die Goewerneur-generaal-in-rade vir besondere doeleindes gestort is, vir sulke doeleindes, maar so 'n ordonnansie word nie deur die Provinsiale Raad aangeneem nie, alvorens die Administrateur by die Raad aanbeveel het om voorsiening te maak vir die besondere diens wat die bewilliging beoog. Geen geld word uit die provinsiale inkomstefonds betaal nie, tensy ooreenkomstig so 'n bewilliging en kragtens 'n magtiging deur die Administrateur geteken: Met die verstande dat die Administrateur een maand lank na die eerste vergadering van die Provinsiale Raad die gelde mag bestee wat nodig is vir die dienste van die provinsie. Provinsiale inkomstefonds.

90. Wanneer 'n ontwerp-ordonnansie aangeneem is deur die Goedkeuring van Provinsiale Ordonnansies. Provinsiale Raad word dit deur die Administrateur aan die Goewerneur-generaal-in-rade voorgelê vir sy toestemming. Die Goewerneur-generaal-in-rade verklaar binne een maand na voorlegging van die ontwerp-ordonnansie dat hy sy toestemming

Effect and enrol-
ment of
Ordinances.

thereto, or that he withholds assent, or that he reserves the proposed ordinance for further consideration. A proposed ordinance so reserved shall not have any force unless and until, within one year from the day on which it was presented to the Governor-General-in-Council, he makes known by proclamation that it has received his assent.

91. An ordinance assented to by the Governor-General-in-Council and promulgated by the administrator shall, subject to the provisions of this Act, have the force of law within the province. The administrator shall cause two fair copies of every such ordinance, one being in the English and the other in the Dutch language (one of which copies shall be signed by the Governor-General), to be enrolled of record in the office of the Registrar of the Appellate Division of the Supreme Court of South Africa; and such copies shall be conclusive evidence as to the provisions of such ordinance, and, in case of conflict between the two copies thus deposited, that signed by the Governor-General shall prevail.

Miscellaneous.

Audit of
Provincial
Accounts.

92. (1) In each province there shall be an auditor of accounts to be appointed by the Governor-General-in-Council.

(2) No such auditor shall be removed from office except by the Governor-General-in-Council for cause assigned, which shall be communicated by message to both Houses of Parliament, within one week after the removal if Parliament be then sitting, and, if Parliament be not sitting, then within one week after the commencement of the next ensuing session.

(3) Each such auditor shall receive out of the Consolidated Revenue Fund such salary as the Governor-General-in-Council, with the approval of Parliament, shall determine.

(4) Each such auditor shall examine and audit the accounts of the province to which he is assigned subject to such regulations and orders as may be framed by the Governor-General-in-Council and approved by Parliament, and no warrant signed by the administrator authorizing the issuing of money shall have effect unless countersigned by such auditor.

Continuation
of powers of
Divisional and
Municipal
Councils.

93. Notwithstanding anything in this Act contained, all powers, authorities and functions lawfully exercised at the establishment of the Union by divisional or municipal councils, or any other duly constituted local authority, shall be and remain in force until varied or withdrawn by Parliament or by a provincial council having power in that behalf.

Seats of
provincial
government.

94. The seats of provincial government shall be—

For the Cape of Good Hope	..	Cape Town.
For Natal	..	Pietermaritzburg.
For the Transvaal	..	Pretoria.
For the Orange Free State	..	Bloemfontein.

PART VI.

THE SUPREME COURT OF SOUTH AFRICA.

Constitution of
Supreme Court.

95. There shall be a Supreme Court of South Africa consisting of a Chief Justice of South Africa, the judges of appeal, and the other judges of the several divisions of the Supreme Court of South Africa in the provinces.

Appellate
Division of
Supreme Court.

96. There shall be an appellate division of the Supreme Court of South Africa consisting of the chief justice of South Africa and four judges of appeal.

Filling of
temporary
vacancies in
Appellate
Division.

97. The Governor-General-in-Council may, during the absence, illness, or other incapacity of the Chief Justice of South Africa, or of any judge of appeal, appoint any other judge of the Supreme Court of South Africa to act temporarily as such chief justice, or judge of appeal, as the case may be.

Constitution of
Provincial and
Local Divisions
of Supreme
Court.

98. (1) The several supreme courts of the Cape of Good Hope, Natal, and the Transvaal, and the High Court of the Orange River Colony shall, on the establishment of the Union, become provincial divisions of the Supreme Court of South Africa within their respective provinces, and shall each be presided over by a judge-president.

(2) The court of the eastern districts of the Cape of Good Hope, the High Court of Griqualand, the High Court of Witwatersrand, and the several circuit courts, shall become local divisions of the Supreme Court of South Africa within the respective areas of their jurisdiction as existing at the establishment of the Union.

(3) The said provincial and local divisions, referred to in this Act as superior courts, shall, in addition to any original jurisdiction exercised by the corresponding courts of the Colonies at the establishment of the Union, have jurisdiction in all matters—

(a) in which the Government of the Union or a person suing or being sued on behalf of such Government is a party;

(b) in which the validity of any provincial ordinance shall come into question.

(4) Unless and until Parliament shall otherwise provide, the said superior courts shall *mutatis mutandis* have the same juris-

daartoe verleen of weier, of dat hy die ordonnansie vir verdere oorweging aanhou. 'n Ontwerp-ordonnansie, wat aldus aangehou is, bly van onwaarde tensy en totdat die Goewerneur-generaal-in-rade binne een jaar van die dag af waarop dit aan hom aangebied is by proklamasie afkondig dat dit sy toestemming ontvang het.

91. 'n Ordonnansie deur die Goewerneur-generaal-in-rade goedgekeur en deur die Administrateur afgekondig het behoudens die bepalinge van hierdie Wet krag van wet in die provinsie. Die Administrateur laat twee nette kopieë van elke ordonnansie, die een in Engels en die ander in Hollands (waarvan een geteken word deur die Goewerneur-generaal) in die kantoor van die registrateur van die appèlafdeling van die Hooggeregshof van Suid-Afrika registreer. Die afskrifte is afdoende bewys van die bepalinge van die ordonnansie en in geval van verskil tussen twee aldus gedeponeerde kopieë gee die kopie deur die Goewerneur-generaal geteken die deurslag.

Gesag en registrasie van Ordonnansies.

Gemengde Bepalings.

92. (1) In elke provinsie is daar 'n ouditeur van rekenings wat deur die Goewerneur-generaal-in-rade aangestel word.

Ouditering van Provinsiale Rekenings.

(2) Die ouditeur word alleen ontslaan deur die Goewerneur-generaal-in-rade met opgawe van redes wat, as die Parlement sit, binne 'n week na die ontslag aan albei Huise van Parlement by boodskap moet meegedeel word, en as die Parlement nie sit nie, binne een week na die begin van die eersvolgende sessie.

(3) Die ouditeur ontvang uit die Gekonsolideerde Inkomstefonds 'n besoldiging wat deur die Goewerneur-generaal-in-rade met goedkeuring van die Parlement vasgestel word.

(4) Die ouditeur ondersoek en ouditeer die rekenings van die provinsie waarvoor hy aangestel is, met inagneming van die reëls en voorskrifte wat die Goewerneur-generaal-in-rade met goedkeuring van die Parlement mag opstel, en geen deur die Administrateur ondertekende magtiging, wat die uitgifte van geld toelaat, is sonder die mede-ondertekening van die ouditeur van krag nie.

93. Ondanks die bepalinge van hierdie Wet bly alle magte, bevoegdhede en funksies wat by die totstandkoming van die Unie volgens wet deur afdelings- en stadsrade of 'n ander beoorloek gekonstitueerde plaaslike gesag uitgeoefen word van krag totdat hul deur die Parlement of 'n Provinsiale Raad wat daartoe bevoeg is gewysig of ingetrek is.

Voortbestaan van magte van afdelings- en stadsrade.

94. Die setels van die provinsiale bestuur is:

Vir Kaap die Goeie Hoop	Kaapstad.
Vir Natal	Pietermaritzburg.
Vir Transvaal	Pretoria.
Vir Oranje-Vrystaat	Bloemfontein.

Provinsiale regeringssetels.

DEEL VI.

DIE HOOGGEREGSHOF VAN SUID-AFRIKA.

95. Daar is 'n Hooggeregshof van Suid-Afrika wat bestaan uit die Hoofregter van Suid-Afrika, die regters van appèl en die ander regters van die verskillende afdelings van die Hooggeregshof van Suid-Afrika in die provinsies.

Instelling van Hooggeregshof.

96. Daar is 'n afdeling van appèl van die Hooggeregshof van Suid-Afrika wat bestaan uit die Hoofregter van Suid-Afrika en vier regters van appèl.

Appèlafdeling van Hooggeregshof.

97. Die Goewerneur-generaal-in-rade kan tydens die afwesigheid, siekte of ander onvermoë van die Hoofregter van Suid-Afrika, of van 'n regter van appèl, 'n ander regter van die Hooggeregshof van Suid-Afrika aanstel om tydelik as Hoofregter of as regter van appèl, soos die geval mag wees, te ageer.

Opvul van tydelike vakatures.

98. (1) Die verskillende Hooggeregshowe van die Kaap die Goeie Hoop, Natal, Transvaal en die hoë hof van die Oranje-Rivier-Kolonie, word by die totstandkoming van die Unie provinsiale afdelings van die Hooggeregshof van Suid-Afrika in hulle respektiewe provinsies, onder voorsitterskap van 'n regter-president.

Instelling van provinsiale en plaaslike afdelings van Hooggeregshof.

(2) Die hof van die oostelike provinsies van Kaap die Goeie Hoop, die hoë hof van Grikwaland, die hoë hof van die Witwatersrand, en die verskillende rondgaande howe word plaaslike afdelings van die Hooggeregshof van Suid-Afrika binne die respektiewe gebiede van hulle regsmag soos dié bestaan het by die totstandkoming van die Unie.

(3) Die provinsiale en plaaslike afdelings voormeld, waarna in hierdie Wet verwys word as hoëre howe het, behalwe die oorspronklike regsmag uitgeoefen deur die ooreenkomstige howe van die kolonies by die totstandkoming van die Unie, regsmag in alle sake—

(a) waarin die regering van die Unie of iemand namens die regering as eiser of verweerder optree;

(b) waarin die geldigheid van 'n provinsiale ordonnansie in geskil is.

(4) Tensy en totdat die Parlement anders bepaal het die hoëre howe voormeld *mutatis mutandis* dieselfde regsmag in sake

diction in matters affecting the validity of elections of members of the House of Assembly and provincial councils as the corresponding courts of the Colonies have at the establishment of the Union in regard to parliamentary elections in such Colonies respectively.

Continuation in office of existing judges.

99. All judges of the supreme courts of the Colonies, including the High Court of the Orange River Colony, holding office at the establishment of the Union shall on such establishment become judges of the Supreme Court of South Africa, assigned to the divisions of the Supreme Court in the respective provinces, and shall retain all such rights in regard to salaries and pensions as they may possess at the establishment of the Union. The Chief Justices of the Colonies holding office at the establishment of the Union shall on such establishment become the Judges President of the divisions of the Supreme Court in the respective provinces, but shall so long as they hold that office retain the title of Chief Justice of their respective provinces.

Appointment and remuneration of judges.

100. The Chief Justice of South Africa, the judges of appeal, and all other judges of the Supreme Court of South Africa to be appointed after the establishment of the Union, shall be appointed by the Governor-General-in-Council, and shall receive such remuneration as Parliament shall prescribe, and their remuneration shall not be diminished during their continuance in office.

Tenure of office by judges.

101. The Chief Justice of South Africa and other judges of the Supreme Court of South Africa shall not be removed from office except by the Governor-General-in-Council on an address from both Houses of Parliament in the same session praying for such removal on the ground of misbehaviour or incapacity.

Reduction in number of judges.

102. Upon any vacancy occurring in any division of the Supreme Court of South Africa, other than the Appellate Division, the Governor-General-in-Council may, in case he shall consider that the number of judges of such court may with advantage to the public interests be reduced, postpone filling the vacancy until Parliament shall have determined whether such reduction shall take place.

Appeals to Appellate Division.

103. In every civil case in which, according to the law in force at the establishment of the Union, an appeal might have been made to the Supreme Court of any of the Colonies from a superior court in any of the Colonies, the appeal shall be made only to the Appellate Division, except in cases of orders or judgments given by a single judge, upon applications by way of motion or petition or on summons for provisional sentence or judgments as to costs only, which by law are left to the discretion of the court. The appeal from any such orders or judgments, as well as any appeal in criminal cases from any such superior court, or the special reference by any such court of any point of law in a criminal case, shall be made to the provincial division corresponding to the court which before the establishment of the Union would have had jurisdiction in the matter. There shall be no further appeal against any judgment given on appeal by such provincial division except to the Appellate Division, and then only if the Appellate Division shall have given special leave to appeal.

Existing appeals.

104. In every case, civil or criminal, in which at the establishment of the Union an appeal might have been made from the Supreme Court of any of the Colonies or from the High Court of the Orange River Colony to the King-in-Council, the appeal shall be made only to the Appellate Division: Provided that the right of appeal in any civil suit shall not be limited by reason only of the value of the matter in dispute or the amount claimed or awarded in such suit.

Appeals from inferior courts to Provincial Divisions.

105. In every case, civil or criminal, in which at the establishment of the Union an appeal might have been made from a court of resident magistrate or other inferior court to a superior court in any of the Colonies, the appeal shall be made to the corresponding division of the Supreme Court of South Africa; but there shall be no further appeal against any judgment given on appeal by such division except to the Appellate Division, and then only if the Appellate Division shall have given special leave to appeal.

Provisions as to appeals to the King-in-Council.

106. There shall be no appeal from the Supreme Court of South Africa or from any division thereof to the King-in-Council, but nothing herein contained shall be construed to impair any right which the King-in-Council may be pleased to exercise to grant special leave to appeal from the Appellate Division to the King-in-Council. Parliament may make laws limiting the matters in respect of which such special leave may be asked, but Bills containing any such limitation shall be reserved by the Governor-General for the signification of His Majesty's pleasure: Provided that nothing in this section shall affect any right of appeal to His Majesty-in-Council from any judgment given by the Appellate Division of the Supreme Court under or in virtue of the Colonial Courts of Admiralty Act, 1890.

Rules of procedure in Appellate Division.

107. The Chief Justice of South Africa and the judges of appeal may, subject to the approval of the Governor-General-in-Council, make rules for the conduct of the proceedings of the Appellate Division and prescribing the time and manner of making appeals thereto. Until such rules shall have been promulgated, the

rakende die geldigheid van verkiesings van lede van die Volksraad en Provinsiale Rade, as wat die ooreenkomstige houe van die kolonies ten aansien van parlementêre verkiesings in sulke kolonies by die totstandkoming van die Unie onderskeidelik gehad het.

99. Alle regters van die hooggeregshoue van die kolonies, met inbegrip van die hoë-hof van die Oranje-Rivier-Kolonie, wat by die totstandkoming van die Unie in funksie is, word na die totstandkoming regters van die Hooggeregshof van Suid-Afrika, toegewys aan die afdelings van die hooggeregshof in die verskillende provinsies en behou alle regte ten aansien van salarisse en pensioene wat hulle by die totstandkoming van die Unie geniet. Die hoofregters van die kolonies wat in funksie is by die totstandkoming van die Unie word na die totstandkoming regters-president van die afdelings van die Hooggeregshof in die verskillende provinsies, maar behou solank as hulle die amp beklee die titel van hoofregter van hulle respektiewe provinsies.

Aanblywing in
amp van
bestaande
regters.

100. Die Hoofregter van Suid-Afrika, die regters van appèl en alle andere regters van die Hooggeregshof van Suid-Afrika wat aangestel word na die totstandkoming van die Unie word deur die Goewerneur-generaal-in-rade aangestel, en geniet 'n besoldiging wat die Parlement vasstel en wat tydens hulle ampsbekleding nie verminder word nie.

Aanstelling en
besoldiging van
regters.

101. Die Hoofregter van Suid-Afrika en die ander regters van die Hooggeregshof van Suid-Afrika word nie uit hulle amp ontset nie dan alleen deur die Goewerneur-generaal-in-rade op 'n voordrag wat albei Huise van Parlement in dieselfde sessie maak en waarby die ontslag op grond van wangedrag of onbekwaamheid aangevra word.

Ampstyd van
regters.

102. Wanneer 'n vakature in 'n ander afdeling van die Hooggeregshof van Suid-Afrika as die appèlafdeling ontstaan, kan die Goewerneur-generaal-in-rade indien hy van oordeel is dat die aantal regters van so 'n hof in die openbare belang verminder kan word, die opvulling van die vakature uitstel tot die Parlement beslis het of so 'n vermindering moet plaasvind.

Vermindering
van aantal
regters.

103. In elke siviele saak waarin volgens die reg wat van krag is by die totstandkoming van die Unie appèl na die hooggeregshof van een van die kolonies van 'n hoë hof daarin moontlik was, bestaan daar alleen beroep op die appèlafdeling, behalwe in gevalle van bevel of uitsprake deur 'n alleensittende regter gegee, op aansoeke, by wyse van mosie of petisie of op dagvaardings vir provisionele vonnis of van uitsprake wat enkel koste betref en volgens wet aan die oordeel van die hof oorgelaat is. 'n Beroep van sulke beskikings of uitsprake, sowel as beroepe in strafsake van 'n hoë hof, of die spesiale verwysing deur so 'n hof van 'n regspunt in 'n strafsak, geskied op of na die provinsiale afdeling wat ooreenstem met die hof wat voor die totstandkoming van die Unie regsmag in die saak sou gehad het. Daar is geen verder beroep teen 'n uitspraak deur so 'n provinsiale afdeling in appèl gelewer nie, behalwe na die appèlafdeling en dan alleen as die appèlafdeling spesiale verlof tot appèl verleen.

Appèlle na
Appèlafdeling.

104. In alle siviele en strafsake, waarin ten tyde van die totstandkoming van die Unie van die hooggeregshof van een van die kolonies of van die hoë hof van die Oranje-Rivier-Kolonie, 'n beroep op die Koning-in-rade moontlik was, bestaan daar beroep alleen op die appèlafdeling; mits die reg van appèl in siviele sake nie beperk word nie uit hoofde alleen van die waarde van die saak wat in geskil is of die bedrag wat in so 'n proses geëis of toegewys word.

Bestaande
appèlle.

105. In elke siviele of strafsak, waarin ten tyde van die totstandkoming van die Unie 'n beroep van 'n hof van 'n resident-magistraat of ander laere hof na 'n hoë hof in een van die kolonies moontlik was, bestaan 'n beroep op die ooreenkomstige afdeling van die Hooggeregshof van Suid-Afrika; maar daar is geen verdere beroep teen 'n vonnis deur so 'n afdeling in appèl gewys nie behalwe na die appèlafdeling van die Hooggeregshof van Suid-Afrika en dan alleen as die Afdeling van Appèl spesiale verlof tot appèl verleen.

Appèlle van
laere houe na
provinsiale
afdelings.

106. Daar bestaan geen beroep van die Hooggeregshof van Suid-Afrika of van 'n afdeling daarvan op die Koning-in-rade nie, maar niks hierin vervat strek tot verkorting van die reg van die Koning-in-rade om spesiale verlof tot appèl van die afdeling van appèl na die Koning-in-rade te verleen. Die Parlement kan die sake ten aansien waarvan sulke spesiale verlof gevra mag word by wet beperk, maar wetsontwerpe wat so 'n beperking inhou word deur die Goewerneur-generaal-in-rade vir die aanduiding van Sy Majesteit se behae aangehou: Met die verstande dat niks in hierdie artikel enige reg van appèl na sy Majesteit-in-rade van 'n uitspraak van die appèlafdeling van die Hooggeregshof van Suid-Afrika onder, of uit kragte van die „Colonial Courts of Admiralty Act, 1890” aantast nie.

Appèlle na die
Koning-in-rade.

107. Die Hoofregter van Suid-Afrika en die regters van appèl kan, onderhewig aan die goedkeuring van die Goewerneur-generaal-in-rade, die verrigtings van die appèlafdeling reël en die tyd en wyse van appèl voorskrywe. Totdat sulke reëls afgekondig is, is die reëls wat ten tyde van die totstandkoming

Reëling van
prosedure in
appèlafdeling.

Rules of procedure in Provincial and Local Divisions.	rules in force in the Supreme Court of the Cape of Good Hope at the establishment of the Union shall <i>mutatis mutandis</i> apply.
Place of sittings of Appellate Division.	108. The Chief Justice and other judges of the Supreme Court of South Africa may, subject to the approval of the Governor-General-in-Council, frame rules for the conduct of the proceedings of the several provincial and local divisions. Until such rules shall have been promulgated, the rules in force at the establishment of the Union in the respective courts which become divisions of the Supreme Court of South Africa shall continue to apply therein.
Quorum for hearing appeals.	109. The Appellate Division shall sit in Bloemfontein, but may from time to time for the convenience of suitors hold its sittings at other places within the Union.
Jurisdiction of Appellate Division.	110. (1) On the hearing of an appeal from a court consisting of a single judge, three judges of the Appellate Division shall form a quorum; and on the hearing of an appeal from a court consisting of two or more judges, four judges of the Appellate Division shall form a quorum: Provided that if four judges of the Appellate Division sit to hear an appeal and are equally divided as to any judgment or order, or part thereof, to be given on appeal, any part of the judgment or order of the court from which the appeal is made, in respect whereof such judges are so divided, shall stand and shall be deemed to be the judgment or order of the Appellate Division: Provided, further, that the costs arising out of any matter in respect whereof such judges are so divided shall be awarded to the party in whose favour such matter was decided by the court from which the appeal is made, subject to the power of such judges, or three of them, to make any other order as to the costs which they may deem equitable.
Execution of processes of Provincial Divisions.	(2) If after argument on an appeal has been heard a judge who sat at the hearing dies or retires, or becomes otherwise incapable of acting before judgment has been given on the appeal, then— (a) if the argument was heard before three judges, the judgments of the two remaining judges if in agreement; or (b) if the argument was heard before four judges, the judgments of the three remaining judges if in agreement; or (c) if the argument was heard before five judges, the judgments of the four remaining judges if in agreement, or of any three of them which are in agreement, shall be the judgment of the Court.
Transfer of suits from one Provincial or Local Division to another.	(3) No judge shall sit in the hearing of an appeal against a judgment or order given in a case which was heard before him.
Registrar and officers of Appellate Division.	111. The process of the Appellate Division shall run throughout the Union, and all its judgments or orders shall have full force and effect in every province and shall be executed in like manner as if they were original judgments or orders of the provincial division of the Supreme Court of South Africa in such province.
Advocates and attorneys.	112. The registrar of every provincial division of the Supreme Court of South Africa, if thereto requested by any party in whose favour any judgment or order has been given or made by any other division, shall, upon the deposit with him of an authenticated copy of such judgment or order and on proof that the same remains unsatisfied, issue a writ or other process for the execution of such judgment or order, and thereupon such writ or other process shall be executed in like manner as if it had been originally issued from the division of which he is registrar.
Pending suits.	113. Any provincial or local division of the Supreme Court of South Africa to which it may be made to appear that any civil suit pending therein may be more conveniently or fitly heard or determined in another division, may order the same to be removed to such other division, and thereupon such lastmentioned division may proceed with such suit in like manner as if it had been originally commenced therein.
	114. The Governor-General-in-Council may appoint a registrar of the Appellate Division and such other officers thereof as shall be required for the proper dispatch of the business thereof.
	115. (1) The laws regulating the admission of advocates and attorneys to practise before any superior court of any of the Colonies shall <i>mutatis mutandis</i> apply to the admission of advocates and attorneys to practice in the corresponding division of the Supreme Court of South Africa. (2) All advocates and attorneys entitled at the establishment of the Union to practise in any superior court of any of the Colonies shall be entitled to practise as such in the corresponding division of the Supreme Court of South Africa. (3) All advocates and attorneys entitled to practise before any provincial division of the Supreme Court of South Africa shall be entitled to practise before the Appellate Division.
	116. All suits, civil or criminal, pending in any superior court of any of the Colonies at the establishment of the Union shall stand removed to the corresponding division of the Supreme Court of South Africa, which shall have jurisdiction to hear and determine the same, and all judgments and orders of any superior court of any of the Colonies given or made before the establish-

van die Unie van krag was in die hooggeregshof van Kaap die Goeie Hoop *mutatis mutandis* van toepassing.

108. Die Hoofregter en die ander regters van die Hooggeregshof van Suid-Afrika kan, onderhewig aan die goedkeuring van die Goewerneur-generaal-in-rade, die verrigtings van die verskillende provinsiale en plaaslike afdelings reël. Totdat sulke reëls afgekondig is, bly die reëls wat by die totstandkoming van die Unie in die verskillende howe wat afdelings van die Hooggeregshof van Suid-Afrika word, van krag was, daarin van toepassing.

Reëling van prosedure in provinsiale en plaaslike afdelings.

109. Die appèlafdeling sit in Bloemfontein, maar kan van tyd tot tyd ten geriewe van gedingvoerende partye sy sittings op ander plekke in die Unie hou.

Setel van appèlafdeling.

110. (1) Vir die verhoor van 'n appèl van 'n alleensittende regter vorm drie regters van die appèlafdeling 'n kworum en vir die verhoor van 'n appèl van 'n hof bestaande uit twee of meer regters vorm vier regters van die afdeling van appèl 'n kworum :

Kworum vir verhoor van sake in appèl.

Met die verstande dat indien vier regters van die afdeling van appèl die appèl aanhoor en gelyk verdeel is in hulle menings omtrent die vonnis of bevel, of 'n deel daarvan, wat in appèl gevel of gemaak behoort te word, elke deel van die vonnis of beskikking van die hof waarteen geappelleer is, ten aansien waarvan die regters aldus verdeel is, gehandhaaf word en as die vonnis of die bevel van die appèlafdeling geld :

Met die verstande voorts dat die koste in verband met 'n punt waaroor die regters aldus verskil, toegewys word aan die party ten gunste van wie die punt beslis was deur die hof waarvan geappelleer is, behoudens die bevoegdheid van die regters, of van drie van hulle om 'n ander order omtrent koste te maak wat hulle billiker ag.

(2) Indien nadat 'n saak in 'n appèl bepleit is 'n regter wat dit aangehoor het doodgaan of aftree of andersins onbekwaam word om te handel voordat vonnis in appèl gegee is, geld as die vonnis van die hof—

(a) indien die saak voor drie regters bepleit was, die uitspraak van die twee orige regters, as hulle ooreenstem, of

(b) indien die saak bepleit was voor vier regters, die uitspraak van die drie orige regters, as hulle ooreenstem, of

(c) indien die saak bepleit was voor vyf regters, die uitspraak van die vier orige regters, as hulle ooreenstem, of die van drie van hulle wat ooreenstem.

(3) Geen regter sit by verhoor van 'n appèl teen 'n vonnis of beskikking in 'n saak wat voor hom gedien het.

111. 'n Bevelskrif van die appèlafdeling het gesag dwarsdeur die Unie, en al sy vonnisse of beskikkings het volle krag en gesag in elke provinsie en word ten uitvoer gelê op dieselfde wyse as of dit oorspronklike vonnisse of bevels van die provinsiale afdeling van die Hooggeregshof van Suid-Afrika in so 'n provinsie is.

Regsmag van appèlafdeling.

112. Die griffier van elke provinsiale afdeling van die Hooggeregshof van Suid-Afrika reik, op versoek van 'n party ten gunste van wie 'n vonnis of bevel gegee is deur 'n ander afdeling, na oorlegging van 'n gewaarmerkte kopie van so 'n vonnis of bevel en op bewys dat daaraan nie voldoen is nie, 'n lasbrief of ander bevelskrif ter uitvoering van so 'n vonnis of bevel uit, en daarop word so 'n lasbrief of ander bevelskrif op dieselfde wyse ten uitvoer gelê asof dit oorspronklik uitgegaan het van die afdeling waarvan hy griffier is.

Uitvoering van bevelskrifte van provinsiale afdeling.

113. Die provinsiale of plaaslike afdeling van die Hooggeregshof van Suid-Afrika wat daarvan oortuig word dat 'n siviele saak wat voor hom dien geriefliker of geskikter verhoor of beslis kan word in 'n ander afdeling, kan die saak na so 'n ander afdeling verwys, en daarop gaan laasgenoemde afdeling voort met die saak op dieselfde wyse asof dit oorspronklik daarin ahangig gemaak was.

Verwysing van gedinge van een provinsiale of plaaslike afdeling na 'n ander.

114. Die Goewerneur-generaal-in-rade kan 'n griffier van die appèlafdeling en ander amptenare wat vir die behoorlike afdoening van die werk daarvan nodig is, aanstel.

Griffier en beamptes van appèlafdeling.

115. (1) Die wette op die toelating van advokate en prokureurs tot die praktyk voor 'n hoëre hof van 'n kolonie is *mutatis mutandis* van toepassing op die toelating van advokate en prokureurs tot die praktyk in die ooreenkomstige afdeling van die Hooggeregshof van Suid-Afrika.

Advokate en Prokureurs.

(2) Alle advokate en prokureurs wat by die totstandkoming van die Unie mag praktiseer in 'n hoëre hof van een van die kolonies, mag as sodanig praktiseer in die ooreenkomstige afdeling van die Hooggeregshof van Suid-Afrika.

(3) Alle advokate of prokureurs wat in 'n provinsiale afdeling van die Hooggeregshof van Suid-Afrika mag praktiseer mag dit voor die appèlafdeling doen.

116. Elke ten tyde van die totstandkoming van die Unie in 'n hoëre hof van een van die kolonies aanhangige siviele of strafsaak word na die ooreenkomstige afdeling van die Hooggeregshof van Suid-Afrika, wat bevoeg is om daarvan kennis te neem en dit te besleg, verwys en alle vonnisse en beskikkings van 'n hoëre hof van een van die kolonies wat gegee of gemaak is voor die

Hangende gedinge.

ment of the Union shall have the same force and effect as if they had been given or made by the corresponding division of the Supreme Court of South Africa. All appeals to the King-in-Council which shall be pending at the establishment of the Union shall be proceeded with as if this Act had not been passed.

PART VII.

FINANCE AND RAILWAYS.

Constitution of Consolidated Revenue Fund and Railway and Harbour Fund.

117. All revenues, from whatever source arising, over which the several Colonies have at the establishment of the Union power of appropriation, shall vest in the Governor-General-in-Council. There shall be formed a Railway and Harbour Fund, into which shall be paid all revenues raised or received by the Governor-General-in-Council from the administration of the railways, ports and harbours, and such fund shall be appropriated by Parliament to the purposes of the railways, ports and harbours in the manner prescribed by this Act. There shall also be formed a Consolidated Revenue Fund, into which shall be paid all other revenues raised or received by the Governor-General-in-Council, and such fund shall be appropriated by Parliament for the purposes of the Union in the manner prescribed by this Act, and subject to the charges imposed thereby.

Commission of inquiry into financial relations between Union and provinces.

118. The Governor-General-in-Council shall, as soon as may be after the establishment of the Union, appoint a commission, consisting of one representative from each province, and presided over by an officer from the Imperial Service, to institute an inquiry into the financial relations which should exist between the Union and the provinces. Pending the completion of that inquiry and until Parliament otherwise provides, there shall be paid annually out of the Consolidated Revenue Fund to the administrator of each province—

(a) an amount equal to the sum provided in the estimates for education, other than higher education, in respect of the financial year, 1908-09, as voted by the Legislature of the corresponding colony during the year nineteen hundred and eight;

(b) such further sums as the Governor-General-in-Council may consider necessary for the due performance of the services and duties assigned to the provinces respectively.

Until such inquiry shall be completed and Parliament shall have made other provisions, the executive committees in the several provinces shall annually submit estimates of their expenditure for the approval of the Governor-General-in-Council, and no expenditure shall be incurred by any executive committee which is not provided for in such approved estimates.

Security for existing public debts.

119. The annual interest of the public debts of the Colonies and any sinking funds constituted by law at the establishment of the Union shall form a first charge on the Consolidated Revenue Fund.

Requirements for withdrawal of money from Funds.

120. No money shall be withdrawn from the Consolidated Revenue Fund or the Railway and Harbour Fund except under appropriation made by law. But, until the expiration of two months after the first meeting of Parliament the Governor-General-in-Council may draw therefrom and expend such moneys as may be necessary for the public service, and for railway and harbour administration respectively.

Transfer of colonial property to the Union.

121. All stocks, cash, bankers' balances, and securities for money belonging to each of the Colonies at the establishment of the Union shall be the property of the Union: Provided that the balances of any funds raised at the establishment of the Union by law for any special purposes in any of the Colonies shall be deemed to have been appropriated by Parliament for the special purposes for which they have been provided.

Crown lands, etc.

122. Crown lands, public works and all property throughout the Union, movable or immovable, and all rights of whatever description belonging to the several Colonies at the establishment of the Union, shall vest in the Governor-General-in-Council subject to any debt or liability specifically charged thereon.

Mines and minerals.

123. All rights in and to mines and minerals, and all rights in connection with the searching for, working for, or disposing of, minerals (or precious stones), which at the establishment of the Union are vested in the Government of any of the Colonies, shall on such establishment vest in the Governor-General-in-Council.

Assumption by Union of colonial debts.

124. The Union shall assume all debts and liabilities of the Colonies existing at its establishment, subject, notwithstanding any other provision contained in this Act, to the conditions imposed by any law under which such debts or liabilities were raised or incurred, and without prejudice to any rights of security or priority in respect of the payment of principal, interest, sinking fund, and other charges conferred on the creditors of any of the Colonies, and may, subject to such conditions and rights, convert, renew or consolidate such debts.

totstandkoming van die Unie het dieselfde krag en gesag asof hulle gegee of gemaak is deur die ooreenkomstige afdeling van die Hooggeregshof van Suid-Afrika. Alle ten tyde van die totstandkoming van die Unie hangende appêle na die Koning-in-rade word voortgesit asof hierdie Wet nie gemaak was nie.

DEEL VII.

FINANSIES EN SPOORWEE.

117. Alle inkomste, uit watter bron ook, waaroor die verskillende kolonies by die totstandkoming van die Unie die beskikkingsreg het, gaan oor op die Goewerneur-generaal-in-rade. Daar word 'n spoorweg- en hawefonds ingestel, waarin alle inkomste, wat die Goewerneur-generaal-in-rade hef of ontvang uit die beheer van die spoorweë en hawens gestort word en oor die fonds word, op die wyse deur hierdie Wet bepaal, deur die Parlement vir die doeleindes van spoorweë en hawens beskik. Daar word ook ingestel 'n Gekonsolideerde Inkomstefonds, waarin alle ander inkomste wat die Goewerneur-generaal-in-rade hef of ontvang gestort word en oor hierdie fonds beskik die Parlement, op die wyse deur hierdie Wet bepaal en onder beswaar van die laste daarby opgelê, vir die doeleindes van die Unie.

Instelling van gekonsolideerde inkomstefonds en spoorweg- en hawefonds.

118. Die Goewerneur-generaal-in-rade stel, so spoedig moontlik na die totstandkoming van die Unie, 'n kommissie aan bestaande uit een verteenwoordiger van elke provinsie, onder voorsitterskap van 'n amptenaar uit die ryksdiens, om ondersoek te doen na die finansiële verhoudings wat behoort te bestaan tussen die Unie en die provinsies. Hangende die voltooiing van die ondersoek en totdat Parlement anders beskik, word jaarliks uit die Gekonsolideerde Inkomstefonds aan die Administrateur van elke provinsie betaal—

Kommissie van ondersoek na finansiële verhouding tussen Unie en Provinsies.

(a) 'n bedrag gelyk aan die som wat op die begroting vir ander onderwys as hoëre in die finansiële jaar 1908-1909, deur die wetgewer van die ooreenkomstige kolonie in die jaar neëntienhonderd-en-ag bewillig is;

(b) sulke verdere somme as wat die Goewerneur-generaal-in-rade nodig mag ag vir die behoorlike behartiging van die dienste en pligte wat aan die verskillende provinsies opgedra is.

Tot die ondersoek voltooi is en Parlement ander reëlins getref het, lê die Uitvoerende Komitees van die verskillende provinsies jaarliks 'n begroting van hulle uitgawes ter goedkeuring aan die Goewerneur-generaal-in-rade voor, en doen die Uitvoerende Komitees geen uitgawes wat nie deur so 'n goedgekeurde begroting gedek is nie.

119. Die jaarlikse rente op die publieke skulde van die kolonies en elke delgingsfonds wat by die totstandkoming van die Unie uit kragte van 'n wet bestaan, is die eerste las op die Gekonsolideerde Inkomstefonds.

Sekerheid vir bestaande publieke skulde.

120. Geen geld word uit die Gekonsolideerde Inkomstefonds of die spoorweg- en hawefonds, tensy kragtens beskikbaarstelling by wet, getrek nie. Maar twee maande lank na die eerste vergadering van Parlement kan die Goewerneur-generaal-in-rade die gelde wat vereis word vir die staatsdiens en die beheer van spoorweë en hawens daaruit trek en uitgee.

Vereistes van uittrek van gelde uit fondse.

121. Alle effekte, kontante, banksaldo's en geldswaardige papiere wat aan een van die kolonies by die totstandkoming van die Unie behoort, word die eiendom van die Unie; mits aangeneem word dat saldo's van fondse, wat by die totstandkoming van die Unie by wet in 'n kolonie vir 'n bepaalde doel byeengebring is, by wet deur die Parlement vir die spesiale doeleindes waarvoor hulle bestem bewillig is.

Oordrag van Koloniale eiendom aan Unie.

122. Kroongronde, openbare werke, en alle eiendomme, vaste sowel as losse, in die hele Unie, en alle regte van watter aard ook wat aan die verskillende kolonies behoort by die totstandkoming van die Unie, gaan oor op die Goewerneur-generaal-in-rade onderhewig aan die spesifiek daarop rustende skulde of laste.

Kroongronde, ens.

123. Alle regte in en op myne en minerale, en alle regte in verband met die soek of delf na, of die beskik oor, minerale (of edelgesteentes), wat by die totstandkoming van die Unie by die regering van 'n kolonie berus, gaan by die totstandkoming van die Unie oor op die Goewerneur-generaal-in-rade.

Myne en minerale.

124. Die Unie neem die skulde en laste van die kolonies wat by sy totstandkoming bestaan, oor, onderworpe, nieteenstaande andersluidende bepalings in hierdie Wet, aan die voorwaardes wat opgelê is deur 'n wet, waaronder sulke skulde of laste opgeneem of aangegaan is, en sonder afbreuk te doen aan die regte op sekerheid of voorrang wat ten aansien van die betaling van hoofsom, rente, delgingsfonds en ander laste aan die krediteurs van 'n kolonie verleë is, en kan, onderworpe aan hierdie voorwaardes en regte, sulke skulde omsit, hernu of konsolideer.

Oorname van koloniale skulde deur Unie.

Ports, harbours
and railways.

Constitution
of Harbour
and Railway
Board.

Administration
of railways,
ports and
harbours.

Establishment
of fund for
maintaining
uniformity of
railway rates.
Management of
railway and
harbour balances.

Construction of
harbour and
railway works.

Making good of
deficiencies in
Railway Fund
in certain
cases.

125. All ports, harbours, and railways belonging to the several Colonies at the establishment of the Union shall from the date thereof vest in the Governor-General-in-Council. No railway for the conveyance of public traffic, and no port, harbour, or similar work, shall be constructed without the sanction of Parliament.

126. Subject to the authority of the Governor-General-in-Council, the control and management of the railways, ports, and harbours of the Union shall be exercised through a board consisting of not more than three commissioners, who shall be appointed by the Governor-General-in-Council, and a minister of State, who shall be chairman. Each commissioner shall hold office for a period of five years, but may be re-appointed. He shall not be removed before the expiration of his period of appointment, except by the Governor-General-in-Council for cause assigned, which shall be communicated by message to both Houses of Parliament within one week after the removal, if Parliament be then sitting, or, if Parliament be not sitting, then within one week after the commencement of the next ensuing session. The salaries of the commissioners shall be fixed by Parliament and shall not be reduced during their respective terms of office.

127. The railways, ports and harbours of the Union shall be administered on business principles, due regard being had to agricultural and industrial development within the Union and promotion, by means of cheap transport, of the settlement of an agricultural and industrial population in the inland portions of all provinces of the Union. So far as may be, the total earnings shall be not more than are sufficient to meet the necessary outlays for working maintenance, betterment, depreciation, and the payment of interest due on capital not being capital contributed out of railway or harbour revenue, and not including any sums payable out of the Consolidated Revenue Fund in accordance with the provisions of sections *one hundred and thirty* and *one hundred and thirty-one*. The amount of interest due on such capital invested shall be paid over from the Railway and Harbour Fund into the Consolidated Revenue Fund. The Governor-General-in-Council shall give effect to the provisions of this section as soon as and at such time as the necessary administrative and financial arrangements can be made, but in any case shall give full effect to them before the expiration of four years from the establishment of Union. During such period, if the revenues accruing to the Consolidated Revenue Fund are insufficient to provide for the general service of the Union, and if the earnings accruing to the Railway and Harbour Fund are in excess of the outlays specified herein, Parliament may by law appropriate such excess or any part thereof towards the general expenditure of the Union, and all sums so appropriated shall be paid over to the Consolidated Revenue Fund.

128. Notwithstanding anything to the contrary in the last preceding section, the Board may establish a fund out of railway and harbour revenue to be used for maintaining, as far as may be, uniformity of rates notwithstanding fluctuations in traffic.

129. All balances standing to the credit of any fund established in any of the Colonies for railway or harbour purposes at the establishment of the Union shall be under the sole control and management of the Board, and shall be deemed to have been appropriated by Parliament for the respective purposes for which they have been provided.

130. Every proposal for the construction of any port or harbour works or of any line of railway, before being submitted to Parliament, shall be considered by the Board, which shall report thereon, and shall advise whether the proposed works or line of railway should or should not be constructed. If any such works or line shall be constructed contrary to the advice of the Board, and if the Board is of opinion that the revenue derived from the operation of such works or line will be insufficient to meet the costs of working and maintenance, and of interest on the capital invested therein, it shall frame an estimate of the annual loss which, in its opinion, will result from such operation. Such estimate shall be examined by the Controller and Auditor-General, and when approved by him the amount thereof shall be paid over annually from the Consolidated Revenue Fund to the Railway and Harbour Fund: Provided that, if in any year the actual loss incurred as calculated by the Board and certified by the Controller and Auditor-General, is less than the estimate framed by the Board, the amount paid over in respect of that year shall be reduced accordingly so as not to exceed the actual loss incurred. In calculating the loss arising from the operation of any such work or line, the Board shall have regard to the value of any contributions of traffic to other parts of the system which may be due to the operation of such work or line.

131. If the Board shall be required by the Governor-General-in-Council or under any Act of Parliament or resolution of both Houses of Parliament to provide any services or facilities either gratuitously or at a rate of charge which is insufficient to meet the costs involved in the provision of such services or facilities, the Board shall at the end of each financial year present to Parliament an account approved by the Controller and Auditor-General, showing, as nearly as can be ascertained, the amount

125. Alle hawens en spoorweë wat aan die verskillende kolonies behoort by die totstandkoming van die Unie gaan vanaf die datum daarvan op die Goewerneur-generaal-in-rade oor. Geen spoorweg wat ten dienste staan aan die publieke verkeer, en geen hawe of soortgelyke werk word sonder magtiging van Parlement aangelê nie.

Hawens en
Spoorweë.

126. Die toesig en beheer oor die spoorweë en hawens van die Unie word, behoudens die gesag van die Goewerneur-generaal-in-rade, deur 'n raad wat bestaan uit hoogstens drie kommissarisse, deur die Goewerneur-generaal-in-rade aangestel, en 'n Minister van Staat, as voorsitter, gevoer. Elke kommissaris bly vyf jaar lank in diens, maar is herbenoembaar. Hy word nie ontslaan voor die end van sy ampstyd, dan alleen deur die Goewerneur-generaal-in-rade met opgaaf van redes, wat by boodskap aan albei Huise van Parlement meegedeel word binne 'n week na die ontslag, as die Parlement dan sit, of, indien die Parlement nie sit nie, dan binne 'n week na die begin van die eersvolgende sessie. Die salaris van 'n kommissaris word vasgestel deur die Parlement en word gedurende sy ampstyd nie verminder nie.

Instelling van
spoorweg- en
haweraad.

127. Die beheer van die spoorweë en hawens van die Unie word op saaklike grondslag gevoer, met behoorlike inagneming van die ontwikkeling van landbou en nywerheid in die Unie en die bevordering, deur middel van goedkope transport, van die vestiging van 'n landbou- en nywerheidsbevolking in die binneland van al die provinsies van die Unie. Die totale inkomste sal, soveel moontlik, die bedrag wat vereis word ter dekking van die koste van bedryf, onderhoud, verbetering, waardevermindering en betaling van rente op kapitaal, uitgesonderd kapitaal afkomstig van inkomste uit spoorweë en hawens, en met uitsluiting van gelde, wat uit die Gekonsolideerde Inkomstefonds betaalbaar is ooreenkomstig artikels *honderd-en-dertig* en *honderd-een-en-dertig*, nie oorskry nie. Die bedrag van die rente op aldus belegde kapitaal word uit die spoorweg- en hawefonds in die Gekonsolideerde Inkomstefonds gestort. Die Goewerneur-generaal-in-rade gee gevolg aan die bepalings van hierdie artikel sodra die nodige administratiewe en finansiële reëlins getref kan word, maar lê hulle in elke geval ten volle ten uitvoer voor die afloop van vier jaar van die totstandkoming van die Unie af. Indien, gedurende hierdie periode, die gelde vloeiende in die Gekonsolideerde Inkomstefonds onvoldoende is om die algemene diens van die Unie te dek, en indien die verdienstes wat in die Spoorweg- en Hawefonds vloei die hierin vermelde uitgawes oorskry, kan die Parlement by wet die oorskot, geheel of ten dele, beskikbaar stel ter dekking van die algemene uitgawes van die Unie, en alle gelde aldus beskikbaar gestel word in die Gekonsolideerde Inkomstefonds gestort.

Beheer van
spoorweë en
hawens.

128. Nieteenstaande andersluidende bepalings in die laasvooraangaande artikel kan die raad uit spoorweg- en hawe-inkomste 'n fonds stig om, ondanks skommeling in die verkeer, soveel moontlik eenvormige tariewe te handhaaf.

Instelling van
fonds ter
handhawing van
eenvormige
tariewe.

129. Alle by die totstandkoming van die Unie aanwesige batige saldo's van 'n fonds wat in een van die kolonies vir spoorweg- of hawe-doeleindes opgerig is, staan onder die uitsluitende toesig en beheer van die raad en dit word aangeneem dat hulle by wet deur die Parlement vir die verskillende doeleindes, waarvoor hulle bestem is, bewillig is.

Beheer van
spoorweg- en
hawesaldo's.

130. Voorstelle tot aanleg van 'n hawe, 'n hawewerk of spoorlyn word, alvorens hulle aan die Parlement voorgelê word, in oorweging geneem deur die raad wat daaromtrent verslag doen en adviseer of die werk of lyn aangelê behoort te word of nie. Indien so 'n werk of lyn in stryd met die advies van die raad aangelê word, maak die raad as hy van oordeel is dat die bedryfsinkomste van die werk of lyn ontoereikend sal wees om die koste van bedryf, onderhoud en rente op die daarin belegde kapitaal te dek, 'n beraming van die jaarlikse verlies wat, na sy mening, deur die bedryf gely sal word. Die beraming word deur die kontroleur en ouditeur-generaal nagesien en by goedkeuring deur hom word die bedrag daarvan jaarliks uit die Gekonsolideerde Inkomstefonds aan die spoorweg- en hawefonds betaal: Met die verstande dat as in enige jaar die werklike verlies, soos bereken deur die raad en goedgekeur deur die kontroleur en ouditeur-generaal, minder is as die beraming deur die raad gemaak, die bedrag wat vir daardie jaar oorbetal word so verminder word, dat dit nie meer as die werklike verlies beloop nie. By die berekening van die verlies uit die bedryf van so 'n werk of lyn neem die raad die waarde van hydrae tot die verkeer op ander dele van die stelsel wat te danke is aan die bedryf van so 'n werk of lyn, in aanmerking.

Aanleg van
hawe- en
spoorwegwerke.

131. Wanneer die Goewerneur-generaal-in-rade kragtens 'n Parlements-wet of besluit van albei Huise van die Parlement van die raad vereis om dienste of fasiliteite of gratis te verskaf, of teen 'n tarief wat nie die koste van die verskaffing van die dienste of fasiliteite dek nie, lê die raad aan die einde van elke finansiële jaar aan die Parlement 'n deur die kontroleur en ouditeur-generaal goedgekeurde rekening voor, wat so na moontlik die bedrag aantoon van die verlies wat beloop is as gevolg van

Vergoeding
spoorweg-
fondstekorte.

of the loss incurred by reason of the provision of such services and facilities, and such amount shall be paid out of the Consolidated Revenue Fund to the Railway and Harbour Fund.

132. *Repealed by section one, Act No. 21 of 1911.*

Compensation of colonial capitals for diminution of prosperity.

133. In order to compensate Pietermaritzburg and Bloemfontein for any loss sustained by them in the form or diminution of prosperity or decreased rateable value by reason of their ceasing to be seats of government of their respective Colonies, there shall be paid from the Consolidated Revenue Fund for a period not exceeding twenty-five years to the municipal councils of such towns a grant of two per centum per annum on their municipal debts, as existing on the thirty-first day of January, nineteen hundred and nine, and as ascertained by the Controller and Auditor-General. The Commission appointed under section *one hundred and eighteen* shall, after due inquiry, report to the Governor-General-in-Council what compensation should be paid to the municipal councils of Capetown and Pretoria for the losses, if any, similarly sustained by them. Such compensation shall be paid out of the Consolidated Revenue Fund for a period not exceeding twenty-five years, and shall not exceed one per centum per annum on the respective municipal debts of such towns existing on the thirty-first January nineteen hundred and nine, and as ascertained by the Controller and Auditor-General. For the purposes of this section Capetown shall be deemed to include the municipalities of Capetown, Green Point and Sea Point, Woodstock, Mowbray and Rondebosch, Claremont and Wynberg, and any grant made to Capetown shall be payable to the councils of such municipalities in proportion to their respective debts. One half of any such grants shall be applied to the redemption of the municipal debts of such towns respectively. At any time after the tenth annual grant has been paid to any of such towns the Governor-General-in-Council, with the approval of Parliament, may after due inquiry withdraw or reduce the grant to such town.

PART VIII.

GENERAL.

Method of voting for senators, etc.

134. The election of senators and of members of the executive committees of the provincial councils as provided in this Act shall, whenever such election is contested, be according to the principle of proportional representation, each voter having one transferable vote. The Governor-General-in-Council, or, in the case of the first election of the Senate, the Governor-in-Council of each of the Colonies, shall frame regulations prescribing the method of voting and of transferring and counting votes and the duties of returning officers in connection therewith, and such regulations or any amendments thereof after being duly promulgated shall have full force and effect unless and until Parliament shall otherwise provide.

Continuation of existing colonial laws.

135. Subject to the provisions of this Act, all laws in force in the several Colonies at the establishment of the Union shall continue in force in the respective provinces until repealed or amended by Parliament, or by the provincial councils in matters in respect of which the power to make ordinances is reserved or delegated to them. All legal commissions in the several Colonies at the establishment of the Union shall continue as if the Union had not been established.

Free trade throughout the Union.

136. There shall be free trade throughout the Union, but until Parliament otherwise provides the duties of custom and of excise leviable under the laws existing in any of the Colonies at the establishment of the Union shall remain in force.

Equality of English and Dutch languages.

137. Both the English and Dutch languages shall be official languages of the Union, and shall be treated on a footing of equality, and possess and enjoy equal freedom, rights, and privileges; all records, journals, and proceedings of Parliament shall be kept in both languages, and all Bills, Acts, and notices of general public importance or interest issued by the Government of the Union shall be in both languages.

Naturalization.

138. All persons who have been naturalized in any of the Colonies shall be deemed to be naturalized throughout the Union.

Administration of justice.

139. The administration of justice throughout the Union shall be under the control of the Minister of State, in whom shall be vested all powers, authorities, and functions which shall at the establishment of the Union be vested in the Attorneys-General of the Colonies.

Existing officers.

140. Subject to the provisions of the next succeeding section, all officers of the public service of the Colonies shall at the establishment of the Union become officers of the Union.

Reorganization of public departments.

141. (1) As soon as possible after the establishment of the Union, the Governor-General-in-Council shall appoint a public service commission to make recommendations for such reorganization and readjustment of the departments of the public service as may be necessary. The commission shall also make recommendations in regard to the assignment of officers to the several provinces.

die verskaffing van die dienste en fasiliteite en die bedrag daarvan word uit die Gekonsolideerde Inkomstefonds aan die spoorweg- en hawefonds betaal.

132. (Herroep deur artikel een van Wet No. 21 van 1911.)

133. Om aan Pietermaritzburg en Bloemfontein die verlies te vergoed wat hulle ly deur vermindering van welvaart of daling van belasbare waardes omdat hulle nie langer regeringsetels van hul onderskeie kolonies is nie, word uit die Gekonsolideerde Inkomstefonds vir 'n tydperk van hoogstens vyf-en-twintig jaar aan die stadsrade van genoemde stede 'n toelae uitgekeer van twee persent per jaar op hul munisipale skulde wat op die een-en-dertigste Januarie neëntienhonderd-en-nege bestaan en deur die kontroleur en ouditeur-generaal vasgestel is.

Vergoeding aan koloniale hoofstede vir vermindering van voorspoed.

Die kommissie aangestel onder artikel honderd-en-agtien doen, na behoorlike ondersoek, verslag aan die Goewerneur-generaal-in-rade omtrent die vergoeding wat uitgekeer behoort te word aan die stadsrade van Kaapstad en Pretoria vir enige soortgelyke verlies wat deur hulle gely mag word. Hierdie vergoeding word uit die Gekonsolideerde Inkomstefonds vir 'n tydperk van hoogstens vyf-en-twintig jaar betaal en gaan een persent per jaar van die onderskeie munisipale skulde van genoemde stede wat op die een-en-dertigste Januarie neëntienhonderd-en-nege bestaan en deur die kontroleur en ouditeur-generaal vasgestel is, nie te bowe nie. Vir die doel van hierdie artikel sluit Kaapstad die munisipaliteite van Kaapstad, Groenpunt en Seepunt, Woodstock, Mowbray en Rondebosch, Claremont en Wynberg in, en word die toelae wat aan Kaapstad toegeken word aan die onderskeie rade van die munisipaliteite betaal na verhouding van hul skulde. Die helfte van so 'n toelae word aangewend tot aflossing van die respektiewe munisipale skulde van sulke stede. Die Goewerneur-generaal-in-rade kan met goedkeuring van die Parlement na behoorlike ondersoek te eniger tyd na die tiende jaarlikse toelae aan een van die stede betaal is, die toelae aan so 'n stad intrek of verminder.

DEEL VIII.

ALGEMEEN.

134. Die verkiesing van senatore en van lede van die Uitvoerende Komitees van die Provinsiale Rade soos in hierdie Wet bepaal, geskied in geval van 'n bestrede verkiesing volgens die beginsel van eweredige verteenwoordiging en elke kieser het een oordraagbare stem. Die Goewerneur-generaal-in-rade, of die Goewerneur-in-rade van elke kolonie in geval van die eerste verkiesing van die Senaat, stel regulasies op wat die wyse waarop gestem en die stemme oorgedra en getel word, asook die pligte van die verslaggewende kiesbeampptes in verband daarmee, vasstel en hierdie regulasies of wysigings daarvan, het, na behoorlike afkondiging, volle krag en gesag tensy en totdat die Parlement anders bepaal.

Wyse van verkiesing van Senatore, ens.

135. Behoudens die bepalinge van hierdie Wet, bly alle wette wat by die totstandkoming van die Unie in die verskillende kolonies van krag is in die onderskeie provinsies van krag totdat hulle herroep of gewysig word deur die Parlement of deur die Provinsiale Rade in sake in verband waarmee die bevoegdheid om ordonnansies te maak aan hul voorbehoud of gedelegeer is. Alle wettelijke kommissies in die verskillende kolonies by die totstandkoming van die Unie bly bestaan asof die Unie nie tot stand gekom het nie.

Bestaande wette bly van krag.

136. Daar is vrye handel in die hele Unie maar totdat die Parlement anders bepaal, bly die invoer- en aksynsbelastinge wat volgens die bestaande wette in die kolonies gehef word, van krag.

Vrye handel dwarsdeur die Unie.

137. Beide Engels en Hollands is offisiële tale van die Unie en word op gelyke voet behandel en besit en geniet gelyke vryheid, regte en voorregte; alle notule en verslae van verrigtings van die Parlement word in albei tale gehou en alle wetsontwerpe, wette en kennisgewings van algemene openbare betekenis of belang deur die Unieregering uitgevaardig geskied in albei tale.

Gelykheid van Engelse en Hollandse tale.

138. Dit word aangeneem dat alle persone wat in een van die kolonies genaturaliseer is, dwarsdeur die Unie genaturaliseer is.

Naturalisasie.

139. Die regspleging in die Unie staan onder die beheer van 'n Minister van Staat op wie alle magte, bevoegdhede en funksies wat by die totstandkoming van die Unie by die Prokureurs-generaal van die kolonies berus, oorgaan.

Regspleging.

140. Behoudens die bepalinge van die eersvolgende artikel word alle staatsamptenare van die kolonies by die totstandkoming van die Unie, amptenare van die Unie.

Bestaande amptenare.

141. (1) So spoedig moontlik na die totstandkoming van die Unie stel die Goewerneur-generaal-in-rade 'n staatsdienskommissie aan om die nodige aanbevelings te maak aangaande die reorganisasie en herreëling van die departemente van die staatsdiens. Die kommissie maak tevens aanbevelings omtrent die toewysing van amptenare aan die verskillende provinsies.

Reorganisasie van staatsdepartemente.

(2) The Governor-General-in-Council may after such commission has reported assign from time to time to each province such officers as may be necessary for the proper discharge of the services reserved or delegated to it, and such officers on being so assigned shall become officers of the province. Pending the assignment of such officers, the Governor-General-in-Council may place at the disposal of the provinces the services of such officers of the Union as may be necessary.

(3) The provisions of this section shall not apply to any service or department under the control of the Railway and Harbour Board, or to any person holding office under the Board.

Public Service Commission.

142. After the establishment of the Union the Governor-General-in-Council shall appoint a permanent public service commission with such powers and duties relating to the appointment, discipline, retirement, and superannuation of public officers as Parliament shall determine.

Pensions of existing officers.

143. Any officer of the public service of any of the Colonies at the establishment of the Union who is not retained in the service of the Union or assigned to that of a province shall be entitled to receive such pension, gratuity, or other compensation as he would have received in like circumstances if the Union had not been established.

Tenure of office of existing officers.

144. Any officer of the public service of any of the Colonies at the establishment of the Union who is retained in the service of the Union or assigned to that of a province shall retain all his existing and accruing rights, and shall be entitled to retire from the service at the time at which he would have been entitled by law to retire, and on the pension or retiring allowance to which he would have been entitled by law in like circumstances if the Union had not been established.

Existing officers not to be dismissed for ignorance of English or Dutch.

145. The services of officers in the public service of any of the Colonies at the establishment of the Union shall not be dispensed with by reason of their want of knowledge of either the English or Dutch languages.

Compensation to existing officers who are not retained.

146. Any permanent officer of the Legislature of any of the Colonies who is not retained in the service of the Union, or assigned to that of any province, and for whom no provision shall have been made by such Legislature, shall be entitled to such pension, gratuity, or compensation as Parliament may determine.

Administration of native affairs, etc.

147. The control and administration of native affairs and of matters specially or differentially affecting Asiatics throughout the Union shall vest in the Governor-General-in-Council, who shall exercise all special powers in regard to native administration hitherto vested in the Governors of the Colonies or exercised by them as supreme chiefs, and any lands vested in the Governor or Governor and Executive Council of any Colony for the purpose of reserves for native locations shall vest in the Governor-General-in-Council, who shall exercise all special powers in relation to such reserves as may hitherto have been exercisable by any such Governor or Governor and Executive Council, and no lands set aside for the occupation of natives which cannot at the establishment of the Union be alienated except by an Act of the Colonial Legislature shall be alienated or in any way diverted from the purposes for which they are set apart except under the authority of an Act of Parliament.

Devolution on Union of rights and obligations under conventions.

148. (1) All rights and obligations under any conventions or agreements which are binding on any of the Colonies shall devolve upon the Union at its establishment.

(2) The provisions of the railway agreement between the Governments of the Transvaal, the Cape of Good Hope, and Natal, dated the second of February, nineteen hundred and nine, shall, as far as practicable, be given effect to by the Government of the Union.

PART IX.

NEW PROVINCES AND TERRITORIES.

Alteration of boundaries of provinces.

149. Parliament may alter the boundaries of any province, divide a province into two or more provinces, or form a new province out of provinces within the Union, on the petition of the provincial council of every province whose boundaries are affected thereby.

150. (Omitted.)

151. (Omitted.)

PART X.

AMENDMENT OF ACT.

Amendment of Act.

152. Parliament may by law repeal or alter any of the provisions of this Act: Provided that no provision thereof, for the operation of which a definite period of time is prescribed, shall during such period be repealed or altered: And provided further that no repeal or alteration of the provisions contained in this

(2) Die Goewerneur-generaal-in-rade kan op die verslag van so 'n kommissie aan elke provinsie die amptenare toewys wat vereis word vir die behoorlike verrigting van die dienste wat aan hom voorbehou of opgedra is en sulke beamptes word na die toewysing amptenare van die provinsie. Hangende die toewysing van sulke amptenare kan die Goewerneur-generaal-in-rade die dienste van soveel amptenare van die Unie as nodig mag wees, ter beskikking van die provinsie stel.

(3) Die bepalinge van hierdie artikel is nie op 'n diens of departement wat onder die toesig van die spoorweg- en haweraad staan, of op 'n persoon wat onder die raad 'n amp beklee van toepassing nie.

142. Na die totstandkoming van die Unie stel die Goewerneur-generaal-in-rade 'n permanente staatsdienskommissie aan met sulke magte en pligte aangaande die aanstelling, tug, uitdiens-treding en oorjarigheid van staatsamptenare as wat die Parlement vasstel.

Staatsdiens-
kommissie.

143. 'n Amptenaar in die staatsdiens van een van die kolonies by die totstandkoming van die Unie wat nie in diens van die Unie aangehou of aan 'n provinsie toegewys word nie, is geregtig op die pensioen, vergoeding of andere skadeloosstelling wat hy, as die Unie nie tot stand gekom het nie, in soortgelyke omstandighede sou ontvang het.

Pensioene van
bestaande
amptenare.

144. 'n Amptenaar in die staatsdiens van 'n kolonie by die totstandkoming van die Unie wat in diens van die Unie aangehou of aan 'n provinsie toegewys word, behou al sy bestaande en toekomstige regte en is geregtig om uit die diens te tree wanneer, en met die pensioen of aftredingstoelae waartoe hy volgens wet in gelyksoortige omstandighede sou geregtig gewees het as die Unie nie tot stand gekom het nie.

Ampstyd van
bestaande
amptenare.

145. Die dienste van amptenare in die staatsdiens van 'n kolonie by die totstandkoming van die Unie word nie beëindig op grond van gebrek aan kennis van Engels of Hollands nie.

Bestaande
amptenare nie
ontslaan om
taalonkunde nie.

146. 'n Permanente amptenaar van die wetgewende liggaam van 'n kolonie wat nie in diens van die Unie aangehou of aan 'n provinsie toegewys word nie, en vir wie geen voorsiening deur die wetgewende liggaam gemaak is nie, is geregtig op die pensioen, vergoeding, of skadeloosstelling wat die Parlement vasstel.

Vergoeding aan
bestaande amp-
tenare wat
nie aangehou
word nie.

147. Die toesig oor en beheer van natuurellesake en van sake wat Asiate in die Unie spesiaal of afsonderlik raak berus by die Goewerneur-generaal-in-rade wat al die spesiale magte met betrekking tot natuurel-administrasie wat tot dusver berus het by die Goewerneurs van die kolonies, of deur hulle uitgeoefen is, as opperhoofde, uitoeven, en alle gronde onder die beheer van die Goewerneur of Goewerneur en Uitvoerende Raad van 'n kolonie bestem vir natuurel-lokasies gaan oor op die Goewerneur-generaal-in-rade wat alle spesiale magte met betrekking tot sulke gereserveerde gronde kan uitoeven wat tot dusver deur 'n Goewerneur of Goewerneur en Uitvoerende Raad kon uitgeoefen word, en geen gronde wat uitgehou is vir die okkupasie van natuurel en by die totstandkoming van die Unie nie-vervreem mag word nie, behalwe by 'n wet van die koloniale wetgewende gesag, word vervreem of op enigerlei wyse vir ander doeleindes gebruik nie as waarvoor hul afgesonderd is, behalwe uit kragte van 'n wet van die Parlement.

Administrasie
van
natuurellesake.

148. (1) Alle regte en verpligtinge uit hoofde van konvensies of ooreenkomste waaraan 'n kolonie gebonde is, gaan oor op die Unie by sy totstandkoming.

Oorgaan op
Unie van regte
en verpligtings
onder
konvensies.

(2) Die bepalinge van die spoorwegooreenkoms tussen die regerings van Transvaal, Kaap die Goeie Hoop en Natal, gedateer die tweede Februarie neëntienhonderd-en-nege word, sover doenlik, deur die regering van die Unie nagekom.

DEEL IX.

NUWE PROVINSIES EN GRONDGEBIEDE.

149. Die Parlement kan die grense van 'n provinsie verander, een provinsie in twee of meer provinsies verdeel of 'n nuwe provinsie vorm uit provinsies in die Unie op 'n versoekskrif van die Provinsiale Raad van elke provinsie waarvan die grense daardeur geraak word.

Verandering
van grense van
provinsies.

150. (Uitgelaat.)

151. (Uitgelaat.)

DEEL X.

152. Die Parlement kan hierdie Wet herroep of wysig: Met die verstande dat geen bepaling vir die geldigheid waarvan 'n bepaalde tyd voorgeskrywe is, gedurende so 'n tydperk herroep of gewysig word nie; en met die verstande voorts dat geen herroeping of wysiging van die bepalinge van hierdie artikel

Wysiging van
Wet.

section, or in sections *thirty-three* and *thirty-four* (until the number of members of the House of Assembly has reached the limit therein prescribed, or until a period of ten years has elapsed after the establishment of the Union, whichever is the longer period), or in sections *thirty-five* and *one hundred and thirty-seven*, shall be valid unless the Bill embodying such repeal or alteration shall be passed by both Houses of Parliament sitting together, and at the third reading be agreed to by not less than two thirds of the total number of members of both Houses. A Bill so passed at such joint sitting shall be taken to have been duly passed by both Houses of Parliament.

PART XI.

SUPPLEMENTARY.

Short title.

153. *This Act may be cited as the South Africa Act, 1909.*

of van artikels *drie-en-dertig* en *vier-en-dertig* (tot die aantal Volksraadslede die daarin voorgeskrewe getal bereik of 'n tydperk van tien jaar na die totstandkoming van die Unie verstryk het, wat ook al die langste is) of van artikels *vyf-en-dertig* en *honderd-sewe-en-dertig* van krag word nie tensy die wetsontwerp wat die herroeping of wysiging inhou deur albei Huise van Parlement in gesamentlike sitting aangeneem en by die derde lesing deur minstens twee-derdes van die totale aantal lede van albei Huise goedgekeur word. 'n Wetsontwerp wat aldus in gesamentlike sitting aangeneem is, word as behoorlik deur albei Huise van Parlement aangeneem beskou.

DEEL XI.

153. Hierdie Wet word aangehaal as die *Suid-Afrikawet*, 1909. Kort titel.